

TOWN OF ROCK HALL, MARYLAND

ORDINANCE No. 2023-03

AN ORDINANCE concerning

Chapter 125 (Garbage, Rubbish and Waste) of the Code of the Town of Rock Hall, Maryland

FOR the purpose of amending Chapter 125 (Garbage, Rubbish and Waste) of the Code of the Town of Rock Hall to amend outdated and inconsistent language; providing that the title of this Ordinance shall be deemed a fair summary, and generally relating to garbage, rubbish, and waste in the Town of Rock Hall.

RECITALS

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-202 and § 501 of the Charter of the Town of Rock Hall (the "Charter"), the Council of the Town of Rock Hall (the "Council") is authorized and empowered to pass ordinances to assure the good government of the Town of Rock Hall (the "Town"); protect and preserve the Town's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the Town; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-209(d), the Council is authorized and empowered to regulate or prohibit the throwing or depositing of dirt, garbage, trash, or liquids in a public place and provide for the proper disposal of such materials; and

WHEREAS, pursuant to the foregoing statutory authority, the Council enacted Chapter 125 (Garbage, Rubbish and Waste) of the Town Code, which provides rules and regulations regarding garbage, rubbish, waste, and other similar materials within the Town; and

WHEREAS, the Council, for the good and welfare of the community, deems it necessary and appropriate to amend Chapter 125 (Garbage, Rubbish and Waste) of the Code of the Town of Rock Hall for the purpose of amending outdated and inconsistent language.

NOW, THEREFORE BE IT HEREBY ORDAINED AND ENACTED by the Council of the Town of Rock Hall that:

SECTION 1. Chapter 125 (Garbage, Rubbish and Waste) of the Code of the Town of Rock Hall is amended as follows:

§ 125-1. Definitions.

For the purposes of this chapter, the terms used herein are defined as follows:

~~[ASHES—The solid residue of the combustion of fuel used in heating and cooking operations as occurring in households, apartments or business places.]~~

* * *

§ 125-2. Collection rules and regulations.

A. Receptacles.

(1) Receptacles for garbage collection or the collection of a mixture of garbage, rubbish and refuse [~~shall be made of metal and~~] shall be watertight, fitted with handles and provided with a tight-fitting [~~metal~~] cover. Garbage receptacles shall have a capacity of not less than five gallons nor more than 20 gallons and shall be so constructed that the contents can be removed easily and without delay.

~~[(2) Ash receptacles shall be of the same character, size and description as garbage receptacles. However, when twenty gallon containers are used for ashes, they shall not be filled more than half full.~~

~~(3) Wooden or metal baskets and boxes without lids may be used for rubbish and refuse only, but such baskets or boxes must be perforated or pierced so that water or other liquids may not collect in them.~~

~~(4)~~ (2) Paper, cardboard and paperboard containers are hereby expressly prohibited.

~~[(5)]~~ (3) These provisions concerning receptacles shall apply to all municipal collections and to collections made by private collectors where the material to be collected is placed in the sidewalk area or near any street or public alley **but shall not apply to receptacles provided by the Town or any vendor with whom the Town has contracted to provide garbage collection in the Town.**

B. Placing and number of receptacles.

(1) All receptacles for municipal collection shall be placed at the sidewalk area near the edge of the street, or near the edge of the alley if collection is effected in an alley, on the day or days designated for garbage, rubbish^[5] **and** refuse [~~and ash~~] collection, as the case may be. No receptacles shall be permitted on any street, alley or lane except on the days designated for their collection, and receptacles must be removed by nightfall of the day of collection.

~~[(2) Any private collector making collections of garbage, rubbish, refuse, waste or ashes within the corporate limits of Rock Hall who shall require the material to be collected by him to be placed at the sidewalk area or near any street or alley shall first file with the Clerk of the Town of Rock Hall a schedule of his collections and shall make collections only in accordance therewith, and the receptacles placed near the sidewalk area shall likewise be removed by nightfall of the day of collection.~~

~~(3)~~ (2) Not more than a total of four receptacles shall be collected from any single dwelling or apartment house, except that apartment houses containing more than

two apartments shall be entitled to have collected two receptacles for each unit in excess of two units or a single dumpster for all of the units.

C. Preparation of garbage, rubbish, refuse~~[-and ashes]~~, etc., for municipal collection.

- (1) All wet garbage shall be drained and wrapped in paper or placed in a bag or similar container before being placed in the garbage receptacle.
- (2) If garbage, rubbish and refuse as defined by this chapter are all collected by municipal collection, they may be mingled in the same receptacle, provided that it is the type described in § 125-2A(1) hereof.
- (3) Bricks, masonry, large metal objects and dirt shall not be mingled with garbage, rubbish or refuse~~[-but shall be placed in ash containers and may be mingled with ashes. Such large noncombustible objects shall be collected at the same time as ash collections are made].~~
- ~~[(4) Tree limbs and other large wooden objects will be collected, provided that such material is cut in lengths not exceeding three feet and tied in compact bundles. Such material need not be placed inside containers.]~~

D. Schedule of collections.

- ~~[(1)]~~ Collection of such items of garbage, rubbish~~;~~ **and** refuse ~~[and ashes]~~ as may hereafter be collected by the Mayor and Council of Rock Hall shall be made at least once each week, and, when the regular collection day falls on a holiday, collection shall be made on the day preceding the regular collection day if the regular collection day is Saturday or the day after the holiday if the regular collection day is other than Saturday.
- ~~[(2) No municipal collection shall be made by the Mayor and Council or their agents and employees from any industrial establishment, commercial establishment or any other establishment operating for a profit, other than apartment houses, boardinghouses or rooming houses.]~~

§ 125-3. **Commercial and industrial establishments.**

Except as otherwise set forth herein, no municipal collection shall be made by the Mayor and Council or their agents and employees from any establishment that is entirely or primarily industrial or commercial in nature or otherwise primarily operates for a profit, other than apartment houses, boardinghouses or roominghouses. Such industrial or commercial establishments that generate an amount of garbage, rubbish or refuse substantially equivalent to that generated by a single dwelling may be eligible for municipal collection if authorized by the Town and upon payment of any required fees, whether imposed by the Town or any vendor with whom the Town has contracted to provide garbage collection in the Town. All establishments not served by municipal collection shall have their garbage, rubbish, refuse~~;~~ **or** waste ~~[or ashes]~~ removed from their premises as frequently as may be necessary in

order to avoid the creation of a nuisance to the public or to adjoining property owners and to prevent the creation of an unsanitary condition dangerous to the public health.

§ 125-4. Scavenging and private collection.

- A. It shall be unlawful for anyone to disturb any garbage, rubbish[,] or refuse [~~or ash~~] containers or to remove their covers or any contents thereof, except the tenants or occupants of the premises on which such refuse containers are placed or their duly authorized agents or the duly authorized agents, employees or licensees of the Mayor and Council.
- B. Any person, firm or corporation desiring to engage in the business of collection of garbage, rubbish, [~~and~~]or refuse, or waste [~~matter~~] within the corporate limits of the Town of Rock Hall shall first obtain a license from the Mayor and Council. Such person, firm or corporation shall make application in writing, setting forth the name and address of the applicant and a description of the vehicle or vehicles to be used in the collection of garbage, rubbish, refuse or waste materials. Said application shall contain a statement that the applicant will exercise reasonable care to prevent the escape or leakage of garbage, rubbish, refuse or waste materials upon the streets of Rock Hall from the vehicles used by applicant.
- C. A fee as provided in Chapter 102, Fees, shall be collected by the Mayor and Council of Rock Hall for each license issued hereunder, and all such licenses shall expire on June 30 next following the date of issuance.
- D. The Mayor and Council of Rock Hall may revoke the collector's license of any holder who fails to exercise reasonable care in preventing the escape or leakage of garbage, rubbish, waste or refuse materials from vehicles used by the licensee or who fails to obey any lawful regulation hereafter adopted by the Mayor and Council of Rock Hall relating to the private collection of garbage, rubbish, waste or refuse materials.

§ 125-5. Special sanitary provisions.

- A. The removal of wearing apparel, bedclothing or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the direction of the Kent County Health Department. Such [~~refuse~~] materials shall not be placed in containers for regular collection.
- B. Each person who places a receptacle in the sidewalk area or near the line of any street or alley within the corporate limits of Rock Hall shall be responsible for the condition of the receptacle, and, if the contents of the receptacle shall be spilled because of the poor condition of the receptacle, the person placing the [~~refuse~~] receptacle for collection shall be required to clean up and remove the spilled contents of the receptacle prior to nightfall of the day in which such spillage occurs.

§ 125-6. Violations and penalties.

~~[Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$100 or imprisonment for a term not to exceed 30 days, or both, for each separate violation.]~~ **Violations of this chapter shall be punishable as a Class C Municipal Infraction and subject to the provisions of Chapter 153 of the Town Code.**

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in brackets. Substantive language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

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This Ordinance was introduced at a public meeting of the Council of the Town of Rock Hall, held on the ____ day of _____ 2023 and having been reviewed and considered for final action after a public hearing on the __ day of _____, 2023, was duly passed and enacted on the __ day of _____, 2023.

VOTE:

YEAS: _____ James Cook, Mayor (VOTE)

NAYS: _____ Carolyn Jones, Vice Mayor (VOTE)

ABSTAINING: _____ Timothy Edwards, Councilmember (VOTE)

Eleanor Collyer, Councilmember (VOTE)

Vacant Seat, Councilmember (N/A)

Approved as to form:

Patrick W. Thomas, Town Attorney