



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that Chapter 30, Solid Waste Management, of the Code of Ordinances shall be amended as follows:

PART I. That **Section 35-1, Definitions**, be amended as follows:

Refuse Receptacles

1) Rollout cart means a plastic container of substantial construction with a tight-fitting lid, having a capacity of 90 gallons, equipped with wheels and designed to be picked up curbside by an automated style garbage truck. Rollout carts under this definition are those issued by the Town to the property owners and may not be disfigured in any manner except to allow for numbers on the back side of the automated cart in white stick on or stenciled on numbers of no less than two inches high, nor more than four inches high.


PART II. That **Section 35-4, Type and size of refuse containers**.

b) All single-family residences and each unit of a duplex located anywhere within the town limits unless otherwise excluded by the public works director, will utilize a rollout cart for the placement of refuse for pickup by the town. A minimum of one rollout cart is required at each single-family residence and at each unit of a duplex. All seasonal rental units must provide one rollout cart for every two bedrooms. The maximum number of rollout carts allowed will be determined by the number of rollout carts required to maintain total compliance with this chapter. The property owner will be responsible for replacing rollout carts that have been lost, or stolen, or damaged unless such damage is covered under warranty and within the warranty period of ten years, or unless caused by sanitation services at no fault of the property owner. Property owners are also responsible for replacing rollout carts that are older than 10 years. Additional rollout carts necessary to comply with this chapter must be purchased by the property owner.

PART III. That **Section 35-5, Refuse Receptacles to be Safe**, be amended as follows:

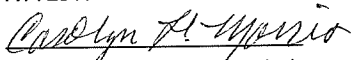
a) All refuse receptacles, including rollout carts, as required in this chapter shall be of safe construction and shall be maintained in a good, serviceable and sanitary condition at all times. Any refuse receptacle which does not conform to the provisions of this chapter or which has ragged or sharp edges or other defects likely to hamper or injure the person collecting contents thereof, or the public generally, shall be promptly replaced or repaired upon notice. If such refuse receptacle, after due and proper notice, has not been replaced or repaired within 30 days, the Sanitation Division of the Public Works Department shall have the authority to remove such receptacle as refuse.

PART IV. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
This ordinance shall be in full force and effect from and after the 4th day of January 2012.



Robert O. Oakes, Jr., Mayor
Town of Nags Head

ATTEST:



Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney



Date adopted: January 4, 2012

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS