



Town of Southern Shores

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Ordinance No. 2005-10-01

AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL RELATING TO COMMERCIAL SOLID WASTE COLLECTION FEE AND CHARGES

Article I: Purpose

The purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Section 8-6, Southern Shores Town Code – Determination of Receptacles size and number

Section 8-6 of the Southern Shores Town Code is hereby amended as follows:

- (a) *Residential: Each single residential unit shall have at least one town-approved and provided solid waste receptacle and ~~a~~ at least one town-approved and provided recycling receptacle. Residential units of four (4) bedrooms or less offered for vacation rentals shall have at least two (2) solid waste receptacles and one recycling (1) receptacle. Residential units of five (5) or more bedrooms offered for vacation rental will have at least three (3) solid waste and one (1) recycling receptacles. All of the additional required receptacles (more than one (1)) for vacation rentals will be purchased from the town by the property owner. The town manager may require property owners to purchase more than the minimum number of receptacles if the town manager determines that more are required to accommodate the materials generated at the property.*

- (b) *Guidelines for specific businesses:*
- (1) *Restaurants and eating establishments shall have containers with the following solid waste capacities:*
- a. *Seating for ten (10) to thirty (30) persons: A minimum of one (1) three-yard bulk refuse container.*
 - b. *Seating for thirty-one (31) to fifty (50) persons: A minimum of one (1) four-yard bulk refuse container*
 - c. *Seating for fifty-one (51) to one hundred (100) persons: A minimum of two (2) four-yard receptacles and an additional four-yard refuse container for each increment of fifty (50) seats or any portion thereof.*
- (2) *Shopping centers shall have containers with the following refuse capacities:*
- a. *One (1) to three (3) stores or businesses: A minimum of one (1) four-yard bulk refuse container.*
 - b. *Three (3) or more stores or businesses: A minimum of one (1) additional four-yard bulk refuse container per three (3) stores.*
 - c. *Examples:*
 - One to three (3) stores: One (1) four-yard refuse container.*
 - Four (4) stores: Two (2) four-yard receptacles or equal capacity.*
 - Five (5) stores: Two (2) four-yard receptacles or equal capacity.*
 - Six (6) stores: Two (2) four-yard receptacles or equal capacity.*
 - Seven (7) stores: Three (3) four-yard receptacles.*
- (3) *Evaluation of receptacle capacity for shopping centers and restaurants. If the town, the property owner, or tenant believe the capacity or number of containers is too small or too large, the town will cause a survey to be taken and will manager may adjust the size or numbers of the containers required for that site and/or use if warranted.*

Article IV. Amend Section 8-7, Southern Shores Town Code – Solid waste collection fee and charges

Section 8-7 (b) of the Southern Shores Town Code is hereby amended as follows:

(b) Fees and charges in excess of one-cubic-yard capacity. For each cubic yard of capacity as determined by the size and number of garbage receptacles and containers as required by section 8-6 of this chapter, there shall be assessed a fee or charge in an amount determined annually, ~~by the town council.~~ The fees shall be based upon the cost of collection and disposal of solid waste and garbage by the Town of Southern Shores which is determined to be in excess of the cost of collection of the first cubic yard of all residential and commercial units and establishments. sufficient to recover the cost of providing solid waste collection and disposal but credit shall be given for the first cubic yard of solid waste as per subsection (a) herein.

Article V. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article VII. Effective Date

This Ordinance is effective immediately.

Approved this 4th day October 2005.



Carrie Gordin
Carrie Gordin, Town Clerk

Hal Denny

Hal Denny, Mayor

Vote: Aye 5 Nay 0

Date Introduced: 10/4/2005

Approved as to Form:

Ike McRee

Ike McRee, Town Attorney