

Chapter 153. Solid Waste

§ 153-1. Definitions.

[1] *Editor's Note: Pursuant to Ord. 724, adopted 1-9-2016, all definitions throughout the Code were transferred to Ch. 1, Art. III, Definitions.*

§ 153-2. Depositing garbage or refuse in public place prohibited.

[Amended 2-11-2017 by Ord. No. 737]
It shall be unlawful and a nuisance to throw, place or deposit any ashes, garbage, refuse, trash or other foreign substance that is not properly containerized upon any sidewalk, crosswalk, avenue, street, lane, alley, bridge, park or other public place or upon any property within the limits of the Town of Dewey Beach.

§ 153-3. Depositing garbage or refuse on private property.

- A. Collected from within the Town: It shall be unlawful to throw, put, place or deposit any garbage or refuse collected or gathered from one lot upon or in front of any other lot within the Town.
- B. Collection from sources outside the Town: It shall be unlawful for any person to throw, put, place or deposit in, on or in front of any private or public property within the Town any garbage, ashes or refuse collected or gathered from a place outside the Town limits of the Town of Dewey Beach.

§ 153-4. Collection of trash and recyclables.

[Amended 7-9-1999 by Ord. No. 410; 2-12-2000 by Ord. No. 424; 4-6-2013 by Ord. No. 701; 3-17-2016 by Ord. No. 727; 2-11-2017 by Ord. No. 737]

- A. Requirements and applicability.
 - (1) Residential properties not offered for rent.
 - (a) Owners of residential properties may dispose of their trash by transporting it to an out-of-Town location without the use of a trash collection service.
 - (b) Owners of residential properties who contract for trash collection services shall engage the Town's designated vendor for the collection of trash and recyclables.
 - (2) Residential properties offered for rent, minimal requirements. Owners of any residential property which is the subject of a residential rental license shall contract with the Town's designated vendor for trash and recycling collection services. Minimal service collection frequency shall be twice weekly for trash and once weekly for recycling from May 1 through September 30 of each year. For any period between September 30 and May 1 of the subsequent year in which such property is rented, owners shall contract with the Town's designated vendor for not less than once weekly trash and recycling services. Additionally,

2

owners of properties offered for rent shall elect and maintain valet service from the Town's designated trash and recycling collection vendor during any period in which trash and recycling collection is required hereunder.

- (3) All businesses licensed by the Town of Dewey Beach which sell carry-out food products shall have a place at the entrance to their businesses, when open for business, a minimum of one trash container, said size, design, advertising slogan (no graphics), and dimension to be determined and approved by the Town Building Official. Each trash container will be lined with a plastic bag, and the container may contain the name of the business that is responsible for the maintenance of the can and may contain an approved advertising slogan. The trash and recyclables deposited in said container shall be emptied at least once each day or as soon as the container is filled to capacity, whichever occurs first. Seasonal businesses must remove the container when they are closed for business. The cost of obtaining these trash receptacles, their maintenance, and the removal of the trash and recyclables will be borne by the business.
- (4) Commercial and mixed-use properties. Commercial property owners may choose any trash and recycling collection vendor licensed by the Town of Dewey Beach to service their property. A residential dwelling unit owner of a property shared by a commercial entity may arrange to use the waste containers maintained by the commercial entity.
- (5) Multiunit residential properties (e.g., condos, townhouses, stacked cottages, duplexes). Owners of multiunit residential properties that do not have a commercial use on the property shall obtain service from the Town's designated residential trash and recycling vendor. This service may be arranged as a single account for a container, set of containers, or dumpster that is shared among all the residents of the property. For owners of such dwelling units, valet service is optional.
- (6) The Town Manager is hereby authorized to hear and grant exemptions to the requirements of this section to owners who demonstrate the existence of a defined term contract with an alternate vendor entered into prior to the enactment of this chapter.

B. General requirements governing all refuse, garbage and/or recyclables placed for pickup.

- (1) Refuse, garbage, recyclables and ashes.
 - (a) All trash, refuse, garbage, recyclables and ashes shall be enclosed in a rigid trash or recyclables container suitable for collection and disposal by a licensed trash collection and/or recycling company.
 - (b) Rigid containers shall have tight-fitting lids.
- (2) Yard waste and bulk waste.
 - (a) Property owners must contact the Town's designated vendor to arrange for pickup.
 - (b) Material may be placed out in a personal container, bundles no more than four feet in length, or biodegradable lawn and leaf bags. Branches and limbs may be no more than four inches in diameter.
- (3) Time limitation of placement. It shall be unlawful to store any residential or commercial trash or recyclables container, or yard waste or branches and sticks in any public right-of-way except between the hours of 12:00 noon Sunday through 8:00 p.m. Monday and 5:00 p.m. Thursday through 8:00 p.m. Friday. The Town shall void any ticket issued to a property owner for violation of this subsection who demonstrates he or she had valet service provided by the Town's designated vendor for the subject property in place at the time of the offense.

C. Collections. All persons engaged in the collection and removal of refuse and/or garbage, recyclable materials, ashes and yard waste, including those employed by the Town for that

3

purpose, shall collect and transport same through or along the avenues, streets, lanes, alleys or other public ways of the Town as follows:

- (1) In a sanitary, covered, liquid-tight container or motor vehicle body as set forth by the regulations of the Delaware Solid Waste Authority.
- (2) Only between the hours of 8:00 a.m. and 4:00 p.m.
- (3) For collections from residential properties, only on Mondays and Fridays unless an exception is approved in advance by the Town Manager.

§ 153-5. Public waste containers.

- A. All public waste containers placed by the Town along any public right-of-way or easement area of the avenues, streets, alleys or sidewalks of the Town shall be used by members of the general public as the place or places of disposal of waste paper and material accumulated by the members of the general public, aforesaid, while using the public ways of the Town. To this end, no person engaged in business, either as owner, manager, operator, employer, or other capacity, and no person residing in any dwelling, either as owner, tenant, employee or guest, shall dispose of or place any garbage, ashes or refuse in any public waste containers of the Town.
- B. The Town shall collect from all businesses an annual business license fee covering the cost of collection from the public trash containers. The Town shall collect from all property owners receiving rental licenses an annual rental license fee covering the cost of collection from the public trash containers. The amount of the annual fees shall be set by the Town Commissioners when the annual budget is approved and shall be billed on an annual basis, due and payable as part of the business or rental license fee. The amount of such annual fee shall be established by resolution and set out in the Town's Schedule of Fees.^[1]

[1] *Editor's Note: See Ch. 93, Fees.*

§ 153-6. Violations and penalties.

[Amended 12-6-2008 by Ord. No. 636; 4-6-2013 by Ord. No. 701; 3-17-2016 by Ord. No. 727; 5-14-2021 by Ord. No. 765]

Any person violating any provision of this chapter shall have committed a civil offense pursuant to Chapter **80** of the Municipal Code of the Town of Dewey Beach. Each violation shall incur a fine of \$75 for the first offense, \$150 for the second offense, and \$300 for any offense thereafter.

§ 153-7. Removal by Town; recovery of expense.

- A. In addition to the sanctions described in § **153-6** hereinabove, if, within five days after written notice from the Town Manager, to the owner, lessee, or possessor of land or improved premises, of a condition which violates the provisions of this chapter, the condition has not been corrected or removed, the Town Manager may take action to correct the condition and incur any expense necessary to correct or remove the condition. These corrections include, but are not limited to, the removal of permanent trash enclosures or dumpsters from the public right-of-way. For reasons of public health and sanitation, registered mail notice to the owner of such land shall not be required.

[Amended 3-17-2016 by Ord. No. 727]

- B. Any expense of removal or correction incurred by the Town under this chapter shall be paid by the owner of the land or the improved premises within 10 calendar days after written notice thereof by certified mail, registered mail, or first-class mail accompanied by a certificate of mailing to the owner of the property. If said amount is not paid within such time, such amount, together with a penalty of 10% of such expense and interest on such expense of 6% per annum,

4

shall be assessed against the land or improved premises and shall, until paid, constitute a lien against such land or improved premises in favor of the Town upon the filing by the Town Attorney of a certificate of lien setting forth the amount of such expense, including penalty and interest.
[Amended 2-11-2017 by Ord. No. 737]

- C. In addition to any other remedy, the Town may maintain a civil action for the recovery of such expense of removal and the penalty and interest against the owner or possessor and shall be awarded reasonable attorney's fees.
- D. No civil liability shall attach to any act of any contractor or Town employee engaged in carrying out the provisions of this chapter.