



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

Ordinance No. 2008-11-01

AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL RELATING TO CHAPTER 8 SOLID WASTE

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 October 2, 1979 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*). Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by a "..." shall remain as they currently exist within the Town Code.

Article III. Amendment of Chapter 8 of the Town Code of Southern Shores

NOW THEREFORE, BE IT ORDAINED by the Town Council for the Town of Southern Shores, North Carolina that Chapter 8 of the Code of Ordinances of the Town of Southern Shores, North Carolina is hereby amended to read as follows:

*Chapter 8 SOLID WASTE AND RECYCLING**

Sec. 8-1. Purpose and statutory authority.

The purpose of this chapter is to regulate the storage, collection and disposal of solid waste and recyclable materials in the Town of Southern Shores. This chapter is adopted pursuant to the authority contained in G.S. 160A governing powers of municipalities, and various federal and state statutes specifically regulating solid waste and recycling.

Sec. 8-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Bulk container: A ~~metal~~ container with a lid ~~of not less than two (2) cubic yards capacity and not larger than eight (8) cubic yards capacity.~~ Bulk containers have doors that open at the top and shall be designed so that they can to be emptied mechanically by specially designed trucks.

Commercial establishment: Any nonresidential establishment including, but not limited to, religious, governmental, retail, wholesale, institutional, hotel or motel, or private club which may generate commercial solid waste.

Commercial solid waste: All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial waste.

Construction and demolition (C&D) waste: Solid waste resulting solely from construction, remodeling, repair, or demolition operations on buildings or other structures, but does not include inert debris, land clearing debris, yard debris or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar non-hazardous material.

Garbage: All putrescible waste, including animal offal and carcasses and recognizable industrial byproducts, but excluding sewage and human waste.

Hazardous waste: Solid waste, or a combination of solid wastes, that because of quantity, concentration, or physical, chemical, or infectious characteristics may:

(a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Household trash: Waste material of any kind, other than garbage, associated with residential housekeeping including, but not limited to, ~~paper~~, sweepings, rags, cans, and dust ~~and~~ bottles.

Putrescible: Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal, and animal carcasses.

Receptacles: ~~Green, Two-wheeled separate~~ receptacles for solid waste and ~~dark red two-wheeled receptacles~~ for recycling as furnished by the town.

Recyclable materials: The following items will be accepted for recycling: steel food cans; aluminum cans, foil, and plates; green, brown and clear glass bottles and containers (but excluding mirrors, window panes, and other flat glass); high density polyethylene (HDPE) and polyethylene terephthalate (PETE) containers (e.g., detergent bottles) and plastic milk, water, and #1 or #2 plastic bottles (excluding auto lubricant bottles); paper, newspapers, magazines, catalogs, mail, cardboard, corrugated boxes.

Recycling: The process by which solid waste or recovered materials are collected, separated, and processed for reuse or return to use in the form of raw materials and products.

Sharps: Needles, syringes, scalpel blades, broken glass.

Single residential unit: Each dwelling occupied by one family.

Solid waste: Any hazardous or non-hazardous garbage, refuse, or sludge (from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage

and sludge generated by the treatment thereof) that is either discarded or being accumulated and stored prior to being discarded. The term does not include: (1) Fecal waste from fowls and animals other than humans; (2) solid or dissolved material in domestic sewage, irrigation return flows, wastewater sludge and discharges incidental to and generated by point sources subject to permits under section 402 of the Water Pollution Control Act (PL 92-500) and permits granted under G.S. 143-215.1 by the Environmental Management Commission; (3) Oils and other liquid hydrocarbons controlled under G.S. Ch. 143, Art. 21A; (4) Any source, special nuclear or by-product material governed by the Atomic Energy Act of 1954 as amended (42 USC 2011); (5) Mining refuse covered by G.S. 74-46 through 74-68.

Special item collection: Material other than garbage that requires special efforts or increased manpower or machinery to pick up. Large bulky items such as stoves, refrigerators, water heaters, sofas, box springs, etc., which cannot normally be loaded in an automated garbage truck, shall be picked up with equipment designed for such items. This service applies to residential customers only and does not include building materials, roofing, soil, rocks, concrete, tree stumps, etc. Large bulky items will be picked up at times established by Dare County Department of Public Works.

Yard trimmings; yard waste: Leaves, twigs and grass clippings or the combination of these that are usually associated with yard or lawn maintenance activity. Such refuse shall not be placed in any receptacles for collection by the town.

State law references: Definitions pertaining to solid waste management, G.S. 130A-290.

Sec. 8-3. Persons required to have town approved receptacles or bulk containers.

Every person, owner, occupant or operator of any single residential unit within the town and in areas covered by scheduled collections of the town solid waste collection system, and every operator or owner of any commercial establishment within such area shall be required to have and maintain town approved receptacles except as hereafter provided for special bulk waste containers. Only materials placed within an approved container shall be collected. Construction contractors, home owners, and any other persons disposing of construction and demolition waste or debris shall have a separate, specially designated container for such waste. Placement of such waste in a regular municipal waste container shall be a violation and punishable as same.

Sec. 8-4. Receptacle standards; residential and commercial.

(a) Residential. The town shall provide, to the owner, tenant or occupant, to every single residential unit one (1) waste receptacle and one (1) recycle receptacle at a cost established in the town fee schedule. Property owner, tenant, or occupant, of every single residential unit shall purchase at least one (1) waste receptacle from Dare County Department of Public Works and as applicable to the residential unit section 8-6 for additional waste receptacles. Every single residential unit shall for a fee (per fee schedule), obtain at least one (1) recycle receptacle from the Town. These receptacles shall remain the property of the town and shall not be removed from the assigned lot or parcel except by town personnel. Residential receptacles shall be delivered upon the issuance of an occupancy permit.

(b) Commercial establishments. The town shall provide, at no cost to the owner, tenant or occupant, bulk containers for waste in accordance with section 8-6 of this chapter and a receptacle for recycling. Owner, tenant, or occupant of a commercial establishment shall

purchase a bulk container from Dare County Department Public Works or private contractor. Owner, tenant, or occupant of a commercial establishment shall for a fee, obtain at least one recycle receptacle from the Town or a private contractor. Bulk containers shall be not less than two (2) cubic yards and not larger than eight (8) cubic yards. In cases where a single business establishment generates less volume of business trash, the town may provide a rollout receptacle for the solid waste collection. In the case of special bulk containers larger than eight (8) cubic yards that cannot be picked up by Dare County Department of Public Works equipment, such containers shall be purchased or leased by the business establishment, at no cost to the town, and the cost of business trash removal to suitable disposal sites shall be borne by the business owner or tenant. In cases where a single business establishment generates an insufficient volume of business waste to require the use of a bulk container, the owner, tenant, or occupant shall purchase a sufficient number of waste receptacles from Dare County Department of Public Works to dispose of the waste generated by the establishment.

Sec. 8-5. Placement and maintenance of receptacles.

(a) *Every residential receptacle shall be placed within the right-of-way of the improved streets and roads in the town within two (2) feet of the paved portion of the street on designated collection days. Four (4) feet of clearance shall be left around the container. The container shall be faced in the direction indicated by the arrows on the lid with the lid opening towards the street.*

(b) Receptacles should be moved out of the street right-of-way within twenty-four (24) hours following each collection.

~~(b)~~ (c) *Every person Residence and business occupants shall be responsible for maintaining the pickup area clean from debris and vegetation.*

~~(e)~~ (d) *Bulk containers shall be placed on every single business lot zoned commercial sites, in accordance with the site plan as approved or by direction of town personnel. In the case of shopping centers or multiple tenants, it shall be the joint responsibility of owners and tenants to maintain the pickup area clean from debris and vegetation, whether containers are to be collected by the town-county or by a private contractor. In the case of shopping centers and multiple tenants, the number of bulk containers shall be determined by section 8-6 of this chapter.*

Sec. 8-6. Determination of receptacle size and number.

(a) *Residential: Each single residential unit shall have at least one of each town-approved and provided solid waste receptacle and 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~~ shall 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 manager may adjust the size or numbers of the containers required for that site and/or use if warranted.~~

(b) Commercial establishments: The property owner or tenant is required to supply adequate receptacles to accommodate all materials generated at the site.

Sec. 8-7. Solid waste collection fee and charge.

~~(a) Basic fee and charge. There shall be no fee or charge for the first cubic yard of capacity of each residential unit and commercial establishment, said capacity being based upon the size and number of receptacles required by section 8-6 of this chapter. Collection and disposal charges are included in property tax collection.~~

~~(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. The fees shall be 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.~~

Sec. 8-8. Pickup schedules for solid waste.

~~(a) All locations utilizing town approved rollout receptacles shall be picked up twice a week from Memorial Day to September 30 and once a week during the balance of the year. in accordance with a schedule established and announced by the town.~~

(b) Commercial bulk solid waste containers will be emptied in accordance with a schedule established and announced by the town.

(c) Special item collections shall be made twice a year. The period for such bulk waste collection shall be on a date specified in the spring and in the fall of each year. The days of collection will be advertised in advance of the designated collection days. Materials for collection may be set out no more than seven (7) days in advance of the scheduled collection date.

Sec. 8-9. Source separation and recycling.

(a) Each person who owns, leases, rents or manages a residence or residential unit shall remove recyclable materials from the solid waste generated, as required in subsection (b). Nothing in this section is intended to prevent any person from donating or selling recyclable materials to any other person.

(b) All recyclable materials shall be separated from other solid waste and made available for recycling. Recyclable materials shall not be mixed with or disposed of with other solid waste. Recyclable materials shall consist of the following items and shall be prepared for recycling as directed:

- (1) Glass--All brown, green, and clear glass shall be rinsed.
- (2) Steel food cans--Rinse.
- (3) Aluminum cans, foil, plates--Rinse and flatten.
- (4) Plastic milk, water and soft drink bottles--Rinse; remove caps and rings; flatten to extent possible.
- (5) Other plastic bottles (except those containing oils, salad dressings, motor oil, which are not recyclable)--Rinse; remove caps.
- (6) Dry cardboard, newspapers, magazines and mixed papers are to be placed in the recycle receptacle loose.

The items accepted in the curbside collection program shall be those items specified by the town according to its current recycling collection contract. The items not permitted in municipal solid waste (e.g., batteries, anti-freeze, and numerous other hazardous materials, must be taken to approved recycling centers as specified by Dare County.

(c) Curbside collection shall be provided as specified in the town's regularly published collection schedule for residential customers.

~~(1) Dark red, wheeled containers shall be provided for residential customers. All recyclable material shall be placed in these bins/receptacles. Items not inside receptacles will not be picked up.~~

~~(2) Curbside recycling pickup will be provided once per week.~~

~~(d) Drop-off recycling shall also be available under the following system:~~

~~(1) Where material is to be delivered. All recyclable materials not collected at curbside shall be delivered to the drop-off recycling centers approved by Dare County.~~

~~(2) Hours. The recycling centers will be open on a schedule announced by Dare County.~~

~~(e) All recyclable material for curbside collection must be at curbside prior to 6:00 a.m. on the designated collection day. Plastic grocery bags are not acceptable recyclables and should only be placed in solid waste receptacles.~~

(f) Ownership of recyclable materials:

~~(1) After recyclable material has been placed in a designated container and has been placed at curbside for collection, the recyclable material shall become the property of the Town of Southern Shores or its authorized agent.~~

~~(2) During the period beginning at 7:00 a.m. on the day before a day designated for curbside collection of recyclables and ending after the curbside collection is completed, no person other than a town employee or the town's authorized agent may remove recyclable material from a designated container that has been placed at a location for recycling collection.~~

The title of the recyclable material shall transfer from the property owner to the Town at the time the Town or its authorized agent takes possession of the same.

Sec. 8-10. Construction and demolition sites.

All construction and demolition contractors and any others disposing of construction and/or demolition materials shall provide on site receptacles/bulk containers ("bins") for scrap building materials and other trash produced by those working on the site. All such materials shall be contained and the site maintained in a clean and litter free condition. Dirt, mud, sand, construction materials or other debris deposited upon any public or private property as a result of construction or demolition shall be immediately removed by the contractor and in all cases by the end of the workday. Costs for removal of building materials shall be borne by the contractor or owner. No construction or demolition waste or debris shall be placed in a municipal solid waste container or recycling container for collection by the town. Lot clearing waste, including any taken from the town street right-of-way, will shall be removed from the site by the contractor and disposed of at an approved site.

Cross references: Buildings, § 7-66 et seq.

Sec. 8-11. Notice of violation or nonconformity.

(a) Notice. If any refuse collection site or receptacle does not meet the town's specifications, then the town shall give the property owner written notice of the location and manner in which a site or receptacle does not comply with this chapter. A copy of the applicable standards shall be attached to the notice or otherwise appear on the face of the notice. The notice shall be delivered or mailed to the property owner at the address shown on the town tax records, or a copy may be delivered to the property owner personally.

~~(b) Hearing procedure. Any property owner who received a noncompliance notice may request in writing a hearing with the town manager within ten (10) days of the date that the notice is received by the property owner. The town manager shall, upon receiving a request for a hearing, set a time and place for the hearing and notify the property owner. At the hearing, the~~

~~property owner and the town manager may appear, either in person or through a representative, and offer proof that the particular site or receptacle complies or does not comply with the standards of this chapter. At the end of the hearing, the town manager shall determine whether or not the site or receptacle meets and complies with the town standards.~~

~~(e b) Discontinuance of service. After the town has placed a town-owned refuse receptacle at the solid waste site of a property owner, solid waste shall not be collected from any non-complying receptacle. The town may discontinue refuse collection services for property owners whose receptacles do not comply with the standards of this chapter.~~

~~(d) Designation of receptacles. All town-owned receptacles shall be clearly marked and serialized as property belonging to the Town of Southern Shores.~~

(e c) Use of town owned receptacles. Any receptacles placed by the town at the refuse collection site of a property owner may be used by the property owner or anyone in lawful possession of the premises for the collection of solid waste and shall be used in accordance with the provisions of this chapter. None of the prohibited items listed in section 8-19 shall be placed in a municipal solid waste container. Solid waste shall not be placed in a designated recycling container. The town may discontinue refuse collection services for property owners who do not comply with the standards of this chapter.

Sec. 8-12. Storage of solid waste and trash.

(a) No solid waste, trash, yard trimming waste, leaves, tree and shrubbery trimmings, solid waste or recycling receptacle, or bulk container shall be placed within the vehicular travel-way or drainage ditch of any street.

(b) Any unauthorized accumulation of solid waste on any lot, property, premises, public street, or other public or private place is prohibited. Failure of the owner or occupant, after notice of violation, to remove and correct any such unauthorized accumulation of solid waste shall be deemed a violation of this chapter or other chapters of this Code. See also Chapter 6, Article II, Nuisances, section 6-26 through 6-30.

(c) Receptacles shall not be over-filled. The lids must be closed to prevent contents from blowing due to strong winds, or scattering caused by foraging animals.

(d) It shall be unlawful for any person to leave outside any building or dwelling, in a place accessible to children, any appliance, refrigerator or other container of any kind which has an airtight door or cover with a snap lock or latch without first removing the lock or latch, door or cover from the appliance, refrigerator or container.

(e) Yard trimming waste that is approved for chipping by the town may be temporarily placed in the street right-of-way.

State law references: Discarding or abandoning iceboxes, G.S. 14-318.1.

Sec. 8-13. Maintenance to edge of street.

All owners or occupants, jointly and separately, of property shall maintain their property in a clean and litter free manner to the edge of the surface of the vehicular travel-way of any public street.

Sec. 8-14. Trash and solid waste upon property generally.

(a) *It shall be unlawful for any person or the employees or agents of any person to throw or otherwise deposit solid waste, bottles, cans or other containers of any kind, garbage or any type of waste material, or to place or leave or cause to be placed or left, temporarily or permanently, any solid waste, garbage, bottles, cans or other containers of any kind, any scrapped or abandoned automobile, truck or other motor vehicle or part thereof, upon any property, whether public or private, except property designated as sanitary landfills, trash dumps, or garbage disposal areas by the town.*

(b) *The provisions of this section shall not apply to the depositing of fill material upon any building site for the purpose of constructing a foundation thereon, provided that fill material for such construction shall not consist of organic trash or garbage, wood or wood products, bottles, cans, containers, scrapped or abandoned automobiles, trucks or motor vehicles or parts thereof. Further, it shall be unlawful to dump, deposit or otherwise cause any trash, landscape debris or other material of any form, type or nature to be placed in any canal, stream, channel, pond or basin which regularly or periodically carries or stores water.*

Sec. 8-15. Trash, refuse, etc., upon public property.

(a) *It shall be unlawful for any person to throw or otherwise deposit any solid waste, bottles, cans or other containers of any kind, garbage or any type of waste material or to place or leave or cause to be placed or left temporarily or permanently, any trash, refuse, garbage, bottles, cans or other containers of any kind, any scrapped or abandoned automobile, truck or other motor vehicle or part thereof, on the right-of-way of any street, state highway or public road, public square, public alley or parking lot or other public area in the town, or on that portion of the beach of the Atlantic Ocean lying between the high and low watermark, or upon the shoreline of Currituck Sound or Ginguite Bay between the high and low watermark.*

(b) *The provisions of this section shall not be construed to forbid the depositing and placing of household trash and garbage and other solid waste material in proper receptacles provided for the pickup and removal thereof by the town solid waste collection contractor. Material approved for chipping by the town may be placed temporarily on the street right-of-way immediately in front of the owners' own property until chipped by the town. Further, it shall be unlawful to dump, deposit or otherwise cause any trash, landscape debris or other material of any form, type or nature to be placed in any canal, stream, channel, pond or basin which regularly or periodically carries or stores water.*

Sec. 8-16. Depositing solid waste from other properties upon properties or areas within town.

It shall be unlawful for any person to throw or otherwise deposit solid waste, bottles, cans or other containers of any kind, garbage or any type of waste material from any public highway, road, street or beach or from any adjoining properties upon any property or area in the town.

Sec. 8-17. Littering generally.

It shall be unlawful for any person to throw or deposit upon any street or sidewalk or upon any private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper or litter of any type.

Sec. 8-18. Littering from vehicles.

It shall be unlawful for any person, while a driver or a passenger in a vehicle, to throw or deposit litter upon any street, highway or other public place within the town or upon private property.

Cross references: *Motor vehicles and traffic, Ch. 5.*

Sec. 8-19. Prohibited items.

(a) The following items shall not be placed in the town's regular solid waste receptacles for collection:

- (1) Aluminum cans (recycle);*
- (2) Antifreeze (i.e., ethylene glycol);*
- (3) Asbestos;*
- (4) Building materials;*
- (5) Burning or smoldering materials or any other materials which could create a fire hazard;*
- (6) Hazardous, radioactive or medical waste;*
- (7) Lead acid batteries (may be recycled);*
- (8) Liquid waste; paint, motor oil, or other toxic or flammable liquids;*
- (9) Motor vehicle tires;*
- (10) Pesticides;*
- (11) Rocks, dirt, sand;*
- (12) Sharps not properly contained or wrapped;*
- (13) Yard trimmings (may be composted or burned with fire department permission).*

(b) Failure of the owner, operator, or contractor after notice from the town or its authorized agent of prohibited materials, to remove any such unauthorized prohibitions or materials shall be deemed a violation of this chapter or other chapters of this Code and punishable as same. Such violations may also constitute and be punishable as a nuisance under Chapter 6, Article II, Nuisances, section 6-26 through 6-30 of this Code.

Sec. 8-20. Enforcement; penalties.

Violations of this chapter, including section 8-19, shall be enforceable and punishable under the general provisions of the Code unless otherwise stated in this Chapter or Chapter 1 of this Code.

Article IV. Amendment of Chapter 1, Section 1-6 of the Town Code of Southern Shores

NOW THEREFORE, BE IT ORDAINED by the Town Council for the Town of Southern Shores, North Carolina that Chapter 1, Section 1-6 of the Code of Ordinances of the Town of Southern Shores, North Carolina is hereby amended to read as follows:

Sec. 1-6. General penalty; enforcement of ordinances; continuing violations.

...

(d) Violations of the following provisions of this Code shall subject the offender to a civil penalty upon the issuance of a citation for said violations as provided in this section.

The civil penalty, if not paid to the town treasurer within fifteen (15) days of the issuance of a citation, may be recovered by the town in a civil action in the nature of debt. Unless otherwise provided by a specific provision of this code, such civil penalties shall be no more than five hundred dollars (\$500.00) for each violation, and each day any single violation continues shall be a separate violation. The provisions of this Code which shall subject the offender to a civil penalty are as follows:

- (1) Chapter 3: Sections 3-1--3-5 and 3-7.
- (2) Chapter 4: Sections 4-1--4-29(b) and 4-29(d).
- (3) Reserved.
- (4) Chapter 6: Sections 6-26 through 6-30 inclusive, and 6-201 through 6-203 inclusive.
- (5) Chapter 7: All provisions.
- (6) Chapter 8: All provisions except Section 8-5(b).
- (7) Chapter 9: all provisions; Chapter 10: Sections 10-1 through 10-12 and section 10-15(c); Chapter 11: All provisions.
- (8) Chapter 12: Section 12-31.

~~(d-1-a) Violations of section 8-5(b) of this Code shall subject the offender to a civil penalty upon the issuance of a notice or ticket to the owner of the property as listed by the Dare County Tax Assessor requiring the owner of the property to report to the town offices within seventy-two (72) hours after such notice has been mailed by first class mail and answer to same or to return such ticket or notice by mail with civil penalty. The amount of civil penalty shall be in the sum of twenty five dollars (\$25.00) for this first violation where one or more receptacles are in violation of law. If a second violation shall occur within ninety (90) days of the first violation, the amount of civil penalty shall be in the sum of thirty five dollars (\$35.00) for this second violation where one or more trasheans is in violation of law. If a third violation shall occur within ninety (90) days of the first violation, the amount of civil penalty shall be in the sum of fifty dollars (\$50.00) for this third violation where one ormore trasheans is in violation of law. If the civil penalty is not paid within fifteen (15) days of the issuance of the notice or ticket, the sum shall be recovered by the town in a civil action in the nature of a debt.~~

Article V. Severability

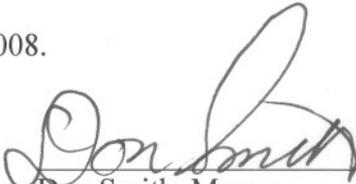
If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article VI: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 2nd day of December 2008.





Don Smith, Mayor

VOTE: 5 Aye 0 Nay

Approved as to form:



Ben Gallop, Town Attorney