

ORDINANCE NO. 2529

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE SALISBURY MUNICIPAL CODE CHAPTER 8.16 – GARBAGE, YARD WASTE AND REFUSE, SUBSECTIONS .010, .020(D)(F), .060, .090(C), AND .100(B)(C), TO BETTER DEFINE YARD WASTE, TO BETTER DEFINE BULK COLLECTION SERVICES FOR HIGH DENSITY RESIDENTIAL UNITS, TO UPDATE THE COLLECTION RULES AND REGULATIONS, TO ADD A NEW CAN REPLACEMENT POLICY AND TO ADD CORRUGATED CARDBOARD TO RECYCLING .

WHEREAS, the Mayor and City Council have requested that Chapter 8.16 of the City Code be periodically reviewed; and

WHEREAS, the ongoing application, administration and enforcement of Chapter 8.16, demonstrates a need for its periodic review, evaluation and amendment to keep the chapter current; and

WHEREAS, garbage, yard waste and refuse needs have changed since the last time Chapter 8.16 was updated; and

WHEREAS, the City wishes to limit the size and weight of tree and shrub limbs that are eligible for yard waste pick-up by the City; and

WHEREAS, the City desires to have all household items containing fabric completely encased and sealed tightly before being discarded from a dwelling; and

WHEREAS, the City desires to add batteries to the list of prohibited items for collection; and

WHEREAS, the City desires to add a new can replacement policy of 5 years for all new cans purchased from the City; and

WHEREAS, this amendment will update several sections of Chapter 8.16.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY OF SALISBURY, MARYLAND, THAT Chapter 8.16, SUBSECTIONS .010, .020(D)(F), .060, .090 (C) and .100(B)(C) of the Salisbury Municipal Code be amended as follows:

8.16 – GARBAGE, YARD WASTE AND REFUSE

8.16.010 – Definitions.

“High Density” means a multi-unit complex or subdivision where trash is disposed of by residents in a common area designated for trash disposal.

“Yard Waste” means garden, lawn, and tree trimmings and leaves which can be deposited in a plastic or biodegradable bag ~~an approved container~~, or t Tree and shrubbery limbs must be securely bundled in lengths not to exceeding four feet in length, and no individual branch may exceed 4 inches in diameter. and Bundles may not weigh more than forty (40) pounds.

8.16.020 – Service standards for residential properties.

D. The Ccity may, at its option, provide bulk collection service where residences are concentrated in high-density. In these cases, the appropriate managing organization authority shall be officially notified of the details of the service to be rendered. It shall be the responsibility of the Department of Field Operations to make agreements with the appropriate managing organization authority for the placement of bulk containers on either public, private or common ownership property. The standard of service shall be sanitary, and containers shall be maintained in a non-offensive manner. Disposal of bulk items at a multi-unit complex is the responsibility of the managing authority.

F. The Ccity assumes no responsibility for collection of refuse from nonresidential property. Notwithstanding the above, the city may assume responsibility for collection of refuse from nonresidential property located within the city that is used exclusively as a church or other by a bona fide charitable, religious, social welfare or recreational nonprofit organization, except but not by medical waste generators, hospitals, non-city governmental property or organizations and schools, public or private. Such church or other bona fide nonprofit organizations must provide substantial social services to the community. A church or other bona fide nonprofit organization must apply for collection to the Department of Field Operations, setting forth the name and address of the organization, the volume of refuse estimated to be generated, the social services provided to the community and such other information as may be required by the department. The department will then determine whether the church or other bona fide nonprofit organization qualifies for collection. An appeal of the decision of the department may be made in writing to the city council.

8.16.060 – Collection rules and regulations.

A. Approved Refuse containers shall be watertight cans made of heavy-duty rubberized or plastic material, with handles and tight-fitting covers. Containers shall be ninety-five (95) gallon roll out carts on wheels, and not more than six (6) containers will be permitted for each Residential Unit. Refuse containers may shall be purchased from the City. All containers and lids shall be maintained in a clean and sanitary condition. Containers shall not be set out for collection containing free liquids or rainwater. Containers shall be kept free of dead animals, vermin, lice, maggots or the like and unreasonably offensive odors resulting from the lack of cleanliness, feces or items which may be infectious or disease-bearing. Containers which have become excessively worn shall be promptly replaced at the owner's expense. Owners shall be notified if their refuse container is in disrepair and is unusable. This includes, but is not limited to: missing lids, leaking containers and damaged or missing wheels or handles. Owners have thirty (30) days to purchase a new refuse container or adequately repair their existing container. Containers must be placed at the curb or as otherwise directed, with the handle away from and parallel to traffic. Printed instructions on the container shall be followed.

B. Can replacement policy. The City will record can serial numbers, purchaser name, address and purchase date to use in requests for replacement during the first 5 years following a purchase. Cans may be replaced, at no charge to the owner, under certain conditions. City provided replacements will be limited to damage caused by a sanitation truck or defects in manufacturing during the first 5 years after the purchase of the can. Final determination of can replacement will be at the discretion of the City Sanitation Superintendent. All other can replacements will be at the expense of the owner.

BC. Items too bulky for placement in an approved container may be offered for collection on a weekly basis and on a schedule as set by the Department of Field Operations. Tree and shrubbery limbs, as well as other yard waste, will be collected, provided that they are cut into lengths not exceeding four feet and securely tied in bundles not exceeding forty (40) pounds in weight. Plastic or biodegradable bags with a capacity of thirty (30) gallons or less and maintaining complete closed integrity may be used for non-bundled yard waste. However, it shall be the owner's responsibility to maintain these bags until they are collected by city collection crews. Yard waste pickup normally occurs on Mondays. The owner shall contact the City Service Center by twelve (12:00) p.m. on Friday to request a pick-up for the ensuing Monday, requests made after twelve (12:00) p.m. on Friday will be picked up the second Monday from the request. six a.m. on Monday to schedule yard waste pickup (excluding holidays) for that week.

C. ~~All containers and lids shall be maintained in a clean and sanitary condition. They shall not be set out for collection containing free liquids or rainwater. They shall be kept free of dead animals, vermin, lice, maggots or the like and unreasonably offensive odors resulting from the lack of cleanliness, feces or items which may be infectious or disease-bearing. Containers which have become excessively worn or corroded shall be promptly replaced at the Owner's expense.~~

D. Containers shall be placed at the curb or roadside or alley by six (6:00) a.m. on the scheduled day of collection but shall not be so placed prior to five (5:00) p.m. on the day before collection, and empty containers shall be removed to the premises from the curb, roadside or alley by eleven (11:00) p.m. of the day of collection. Containers shall not be kept at the curb or roadside between scheduled collections, and they shall be stored on the premises at such locations to be unseen from the public streets or roads or from the front yards of immediate neighboring property.

E. Where collection service is provided in high-density dwelling areas a community that has a managing authority and or is classified as high density, the individual residents, ~~or the managing authority~~ **ement**, community or condominium organization shall be responsible for the transporting of **R**refuse to the containers provided and for the maintenance and cleanliness of the areas adjacent to the containers. The developer, **O**owner and legally responsible managingement authority **organization** shall be responsible for providing ~~sion of~~ accessible space for bulk containers, paved and screened from public view. Such provisions shall be approved by the City. Material acceptable for containerized collection service shall, in all respects, be compatible with the definitions for **R**refuse as defined in this chapter.

F. It is unlawful and a violation of this chapter for any ~~P~~person to place residential or nonresidential waste, including but not limited to ~~R~~refuse, on the property of another without the consent of the ~~O~~owner of the property.

G. A ~~P~~person shall not place residential ~~R~~refuse in public containers within the City limits, with the exception of Downtown Plaza residents, who may place their ~~R~~refuse in containers specifically designated in the ~~D~~downtown area to accept ~~R~~refuse from Downtown Plaza residents. Waste generated outside of the corporate limits of the City of Salisbury shall not be disposed of or placed in any private or public containers within the City limits.

H. Upholstered furniture, mattresses and box springs or any household item containing fabric infested with bed bugs shall be completely encased and sealed tightly in plastic before discarding them from ~~an infested~~ a dwelling. Heavy polyvinyl sheeting, shrink wrap, or other non-permeable material shall be used to seal ~~infested beds~~ items. ~~shall be labeled with a prominent message indicated that these are infested items (i.e. "BED BUG INFESTED ITEM")~~.

I. Bulk Pickup Service is Available to Residential Locations. To receive pickup of large, bulky items, a resident person must first pay the required fee to the Department of Finance. Once the fee is paid, the ~~d~~Department of ~~f~~Finance will notify the Department of Field Operations and an appointment will be made for pickup.

J. Items prohibited for collection include, but are not limited to: tires, batteries, building materials, hazardous, radioactive or medical wastes, ashes, rocks, dirt, sod, paint and motor oil.

~~K. Owners shall be notified if their Refuse container is in disrepair and is unusable. This includes, but is not limited to: missing lids, leaking containers and damaged or missing wheels or handles. Owners have thirty (30) days to purchase a new Refuse container or adequately repair their existing container.~~

8.16.090 – Monthly disposal fee.

C. If the Department of Field Operations determines that a residential unit regularly produces collectible refuse requiring ~~two or~~ more than one refuse containers, ~~then~~ the owner of the residential unit shall be required to purchase and use additional refuse containers.

8.16.100 – Recycling.

B. Recycling service is available to Residential Units. Recyclable Materials and corrugated cardboard will be collected weekly on the same day as Garbage collection.

C. The managing authority of any residential dwelling unit located in the multi-family sector shall allow its residents to participate in the city's recycling program. The city shall provide the managing authority with a recycling container for each unit. Alternatively, the managing authority may provide a centralized location and containers as approved by the ~~recycling coordinator~~ Sanitation Superintendent, and as designated by the Director of Field Operations.

EXPLANATION:

* ITALICIZED AND UNDERLINED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.

Bold and strikethrough language indicates material deleted from the existing.

AND BE IT FURTHER ORDAINED AND ENACTED BY THE CITY OF SALISBURY, MARYLAND, THAT this ordinance shall take effect immediately upon adoption.

THIS ORDINANCE was introduced and read at a meeting of the City Council held on the 25th day of February, 2019 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 11th day of March, 2019 and is to become effective as of March 11, 2019.

ATTEST:

Kimberly R. Nichols
Kimberly R. Nichols, City Clerk

John R. Heath
John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS 12th day of March, 2019.

Jacob R. Day
Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Andy Kitzrow, Deputy City Administrator

From: Ron Airey, Sanitation Superintendent

Subject: Municipal Code Chapter 8.16 revision

Date: 2/13/2019

Attached is the ordinance to amend the Salisbury Municipal Code Chapter 8.16 – Garbage, Yard Waste and Refuse, Subsections .010, .020(D)(E)(F), .060(H)(I)(J), .090(B)(C), AND .100(B)(C), to better define yard waste, to remove bulk collection services for high density residential units, to update the collection rules and regulations, to add a new can warranty and to add corrugated cardboard to recycling.