

AN ORDINANCE OF THE BOARD OF COMMISSIONERS  
OF CRAVEN COUNTY

The Board of Commissioners of Craven County, North Carolina, does hereby adopt this Ordinance pursuant to the authority conferred by North Carolina General Statutes, Chapter 153A, Sections 121, 132.1, 136, and 140. It is declared that in order to maintain the peace and dignity of Craven County and to promote the interests of the public health, public safety, general welfare and environment of all the citizens of Craven County, it is necessary to regulate and control the discarding and illegal dumping of litter, garbage and solid waste that occur on public streets, roads, highways, and private and public properties within Craven County.

It is hereby ordained by the Board of Commissioners of Craven County, State of North Carolina, as follows:

ARTICLE I

Short Title

This Ordinance shall be known as the Craven County "Litter and Solid Waste Control Ordinance."

ARTICLE II

Authority

This Ordinance is adopted pursuant to the authority granted in North Carolina General Statutes, Chapter 153A, Sections 121, 132.1, 136 and 140, and Craven County's Solid Waste Management Program.

ARTICLE III

Definitions

As used in this Ordinance the following terms shall have the following definitions:

1. Brown Goods shall be deemed to mean mattresses, sofas, tables, chairs, televisions, electronic equipment, and any other furniture or consumer goods of this nature.
2. Construction Debris shall include any discarded material such as, but not limited to, lumber, brick, plastic, aluminum, roofing materials, insulation materials, plaster, sheet rock,

vinyl, concrete or other substances accumulated as a result of repairs or additions to existing structures or buildings, construction of new structures or buildings, or demolition of existing structures or buildings, not to exclude debris generated from potential or actual construction sites, such as tree limbs, tree stumps, parts of trees or shrubbery and rocks, gravel, sand or dirt. This paragraph shall not include authorized demolition sites.

3. Container shall be deemed to mean a metal, heavy duty paper, or plastic receptacle with tight fitting lid used for the disposal and storage of solid waste and litter.
4. County as the word is used in a geographical sense shall be deemed to refer to the area of Craven County, North Carolina.
5. Craven County's Solid Waste Management Program shall be deemed to mean the county's established policy and goals of solid waste management, in accordance with Chapter 13 of the Code of Craven County and any other county ordinance.
6. Demolition Sites shall be deemed to mean a site authorized to receive demolition debris.
7. Dumpster shall be deemed to mean stationary solid waste containers which require mechanical pick-up by customized loading vehicles, including roll-off containers which involve the collection of construction debris.
8. Franchisee shall be deemed to mean a person who has been granted a franchise for the collection of solid waste or recyclable materials pursuant to Article IV of the Craven County Solid Waste Franchise ordinance.
9. Garbage shall be deemed to mean the byproduct of food stuffs resulting from the handling, preparation, cooking and consumption of food or other matter which is subject to decomposition, decay or generation of noxious or offensive gases or odors, or which may serve as breeding or feeding materials for rodents, flies, insects or animals.
10. Hazardous Waste - Hazardous Waste means a solid waste, or combination of solid wastes, which because of its quantity,

concentration or physical, chemical, or infectious characteristics may:

i. cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

ii. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

11. Household Garbage shall be deemed to mean garbage generated at a person's private residence.
12. Litter shall be deemed to mean any amount of organic or inorganic waste material, debris, rubbish, refuse, garbage, trash, plastic, hulls, peelings, debris, grass, weeds, ashes, metal or glass product containers, broken glass, cardboard, tires, dead animals or discarded materials of every kind and description. Litter may include, but is not limited to, any garbage, refuse, debris, motor vehicle parts, brown goods, white goods, motor oil, batteries, agri-chemical containers, construction debris, yard waste, solid waste or any thing else which has been discarded, abandoned or otherwise disposed of improperly.
13. Operator shall be deemed to mean a person in actual physical control of a vehicle.
14. Person shall be deemed to mean any individual, firm, partnership, corporation, association, unit of local government, State agency, federal agency or other legal entity.
15. Public Highway, Street or Road shall mean a dedicated and accepted public right-of-way for vehicular traffic.
16. Recyclable material shall be deemed to mean those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.
17. Solid Waste shall be deemed to mean all material customarily referred to as garbage, or refuse, and other discarded material, including solid, semi-solid materials or materials

resulting from community activities, but does not include hazardous waste or solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act as amended (86 STAT. 880) or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended (68 STAT. 923).

18. Solid Waste Collection Sticker shall be deemed to mean a perforated adhesive sticker authorized for use by Craven County to be placed on solid waste collection bags indicating that it is permissible for such bag, with a sticker attached, to be collected by a franchisee or received at a staffed convenience center or the Craven County landfill for disposal.
19. Vehicle shall be deemed to mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, street, road, or other passageway, or upon any navigable water.
20. White Goods shall be deemed to mean refrigerators, stoves, water heaters, washing machines, dryers, dishwashers and any other scrap metals or goods of this nature.
21. Yard Waste shall be deemed to mean any amount of waste accumulation of long grass, or shrubbery, or vine cuttings or clippings, or dry leaf rakings, tree branches, tree limbs, parts of trees, bushes or any other vegetation debris.

#### ARTICLE IV

##### Restrictions on Disposal of Litter,

##### Garbage or Solid Waste Debris

1. It shall be unlawful for any person to sweep, throw or deposit, or to permit, allow, maintain or contribute to the sweeping, throwing or depositing of, any litter or solid waste into, upon or along a drain, gutter, street, sidewalk, alley, vacant or occupied lot, walk, parking lot, embankment, within or near any public or private lake, pond, creek, river, stream, ditch, swamp, marsh, whether or not navigable, or upon

- any public or private premises within Craven County; provided, however, that nothing in this paragraph shall prevent the placing of litter, garbage or solid waste in a designated location and manner for removal in accordance with Craven County's Solid Waste Management Program or the depositing of household garbage or yard waste upon a person's own property.
2. It shall be unlawful for any owner, occupant, tenant or lessee, jointly or severally, of any building, structure or land, to permit the deposit or accumulation of any litter, garbage or solid waste. Vacant lots, borders, parking lots, embankments, fences and walls shall likewise be kept free of litter, garbage and solid waste. Provided, however, that nothing in this paragraph shall prevent the placing of litter, garbage or solid waste in a designated location and manner for removal in accordance with Craven County's Solid Waste Management Program or the depositing of household garbage or yard waste upon a person's own property.
  3. Property owners and prime contractors in charge of a construction site are jointly and severally required to take appropriate measures to ensure the control of litter, garbage, construction debris and solid waste generated by construction and related activities.
  4. It shall be unlawful for the licensed owner or driver of any motor vehicle, of any size, or any passenger therein, to transport any litter, garbage or solid waste, or any other loose or unsecured materials or substances that could be blown, dropped or released from the vehicle, unless the same is secured by containers, covers, tarpaulin or other device in such fashion as to effectively prevent such deposit or release upon the public rights-of-way. If any litter, garbage or solid waste should be released or is allowed to escape from a vehicle, the material shall be recovered immediately by the vehicle operator and returned to the vehicle, and the area properly cleaned.
  5. It shall be unlawful for any person to remove an attached

solid waste collection sticker of another without the permission of the owner thereof. This paragraph shall not apply to any person acting in the capacity of trash removal as authorized by Craven County's Solid Waste Management Program.

6. It shall be unlawful for any person to remove litter, garbage or solid waste from a garbage bag with a solid waste collection sticker of another properly attached thereto without permission of the owner thereof. This paragraph shall not apply to any person acting in the capacity of trash removal as authorized by Craven County's Solid Waste Management Program.

7. It shall be unlawful for any unauthorized person to place, throw, deposit or dump litter, garbage or solid waste into a privately owned commercial dumpster or container.

8. It shall be unlawful for any owner, occupant, tenant or lessee to allow unauthorized accumulation of litter or solid waste.

Failure of the owner, occupant, tenant or lessee to remove and correct any such unauthorized accumulation shall be deemed a violation of this Ordinance. Each person shall be jointly and severally liable for the litter or solid waste.

(A) The originate procedure indicia or situation, t notify the appropriate enforcement personnel, and shall be entitled to reimbursement from said violator.

4900 SANDHURST DR. OTHER SIDE OF W. CREEK BRIDGE  
PEJE HEIMAN  
638-5527 (H)  
638-4008 (W)  
Hobbs, MELONY LAJER

(B) Upon notification to Clean Sweep, Clean Sweep determines that the owner, occupant, tenant or lessee is not the source of the litter or solid waste. In such a situation, the owner, occupant, tenant or lessee will collect the litter or solid waste and the County will waive the corresponding tipping fee. In the event Clean Sweep denies the request of the owner, occupant, tenant or lessee to waive the corresponding tipping fee, that

person shall have a right of appeal from the decision of Clean Sweep to the Craven County Board of Commissioners.

ARTICLE V

Disposal Site Practices

1. Solid Waste and Litter - all solid waste and litter shall be placed and maintained in accordance with Craven County's Solid Waste Management Program.
2. Garbage - all garbage being placed in containers for collection shall have drained from it all free liquid, and shall be wrapped, bagged or enclosed in paper or plastic material, shall have attached thereto a garbage collection sticker, and shall be disposed of in accordance with Craven County's Solid Waste Management Program.
3. Dangerous trash items - all dangerous trash items and all waste material of an injurious nature, including but not limited to broken glass, light bulbs, sharp pieces of metal, fluorescent tubes, and television tubes, shall be securely wrapped to prevent injury to collection personnel and other persons.
4. Hazardous waste - no hazardous waste or building materials shall be placed in any receptacle, container or disposal site unless authorized by state or federal regulation.
5. Staffed Convenience Centers - the County will establish staffed convenience centers for the disposal of certain solid waste and litter. Such services shall include the collection of solid waste, leaves, limbs, white and brown products, automobile lead acid batteries, waste oil, corrugated cardboard, mixed waste paper, pesticide and agri-chemical containers properly rinsed. These are the only authorized disposal sites.
6. Scavenging - it shall be illegal for any person to enter said staffed convenience centers, recyclable containers or solid waste containers except for the purpose of disposing of litter and solid waste. Any rummaging through the convenience centers, containers or adjacent area or scavenging and

removing any items therefrom is strictly prohibited.

7. Responsibility - the responsibility for any solid waste or litter upon a person's property remains with the owner thereof until the actual moment of collection by a franchisee.

#### ARTICLE VI

##### Presumptions

1. When litter, garbage or solid waste is placed, thrown, or deposited into, upon or along any public or private property, the owner, occupant, tenant, lessee, proprietor or other person in charge thereof shall be presumed to have committed or consented to such.
2. When litter, garbage or construction debris is released from a vehicle, the operator thereof shall be presumed to have committed such offense.
3. The duties and responsibilities herein imposed regarding a vehicle shall be applicable alike to the owner of the vehicle, the operator thereof, and the person from whom the litter or other cargo originated.

#### ARTICLE VII

##### Enforcement Provisions

1. The regulations prescribed in this Ordinance shall be enforced by the appropriate county agencies having duties and responsibilities in the areas of health, planning, solid waste disposal, litter control and law enforcement.
2. Any and all costs incurred by the county in the abatement of litter under the provisions of the Ordinance shall constitute a lien against the property upon which such litter existed, which lien shall be filed with the tax administrator and collected in the same manner as provided for the collection of ad valorem taxes. Such lien shall be noticed to all persons from the time of its filing with the tax administrator and shall bear interest at the legal rate thereafter until satisfied. In addition, such violator shall be liable for restitution for abatement costs.



ARTICLE VIII

Fine and Penalties

1. Any person who shall violate the provisions of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not less than fifty dollars and 00/100 (\$50.00) nor more than five hundred dollars and 00/100 (\$500.00) or imprisonment for not more than thirty (30) days, at the discretion of the Court, as provided by Section 14-4 of the North Carolina General Statutes.
2. Each day or portion thereof wherein any person is in violation of this Ordinance shall constitute a separate offense.
3. In lieu of a fine, or any portion thereof, or an addition to a fine, any violation of this Ordinance may also be punished by a term of community service.

ARTICLE IX

Severability of Provisions

The terms and provisions of this Ordinance are hereby declared to be severable. In the event any one or more of the provisions of this Ordinance are hereafter declared to be invalid by a court having jurisdiction over the parties in the subject matter of this Ordinance, then the remaining terms and conditions of said Ordinance shall remain in full force and effect unless the terms and conditions of this Ordinance declared invalid would render the purpose of the Ordinance totally ineffective.

ARTICLE X

Conflict of Law

All ordinances or regulations or parts thereof of Craven County which may be in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect. If any portion of this Ordinance or the enforcement thereof shall be preempted by any state or federal authority, such preemption shall not operate to invalidate the rest of this Ordinance and the same shall remain in full force and effect.

ARTICLE XI

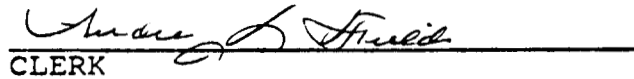
Effective Date

This Ordinance shall be effective upon the 4<sup>th</sup> day of November, 1991.



CHARLES T. POTTER  
Chairman, Board of  
Commissioners

ATTEST:

  
CLERK

3/LITTER.ORD