Article 2. Public Responsibilities

Title 1. Collection and Removal of Refuse

Section 3-2101. Definitions

In this Title, the following words, terms, phrases, and their derivations shall have the meanings indicated.

BULK TRASH - LARGE ITEMS OF SOLID WASTE, INCLUDING BUT NOT LIMITED TO APPLIANCES, FURNITURE, MATTRESSES, SIMILAR ITEMS WHICH CANNOT BE HANDLED BY NORMAL MUNICIPAL WASTE PROCESSING, COLLECTION OR DISPOSAL METHODS.

COMMERCIAL - ANY NON-RESIDENTIAL BUILDING OR ESTABLISHMENT, INCLUDING BUT NOT LIMITED TO THOSE USED FOR MANUFACTURING, RETAIL, WHOLESALE, DINING, OFFICES, PROFESSIONAL SERVICES, SHIPPING AND RECEIVING AREAS AND CAFETERIAS. HOME BUSINESSES WHICH GENERATE SOLID WASTE FROM LOCATIONS OTHER THAN THE OWNER'S RESIDENCE OR WHICH GENERATE MORE THAN 70 GALLONS OF SOLID WASTE PER WEEK AND MULTI-FAMILY DWELLINGS CONTAINING MORE THAN FOUR (4) UNITS ARE CONSIDERED COMMERCIAL PROPERTIES FOR THE PURPOSES OF THIS CHAPTER.

RECYCLABLE MATERIALS - THOSE MATERIALS THAT:

(1) WOULD OTHERWISE BECOME SOLID WASTE FOR DISPOSAL IN A REFUSE DISPOSAL SYSTEM; AND

(2) MAY BE COLLECTED, SEPARATED OR PROCESSED AND RETURNED TO THE MARKETPLACE IN THE FORM OF RAW MATERIALS OR PRODUCTS OR REUSED BY THE GENERATOR OR OTHER ENTITY.

(3) "RECYCLABLE MATERIALS" INCLUDES, BUT IS NOT LIMITED TO, PAPER, GLASS, METALS, PLASTICS, CARDBOARD, AND YARD WASTE.

SOLID WASTE - ALL PUTRESCIBLE AND NONPUTRESCIBLE SOLID AND SEMISOLID WASTES, GENERATED IN OR UPON, RELATED TO THE OCCUPANCY OF, REMAINING IN OR EMANATING FROM RESIDENTIAL PREMISES OR COMMERCIAL/INDUSTRIAL PREMISES, INCLUDING GARBAGE, TRASH, REFUSE, PAPER, DISCARDED SMALL HOME APPLIANCES, VEGETABLE SOLID OR SEMISOLID WASTES, AND OTHER SOLID AND SEMISOLID WASTES EXCLUDING LIQUID WASTES AND ABANDONED VEHICLES; PROVIDED, HOWEVER, THAT "SOLID WASTE" SHALL NOT INCLUDE HAZARDOUS MATERIAL.

HAZARDOUS MATERIAL - ANY SUBSTANCE REGULATED AS A HAZARDOUS MATERIAL UNDER TITLE 49 OF THE CODE OF FEDERAL REGULATIONS.

WHITE GOODS — INCLUDES, BUT IS NOT LIMITED TO, REFRIGERATORS, FREEZERS, STOVES, WASHERS, DRYERS, DISHWASHERS, TRASH COMPACTORS, AIR CONDITIONERS, OVENS, HOT-WATER HEATERS, FURNACES, WOOD STOVES, SINKS AND BATHTUBS.

YARD WASTE — ANY MATERIALS NORMALLY GENERATED IN THE MAINTENANCE OF GARDENS, YARDS, LAWNS, OR LANDSCAPED AREAS, WHETHER RESIDENTIAL, COMMERCIAL OR PUBLIC, INCLUDING LEAVES, GRASS CLIPPINGS, PLANTS, SHRUBS, PRUNINGS AND TRIMMINGS NO GREATER THAN 8 FEET IN LENGTH AND NO GREATER THAN 6 INCHES IN DIAMETER. YARD WASTE DOES NOT INCLUDE OTHER TREE WASTE, LAND CLEARING DEBRIS, WASTE PAVEMENT, SOIL OR ANY EDIBLE PRODUCT FROM ANY GARDEN, YARD, LAWN OR LANDSCAPED AREA.

Animal. All dead animals, fowls and parts thereof, except bovine animals, hogs and animals of the horse kind which die on private property.

~~Garbage. Wood, coal or other plant derivatives which have been decomposed by combustion.~~

Miscellaneous Refuse. Broken glass, chinaware, grass, paper, rags, clothing, rubbish, and other debris.

Section 3-2102. Authority of Mayor and Council

(A) The Mayor and Council shall regulate and control the collection, removal and disposal of all refuse, including BUT NOT LIMITED TO, ITEMS AS DESCRIBED IN SECTION 3-2101 ~~garbage, miscellaneous refuse, ashes and dead animals~~ from dwellings and other places within the City of Brunswick.

(B) The Mayor and Council may enter into such annual agreements or contracts, including agreements or contracts with any corporation, partnership, person, political subdivision or public authority, to cause or provide for the collection, removal and/or disposal of all refuse.

(C) The Mayor and Council may employ personnel and trash collection vehicles for the collection, removal and/or disposal of all refuse.

(D) The Mayor and Council shall have approval and inspection authority over the location, condition and use of any final place of deposit, may issue permits for the use of dumping facilities, and may establish or contract for the use of a dumping facility.

(E) The Mayor may, ~~in an emergency~~, extend OR CHANGE the ~~hours~~ DAYS AND/OR HOURS of scheduled refuse collection.

~~(F) The Mayor and Council may change the days and hours of refuse collection by advertising, in a newspaper of general circulation in the City, a 2-week advance notice of any change of schedule.~~

~~(G) The Mayor and Council may sell garbage collected within the City and retain the proceeds of any such sale.~~

(F) The Mayor and Council may establish and levy such fees as may be necessary to achieve the purposes of this Title, including, but not limited to, fees for the collection, removal and disposal of any refuse generated by ~~businesses~~ RESIDENTIAL OR NON-RESIDENTIAL PROPERTIES located within the City.

(G) The Mayor and Council may require that refuse of an animal or vegetable nature be separated from all other refuse and deposited, collected, removed and disposed separately.

(H) The Mayor or the Mayor's designee may enforce all prohibitions and standards set forth in this Title and in Article 1, Title 1 of this Chapter including, but not limited to, any action to remove or cause the removal, at the expense of the owner, of any garbage, refuse, rubbish, litter, junk vehicle, weeds or grass improperly maintained upon failure to remove within ten (10) days of a written notice of violation delivered to and posted at the address of the violation; such expense shall be billed to the owner, and if unpaid within thirty (30) days, such expense shall be recorded and indexed on the tax rolls and thereupon shall be a charge, until paid, levied upon the real property against which the removal charges have been made, and shall be collectible by a suit at law or by the same manner as delinquent municipal corporation taxes or charges levied against the property.

(I) The Mayor and Council of the City of Brunswick shall be authorized to establish and impose procedures regarding the placement of temporary dumpsters within City streets and alley ways, as demonstrated in Appendix A.

Revisor's Note: See Section 14-809 et seq. of the Tax-Property Article, Annotated Code of Maryland. If the County Tax Collector fails to institute tax sale procedures within 30 days of notice from the municipal tax collector, a municipality may use the provisions and procedures of Subtitle 8, Title 14 of the Tax-Property Article to sell a property for unpaid municipal incorporation taxes or charges. Also see Section 2(b)(33)(ii) and Section 2(b)(17) of Article 23A, Annotated Code of Maryland for municipal authority to establish reasonable charges against real property in the exercise of a governmental function authorized by law. Such charges may be recorded as a lien and collected as a municipal tax, subject to the limitations imposed by the Tax-Property Article of the Annotated Code of Maryland.

Section 3-2103. Prohibitions - Occupant

It shall be a violation of this Title to:

(A) DEPOSIT SOLID WASTE IN CONTAINERS EXCEEDING 35 GALLONS EACH OR A MAXIMUM EXCEEDING 70 GALLONS. ~~Deposit garbage for collection from a single dwelling in quantities of more than five (5) bushels on any single collection day~~.

~~(B) Fail to keep refuse containers in a sanitary condition.~~

~~(C) Fail to secure refuse containers in an enclosed area on days not scheduled for collection.~~

~~(D) Fail to secure refuse containers with tight-fitting lids.~~

(B) All solid waste must be in ~~closed bags,~~ containers, or ~~bundled~~ providing ease of pickup and adequately contained to prevent escape both during storage and when placed at the curb for collection ~~= no loose material, rubble, dirt, debris, is allowed for residential curb-side collection~~. The owners of a property are responsible for cleaning up any litter that has escaped from solid waste containers.

(C) When put out for collection, solid waste containers and bundles shall not be placed on a public road or blocking a sidewalk and shall be no more than 6 feet from the edge of the roadway.

(D) All solid waste shall be placed at the curb for collection not earlier than 6:00 p.m. on the day preceding those days designated for collection and solid waste containers shall be removed by 7:00 a.m. of the day following collection.

(E) All solid waste including solid waste containers must be located behind the front building line of the residence or NON-RESIDENTIAL entity when not placed at the street for collection.

(F) All multifamily dwellings with more than four (4) units and all commercial properties where the solid waste or solid waste containers are visible from the street or adjacent residential properties must provide an enclosed, ventilated structure with self-closing door for the purpose of storing solid waste and solid waste containers. ENCLOSURES SHALL BE APPROVED BY THE SUPERINTENDENT PF PUBLIC WORKS.

(G) Deposit refuse for collection in containers exceeding ~~24~~ 35 gallons.

~~(F) Fail to bag, box or otherwise wrap garbage, sweeper dust, small scraps, grass,~~

~~leaves, hedge clippings or other plant substances before placing in or alongside refuse containers.~~

~~(G) Fail to reduce for collection tree trimmings, boxes and other oversize Materials to tied bundles not exceeding a length of four (4) feet and a diameter of two (2) feet.~~

~~(H) With the exception of deposits from storm drain inlets and street sweepings piled and placed by occupants onto a street or alley, deposit refuse for collection in or over the curb lines of a public street or alley.~~

(H) IT SHALL BE UNLAWFUL FOR ANY PERSON TO PLACE CURBSIDE FOR COLLECTION, ANY SOLID WASTE NOT GENERATED WITHIN A RESIDENCE WITHIN THE CITY LIMITS.

(I) IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM OR CORPORATION TO PLACE SOLID WASTE ON THE PROPERTY OF ANOTHER.

(J) IT SHALL BE UNLAWFUL FOR A PERSON WHO IS NOT A CITY RESIDENT TO PLACE THEIR SOLID WASTE FOR COLLECTION IN THE CITY INCORPORATED LIMITS.

(K) IT SHALL BE UNLAWFUL FOR ANY REFRIGERATORS, ICE BOXES, OR ANY OTHER CONTAINER, EQUIPMENT OR APPLIANCE HAVING SELF LOCKING DOORS TO BE ABANDONED OR PLACED FOR COLLECTION OF DROP-OFF WITHOUT FIRST REMOVING AND DETACHING THE DOORS OR COVERS FROM SAME.

(L) EFFECTIVE 10 DAYS AFTER THE ENACTMENT OF THIS CHAPTER, SOLID WASTE PLACED FOR COLLECTION BY RESIDENTS MUST NOT CONTAIN THE FOLLOWING RECYCLABLE MATERIALS:

(1) MATERIALS HEREIN DESCRIBED IN SECTION 3-2107(B)
(2) GRASS CLIPPINGS
(3) LEAVES
(4) YARD WASTE

(M) IT SHALL BE UNLAWFUL FOR SOLID WASTE COLLECTORS TO COLLECT SOLID WASTE THAT CONTAINS VISIBLE SIGNS OF THE ABOVE-DESIGNATED RECYCLABLE MATERIALS. IT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER TO PROPERLY SEGREGATE THE UNCOLLECTED WASTE FOR PROPER RECYCLING. ALLOWING SUCH UNSEPARATED SOLID WASTE TO ACCUMULATE WILL BE CONSIDERED A VIOLATION OF THIS ORDINANCE.

(N) THE FOLLOWING ITEMS WILL NOT BE ACCEPTED FOR RESIDENTIAL COLLECTION:
HAZARDOUS MATERIALS; CHEMICAL WASTES; EXPLOSIVES, MEDICAL WASTES, TANKS, CYLINDERS, EXCAVATED MATERIALS; AUTOMOBILE BODIES OR PARTS THEREOF; SEALED DRUMS OR CONTAINERS OF ANY DESCRIPTION; TIRES, LIQUID PAINT, STUMPS AND TRUNK WOOD; TREE LIMBS, BRUSH AND SHRUBS; DEBRIS FROM BUILDING AND REMODELING; WASTES GENERATED BY CONTRACTORS ENGAGED IN BUILDING, REMODELING, OR DEMOLITION; BROKEN CONCRETE, ASPHALT, OR MASONRY, YARD WASTE, AS WELL AS ANY MATERIALS THAT COULD CAUSE INJURY OR BE DETRIMENTAL TO THE HEALTH OF COLLECTION WORKERS.

(O) SUCH WASTES DEFINED ABOVE MUST BE REMOVED BY THE OWNER, OCCUPANT, OPERATOR OR CONTRACTOR PERFORMING SUCH WORK OR OTHER PERSONS CREATING OR CAUSING THE ACCUMULATION OF SUCH MATERIALS AS THE CASE MAY BE.

Section 3-2104. Prohibitions - Refuse Collectors

It shall be a violation of this Title to:

(A) Collect and remove garbage in a manner prejudicial to health.

(B) Park or otherwise leave unattended within the City any vehicle containing refuse and regularly used for hauling or transporting refuse for any period of time in excess of what is necessary for the loading or unloading of such vehicle.

~~(C) Fail to remove and dispose of any dead animal found lying on a public street or alley.~~

(D) Fail to immediately remove and clean up spillage onto the streets or sidewalks.

~~(E) Fail to collect refuse, including street sweepings and deposits from storm drain inlets, properly deposited for collection.~~

(F) Overload within the City any vehicle used for hauling or transporting refuse.

(G) Fail to maintain any vehicle in a sanitary and non-offensive condition while parked within or while hauling or transporting refuse within the City.

Section 3-2105. Collection Schedule

All refuse shall be collected and removed between the hours of 7:00 a.m. and 4:00 p.m. A full schedule and route description shall be maintained and posted at the City Hall by the City ~~Clerk/Treasurer~~ CITY ADMINISTRATOR.

Section 3-2106. Special Pick-Ups

Oversized articles including, but not limited to, furniture, mattresses, appliances and bicycles, may be collected for disposal only upon arrangement for a special pick-up; residents must make special pick-up arrangements with the ~~City at City Hall~~ TRASH CONTRACTOR. A regular bulk pick-up ~~shall~~ OR DROP-OFF MAY be scheduled AND ADVERTISED ~~once quarterly with such a schedule maintained and posted at City Hall by the City Clerk/Treasurer.~~

~~Section 3-2107. Fees and Charges~~

~~The charge for any permit issued under the provisions of this Title shall be payable in advance; all other charges shall be billed and shall become due and payable within 30 days of the date of billing.~~

SECTION 3-2107 RECYCLING

(A) IN ORDER TO PROTECT THE ENVIRONMENT BY CONSERVING NATURAL RESOURCES AND PRESERVING RAPIDLY DWINDLING LANDFILL SPACE AS WELL AS MINIMIZING WASTE DISPOSAL COSTS, IT IS THE POLICY OF THE MAYOR AND COUNCIL TO REQUIRE MANDATORY RECYCLING FOR ALL RESIDENTIAL PROPERTIES AND TO ENCOURAGE NON-RESIDENTIAL PROPERTIES WITHIN THE CITY LIMITS TO RECYCLE ALL RECYCLABLE SOLID WASTE MATERIALS AND IMPLEMENT SOLID WASTE SOURCE REDUCTION ACTIVITIES.

(B) RECYCLING SERVICES FOR RESIDENTIAL PROPERTIES WITHIN THE CITY ARE PROVIDED AS FOLLOWS, SUBJECT TO ALL THE RESTRICTIONS AND CONDITIONS:

(1) CURBSIDE RECYCLING FOR NEWSPAPER/MIXED PAPER, CARDBOARD, METAL CANS, GLASS BOTTLES, JARS, PLASTIC BAGS, AND PLASTIC BOTTLES IS PROVIDED RESIDENTIAL AREAS BY THE FREDERICK COUNTY, DEPARTMENT OF SOLID WASTE MANAGEMENT/RECYCLING, SUBJECT TO THE SCHEDULE SET BY THE COUNTY.

(2) ALL RECYCLABLE MATERIALS SHALL BE SELECTED, PREPARED, AND CONTAINED IN CONFORMANCE WITH THE REQUIREMENTS OF THE FREDERICK COUNTY DEPARTMENT OF SOLID WASTE MANAGEMENT/RECYCLING.

(2) DROP-OFF SITES FOR THE MATERIALS LISTED IN 1) ABOVE ARE PROVIDED BY THE COUNTY AT VARIOUS LOCATIONS INCLUDING THE SPORTS COMPLEX ON 13TH AVE IN THE CITY.

(3) USED MOTOR OIL DROP-OFF SITES ARE PROVIDED AT VARIOUS LOCATIONS THROUGHOUT THE COUNTY INCLUDING A SITE WITHIN THE CITY LIMITS AS DESIGNATED.

(4) YARD WASTE DROP-OFF SITES ARE PROVIDED BY THE COUNTY AT SEVERAL LOCATIONS THROUGHOUT THE COUNTY AND A SITE WITHIN THE CITY LIMITS AS DESIGNATED.

(5) USED ANTIFREEZE, MATTRESSES, SCRAP METAL, APPLIANCES, BATTERIES, AND TIRES MAY BE DROPPED OFF AT THE FREDERICK COUNTY REICH'S FORD RECYCLING CENTER.

(6) HOUSEHOLD HAZARDOUS WASTE CAN BE DROPPED OFF PERIODICALLY AS ANNOUNCED BY THE FREDERICK COUNTY, REICH'S FORD RECYCLING CENTER.

(7) DROP-OFF OR COLLECTION OF GRASS CLIPPINGS, LANDSCAPING BRUSH, TREE LIMBS, AND LEAVES MAY BE PROVIDED BY THE CITY.

SECTION 3-2108 MANDATORY RECYCLING

(A) EFFECTIVE 10 DAYS AFTER THE ADOPTION OF THIS ORDINANCE, IT SHALL BE MANDATORY FOR ALL RESIDENTIAL PROPERTIES WITHIN THE CITY OF BRUNSWICK LIMITS TO RECYCLE THE FOLLOWING MATERIALS EITHER BY CURBSIDE RECYCLING OR DROP-OFF CENTER AT AN APPROPRIATE RECYCLING SITE:

(1) CORRUGATED CARDBOARD
(2) NEWSPAPER AND MIXED PAPER
(3) METAL CANS, GLASS BOTTLES AND JARS, AND PLASTIC BOTTLES
(4) GRASS CLIPPINGS, LEAVES, LANDSCAPING TRIMMINGS, AND BRUSH.

(B) RECYCLING OF THESE MATERIALS MUST MEET THE RESTRICTIONS AND CONDITIONS SET BY THE FREDERICK COUNTY DEPARTMENT OF SOLID

WASTE MANAGEMENT/RECYCLING, FOR A), B), AND C) ABOVE, AND BY THE CITY OF BRUNSWICK FOR D) ABOVE.
(C) IT SHALL BE UNLAWFUL TO COMBINE THE ABOVE DESIGNATED RECYCLABLES WITH OTHER SOLID WASTE. FAILURE TO SOURCE-SEPARATE THE ABOVE DESIGNATED MATERIALS FOR RECYCLING IS A VIOLATION OF THIS ORDINANCE.

Section 3-~~2108~~ 2109. Agreements and Contracts

All agreements and contracts to collect, remove and/or dispose of refuse from the City shall require the vendor to:

(A) Comply with the City Code of Ordinances, all other applicable ordinances and resolutions enacted by the Mayor and Council, applicable state and federal statutes and regulations, and any lawfully issued City, state or federal order.

(B) Assign to the Mayor and Council an acceptable performance surety bond, or some other form of performance security acceptable to the Mayor and Council. ~~in the amount of One Thousand Dollars ($1,000).~~

(C) Carry liability, property damage and workers compensation insurance policies covering its agents, employees, vehicles and equipment, and issued by insurance carriers and in amounts acceptable to the Mayor and Council.

(D) Hold the Mayor and Council, AND CITY EMPLOYEES, harmless from claims, and the defense of such claims, consequent or incident to the acts or omissions of any of the vendor's agents, employees, vehicles or equipment.

(E) Utilize vehicles equipped AND OPERATED IN A MANNER ACCEPTABLE TO THE MAYOR AND COUNCIL. ~~with standard garbage and refuse bodies, arched covers and sliding doors constructed of not less than 12 gauge steel and designed to prevent spillage.~~

(F) Collect, remove and dispose of refuse in accordance with a written statement of service, approved by the Mayor and Council, failure of which to perform would entitle the Mayor and Council to remove or cause to be removed such refuse, with the cost of such removal to be deducted from any money due the vendor by the Mayor and Council, to declare the contract at an end, to discharge the vendor, to retain any sums due the contractor for any loss the Mayor and Council may sustain, to employ another vendor or vendors for the remainder of the term, or to do the work by employees of the Mayor and Council, and to enter suit upon the surety bond or other accepted performance security of the vendor for any loss or damage which the Mayor and Council may have.

(G) Provide in writing prior notice of not less than thirty days of any intent to discontinue service for any cause, except for nonpayment of service charges; a copy of such notice shall be sent to the Mayor and Council.

(H) Provide alternate service within forty-eight ~~(48)~~ 24 hours in the event of mishap or breakdown of regular equipment, or if collection service is missed for any reason.

Section 3-~~2109~~ 2110. Penalty for Violation

Any violation of the provisions of this Title shall be a municipal infraction as enumerated at Section 10-2202.