

ARTICLE III
Garbage, Rubbish and Refuse

§ 221-6. Title.

This article shall be known as and may be cited as the "Smithsburg Garbage, Rubbish and Refuse Ordinance."

§ 221-7. Container requirements.

- A. It shall be the duty of each householder to provide one or more containers for the reception of garbage and household refuse, as said terms for container are defined in this article.
- B. Except as herein provided, a container in which any garbage is deposited shall be made of metal or rigid plastic and be free of leaks and shall be provided with a suitable cover or lid and an adequate handle for lifting the container.
- C. A container in which household refuse only is deposited shall be made of metal, plastic, wood or other material not affected by water or inclement weather conditions and shall be of sufficient size and strength to conveniently hold its contents.
- D. A good-quality plastic bag may be used as a container for both garbage and household refuse, the same to be free of leaks and of sufficient size and strength to conveniently hold its contents, any such bag to be securely fastened or tied so as to prevent leakage or loss of any part of its contents.
- E. Containers generally known as "cartons" or "pasteboard cartons" may be used as a container for both garbage and household refuse, the same to be free of leaks and of sufficient size and strength to conveniently hold its contents, any such container to be securely fastened or tied so as to prevent leakage or loss of any part of its contents.
- F. It shall be unlawful for any person to use or permit to be used a container for the reception of garbage or household refuse, preparatory to its collection as hereinafter set forth, that does not comply with the provisions of this article.

§ 221-8. Placement of containers for collection; removal.

It shall be the duty of the householders, no earlier than 4:00 p.m. of the day before the day on which the collector shall make his rounds on their street or block of the Town, to place their garbage and household refuse containers in front of their premises at the edge

of the curb, so as to be of easy access to the collector, and, as soon as possible after the rigid material containers are emptied, to return such containers to some convenient place about the premises out of view from the public street, it being understood that if good-quality plastic bags are used as containers, the collector will take both the bags and their contents.

§ 221-9. Deposit of waste on streets or sidewalks.

It shall be unlawful for any person to throw upon the sidewalks or streets of the Town any wastepaper or waste matter of any kind, character or description whatsoever, but such waste matter may be deposited in cans or other containers, if any, placed upon the sidewalks by the Town for the reception of such matter.

§ 221-10. Unlawful dumping.

It shall be unlawful for any person to throw, dump or deposit any trash, junk, garbage, household refuse, or other refuse upon any public street or alley within the Town or upon any land owned by the Town, save and except within the confines of a public dump or transfer station owned and operated by or on behalf of the Town, and then only in accordance with the rules and regulations adopted for the operation thereof.

§ 221-11. Responsibility for cleanup.

In the event that a person uses or permits to be used a container for the reception of garbage or household refuse that leaks or loses any part of its contents prior to collection, that person is responsible for cleanup of the leaked or lost contents.

§ 221-12. Impoundment of containers.

- A. If a householder, prior to 4:00 p.m. of the day before the day on which the collector shall make his rounds on his street or block of the Town, places, or permits to be placed, his garbage and household refuse containers on the streets or sidewalks of the Town, otherwise is in violation of this article, or fails to return his containers to some convenient place about the premises out of view from the public street within a reasonable time after the rigid material containers are emptied, such reasonable time to be within 24 hours after the same are emptied, the Town may cause the same to be removed from the streets and sidewalks of the Town after due notice to the householder, if the householder's identity is known.

- B. In the case of a householder causing or permitting his garbage and household refuse containers to be placed on the streets or sidewalks either at an improper location or prior to 4:00 p.m. of the day before the day on which the collector shall make his rounds on his street or block of the Town, the Town shall cause written notice of the violation and the possibility of such removal to be given to the householder, if such person's identity is known, by either mailing or delivering a written notice to the householder at the last known address of the householder or by posting or placing the notice on the property in front of which the containers are located, at the place of residence of the householder, on or about the containers themselves, or by any other means reasonably calculated to give notice to the householder. Said notice for early setout may be given prior to or after the collector has made his rounds on that particular occasion.
- C. For a subsequent violation of the requirements of this article, which violation occurs within 12 months of the notice given under either of the two preceding subsections of this section, the Town may cause the offending garbage and household refuse containers to be impounded, confiscated and removed either prior to and/or subsequent to pickup of the contents by the collector and retain the containers as provided in this article, subject to redemption as provided in this article.

§ 221-13. Redemption of impounded containers.

- A. Any garbage and household refuse containers impounded, confiscated and removed by the Town for violation of the provisions of this article may be redeemed by the householder or owner thereof after the payment of a fee of \$35, provided that the person or persons effecting the redemption execute a document affirming that he/she/they is/are the owner of the impounded containers.
- B. Redemption must be completed within 30 days of impoundment of the containers, unless the identity of the owner is actually known.
- C. If any of the containers impounded under this article are not redeemed within 30 days from the impoundment thereof if the owner is not known or within 30 days where the owner is actually known and has been notified in writing of the impoundment, the Town may dispose of the impounded containers in any manner it deems reasonable, without further responsibility or liability to

the owner thereof. Notice to an owner may be given by notice directed to any address reasonably calculated to give actual notice to that owner. Notice can be given by certified mail.

§ 221-14. Violations and penalties.

If any person violates any of the terms of the sections of this article, such person, upon conviction thereof, shall be fined not less than \$25 nor more than \$100 for each offense. A separate offense shall be deemed to be committed for each day during or on which said violation is permitted to exist.