
ORDINANCE NO. 2026-_____

AN ORDINANCE TO AMEND VARIOUS SECTIONS
OF APEX TOWN CODE

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

Section 1. Article V of Chapter 12 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

Sec. 12-134. Definitions.

For the purposes of this article, the following definitions apply:

Curbside means along or behind the concrete curb or edge of pavement located within the town right-of-way.

Public works director means the public works director of the town or designee of same.

Land clearing debris means solid waste which is generated solely from land clearing activities including, but not limited to, stumps, trees, brush and other vegetative waste incidental to tree, brush and stump removal.

Ordinance means the ordinances of the Town of Apex, North Carolina.

Small limbs means tree limbs that are less than six feet in length and less than six inches in diameter.

Town means the Town of Apex, a North Carolina Municipal Corporation.

Yard waste means solid waste consisting of vegetative matter resulting from residential landscaping maintenance including, but not limited to, leaves, ~~grass clippings~~, twigs, small limbs, hedge trimmings, plant trimmings, hay straw, pine straw, pine cones, and small shrubs.

Yard waste excludes grass clippings.

Sec. 12-136. Pre-collection practices.

- (a) Yard waste shall be placed loose (not bagged or containerized) at curbside for collection by the town. Leaves and **pine straw** ~~grass clippings~~ must be separated from, and not commingled with, other qualifying yard waste materials. Leaves; **and**

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- pine straw, ~~and grass clippings~~ are collected by a vacuum and therefore must be free from other yard waste materials, rocks, and any inorganic material.
- (b) Yard waste to be collected by the town shall not be commingled with materials that are not included in the definition of yard waste provided above, **including grass clippings**.
 - (c) Yard waste shall not be placed at curbside more than 48 hours in advance of the collection date during regular collection. During seasonal zone collection, the collection date shall be considered Monday for each customer in the zone which is being collected that week.
 - (d) Yard waste shall not be placed at curbside within ten feet upstream of any storm drain catch basin and shall be placed in compliance with Section 12-202.
 - (e) Where practicable, yard waste shall not be placed at curbside adjacent to any property other than the property from which it was harvested, further than three (3) feet behind the curb, within ten (10) feet of side property lines, or within six (6) feet of any obstacles, including but not limited to, vehicles, mailboxes, and fire hydrants.
 - (f) Town residents desiring Christmas tree collection by the town shall place their Christmas tree curbside during the months of December or January. All tinsel, nails, screws, wires, ribbon and other nonvegetative materials shall be removed from the Christmas tree by the resident prior to collection. Wreaths may be set out by residents for collection provided that the wreaths are free from wire, screws, metal frames, and all other nonvegetative material.
 - (g) Where practicable, yard waste shall not be blown, placed, or allowed to be placed upon travel lanes, parking spaces, sidewalks, or curb ramps.
 - (h) Small limbs, twigs, trimmings, and straw produced by routine yard maintenance shall be placed in piles at curbside with cut ends facing in the direction of travel.
 - (i) The town will collect a maximum of two cubic yards of yard waste and small limbs per residential customer per collection cycle at no charge. For yard waste and small limbs exceeding two cubic yards, a separate fee will be charged in accordance with section 12-137(e) and the town Fee Schedule.

Sec. 12-137. Limitations on service.

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- (a) Yard waste collection will be provided by the town on a bi-weekly basis year round. Seasonal collection for peak leaf season is identified as November through January.
- (b) Curbside yard waste collection service shall be provided only to residents within the town corporate limits who receive individual residential trash and recycling services through the town. This service will not be provided to multi-family, institutional, business, commercial or industrial properties. For the purposes of this ordinance, multi-family shall include apartments and condominiums.
- (c) Yard waste collection service, including special collection for excess yard waste, does not include the collection of **grass clippings**, land clearing debris, dirt, root balls, loose soil, plants or grasses containing soil, sod, mulch, concrete, rocks, construction debris, pallets, trash, plastic, pet waste, lumber, or mailbox posts.
- (d) Residential yard waste generated from commercial landscaping, tree service, or other commercial entities or contractors will not be collected by the town. Residential customers are responsible for yard waste generated from their property and shall ensure that any private contractors doing work on their property are aware of this article and its requirements that contractors properly dispose of any waste off-site. The town will not collect any limbs cut by a landscaping or tree service contractor.
- (e) Collection of yard waste and small limbs in excess of the volume limitations set forth in section 12-136(h) is considered excess yard waste and may be collected by the town for a fee. Fees for excess yard waste collection are set forth in the current Town of Apex Fee Schedule. Each residential customer may schedule up to five (5) excess yard waste collections per collection cycle. Excess yard waste collection must be scheduled through the public works department, and the applicable fees will be invoiced on the customer's utility bill.
- (f) Yard waste not prepared and handled in accordance with the provisions of this article shall not be collected by the town.

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and

diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 4. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective on January 1, 2027.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ____ day of _____, 2026.

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney