

Chapter 17

SOLID WASTE*

* **Cross References:** Removal of waste from building construction operations, § 18-1; vehicle tires placing mud on streets, § 18-2.

Art. I. In General, §§ 17-1--17-16

Art. II. Litter, §§ 17-17--17-40

Art. III. Municipal or Private Collection and Disposal Services, §§ 17-41--17-60

Art. IV. Clean Lot Ordinance, §§ 17-61--17-69

ARTICLE I.

IN GENERAL

Sec. 17-1. Violations.

- (a) Violations of this chapter shall be municipal infractions.
- (b) The fine for the violation of any section of this chapter shall be as follows:
 - (1) Ten dollars (\$10.00) for each initial offense;
 - (2) Fifteen dollars (\$15.00) for a second violation of the same regulation occurring within six (6) months of the previous offense;
 - (3) Twenty-five dollars (\$25.00) for each subsequent violation of the same offense occurring within six (6) months of the previous offense after two (2) or more violations have occurred.

(Code 1971, § 17-23)

Sec. 17-2. Storage of waste materials, building materials, etc., in public view.

It shall be unlawful to accumulate or store in open view to the public any brush, trash, building materials or any waste material from building or remodeling operations or any debris, any packing boxes, rubber tires, tubes, automobile parts, disabled or unlicensed motor or other vehicles, trailers, and the like, except when active building construction is in progress.

(Code 1971, § 17-3)

Secs. 17-3--17-16. Reserved.

ARTICLE II.

LITTER*

* **Cross References:** Litter in parks, § 12-41.

Sec. 17-17. Definitions.

For the purposes of this article the following terms, phrases, words and their derivations shall have the meaning given herein.

Commercial handbill. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, product, commodity or thing; or
- (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinance rules of public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this city; or
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter. Garbage, refuse and rubbish as defined herein and waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare. Organic compost piles shall be exempted from this definition.

Newspaper. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four

(4) issues per year.

Noncommercial handbill. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

Private premises. Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, work, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse. All putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

Rubbish. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials, but the term shall not include leaves.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.
(Code 1971, § 17-8)

Sec. 17-18. Public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in official city dumps.
(Code 1971, § 17-9)

Sec. 17-19. Placement in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
(Code 1971, § 17-10)

Sec. 17-20. Sweeping into gutters prohibited.

No person shall sweep into or deposit in any gutter, drainage swale, street or other public place within the city the accumulation of litter from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
(Code 1971, § 17-11)

Sec. 17-21. Thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

(Code 1971, § 17-12)

Sec. 17-22. Lakes, fountains, etc.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water within the city.

(Code 1971, § 17-16)

Sec. 17-23. Handbills.

(a) No person shall throw, deposit or distribute or have thrown, deposited or distributed any commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words: "no trespassing," "no peddlers or agents," "no advertisement" or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

(b) No person shall throw, deposit or distribute or have thrown, deposited or distributed any commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises.

(c) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers.

(d) Notwithstanding any other penalties herein contained, a fine of four hundred dollars (\$400.00) for the first offense, eight hundred dollars (\$800.00) for the second offense, and one thousand dollars (\$1,000.00) for the third and each subsequent offense shall be imposed upon any person in violation of this section.

(e) This section shall not apply to candidates for political office in campaigns for such offices.
(Code 1971, §§ 17-17, 17-18; Ord. No. 1125, 8-8-94; Ord. No. 1155, 2-10-97; Ord. No. 1167, 6-22-98)

Sec. 17-24. Posting notices prohibited.

(a) No person shall post or affix or have posted or affixed any notice, poster or other paper or device calculated or intended to attract the attention of the public to any public property, or upon any public structure or building, except as may be authorized or required by law. For the purposes of this section, election or campaign signs, or real estate signs placed consistent with county law, shall not be restricted or prohibited. Additionally, yard sale signs, signs advertising community events, signs for recreational programs and the like shall be allowed.

(b) Any person who violates this section, or causes to have violated this section, shall be subject to penalties as set forth in this section.

(c) Violations of this section shall be considered municipal infractions, and shall be subject to a fine of one hundred dollars (\$100.00) for the first violation of this section, two hundred dollars (\$200.00) for a second violation of this section, and four hundred dollars (\$400.00) for any subsequent violations of this section.

(d) Each and every notice, poster or other paper or device posted or affixed in violation of this section shall constitute a separate offense. Each day a violation continues shall constitute a separate offense. (Code 1971, § 17-19; Ord. No. 1155, 2-10-97; Ord. No. 1297, 9-22-08)

Sec. 17-25. Occupied private property.

No person shall throw or deposit or have thrown or deposited litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(Code 1971, § 17-20; Ord. No. 1155, 2-10-97)

Sec. 17-26. Owner to maintain premises free of.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in a container or bundled or otherwise placed so as to prevent scattering or blowing until such time as it is collected.

(Code 1971, § 17-21)

Sec. 17-27. Vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not.

(Code 1971, § 17-22)

Secs. 17-28--17-40. Reserved.

ARTICLE III.

MUNICIPAL OR PRIVATE COLLECTION AND DISPOSAL SERVICES

Sec. 17-41. Generally.

All refuse, trash, garbage, trimmings and other materials shall be placed in receptacles for collection and disposal as provided herein, or shall be removed to any area within the city specifically designated for the disposal of such material, or shall be removed from the city. Every residence and commercial establishment in the city shall subscribe to a refuse collection service.

(Code 1971, § 17-4(a); Ord. No. 1250, 9-27-04)

Sec. 17-42. Containers.

(a) All regular garbage and trash to be collected and disposed of by the city shall be tightly wrapped or bagged and placed in containers with tight fitting lids, such containers to remain covered at all times except when garbage, trash or refuse is actually being placed in or emptied from the container. Garbage and trash to be removed by the city shall further be maintained so that such containers shall be:

- (1) Situated on an all-weather surface (including, but not limited to concrete, asphalt, gravel or cinders);
- (2) Placed on the service side for GHI residents and the street side for all other residences by 7 a.m. on collection day;
- (3) Serviceable by an all-weather access route, such access route to be a minimum of thirty-six (36) inches in width and be kept clear of snow, ice and debris.

(b) Garbage, trash and refuse to be collected by private individuals, firms or corporations within the corporate limits of the city shall likewise be placed in containers with tight-fitting lids, such containers to remain covered at all times except when garbage, trash or refuse is actually being placed in or emptied from the container. Dumpster-type containers shall be placed and maintained in such a manner as to be:

- (1) Situated on an all weather surface (including, but not limited to, concrete, asphalt, gravel or cinders);
- (2) Serviceable from any public right-of-way in the city by an all-weather access route of sufficient width as to exceed the width of any vehicle servicing such containers by a minimum of two (2) feet on each side of such vehicle; and
- (3) Placed behind the building setback line but no closer than thirty (30) feet from any public or residential property line.

(c) Compliance with section 17-42(b) shall be the responsibility jointly and severally of the property owner as evidenced from the Prince George's County tax roll; any individual, firm or corporation or representative thereof providing refuse service and/or containers to any owner of any real property in the city; and any subscriber to refuse services.

(Code 1971, § 17-4(b); Ord. No. 1250, 9-27-04)

Sec. 17-43. Yard waste.

Yard waste to be collected from city refuse customers, such as lawn rakings, weeds, hedge clippings and other yard waste, shall be placed in paper yard bags or in containers marked yard waste. Tree branches and trimmings shall be tied with biodegradable twine in bundles not over four (4) feet long or two (2) feet in diameter. Yard waste shall be placed in plain view of the collector at or adjacent to the area provided for the placing of other garbage and trash set out for collection.

(Ord. No. 1250, 9-27-04; Ord. No. 1251, 12-13-04)

Editors Note: Ordinance No. 1250, adopted September 27, 2004 amended § 17-43 in its entirety to read as herein set out. Former § 17-43 pertained to wrapping prior to placement in containers and derived from § 17-4(b) of the 1971 Code.

Sec. 17-44. Recycling collection.

Recyclable materials to be collected from city recycling customers shall be separated from other refuse and shall be collected separately by the city. Newspapers shall be bundled, bagged in paper bags, placed in a separate labeled container or otherwise placed in such a manner as to prevent the newspaper from being blown or scattered so as to cause litter. Commingled material shall be placed in a labeled container. Containers shall not exceed thirty-two (32) gallons in size. All recyclables shall be placed in plain view of the collector by 7 a.m. on the collection day. The city manager shall establish regulations for the placing and collection of recyclable materials from multiple family residential units having central collection points and from nonresidential and commercial establishments.

(Ord. No. 1250, 9-27-04)

Editors Note: Ordinance No. 1250, adopted September 27, 2004 amended § 17-44 in its entirety to read as herein set out. Former § 17-44 pertained to tree trimmings, etc. and derived from § 17-4(c) of the 1971 Code.

Sec. 17-45. Hazardous waste.

Hazardous waste materials are not collected by the city but must be disposed of properly at a hazardous material collection site.

(Ord. No. 1250, 9-27-04)

Editors Note: Ordinance No. 1250, adopted September 27, 2004 amended § 17-45 in its entirety to read as herein set out. Former § 17-45 pertained to newspapers and derived from § 17-4 of the 1971 Code.

Sec. 17-46. Garbage collection fees.

Garbage collection fees shall be established by resolution of city council.
(Code 1971, § 17-6)

Sec. 17-47. Delinquent refuse collection accounts.

Refuse collection accounts shall become delinquent when bills remain unpaid thirty (30) days after submission. A service fee of one dollar (\$1.00) shall be charged to a delinquent account. Refuse collection service shall be discontinued to refuse collection accounts which have become delinquent and remain unpaid sixty (60) days after bills have been submitted. An additional service fee of one dollar (\$1.00) shall be charged for resuming service to a delinquent account for the collection of refuse and trash which has accumulated during the time when service was discontinued.

(Code 1971, § 17-7)

Sec. 17-48. Definitions.

(a) *Recyclable materials* means materials that would otherwise become solid waste that can be source separated, collected, processed, and returned to the economic stream in the form of raw materials or products.

(b) *Recycling* means any process by which materials that would otherwise become solid waste are separated, collected, processed, and returned to the economic stream in the form of raw materials or products.

(c) *Recycling receptacle* means any unattended bin, box, container, structure or device, whether owned by the city, its agent, or a nonprofit organization, with the purpose of serving as a container for the collection of recyclable materials. This includes receptacles located on the premises of occupiers of land as well as receptacles placed at city collection facilities.
(Ord. No. 1144, 5-13-96)

Sec. 17-49. Scavenging and unauthorized collection of recyclable material.

(a) Recyclable materials placed at curbside for collection or placed in any recycling receptacle placed by the city (or its contractor) are the property of the City of Greenbelt. It shall be unlawful for any person not authorized by the city to pick-up, collect or cause to be collected any or such recyclable materials placed at curbside or in any receptacle. This section shall apply only to materials which are specifically part of the city's recycling program.

(b) Nothing herein contained is intended to prevent any occupier of land in the city from donating or selling recyclable material from such occupier's own refuse.

(c) It shall further be unlawful for any person to place, locate, establish, maintain, erect, leave or otherwise make available any unattended recycling receptacle within the city boundaries for the purpose of collecting recyclable materials. This section shall not apply to commercial operations in the city who contract separately for recycling of cardboard and the like as part of such commercial operation so long as such program, receptacle, etc. is only available to said commercial operation.
(Ord. No. 1144, 5-13-96)

Secs. 17-50--17-60. Reserved.

ARTICLE IV.

CLEAN LOT ORDINANCE

Sec. 17-61. Short title.

This article shall be known and may be cited as the "Greenbelt Clean Lot Ordinance."
(Code 1971, § 17-29)

Sec. 17-62. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Garbage. Any putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter. Garbage, rubbish and refuse, as defined herein, and all other waste material which creates or tends to create a danger to public health, safety, welfare and property, but such term shall not mean organic compost piles.

Rubbish and refuse. All solid waste consisting of both combustible waste (including, but not limited to paper, cardboard, wood, cloth and bedding material) and noncombustible waste (including, but not limited to metals, glass, crockery, tin cans, junked household appliances, abandoned or wrecked motor vehicles and any building and construction wastes).
(Code 1971, § 17-30)

Sec. 17-63. Applicability.

The provisions of this article shall apply to any real property within the city.
(Code 1971, § 17-31)

Sec. 17-64. Accumulations of litter prohibited; exceptions.

No person shall allow litter to be deposited or to accumulate either temporarily or permanently on his property. This section shall not apply to those persons who temporarily store such litter in private receptacles or in such other manner as may be permitted by city regulations for the collection of refuse, or under controlled conditions for industrial processing, such as recycling (scrap metal, etc.); however, such storage must be done with the permission of and in a manner prescribed by the city manager.
(Code 1971, § 17-32)

Sec. 17-65. Notice to remove accumulations of litter.

The city manager is hereby authorized to notify in writing the owner or the person responsible for the maintenance of the property to remove or properly dispose of the litter from the subject property. Such notice shall be by registered mail and addressed to such owner or responsible person at the last known address shown on the real property tax records in the treasurer's office for the city.
(Code 1971, § 17-33)

Sec. 17-66. Authority of city to remove accumulations of litter when owner fails to do so.

Upon the failure, neglect or refusal of any owner or responsible person so notified, to properly dispose of litter within ten (10) days after receipt of written notice provided for in Section 17-65 or within thirty (30) days after the date of such notice in the event the same is returned to the post office department because of its inability to make delivery thereof, the city manager is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the city.
(Code 1971, § 17-34)

Sec. 17-67. Charge for removal to be included in tax bill.

When the city has effected the removal of such litter or has paid for its removal, the actual cost thereof under Section 17-66, and any related expenses, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the city, and such charge shall be due and payable by such owner at the time of payment of such bill.
(Code 1971, § 17-35)

Sec. 17-68. Recordation of statement of costs.

Where the full amount due the city is not paid by such owner within thirty (30) days after the disposal of such litter, then the city manager shall cause to be recorded in the office of the treasurer for the city a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which such work was done.

(Code 1971, § 17-36)

Sec. 17-69. Appeals.

Within thirty (30) days from the mailing of the notice referred to in Section 17-65, the owner or responsible person may file a protest with the city council, stating in detail his reasons as to why the actions proposed by the city manager should not be taken. Upon receipts of such protest, the city council shall put the cause on its agenda at their earliest convenience, notify the protestant thereof and hear the merits of the protests. The city council may reverse the action of the city manager for any error of fact or law, or upon a finding that the enforcement constitutes an undue hardship upon the property owner which the property owner is physically or financially unable to comply with. If the protestant is dissatisfied with the decision of the city council, he shall have the right of appeal to the circuit court of the county; provided, that such appeal shall be taken within thirty (30) days after the protestant is notified (either at the hearing or in writing) of the city council's decision.

(Code 1971, § 17-37)