

Introduced and Read: _____, 2013
Second Reading and Adoption: _____, 2013
Posted: _____ to _____, 2013
Effective Date: _____, 2013

**CITY OF MOUNT RAINIER, MARYLAND
ORDINANCE 2-2013**

(Drafted by City Attorney)

Introduced by: _____

**An Ordinance amending Chapter 11, Refuse Collection,
of the *Mount Rainier Code* to require dumpsters and refuse containers for non-
residential properties to be placed on concrete pads.**

WHEREAS, there have been complaints to the City about rodents (*i.e.*, rats), particularly around food establishments in the City; and

WHEREAS, the City's Code Enforcement inspectors report that many commercial dumpsters in the City are being invaded by rodents that bore holes in the dumpsters in order to access garbage in the dumpsters; and

WHEREAS, requiring dumpsters and refuse containers used for non-residential business, commercial, industrial premises to be placed on concrete pads will help prevent rodents from accessing the dumpsters and assist with rodent control efforts in the City; and

WHEREAS, the Council also wishes to clarify and strengthen the requirements for the maintenance and screening of dumpsters and other refuse containers.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, the *Mount Rainier Code* is amended as follows:

**MOUNT RAINIER CODE
CHAPTER 11
REFUSE COLLECTION SERVICE**

Section 11-101. Title. This chapter will be known as "Refuse Collection Service."

Section 11-102. Purpose and Policy. The purpose of this chapter is to set regulations concerning refuse collection service in the City of Mount Rainier.

Section 11-103. Definitions.

A. "Apartments" means ***

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- B. “Bulk trash” means miscellaneous, bulky household trash, such as upholstered chairs or sofa, bed or mattress, table, chest, doors or wood scraps, windows, metal scraps, bathtubs, fuel oil tanks, water heaters, stoves, sinks, washers, and dryers. Air conditioners, freezers, tires, and refrigerators are picked up as part of bulk trash collection for a fee. Wood and metal scraps cannot exceed 4 feet in any dimension. Bulk trash cannot exceed three (3) cubic yards in volume per pickup.
- C. “Commercial refuse collector.” ***
- D. “Construction waste” includes, but is not limited to, soil, loam, stones, roofing, and concrete.
- E. “Dumpster” means a container for refuse or solid waste collection or storage with a volume at least 90 gallons or one-half cubic yard.
- F. “Garbage” means all organic waste materials resulting from the preparation, cooking, handling or storage of food.
- G. ~~E.~~ “Hazardous household waste” ***
- H. ~~F.~~ “Loose leaves” ***
- I. ~~G.~~ “Multi-family residential dwelling” ***
- J. ~~H.~~ “Public trash receptacles” ***
- K. ~~I.~~ “Recyclables” ***
- L. ~~J.~~ “Refuse” means all waste materials and debris, combustible or noncombustible, including garbage, yard waste, trash, rubbish, ashes, offal, industrial ~~waste refuse~~, and commercial ~~waste materials~~. ~~Refuse~~. For purposes of this definition, refuse includes those materials which are defined or designated as recyclable materials.
- M. ~~K.~~ “Regular Trash” means usual residential household refuse. Regular trash does not include bulk trash, hazardous household waste, loose leaves, recyclables, remodeling waste, construction waste, special bulk trash or biodegradable yard waste and poison ivy, poison oak, and poison sumac (which are not biodegradable yard waste).
- N. ~~L.~~ “Remodeling waste” means substances accumulated from remodeling or building repairs, e.g., wall paper, wall board, flooring, sheet rock, and lumber (2’x 4’ and 4’ x 4’ sizes).
- O. ~~M.~~ “Special bulk trash” means large or voluminous miscellaneous, bulky household items greater than the normal three (3) cubic yards of bulk trash, or picked up on a non-regular bulk trash day. Special bulk trash requires payment of a fee (*see* Section 11-111).

- P. ~~N.~~ “Yard waste” means biodegradable material such as grass cuttings, leaves, small branches from shrubs, vines (except poison ivy, poison oak, and poison sumac), and trees not more than three (3) cubic yards in volume. Yard waste in excess of three (3) cubic yards is treated as “special bulk trash.” Large limbs, logs, and stumps are not picked up by the City.

Section 11-104. General Provisions.

- A. If the City collection day for regular trash or biodegradable yard waste falls on a holiday, this material will be picked up the next regular work day following the holiday. If the City collection day for bulk trash falls on a holiday, appointments will be made to pick up bulk trash on the next regular work day following the holiday. If the City collection day for recyclables falls on a holiday, this material will be picked up on the next scheduled recyclables collection day. The City shall at least monthly provide a collection scheduled (e.g., via the newsletter, Web site, cable television channel, etc.).
- B. Private contractors collecting trash and refuse from apartments, non-residential premises, rental facilities, and businesses shall not collect or haul trash or refuse without first obtaining a commercial refuse collection permit from the City.
- C. All dumpsters and refuse containers shall be maintained in good condition, shall be vermin-proof, durable and waterproof, tight, and shall not have rusted-through areas, tears or fractures, and shall be equipped with tight-fitting lids at all times. Lids shall fit properly so as to secure the refuse. Lids to dumpsters and refuse containers shall be in place and kept closed when not in actual use.
- D. The owner and occupant of non-residential premises, including business, commercial, or industrial properties, must screen from view at street level any dumpster or refuse container storage area if the dumpster or refuse container can be seen from the street level of any residential property. The owner of multi-family residential rental facilities must screen from view at street level any dumpster or refuse container storage area if the dumpster or refuse container can be seen from the street level of any residential unit on the property or the street level of any other residential property. Dumpsters and other refuse storage areas, except those temporarily placed on private property due to construction, renovation or rehabilitation, and any other commercial, industrial or multi-family property refuse container or refuse storage area shall be enclosed on at least three sides by a screening fence or wall constructed of wood, brick or other approved material. and screened from public view at street level. Screening shall be constructed of a material that is sightly, maintained in good condition, and obscures the container or dumpster from public view. This paragraph does not apply to temporary dumpsters or other temporary refuse containers at construction sites.

- E. Dumpsters and refuse containers located at non-residential premises, including business, commercial, or industrial properties, shall be placed on a concrete pad inside the screening fence or wall and such pad shall provide adequate support and drainage. Existing dumpsters and other refuse containers located at non-residential premises shall comply with the above concrete pad placement requirement on or before [REDACTED], 2013.
- F. ~~D.~~ Each owner and occupant of residential, non-residential premises, and businesses, and each owner or apartments and other rental facilities, must provide a sufficient number of refuse containers and/or dumpsters for the safe and sanitary storage of refuse normally accumulated between the regularly scheduled collections and to prevent overflow.
- G. ~~E.~~ Refuse containers for apartments, non-residential premises, rental facilities, and businesses shall not be located immediately adjacent to any single-family residential property and shall not be located so as to create a nuisance or public health hazard. Refuse containers shall not be located or placed for collection on any public street, sidewalk, or other public space except with the permission of the City Manager or his or her authorized representative.
- H. ~~F.~~ The City does not pick up construction waste or hazardous household waste.
- I. The presence of refuse, trash or other waste in place other than inside proper disposal containers, the presence of sour odors, and the presence of insects, rodents or other vermin, or evidence of their presence, shall constitute improper maintenance or lack of maintenance and the need for more frequent removal. The City may remove such refuse, trash or other waste, upon written notice to the owner, occupant, lessee or agent at his or her last known address, and then bill the cost of such removal to such owner, occupant, lessee or agent. If the bill is not paid within 30 days, then the cost of the removal of such refuse, trash or other waste shall be a lien on the real property and collected in the same manner as City real property taxes.
- J. Penalty. Violations of this section shall be a municipal infraction with a fine of \$100 for the first offense and \$500 for repeat offenses within a 1-year period. Each day that a violation continues may be deemed a separate offense.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS ____ DAY OF _____, 2013.

Attest:

Jeannelle B. Wallace, City Manager

Malinda Miles, Mayor

Jimmy Tarlau, Councilmember Ward 1

William Updike, Councilmember Ward 1

Ivy R. Thompson, Councilmember Ward 2

Brent Bolin, Councilmember Ward 2

Explanatory Note

*** Indicates matter unchanged in existing law, but not set forth in this Ordinance.

Underlining indicates language added to existing law.

~~Strikethrough~~ indicates language that is deleted from existing law.