

EXHIBIT A TO ORDINANCE 589

Article II – Garbage, Refuse, and Recycling

§ 11-8 Definitions.

For purpose of Articles II and III of this Chapter, unless the context otherwise indicates, the following definitions shall apply.

Ashes. The residue from the burning of wood, coal, coke, or other combustible materials.

Garbage. Unwanted organic refuse, largely foods, either unconsumed or spoiled, (excepting ensilage in silos or properly drained stacks) organic wastes from the processing of foods containing natural moisture and a minimum of free liquids.

Recyclable Materials – Any and all materials that can be separated, collected, processed and returned to the manufacturing stream in the form of raw materials or products. The Town shall designate those items that are suitable for collection by the Town and/or its subcontractor.

Refuse. All solid waste and includes garbage, rubbish, and ashes.

Waste. All unwanted materials, including liquid and solid waste materials.

(Ordinance 526 effective 3/24/2008, historical reference 37)

§ 11-9. Receptacles required - Specifications.

The following shall be deemed approved receptacles that will be emptied and returned to the premises.

(A) For ashes. Ashes shall be placed until collected in metal, water-tight containers equipped with handles and a tight fitting metal cover, with a capacity of not less than 15 nor more than 26 gallons.

(B) For garbage and refuse. All garbage and refuse shall be placed and stored until collected in rust-resistant, tight, non-absorbent and easily washable receptacles which are covered with close-fitting lids. These receptacles must be of adequate capacity and must be provided in sufficient number to hold all garbage and refuse that accumulates between collections.

(C) For rubbish. All rubbish, except for large articles, shall be stored in containers suitable for collection purposes.

(D) For recycling. Recyclable materials shall be placed in any bin, box, container, structure or device designated and authorized by the Town as suitable for collection.

(Ordinance 526 effective 3/24/2008, historical reference 8, 37)

§ 11-10. Papers, magazines or other light materials.

Papers, magazines, or other light materials liable to be blown about shall be bundled, tied, sacked, or otherwise properly secured and they shall be so packed that they can be easily handled by collectors. (Ordinance 526 effective 3/24/2008, historical reference 519 aka E-34)

§ 11-11. Receptacles - Sanitary condition.

All receptacles shall be washed occasionally and treated with a disinfectant if necessary to prevent a nuisance. (Ordinance 526 effective 3/24/2008, historical reference 37)

§ 11-12. Precollection practices.

(A) Garbage, ashes and rubbish shall each be placed and maintained in separate containers.

(B) All ashes shall be cool and kept dry.

(C) All recyclable materials must be separated from all other garbage and refuse and placed in Town designated recycling receptacles. There shall be no food residue in recyclables.

(Ordinance 526 effective 3/24/2008)

§ 11-13. Accumulation of refuse and/or recyclable materials.

No refuse and/or recyclable materials shall be allowed to accumulate on any premise or vacant lot except in approved containers, and then only for the purpose of being collected. (Ordinance 526 effective 3/24/2008, historical reference 37)

§ 11-14. Depositing in public places prohibited.

No house refuse, rubbish, filth, offal, garbage, dead animal or part thereof, decaying vegetable matter or organic waste substance of any kind shall be deposited on any street or public place within the corporate limits of the town. (Ordinance 526 effective 3/24/2008, historical reference 37, 519 aka E-34)

§ 11-15. Burning matter liable to cause nauseating smoke or vapor.

No dead animals, garbage, offal, or putrescible matter or any kind or any other matter liable to produce nauseating or offensive smoke or vapors of any kind shall be burned within the town limits except in approved devices. (Ordinance 526 effective 3/24/2008, historical reference 519 aka E-34)

§ 11-16. Periodic inspection of premises.

All premises within the corporate limits of the town shall be inspected periodically for compliance with the requirements of this chapter by the Building Department. (Ordinance 526 effective 3/24/2008, historical reference 37)

§ 11-16.1. Control of rubbish, refuse, garbage, recyclable materials and waste.

If the Building Department determines that garbage, refuse, rubbish, recyclable materials or other waste has accumulated on private property within the town to such an extent that the accumulation presents an immediate threat to the public health, safety, or welfare, the Building Department shall order, by certified or registered mail, return receipt requested, the owner of the property to remove all such rubbish, garbage, refuse, recyclable materials and other waste within five days of the date of the order. If, after the expiration of the five-day period, the refuse, garbage, rubbish, recyclable materials and other waste is not removed from the property, the Building Department shall arrange for the removal of the material by employees of the town or by other persons. Any cost or expense incurred thereby shall be payable by the property owner and shall constitute a lien upon the real property where the work is done. (Ordinance 526 effective 3/24/2008, historical reference 94)

§ 11-16.2. Setting out rubbish, waste, or recyclable materials for collection.

No refuse, waste, or recyclable materials shall be set out for collection prior to 5:00 p.m. on the day preceding the regular collection day for such refuse, waste or recyclable materials.

(Ordinance 526 effective 3/24/2008, historical reference 8, 208)

§ 11-17. Garbage, Refuse, and Recyclable Materials – Administrative History.

Ordinance Number 208 passed by the Town of Easton Council on 11/7/1991

Ordinance Number 94, passed by the Town of Easton Council on 7/21/80

Ordinance Number 37, Liber No. 7 passed by the Town of Easton Council on 11/20/1951

Code 1941 Article IV • 26

(Ordinance 526 effective 3/24/2008)

§ 11-18. Unlawful activities.

(A) It shall be unlawful for any person to disturb any refuse and/or recycling receptacles or to remove their covers or any contents thereof, except the occupants of the premises on which the receptacles are placed or their duly authorized agents or the duly authorized employees or agents of the Town of Easton.

(B) It shall be unlawful for any person, firm or corporation to place refuse and/or recyclable materials on the property of another.

(C) It shall be unlawful for a person who is neither a Town resident nor a Town business owner to place their refuse and/or recycling for collection in the Town incorporated limits.

§ 11-19. Violations and penalties.

Any person, firm or corporation violating any of the provisions of Article II or III of this Chapter shall be guilty of a municipal infraction.

Article III – Refuse and Recycling Disposal Charges

§ 11-20. Refuse disposal fee imposed.

The Town of Easton shall impose a fee upon all properties from which refuse is collected by the Town for disposal. The amount of the fee for each property shall be set by Resolution of the Town Council and shall be used to offset the costs of disposing of refuse at the Mid-Shore Regional Landfill, or at such other facilities as the Town may dispose of refuse in the future. All monies raised by the fees shall be accounted for separately by the Finance Officer and shall be used only for the purposes of paying tipping fees or similar charges imposed by the Mid-Shore Regional Landfill or other landfill utilized by the Town. If the imposition of the fees provided for herein results in a surplus in a given year, the surplus shall be accumulated and used to reduce the amount of the fees imposed in future years. (Ordinance 526 effective 3/24/2008, historical reference 200, 293)

§ 11-21. Refuse disposal fee for single family properties.

An annual refuse disposal fee is imposed against each property in the Town improved by a single family dwelling. The annual fee shall be set by Resolution of the Town Council. (Ordinance 526 effective 3/24/2008, historical reference 200)

§ 11-22. Refuse disposal fee for multi-family properties.

An annual refuse disposal fee is imposed against each property in the Town of Easton improved by for multi-family housing projects. The annual fee shall be calculated according to the number of dwelling units located upon the property. The term "multi-family housing" includes, but is not limited to residential condominiums, apartment complexes and duplexes. The annual fee per dwelling unit shall be set by Resolution of the Town Council. (Ordinance 526 effective 3/24/2008, historical reference 200)

§ 11-23. Refuse disposal fee for commercial and industrial properties.

An annual refuse disposal fee is imposed against all properties in the Town used for industrial or commercial purposes where the Town collects and disposes of refuse for the occupants of the property. The refuse disposal fee for commercial and industrial properties shall be calculated by the volume of refuse generated annually by businesses located upon the property and a commercial property shall be the "commercial refuse unit" which shall equal one hundred and four (104) cubic yards of uncompressed refuse per year. The annual fee per commercial refuse unit shall be set by Resolution of the Town Council. (Ordinance 526 effective 3/24/2008, historical reference 200)

§ 11-24. Adjustments to refuse disposal fee for commercial and industrial properties.

The Town Engineer or the staff member designated by the Town Manager shall have the authority to determine how many commercial refuse units should be charged to each commercial or industrial property. The basic rate shall be one (1) commercial refuse unit per property. In the event that the amount of refuse generated by a commercial or industrial property exceeds one (1) commercial refuse unit, the Town Engineer or the designee of the Town Manager may increase the number of commercial refuse units attributed to the property. (Ordinance 526 effective 3/24/2008, historical reference 200)

§11-25. Recycling.

All property owners and residents of the Town must recycle and all recyclable materials must be separated from all other refuse and placed at the curb on the designated collection day. An annual recycling fee is imposed against all properties in the Town improved by a single family dwelling and/or multi-family housing. The term "multi-family housing" includes, but is not limited to residential condominiums, apartment complexes and duplexes. The annual fee per dwelling unit shall be set by Resolution of the Town Council. It shall be unlawful for any person, firm, business, or company not authorized by the Town to collect recyclable materials from single family dwellings and/or multi-family housing.

§11-25 (a) Recycling Transitional Provisions

Any property which would have an annual recycling fee assessed pursuant to §11-25 which has a contract with a recycling contractor at the time of adoption of §11-25, may file a request for automatic abatement of the annual recycling fee with the Finance Officer within a period of six months following adoption although no automatic abatement shall be allowed after the first full fiscal year following the date of adoption of §11-25. Any such request shall be in writing on forms prescribed by the Finance Officer and must include a copy of the contract with that recycling contractor. Additionally, that contract must be valid until at least December 31, 2012 in order to be eligible for the automatic abatement of the annual recycling fee. No automatic

abatement of the annual recycling fee will be authorized or allowed by the Finance Officer effective with the fiscal year beginning July 1, 2013.

§11-25 (b) Commercial Property Recycling

The Town Council may assess an annual recycling fee on any commercial property which is served by the Town of Easton Public Works Department for Municipal Solid Waste collection if the Town of Easton, or the authorized subcontractor thereof, is actually engaged in the recycling of recyclable material pursuant to the applicable standards of the Public Works Department. The annual fee for any commercial property will be set by Resolution of the Town Council. Any commercial property for which the annual recycling fee is assessed must separate all recyclable materials from all other refuse and place the recyclable material for collection in a manner prescribed by the Town of Easton Public Works Department. No annual recycling fee shall be assessed or collected by the Town of Easton on any commercial property for which the Town of Easton, or its authorized subcontractors do not perform recycling activities.

§ 11-26. Manner of collection; personal obligation of property owner; unpaid refuse disposal fee or recycling fee to constitute lien on real property.

The refuse disposal fee and recycling fee shall be billed to the owner of each parcel of real property within the Town as to which the fee is applicable on an annual basis. The refuse disposal fee and recycling fee shall be due and payable thirty (30) days after the date of mailing of the statement to the owner of the property. An unpaid, overdue refuse disposal fee and/or recycling fee shall bear interest at the rate of one and one-half per cent per month until paid. An unpaid refuse disposal fee and/or recycling fee shall constitute a personal obligation of a property owner and shall be a lien against all real and personal property of the owner located within the Town, collectible in the same manner as real estate taxes. (Ordinance 526 effective 3/24/2008, historical reference 200)

§ 11-27. Appeal from determination of the Town Engineer or the designee of the Town Manager.

Any property owner who believes that the Town Engineer or the designee of the Town Manager has erred in the interpretation or application of the provisions of this Article in determining:

- (1) Whether a refuse disposal fee and/or recycling fee should be charged against the property; or
- (2) The amount of such fee may request a review of such determination by the Town Engineer or the designee of the Town Manager. The Town Engineer or designee shall review the matter, adjust the fee if he believes an adjustment is appropriate, and issue a written response to the property owner. If the property owner is not satisfied by the Town Engineer's or designee's determination, he may appeal the determination to Town Council. Any such appeal must be filed with the Town Office not less than thirty (30) days after the date of the determination by the Town Engineer or designee. Upon receipt of a notice of appeal, the Town Council shall schedule a hearing upon the appeal and shall provide all interested parties with an opportunity to be heard. The Town Council shall issue a written determination of the issue or issues raised by the appeal. The written determination may take the form of an excerpt of the Town Council's minutes. Any party to the appeal before the Town Council may appeal the decision of the Town Council to the

Circuit Court for Talbot County in the manner provided by the Maryland Rules of Civil Procedure for administrative appeals.
(Ordinance 526 effective 3/24/2008, historical reference 200)

(Ordinance 526 effective 3/24/2008, historical reference 200, 293, 502)

§ 11-28. Refuse Disposal Charges and Recycling Charges– Administrative History.

Ordinance Number 502 passed by the Town of Easton Council on 6/19/2006.

Ordinance Number 293 passed by the Town of Easton Council on 2/1/1995.

Ordinance Number 200, passed by the Town of Easton Council on 6/27/1991

(Ordinance 526 effective 3/24/2008)