

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING SECTIONS 11-29 OF THE CURRITUCK COUNTY CODE OF**
3 **ORDINANCES**

4 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,
5 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or
6 welfare of its citizens and the peace and dignity of the county;

7 WHEREAS, pursuant to N.C. Gen. Stat. §153A-132.1, a county may by ordinance
8 govern the removal, method or manner of disposal, depositing or dumping of any trash, debris,
9 litter, discarded cans or receptacles or any waste matter whatsoever;

10 WHEREAS, pursuant to N.C. Gen. Stat. §130A-309.09A, each unit of local government
11 shall implement programs and take other actions that it determines are necessary to address
12 deficiencies in local solid waste collection service or capacity required to meet local needs and to
13 protect human health and the environment;

14 WHEREAS, Currituck County's northern beaches are rich with wildlife, specifically wild
15 horses and other animals; and

16 WHEREAS, human contact with these animals pose substantial risks for both humans
17 and the animals; and

18 WHEREAS, solid waste receptacles and enclosed structures that are inadequate to protect
19 its contents from animals such as wild horses draw these animals into residential areas,
20 increasing the likelihood of contact with humans, and the likelihood animals would ingest the
21 contents of the receptacles; and

22 WHEREAS, the County of Currituck desires to amend the existing ordinance to require
23 that enclosed structures include sufficient animal proof qualities and are made of components
24 that limit animal exposure to solid waste and human interaction.

25 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the
26 County of Currituck, North Carolina as follows:

27 PART I. **Sec. 11-29** of The Code of Ordinances, Currituck County, North Carolina is amended
28 to read as follows:

29 Sec. 11-29. Enclosure of roll-out carts; SFR zoning district.

30 (A)The owner of any property in the SFR zoning district shall construct an enclosure in
31 which to store solid waste receptacles. Such enclosure shall be four-sided and constructed
32 of wood, concrete, block, brick or other material as approved by the building inspector.
33 Such enclosure shall allow for ventilation and accessibility by the sanitation company.
34 The enclosure shall be placed within four feet of the right-of-way. The enclosure shall be

1 constructed within 60 days of the adoption of the ordinance from which this section
2 derives.

3 (B) This section shall only apply to those owners, occupants, tenants, or lessees utilizing a
4 commercial service pick-up. Any owner, occupant, tenant, or lessee disposing of his or
5 her own solid waste at a county solid-waste facility shall not be required to construct an
6 enclosure in which to store solid waste receptacles.

7 (C) The enclosure shall be non-reflective, non-shiny black or brown or green structure
8 resistant to rust, corrosion, or rapid deterioration, with a bottom and sides that are of
9 sufficient size and strength to prevent wind, animals, or fowl from spilling solid wastes
10 from the receptacles stored therein. Said enclosed area shall be constructed so as to keep
11 the bottom of the receptacles off the ground and shall have a cover over the top of the
12 structure that will prevent weather elements from directly entering the Enclosed
13 Structure. This Enclosed Structure must be one which is:

14 (1) Specifically designed and marketed by its manufacturer as being animal proof or
15 animal resistant by virtue of containing qualities and features specifically
16 designed to prevent animals from accessing its contents; or

17 (2) Is approved by the Public Works Director or his or her designee as having
18 sufficient animal resistant qualities or features.

19 (D) Solid waste receptacles that meet the requirements of this ordinance need not be placed in
20 an Enclosed Structure if they are placed curbside no earlier than 6:00 A.M. the morning
21 of trash pickup, except that the Public Works Director or his or her designee may require
22 a solid waste receptacle that otherwise meets this requirement to be placed within the
23 Enclosed Structure if its contents are spilled on more than one (1) occasion. Solid waste
24 receptacles not placed within an Enclosed Structure shall be removed from the curb by
25 the property owner by the end of each day of trash pickup.

26 (E) Any Enclosed Structure or solid waste receptacle that does not meet the requirements of
27 this ordinance on or before January 1, 2024 shall be excluded from- and ineligible for-
28 receiving any contracted solid waste disposal service from the County of Currituck.

29 (F) Any Enclosed Structure that has become dilapidated, rotten, rusted, or fallen into a state
30 of disrepair or disuse shall be removed from the property by the property owner.

31 (G)Enforcement

32 (1) Civil Penalty. Any person who is found in violation of this chapter shall be
33 subject to a civil penalty of not to exceed \$500.00 as provided in N.C.G.S.
34 §153A-123. Each day's violation shall be treated as a separate offense.


1 (2) Remedies. This section may be enforced by equitable remedies, and any unlawful
2 condition existing or in violation of this chapter may be enforced by injunction
3 and order of abatement in accordance with N.C.G.S. §153A-123.

4 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

5 PART III. This ordinance is effective six (6) months after its adoption.

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7 ORDINANCE PASSED first reading December 4, 2023.

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9 ADOPTED this 18th day of December, 2023.

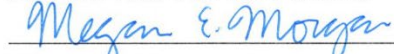
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11 
12 _____
13 Bob White, Chairman

14
15 ATTEST:


16 
17 Lecann Walton, Clerk to the Board



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19
20 APPROVED AS TO FORM:

21 
22 Megan E. Morgan, County Attorney

23
24 Date adopted: 12.18.2023

25
26 Motion to adopt by Commissioner 

27 Second by Commissioner 

28 Vote: 5 AYES 0 NAYS