

CHAPTER 35

GARBAGE and TRASH; LITTERING

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Section 3501 Definitions

When used in this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(A) **Bulky Trash** - white metals, furniture, automobile tires and yard waste in excess of what is picked up as part of regular bi-weekly collection service.

(B) **Construction Trash Receptacle** - any trash receptacle that is temporarily placed on property to contain refuse resulting from construction activities; including, but not limited to, roll-up dumpsters.

(C) **Designated Recyclable Materials** - those recyclable materials that are eligible for collection through the Prince George's county and/or Town of Landover Hills curbside recycling program as amended from time to time.

(D) **Recyclable Material** - items made primarily from metals, glass, paper, mixed paper, plastics, corrugated and other cardboard, newspaper, magazines, telephone books and yard waste.

(E) **Recycling** - the separation, collection and disposition of designated recyclable materials under the direction of the Prince George's County Director of the Department of Environmental Resources and/or the Mayor and Council of the Town of Landover Hills.

(F) **Refuse** - solid waste. G. Supplemental Collection Services - any refuse collection service beyond the scope of regular residential bi-weekly collection service, including, but not limited to, collection service for the disabled and bulky trash service above one item per residence per week.

(G) **White Metals** - including refrigerators, stoves, washing machines, dryers, water heaters and air conditioners.

(H) **Yard Waste** - organic vegetative waste consisting of grass clippings, plant clippings, leaves and small limbs under five (5) feet long and three (3) inches in diameter in bundles of not more than two (2) feet in diameter.

Section 3502 Regular Trash collection Service

(A) The Town shall maintain standard refuse collection and disposal services consisting of two (2) collections per week for each single-family residence.

(B) Occupants of multi-family dwellings, owners or managers of boarding houses, commercial businesses, offices and other places where garbage, trash and waste is accumulated shall provide for disposal of such garbage, trash and waste, whether by municipal service or by independent or commercial collection. Such collection shall be by a suitable disposal system, approved by the Mayor and Council of the Town of Landover Hills.

(C) Collection of garbage and trash may be made from dwellings outside the corporate limits of the Town subject to restrictions and fees for the cost of such service set by resolution of the Mayor and Town council as passed at a regular meeting.

Section 3503 Establishment of Collection Days

The Mayor and Town Council may adopt regulations from time to time governing specific collection days and containers for collectibles and requirements for refuse, trash and recyclable material collection.

Section 3504 Receptacles: Capacity and Construction

Refuse receptacles shall be standard metal or heavy duty plastic, watertight and equipped with handles and tight fitting covers. When filled, no container shall weigh in excess of sixty (60) pounds.

Section 3505 Limitations on Refuse Amounts

There is no limit to the number of regulation trash containers that may be used, but no more than two hundred (200) pounds of trash will be collected from any dwelling unit on a regular bi-weekly collection day, as part of regular trash collection services or disabled trash collection services.

Section 3506 Access to and Storage of Trash Receptacles

(A) Refuse receptacles and other materials placed for pick-up shall not be placed at the pick-up location prior to 6:00 p.m. on the day preceding collection day. All receptacles must be

returned to the location indicated in (B) of this section no later than 6:00 a.m. of the day following the Town's regularly scheduled collection.

(B) All refuse receptacles, recycling containers, other refuse, yard waste and special trash shall be stored at the rear of the property or on the side of the house and adjacent to any part of the main structure located thereon while not at the curb for pickup.

(C) Notice- When refuse receptacles are located in violation of this Chapter, the Town will provide written notice to the property owner that such conditions exist and must be corrected. This notice constitutes the only notice a resident will receive regarding a violation of this section for the twelve-month period following the date that the notice is issued.

(D) Violation - Violation of this Chapter shall be a municipal infraction. The penalty for violating any provision of this Chapter shall be as indicated in Chapter 28 for each offense. After written notice is provided as indicated in (C) of this section, a citation may be issued immediately for any repeat violation during the twelve-month period following the date that the notice is issued. Each occurrence of a violation, or, in the case of continuous violations, each day the violation occurs or continues, constitutes a separate offense and may be cited separately.

Section 3507 Acceptable and Unacceptable Waste for Collection

(A) Materials which will be acceptable as part of regular bi-weekly trash collection services include food waste and miscellaneous household waste. In addition, one day per week, as designated by the Town from time to time, the following refuse will be collected:

(1) Yard waste limited to grass clippings, leaves and tree limbs less than five (5) feet in length and three (3) inches in diameter tied by string or cord into one (1) bundle not more than two (2) feet in diameter; and

(2) One (1) bulky trash item per household. Refrigerator and freezer doors must be removed or permanently sealed prior to placing refrigerators and freezers for pick-up.

(B) The following materials will not be collected during regular bi-weekly collection services: designated recyclable materials, tree stumps, yard waste (except as described in subsection "A" hereof) stones, sod dirt, large quantities of building or remodeling material in excess of three (3) bundles and four (4) feet in length, regular trash containers or bundles of building materials weighing more than sixty (60) pounds each, wood or metal sheds, automobile parts and tires, white metals, bricks, cinder blocks, gravel or tar.

(C) The following materials will not be collected by the Town and shall be disposed of in accordance with guidelines established by the Prince George's county Health Department: poisons, acids, caustics, explosives, paints and other dangerous or hazardous materials.

Section 3508 Supplemental Collection Services

(A) Fees - as set forth in 2801 of this Code, fees will be established, from time to time, for the provision of supplemental collection services. Fees will be established for the following non-inclusive list of services: bulky trash service in excess of one furniture or wood item per household per week, disabled trash services.

(B) Bulky Trash Service - on one of the two regularly scheduled collection days per week, as designated by the Town from time to time, the Town will provide a bulky trash pick-up service. Regulations and procedures regarding bulky trash service shall be established by resolution of the Town. Any resident who wishes to dispose of more than one bulky item, more than three (3) bundles of tree branches or any other non-acceptable collection item other than recyclable must schedule a special pickup with the Department of Public Works and pay the fee prescribed in section 2801 of this Code.

If a resident is unable to transport trash to the curb the Town will attempt to provide assistance.

Section 3509 Recycling

Unless a showing of extreme hardship can be established, participation in the Prince George's County curbside recycling program is mandatory for all residential households within the Town of Landover Hills. The County regulations regarding what is acceptable trash and appropriate containers shall apply to all residents of the town. Currently the County does not allow any yard waste except in paper bags or in trash containers marked for yard waste. Any resident who wishes to make special arrangements regarding recyclable items shall make those arrangements with the Prince George's County Department of Environmental Resources, Recycling Division.

Section 3510 Abatement of Refuse Conditions Existing in Violation of this Chapter

(A) Notice - When refuse conditions exist which are violations of this Chapter, the Town will provide written notice to the property owner that such conditions must be abated.

(B) Service -The notice may be served on the property owner by personal service or certified mail. In all cases the property will also be posed with a copy of the notice. Where the Town has made reasonable efforts to serve the property owner in writing, but has been unsuccessful in establishing or verifying service, the posting of The property shall be deemed sufficient notice for the Town to proceed under this section.

(C) Time - The refuse condition that is a violation of this Chapter and which is subject of the notice shall be abated by the property owner within 3 days of receipt of the notice.

D. Abatement and Fees - If the refuse condition is not abated in accordance with subsection "C" hereof, the Town may abate the condition and assess reasonable fees and costs of abatement to the property owner, which fees and costs shall become a lien on the property.

Section 3511 Claims for Loss

If any resident of the Town shall have a claim for loss of personal property resulting from trash collection services provided by the Town, the claim must be submitted in writing to the Town. Whenever possible, written proof of ownership and cost of the item should also be submitted. The Town shall endeavor to respond to such claims within 30 days of their submittal or by the 15th of the month following such submittal. The Town Council may at its option review all such claims. In the event the Town decides to settle such claims, it reserves the right to remit the estimated value of the loss at the time the loss occurred and not the replacement value. The

Town will not be liable for any claim for loss that resulted because personal property was placed within four (4) feet of the curb. The Town will not be liable for losses resulting from disposal of receptacles that do not meet Town receptacle standards.

Section 3512 Scavenging, Prohibited

It shall be unlawful for any person not authorized by the Town Manager to remove or cause to be removed, any materials separated for the purpose of recycling and set at curbside or other pick-up locations for collections by authorized personnel.

Section 3513 Construction and Remodeling Waste

Construction trash receptacles may not be placed within public rights of way, including sidewalks. Regulations and procedures for such are outlined in Chapter 90 of this Code.

Section 3514 Garbage, Trash or Other Offensive Matter on Property

(A) No person shall place, keep or collect, or cause permit to be placed, kept or collected, any refuse, garbage, tires, auto parts, household appliances, offal, dead animals, decaying vegetable matter, organic wastes, slop, stagnant water, noxious liquids or any other offensive matter, liquid or solid, which is likely after exposure to become a nuisance or breeding place for germs, insects or rodents, or which does or may give off a stench or which may in any way be a nuisance to the public health and safety.

(B) It shall be unlawful to accumulate or store in open view to the public any litter, brush, trash, automobile parts, 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 as a result of valid permits.

(C) It shall be unlawful for any person or persons, homeowner or homeowners, tenant or tenants, to cause or allow to flow any dirt, earth and/or silt upon any of the sidewalks, streets, alleys or other public space, and it shall be unlawful for any person to permit or allow any mud, dirt, garbage, bottles, trash of any kind of debris whatsoever to be thrown from, to be dropped from or in any manner to fall from any vehicle onto or upon the streets, alleys or other public space without immediately removing the aforesaid mud, dirt, garbage, bottles, trash or debris from said area of the Town.

(D) 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 active compost or piles of vegetable matter, 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.

Section 3515 Litter Control

(A) Definitions.

Litter means all rubbish, solid and liquid waste matter, refuse, garbage, trash, paper debris, dead animals or discarded materials of every kind and description.

Public property means the right-of-way of any road, alley or highway; any body of water or watercourse or the shores thereof; any park, parking facility, playground, public service company property or transmission line right-of-way, any building, recreation area, any residential or farm properties, any timberlands or forest or landscaped areas.

(B) Prohibited Acts.

(1) It shall be unlawful for any person or persons to dump, deposit, throw or leave, or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public property in the Town or on private property visible from public property unless:

(a) Such property is designated by the Town or by a governmental agency or political subdivision for the disposal of such litter, and such person is authorized by the property public authority to use such property; or

(b) Such litter is either placed into a litter receptacle or container installed on such property or is too large or bulky to be contained and is set out for no more than three (3) days and awaiting trash collection; or

(c) Such litter is placed at or near the curb by the occupant of the property for the Town's trash collection as provided for in this Chapter.

(2) Advertisements, Handbills and Newspapers.

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

(c) The provisions of this subsection shall not apply to the distribution of mail by postal service, nor to delivery of newspapers or political handbills or literature so long as such are delivered to a particular address on the property and are not left in the public right-of-way.

(3) No person shall post or affix or have posted or affixed any notice, poster or other paper or device calculated to attract the attention of the public or on to any public property, or upon any public structure or building, except as may be authorized or required by law.

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

(C) Presumption of Responsibility for Violation.

Whenever litter is thrown, deposited, dropped or dumped from any vehicle or other conveyance in violation of this section, and if the vehicle or other conveyance has two (2) or more occupants and it cannot be determined which occupant is the violator, the owner of the vehicle or other conveyance, if present, shall be presumed to be responsible for the violation. In the absence of the owner of the vehicle, or other conveyance, the operator shall be presumed to be responsible for the violation.

(D) Enforcement.

(1) All law & Code Enforcement personnel officers and officials of the Town are hereby authorized, empowered and directed to enforce compliance with this section.

(2) Notwithstanding any other provision of law, if the facts of any case in which a person is charged with violating subsection (b) of this section are sufficient to prove that the person is responsible for the violation, it is not necessary that the owner of the property on which the violation allegedly occurred be present at any court proceeding regarding that case.

Section 3516 Cleanup after Special Events

It shall be unlawful for any owner or owners of any lot, lots or squares of ground in the Town or their agents, who shall let such lot, lots or squares of ground for any circus, carnival or other exhibition, to fail, within forty-eight (48) hours after the carnival, circus or exhibition shall have left, to clear and remove from any such lot, lots or squares of ground all wastepaper, sawdust, shavings, vegetable matter or deposits of any kind or thing injurious to the public health and safety.

Section 3517 Burning Restrictions

It shall be unlawful for any person to set fire or cause to be burned within the limits of the Town any garbage, filth, rags, rubber or other substance which emit strong, offensive odors.

Section 3518 Regulation of Collecting Vehicles

(A) No collector, driver or person having charge or control of any vehicle for carrying garbage shall allow such vehicle needlessly to remain before or near any dwelling, building or place of business within the Town, or allow any such vehicle or anything appertaining thereto to be in a condition needlessly filthy or offensive, and no driver of any such vehicle shall occupy an unreasonable length of time in loading or unloading the same. When not in use for collecting garbage, the lid or cover of such vehicle shall be securely closed.

(B) Every person transporting garbage over the streets of the Town shall provide covered containers which shall be kept closed while the garbage is in transit.

Section 3519 Violations and Penalties

(A) Any person who shall violate any provision of this Chapter or fail to comply with its requirements shall be guilty of a municipal infraction, and upon conviction, be subject to fines as set forth herein. A violation that occurs within two (2) years of the previous violation of the same code section shall be a repeat violation.

(B) A violation of this Chapter shall be fifty dollars (\$50.00) for a first offense and one hundred dollars (\$100.00) for each repeat violation except for specific violations as provided in subsection (c).

(C) A violation of the following code provisions shall carry the following penalty.

(1) for section 3502(b) – seventy-five dollars (\$75.00) for each day that the violation exists.

(2) for section 3515 (litter).

(a) for an amount of litter not exceeding three (3) pounds in weight and not for commercial purposes, a fine of fifty dollars (\$50.00), for the first offense, one hundred fifty dollars (\$150.00) for the second offense and five hundred dollars (\$500.00) for each subsequent offense thereafter;

(b) for an amount of litter equal to and exceeding three (3) pounds in weight but not exceeding fifty (50) pounds in weight and not for commercial purposes, a fine of five hundred dollars (\$500.00);

(c) for an amount of litter exceeding fifty (50) pounds in weight or for commercial purposes, a fine of one thousand dollars (\$1,000.00);

(d) in addition to the penalty provided by this subsection, a court may order the violator to:

(i) remove or render harmless the litter dumped in violation of this section;

(ii) repair or restore property damaged by, or pay damages for, any damage arising out of dumping the litter in violation of this section;

(iii) perform public service relating to the removal of litter dumped in violation of this section or to the restoration of any area polluted by litter dumped in violation of subsection (b)(1) of this section; or

(iv) reimburse the Town for any costs incurred in the removal of litter dumped in violation of subsection (b)(1) of this section.

(3) 3516 (cleanup) – two hundred dollars (\$200.00) for each offense.

(4) 3517 (burning restrictions) – one hundred dollars (\$100.00) for the first violation and two hundred dollars (\$200.00) for each repeated violation.

(D) it shall be the policy of the Town for all violations carrying a penalty of at least fifty dollars (\$50.00) for a first offense, that the Town shall ordinarily provide notice of the violation to the responsible party in lieu of issuing a violation. It shall further be the policy of the Town whenever practical and not contrary to the public good, to attempt to obtain voluntary compliance with this Chapter.