

**Ordinance No. 2020-9**

**VILLAGE OF SUGAR MOUNTAIN**

**AN ORDINANCE TO AMEND CHAPTER 90: NUISANCES**

**WHEREAS**, the Village of Sugar Mountain is a Municipal Corporation and political subdivision of the State of North Carolina; and

**WHEREAS**, the Village of Sugar Mountain desires to maintain a high standard for the quality of life for its citizens, visitors, and guests; and

**WHEREAS**, North Carolina General Statutes § 160A-174 authorizes the Village of Sugar Mountain to enact ordinances and regulations to promote the health, welfare, and safety of the Village of Sugar Mountain; and

**WHEREAS**, the Village of Sugar Mountain is a rural, mountain community that is rich with wildlife, including raccoons, bears, and other animals; and

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

**WHEREAS**, solid waste receptacles and enclosed structures that are inadequate to protect its contents from animals such as bears and raccoons draw these animals into residential areas of the Village of Sugar Mountain and increase the likelihood of contact with humans; and

**WHEREAS**, wooden enclosed structures are susceptible to decay from the elements and can be easily destroyed and accessed by large animals such as bears; and

**WHEREAS**, when bears and other animals interact with solid waste receptacles and enclosed structures of inadequate construction or materials, such as deteriorated wood, trash and other rubbish is often left discarded by the animal on the streets and in and around the properties within the Village of Sugar Mountain; and

**WHEREAS**, the Village of Sugar Mountain currently has an ordinance which sets forth the type of solid waste receptacles and enclosed structures that must be provided by property owners in Chapter 90 of its Code of Ordinances; and

**WHEREAS**, many of the wooden enclosures located throughout the Village of Sugar Mountain have fallen into a state of disrepair as wood will do when exposed to the elements over the course of time; and

**WHEREAS**, the Village of Sugar Mountain desires to amend the existing ordinance to require that enclosed structures include sufficient bear proof qualities and be made of components other than wood in order to limit animal exposure to solid waste and human interaction.

NOW THEREFORE be it resolved by the Town Council of the Village of Sugar Mountain as follows:

SECTION I. Title IX, Chapter 90.08: Property Owners Provide Adequate Solid Waste Receptacles, of the Village of Sugar Mountain Code of Ordinances is hereby amended to read as follows:

(A) The property owner of any property receiving contracted solid waste disposal service from the village shall be responsible at his or her own cost for providing an adequate number of solid waste receptacles to store the solid waste generated by activities taking place on their property between scheduled pick-ups. The receptacles shall meet the minimum standards, be stored in an enclosed area, and screened in accordance with the provisions in this section.

(B) The solid waste receptacles required by this section shall not exceed a maximum capacity of 35 gallons. The receptacles shall be made of galvanized metal, plastic, rubber, or other material resistant to rust, corrosion, or rapid deterioration. Each receptacle shall be watertight, have two handles, and shall be covered with a tight-fitting cover at all times. All receptacles shall be located within an Enclosed Structure. Solid waste disposal service will not be provided for any receptacle not located within an enclosed structure as herein defined.

(C) An Enclosed Structure is defined as a non-reflective, non-shiny black or brown metal structure with a bottom and sides that are of sufficient size and strength to prevent wind, animals, or fowl from spilling solid wastes from the receptacles stored therein, and shall have a . Said enclosed area shall be constructed so as to keep the bottom of the receptacles off the ground and shall have a cover over the top of the structure that will prevent weather elements from directly entering the enclosed structure.. This Enclosed Structure must be one which is:

(1) Specifically designed and marketed by its manufacturer as being bear proof or bear resistant by virtue of containing qualities and features specifically designed to prevent bears from accessing its contents; or

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

(D) Pre-existing wooden Enclosed Structures. Any currently existing Enclosed Structure that is comprised primarily of wood components that is not replaced with an Enclosed Structure as described herein on or before December 1, 2021 shall be excluded from – and ineligible for – receiving any contracted solid waste disposal service the Village of Sugar Mountain after this date.

(E) Any Enclosed Structures which have become dilapidated, rotten, rusted, or fallen into a state of disrepair or disuse shall be removed from the property by the property owner.

SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Village of Sugar Mountain Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of the Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council for the Village of Sugar Mountain, North Carolina, at which a quorum was present and which was held on the \_\_\_\_ day of \_\_\_\_\_, 2020.

ADOPTED this the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Gunther Jochl, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Tammy Floyd  
Clerk to the Board