

GENERAL ORDINANCES

ARTICLE FOUR- LITTERING

The General Ordinance provisions are enacted by the Village of Lake Park pursuant to North Carolina General Statute Section 160A-174 for purposes of defining, prohibiting, regulating or abating acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the village.

SECTION ONE- DEFINITIONS

- (A) General Rule- Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- (B) For the purposes of this code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMON AREA. Any area that is designated as a common area by the Village of Lake Park within its corporate limits on the most recent map of the Village as is maintained in the office of the Clerk for the Village of Lake Park.

LITTER. Any trash, refuse, garbage, building material, food product, cans, bottles, broken glass, paper, rubbish, container, wrapper, tire, appliance, tool, wood, mechanical parts, grains, seeds, breads, crackers, food waste products or any other type of litter. Litter shall not include those items left out for collection by a waste collection contractor within 24 hours on a designated collection day, signs posted for the advertisement of services or political campaigns or any written material the unsolicited distribution of which is protected by the Constitution the State of North Carolina or the Constitution of the United States of America.

SECTION TWO- PROHIBITIONS

- (A). It shall be unlawful for any person to throw or deposit litter upon any street, sidewalk, crosswalk, park, pond, common area or private property.

SECTION THREE- ENFORCEMENT

(A). The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this Article. A warning, either verbal or written, may, but is not required to, be issued upon a first incident. A citation for a second or subsequent violation shall be issued. Nothing in this Chapter shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties.

(B). Violations of this ordinance shall not be punishable as criminal violations. Violations of this ordinance shall subject the person cited or those otherwise responsible for the person to a civil penalty in the amount of \$50.00 upon the issuance of a citation. If a citation is issued to a minor child for a violation of this ordinance, the minor child's parent or guardian shall be

responsible for the payment of the penalty. The civil penalty shall be paid within 48 business hours of its issuance as directed upon the citation form. The failure to pay the penalty shall authorize the Village to initiate civil action against the person or those otherwise responsible for the person to establish a debt to the Village.

SECTION FOUR- CONFLICT OF LAWS

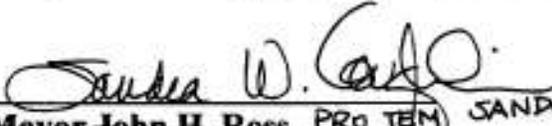
If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.

SECTION FIVE- SEVERABILITY

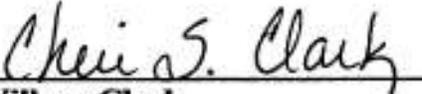
If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

This Ordinance shall be effective upon its adoption by the Village Council.

Adopted this the 12th day of December, 2006.


~~Mayor John H. Ross~~ PRO TEM SANDRA W. COUGHLIN

Attest:


Village Clerk

