

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER 153, SOLID WASTE, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE, BY AMENDING §153-6 VIOLATIONS AND PENALTIES.

BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

SECTION 1. Amend Chapter 153, Solid Waste, of the Municipal Code of the Town of Dewey Beach, by amending the violations and penalties fees as depicted below:

§ 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]
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 ~~\$25~~ **\$75.00** for the first offense, ~~\$50~~ **150.00** for the second offense, and ~~\$100~~ **\$300.00** for any offense thereafter.

SECTION 2. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on May 14, 2021.

Dale H. Cooke, Mayor

Bill Zolper, Town Manager

SYNOPSIS

This Ordinance raises the penalties for violation of Section 153-5 from \$25.00 to \$75.00 for the first offense, from \$50.00 to \$150.00 for the second offense, and from \$100.00 to \$300.00 for any offense thereafter.