

Chapter 114. Solid Waste

Article III. Solid Waste Management

§ 114-4. Authority.

This article is authorized by § C-4B of the Town Charter.

§ 114-5. Prohibited acts.

A.

It shall be unlawful to throw, place or deposit any solid waste upon any sidewalk, boardwalk, crosswalk, waterway, street, lane, alley, beach, park, strand or other public place within the Town or upon any property under the jurisdiction of the Town.

B.

It shall be unlawful to throw, place, or deposit any garbage, yard waste, or trash into any cart intended for the deposit of recyclable materials.

C.

It shall be unlawful to put or place any solid waste collected or gathered from one property upon or in front of any other property or elsewhere within the Town without consent of the owner of such premises.

D.

It shall be unlawful to commingle any garbage, trash, or recyclable material with yard waste.

E.

It shall be unlawful to place or deposit any animal excrement into any cart, bin, can, or container that is not the property of the animal owner or the Town.

§ 114-6. Handling and disposition of solid waste.

A.

Residential.

(1)

All properties shall have an adequate number and size of garbage and trash containers with lids to accommodate the amount of waste generated at that property. Overflowing containers and bins, or waste strewn around containers or bins is prohibited and shall be prima facie evidence that the number of and/or size of the container is not sufficient and shall be a violation subject to penalties.

(2)

All garbage and trash shall be placed in protective containers with lids, not to exceed 96 gallons in size. Containers larger than 55 gallons shall comply with American National Standard ANSI Z245.60 Type B and/or G.

(3)

All residences shall have a recycle cart used for the deposit of recyclable materials. Carts shall be provided by the Delaware Solid Waste Authority (DSWA) or by a company chosen by the Town

Council. Each rental property shall have one recycle cart with a 60 gallon or greater capacity. Rental units with occupancy greater than 10 people shall have one recycle cart larger than 90 gallons.

(4)

Yard waste shall be bagged in recyclable paper bags or placed in a trash container. Plastic bags are not permitted for yard waste pickup. Yard waste that is in plastic bags or that is commingled with garbage, trash, or recyclable materials will not be picked up. If yard waste is placed in a trash container, the container shall be at curbside with the lid off and not in a bin. To ensure pickup, yard waste should be put at curbside the day before pickup day. All brambles, sticks, tree trimmings and the like shall be securely tied together with cotton string in bundles which shall not exceed 35 pounds in weight or four feet in length.

(5)

Trash containers and recycle carts not stored in a bin should be placed at curbside the day before pickup and removed after collection on pickup day. The property owner or occupant shall place recycling carts and all protective containers of solid waste at curbside, but not on the public right-of-way, in order that the recyclable materials and solid waste may be conveniently removed by the collector.

(6)

Except for pickup, the owner or occupant of any property shall not keep trash cans containers or recycle carts at curbside unless stored in a suitable bin. Bins for storage of waste containers larger than 55 gallons shall be open on one or two sides and should have no floor or a low floor to facilitate the removal of containers.

(7)

Waste containers that are not stored in bins shall be kept at or under the house.

B.

Commercial. Commercial establishments shall provide for their own solid waste collection. Collection shall be between the hours of 8:00 a.m. and 6:00 p.m. Waste containers shall be placed in properly constructed enclosures at the rear of each business and anchored or secured to prevent spilling of solid waste.

C.

Limitations. The following items will not be collected by the Town and must be disposed by the owner thereof:

(1)

Motor vehicles, boats and/or any type of trailer.

(2)

Waste from the demolition, destruction, burning, or disposal of buildings.

(3)

Household appliances, including but not limited to stoves, refrigerators, washing machines, dryers or freezers.

(4)

Concrete, stone and masonry.

(5)

Large limbs, tree trunks or tree roots.

(6)

Items weighing more than 35 pounds.

§ 114-7. Annual notification; violation; penalties; notice; enforcement; and appeal.

A.

Annual notification. The Town shall annually notify all property owners of the requirements mandated in this article. Annual notifications may include, but not be limited to, the Town newsletter, or the Town News Update. The Town may remedy any violations of this article without further notice to the property owner(s).

[Amended 5-11-2018 by Ord. No. 192-18]

B.

Violation. The fact that solid waste remains on any owner's premises in the Town in violation of this article shall be prima facie evidence that the owner of such premises is responsible for the violation of this article.

C.

Penalties. Any person violating the provisions of this article shall be subject to a penalty of \$50, plus court costs, if applicable. Each week of continued violation shall be considered as a separate violation.

D.

Notice. Whenever the Code Enforcement Constable determines that there exists a violation of any section of this article, he/she shall provide notice thereof to the owner. The Town may remedy any subsequent violations of this article without further notice to the property owner. Such notice shall identify the conditions constituting a violation, include reference to the applicable Code section in violation, and state that the property owner has 10 calendar days to correct the violation or file a written appeal of the Code Enforcement Constable's decision with the Town Manager. Such notice shall state that if the violation is not resolved within the allotted time and an appeal is not filed, the Town may fine the property owner, remedy the violation, and bill the property owner for the remediation costs.

E.

Enforcement. Where any premises are determined to be in violation of § **114-6A(1)** for longer than 10 calendar days after the date of notification, the Town shall arrange for the removal of trash and garbage on such property and will bill the property owner for the cost thereof. In addition, the property owner will be fined the amount specified in § **114-7C**. Included with the bill shall be notice of the property owner's right to appeal the Code Enforcement Constable's decision and proof of the violation, consisting of a photograph of the violation. If not paid when due, the costs for removal of solid waste, fines and penalties, court costs, attorney fees, and other expenses incurred by the Town may be collected, added to tax bills, and /or placed as a lien upon the property as authorized by the Town Charter, the Town Code, the Delaware Code, and any other applicable law.

F.

Appeal. Any person who has been notified of a violation of any section of this article by the Code Enforcement Constable may appeal the determination of violation by filing a written appeal to the Town Manager within 10 business days from the date of notice. The Town Manager shall review the appeal and issue a written decision within 10 business days of receipt of the appeal, which decision shall include notice of the property owner's right to appeal the decision of the Town Manager to the Town Hearing Board. If the property owner is not satisfied with the decision of the Town Manager, the property owner may file a written appeal to the Town Hearing Board within 10 business days of the decision of the Town Manager. The Town Hearing Board shall consist of three members of the Town

Council appointed by the Mayor. The Town Hearing Board shall hear the appeal as soon as practicable but no later than 30 business days after the appeal is filed and issue a written decision. Within 10 business days of the filing of the written decision of the Town Hearing Board the property owner shall remediate the violation or the Code Enforcement Constable shall withdraw the notice of violation, whichever is appropriate pursuant to the decision of the Town Hearing Board.

[Amended 11-14-2014 by Ord. No. 175-14]