

Introduced by: Mr. Reda, Ms. Kilpatrick
Date of introduction: August 21, 2012

ORDINANCE 12-090

AMENDING NEW CASTLE COUNTY CODE CHAPTER 7 (“PROPERTY MAINTENANCE CODE”) REGARDING GARBAGE AND RUBISH COLLECTION IN UNINCORPORATED NEW CASTLE COUNTY

WHEREAS, while New Castle County is empowered to safeguard the health and safety of its residents pertaining to the accumulation and disposal of garbage and rubbish (9 *Del. C.* Section 1521), residents of unincorporated New Castle County arrange for their own collection of garbage and rubbish;

WHEREAS, constituents have complained that some residents leave refuse and garbage receptacles at the curb, in front of the house, or on the porch, far in excess of the night before and the day of collection; and

WHEREAS, the establishment of a garbage and refuse collection parameters in unincorporated New Castle County would uphold a community standard for neighborhood appearance and protect the health and welfare of residents.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Article 1 (“Standards for Property Maintenance”), Section 7.01.002 (“Amendments to the International Property Maintenance Code), Chapter 3 (“General Requirements”), Section PM 307 (“Rubbish and Garbage”) is hereby amended by adding the material set forth below, all of which shall be considered underscored.

...Section PM 3.07.2.1, Collection of rubbish and garbage. Every owner, occupant, possessor or person responsible shall dispose of rubbish and garbage as set forth in this section and shall place the rubbish and garbage at the appropriate collection point for pick-up no sooner than 4:00 p.m. on the day before collection. Rubbish and garbage receptacles must be removed from the collection point no later than 6:00 p.m. on the day rubbish and garbage are collected. With the exception of these pick-up hours, garbage and rubbish shall be properly stored behind the front façade of the building and screened from view of the street. It shall be unlawful for an owner, occupant, possessor or person responsible to fail, neglect or refuse to comply with and abide by this section and subsection. Failure to observe the mandates of this section and subsection shall constitute a violation subject to enforcement as set forth in Section PM 106 (“Violations”).

Section 2. If any provision of this ordinance is found by any court of competent jurisdiction to be unconstitutional or void, then the remaining provisions of this ordinance shall remain valid, unless the court finds that the valid provisions of this ordinance or so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of execution in accordance with Council’s intent.

Section 3. This ordinance shall become effective on the 30th day after passage by New Castle County Council and approval by the County Executive, or 30 days after otherwise provided for passage in 9 Del. C. Section 1156.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This ordinance sets time and place parameters for pick-up and removal of garbage and rubbish receptacles in order to safeguard the public health and safety and community appearance standards.

FISCAL NOTE: