

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: REGULAR MEETING AGENDA

Meeting Date: May 12, 2026

Item Details

Presenter(s): John Mullis, Director

Department(s): Public Works

Requested Motion

Discussion and possible motion to adopt an Ordinance amending Chapter 12 - Municipal Utilities and Services, Article V. - Yard Waste Collection section of the Code of Ordinances for the Town of Apex.

Approval Recommended?

Yes

Item Details

The Apex Town Council provided directions at the Council Retreat to consider various changes to the Town's Yard Waste Program. A presentation was provided at the April 14 Regular Town Council Meeting, and a public hearing was held on April 28. The proposed ordinance amendments to Chapter 12 of the Town of Apex Code primarily clarify and strengthen regulations governing curbside yard waste collection, preparation, and enforcement. Key updates refine definitions (including "yard waste," "small limbs," and "curbside") and clearly establish administrative authority. The amendments also reinforce that yard waste must be properly prepared to be eligible for collection and introduces more explicit enforcement provisions, including notice requirements, abatement authority, and cost recovery mechanisms for violations.

Operationally, the ordinance places greater emphasis on pre-collection practices of how yard waste is staged and separated prior to collection. Materials must remain loose (not bagged or containerized), with leaves and pine straw kept separate for vacuum collection and free of contamination. Additional placement standards are established to protect public infrastructure and safety, such as setbacks from storm drains, sidewalks, and obstacles.

The proposed ordinance also formalizes collection limits—capping routine service at two cubic yards per cycle—and introduces structured options for excess yard waste collection for a fee. Importantly, the amendments clarify that certain materials (including grass clippings, land clearing debris, and contractor-

generated waste) are excluded from town collection services, placing responsibility on residents and private contractors for proper disposal.

Finally, the amendments update service practices for regular and seasonal yard waste collection and implement bi-weekly year-round collection with defined zone collection during the seasonal peak leaf season. Revisions to Section 12-126 align related provisions on bagging requirements and tree trimmings, while maintaining seasonal flexibility for loose leaf collection. The ordinance also strengthens compliance expectations by prohibiting improper placement (such as in roadways) and reiterating that violations may result in penalties, abatement actions, and liens if necessary. Ultimately, these updates refine the town's yard waste program by balancing **operational efficiency** with a stronger commitment to **environmental stewardship**. By providing clearer guidelines for residents, the town aims to enhance community aesthetics, bolster safety and accountability, and ensure more robust environmental protections.

Additional background to previous actions taken:

At the 2026 Retreat, Council deliberated several related motions concerning the future structure of yard waste services, including the phased elimination of grass-only collection beginning July 1, 2026, exploration of a transition to containerized yard waste collection by July 1, 2028, and movement toward a biweekly yard waste collection schedule. Council ultimately provided direction supporting a transition toward biweekly service and further evaluation of long-term system changes, including containerization and modified service models.

Below are the motions as provided by the Town Clerk -

A **motion** was made by **Councilmember Zegerman** to direct staff to initiate the phased elimination of grass-only collection, effective July 1, 2026, and to implement containerization beginning July 1, 2028. During the transition period, Town staff will continue to collect grass on an as-needed basis as a courtesy prior to full discontinuation.

VOTE: Motion died, failing to receive a second.

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gray**, to direct staff to begin immediate communication with the public regarding the Town Council's intent to eliminate grass collection effective July 1, 2026, with enforcement to be carried out at the discretion of the Town Manager or their designee.

VOTE: 3-2, with Mayor Pro-Tempore Mahaffey and Councilmember Reese dissenting.

A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro-Tempore Mahaffey**, to direct staff to evaluate the feasibility of transitioning all other yard waste to a containerized collection system, with an effective date of July 1, 2028.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Mayor Pro-Tempore Mahaffey**, seconded by **Councilmember Reese**, to transition to biweekly yard-waste collection and to direct staff to begin immediate public communication about this change. The proposed effective date is July 1, 2026, with the Town Manager authorization to adjust the start date as necessary to accommodate operational feasibility and ensure appropriate communication to residents.

VOTE: UNANIMOUS (5-0)

Based on this direction, staff developed a phased implementation framework that seeks to balance operational feasibility, customer communication, and service continuity. This phased structure is intended to allow for gradual operational adjustments while supporting clarity and predictability for residents. Outreach efforts have already begun, including a combination of in-person engagement, print and digital messaging, and coordination with community partners to maximize awareness and understanding of the evolving yard waste program.

Attachments

- RA2-A1: PowerPoint Presentation – Yard Waste Program
- RA2-A2: Ordinance Amendments – Before Containerization – July 1, 2026
- RA2-A3: Ordinance Amendments – Before Containerization – January 1, 2027

