

**AN ORDINANCE TO MODIFY REGULATIONS TO THE  
TOWN OF HUNTERSVILLE CODE OF ORDINANCES,  
TITLE IX, GENERAL REGULATIONS CHAPTER 93: LITTERING**

*Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the Code of Ordinance is hereby amended, as follows:*

**§ 93.25 DEFINITIONS.**

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

**COMMERCIAL VEHICLE.** A vehicle that is owned or used by a business, corporation, association, partnership or sole proprietorship or any other entity conducting business for economic gain.

**LITTER.** Any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper product, tire, appliance, mechanical equipment or part, building or construction material or discarded material, or any other material defined as litter by North Carolina General Statute section 14-399(i)(1), or in any form resulting from domestic, industrial, commercial, mining, agricultural or government operations. **LITTER** does not include political pamphlets, handbills, religious tracts, newspapers or other printed materials that unsolicited distribution of which is protected by the Constitution of the United States and North Carolina provided that it is being used for and distributed in accordance with its intended use. Intended use shall mean that its distribution is made in such a manner as is calculated to reach its intended recipient and not in a manner that it is reasonably likely to be blown or scattered about.

**VEHICLE.** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks. A bicycle shall be deemed a vehicle and every rider of a bicycle upon a highway shall be subject to the same provisions as a vehicle. Exceptions to the definitions of a vehicle are the same as those defined in G.S. § 20-4.01(49).

**PERSON.** An individual person or any firm, organization, private or public corporation, institution or governing body or its or their agents.

**§ 93.26 LITTERING PROHIBITED.**

(A) It shall be unlawful for any person to ~~intentionally or recklessly~~ throw, scatter, spill or place or to cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property or private property not owned by such person ~~street, sidewalk or~~

~~public right-of-way~~ within the Town of Huntersville, subject to the exceptions set forth in Sec. 93.27.

(B) It shall be unlawful for any person ~~to, firm or corporation to intentionally or recklessly~~ cause or allow litter to be blown, scattered, spilled, thrown, placed or otherwise disposed of from any private or commercial vehicle upon any public right-of-way within the Town of Huntersville.

(C) When litter is blown, scattered, spilled, thrown or placed from a vehicle, the operator thereof shall be presumed to have committed the offense.

(D) Subsection (A) of this section does not apply to the accidental blowing, scattering, or spilling of an insignificant amount of municipal waste, as defined in G.S. 130-290(18a), during the automated loading of a vehicle designed and constructed to transport municipal solid waste if the vehicle is operated in a reasonable manner and according to manufacturer specifications.

Penalty, see § 93.99

#### **§ 93.27 EXCEPTIONS.**

The following provisions are exceptions to this subchapter:

(A) Property inside the Town of Huntersville that is designated by the state or political subdivision thereof for the disposal of garbage or refuse, and such person is authorized to use such property for such purpose;

(B) When placing litter into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements and the receptacle is designated for the disposal of litter;

(C) Vehicles transporting agricultural products or supplies when the litter from the vehicle is a nontoxic, biodegradable agricultural product.

***Section 2. That this Ordinance shall become effective upon approval.***

APPROVED AS TO FORM:

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Robert B. Blythe, Town Attorney