

Sponsor: Willard Russell
First Reading: November 11, 2020
Second Reading: December 9, 2020

ORDINANCE NO. C-9-C

AN ORDINANCE REPEALING EXISTING REGULATIONS PERTAINING TO GARBAGE AND REFUSE COLLECTION AND ADOPTING NEW REGULATIONS GOVERNING GARBAGE AND RECYCLABLES COLLECTIONS FOR THE TOWN OF GREENWOOD

WHEREAS, Section 29(a)(2) of the Greenwood Town Charter authorizes the Town to “provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants”;

WHEREAS, the Town Council has determined that the existing Town Ordinance relating to residential garbage and recycling collection is outdated and is in need of revisions to comply with current practices, standards, and agreements; and

WHEREAS, in the opinion of the Town Council of the Town of Greenwood, it is in the best interest of the public health, safety, and welfare to revised the garbage and recyclables collections regulations of the Town as more fully outlined herein.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that Ordinance C-9-B entitled "An Ordinance Relating to Residential Garbage and Refuse Collection for the Town of Greenwood" be and hereby is repealed in its entirety and that a new ordinance is hereby enacted as follows:

An Ordinance Regulating Residential Garbage and Recyclables Collection for the Town of Greenwood

Section 1. Definitions.

As used in this ordinance, the following terms shall be defined as follows. Any words not herein defined shall have the meaning as defined by any current volume of Webster's Dictionary.

Bulk Item(s) – All garbage which because of its size, weight, or physical characteristics is not suitable for routine collection, including by way of example and not in limitation, major appliances (e.g. refrigerators, stoves, freezers, dishwaters, washers & dryers, hot water tanks), furniture, boards or lumber, tree stumps, bricks, and cement blocks.

Customer – Any property owner, tenant, or occupant of a property in the Town of Greenwood receiving or required to receive garbage and recyclables collection services under this Ordinance.

DSWA – The Delaware Solid Waste Authority, which operates the sanitary landfills where garbage and/or recyclables are disposed of that are collected within the Town.

Garbage – Includes both (a) putrescible/organic vegetable and animal waste resulting from the handling, preparation, cooking, and consumption of food, as well as all wastes, such as frozen or refrigerated food containers, resulting from the handling, storage and sale of produce and/or food; and (b) nonputrescible solid waste consisting of combustible and noncombustible wastes including, by way of example but not limitation, paper, excelsior, cardboard, metals, tin cans, stone, crockery, glass, plastic, and similar material commonly known and referred to as trash or rubbish. Not included in this definition are non-collectible items, recyclables, bulk items, and yard waste.

Garbage/Recyclables Service Provider – The Town of Greenwood or any independent contractor the Town of Greenwood has contracted with to provide recycling and/or garbage collection services to properties situated in the Town of Greenwood.

Non-collectible Items – Construction/demolition debris, building materials, dirt, yard waste, sod, rocks, electronics, Styrofoam, hazardous materials including, but not limited to, herbicides, pesticides, batteries, tires, car parts, motor oil, paints, solvents, explosives, petroleum products, and liquefied petroleum gas bottles, and any other materials not accepted at the DSWA landfill.

Non-residential Unit(s) – Any land improved with buildings or structures not defined herein as a residential unit.

Recyclables – Fibers and containers including, but not limited to, narrow-neck plastic bottles (such as milk jugs, bleach-detergent containers, and shampoo bottles), glass bottles and jars, metal containers (such as aluminum, steel, and tin), magazines, junk mail, envelopes, newspapers, corrugated cardboard, boxboard (cereal boxes), clean paper bags, catalogs, telephone books, soft cover books, colored paper, and white office paper. Any item with food residue (such as pizza boxes) is not considered a recyclable, and all liquid containers must first be emptied.

Residential Unit(s) – All residential dwellings, regardless of the zoning district in which they are located, including single family detached dwellings, duplexes, boarding houses, and multi-family dwellings, condominiums, or apartment buildings containing three (3) dwelling units or less. Excluded from this definition are motels, hotels, and multi-family dwellings, condominiums or apartment buildings containing more than three (3) dwelling units.

Rigid Containers – Metal, plastic, or vinyl receptacles of rigid construction and durability.

Town – The Town of Greenwood, Delaware.

Yard Waste – Grass clippings, leaves, branches, twigs, tree limbs and prunings, flower cuttings, weeds, shrub and hedge clippings, sod, and garden waste (including but not limited to

vines, plants, fruit/vegetables, and vegetable matter).

Section 2. Applicability.

- (a) **Generally.** The rules and regulations set forth in this Ordinance shall govern the disposition and collection of garbage and recyclables in the Town.
- (b) **Residential Units.** All garbage and recyclables generated by residential units in the Town shall be collected, conveyed, and disposed of by a garbage/recyclables service provider. All residential units in the Town are required to have and shall be billed for garbage and recyclables collection services provided by the garbage/recyclables service provider regardless of whether or not such residential units place garbage and recyclables out for collection.
- (c) **Non-residential Units.** Non-residential units generating no more garbage than can fit in one 95-gallon rigid container per pickup or more recyclables than can fit in one 95-gallon rigid container per pickup qualify to receive Town garbage and recyclable collection services. All other non-residential units are required to arrange for their own private garbage/recyclables collection services, which services shall be subject to approval by the Town Manager as to location of pickup, hours, containers, screening of containers, and frequency of pickup.
- (d) **Collection and Transport of Garbage and Recyclables Within the Town.** All garbage/recyclables service providers and any private garbage/recyclable collection services shall collect and transport the same through or along the avenues, streets, lanes, alleys or other public ways of the Town in a sanitary covered, liquid-tight container or motor vehicle body as set forth by the regulations of the DSWA.
- (e) **Collection from sources outside Town.** It shall be unlawful for any customer or other person to put, place, or deposit in, on, or in front of any private or public property in the Town, any garbage or recyclables collected or gathered from any place outside the Town limits.

Section 3. Administration.

Garbage collection shall be under the supervision of the Town Manager, who shall have authority to promulgate written rules and regulations, not inconsistent with this ordinance, governing the types and amounts of garbage or recyclables the Town will collect, the conditions of such collection, the dates and times of collection, and such other matters incidental to the collection of garbage or recyclables within the Town.

Section 4. Rigid containers; plastic bags.

- (a) **Generally.** Each customer shall be issued one (1) 95-gallon rigid container for garbage and one (1) 95-gallon rigid container for recyclables by the Town or the

garbage/recyclables service provider. If a residential unit customer requires additional garbage or recyclables containers, they will be billed accordingly for each additional container. Garbage and recyclables containers shall not exceed 150 lbs. when filled. Heavy duty plastic garbage bags of sufficient strength to carry their contents without ripping or rupturing may be used after the garbage and/or recycling rigid containers have been filled. The total number of rigid containers and garbage bags placed out for collection at one time shall not exceed five (5) without express permission from the Town Manager's Office.

- (b) **Sharp objects.** Sharp objects (i.e. broken glass, nails, and knife blades) shall only be place in rigid containers.
- (c) **Recyclables.** Recyclables shall not be placed in bags and must be placed loosely in rigid containers. All bubble wrap or plastic windows must be removed prior to placing recyclables in the recycling containers. Metal cans, bottles and/or jars must have paper or plastic labels and lids removed and any residual materials cleaned out and dry.
- (c) **Yard Waste and Christmas Trees.** Customers shall not place any yard waste or Christmas trees in Town garbage or recyclable containers or bags. All yard waste and Christmas trees shall be disposed of in accordance with DSWA regulations.
- (d) **Improperly containerized garbage and non-collectable items.** Any garbage or recyclables not properly containerized or bagged per this ordinance shall not be accepted by the garbage/recyclables collection service provider. Customers shall not place out for collection by the garbage/recyclables collection service provider any non-collectable items. Bulk items shall only be placed out for collection on those days designated by the Town for collection of bulk items. It shall be the duty of the customer to immediately remove and dispose of any items not collected by the garbage/recyclables collection service provider.

Section 5. Placement for collection.

- (a) **Setting out and removing rigid containers and plastic bags.** Customers and persons receiving private collection services shall place all properly containerized garbage and recyclables in a neat and orderly manner along the curb or property line in front of the property in such a location that will not restrict pedestrian or vehicular traffic and will allow for the orderly and convenient collection of the garbage and recyclables. Garbage and recyclables shall be placed at the appropriate place for collection after 4:30 p.m., prevailing time, the day preceding the day designated for collection. All empty containers shall be removed by 8:00 p.m., prevailing time, the same day the collection is scheduled.
- (b) **Holidays.** Where the regularly scheduled collection day falls on certain holidays, such collection shall not take place until the next regularly scheduled collection day.

The Town Manager's Office will notify all property owners of those holidays, and notice of such holidays shall be posted at the Town Hall lobby.

- (c) **Weather delays; landfill closings.** When collections are delayed because of weather and/or the closing of the state landfill, collections will resume as soon thereafter as conditions permit; provided, however, that if the adverse conditions continue for two or more days, the Town Manager may, in his/her absolute discretion, postpone collection until the next regularly scheduled collection day.

Section 7. Fees; penalties for nonpayment.

- (a) The Town shall collect from each customer a monthly collection fee, regardless of whether or not the customer uses the Town's garbage and/or recyclables collection service. Subject to paragraph (b) below, the collection fee amount shall be set by resolution of the Town Council each year when the annual budget is approved, and shall be billed, in advance, on a monthly basis, due and payable within thirty days. The amount of such fee shall be set out in the Town's schedule of fees.
- (b) Anything in paragraph (a) to the contrary notwithstanding:
 - (1) The Town Council may, at any time, by resolution, revise the amount of the monthly fee for garbage and recyclable collection, and in such event the monthly fee shall take effect on the first day of the month next following the adoption of such resolution.
 - (2) The Town Manager may adjust collection fees in order to pass through any increases or decreases in the fees charged to dispose of garbage or recyclables at the DSWA landfills. Such adjustments shall be computed and allocated so the Town may recover or refund any increase or decrease in such fees over the remainder of that current fiscal year. The Town Manager shall promptly inform the Town Council of any adjustments and amend the Town's fee schedule accordingly.
- (c) A late payment penalty of 1.5% per month shall be assessed on all amounts not paid by the due date until all outstanding amounts (including penalties) are paid in full. Pursuant to 25 Del.C. Chapter 2901 and Section 25(d) of the Town Charter, all such charges and penalties shall constitute a lien against the corresponding property and may be added to the annual assessment list and be collected in the same manner as outstanding taxes. The Town Council may, at any time, adopt a resolution to revise the amount of the monthly penalty and in such event, the new penalty rate shall take effect prospectively on the first day of the month following such resolution.
- (d) In addition to imposing late payment penalties, the Town may discontinue garbage and recyclables collection services, assign the past due account (together with the cost of the third-party collection agency) to a third-party collection agency, and/or

bring an action in any court of competent jurisdiction for the collection of such past due amounts and penalties, including the costs of such action.

Section 8. Penalties for Violations.

Any person violating this Ordinance (other than Section 7) shall, after written notice from the Town and upon conviction before any court of competent jurisdiction, pay a fine of not less than \$30 nor more than \$60, plus cost of prosecution and Victim's Compensation Fund Assessment; provided, however, that with the written consent of the person so-charged (evidencing his/her understanding of the right to have the charges decided by the court), the Town Manager is hereby authorized to accept the sum of \$20 for each violation charged if such penalty is paid within 10 days from the date the notice of the violation is mailed or delivered to the person or to an adult person residing with the person charged; or to accept the sum of \$40 for each violation charged if paid at any time after the aforesaid 10 day period and before the Town files a complaint before any court of competent jurisdiction. Each day of a continuing offense shall constitute a separate violation, punishable as such.

Section 9. Effective Date.

This Ordinance shall take effect the first day of the month immediately following the date of its adoption by the Town Council.

Synopsis

This ordinance repeals the Town's existing ordinance regulating garbage and refuse collection in the Town and replaces it with an updated ordinance regulating garbage and recyclables collection. All residential dwellings are required to have garbage and recycling collection services, and certain non-residential uses are authorized to receive such services from the Town. Any ineligible properties are required to obtain private collection services. This ordinance outlines what garbage and recyclable materials are authorized for collection. This ordinance establishes regulations for the time and location to place garbage and recycling containers out for collection. Collection fees and adjustments thereto are outlined herein, along with penalties for late payments and violations of the ordinance.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Greenwood at a duly noticed and convened meeting at which a quorum was present on December 9, 2020.

Attest: Lisa D. Calvert So Certifies: Donald Honora
Town Clerk Mayor