



**ORDINANCE TO PROVIDE FOR THE REMOVAL OF
TRASH, GARBAGE, LITTER AND DEBRIS**

<u>SECTION 1. DEFINITIONS</u>	Page 2
<u>SECTION 2. STREETS, HIGHWAYS, PUBLIC AND PRIVATE PROPERTY</u>	Page 3
<u>SECTION 3. PREMISES, VACANT LOTS AND LAND</u>	Page 3
<u>SECTION 4. ADMINISTRATION</u>	Page 3
<u>SECTION 5. ENFORCEMENT</u>	Page 3
<u>SECTION 6. CONFLICT WITH OTHER LAWS</u>	Page 4
<u>SECTION 7. SEVERABILITY</u>	Page 4
<u>SECTION 8. EFFECTIVE DATE</u>	Page 4



ORDINANCE TO PROVIDE FOR THE REMOVAL OF TRASH, GARBAGE, LITTER AND DEBRIS

Whereas, North Carolina General Statute 153A-121(a) grants to counties general authority to define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety or welfare of its citizens; and

Whereas, North Carolina General Statute 153A-136 grants to counties authority to regulate by ordinance the disposal of solid waste within the County, and

Whereas, North Carolina General Statute 153A-132.1 grants to counties authority to provide for the removal and disposal of trash, garbage, litter and debris; and

Whereas, on August 16, 1969, the Mecklenburg county Board of Health adopted an ordinance entitled "Regulations Governing the Storage, Collection, Transporting, and Disposal of Solid Waste in Mecklenburg County"; and

Whereas, said regulations adopted by the Mecklenburg County Board of Health on August 16, 1969, do not provide for the imposition of fines and civil penalties for the scattering or accumulating of trash, garbage, litter and debris, and other forms of refuse, unless the same shall constitute a breeding place for rats, vermin or mosquitoes; and

Whereas, the purpose of this Ordinance is not to supersede the regulations adopted by the Mecklenburg County Board of Health on August 16, 1969, but to enhance the scope of those regulations in order to protect the health, safety and welfare of the citizens of Mecklenburg County.

NOW, THEREFORE, BE IT ORDAINED BY MECKLENBURG COUNTY THAT:

SECTION 1. Definitions

The following definitions shall apply in the interpretation and enforcement of this ordinance:

- a) **Trash**-The term trash shall mean any accumulation of waste materials no longer of any use, including but not limited to paper, sweepings, dust, rags, bottles, cans, cardboard, excelsior, grass or shrubbery cuttings, leaf rakings, etc.
- b) **Debris**-The term debris shall mean the worthless remains that result from the destruction or breaking down of anything.
- c) **Garbage**-The term garbage shall mean the refuse of animal or vegetable matter from a kitchen, market, or store.
- d) **Litter**-The term litter shall mean worthless rubbish or refuse scattered about.
- e) **Refuse**-The term refuse shall mean material rejected or thrown aside as worthless.

SECTION 2. It shall be unlawful for any person, firm or corporation to place, discard, dispose, leave or dump any trash, debris, garbage, litter, or refuse upon a street or highway located within the ordinance making jurisdiction of Mecklenburg County or upon publically or privately owned property unless such trash, debris, garbage, litter, or refuse is placed in a designated location or container for removal by a specific garbage or trash service collector or unless such trash, debris, garbage, litter or refuse is deposited in an approved landfill site.

SECTION 3. It shall be unlawful for any person, firm, or corporation to own or maintain premises, including vacant lots or lands, within the ordinance making jurisdiction of Mecklenburg County upon which trash, debris, garbage, litter or refuse has been placed, deposited, discarded or dumped. Unless such trash, debris, garbage, litter or refuse is placed in a designated location or container for removal by a specific garbage or trash service collector.

SECTION 4. Administration

The administration and enforcement of this ordinance shall be the duty of those County employees charged with the administration and enforcement of this ordinance by the Mecklenburg County Board of County Commissioners.

SECTION 5. Enforcement

This ordinance may be enforced in any of the following manners as prescribed by law:

a) Violation a misdemeanor-Any person, firm or corporation who violates any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) and/or imprisoned not exceeding thirty (30) days. Each day that a violation continues to exist shall be considered to be a separate offense.

b) Injunction and Order of Abatement-The provisions of this ordinance may be enforced by injunction and order of abatement. When a violation of this ordinance occurs, Mecklenburg County, through the County Attorney or other official designated by the Board of County Commissioners of Mecklenburg County, may apply to the appropriate division of the General Court of Justice for a mandatory and prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon the property.

If the defendant fails or refuses to comply with the injunction or order of abatement within the time allowed by the Court, he may be cited for contempt and Mecklenburg County may execute the order of abatement as provided in G.S. 153A-123(e). If the County executes the order, the costs of execution shall constitute a lien on the property as provided in G.S. 153A-123(e).

c) Other remedies. The provisions of this ordinance may be enforced in any other manner set forth in G. S. 153A-123.

SECTION 6. Conflict with Other laws. It is not intended that this ordinance repeals, abrogates, annuls or in any way impairs or interferes with any existing ordinances or regulations of the Mecklenburg County Board of county Commissioners or the Mecklenburg County Board of Health.

SECTION 7. Severability. Should any section of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 8. This ordinance shall be in full force and effect from and after its date of ratification.

Ratified this the 4th day of August, 1980.

For more information contact Tyrone Wade
980-314-2908 | TyroneC.Wade@MecklenburgCountyNC.Gov