

N.C.P.I.-Crim. 259.60  
UNLAWFUL HANDLING OF WASTE KITCHEN GREASE. MISDEMEANOR,  
FELONY.  
GENERAL CRIMINAL VOLUME  
JUNE 2013  
N.C. Gen. Stat. § 14-79.2  
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259.60 UNLAWFUL HANDLING OF WASTE KITCHEN GREASE.  
MISDEMEANOR, FELONY.

The defendant has been charged with unlawfully handling waste kitchen grease.<sup>1</sup>

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant

a) [[took] [carried away] [aided in [taking] [carrying away]] any [waste kitchen grease container<sup>2</sup>] [waste kitchen grease within a container] bearing a notice that unauthorized removal is prohibited without written consent of the owner of the container]

b) [[intentionally [contaminated] [purposely damaged] any [waste kitchen grease container] [waste kitchen grease within a container]]

c) [placed a label on a waste kitchen grease container knowing that it was owned by another person in order to claim ownership of the container]

And Second, that the [waste kitchen grease container] [waste kitchen grease within a container] had a [value of \$1,000 or less] [value of more than \$1,000].

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant

- a) [[took] [carried away] [aided in [taking] [carrying away]] any [waste kitchen grease container] [waste kitchen grease within a container] bearing a notice that unauthorized removal is prohibited without written consent of the owner of the container]
  
- b) [[intentionally [contaminated] [purposely damaged] any [waste kitchen grease container] [waste kitchen grease within a container]]]
  
- c) [placed a label on a waste kitchen grease container knowing that it was owned by another person in order to claim ownership of the container], and that the [waste kitchen grease container] [waste kitchen grease within a container] had a [value of \$1,000 or less] [value of more than \$1,000],

it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

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1. N.C. Gen. Stat. § 106-168.1 defines "Waste Kitchen Grease" as "animal fats or vegetable oils that have been used, and will not be reused, for cooking in a food establishment. Waste kitchen grease does not include grease septage as defined in N.C. Gen. Stat. § 130A-290."

2. N.C. Gen. Stat. § 14-79.2 (c) states, "A container in which waste kitchen grease is deposited that bears a name on the container shall be presumed to be owned by that person named on the container."