

Chapter 155

GARBAGE, RUBBISH AND REFUSE

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[**HISTORY: Adopted by the Board of Commissioners of the City of Margate City 7-22-1976 as Ch. 90 of the 1976 Code.¹ Amendments noted where applicable.**]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 87.

Property maintenance — See Ch. 215.

Dumpsters — See Ch. 127.

Recycling — See Ch. 221.

Nuisances — See Ch. 196.

§ 155-1. Container requirements. [Amended 1-25-1988 by Ord. No. 1988-1 ; 2-10-1994 by Ord. No. 1994-3]

- A. Except as otherwise provided herein, containers used for the storage of garbage and trash shall be galvanized or plastic cans with handles and tight-fitting covers. Plastic bags may only be used for storing garbage and trash when they are placed in garbage cans. No grass clippings, lawn rakings, shrubs, branches or tree clippings may be commingled with common household trash.
- B. The penalty for violation of this section shall be in the amount of \$100. [**Added 4-17-2014 by Ord. No. 16-2014]**

§ 155-2. Domestic garbage. [Amended 8-5-2004 by Ord. No. 2004-13]

- A. Domestic garbage intended for collection shall be drained of all free liquid, shall be wrapped or sacked and then placed in containers with rubbish. No person, owner, lessee, tenant, or agent shall place or cause to be placed any domestic garbage, recyclable material, nonrecyclable material, or any other waste, garbage, rubbish or refuse intended for collection into any City of Margate public container.

1. Editor's Note: Chapter 90 of the 1976 Code was originally derived from Ord. No. 914, adopted 11-27-1974, as amended.

- B. Storage and disposal of waste. [**Added 9-4-2016 by Ord. No. 18-2016**²]
- (1) Outdoor refuse and recycling containers shall be visually screened within a durable enclosure, or existing structure, so as not to be visible from adjacent lots or sites, neighboring properties or streets.
 - (2) No refuse and recycling storage areas shall be permitted between a street and the front of a building and shall conform to the front yard requirements for the principal buildings in the zone.
 - (3) No refuse and recycling storage area shall be located so as to prevent natural runoff from such areas or impair the existing water quality of any stream, watercourse or aquifer.
 - (4) All materials or wastes which might cause fumes, dust, odor or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in sealed and covered containers which are adequate to eliminate such hazards.
 - (5) Refuse and recycling collection areas shall be effectively designed to contain all refuse generated on site and deposited between collections.
 - (6) Refuse and recycling collection enclosures shall be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme.
 - (7) Refuse and recycling collection areas shall be located to provide clear and convenient access to refuse collection vehicles.
 - (8) Medical, hazardous or other regulated waste shall meet the state and federal standards for such materials.
- C. Recycling facilities for multifamily housing developments. [**Added 9-4-2016 by Ord. No. 18-2016**]
- (1) There shall be included in any multifamily housing development an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located.
 - (2) The recycling area shall be conveniently located for the disposition of source-separated recyclable materials by residents of the multifamily housing development, preferably near, but clearly separated from, a refuse dumpster.
 - (3) The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area and the bins or containers placed therein against theft of recyclable materials, bins or containers.
 - (4) Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid or otherwise covered so as to keep the paper or cardboard dry.
 - (5) Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be

2. This ordinance also redesignated former Subsection B as Subsection D.

equipped with signs indicating the materials to be placed therein.

- (6) Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.
- D. The penalty for violation of this section shall be in the amount of \$100. **[Added 4-17-2014 by Ord. No. 16-2014]**

§ 155-3. Rubbish; newspapers, magazines and boxes.

- A. Rubbish may be stored in with garbage to utilize one container to its maximum of 50 pounds full weight. Newspapers, magazines or collapsible cardboard boxes or containers must be set out in securely tied bundles, provided that no one bundle shall exceed 50 pounds in weight.
- B. The penalty for violation of this section shall be in the amount of \$100. **[Added 4-17-2014 by Ord. No. 16-2014]**

§ 155-4. Commercial garbage.

- A. Commercial garbage intended for collection from eating establishments, such as clubs, restaurants, institutions, grocery stores and other food-handling establishments, need not be wrapped if picked up daily. Undrained garbage of liquid or semiliquid nature shall not be collected, whether in approved containers or not. All storage must be in proper approved containers and must be maintained in a sanitary condition.
- B. The penalty for violation of this section shall be in the amount of \$100. **[Added 4-17-2014 by Ord. No. 16-2014]**

§ 155-5. Bulk rubbish. [Amended 1-25-1988 by Ord. No. 1988-1 ; 10-7-2010 by Ord. No. 29-2010]

- A. The City of Margate shall collect one bulk item per week, per household during the regularly scheduled trash pickup. Bulk items shall not exceed 50 pounds in weight. Appliances and white goods, carpet and carpet padding and electronic waste are recyclable materials and shall be collected and disposed of in accordance with the City of Margate's recyclable program.
- B. The penalty for violation of this section shall be in the amount of \$100. **[Added 4-17-2014 by Ord. No. 16-2014]**

§ 155-6. Shrubs, clippings, grass and lawn rakings. [Amended 2-10-1994 by Ord. No. 1994-3]

- A. Branches, clippings, shrubs and rakings in excess of 24 inches but not greater than four feet in length and not in excess of 50 pounds in weight may be placed at the curb for pickup if securely tied in bundles so as to prevent their being scattered, carried or deposited by the elements upon any street, sidewalk or other public or private place of business.
- B. All grass, leaves, brush, branches or yard rakings shall be separated from common household garbage and packed in biodegradable paper bags, which will be separately collected on the same day as the regular trash collection. **[Amended 2-21-2008 by Ord. No. 04-2008]**
- C. The penalty for violation of this section shall be in the amount of \$100. **[Added 4-17-2014 by Ord. No. 16-2014]**

§ 155-7. Trees, stumps, commercial rubbish and construction waste.

- A. Arrangements for the disposal of trees, tree stumps or commercial rubbish and construction waste shall be made by the owner, occupant or person in control of the premises affected, either personally or by agreement with a landscape contractor or other workman engaged in the work, resulting in such accumulation.
- B. The penalty for violation of this section shall be in the amount of \$100. [Added 4-17-2014 by Ord. No. 16-2014]

§ 155-8. Provision and use of containers; condemned containers.

- A. One- to three-family dwelling. A proper and sufficient number of approved containers, as herein defined, for the storage of garbage and rubbish between collections shall be provided by each family residing in a single-family dwelling or in a two- or three-family dwelling. It shall be the duty of the owner, lessees or agent to maintain such containers in good repair, in a clean and satisfactory condition, to store rubbish and garbage properly therein and to remove the same from the sidewalk area on the same day as collection. [Amended 1-25-1988 by Ord. No. 1988-1]
- B. Multiple dwellings. In the case of a building housing more than three families, the owner, lessee or agent of the premises shall provide a sufficient number of suitable approved containers, as herein defined, for the storage of garbage and rubbish between collections and shall maintain them in good repair and in clean and satisfactory condition.
- C. Commercial and nonresidential establishments. The proprietor, manager, agent or person in charge of a commercial establishment, professional office, church or any other premises where occupancy is nonresidential in nature shall provide sufficient and approved containers, as defined herein.
- D. Broken and illegal receptacles. After 10 days' written notice has been given to the responsible party by the Health Officer or his duly authorized agent or agents to dispose of defective or illegal waste containers, the condemned containers may be collected as rubbish by the Department of Public Works.
- E. The penalty for violation of this section shall be in the amount of \$100. [Added 4-17-2014 by Ord. No. 16-2014]

§ 155-9. Discharging hazardous substances; scattering and scavenging prohibited. [Amended 7-14-1994 by Ord. No. 1994-16]

- A. It shall be unlawful for any person or persons, whether intentional or unintentional, through the action of or omission, to discharge a hazardous substance which results in the releasing, spilling, leaking, pumping, pouring/emitting, emptying or dumping of a hazardous substance into the air or waters or onto the lands of the City of Margate City.
- B. Any person or persons responsible for causing or allowing an unauthorized discharge of a hazardous substance that requires emergency action by a local government unit of the City of Margate City in order to protect the public health, safety or welfare, or the environment, shall be liable, jointly and severally, to such unit for the necessary and reasonable additional or extraordinary costs incurred in investigating, mitigating, minimizing, removing and abating the discharge.
- C. Definition. "Hazardous substance" means a substance or material which is capable of posing an unreasonable risk to health, safety and the environment.

- D. It shall be unlawful for any person or persons to overturn, spill, litter, root through or pull apart any garbage or refuse set out for collection; nor shall any person remove anything from any receptacle, bundle, garbage or refuse set out for collection.

§ 155-10. Collection schedule. [Amended 1-25-1988 by Ord. No. 1988-1]

- A. Domestic garbage and trash shall be collected in accordance with a definite schedule announced by the Department of Public Works. Trash and garbage containers or bundles, as herein defined, shall be placed at the curb no sooner than 6:00 p.m. the day before collection and shall be removed from the sidewalk area on the same day as collection.
- B. The penalty for violation of this section shall be in the amount of \$100. [Added 4-17-2014 by Ord. No. 16-2014]

§ 155-11. Enforcement.

The Superintendent of Public Works is authorized and empowered to exercise the powers necessary to enforce this chapter and to delegate any of such powers to such officers and agents as he may designate, including employees of the Department of Public Works.

§ 155-12. Violations and penalties. [Amended 1-25-1988 by Ord. No. 1988-1]

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment.

§ 155-13. Household trash and recycling only to City yard; no construction debris accepted. [Added 11-25-1992 by Ord. No. 1992-20 ; amended 10-7-2004 by Ord. No. 2004-24 ; 7-17-2008 by Ord. No. 31-2008 ; 6-2-2016 by Ord. No. 13-2016]

From May 1 to September 30 each year, Margate City citizens may deliver household trash and recycling only to the City yard in passenger cars, passenger vans and station wagons on scheduled days and times. No construction debris will be accepted at the City yard. Proof of Margate City residency is required in the form of utility bill or tax bill and driver's license. Hours of operation are Wednesday, 1:00 p.m. to 3:00 p.m. and Sunday, 12:00 p.m. to 6:00 p.m. Off-season Sunday hours are from October 1 to April 30, 12:00 p.m. to 4:00 p.m. Commercial businesses, private businesses and contractors are not permitted to use this facility.