

ORDINANCE NO. 235
OF THE
CITY OF FRUITLAND

GARBAGE COLLECTION ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRUITLAND, MARYLAND REPEALING ORDINANCE NO. 17 AND ENACTING THIS "GARBAGE COLLECTION ORDINANCE" IN ITS STEAD; ESTABLISHING A METHOD TO REGULATE HOW AND WHEN ITEMS MAY BE SET OUT FOR COLLECTION; DESIGNATING ITEMS WHICH WILL NOT BE COLLECTED; AND ESTABLISHING A METHOD TO CHARGE FOR COLLECTION AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, the City Council of the then Town of Fruitland did pass Ordinance No. 17, effective May 12, 1959, dealing with certain elements of garbage and trash collection by the City and establishing a fine for violations thereof; and

WHEREAS, in the intervening time the City of Fruitland through its Public Works Department has instituted various policies concerning the collection of garbage, trash, and refuse in keeping with changes with landfill and environmental rules, statutes, and regulations; and

WHEREAS, the City Council of the City of Fruitland believes it necessary to set forth a more formal policy for the City's collection of garbage, refuse, and trash in an ordinance in order to more fully protect the health, safety, and well-being of the citizens and employees of the City of Fruitland.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City Council of the City of Fruitland as follows:

SECTION I. APPLICABILITY

- A. The provisions hereof shall apply to all residential dwellings, excluding apartment complexes, and further excluding apartment houses, unless such apartment houses are otherwise permitted with written approval of the Public Works Director.
- B. Commercial units are covered hereby, unless they generate more garbage and trash than may be contained as set forth in Section III (D) below, or make arrangements for private collection.
- C. The City does not collect industrial waste.

SECTION II. NUMBER OF WEEK COLLECTIONS DESIGNATED

- A. The Director of Public Works shall establish a collection schedule for

dissemination to the public.

- B. Garbage and trash collections shall be made at least once each week within the city limits of the City of Fruitland.
- C. In the event that the Director of Public Works determines that it is necessary or desirable to increase collections for some or all areas of the City, or for some or all types of units, he may do so by notifying the City Manager and the affected citizens.
- D. Schedules may be temporarily adjusted by the Director of Public Works to accommodate holidays, weather, workforce, and equipment requirements.

SECTION III. CONDITIONS FOR COLLECTION, COMPLIANCE REQUIRED

- A. Newspapers and magazines shall be tied in bundles of not more than thirty (30) pounds.
- B. Hot ashes or coals in containers will not be collected.
- C. Building materials, explosives, poisons, acids, caustics, dirt, sod, stone and metal will not be collected.
- D. No garbage or trash will be collected if placed in containers larger than thirty-five (35) gallons in capacity. Up to five (5) containers, no larger than thirty-five (35) gallons, will be picked up on the designated collection day per unit
- E. Garbage and trash will not be collected unless placed within a reasonable distance from the curblineline of the street and accessible to the street, but clear of sidewalks.
- F. Pursuant to Section VIII, City may elect to collect garbage, trash, and/or refuse left for collection in a manner which violates this Section III.

SECTION IV. PLACEMENT AND STORAGE

- A. Business and residential property owners utilizing City waste collection service shall place and store garbage and trash in the following manner: in a plastic bag that is closed and tied securely and/or placed in a metal or hard plastic container with a maximum size of thirty-five (35) gallons and having a secure lid.
 - 1. No paper bags shall be used, unless they are placed in garbage containers or plastic trash bags.
 - 2. Trash and garbage shall not be visible, protruding, leaking, seeping, or otherwise loose.
- B. Trash and garbage not secured as set out in Sections III(D) and IV(A) will not be collected.

SECTION V. TIME OF PLACEMENT

For the purposes of City collection property owners shall be responsible for placing waste material containers as follows:

- A. Trash and garbage shall be placed for collection by 6:30 a.m. on the designated collection day.
- B. Containers shall not to be set out for collection before 6:30 p.m. on the day before the designated collection day. The City will not be responsible for cleanup of debris from trash that has been placed for collection more than twelve (12) hours prior to collection.
- C. Trash containers shall not be stored at the street other than on the designated collection day.
- D. Trash containers shall be removed from the curblin no later than 6:00 p.m. on the day of collection.

SECTION VI. COLLECTION OF BULK ITEMS

Refuse or materials other than rubbish or garbage shall be picked up in accordance with rules established by the Public Works Department.

SECTION VII. DISPOSAL FEES.

- A. The City Council may impose a collection fee, however designated, for each unit for which the City offers or provides or offers trash, refuse, and garbage collection. Any such fee shall be established by the City Council as part of the budget process, or otherwise by resolution or ordinance.
- B. The City Council shall establish a disposal fee schedule for items containing any refrigerant or other substance requiring special handling, such as tires, electrical components, televisions and other such items, which said schedule shall be approved as part of the budget process, or otherwise by resolution or ordinance.

SECTION VIII. COLLECTION REFUSED; SUBSEQUENT ACTION

In the event that any City resident or business shall fail to comply with the conditions prescribed in this policy, by arranging, packaging or placing garbage and trash in a manner not consistent with the requirements hereof, the City may refuse to pick up such garbage, refuse, and trash, or may elect to pick up same. The provisions of Section IX below shall not be affected by whether the City elected to pick up, or refused to pick up, such garbage, refuse, and/or trash.

SECTION IX. NO OUTSIDE CITY COLLECTION

No trash, garbage, refuse, or waste of any kind generated outside of corporate limits of the City of Fruitland shall be disposed of or placed in any container or otherwise for

collection for the purpose of collection by the City.

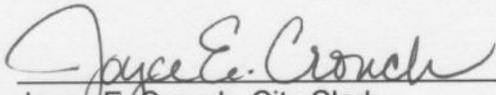
SECTION X. PENALTY

- A. Any person, persons, or group of persons who shall violate the provisions of Section IX shall, upon conviction thereof, be deemed guilty of a misdemeanor, and is subject to a fine of One Hundred Dollars (\$100.00) for the first offense, and Two Hundred Fifty Dollars (\$250.00) for each offense thereafter..
- B. Any person, persons or group of persons who shall violate the provisions of Sections III, IV, or V shall, in addition to that action described in Section VIII above, be notified by the Director of Public Works of the particular violation by placement of a Notice in a conspicuous place at the unit, and/or by mailing a Notice to the address of the unit and to the owner thereof. Such Notice shall briefly state the nature of the violation and warn that a second violation may result in a municipal infraction and thereby subject the violator to a Twenty-five Dollar (\$25.00) fine for the first offense and a Fifty Dollar (\$50.00) fine for the second offense with the third and each subsequent offense being One Hundred Dollars (\$100.00).
- C. In the event a violation occurs within one (1) year after a warning notice set forth above has been given, the Code Enforcement Officer shall deliver to any person deemed to have committed a municipal infraction as set forth above a citation which shall set forth the following: (1) the name and address of the person charged; (2) the nature of the infraction; (3) the location and the time that the infraction occurred; (4) the amount of the infraction assessed; (5) the manner, location, and time in which the fine may be paid to the municipality; (6) the person's right to elect to stand trial for the infraction; (7) that person shall be liable for double the original fine if he fails to either pay the fine assessed within twenty (20) days of the payment date, or to file notice of his intention to stand trial. The "payment date" shall be twenty (20) days from the date of issuance.
- D. (1) In the event any person receiving a citation for a municipal infraction fails to pay the fine assessed by the date of payment on the citation and fails to file a notice of his intention to stand trial, the Code Enforcement Officer shall send a formal notice of the infraction to the owner's last known address (not a post office box) by registered or certified mail with return receipt requested, and may notify the person that he/she is liable for an additional fine not to exceed twice the original fine.

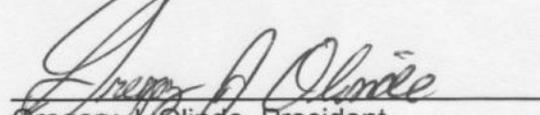
(2) In the event the citation has not been satisfied within thirty-five (35) days after its original date, or in the event that the person cited requests to stand trial, the City Manager shall request adjudication of the citation from the District Court of Maryland for Wicomico County, and shall file with the said Court a copy of the original citation and all further proceedings.

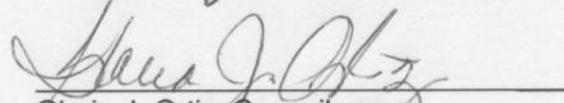
The above Ordinance was introduced and given first reading before the City Council of the City of Fruitland, Maryland at its regularly scheduled City Council Meeting held on the 8th day of April, 2008, having been published as required by law, and a public hearing having been held thereon, was finally passed at a meeting of the City Council for the City of Fruitland on the 13th day of May, 2008, and shall become effective when passed.

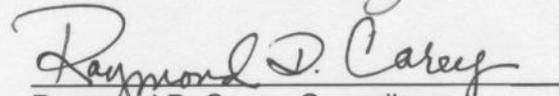
ATTEST:

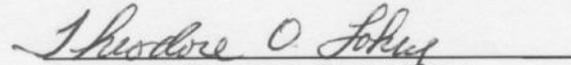

Joyce E. Crouch, City Clerk

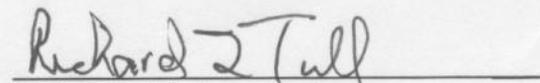
CITY COUNCIL OF THE
CITY OF FRUITLAND


Gregory J. Oljide, President


Gloria J. Ortiz, Councilwoman


Raymond D. Carey, Councilman


Theodore O. Lokey, Councilman


Richard F. Tull, Councilman

Effective Date: May 13, 2008