



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

2011-07-01

ORDINANCE AMENDING CHAPTER 26 AND CHAPTER 28 OF THE TOWN CODE OF THE TOWN OF SOUTHERN SHORES

WHEREAS, the Town of Southern Shores (the "Town") may enact and amend ordinances to protect the health, safety, and welfare of its citizens under North Carolina General Statute § 160A-174; and

WHEREAS, the Town Council finds that it is in the interest of the public's health, safety, morals and general welfare that the Town Code be amended as stated below.

WHEREAS for purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing Town Code language.

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Town's Code of Ordinances are hereby amended as follows:

Part I. Chapter 26, Section 26-12 is amended as follows:

Sec. 26-12. Storage of solid waste and trash.

(a) No ~~solid waste, trash,~~ yard trimming waste, leaves, tree and shrubbery trimmings, ~~solid waste or recycling receptacle, or bulk container~~ shall be placed within the ~~vehicular travel-way or drainage ditch~~ right-of-way or on the paved portion of any street.

(b) Any unauthorized accumulation of solid waste on any lot, property, premises, public street, or other public or private place is prohibited. Failure of the owner or occupant, after notice of violation, to remove and correct any such unauthorized accumulation of solid waste shall be deemed a violation of this chapter or other chapters of this Code. See also sections 22-39 through 22-43.

(c) Receptacles shall not be overfilled. The lids must be closed to prevent contents from blowing due to strong winds, or scattering caused by foraging animals.

(d) It shall be unlawful for any person to leave outside any building or dwelling, in a place accessible to children, any appliance, refrigerator or other container of any kind which has an airtight door or cover with a snap lock or latch without first removing the lock or latch, door or cover from the appliance, refrigerator or container.

(e) Yard trimming waste that is approved for chipping by the town may be temporarily placed in the street right-of-way in accordance with the Town's current chipping policy.

(Code 1988, § 8-12; Ord. of 4-2-2002)

State Law References: Discarding or abandoning iceboxes, G.S. 14-318.1.

Part II. Chapter 28, Section 28-2 is amended as follows:

Sec. 28-2. Obstructions in street and highway right-of-way declared public nuisances.

(a) All obstructions within the right-of-way of all streets and highways in the town are hereby declared public nuisances. All obstructions located within four feet of any asphalt or otherwise improved roadway owned or maintained by the town is hereby prohibited and shall be removed immediately upon written notification from the town manager. For purposes of this chapter, the term "right-of-way" is defined as any street, or that area between two or more property lines, that is owned or maintained by the town and is regularly used, wholly or in part, for pedestrian or nonvehicular traffic (including, but not limited to, a multiuse path). The town is not responsible for any damage incurred to any obstruction in any street, or that area between two or more property lines, that is owned or maintained by the town and is regularly used, wholly or in part, for pedestrian or nonvehicular traffic (including, but not limited to, a multiuse path).

(b) The following obstructions are exempt from this section:

(1) Commercially available newspaper and mailboxes.

(2) Garbage/recycling containers, branches/brush, and other items temporarily placed on the right-of-way for scheduled pickup at times designated by the town.

~~(3) Temporary storage of town provided wood chips requested by property owners is allowed for no more than 30 days after delivery. Failure to remove or spread chips will result in action specified in section 28-5. Violators will no longer be provided chips.~~

(4) Property numbers on posts, as allowed by section 24-60.

(5) Driveway aprons and any minimum necessary accessory structures.

(c) For the purposes of this section, the term "obstruction" means and is defined as any object, building or sign, whether manmade or natural including, without limitation, vehicles and trailers, dirt and sand berms, fences, yard decorations, stakes, poles, posts, bulkheads, large stones/rocks and concrete or other masonry walls.

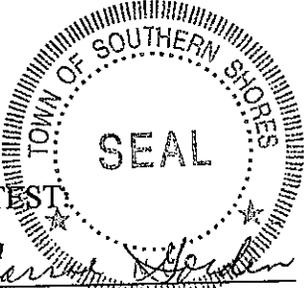
(d) This section shall not apply to self-propelled motor vehicles displaying town parking permits, which may be legally parked in right-of-way parking areas, established in accordance with section 20-146.

(e) Placement of signs on the town right-of-way and private property is regulated by section 36-165.

(f) Except for those obstructions listed in subsection (b) of this section, no obstruction may be placed within four feet of the improved surface of a public roadway. (Code 1988, § 6-201; Ord. No. 02-09-021, pt. 2, 9-3-2002; Ord. No. 04-07-02, art. III, 8-3-2004)

Part III. Effective Date.

This ordinance shall be in full force and effective from and after the 5th day of July, 2011.

ATTEST:

Carrie Gordin
Carrie Gordin, Town Clerk

Jodi Hess
Jodi Hess, Mayor Pro Tem (Presiding)

Date: July 5, 2011
Vote: 4 Ayes 0 Nays