

**ORDINANCE O-3-14**

**Code of the Town of Cheverly**

**Wherein the Town updates its Trash Collection Ordinance to forbid the use of plastic bags for trash collection in conformance with current County policy**

**WHEREAS**, the Charter of the Town of Cheverly at C-23A(12) grants to the Town the power to regulate the use of the public rights of ways; and

**WHEREAS**, the Charter of the Town of Cheverly at C-23A(14) grants to the Town the power to prevent and remove nuisances and to provide means for the collection and removal of garbage trash and other refuse within the Town; and

**WHEREAS**, the Mayor and Town Council deem it appropriate to require that changes be made regarding yard waste recycling done by Town residents for whom trash, yard waste and recycling is collected; and

**WHEREAS**, the Mayor and Town Council deem it appropriate to make further regulations regarding the collection of yard waste, recycling, trash and to define the different kinds of yard waste, recycling, trash that the Town will collect and will not collect to conform to recent County policy; and

**WHEREAS**, the public safety and public health of the Town is dependent upon the regular and orderly collection of trash as well as recycling.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Town Council, in regular session assembled, that Section 10-7 of the Cheverly Code be amended as follows:

10-7 Trash Collection

A. DEFINITIONS

In this section the following definitions shall apply:

Bulk Trash: Furniture, bedding, carpeting if in 4 foot sections, doors, no more than two windows, window screens, lawn mowers, weed eaters, chain saws, other small powered equipment without gasoline and oil and metal BBQs. The Town will consider other items as bulk trash on a case by case basis.

Collectible Trash: Household trash, white goods, bulk trash, yard waste, electronics and recyclables.

Construction Debris: Building materials including but not limited to lumber, sheetrock, shingles, bricks and siding.

Electronics: computers, televisions, stereos and other household electronic and digital equipment.

Hazardous Waste: Any item the handling of which could cause harm to the collector, the public and the environment. Examples of these include but are not limited to pressured containers, explosives, paint, poisons, caustics, gasoline and oil, human and/or animal excrement (excluding diapers or animal waste wrapped tightly in plastic), automotive parts, acid car batteries, fluorescent light bulbs, oil-based paints, automotive fluids and fuels, gas grill propane tanks, photographic chemicals, cleaning agents, helium balloon tanks, poisons, cooking oil, household batteries, solvents, varnishes and stains, driveway sealers, insecticides, herbicides and fertilizers, swimming pool chemicals, fire extinguishers, mercury and other materials that may be construed as hazardous.

Household Trash: Food waste, trash and refuse normally generated in a household which can be stored and contained in a trash container until its scheduled collection. Household trash shall not include white goods and appliances, bulk trash, electronic recyclables, yard waste, building materials, furniture or hazardous waste or construction debris.

Recyclables: All materials which can be separated, collected, processed and returned to the economic stream in the form of raw materials or products, including newspapers, glass, plastic containers, cardboard, and cans are considered recyclables as well **yard waste and** as those items defined and published by the Town as recyclables.

White Goods: Motorized appliances ordinarily used in a home, subject to size and weight limits as published by the Town. Hot water heaters, microwaves, washers, dryers, refrigerators and freezers are considered white goods.

Yard Waste: Leaves, grass clippings, plant cuttings, brush, yard debris as well as branches and shrubs, limbs (excluding bamboo), if less than 3" in diameter and no longer than 4', bundled and tied and not weighing more than 40 pounds. Yard waste does not include pressure treated lumber of any size.

## B. GENERAL REGULATIONS

(1) The Town shall pick up or cause to be picked up collectable trash and debris from properties with single family homes, according to a schedule and conditions published by the Town.

(2) Except for household trash, which the Town may collect from side or rear yards, all collectable trash shall be placed at the street side or curb, but shall not be placed there earlier than 7:00 p.m. on the day before it is scheduled to be collected. All containers or uncollected trash and waste must be removed from the street side or curb by 7:00 p.m. of the day it was scheduled for collection. Upon request of a resident to the Town Administrator and for good cause shown, the Town may collect recyclables from a side or rear yard of the property.

(3) Yard waste may be placed for collection in clear plastic trash bags **paper bags or reuseable containers on the days designated by the Town. Yard waste is recyclable material and shall not allowed in the refuse waste stream.**

- Recyclables shall be separated from other collectible trash in regular designated recycling bins, cardboard boxes, containers marked with an X, or other acceptable containers as allowed on the Town website. There should be no food residue in recyclables. Newspapers, and bundles of cardboard shall be tied or contained so as not to be blown by the wind and each bundle or pack shall weigh no more than 25 lbs.

(5) Payment must be made in advance for the collection of white goods such as refrigerators, stoves, washing machines or air conditioner collections.

(6) The Town shall assess an administrative fee for each appliance which the Town collects if the appliance contains a hazardous substance as defined by the Environmental Protection Agency of the United States Government. The amount of the administrative fee shall be the amount the Town must pay to dispose of this item, so long as the fee does not exceed one hundred fifty dollars (\$150.00) per item. If not paid in advance, the Town administrator shall provide for procedures for notifying the resident and owner of the property from which the appliance is collected regarding the administrative fee and for collecting this fee. After due notice to the resident and/or the owner of the property, if the fee remains unpaid for ten (10) business days from the date the notice is sent, the Town administrator may place a lien against the owner of such real property for such cost and shall notify the owner of such lien. Unless the resident or owner shows cause in writing to the Town Administrator within five (5) working days of the date of such notice, the Town Administrator shall proceed to collect the fee by entering the charge on the tax records of the real property from which the appliance was collected as a tax upon that real property or by suit if deemed necessary, or both.

(7) In addition to the above, the Town may assess administrative fees as follows for otherwise allowable special trash collections:

(a) One hundred dollars (100.00) per item over the allowed number of items for bulk trash. (Currently three (3) items are allowed.)

(b) For any item weighing more than fifty (50) pounds, one hundred dollars (\$100.00) for every twenty (20) pounds or fraction thereof in excess of the fifty (50) pound limit.

### C. PROHIBITIONS

(1) It shall be unlawful for any person or entity, whether resident or owner to place or allow to be placed or remain at a street side or curb for collection any trash or debris or container that is:

- Not collectible trash;
- Placed or left outside the hours listed above in Subsection B (2);
- Household trash and is not in a container as outlined in 10-6; or
- Not in keeping with the general regulations as outlined above in Subsection B.
- No person shall interfere with the Town collection and disposal of trash and debris.
- Recyclables shall not be mingled with any other collectible trash whenever practicable.
- ENFORCEMENT

(1) The Town Administrator, after consultation with the Director of Public Works shall promulgate regulations regarding **recyclables**, trash and **recyclable**/trash collection and the enforcement thereof. The policy of the Town is ordinarily to encourage voluntary compliance with this section and particularly as to recycling.

(2) Recyclables:

(a) The Town shall not ordinarily inspect household trash to determine if recyclables are mixed with any other trash. However, if through observation or routine handling of the trash, or if the Town employee has reason to believe that the recyclables have not been separated from the trash, the Town may inspect household trash.

(b) Upon finding that recyclables in more than negligible quantities have not been separated pursuant to this Chapter, the Town may decline to collect the trash that day until recyclables are removed, but in any event shall issue a warning letter/notice to the resident. Upon repeated non-compliance with the initial notice, the Town may then use the appropriate enforcement mechanisms as outlined herein.

(c) In the event there is continued non-compliance at a residence as to the separation of recyclables, in addition to any other penalty or enforcement mechanism, the Town, pursuant to the procedures in 10, after notice to the owner and resident, may collect the trash and separate the recyclables and charge an administrative fee for such service which will become a lien on the property if not paid when due.

(3) Hazardous Materials:

(a) If the Town has reason to believe that hazardous waste or materials are mixed with any trash or debris to be collected, the Town shall inspect the trash or debris.

(b) Upon finding any hazardous waste or materials, the Town shall take any appropriate action to protect the public and its employees including but not limited to immediately issuing a municipal citation (if the hazardous material is a danger to any person or property) or any other applicable action to protect the common good

(4) Unless otherwise provided, when there is trash and debris not in keeping with this Chapter, the Town shall send a written notice to the owner and/or the resident pursuant to the procedures outlined in 10-4 of this Chapter. Any person aggrieved by the application of this Chapter (except for the issuance of a municipal citation), shall have the right to a hearing before the Town Administrator provided the petition for such is made in writing within 15 days of the notice of such action.

- A violation of this Chapter shall be governed by the provisions of 10-10 of this Chapter.

**AND BE IT FURTHER ORDAINED** that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

**AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect thirty (30) days from the date of its adoption; provided, however that a fair summary of the Ordinance is published at least once in a newspaper of general circulation in the Town of Cheverly.

**INTRODUCED** by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on March 13, 2014, at which meeting copies were available to the public for inspection.

**ADOPTED** by the Mayor and Town Council of the Town of Cheverly, Maryland, at a regular meeting on May 8, 2014, at which meeting copies were available to the public for inspection.