

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 104
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10069-ML-36A

Short Title: Litter Definition Clarification. (Public)

Sponsors: Representative Torbett.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT THE TERM "LITTER" INCLUDES YARD WASTE.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 14-399 reads as rewritten:
5 "§ 14-399. Littering.

6 ...
7 (a3) Subsections (a) and (a1) of this section do not apply to the placement of yard waste
8 on or near a curbside in accordance with the applicable local ordinance for collection by a yard
9 waste collection service. For purposes of this section, the term "yard waste" includes grass
10 clippings, leaves, shrubbery trimmings, and any other plant material resulting from lawn
11 maintenance and other horticultural gardening and landscaping activities.

12 ...
13 (c1) Any person who violates subsection (a1) of this section in an amount not exceeding
14 15 pounds is guilty of an infraction punishable by a fine of not more than one hundred dollars
15 (\$100.00). In addition, the court may require the violator to perform community service of not
16 less than four hours nor more than 12 hours. The community service required shall be to pick up
17 litter if feasible, and if not feasible, to perform other labor commensurate with the offense
18 committed. Any second or subsequent violation of subsection (a1) of this section in an amount
19 not exceeding 15 pounds within three years after the date of a prior violation is an infraction
20 punishable by a fine of not more than two hundred dollars (\$200.00). In addition, the court may
21 require the violator to perform community service of not less than eight hours nor more than 24
22 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to
23 perform other labor commensurate with the offense committed. ~~For purposes of this subsection,~~
24 ~~the term "litter" shall not include nontoxic and biodegradable agricultural or garden products or~~
25 ~~supplies, including mulch, tree bark, and wood chips.~~

26 ...
27 (i) For the purpose of the section, unless the context requires otherwise:

28 ...
29 (4) "Litter" means any garbage, rubbish, trash, refuse, yard waste, can, bottle, box,
30 container, wrapper, paper, paper product, tire, appliance, mechanical
31 equipment or part, building or construction material, tool, machinery, wood,
32 motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or
33 equipment, sludge from a waste treatment facility, water supply treatment
34 plant, or air pollution control facility, dead animal, or discarded material in
35 any form resulting from domestic, industrial, commercial, mining,
36 agricultural, or governmental operations. While being used for or distributed



1 in accordance with their intended uses, "litter" does not include political
2 pamphlets, handbills, religious tracts, newspapers, and other similar printed
3 materials the unsolicited distribution of which is protected by the Constitution
4 of the United States or the Constitution of North Carolina.

5"

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