

**Title V Chapter 50  
Garbage**

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**§50.01 Definitions:** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (A) **Commercial Structure.** Any building or structure within the limits of the town engaged in commercial activities.
- (B) **Garbage.** All refuse, animal, fruit and other vegetable matter, all tin cans, glassware, crockery and plastics in which any such matter has been put up or stored; and all rags, waste paper, floor sweepings and other combustible refuse, except building materials, scraps, yard debris and tree trimmings.
- (C) **Litter** Any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.
- (D) **Recyclable Materials.** Those categories of garbage as may, from time to time, be characterized by the town, county and state as recyclable material.
- (E) **Recycle/Convenience Center.** An area which functions for the collection of recyclable material.
- (F) **Residential Dwelling.** Any dwelling structure within the limits of the town used for residential purpose.
- (G) **Yard Debris.** Tree limbs, shrubbery cuttings and other such material as are commonly resultant from yard maintenance activity; however, expressly excludes all types of construction materials.
- (H) **Yard Debris Collection Center.** An area which functions for the collection of yard debris. (Ord. passed 12-8-92; Am. Ord. passed 4-10-01)

**§50.02 Authority**

- (A) The governing body of any municipality is hereby authorized to enact an ordinance prohibiting the placing, discarding, disposing or leaving of any trash, refuse or garbage upon a street or highway located within that municipality or upon property owned or operated by the municipality unless such garbage, refuse or trash is placed in a designated location or container for removal by a specific garbage or trash service collector. Any ordinance adopted pursuant hereto may prohibit the placing, discarding, disposing or leaving of any trash, refuse or garbage upon

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private property located within the municipality without the consent of the owner, occupant, or lessee thereof and may provide that the placing, discarding, disposing or leaving of the articles forbidden by this section shall, for each day or portion thereof the articles or matter are left, constitute a separate offense.

- (B) The governing body of a municipality, in any ordinance adopted pursuant hereto, may provide that a person who violates the ordinance may be punished by a fine not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days, or both, for each offense. (1973, c. 953.)

Reference: [GS § 160A-303.1. Regulation of the placing of trash, refuse and garbage within municipal limits]

**§50.03 Enforcement**

- (A) Enforcement of this chapter shall be under the supervision of the county Health Officer and/or Calabash Code Enforcement Officer. (Ord. passed 5-13-81; Am. Ord. passed 7-24-90)
- (B) It shall be unlawful for any person to hinder, obstruct or delay the Health Officer and/or Code Enforcement officer or any of his assistants in the lawful discharge of their duties. (Ord. passed 5-13-81; Am. Ord. passed 4-10-01) Penalty, \$50.00, see § 10.99
- (C) The Health Officer and/or Code Enforcement Officer or any of his assistants shall have the right to enter at any reasonable time, any premises for the purpose of making the inspections or investigations as required by this chapter. ( Ord. passed 5-13-81; Am. Ord. passed 4-10-01).

Reference: [§ 160A-303.1. Regulation of the placing of trash, refuse and garbage within municipal limits]

**§50.04 Removal of Garbage/Littering**

- (A) No garbage that has become decayed or that shall otherwise become a menace to health or cleanliness shall be allowed to remain in any dwelling house, hotel, boarding house, safe, restaurant, lunch stand, fruit stand, meat market, store or other building or on any premises longer time than shall be reasonably necessary to remove and deposit the same into a receptacle as hereinafter provided in this chapter.
- (B) No person, including but not limited to any firm, organization, private corporation or governing body, agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled or placed upon any public property or private property not owned by him or her within the town or in the waters, ocean, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley. (Ord. passed 12-8-92; Am. Ord. passed 11-13-01) penalty, \$25.00, see § 10.99

Reference; [Littering, G.S. § 14-399]

**§50.05 Garbage Receptacles**

- (A) The occupant of every building, premises or place where garbage does or may exist, shall provide himself with a garbage receptacle made of substantial galvanized iron or other non-rusting material in which he shall deposit all garbage existing at the place occupied by him.

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- (B) All garbage receptacles, on the day of scheduled collection, shall be placed in a location that can be conveniently reached by the garbage collector.
- (C) All garbage receptacles shall be kept reasonably clean by use of an effective cleaner. (Ord. passed 12-8-92)

**§50.06 Wet Garbage**

- (A) All wet garbage shall have the liquid drained off and shall be wrapped in paper or placed in a plastic bag other combustible material before it is placed in the garbage receptacle thus preventing smell and breeding of flies in summer and freezing and adhesion to the can in winter. (Ord. passed 12-8-92; Am. Ord. passed 4-10-01)

**§50.07 Hazardous Materials**

- (A) It shall be unlawful for any person to dispose of hazardous, explosive, highly flammable, toxic, infectious, pathological, residual, radioactive, volatile or illegal waste into the garbage receptacles which are collected by the town or anyone acting on behalf of the town. (Ord. passed 12-8-92; Am. Ord. passed 4-10-01) penalty, \$50.00, see § 10.99

Reference: [Radioactive waste, G.S. § 104E-1 et seq]

**§50.08 Disposing of Garbage**

- (A) No person shall throw, place or deposit any garbage in any street, alley, public place or private property within the town's jurisdiction except in garbage receptacles, garbage vehicles or between garbage receptacles and garbage vehicles.
- (B) It is unlawful for any person to place or leave or cause to be placed or left temporarily or permanently any trash, refuse, garbage, scrapped automobile, scrapped truck or parts thereof on the right-of-way of any state highway or public road where that highway or public road is inside the town unless such refuse, garbage, scrapped automobile, scrapped truck or part thereof is placed in a designated location or receptacle for removal by a specific garbage or trash service collector. (Ord. passed 12-8-92; Am.Ord. passed 4-10-01) penalty, \$50.00, see § 10.99

Reference: [abatement of health and safety nuisances, G.S. § 160A-193]

**§50.09 Major Items**

- (A) It shall be the responsibility of the individual property owner or person acting on his behalf to dispose of major items such as appliances, furniture, lumber and the like.
- (B) Major items shall not remain on the premises or property for longer than 30 days.
- (C) Under no circumstances shall such disposal be undertaken in a manner which would be in violation of the regulations and requirements enumerated in this chapter. (Ord. passed 12-8-92) penalty, \$50.00, see § 10.99

**§50.10 Transportation of Garbage**

- (A) No person engaged in a commercial activity involving garbage or trash collection shall collect, handle, haul or transport on any of the streets, alleys, public ways or places of the town, any garbage or trash without first having procured a permit therefore from the town. There will be no fee for this permit.

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- (B) No person shall haul or transport any garbage, trash, yard debris including construction materials, in such a manner as would result in such trash or liquid residue being deposited on any of the streets, alleys, public ways of the town or other properties either public or private. [GS§14-399] (Ord. passed 12-8-92;Am. Ord. passed 4-10-01) penalty,\$50.00, see § 10.99

**§50.11 Dead Animals**

- (A) Disposition of dead domesticated animals and game animal carcasses.
- (1) It shall be the duty of the owner or person in charge of any of his domesticated animals that die from any cause and the owner, lessee, or person in charge of any land upon which any domesticated animals die, to bury the same to a depth of at least three feet beneath the surface of the ground within 24 hours after knowledge of the death of said domesticated animals, or to otherwise dispose of the same in a manner approved by the State Veterinarian.
  - (2) It shall be a violation of this statute to bury any dead domesticated animal closer than 300 feet to any flowing stream or public body of water.
  - (3) It shall be unlawful for any person to remove the carcasses of dead animals from his premises to the premises of any other person without the written permission of the person having charge of such premises and without burying said carcasses as above provided.
  - (4) The governing body of each municipality shall designate some appropriate person whose duty it shall be to provide for the removal and disposal, according to the provisions of this section, of any dead domesticated animals located within the limits of the municipality when the owner or owners of said animals cannot be determined. All costs incurred by a municipality or county in the removal of a dead domesticated animal shall be recoverable from the owner of such animal upon admission of ownership or identification. Penalty \$50.00, see § 10.99

Reference: [GS§106-403]

- (B) Disposition of dead wild animals (road kill and the like)
- (1) Dead animals will be removed by the town during a regular day scheduled workday. (Ord. passed 12-8-92)
  - (2) Weekend and holiday removal is by request.

**§50.12 Recycle/Convenience Site**

- (A) Utilization of the recycle site for the deposition of recyclable materials and yard debris is limited to the residents and property owners within the corporation limits of the town in accord with the following regulations and restrictions:
- (1) Every person authorized to use the recycle site shall be required to obtain from the Town Clerk a decal which shall be displayed or available upon request for inspection by a person duly authorized by the town to oversee the functioning of the recycle site.
  - (2) Occupants of residential dwellings within the corporate limits of the town may deposit recyclable materials and yard debris which are customarily accumulated by the occupants of residential dwelling as a result of customary activities engaged in by occupants of residential dwellings.
  - (3) It shall be unlawful for any person to deposit at the recycle site any type of household garbage.

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- (4) Yard debris shall be deposited as scheduled by the Board of Commissioners. (Ord. passed 12-8-92; Am. Ord. passed 7-11-00)
- (B) As a convenience to the property owner, Town Services will pick up yard debris on a periodic basis (approximately).
  - (1) Bundling of small limbs and brush is encouraged.
  - (2) Loose debris is to be placed in clear plastic garbage bags.
  - (3) Volume is limited to approximately five (5) cubic yards of material (one "pickup truck load approx.).
  - (4) Unprepared and/or larger volumes placed in the road right of way shall be considered littering and handled according to §50.04.

**§50.13 Garbage Receptacles,**

- (A) General Requirements
  - (1) The area around all refuse containers shall be kept clean of all trash and garbage.
  - (2) The area around all refuse containers shall be kept in good repair. They shall be replaced when broken or deteriorated.
  - (3) The opening for removal of trash shall allow for a clearance of 18 inches on each side.
  - (4) Commercial establishments adjoining residential areas shall locate their refuse containers at the furthestmost practical location from the residential area. (Ord. passed 12-8-92; Am. Ord. passed 4-10-01) penalty,\$50.00, see § 10.99
- (B) Residential Requirements
  - (1) All garbage receptacles shall be provided with a tight-fitting cover.
  - (2) Garbage receptacle placed in open areas must be contained in a manner sufficient to anchor such receptacles during high winds.
  - (3) Each residential dwelling shall be limited to the collection of one garbage receptacles per each scheduled collection.
  - (4) All garbage shall be enclosed with s plastic garbage bag which shall be placed in the garbage receptacle.
  - (5) Exposed accumulations of trash, garbage and debris at residential dwellings posing a threat to the health, safety or welfare of the owner/occupant and neighbors shall not be permitted penalty,\$50.00, see § 10.99
  - (6) It is the responsibility of the property owner to place the garbage receptacle at the street for scheduled pickup and return it to the premises.
- (C) Commercial Requirements (Theses provisions shall apply to both public and private refuse containers).
  - (1) It shall be the responsibility of the occupant of every building or premises engaged in commercial activities which produces garbage and trash to make provisions for the removal of the garbage and trash accumulated. No garbage or trash shall be allowed to accumulate in such a manner as to become a menace to health or cleanliness. Accumulated garbage and trash shall be disposed of with such frequency as is necessary to comply with the requirements and regulations and intent of this section.
  - (2) The occupant of every building or premises engaged in commercial activity which produces garbage and trash in excess of the capacity of one, 40 gallon, garbage receptacles within a two-day period shall be required to provide

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adequate dumpsters. Each dumpster shall be leak-proof and shall be equipped with a lid.

- (3) The installation and placement of these garbage receptacles and dumpsters must meet all regulations of the County Health Department.
- (4) All refuse containers shall have appropriate guard posts, two per side. Guard posts shall be four inch standard filled with concrete.
- (5) Refuse containers shall be placed on a concrete pad.
- (6) All refuse containers shall be screened on three sides to a height at least one foot above the top of a container and the open side shall not be visible from the street.
- (7) *Refuse Container cluster.* Individual screening or refuse container clusters will not be required. Instead, the entire site will be fenced to prevent dispersal of loose trash. Either a solid or chain-like fence may be used.
- (8) Chain-link fences must be screened to an opacity factor of 90%.
- (9) Fences shall be constructed with light impervious materials and shall be painted or stained to blend with the surrounding landscape.
- (10) Fences, screens and plant materials will be kept in good repair or condition at all times.