

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 104
PROPOSED COMMITTEE SUBSTITUTE H104-PCS30129-BG-4

Short Title: Litter Definition Clarification.

(Public)

Sponsors:

Referred to:

February 20, 2019

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A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE TERM "LITTER" INCLUDES YARD WASTE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-399 reads as rewritten:

"§ 14-399. **Littering.**

...

(a2) Subsection (a1) of this section does not apply to the accidental blowing, scattering, or spilling of an insignificant amount of municipal solid waste, as defined in G.S. 130A-290(18a), or yard waste during the automated loading or unloading of a vehicle designed and constructed to transport municipal solid waste or yard waste if the vehicle is operated in a reasonable manner and according to manufacturer specifications.

(a3) Subsections (a) and (a1) of this section do not apply to the placement of yard waste on or near a curbside in accordance with the applicable local ordinance for collection by a yard waste collection service. For purposes of this section, the term "yard waste" includes grass clippings, leaves, shrubbery trimmings, and any other plant material resulting from lawn maintenance and other horticultural gardening and landscaping activities.

...

(c1) Any person who violates subsection (a1) of this section in an amount not exceeding 15 pounds is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100.00). In addition, the court may require the violator to perform community service of not less than four hours nor more than 12 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. Any second or subsequent violation of subsection (a1) of this section in an amount not exceeding 15 pounds within three years after the date of a prior violation is an infraction punishable by a fine of not more than two hundred dollars (\$200.00). In addition, the court may require the violator to perform community service of not less than eight hours nor more than 24 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the offense committed. ~~For purposes of this subsection, the term "litter" shall not include nontoxic and biodegradable agricultural or garden products or supplies, including mulch, tree bark, and wood chips.~~

...

(i) For the purpose of the section, unless the context requires otherwise:

...

(4) "Litter" means any garbage, rubbish, trash, refuse, yard waste, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood,



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1 motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or
2 equipment, sludge from a waste treatment facility, water supply treatment
3 plant, or air pollution control facility, dead animal, or discarded material in
4 any form resulting from domestic, industrial, commercial, mining,
5 agricultural, or governmental operations. While being used for or distributed
6 in accordance with their intended uses, "litter" does not include political
7 pamphlets, handbills, religious tracts, newspapers, and other similar printed
8 materials the unsolicited distribution of which is protected by the Constitution
9 of the United States or the Constitution of North Carolina.

10"

11 **SECTION 2.** This act becomes effective December 1, 2019, and applies to offenses
12 committed on or after that date.