

1 19A NCAC 02D .0414 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 02D .0414 LOCATION OF GARBAGE COLLECTION CONTAINERS**

4 Permits for the placement of garbage collection containers shall only be issued ~~only~~ under the following circumstances.  
5 circumstances:

- 6 (1) No garbage collection container site shall be located on any State highway rights-of-way except by  
7 written authorization of the Department ~~of Transportation~~ upon submission of Form 16.1A – Two  
8 Party, Non-Utility, Not Related to Road Construction. Form 16.1A may be accessed, at no cost to  
9 the public, by visiting [1 of 2](https://connect.ncdot.gov/municipalities/Utilities/pages/encroachment-</a></u><br/>10 <u>agreements.aspx, a Right of Way Encroachment Agreement For Non-Utility Encroachments on</u><br/>11 <u>Primary and Secondary Highways (FORM R/W 16.1A (January, 1981)).</u></p><p>12 (2) No garbage collection container shall be located within 500 feet of an occupied dwelling unless the<br/>13 applicant obtains written permission from the owner of the dwelling.</p><p>14 (3) An application for a site permit may be obtained from and shall be submitted to the District Engineer<br/>15 for the county in which the garbage container is proposed to be located.</p><p>16 (4) Guidelines for container sites are as follows:</p><p>17 (a) <del>The the</del> county or municipality requesting the permit shall be responsible for any work to<br/>18 be performed in preparation of the site, <u>and any work performed by the Department, on the</u><br/>19 <u>site, shall be on a reimbursable basis; site. Any work performed on the site by the</u><br/>20 <u>Department of Transportation shall be on a reimbursable basis in accordance with rules</u><br/>21 <u>19A NCAC 02E .0501 and 19A NCAC 02E .0502;</u></p><p>22 (b) <del>Container</del> container sites adjacent to paved roadways shall be constructed in accordance<br/>23 with <u>Form 16.1A; FORM R/W 16.1A;</u> and</p><p>24 (c) <del>Container</del> container sites adjacent to unpaved roads shall be prepared with materials similar<br/>25 to those existing on the traveled portion of the roadway.</p><p>26 (5) <del>When</del> <u>If</u> container sites are located in areas requiring drainage, drainage shall be in accordance with<br/>27 <u>Form 16.1A, FORM R/W 16.1A.</u></p><p>28 (6) <del>Whenever</del> <u>If</u> container sites are located adjacent to the roadway, sight distances shall be provided<br/>29 for any vehicle to safely enter the road from the container site.</p><p>30 (7) Container sites shall be permitted adjacent to roadways only <del>when</del> <u>if</u> lateral clearances can be<br/>31 provided from the edge of pavement to the container.</p><p>32 (8) The county or municipality <del>which that</del> holds a permit for the placement of garbage collection<br/>33 containers, as provided herein, shall maintain a collection schedule in order to prevent <u>container</u><br/>34 <u>spillage or overflow, overflow from said containers</u> and shall keep the site free from all garbage and<br/>35 <u>trash, trash</u> other than that which is within the garbage collection <u>containers. Garbage and trash</u><br/>36 <u>collection located within the garbage collection containers shall be authorized by the permit.</u><br/>37 <u>containers which are authorized by the permit.</u> The District Engineers shall give written notice to</p></div><div data-bbox=)

1 the county or municipality of any failure to comply with this requirement. If a county or municipality  
2 ~~which~~ that is so notified and does not bring the site within compliance of the requirement within 30  
3 days of receipt of the written notice, the District Engineer shall then revoke the permit and dispose  
4 of the garbage collection containers accordingly.

5 Note: Guidelines for Placement of Garbage Collection Containers on State Highway System Right of Way shall be  
6 accessible at no cost to the public by contacting the Division of Highways Records and Documents Management Unit  
7 at (919) 707-6925.

8 ~~A booklet describing the guidelines used by the Department of Transportation in granting permits is available from~~  
9 ~~the local division office free of charge.~~

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11 *History Note: Authority G.S. 136-18.3; 136-18(10);*  
12 *Legislative Objection [(a)] Lodged Eff. August 19, 1980;*  
13 *Legislative Objection [(a)] Removed Eff. April 23, 1981;*  
14 *Eff. July 1, 1978;*  
15 *Amended Eff. March 1, 2013; November 1, 1993; October 1, 1991; April 3, 1981; April 11, 1980.*