



Effective: June 4, 2019

AN ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON AMENDING THE CODE OF THE CITY OF NEW CARROLLTON, CHAPTER 63 “RECYCLING AND REFUSE,” TO CLARIFY WHAT MAY BE SET OUT FOR COLLECTION AS SPECIAL BULKY ITEMS (§ 63-4), TO PROVIDE FOR THE REMOVAL OF PROPERTY EVICTION SET-OUTS (§ 63-4A), TO CLARIFY THAT FEES WILL BE CHARGED FOR THE CITY TO REMOVE RECYCLING, REFUSE, SPECIAL BULKY ITEMS AND PROPERTY EVICTION SET-OUTS THAT ARE NOT PROPERLY DISPOSED OF OR HANDLED (§ 63-4, § 63-4A, § 63-6, § 63-8 AND § 63-9) AND TO CLARIFY THAT IT IS THE PROPERTY OWNER’S OBLIGATION TO ENSURE COMPLIANCE WITH CITY CODE, CHAPTER 63 (§ 63-9)

WHEREAS, City Council of New Carrollton enacted City Code, Chapter 63 “Refuse and Recycling” establishing rules for the collection of trash, recycling and special bulky items; and

WHEREAS, it has come to the attention of the City Council that the rules and regulations pertaining to the disposal of refuse, recycling, bulky items and property set-outs require clarification; and

WHEREAS, the City Council believes that it is the best interest of the efficient administration of the City government to amend City Code, Chapter 63 to clarify these rules and regulations.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City Council of New Carrollton that City Code, Chapter 63 “Recycling and Refuse” be and hereby is amended to read as follows:

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§ 63-4 Collection of special bulky items.

The owner or [responsible] person **RESPONSIBLE FOR THE MAINTENANCE OF REAL PROPERTY LOCATED IN THE CITY** must call the City Department of Public Works to

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schedule the collection of special bulky items. Special bulky collections are to be placed at the curb for collection; however, shall not be placed on the curb until the Tuesday evening prior to a scheduled collection. **ALL ITEMS PLACED FOR COLLECTION AS A SPECIAL BULKY ITEM MUST COMPLY WITH ALL APPLICABLE CITY REGULATIONS, INCLUDING BUT NOT LIMITED TO THE REQUIREMENT THAT ALL MATTRESSES AND BOX SPRINGS PLACED AT THE CURB FOR COLLECTION BE INSIDE OF A MATTRESS DISPOSAL BAG. MATTRESSES AND BOX SPRINGS PLACED FOR COLLECTION THAT ARE NOT IN A MATTRESS DISPOSAL BAG WILL NOT BE PICKED UP BY THE CITY. PROPERTY EVICTION SET-OUTS ARE NOT CONSIDERED TO BE THE COLLECTION OF SPECIAL BULKY ITEMS UNDER THIS SECTION. A FEE SHALL BE CHARGED FOR THE COLLECTION OF SPECIAL BULKY ITEMS IN ACCORDANCE WITH THE SCHEDULE OF FEES ADOPTED BY THE CITY COUNCIL.**

§63-4A. REMOVAL OF PROPERTY EVICTION SET-OUTS

THE CITY DOES NOT PROVIDE FOR THE REMOVAL OF PROPERTY EVICTION SET-OUTS ON A ROUTINE BASIS. IT IS THE PROPERTY OWNER'S RESPONSIBILITY TO CALL THE CITY DEPARTMENT OF PUBLIC WORKS AND SCHEDULE AN EVICTION SET-OUT REMOVAL. PROPERTY OWNERS MUST PROVIDE THE DEPARTMENT OF PUBLIC WORKS AT LEAST 48 HOURS ADVANCE NOTICE OF A PROPERTY EVICTION SET OUT. WHEN A SET OUT IS IDENTIFIED FOR WHICH A REMOVAL HAS NOT BEEN SCHEDULED, THE CITY WILL NOTIFY THE PROPERTY OWNER AND GIVE THE PROPERTY OWNER 48 HOURS TO REMOVE THE ITEMS OR SCHEDULE A REMOVAL WITH THE CITY. IN THE EVENT THAT THE PROPERTY OWNER SHALL FAIL OR REFUSE TO COMPLY WITH THE CITY'S REQUEST TO REMOVE THE ITEMS OR SCHEDULE A SET OUT REMOVAL, THE OWNER WILL BE REQUIRED TO PAY A FEE AS SET FORTH IN THE CITY'S FEE SCHEDULE FOR THE CITY TO REMOVE AND DISPOSE OF THE ITEMS THAT REMAIN ON OR IN FRONT OF THE PROPERTY AFTER THE 48 HOURS NOTICE, AND THE OWNER SHALL BE FINED IN ACCORDANCE WITH THE CITY'S FINES AND PENALTIES SCHEDULE FOR FAILURE TO COMPLY WITH THE NOTICE TO REMOVE THE ITEMS. IT SHALL BE LAWFUL FOR THE CITY TO REMOVE AND DISPOSE OF THE MATERIAL IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

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§ 63-5 Requirements relating to commercial refuse collection receptacles.

Commercial refuse collection receptacles shall be maintained in a manner so as to prevent rodent access and harborage, in a sanitary and structurally sound condition, **AND** secured in a manner so as to prevent the scattering or discharge of any contained refuse material.

§63-6. Regulations.

The City Council shall have the authority to adopt, by resolution, additional regulations relating to the disposition and collection of garbage, trash and recycling, **AS WELL AS THE FEES TO BE CHARGED THEREFOR**, as are needed to safely and efficiently [affect] **PROVIDE FOR** the removal and collection of garbage, trash and recycling in the City, and to otherwise achieve compliance with the provisions of the chapter, provided that such regulations are not inconsistent with this chapter.

§ 63-7 Notice to remove accumulations of litter, garbage and refuse.

The [Director of the City Department of] **CITY** Code Enforcement **MANAGER**, or their designee, is hereby authorized to notify, in writing, the owner or the person responsible for the maintenance of property to remove or properly dispose of the litter, garbage and refuse from the subject property within twenty-four (24) hours, inclusive of Sundays and holidays, after the date of such notice. Such notice shall advise the owner or responsible person that the City shall take action and the owner or responsible person shall bear the cost if they fail to remove [or] **AND** properly dispose of the litter, **GARBAGE OR REFUSE IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.**

§ 63-8 Authority of City to remove accumulations of litter, garbage or trash.

A. In any situation where the [Director of the City Department of] Code Enforcement **MANAGER** or their designee determines that a violation exists that is or could be a health hazard, such official may order [immediate] compliance with any correction order **ISSUED FOR THAT VIOLATION** [() within twenty-four (24) hours of notice to the owner of the property or any tenant in possession ()].

B. If compliance is not accomplished within **THE** stated time period, the [Director] **MANAGER** or designee may request the City Department of Public Works, or a contractor, to alleviate the health hazard and charge the property owner for the costs of compliance including the salary of any City employee involved. However, if the person failing to comply shows good cause therefor

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by filing an objection, in writing, with the City Administrative Officer on or before seven (7) business days after receipt of such correction order and the City Administrative Officer, in his or her sole discretion, accepts such cause, **THE COST OF COMPLIANCE SHALL NOT BE ASSESSED AGAINST THE PROPERTY OWNER.** [The costs of compliance, if not paid, shall be added to the real property tax bill of the owner for the next succeeding year.]

C. Failure, neglect or refusal of any owner or person responsible for the maintenance of property to comply with a written notice to properly dispose of litter, garbage or trash in accordance with the provisions of the chapter shall constitute a violation. In addition to the [penalty] **FEE** set forth in Subsection B, any failure to comply with an immediate correction order shall be a municipal infraction for which the fine shall be as is set forth in the City's Schedule of Fines, as adopted from time-to-time by the City Council, in addition to the costs noted above.

§63-9. Penalty.

Violations of this chapter are municipal infractions, subject to the penalty and enforcement provisions of §1-21A of the Code of the City of New Carrollton. **IT SHALL BE THE OBLIGATION OF THE OWNER OF THE PROPERTY TO WHICH THE CITY PROVIDES ANY COLLECTION SERVICES OR RELATED SERVICE UNDER THIS CHAPTER TO PAY FOR THE COSTS INCURRED BY THE CITY IN PROVIDING SUCH SERVICES TO THE PROPERTY. ACCORDINGLY, ANY MUNICIPAL INFRACTIONS ISSUED FOR VIOLATIONS OF THIS CHAPTER SHALL BE ISSUED TO THE PROPERTY OWNER. ALL CHARGES FOR ANY FORM OF COLLECTION SERVICES PROVIDED BY THE CITY PURSUANT TO THIS CHAPTER, IF UNPAID, SHALL BE A LIEN UPON THE PROPERTY TO BE COLLECTED IN THE SAME MANNER AS MUNICIPAL TAXES ARE COLLECTED.**

* * *

BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall become effective June __, 2019, following adoption and approval by the Mayor, or passage by the Council over the Mayor's veto.

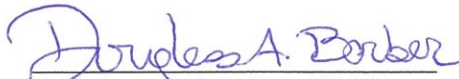
Introduced by the City Council of New Carrollton, Maryland on the 1st of May, 2019.

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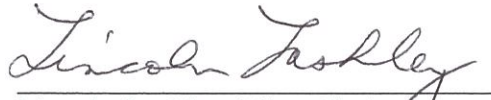
Adopted and enacted by majority vote of the City Council of New Carrollton on the 15th day of May, 2019.

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Attest:

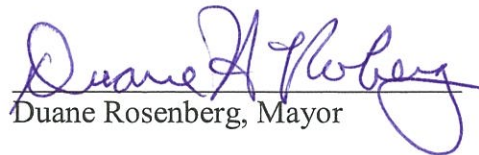

Douglass A. Barber, CMC
City Clerk

City of New Carrollton


Lincoln Lashley, Vice-Chair
City Council

Date: MAY 15, 2019

Approved:


Duane Rosenberg, Mayor

Date: 05-15-19

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