

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 833

Short Title: Beach Litter Fine Raised.

(Public)

Sponsors: Senator Basnight.

Referred to: Marine Resources & Wildlife.

April 10, 1989

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE FINE FOR LITTERING BEACHES.

The General Assembly of North Carolina enacts:

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

"§ 14-399. Littering.

(a) No person, firm, organization, private corporation, or governing body, agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly 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 him within this State or in the waters of this State including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley except:

(1) When such property is designated by the State or political subdivision thereof for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose; or

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of such private or public property or waters.

(b) When litter is so blown, scattered, spilled, thrown or placed from a vehicle or watercraft, the operator thereof shall be presumed to have committed such offense. This presumption, however, does not apply to a vehicle transporting agricultural products or supplies when the litter from that vehicle is a nontoxic, biodegradable agricultural product or supply.

1 (c) As used in this section, the word 'litter' shall be defined as any rubbish, waste
2 material, cans, refuse, garbage, trash, debris, dead animals or discarded materials of
3 every kind and description; the word 'vehicle' shall be defined as in G.S. 20-4.01(49);
4 and the word 'watercraft' shall be defined as any boat or vessel used for transport upon
5 or across the water.

6 (d) A violation of this section, other than for intentionally or recklessly throwing,
7 scattering, spilling or placing or intentionally or recklessly causing to be blown,
8 scattered, spilled, thrown or placed or otherwise disposed of, any litter upon a beach, is
9 a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than
10 two hundred dollars (\$200.00) for the first offense. Any second or subsequent offense,
11 other than for intentionally or recklessly throwing, scattering, spilling or placing or
12 intentionally or recklessly causing to be blown, scattered, spilled, thrown or placed or
13 otherwise disposed of any litter upon a beach, is punishable by a fine of not less than
14 fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). A violation of this
15 section for intentionally or recklessly throwing, scattering, spilling or placing or
16 intentionally or recklessly causing to be blown, scattered, spilled, thrown or placed or
17 otherwise disposed of, any litter upon a beach is punishable by a fine of not more than
18 three hundred dollars (\$300.00). In lieu of a fine or any portion thereof, or in addition to
19 a fine, any violation of this section may also be punished by a term of community
20 service.

21 (e) Wildlife protectors, as defined in G.S. 113-128(9), are authorized to enforce
22 the provisions of this section."

23 Sec. 2. This act shall become effective with respect to acts committed on or
24 after October 1, 1989.