

An ORDINANCE Enacting Chapter 16 Entitled Garbage and Refuse in the corporate limits of the Town of Boonsboro, Washington County, Maryland.

NOW, THEREFORE: Be it enacted by the Mayor and Council of Boonsboro that the ordinance Garbage and Refuse, Chapter 16 of the Code of the Town of Boonsboro be and hereby is adopted:

Chapter 16

GARBAGE AND REFUSE

ARTICLE I
Regulations

- § 16-1. Containers permitted; restrictions.
- § 16-2. Placement of containers and removal of contents. (AMENDED 9/2/08;RES.2008-04)
- § 16-3. Occupants responsibility defined.
- § 16-4. Waste containers in public areas.
- § 16-5. Litter on streets; public dumps usage.
- § 16-6. (Reserved)
- § 16-7. (Reserved)

ARTICLE II
Collection

- § 16-8. Definitions.
- § 16-9. Collection contractors.
- § 16-10. Contractor requirements and restrictions.
- § 16-11. Contracting periods. (AMENDED 9/2/08;RES.2008-04)
- § 16-12. Breach of contract.

ARTICLE I
Regulations

- § 16-1. Containers permitted; restrictions.

It shall be the duty of each householder to provide one (1) or more containers for the reception of garbage and household refuse as said terms are defined in this chapter. Except as herein provided, a container in which any garbage is deposited shall be made of metal or rigid plastic and free of leaks, and shall be provided with a suitable cover or lid and an adequate handle for lifting the container. Before garbage is deposited in any such container, it shall be placed in a paper or plastic bag or securely wrapped in paper, unless said container is provided with a disposable paper or plastic liner. A container in which household refuse only is deposited shall be made of metal, plastic, wood or other material not affected by water or inclement weather conditions, and shall be of sufficient size and strength to conveniently hold its contents. A good quality plastic bag may be used as a container for both garbage and household refuse, the same to be free of leaks and of sufficient size

and strength to conveniently hold its contents, any such bag to be securely fastened or tied so as to prevent leakage or loss of any part of its contents. Containers generally known as cartons or for any person to use or permit to be used a container for the reception of garbage or household refuse, preparatory to its collection as hereinafter set forth, that does not comply with the provisions of this section.

§ 16-2. PLACEMENT OF CONTAINERS AND REMOVAL OF CONTENTS. *Reflects amendment approved on 9/2/08 by Resolution 2008-04.*

It shall be the duty of the householders, no earlier than 4:00 P.M. on the eve of the day on which the collector **OF GARBAGE AND HOUSEHOLD REFUSE OR YARD DEBRIS** shall make his rounds on their street or block of the city, to place their garbage, and household refuse containers **AND/OR YARD DEBRIS BAGS** in front of their premises at the edge of the curb, **(NOT IN THE PUBLIC STREET)** so as to be of easy access to the collector, and as soon as possible after the containers, made of rigid material **(FOR HOUSEHOLD REFUSE)**, are emptied, to return such containers to some convenient place about the premises out of view, it being understood that if plastic bags are used **FOR HOUSEHOLD REFUSE**, the collector will take both the bags and their contents. Any persons placing garbage, ~~and/or~~ household refuse containers, **AND/OR BRUSH AND YARD DEBRIS** out for collection prior to 4:00 PM on the eve of the day when the collector shall make his rounds on their street or block shall be guilty of a misdemeanor and shall be liable to fines not to exceed fifty dollars (\$50.00) and/or imprisoned for not more than thirty (30) days in the county jail Placement of containers and removal of contents.

§ 16-3. Occupants responsibility defined.

It shall be the duty of the collector to notify Police officials for the town of the failure upon the part of any person to deposit his garbage cans or other containers as required by this Article, or, if the occupant of such premises be unknown, then the number of location of the house or premises shall be given to the town Police officials and it shall be his duty, or the duty of any cause of other policemen detailed for that purpose, to inquire into the cause of such failure, and if such failure is due to the willful neglect of the occupant of the premises to comply with the provisions of this Article, then it shall be the duty of such officer to bring the failure to the attention of the town.

§ 16-4. Waste containers in public areas.

It shall be the duty of the council to provide and place cans or other containers of such design, material and dimensions as may be approved by the council, and in such numbers and such places as the council shall designate, for the reception and deposit of wastepaper and other refuse matter as is commonly thrown upon the sidewalks or streets by pedestrians or residents of such streets¹ such cans or other containers to bear a suitable inscription designating the purposes for which they are meant to be used.

It shall be the duty of the council to see that the cans or other containers placed as required by the preceding paragraph are emptied at least weekly and the contents deposited in carts and hauled to such point as the council may hereafter designate, and such disposition made of the contents as the council shall direct.

It shall be unlawful for any person to throw upon the sidewalks or streets of the town any wastepaper or waste matter of any character or description whatsoever, but such refuse or waste matter shall be deposited in cans or other containers placed upon the sidewalks for the reception of such refuse matter.

§ 16-5. Litter on streets; public dumps usage.

It shall be unlawful for any person to throw, dump or deposit any trash, junk or other refuse upon any public street or alley within the town, or upon any land owned by the town, save and except within the confines of a public dump owned and operated by the city, and then only in accordance with rules and regulations adopted for the operation thereof.

§ 16-6. (Reserved)

§ 16-7. (Reserved)

ARTICLE II
Collection

§ 16-8. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Article, have the meanings indicated in this section:

GARBAGE - All kitchen refuse and often including every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, vegetables or other eatables.

HOUSEHOLD REFUSE - All refuse, other than garbage as above defined, including tin cans, bottles, wastepaper, broken china, wood and metalware, but not including ashes or any other truck or dirt.

§ 16-9. Collection contractors.

The collection of all garbage and household refuse within the corporate limits of the city and the removal and disposal of such garbage and household refuse when collected shall be by independent contractors.

§ 16-10. Contractor requirements and restrictions.

The Mayor and Council shall enter into a contract with any person, provided, that such person is, in the judgment of the Mayor and Council, reliable and sufficiently qualified to undertake and carry out the terms of the contract and to collect, remove and dispose of all accumulations of garbage and household refuse within the corporate limits of the town. Such contract shall contain such terms and conditions as will require the contractor to collect, remove and dispose of all accumulations of garbage and household refuse within the corporate limits of the town. Such contract shall contain such terms and conditions as will require the contractor to collect, remove and dispose of garbage and household refuse at regular stated intervals and in such a manner as not to create a nuisance or interfere in any way with the rights or privileges of any person, and as will require the contractor to use exclusively in the collection and removal of garbage, motor vehicle bodies with the necessary mechanism, commonly known as "garbage getters," so constructed as to prevent the loss or escaping therefrom of liquid and solid matter, and the escape of odors.

§ 16-11. CONTRACTING PERIODS. *Reflects amendment approved on 9/2/08 by Resolution 2008-04.*

No contract for the collection, removal and disposal of garbage and household refuse shall be for a longer period than one (1) year, although the contractor may be granted the right and privilege of renewing his contract for another periods of not longer than one (1) year each, ~~on the same terms and conditions as stipulated in his contract.~~ **WITH THE CONTRACT TERMS AND CONDITIONS TO BE APPROVED AT THE DISCRETION OF THE MAYOR AND COUNCIL.**

§ 16-12. Breach of contract.

Should any contractor abandon his contract or for any reason become unable to properly discharge the duties required of him under the terms of such contract, the Mayor and Council may, through their agents and employees, collect, remove and dispose of such garbage and household refuse until such time as they are able to enter into a new contract for the collection, removal and disposal of the same as provided in this Article.

Adopted: September 8, 1986

Effective: September 9, 1986