

AN ORDINANCE TO AMEND CHAPTER 127, Article II, SANITATION, OF THE CODE OF
THE TOWN OF FENWICK ISLAND, DELAWARE

RELATING TO Handling and Disposition of Solid Waste

WHEREAS, the Town Council of the Town of Fenwick Island desires to create adequate screening for sanitation located in the Commercial Zone;

BE IT ORDAINED by the Town Council of the Town of Fenwick Island, in session met, a quorum pertaining at all times thereto, in the manner following:

CURRENT ORDINANCE:

Article II

Handling and Disposition of Solid Waste

§ 127-6 Garbage on public or private property prohibited.

It shall be unlawful for any person to place trash, yard waste, construction debris or any other foreign waste on any public or private property within the Town of Fenwick Island except as provided in § **61-15A** and § **127-7** hereof.

§ 127-7 Regulations for handling and disposition of trash.

- A. Concerning the handling and disposition of trash in the Residential Zone, the following rules and regulations shall apply:
- (1) The owner or occupier of any given property shall place all trash into containers and place the containers along the curb in front of such property in order that the trash may be conveniently removed by the collector thereof.
 - (2) All bramble, sticks, tree trimmings and the like shall be securely tied together in bundles, each of which shall not exceed 50 pounds in weight or four feet in length.
 - (3) All trash shall be placed in covered plastic or metal containers, not to exceed 32 gallons in size or 50 pounds in weight when filled, and shall be watertight to prevent leakage and covered to exclude water.
 - (4) Unless suitable protection is provided by a container bin, all containers shall be placed along the front property line no earlier than 12:00 noon the day prior to collection and removed no later than 8:00 p.m. on the day trash has been collected.

- (5) No person shall dispose of any garbage, recyclables, yard waste, trash or litter of any kind by throwing or placing it upon any property within the confines of the Town or within a distance of one mile of the Town limits.
 - (6) No person shall put or place any garbage, recyclables, yard waste and trash collected or gathered from one property upon or in front of any other property or within the Town without the express consent and permission of the owner of such other property to do so.
 - (7) All public waste containers placed by the Town of Fenwick Island shall be used by the general public for the disposal of trash accumulated while using the public areas of the Town. These containers shall not be used for disposal of residential and/or commercial trash.
- B. Concerning the handling and disposition of trash in the Commercial Zone, the following rules and regulations shall apply:
- (1) Any business which continuously uses more than five containers of trash, rubbish or garbage shall be required to place its garbage, recyclables, yard waste and trash in a one- or two-ton dumpster provided by the owner. All dumpsters shall have tight-fitting lids which shall be kept closed except when filling or emptying and shall be watertight to prevent leakage. All dumpsters shall be situated on a paved area at least of equal size as the dumpster and shall not be less than 10 feet from any neighboring or adjacent property line.
 - (2) All businesses should have trash removed as often as necessary to comply with Subsection **B(3)(a)** and **(b)** of this section.
 - (3) The following maintenance requirements must be met:
 - (a) The owner and/or tenant of any property shall maintain trash containers of all kinds in a well repaired, clean, odorless condition so that these containers shall not in any way be offensive or injurious to the health of the residents of the Town of Fenwick Island. The owner and/or tenant of any property shall maintain the area where trash containers and dumpsters are placed in a clean, odorless and sanitary condition so that this area shall not be offensive by odor or injurious to the health of the residents of the Town of Fenwick Island or kept in an unsightly condition or in a condition which is detrimental to the adjacent properties and the general neighborhood.
 - (b) A Town Council designee shall have discretion in determining when there exists an unsanitary condition of either the containers or the area where the containers are placed so that the containers and container area are not injurious to the health of the residents of the Town of Fenwick Island, do not cause an unsightly condition or do not become detrimental to the adjacent properties and the general neighborhood.
 - (c) After making such a determination, a Town Council designee shall give written notice of the violation to the owner and/or tenant of the property on which the condition exists. The notice shall set a time limit for correction, removal or abatement of the condition, which period shall not exceed five days. Said notice may be served by the Police Department or a Town employee, or it may be served by registered or certified mail.
 - (d) The owner and/or tenant of the property shall be guilty of failing to correct, remove or abate an unsanitary condition that may be injurious to health, unsightly or detrimental to the adjacent properties or general neighborhood if the condition continues to exist on or after the removal or

abatement date that is set on the written notice.

§ 127-8 Violations and penalties.

Any person violating any provision of this article shall, upon conviction thereof, be subject to a fine of \$200. It shall be determined that each day that an unsanitary or injurious to health condition or a condition which is unsightly or detrimental to the adjacent properties or general neighborhood exists after the date set for correction of the condition shall constitute a separate offense.

PROPOSED AMENDMENT TO CURRENT ORDINANCE:

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 - a. A detailed plan setting forth the location and screening enclosure of the dumpsters shall be submitted for approval to the Building Official and shall not be less than 10 feet from any neighboring or adjacent property line;
 - b. The enclosure shall screen the dumpster(s) on four sides with a gate that swings out that does not obstruct sidewalks or streets when the enclosure gate is open;
 - c. Enclosures for dumpster(s) screening shall be made of opaque, non-see through material. Enclosures shall be made of vinyl, wood composite, masonry or concrete and colored or painted to substantially match the principal color of the commercial building. Enclosures shall be constructed with a sturdy metal frame and/or wood composite frame and anchored so as to not become airborne. Chain link fencing is prohibited;
 - d. Enclosures shall be 12 inches or greater than the highest part of the dumpster intended to be screened.
 - e. Dumpsters and enclosures shall be placed on a concrete pad.
 - f. Gates to enclosures shall remain closed and latched at all times except for removal of trash by the hauler or to place trash into the dumpsters.
 - h. The dimensions of the enclosure should be adequate to permit the commercial hauler to be able to remove the dumpsters without damaging the enclosure.
 - i. Approved enclosures shall be maintained in appearance and operating order as set forth in these regulations.
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