

Ordinance No. 2021-2

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, when bears and other animals interact with solid waste receptacles and enclosed structures of inadequate construction or materials, 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 enclosures located throughout the Village of Sugar Mountain have fallen into a state of disrepair; and

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

NOW THEREFORE be it resolved by the Village 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 except as otherwise set forth herein.

(C) An Enclosed Structure is defined as a non-reflective, non-shiny black or brown or green structure resistant to rust, corrosion, or rapid deterioration, 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. 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) Solid waste receptacles that meet the requirements of this ordinance need not be placed in an Enclosed Structure if they are placed curbside no earlier than 6:30 A.M. the morning of trash pickup, except that the Public Works Director or his or her designee may require a solid waste receptacle that otherwise meets this requirement to be placed within an Enclosed Structure if its contents are spilled on one (1) occasion. Solid waste receptacles not placed within an enclosed structure shall be removed from the curb by the property owner by the end of each day of trash pickup.

(E) All solid waste shall be bagged and placed into a solid waste receptacle. Bagged solid waste that is not placed into a solid waste receptacle after December 1, 2021 shall be excluded from receiving any contracted solid waste disposal service from the Village of Sugar Mountain.

(F) Any Enclosed Structure or solid waste receptacle that does not meet the requirements of this ordinance on or before December 1, 2021 shall be excluded from – and ineligible for – receiving any contracted solid waste disposal service from the Village of Sugar Mountain after this date.

(G) 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 19th day of January 2021.

ADOPTED this the 19th day of January, 2021.

Gunther Jochl, Mayor

ATTEST:

_____(SEAL)
Tammy Floyd
Clerk to the Board