



Town of Southern Shores

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TCA-22-02

3-31-2022

Ordinance 2022-XX-XX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town, and may define and abate nuisances; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety and general welfare for the Town to amend the Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

PART I. That **Chapter 26 Sec. 26-4. Receptacle standards; residential and commercial.** be amended as follows:

1 **Sec. 26-4. Receptacle standards; residential and commercial.**

- 2
- 3 (a) *Residential.* The property owner, tenant, or occupant of every single residential unit
4 shall ~~purchase at least one waste receptacle from the county department of public~~
5 ~~works and as applicable to the residential unit section 26-6 for additional waste~~
6 ~~receptacles. Every single residential unit shall for a fee, obtain at least one recycle~~
7 ~~receptacle from the town~~ provide receptacles in accordance with section 26-6 that
8 meet the requirements of this chapter.
- 9 (b) *Commercial establishments.* The owner, tenant, or occupant of a commercial
10 establishment shall purchase a bulk container approved by the town. ~~from the county~~
11 ~~department public works or private contractor. The owner, tenant, or occupant of a~~
12 ~~commercial establishment shall, for a fee, obtain at least one recycle receptacle from~~
13 ~~the town or a private contractor.~~ In cases where a single business establishment
14 generates an insufficient volume of business waste to require the use of a bulk
15 container, the owner, tenant, or occupant shall purchase a sufficient number of waste
16 receptacles ~~from the county department of public works~~ to dispose of the waste
17 generated by the establishment.

18

19 **PART II.** That **Chapter 26 Sec. 26-5. Placement and maintenance of receptacles.**
20 be amended as follows:

21

22 **Sec. 26-5. Placement and maintenance of receptacles.**

- 23
- 24 (a) Every residential receptacle shall be placed within the right-of-way of the improved
25 streets and roads in the town within ~~two~~ three feet of the paved portion of the street
26 on designated collection days. ~~Four~~ Three feet of clearance shall be left around the
27 container. The container shall be faced with the lid opening towards the street. Solid
28 waste and recyclable materials placed outside of receptacles will not be collected
29 and are subject to a civil penalty in accordance with section 26-20.
- 30 (b) Receptacles should be placed in the street right-of-way not sooner than 24 hours
31 prior to collection and should be moved out of the street right-of-way ~~within 24~~
32 ~~hours~~ prior to midnight following each collection.
- 33 (c) Residence and business occupants shall be responsible for maintaining the pickup
34 area clean from debris and vegetation.
- 35 (d) Bulk containers shall be placed on commercial sites, in accordance with the site plan
36 as approved or by direction of town personnel. In the case of shopping centers or
37 multiple tenants, it shall be the joint responsibility of owners and tenants to maintain
38 the pickup area clean from debris and vegetation, whether containers are to be
39 collected by the county or by a private contractor.
- 40 (e) Every residential receptacle should be labeled with a town issued sticker.

1 (f) Residential receptacles shall have fully functional lids that cover the entire
2 receptacle.

3 (g) Residential receptacles shall have fully functional wheels.

4
5 **PART III.** That **Chapter 26 Sec. 26-6. Determination of receptacle size and**
6 **number.** be amended as follows:

7
8 **Sec. 26-6. Determination of receptacle size and number.**
9

10 (a) *Residential.* Each single residential unit shall have at least one of each town-
11 approved solid waste receptacle and recycling receptacle. Residential units of four
12 bedrooms or less offered for vacation rentals shall have at least ~~two~~ three solid waste
13 receptacles and ~~one~~ two recycling receptacles. Residential units of five or more
14 bedrooms offered for vacation rental shall have at least ~~three~~ five solid waste and
15 ~~one~~ three recycling receptacles. The town manager may require property owners to
16 purchase more than the minimum number of receptacles, or a dumpster, if the town
17 manager determines that more are required to accommodate the materials generated
18 at the property.

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

21
22 **PART IV.** That **Chapter 26 Sec. 26-9. Source separation and recycling.** be amended
23 as follows:

24
25 **Sec. 26-9. Source separation and recycling.**
26

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

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

35 ~~(1) Glass: all brown, green, and clear glass shall be rinsed.~~

36 ~~(2) Steel food cans: rinse.~~

37 ~~(3) Aluminum cans, foil, plates: rinse and flatten.~~

1 ~~(4) Plastic milk, water and soft drink bottles: rinse; remove caps and rings; flatten~~
2 ~~to extent possible.~~

3 ~~(5) Other plastic bottles (except those containing oils, salad dressings, motor oil,~~
4 ~~which are not recyclable): rinse; remove caps.~~

5 ~~(6) Dry cardboard, newspapers, magazines and mixed papers are to be place in the~~
6 ~~recycle receptacle loose.~~

7 The items accepted in the curbside collection program shall be those items specified by
8 the town according to its current recycling collection contract. The items not permitted in
9 municipal solid waste (e.g., batteries, antifreeze, and numerous other hazardous
10 materials) must be taken to approved recycling centers as specified by the county.

11 (c) Curbside collection shall be provided as specified in the town's regularly published
12 collection schedule for residential customers. All recyclable material shall be placed
13 in the receptacles. Items not inside receptacles will not be picked up.

14 (d) Ownership of recyclable materials. The title of the recyclable material shall transfer
15 from the property owner to ~~the town at the time the town's~~ or its authorized agent
16 takes possession of the same.

17
18 **PART V.** That **Chapter 26 Sec. 26-11. Notice of violation or nonconformity.** be
19 amended as follows:

20
21 **Sec. 26-11. Notice of violation or nonconformity.**
22

23 (a) *Notice.* If any refuse collection site or receptacle does not meet the town's
24 specifications, then the town shall give the property owner written notice of the
25 location and manner in which a site or receptacle does not comply with this chapter.
26 A copy of the applicable standards shall be attached to the notice or otherwise
27 appear on the face of the notice. The notice shall be delivered or mailed to the
28 property owner at the address shown on the town tax records, or a copy may be
29 delivered to the property owner personally. Violations shall be subject to a civil
30 penalty in accordance with section 26-20.

31 (b) *Discontinuance of service.* The town may discontinue refuse collection services for
32 property owners whose receptacles do not comply with the standards of this chapter.

33 (c) *Use of town-owned receptacles.* Any receptacles placed by the town at the refuse
34 collection site of a property owner may be used by the property owner or anyone in
35 lawful possession of the premises for the collection of solid waste and shall be used
36 in accordance with the provisions of this chapter. None of the prohibited items listed
37 in section 26-19 shall be placed in a municipal solid waste container. Solid waste
38 shall not be placed in a designated recycling container. The town may discontinue

1 refuse collection services for property owners who do not comply with the standards
2 of this chapter.

3

4 **PART VI.** That **Chapter 26 Sec. 26-12. Storage of solid waste and trash.** be
5 amended as follows:

6

7 **Sec. 26-12. Storage of solid waste and trash.**

8

9 ~~(a) No yard trimming waste, leaves, tree and shrubbery trimmings, shall be placed~~
10 ~~within the right of way or on the paved portion of any street.~~

11 (b~~a~~) Any unauthorized accumulation of solid waste on any lot, property, premises, public
12 street, or other public or private place is prohibited. Failure of the owner or
13 occupant, after notice of violation, to remove and correct any such unauthorized
14 accumulation of solid waste shall be deemed a violation of this chapter or other
15 chapters of this Code. See also sections 22-39 through 22-43.

16 (e~~b~~) Receptacles shall not be overfilled. The lids must be closed to prevent contents from
17 blowing due to strong winds, or scattering caused by foraging animals.

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

23 (e~~d~~) Yard trimming waste that is approved for chipping by the town may be temporarily
24 placed in the street right-of-way in accordance with the town's current chipping
25 policy.

26

27 **PART VII.** That **Chapter 26 Sec. 26-19. Prohibited items.** be amended as follows:

28

29 **Sec. 26-19. Storage of solid waste and trash.**

30

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

- 33 (1) Aluminum cans (recycle);
34 (2) Antifreeze (i.e., ethylene glycol);
35 (3) Asbestos;
36 (4) Building materials;

- 1 (5) Burning or smoldering materials or any other materials which could create a
- 2 fire hazard;
- 3 (6) Hazardous, radioactive or medical waste;
- 4 (7) Lead-acid batteries (may be recycled);
- 5 (8) Liquid waste; paint, motor oil, or other toxic or flammable liquids;
- 6 (9) Motor vehicle tires;
- 7 (10) Pesticides;
- 8 (11) Rocks, dirt, sand;
- 9 (12) Sharps not properly contained or wrapped;
- 10 (13) Yard trimmings (may be composted or burned with fire department
- 11 permission).
- 12 (b) Failure of the owner, operator, or contractor, after notice from the town or its
- 13 authorized agent of prohibited materials, to remove any such unauthorized
- 14 prohibitions or materials shall be deemed a violation of this chapter or other chapters
- 15 of this Code and punishable as same. Such violations may also constitute and be
- 16 punishable as a nuisance under sections 22-39 through 22-43.

17
18 **PART VIII.** That **Chapter 26 Sec. 26-20. Enforcement; penalties.** be amended as
19 follows:
20

21 **Sec. 26-20. Enforcement; penalties.**
22

23 Violations of this chapter, including section 26-19, shall be enforceable and
24 punishable under the general provisions of the Code unless otherwise stated in this
25 chapter or chapter 1.
26

- 27 (a) Except as otherwise provided, the property owner of record shall receive a notice of
- 28 violation for violations of any of the provisions contained in this chapter. Following
- 29 issuance of a warning citation, the property owner of record shall be subject to a
- 30 civil penalty in the amount of fifty dollars (\$50.00).
- 31
- 32 (b) Except as otherwise provided, the property owner of record shall be subject to a one
- 33 hundred dollar (\$100.00) civil penalty upon issuance of a second notice of violation
- 34 within a twelve (12) month period. For each subsequent violation within twelve
- 35 (12) months of the issuance of a second notice of violation, the property owner of
- 36 record shall be subject to a one hundred fifty dollar (\$150.00) civil penalty. Each

1 twenty-four (24) hour period during which a violation continues to exist shall
2 constitute a separate offense (a civil penalty shall be assessed for each twenty-four
3 (24) hour period during which a violation continues to exist).

4
5 **ARTICLE IV. Severability.**

6
7 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
8 hereby repealed. Should a court of competent jurisdiction declare this ordinance
9 amendment or any part thereof to be invalid, such decision shall not affect the remaining
10 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
11 Town of Southern Shores, North Carolina which shall remain in full force and effect.

12
13 **ARTICLE V. Effective Date.**

14
15 This ordinance amendment shall be in full force and effect from and after the ____ day of
16 _____, 2022.

17
18
19 _____
20 Elizabeth Morey, Mayor

21 ATTEST:

22 _____
23
24 Town Clerk

25
26
27 APPROVED AS TO FORM:

28 _____
29
30 Town Attorney

31
32 Date adopted:

33 _____
34
35 Motion to adopt by Councilmember:

36 _____
37
38 Motion seconded by Councilmember:

39
40
41
42
Vote: ___AYES___NAYS