

## CHAPTER 96: LITTERING

### Section

- [96.01](#) Application of provisions to municipalities
- [96.02](#) Definitions
- [96.03](#) Depositing litter on public and private property
- [96.04](#) Placing or dumping litter on private property
- [96.05](#) Provision of solid waste containers or dumpsters
- [96.06](#) Releasing Balloons within Unincorporated Dare County
- [96.07](#) Exceptions
  
- [96.99](#) Penalty

### § 96.01 APPLICATION OF PROVISIONS TO MUNICIPALITIES.

This chapter shall be effective within the corporate limits and extraterritorial jurisdiction of any municipality within the county which shall so agree by appropriate resolution.

(Prior Code, § 96.01) (Ord. passed 7-20-1970)

### § 96.02 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BALLOON.** *A flexible, nonporous bag made from materials such as, but not limited to, rubber, latex, polychloroprene, mylar, or nylon fabric that can be inflated or filled with gas or fluid, such as helium, hydrogen, nitrous oxide, oxygen, air, or water, and then sealed at the neck of the bag. Dare County does not recognize any balloon as "biodegradable or photodegradable".*

**BROWN GOODS.** Mattresses, sofas, tables, chairs, televisions, electronic equipment and any other furniture or consumer goods of this nature.

**CONTAINER.** A plastic receptacle with a lid used for the disposal and storage of solid waste.

**DUMPSTER.** A stationary solid waste container which requires mechanical pick up by customized loading vehicles, including roll-off containers for the disposal of construction debris.

**LITTER.** Any amount of organic or inorganic waste material, crab and fish scraps including mollusk shells, debris, rubbish, refuse, garbage, trash, plastic, hulls, peelings, debris, metal or glass product containers, cardboard, tires, dead animals, motor vehicle

parts, boats and boat engine parts, travel trailers or recreational vehicles, mobile homes, brown goods, white goods, motor oil, batteries, agrichemical containers, scrap metal, wood or lumber, construction debris, *balloons*, or anything else which has been discarded, dismantled, abandoned, or otherwise disposed of improperly.

**WHITE GOODS.** Refrigerators, stoves, water heaters, washing machines, dryers, dishwashers, and any other scrap metals or goods of this nature.

(Adopted 5-16-2011)

### **§ 96.03 DEPOSITING LITTER ON PUBLIC AND PRIVATE PROPERTY.**

No person shall place, deposit, or dump any litter on any public highway, roadway, lane, avenue, street, right-of-way, public property, or on the property of another in unincorporated Dare County.

(Prior Code, § 96.02) (Ord. passed 7-20-1970; amended 5-16-2011) Penalty, see § [96.99](#)

### **§ 96.04 PLACING OR DUMPING LITTER ON PRIVATE PROPERTY.**

No person shall place or dump any litter on his or her property or property under his or her control.

(Prior Code, § 96.03) (Ord. passed 7-20-1970; amended 5-16-2011) Penalty, see § [96.99](#)

### **§ 96.05 PROVISION OF SOLID WASTE CONTAINERS OR DUMPSTERS.**

It shall be the responsibility of each property owner of improved property and/or business owner in unincorporated Dare County to provide at least 1 solid waste container or dumpster on site of their property or business for the storage and collection of solid waste. The appropriate number of containers and/or dumpsters shall be as determined by the Dare County Public Works Department for the appropriate land use and scope of use of the subject property. Such containers and dumpsters shall be properly maintained to provide for servicing by the Dare County Public Works Department. Failure to provide solid waste containers or dumpsters shall constitute a violation of this chapter. Written notice to the property owner or business owner in question shall be provided by Dare County and shall identify the type of solid waste container that is needed and the number that is needed. Failure to respond to the notice within 10 calendar days of the date of the notice shall be subject to a fine of \$50 per day of non-compliance.

(Adopted 5-16-2011)

### **§ 96.06 RELEASING BALLOONS WITHING UNINCORPORATED DARE COUNTY**

*It shall be unlawful for any person, firm, nonprofit organization, or corporation to knowingly and intentionally release, participate in the release of, intentionally cause to be released, to litter by abandoning and not properly disposing of all waste material, any type of balloon inflated with a liquid, air, or gas within the limits of Unincorporated Dare*

*County, any waters within the zoning jurisdiction of Unincorporated Dare County, or the beach and/or dune areas within Unincorporated Dare County. The following are not violations of the Section:*

- (A) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.*
- (B) Hot air balloons that are recovered after launching.*
- (C) Balloons released inside a building or structure that do not make their way into the open air.*

#### **§ 96.07 EXCEPTIONS.**

These regulations shall not apply to those authorized items that are placed along any public right-of-way of any street or road in conjunction with the large item pick-up activities conducted by the Dare County Public Works Department. This exception shall apply for a period of 3 days prior to any scheduled large item pick-up for a community or village of unincorporated Dare County. The placement of unauthorized items on any right-of-way shall be a violation of this chapter ordinance and subject to the provision of § [96.99](#). A listing of items authorized for large item pick-up can be obtained from the Dare County Public Works Department.

(Adopted 5-16-2011)

#### **§ 96.99 PENALTY.**

(A) Any person found to be in violation of §§ [96.03](#) and/or [96.04](#) shall be notified in writing by Dare County personnel. Such notice shall state the particulars of the violation and identify the items deposited on the site, the date on which the violation occurred, and state that such person has 5 calendar days from the date of the notice in which to remove the items to the Dare County landfill or other approved disposal site. If the person responsible for the litter is a tenant, occupant or lessee of the property, then written notice shall be provided to the property owner of record as listed on the Dare County tax files. The property owner of record shall be responsible for the proper disposal of the items deposited on the site or on any abutting right-of-way of the property.

(B) Failure to correct the violation as described in the notice within the 5-day period shall result in removal of the litter by Dare County personnel for proper disposal. A fine of \$200 plus the cost of disposal and tipping fees shall be charged for disposal of the litter by Dare County personnel and a bill provided to the property owner of record for the site upon which the violation occurred. Failure to reimburse Dare County within 30 calendar days shall constitute a lien against the property upon which the violation occurred. The lien shall be filed with the Dare County Tax Collector and collected in the same manner as provided for the collection of ad valorem taxes. Each separate violation shall constitute a separate offense and shall be treated accordingly with disposal fines calculated for each separate offense.

*(C) Any person found to be in violation of §§ 96.06 shall be subject to a civil penalty in the amount of \$250.00 to be recovered by Dare County in a civil action in the nature of debt if the offender does not pay the penalty within ten days after having been cited for violation of the ordinance.*

(Prior Code, § 96.04) (Ord. passed 7-20-1970; amended 5-16-2011)