Ordinance No.: 0121-02
Adopted: 01-15-21

NOTICE

THE COMMISSIONERS OF THE CITY OF REHOBOTH BEACH ON JANUARY 15, 2021, ADOPTED ORDINANCE NO. 0121-02 WHICH READS AS FOLLOWS:

AN ORDINANCE TO AMEND CHAPTER 227, SOLID WASTE, OF THE MUNICIPAL CODE OF THE CITY OF REHOBOTH BEACH, DELAWARE, 2001, BY AMENDING SECTIONS 227-1, 227-2, 227-3, 227-4, 227-6, 227-7, 227-8, 227-10, 227-13, 227-15, 227-18, 227-19, 227-21, 227-22, 227-23, 227-24.A, AND 227-29 RELATING TO SOLID WASTE.

WHEREAS, the Mayor and Commissioners desire to revise Chapter 227, relating to solid waste.

BE IT ORDAINED by the Commissioners of the City of Rehoboth Beach, in session met, a quorum pertaining at all times thereto, in the manner following to-wit:

Section 1. Chapter 227, Solid Waste, of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by making insertions as shown by underline and deletions as shown by strikethrough as follows:

Article 1
Refuse Containers

As used in this chapter, the following terms shall have the meanings indicated:

BAG

A paper, plastic or polyethylene bag not less than 1 1/4 mils thick and containing no more than 50 pounds when filled.

BULK STORAGE CONTAINER

A watertight~~,~~ plastic or metal container capable of holding ~~approximately 4 to 8 cubic yards of~~ approved disposed refuse, ~~with doors opening on two sides~~ and capable of being mechanically emptied.

BUNDLE

Branches and prunings tied together, no longer than four feet in length and not exceeding 50 pounds in weight.

COMMERICAL ESTABLISHMENT OR COMMERCIAL BUSINESS

A ~~N~~non-residential establishment~~s providing or preparing food on the premises, and~~ that maintain~~ing~~es a current Rehoboth Beach business license~~, contracts with a private refuse disposal service, and is prohibited from residential collection service~~.

CONSTRUCTION AND DEMOLITION WASTE

Discarded or unused construction materials resulting from the construction, demolition, reconstruction, remodeling, and repair of houses, commercial buildings and other structures. Such waste includes, but is not be limited to, excavated earth, stones, brick, plaster, lumber, appliances, concrete, shingles, insulation, stumps, trees, brush, fixtures and waste parts generated by installation and replacements of structures and facilities, or from land clearing activities.

DISPOSABLE CONTAINER

A bag, box or similar container (other than a waste container) intended for one-time disposal of waste and which will prevent leakage if any liquids are present.

GARBAGE

Wastes resulting from the handling, preparation, cooking and consumption of food~~,~~and wastes resulting from the handling, storage and sale of produce, and animal waste.

LEACHATE

Any liquid which drains from garbage or any liquid which comes in contact with any part of a container previously contacted by garbage, including all water that comes in contact with garbage or parts of a container previously in contact with garbage, such as (without limitation) water used to wash a dumpster or rainwater that drains from or through garbage.

RECYCLABLES

Any material or group of materials that can be collected ~~and sold or used for recycling~~ as defined by the Delaware Solid Waste Authority.

REFUSE

A. Combustible trash, including but not limited to paper, excelsior, wood furniture and bedding.

B. Noncombustible trash, including but not limited to metals, dirt, stone, glass, crockery and other mineral waste.

C. Garbage Combustible trash, including but not limited to paper, excelsior, wood furniture and bedding.

D. Street rubbish, including but not limited to street sweepings, dirt, catch basin dirt and contents of litter receptacles.

E. Wastes resulting from industrial processes and manufacturing operations.

REFUSE DISPOSAL SERVICE

An independent refuse disposal service licensed to do business within the City of Rehoboth Beach and contracted privately for refuse disposal.

RESIDENTIAL AREAS

All residences other than motels and hotels, but shall include boardinghouses, apartment houses and condominiums, regardless of whether such residences are located in areas other than residential zones as defined in Chapter **270**, Zoning.

TRASH

Refuse containing no food, food waste, animal waste, human waste or any such matter.

VALET COLLECTION

~~Waste and refuse collection which is provided by the City through the City's services.~~ Special waste and refuse collection service in which the City retrieves the waste containers from on the property, empties and then returns the container to the property for a fee.

WASTE

Refuse, recyclables and yard waste intended for disposal.

WASTE CONTAINER

A reusable rigid plastic or metal container with a watertight lid and suitable handles or a tipper mechanism compatible with City refuse trucks and used for the storage of recyclables, yard waste and bagged garbage and refuse.

YARD WASTE

Organics, including grass, leaves, prunings, brush, shrubs, garden materials, Christmas trees and tree limbs up to four inches in diameter.

§ 227-2. **Applicability.**

A. This article shall be applicable in residential and commercial areas ~~only~~.

B. Each commercial establishment shall retain the services of a independent refuse disposal service licensed to do business within the City of Rehoboth Beach, and obtain a refuse container or bulk container directly from the refuse disposal firm.

§ 227-3. **Approved container.**

A. The only approved disposable container for residential garbage and refuse shall be a bag as defined in § 227-1.

B. The only approved waste container shall be one as defined in § 227-1.

(1) The occupant shall maintain the refuse container in good repair and shall keep the area in which the container is stored in a clean, neat, and in sanitary condition at all times.

(2) All refuse shall be stored in the containers between collection days. The containers shall be waterproof, leak-proof, and shall be covered at all times except when depositing waste therein or removing the contents thereof.

C. Construction and demolition waste are prohibited for residential pick up with the exception of those items identified in § 227-11.

D. Approved containers for commercial use includes bagged garbage and refuse and ~~BULK STORAGE CONTAINERS~~ Bulk Storage Containers as defined in § 227.1.

(1) The container shall be of sufficient size to handle the volume of solid waste generated from such establishment or facility between pick-ups.

§ 227-4. **Discontinuance of service; notice.**

A. The City Manager is authorized and directed to discontinue garbage and refuse collection service to any residential property which does not use a bag.

B. Five days' written notice shall be given to the property owner whose garbage and refuse service is to be discontinued, directed to the property owner at his last known address.

§ 227-5. **Metal container required in areas of rodent infestation.**

The provisions of this article shall not be applicable to any area in which it is determined by the City Manager that there is rodent infestation. In such area, the only approved container shall be a metal container with suitable handles and tight-fitting covers. Such metal containers shall be watertight.

Article II
Rules and Regulations

§ 227-6 **Depositing ~~rubbish~~ refuse in public places.**

A. No person shall throw, place or deposit any garbage, trash, rubbish, ashes, refuse or other foreign substance upon any sidewalk, boardwalk, crosswalk, avenue, street, lane, alley, beach, park, strand or other public place or upon any property owned by the City or over which the police power of the City extends.

B. Any violation of this section is declared a civil offense pursuant to Chapter **126** of the Municipal Code of the City of Rehoboth Beach.

§ 227-7 **Depositing ~~rubbish~~ refuse on private property.**

No person shall put, place or throw any garbage, trash or rubbish collected or gathered from one lot upon or in front of any other lot within the city.

~~§ 227-8 **Garbage to be wrapped.**~~

~~A. All kitchen waste or vegetable or animal waste, commonly classified as garbage, shall be completely wrapped in newspaper or other wastepaper and securely tied before disposal in any waste container.~~

~~B. All wrapped garbage may be disposed along with trash and rubbish in the same container.~~

§ 227-9 **Collection of refuse; time limits.**

The owner or occupier of any given dwelling shall place all refuse in waste containers along the curb in front of such lot not earlier than 6:00 p.m. on the day prior to collection day or shall place any refuse in disposable containers not earlier than 5:00 a.m. on collection day in order that it may be conveniently collected by the City. All waste containers shall be removed from City property not later than 9:00 p.m. on collection day. Any violation of this section is declared a civil offense pursuant to Chapter **126** of the Municipal Code of the City of Rehoboth Beach.

§ 227-10 **~~Size of c~~Containers and weight ~~limited~~limits.**

~~A. All waste material shall be contained in individual containers, each of a capacity not exceeding one bushel.~~

~~B~~A. Residential ~~Containers~~containers and contents weighing more than 50 pounds will not be emptied by the collection forces of the ~~city~~City. Heavy oil drums shall not be considered satisfactory containers.

B. Mobile residential roll-out type containers shall be a maximum capacity of ninety-five (95) gallons.

C. Commercial containers are subject to the requirements of their individual contracts with their refuse disposal service and the requirements herein.

§ 227-11 **Collection of yard waste and recyclables; time limits.**

A. Collection by City.

(1) The City will collect yard waste as needed, provided that such yard waste is either:

(a) Contained in paper bags specifically manufactured for yard waste or securely tied together in bundles and does not exceed 50 pounds in weight or four feet in length; or

(b) Is placed within a City-owned and -furnished yard waste container.

(2) Disposal of leaves, branches and tree trimmings not so bagged or tied shall be the responsibility of the property owner.

B. From October 1 to May 14 of each year, the City will collect loose leaves and pine needles free of foreign debris such as lumber, stones, bricks, branches and any type of garden or flower bed stalks when placed at the curbline or on the road shoulder.

C. The City will collect recyclables, provided that such recyclables are contained in a City-

owned and -furnished recycling container.

D. The owner or occupier of any given lot shall place all recyclables or yard waste in specified containers along the street in front of such lot not earlier than 6:00 p.m. on the day prior to collection day in order that it may be conveniently collected by the City. All recycling and yard waste containers shall be removed from City property not later than 9:00 p.m. on collection day. Bagged and bundled yard waste and loose leaves and pine needles may be placed along the street at any time.

E. Any violation of this section is declared a civil offense pursuant to Chapter **126** of the Municipal Code of the City of Rehoboth Beach.

§ 227-12 **Transportation of garbage.**
All persons engaged in the collection and removal of garbage, including persons employed by the City for that purpose, shall collect and transport the garbage through or along the avenues, streets, lanes, alleys or other public ways of the City in a sanitary, covered, liquidtight container or motor vehicle body only.

§ 227-13 **Use of public waste containers.**
A. All public waste containers placed by the City along any of the avenues, streets, alleys, sidewalks and boardwalks of the City shall be used by the members of the general public as the place for disposal of wastepaper and material accumulated by members of the general public while using the public ways of the ~~city~~City.

B. No person engaged in commmercial business, either as owner, manager, operator, employer or other capacity, and no person residing in any dwelling, either as owner, occupant, employee or guest, shall dispose of or place any garbage, trash or rubbish in any public waste container of the ~~city~~City, except when such person constitutes a member of the general public in accordance with Subsection **A** of this section.

§ 227-14 **(Reserved)**

§ 227-15 **Violations and penalties.**

A. ~~Any owner or occupier violating any of the provisions of this article or permitting or authorizing any violation of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $25 nor more than $50 and shall pay the costs of prosecution. For the purposes of this article, each day that a violation occurs shall be deemed to be a separate offense.~~ Violations of the provisions of this article or permitting or authorizing any violation of this article shall be a civil offense pursuant to Chapter 126 of the Municipal Code of the City of Rehoboth Beach. Any person who violates this article shall pay a civil assessment of $100 fine. Whenever such person shall have been notified by the Building Inspector or in any other way that he or she is

committing a violation of this article, each day he or she shall continue said violation thereafter, shall constitute a separate offense punishable by like assessment.

B. In addition to the civil assessment herein described, the City may avail itself of any and all legal and equitable remedies for the purpose of stopping continuing violations of this article.

Article III
Sidewalks and Boardwalk

§ 227-16 **Scope.**
This article shall govern the cleanliness of sidewalks and the Boardwalk and the storage of trash within any area of the City of Rehoboth Beach which is zoned for commercial purposes pursuant to Chapter **270**, Zoning, of the Code of Rehoboth Beach, as amended.

§ 227-17 **Accumulation of refuse.**
The accumulation of broken articles, debris, litter, refuse, garbage, paper, dirt, trash, waste material or other unwholesome matter on the sidewalks and on the Boardwalk in front of any property zoned for commercial purposes pursuant to Chapter **270**, Zoning, within the corporate limits of the City of Rehoboth Beach is hereby declared to be a public nuisance; provided, however, that the provisions of this article shall not be applicable to the placement of trash along any curb for collection by the sanitary collection force of the City pursuant to the provisions of § **227-14** of this chapter.

§ 227-18 **Minimum standards.**

The following standards shall be applicable for the cleanliness of sidewalks, ~~and of the~~ Boardwalk, and areas containing bulk storage containers at business establishments within the commercial districts of the City of Rehoboth Beach and shall constitute the minimum standards for keeping ~~sidewalks~~areas clear and free of foreign matter:

A. The proprietors of all commercial establishments shall cause the sidewalks, ~~and the~~ Boardwalk and other areas adjacent to their establishments to be swept at least one time a day between one hour before and one hour after the opening of such establishments for business ~~for the period from May 1 to September 30, both dates inclusive, of each year~~. The proprietors shall cause to be maintained in a clean and neat condition all sidewalks and the Boardwalk adjacent to said commercial establishments during business hours.

B. The proprietors of all commercial establishments from which food or beverages, or both, are sold or dispensed to customers on the sidewalks or on the Boardwalk shall cause the sidewalks and the Boardwalk adjacent to their establishments to be washed each Monday, Friday and the day following any legal holiday between one hour before and one hour after

the opening of such establishments for business ~~for the period from May 1 to September 30, both dates inclusive, of each year~~. The proprietors of all other commercial establishments from which food or beverages are not sold or dispensed, east of First Street, shall cause the sidewalks and the Boardwalk adjacent to their establishments to be washed each Monday between ~~the hours of 9:00 a.m. and 10:00 a.m. for the period from May 1 to September 30, both dates inclusive, of each year~~ one hour before and one hour after the opening of such establishment for business.

C. The proprietors of all commercial establishments shall keep the areas surrounding bulk refuse containers adjacent to their establishments clean, free of leakage and spills, odor-free and in sanitary condition.

~~C~~D. All trash stored outside the establishment shall be stored in vermin-proof containers and in such a manner as not to be visible from the street.

~~D~~E. All empty boxes stored outside the establishment shall be stored in such a manner as not to be visible from the street.

§ 227-19 **Violations and penalties.**

~~A. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $10 nor more than $50 and shall pay the costs of prosecution.~~

~~B. For the purposes of this article, each day or part of a day that a violation occurs shall be deemed to be a separate offense.~~

A. Violations of the provisions of this article or permitting or authorizing any violation of this article shall be a civil offense pursuant to Chapter 126 of the Municipal Code of the City of Rehoboth Beach. Any person who violates this article shall pay a civil assessment of $100 fine. Whenever such person shall have been notified by the Building Inspector or in any other way that he or she is committing a violation of this article, each day he or she shall continue said violation thereafter, shall constitute a separate offense punishable by like assessment.

B. In addition to the civil assessment herein described, the City may avail itself of any and all legal and equitable remedies for the purpose of stopping continuing violations of this article.

Article IV
Garbage and Refuse Collection

§ 227-20 **Definitions.**
The definitions of § **227-1** apply to this article.

§ 227-21 **Residential collection and disposal by ~~city~~City.**

Except as provided herein, all residential garbage and refuse accumulated within the City of Rehoboth Beach shall be collected by, conveyed by and disposed of by the City of Rehoboth Beach.

§ 227-22 **Nonresidential garbage and refuse.**

No person or commercial business that generates nonresidential refuse or has not otherwise paid a fee to the City for its collection shall place any garbage and refuse:

A. At the curb or in any other location with the expectation of collection by the City; or

B. With residentially generated garbage and refuse for which the City has received a fee for collection.

§ 227-23 **Administration.**

Residential garbage and refuse collection by the City shall be ~~supervised~~ overseen by the City Manager, or their designee, who shall have authority to promulgate written rules and regulations not inconsistent with this chapter which regulate the types and amounts of residential garbage and refuse which the City will collect, valet collection service, and all other matters incidental thereto.

§ 227-24 **Fees for residential collection.**

The City shall collect from the owner of each parcel of residential real estate an annual garbage and refuse collection fee as set forth on the following schedule of fees, whether or not said owner uses the City collection service, and a valet collection fee from any person who elects valet collection service as provided in this article. Said fees will be for each fiscal year, commencing July 1 of each year. Bills will be mailed by July 1 of each year. Bills will be payable by August 31 of each year, and a penalty of 1.5% per month will be added to said bills from September 1 until paid. If any fee is not paid when due, the City may discontinue collection service until paid and may, in addition, proceed for the collection of said unpaid fee and penalties by an action in a court of competent jurisdiction or in any other manner provided by law.

	Fees	
Use	**Less Than 6 Months Seasonal Rate**	**Year Rate**
Condominiums	$275	$300
Rental units	$275	$300
Single-family dwellings	$275	$300

Use	Fees Less Than 6 Months Seasonal Rate	Year Rate

§ 227-24.A **Valet collection of residential garbage and refuse; fees.**
Prior to May 31 of each year, the owner or occupier of a dwelling may elect enrollment in the City's valet collection of residential garbage and refuse. For those who enroll, the City will retrieve a waste container from a preapproved location with a clear path to the street, empty the waste container, and replace it in the preapproved location. Valet collection commences on July 1 and is discontinued on June 30 of each year. The following collection and container fees may be transferred to a new owner or occupier but are nonrefundable:

A. Any person electing valet collection shall pay a valet collection fee in addition to the standard fee for residential collection, according to the following schedule:

   (1) One waste container: $300 per year.

   (2) Two waste containers: $420 per year.

   (3) Three waste containers: $540 per year.

B. Any person electing valet collection shall use ~~a~~ not more than three City-provided ninety-five-gallon waste containers and shall pay a one-time fee of $50 per waste container~~, for up to three waste containers~~.

Article V
Storage of Refuse

[Added 6-3-1991 by Ord. No. 691-1]

§ 227-25 **(Reserved)**

§ 227-26 **Containers.**
A. All refuse stored outside of a building shall be kept in an appropriate container in accordance with the following:

   (1) All trash shall be stored in a container or kept in a manner that prevents the scattering of such trash by natural conditions (wind, water, etc.) and by rodents, animals, birds and insects.

   (2) All garbage shall be stored in a covered, watertight container that prevents access to the garbage by rodents, animals, birds or insects. Such container shall prevent the introduction of rainwater and shall be kept closed at all times, except when depositing garbage or when emptying its contents.

B. No accumulation of trash or garbage shall be permitted outside of the container.

§ 227-27 **Odors prohibited.**
All refuse shall be kept and stored in such a manner that no obnoxious or otherwise offensive odor such as constitutes a nuisance is detectable on any adjacent street or property owned by someone other than the person owning the property where the refuse is kept or stored. This prohibition shall also include the container for storing refuse.

§ 227-28 **Exception.**
This article shall not apply to refuse placed at the curb for collection on the day of collection.

§ 227-29 **Violations and penalties.**
~~A. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $25 nor more than $100 and shall pay the costs of prosecution.~~

~~B. For the purposes of this article, each day or part of a day that a violation occurs shall be deemed to be a separate offense.~~

A. Violations of the provisions of this article or permitting or authorizing any violation of this article shall be a civil offense pursuant to Chapter 126 of the Municipal Code of the City of Rehoboth Beach. Any person who violates this article shall pay a civil assessment of $100 fine. Whenever such person shall have been notified by the Building Inspector or in any other way that he or she is committing a violation of this article, each day he or she shall continue said violation thereafter, shall constitute a separate offense punishable by like assessment.

B. In addition to the civil assessment herein described, the City may avail itself of any and all legal and equitable remedies for the purpose of stopping continuing violations of this article

Article VI
Discharging Human Waste

§ 227-30 **Prohibited acts.**
A. No person shall discharge any material onto, upon or in any sidewalk, street, beach or storm drain that contains any human fecal matter.

B. No person shall discharge from any holding tank waste from a motor home, travel trailer, camper or other vehicle onto, upon or in any sidewalk, street or storm drain.

§ 227-31 **Violations and penalties.**
Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $250 nor more than $500

and shall pay the costs of prosecution.

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 City of Rehoboth Beach.

SYNOPSIS: This Ordinance revises multiple Code provisions relating to the management of solid waste within the City.