

CHAPTER 14. SOLID WASTE

ARTICLE I. GARBAGE AND OTHER FORMS OF LITTER AND JUNK

Section 14-1. General

Most litter is generated from the following sources: motorists, pedestrians, household and business putouts, commercial putouts, loading/unloading areas, construction sites and uncovered vehicles. It is the purpose of this ordinance to insure that these sources are regulated in such a manner as to:

- a. Reduce the generation of litter in the town and to protect the public safety, health, welfare, and environment.
- b. Preserve and enhance the aesthetic beauty and quality of the environment in Holly Ridge for the benefit of the general public.
- c. Screen from public view unsightly accumulated junk and to prevent the establishment of new unscreened accumulation of junk.

Section 14-2. Definitions

- (a) Refuse. All refuse shall be placed and maintained in containers as specified herein. All containers shall be kept covered at all times with tightfitting covers until the refuse is disposed of.
- (b) 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 unless otherwise specifically authorized by the town manager or his designee.
- (c) Household trash. All household trash shall be drained of all liquids prior to its deposit in refuse receptacles. Any items of household trash which are too large for receptacles and cannot be reduced to a size which can be placed in a receptacle may be placed in securely bagged or bound packages next to the receptacles.
- (d) 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 crews and other persons.
- (e) Hazardous refuse. No hazardous refuse or building materials shall be placed in any receptacle, container, or disposal site unless authorized by state or federal regulation.

- (f) Tree and shrubbery trimmings. Tree and shrubbery trimmings transported upon roads and streets within the boundaries of the town shall be securely covered or tied to prevent the depositing thereof on roads, streets, sidewalks, or road shoulders in the town.
- (g) Disposal sites. The county will establish, operate, and maintain sanitary landfills and container sites for the disposal and storage of refuse. These are the only authorized disposal sites.
- (h) Scavenging. It shall be illegal for any person to enter any sanitary landfill and/or container site which may be established by the town except for the purpose of disposing of refuse. Any rummaging through the sanitary landfill area or container site area and/or scavenging and removing any items therefrom is strictly prohibited.
- (i) Solid waste containers. It shall be unlawful for any commercial garbage or sanitation collection service, or for any person using a vehicle larger than a three-quarter ton pick-up truck, to dispose of refuse in a solid waste container or at a container site. All refuse shall be deposited in the container at a site and spillage shall be collected and deposited in the container. Trees, stumps, tree limbs, poisons, caustic chemicals, concrete slabs or pieces, and flammables are prohibited from being deposited in containers or at container sites.

Section 14-3. Storage of refuse and junk

All accumulations of refuse and junk shall be stored or placed for collection in accordance with the following provisions:

- (1) Public streets and private property. No person shall place any accumulation of refuse or junk in any street, median strip, alley, public vehicular area or other public place of travel, nor upon any private property except as stated herein.
- (2) Unauthorized accumulations. Any unauthorized accumulation of refuse or trash items on any lot, property, premises, public streets, alleys, public vehicular areas or other public or private places is hereby declared to be a public nuisance and is prohibited. Failure of an owner or occupant to remove and correct any such unauthorized accumulation of refuse shall be deemed a violation of this chapter.
- (3) Junk. It shall be unlawful for any person to place or leave outside any building or dwelling within public view: any dilapidated furniture; appliance; machinery; equipment; building material; or other item which is either wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition; and which is not completely enclosed within a building or dwelling. Any such item which remains on the property of the

occupant for a period of ten days after the notice of a violation of this section shall be presumed to be abandoned, and subject to being removed from the property by the town without further notice, and subject to the expenses incurred in the removal of such item.

Sec. 14-4. Prohibited scattering of refuse and litter

- (a) It shall be unlawful for any person to:
 - (1) Scatter refuse about, or litter any public or private street, or area or place, or any public vehicular area;
 - (2) Cast, throw, place, sweep, or deposit anywhere within the town any refuse or trash in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place or into any occupied or unoccupied premises within the town.
- (b) It shall be unlawful for any vehicle transporting loose materials within the town to transport same without suitable covers. This section shall not apply to the transportation of poultry, livestock, tobacco, and silage or other feed grain used in the feeding of poultry or livestock.
- (c) If any of the material dumped in violation of this chapter can be identified as having last belonged to, been in the possession of, sent to or received by, or to have been the property of any person prior to its being dumped, as prohibited therein, such identification shall be presumed to be prima facie evidence that such owner dumped or caused to be dumped such matter and material in violation of this section.

Section 14-5. Commercial establishments

- (a) Requirement for containers. All commercial establishments shall store their refuse in receptacles or containers as specified herein so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Approved methods of containerization include refuse receptacles, bulk containers, and detachable containers. The number of containers necessary for each commercial establishment shall be as required to maintain a clean, neat, sanitary premise. Spillage and overflow shall be cleaned up immediately by the establishment when it occurs.
- (b) General requirements for screening.
 - (1) Salvage material and junk accumulations located within 500 feet of the centerline of any paved state or town maintained road, or public vehicular area within the town shall be screened along the road or public vehicular

area frontage, and all parts exposed to public view.

- (2) New commercial establishments which deal in the exchange, storage, or processing of salvage material and accumulated junk, located within 500 feet of any residence, school, or church must be properly screened from view.
- (3) New commercial establishments which deal in the exchange, storage, or processing of salvage materials and accumulated junk created after the effective date of the ordinance from which this chapter is derived must comply with the specific requirements set forth in this chapter before a permit to operate as such an establishment will be issued by the town manager. New commercial establishments include parties dealing in the exchange, storage, or processing of salvage materials and accumulated junk as described in subsection (b)(4) of this section.
- (4) The following are commercial establishments requiring compliance:
 - (a) Commercial salvage yards, junkyards, and vehicle graveyards, by the nature of their activities in processing and recycling salvageable materials, parts and accessories, operate in an accumulated junk environment and shall comply with the requirements set forth in this chapter. The public display of salvaged parts and accessories for sale or exchange shall be permitted outside the salvage yard, junkyard, or vehicle graveyard screen only during the establishment's normal hours.
 - (b) New vehicle dealers and used vehicle dealers, in their activities relating to repairs and services of wrecked and inoperable vehicles and in their exchange of vehicles, may gradually accumulate wrecked, inoperable, junked, and cannibalized vehicles to the point where they essentially become commercial salvage yards, junkyard, or vehicle graveyards. This chapter identifies six or more disassembled, wrecked, inoperable, cannibalized, junked or abandoned vehicles not currently awaiting repairs, so that they remain unrepaired, inoperable, or abandoned for six months or longer, to constitute accumulated junk.
 - (c) Vehicle repair facilities and service stations providing repair services for customers may gradually accumulate disassembled, wrecked, inoperable, cannibalized, junked and abandoned vehicles so that they essentially become commercial salvage yards, junkyards, and vehicle graveyards. This chapter identifies six or more disassembled, wrecked, inoperable, cannibalized, junked or abandoned vehicles not currently awaiting repairs, so that they remain unrepaired, inoperable, or abandoned for six months or longer, to constitute accumulated junk.

- (d) Boat and boat trailer repair facilities, new boat dealers and used boat dealers may gradually accumulate wrecked, inoperable and cannibalized boats and boat trailers to the point where they become commercial salvage yards, or boat and boat trailer junkyards. This chapter identifies six or more disassembled, wrecked, inoperable or cannibalized boats or boat trailers not currently awaiting repair which have remained disassembled, wrecked, and inoperable for six months or longer to constitute accumulated junk.
 - (e) New appliance dealers, used appliance dealers and appliance repair facilities, used furniture and used household item dealers may accumulate damaged, disassembled, inoperable, and cannibalized appliances or furniture to the point where they become commercial junkyards and salvage yards. This chapter identifies three or more disassembled, inoperable, or cannibalized appliances not currently awaiting repair for three months or longer to constitute accumulated junk. Three or more items of used furniture and used household items stored in the public view by any commercial establishment also constitute accumulated junk.
 - (f) Used building materials dealers, selling or trading in used building materials, shall display these materials in a manner used by new building materials dealers and traders. This chapter identifies used building materials which are stored or displayed in a disorganized, haphazard, or unsightly manner to constitute accumulated junk.
 - (g) Commercial vehicle tire dealers, vehicle repair facilities, vehicle service stations, tire recapping/recycling facilities may accumulate damaged, un-repairable, and unserviceable vehicle tires to the point where they essentially become vehicle tire junkyard. This chapter identifies the accumulation of 30 or more damaged and/or un-repairable vehicle tires that have remained on the premises for more than 30 days or more to constitute accumulated junk.
 - (h) Commercial aircraft repair facilities, new aircraft dealers and used aircraft dealers may gradually accumulate wrecked, inoperable and cannibalized aircraft to the point where they become commercial salvage yards or aircraft junkyard. This chapter identifies four or more disassembled, wrecked, inoperable, or cannibalized aircrafts not currently awaiting repair that have remained disassembled, wrecked, and inoperable for six months or longer to constitute accumulated junk.
- (5) Commercial vehicle wrecker services which are required to store vehicles requiring a title according to city, county, and state regulations are exempt from screening requirements when they verify that the processing for change of ownership or sale of impounded vehicles is in progress.

Vehicles impounded for one year or more will require screening.

- (6) Antique vehicles and other vehicles which are properly registered and are in a verifiable restoration process are exempt from the standards set forth in this chapter.
 - (7) In the event a property is developed adjacent to an existing establishment dealing in salvaged material and accumulated junk, the screening requirements shall not be the responsibility of the commercial establishment.
- (c) Specific screening requirements.
- (1) Commercial junkyard, salvage yards and accumulated junk establishments as defined in this chapter, must screen accumulated junk from public view. If screening is not provided by building, topographical features or dense vegetation, manmade and installed or man planted screening shall be provided.
 - (2) Screening shall consist of opaque fencing, buildings, dense vegetation, or a combination of these, to a minimum height of six feet, to conceal vertically accumulated junk. Screening shall be freestanding and extend from the ground level. Tarpaulins, tents or other temporary screens are not acceptable screening materials.
 - (3) Deteriorated screening materials and vegetation shall be replaced to maintain complete screening. Accumulated junk establishments have two months from the date of notification that screening has deteriorated to initiate restoration on complete screening, consistent with seasonal planting conditions. Vegetation which has seasonal changes that open the accumulated junk to public view are not sufficient to meet the requirements of this chapter and must be replaced by fencing or suitable vegetation.
 - (4) Screening materials shall be set back from the road or street right-of-way or the property boundaries a distance of one foot, or a sufficient distance to allow installation of the screening material between the accumulated junk and the public. Accumulated junk shall not be used to support the screening material or comprise part of the screen itself.
 - (5) An owner/operator may install the screen adjacent to the accumulated junk to facilitate screening from public view if the property boundaries are more than five feet from the accumulated junk.
- (d) Enforcement. Enforcement of this section rests with the town manager or his

designee. The enforcement officer shall notify the property owner or operator of the establishment of the violation and the owner/operator shall have a period of 90 days from the date of notification to comply with this section.

Section 14-6. Loading and unloading areas

All loading and unloading areas shall be provided with refuse receptacles for loose debris, paper, packaging materials, and other trash. The number of containers necessary for each area shall be as required to maintain a clean, neat and sanitary premises.

Section 14-7. Construction sites and demolition sites

All construction and demolition contractors shall provide on-site refuse receptacles, bulk containers, or detachable containers for construction debris and other trash which is capable of being moved or blown about by the wind and which is produced by those working on the site. All such materials shall be containerized by the end of each day, and the site shall be kept in a reasonably clean and litter-free condition. Construction debris and refuse deposited upon any public or private property as a result of construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept clean and orderly at all times.

Section 14-8. Special refuse disposal problems

- (a) Contagious disease refuse- The removal of clothing, bedding, or other refuse from homes or other places where highly infectious diseases have prevailed shall be performed under the supervision and direction of the county health department.
- (b) Ashes- Ashes that are to be transported to authorized disposal sites or landfills must have been wetted and cool to the touch prior to disposal.

Section 14-9 Collection permits and disposal requirements

All commercial collectors of refuse who desire to haul within the town shall obtain a permit from the county health department and shall use a vehicle provided with a tight cover and so operated as to prevent offensive odors or liquids escaping therefrom and refuse from being dropped, blown, or spilled.

Section 14-10. Responsibility of owners and agents

The owners or agents, tenants or lessees, or persons in possession of all residential units and commercial establishments shall be responsible for compliance with this chapter.

Section 14-11. Duties and responsibilities for administration and enforcement

The provisions of this article shall be enforced by the inspection of property and by the observance of those persons who are seen to violate any of the provisions contained herein. Holly Ridge Code Enforcement is empowered to issue a notice of violation and/or civil citations when, in their opinion, any of the provisions of this article have been violated. Summons will be delivered by enforcement officials in person to the violator. The summons shall direct the alleged violator to appear in district court on or before a specific day or hour named in the summons.

The period so specified shall not be less than 72 hours after its delivery to the violator.

In all instances where enforcement personnel determine that the violation is a first offense, a notice of violation shall be issued which shall state therein what the violation is, what corrective measures are to be taken and the time and date when corrections are to be completed. Failure to comply with the corrective measures stated in such violation notice shall cause enforcement personnel to issue a civil citation and/or summons for violation of this article.

The town manager or his representative shall cause all warning citation forms to be serially numbered and recorded so that all of them can be maintained and accounted for.

ARTICLE II. WASTE

Section 14-12. General

It shall be unlawful for any person to trespass on the rights of another through the neglect of property:

- A. by causing or allowing unsightly litter, foul odor, or potentially dangerous devices to remain on or emanate from the property;
- B. to discard, abandon, or cause litter on public property or another's private property; and
- C. for any reason to accumulate unscreened, salvageable junk on paved state maintained roads, town roads or public vehicular areas.

Section 14-13 Receptacles and containers required

Every person in possession, charge, or control of any place or from which construction debris (as defined in Section X), business/commercial trash, garbage, household trash, industrial waste, and yard trash is accumulated or produced, shall provide and at all times keep in a suitable place adequate and suitable receptacles and/or containers capable of holding all such waste materials.

Section 14-14. Waste disposal practices

Refuse - All refuse shall be placed and maintained in containers as specified herein. All containers shall be kept covered at all times with tight fitting covers until the refuse is disposed of.

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 unless otherwise specifically authorized by the Town Manager or his designee.

Household Trash - All household trash shall be drained of all liquids prior to its deposit in refuse receptacles. Any items of household trash which are too large for receptacles and cannot be reduced to a size which can be placed in a receptacle may be placed in securely bagged or bound

packages next to the receptacles.

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 crews and other persons.

Hazardous Refuse - No hazardous refuse or building materials shall be placed in any receptacle, container, or disposal site unless authorized by State or Federal regulation.

Tree and Shrubbery Trimmings - Tree and shrubbery trimmings transported upon roads and streets within the boundaries of the town shall be securely covered or tied to prevent the depositing thereof on roads, streets, sidewalks or road shoulders in the town.

Disposal Sites - The county will establish, operate, and maintain sanitary landfills and container sites for the disposal and storage of refuse. These are the only authorized disposal sites.

Scavenging - It shall be illegal for any person to enter any sanitary landfill and/or container site which may be established by the town except for the purpose of disposing of refuse. Any rummaging through the sanitary landfill area or container site area and/or scavenging and removing any items there from is strictly prohibited.

Solid Waste Containers - It shall be unlawful for any commercial garbage or sanitation collection service, or for any person, firm, or corporation using a vehicle larger than a $\frac{3}{4}$ ton pick up truck, to dispose of refuse in a solid waste container or at a container site. All refuse shall be deposited in the container at a site and spillage shall be collected and deposited in the container. Trees, stumps, tree limbs, poisons, caustic chemicals, concrete slabs or pieces, and flammables are prohibited from being deposited in containers or at container sites.

Section 14-15 Storing refuse and junk

All accumulations of refuse and junk shall be stored or placed for collection in accordance with the following provisions:

1. **Public Streets and Private Property** - No person shall place any accumulation of refuse or junk in any street, median strip, alley, public vehicular area or other public place of travel, nor upon any private property except as stated herein.
2. **Unauthorized Accumulations** - Any unauthorized accumulation of refuse or trash items on any lot, property, premises, public street, alley, public vehicular area or other public or private place is hereby declared to be a

public nuisance and is prohibited. Failure of owner or occupant to remove and correct any such unauthorized accumulation of refuse shall be deemed a violation of this article.

3. Junk - It shall be unlawful for any person to place or leave outside any building or dwelling within public view any dilapidated furniture, appliance, machinery, equipment, building material, or other item which is either in wholly or partially rusted, wrecked, junked, dismantles, or inoperative condition, and which is not completely enclosed within a building or dwelling. Any such item or items which remain on the property of the occupant for a period of fifteen (15) days after notice of violation of this section shall be presumed to be abandoned and subject to being removed from the property by the town without further notice and subject to expenses incurred in the removal of such item or items.

Section 14-16 Scattering and litter prohibited

It shall be unlawful for any person to:

- (1) Scatter refuse about or litter any public or private street or area or place, or any public vehicular area;
- (2) Cast, throw, place, sweep, or deposit anywhere within the town any refuse or trash in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place or into any occupied or unoccupied premises within the town.

It shall be unlawful for any vehicle transporting loose materials within the town to transport same without suitable covers. This section shall not apply to the transportation of poultry, livestock, tobacco, and silage or other feed grain used in the feeding of poultry or livestock.

If any of the material dumped in violation of this ordinance can be identified as having last belonged to, been in the possession of, sent to or identified as having last belonged to, been in the possession of, sent to or received by, or to have been the property of any person prior to its being dumped as prohibited therein, such identification shall be presumed to be prima facie evidence that such owner dumped or caused to be dumped such matter and material in violation of this section.

Section 14-17. Responsibility of owners and agents

The owners or agents, tenants or lessees, or persons in possession of all residential units and commercial establishments shall be responsible for compliance with this ordinance.

ARTICLE III. ABANDONED MOTOR VEHICLES

Section 14-18. Abandonment unlawful

It shall be unlawful to abandon any motor vehicle on any public street, public vehicular area or public grounds or upon any privately owned property, and it shall be unlawful for any person controlling privately owned property to abandon or to permit the abandonment thereupon of any motor vehicle on that property. Violation of this section shall be a misdemeanor punishable by fine or imprisonment or both: provided, however, that no person controlling privately owned property shall be criminally liable for the abandonment of motor vehicles thereupon by others if he shall assist the duly designated officials and agents of the town in disposing of said vehicles in the manner prescribed in this article.

Section 14-19. Definitions

Abandoned Vehicles Defined - A motor vehicle shall be determined to have been abandoned when:

1. It has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
2. It is partially dismantled or wrecked; or
3. It is incapable of self-propulsion or being moved in the manner for which it was originally intended; or
4. It is left on property owned or operated by the town for a period of not less than twenty-four (24) hours; or
5. It is left on private property without the consent of the owner, occupant, or lessee thereof for a period of not less than twenty-four (24) hours; or
6. It is left on any public street or highway of the town for a period of not less than seven (7) days.

Junk Motor Vehicles - Any abandoned vehicle which is inoperable, dismantled, or damaged, five (5) years old or older and worth less than one hundred (\$100.00) dollars as determined by a disinterested dealer or garage man shall be deemed a junk vehicle. A junk vehicle shall be held at least fifteen (15) days, during which time the owner may reclaim it by exhibiting proof of ownership and paying all reasonable costs incident of removal and storage and administrative expenses.

Removal of Junk Motor Vehicles - Any abandoned or junked motor vehicle found to be in violation of this ordinance may be removed to a storage area for safekeeping by or under the direction of the Holly Ridge Police Department or other person, firm, or corporation so designated by the town. Written notice by mail of such removal shall be promptly given to the

registered owner of the vehicle and to any holders of any lien of record in the office of the Department of Motor Vehicles.

Section 14-20. Disposition of Vehicles

1. The owner of any removed vehicle, before obtaining possession thereof, shall pay to the agent of the town storing said vehicle all reasonable costs incidental to the removal, storage, and locating of the owner.
2. Should such owner fail or refuse to pay the costs, or should his identity or whereabouts be unknown and unascertainable after a diligent search and after notice as herein prescribed, the stored vehicle may be sold after twenty (20) days notice has been given to the Department of Motor Vehicles before the date of sale and after the vehicle has been held for not less than thirty (30) days.
3. The vehicle may be sold by public or private sale, but no vehicle may be sold until its value has been determined by three (3) disinterested dealers or garage.
4. A vehicle of an appraised value of less than one hundred (100.00) dollars may be disposed of by any means in the discretion of the storing agent of the town.
5. The proceeds of any sale shall be forwarded to the finance officer of the town, who shall pay from the proceeds of said sale the cost of removal, storage, investigation as to ownership and sale, and liens, in that order. If, after the sale, the ownership at the time of the removal is established satisfactorily to the finance officer, the owner shall be paid so much of the proceeds as remains after payment of the foregoing costs and liens. Otherwise, any remaining proceeds shall be deposited in the general fund of the town.
6. An unclaimed junk vehicle may be destroyed or otherwise disposed of after fifteen (15) days. Notice shall be given within fifteen (15) days after final disposition to the Department of Motor Vehicles that it was deemed a junk vehicle and disposed of as such. This notice shall fully and accurately describe said vehicle.
7. Any proceeds derived from the disposition of junk vehicles shall be deposited in the general fund of the town.

Section 14-21. Disposition with Owner's Consent

With the owner's consent, the town may remove and dispose of any vehicle as a junk motor vehicle regardless of value or condition of said vehicle and without waiting the aforesaid fifteen (15) day period.

Section 14-22. Immunity

No person shall be held to answer in any civil or criminal action to any owner, lien holder, or other person legally entitled to the possession of any abandoned, lost, or stolen motor vehicle for disposing of it as contemplated herein.

Section 14-23. Penalty

In addition to and separate and apart from any other remedies set fourth and established by this section, any person violating the provisions of this section shall be assessed a penalty of ten dollars (\$10.00), and each and every day during which such violation continues shall be a separate and distinct offense.

ARTICLE V. PRIVIES - SEPTIC TANKS

Section 14-24. Privies Regulated

No privy of any kind shall be permitted in the Town of Holly Ridge where town sewer is reasonably accessible. When privies are permitted they shall be constructed in accordance with the regulations of the North Carolina State Board of Health. Privies altered or reconstructed shall also conform to these regulations.

Section 14-25. Septic Tanks Regulated

Septic tanks may be installed where sewer is not reasonably accessible, provided, such tank is constructed in accordance with the specification of the North Carolina State Board of Health, and a permit therefore issued by the town clerk.