

Chapter 36
GARBAGE, REFUSE, AND TRASH

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§ 36-15. Violations and penalties. [Repealed and replaced 4-23-97. Effective 6-12-97. Amended 10-2-08, effective 10-22-08]

[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended in its entirety 2-6-95, effective 2-26-95.]

REFERENCES

Municipal infractions -- See Chapter 46.

§ 36-1. Definitions. [Amended 5-6-02.]

As used in this chapter, the following terms shall have the meanings indicated:
"Dwelling" -- A building or portion thereof arranged or designated to provide living facilities for one (1) or more families.

"Dwelling, multiple family" -- A building containing more than one dwelling unit, including apartment houses.

"Dwelling, single family" -- A building containing only one (1) dwelling unit.

"Free-standing Metal Receptacle" -- Is defined as the trash system that was put in use during the 1960s in Riverdale Park to store trash in large paper bags.

"Garbage" -- The regular waste resulting from normal day-to-day operation of a dwelling unit, including kitchen waste, animal and vegetable foodstuffs, and other small discarded items.

"Newspapers" -- Any material published on newsprint. This excludes magazines, journals, and other bulk published materials.

"Proper Vessel or Container" -- A container made of metal or plastic that has a tightly-fitted lid that shall be no larger than thirty-nine (39) gallon capacity (by volume).
Exception: Any resident still possessing (as of the date of adoption of this definition) a "free-standing metal receptacle" may continue to use it as a "proper vessel or container" as used in this Chapter, provided it is properly functioning, including a metal lid to seal contents from animals.

"Refuse" or "waste" -- Offal, garbage, house refuse, dead animals or decaying vegetable matter or organic waste or substance of any kind, or any slops, greasy or soapy water or any other matter, liquid or solid, or glass or metal or containers made thereof, or rubber, feathers, rags or petroleum-soaked waste, and all materials and items not included under the definition of trash.

"Trash" -- Discarded articles of furniture, clothing, appliances, boxes, barrels, straw, shavings, paper, wood, leaves, trimmings of trees, plants and shrubs, but not including items excluded from municipal trash collection pursuant to § 36-8.

§ 36-2. Unlawful disposal.

It shall be unlawful to cast, throw, discharge or cause to flow on or into any street, sidewalk or public place within the town any garbage, refuse, trash, or waste which is offensive or liable to become a source of nuisance after exposure to the atmosphere.

§ 36-3. Offensive odors and health disposal.

It shall be unlawful to place, collect or suffer to be on any property within the town any garbage, refuse, trash, or waste or any slops, greasy or soapy water, stagnant water, nauseous liquids or any other offensive matter, liquid, gaseous or solid, liable to become a source of nuisance after exposure to the atmosphere or which by a stench or smell becomes a nuisance to the neighborhood or becomes a breeding place for germs or is liable to become a detriment to the public health.

§ 36-4. Burning of garbage, refuse, or waste prohibited.

It shall be unlawful to burn garbage, refuse, or waste in the town at any time.

§ 36-5. Burning of trash, etc.

(a) It shall be unlawful for any person within the corporate limits of the town to kindle or set fire to or cause to be kindled or set on fire, in any manner, on any public or private property on open ground or in a pit, any of the following: boxes, barrels, straw, shavings, trash, wood, paper, leaves, or other combustible matter.

(b) Upon application to the Mayor and Council, a special exception may be permitted for the purpose of burning of trees felled in connection with the clearing of lots or in the razing and/or destruction of existing buildings.

§ 36-6. Extraneous matter prohibited.

No person shall place or cause to be placed in any garbage receptacle any substance containing liquids other than natural moisture.

§ 36-7. Garbage containers required; disposal regulated. [Amended 5-6-02, effective 6-5-02.]

(a) It shall be unlawful for any person to keep exposed or to deposit, throw or place or cause to be deposited, thrown or placed, any garbage or similar refuse in any avenue, street, alley or public place, or upon any private property, whether owned by such person or not, within the corporate limits of the town, unless the same shall be enclosed in proper vessels or containers as herein defined. All such vessels or containers shall be placed at the rear or rear side of the premises at all times until readied for collection as pursuant to §§ 36-8 and 36-9, except that such vessels or containers shall not be adjacent to a public street, if at the side shall not be immediately adjacent to residential housing, and if at the rear shall not create a nuisance and a public health hazard to the immediate residential neighborhood.

(b) Occupants of single-family or multiple-family dwellings, owners or managers of boardinghouses and hotels, food carry-outs or restaurants, commercial businesses, offices, hospitals, and any other place where garbage, refuse, trash, and waste is accumulated shall

provide for disposal of such garbage, refuse, trash, and waste, whether by municipal services or by independent or commercial collection. Such collection shall be made by some suitable disposal system, approved by the Mayor and Council.

§ 36-8. Municipal collection of garbage, trash, and waste.

(a) General.

(1) Loose trash of any kind that may scatter shall be confined in containers or bundled.

(2) Items of trash shall be placed at the curb adjacent to the premises for collection.

(3) Collection of trash shall be performed on a schedule as established by resolution of the Mayor and Council passed at a regular meeting. Such schedule shall be published in a newspaper or periodical of general circulation in the town.

(4) It shall be unlawful to place garbage or trash out for a collection earlier than sundown of the day prior to the regularly scheduled day for collection.

(b) Single-family dwellings.

(1) Municipal collection of garbage and trash or heavy trash as a service shall be made from single-family dwellings, subject to restrictions as established by the Mayor and Council.

(2) All excess garbage and/or trash which are the by-product of a commercial enterprise may be rejected by the Mayor and Council. If collected, it shall be subject to charges established by the Mayor and Council.

(3) Items specified in a resolution of the Mayor and Council, passed at a regular public meeting, shall be excluded from collection by the municipal trash service.

(c) Multiple-family dwellings.

(1) Municipal collection of garbage and trash from multiple-family dwellings or apartments up to and including five (5) dwelling units on premises may be provided by the town, subject to restrictions and fees established by resolution of the Mayor and Council passed at a regular meeting.

(2) Municipal collection of garbage and trash from multiple-family dwellings or apartments of over five (5) units on premises shall not be provided by the town. Collection of garbage and trash from such dwellings shall be provided for by the

owner or occupant thereof. Such collection shall conform to restrictions as established by resolution of the Mayor and Council passed at a regular meeting.

(3) Municipal collection of garbage and trash from rooming houses may be made as a public service, subject to restrictions and fees as established by the Mayor and Council by resolution passed at a regular meeting.

(d) Public institutions and commercial enterprises.

(1) Collection of garbage and trash from all public institutions, hospitals, stores, restaurants, offices or business establishments of any kind shall be provided by the owners or operators thereof. Such collection shall conform to restrictions as established by resolution of the Mayor and Council passed at a regular meeting.

(2) If it is found necessary by the Mayor and Council to collect garbage and trash from commercial enterprises, such collection shall be subject to restrictions and fees established by resolution of the Mayor and Council passed at a regular meeting.

(e) Newspapers.

(1) Newspapers shall not be placed out, in, or with either the regular garbage or trash for collection.

(2) Newspapers must be placed on the median strip in front of the premises no earlier than sundown of the day prior to the designated pickup.

(3) Newspapers must be bundled, either with string or placed in a regular large paper grocery bag.

§ 36-9. Independent or commercial collection of garbage, trash, and waste.

(a) All garbage, trash, and waste collected by an independent or commercial agency shall be contained in a container or receptacle made of durable materials, watertight, provided with a tight cover, and shall be so constructed that the contents can be easily removed. All such containers shall be placed at the rear or rear side of the premises at all times, until readied for collection as provided in this section, except that the receptacle shall not be adjacent to a public street, if at the side shall not be immediately adjacent to residential housing, and if at the rear shall not create a nuisance and a public health hazard to the immediate residential neighborhood.

(b) Collection of such garbage, trash and waste shall be between the hours of 7:00 a.m. and 5:00 p.m.

(c) Any waiver or variance from the aforesaid conditions, that is, location of receptacles and hours of collection, may only be granted by written permission from the Mayor and Council for good cause shown.

(d) All special refuse containers or "dumpsters" (except those temporarily placed on a property due to construction, renovation, or rehabilitation), whether or not serviced by independent or commercial agencies, shall be screened on up to three sides by an enclosure consisting of chain link fence with woven slats, stockade-type or board-on-board fence, or other similar type screening enclosure constructed from chain link, painted or treated wood, or other materials approved by the Council, and shall be of sufficient height and type so as to block or screen the special refuse container or dumpster from street-level view. Gates in the fence or enclosure shall be kept closed whenever the special refuse container or dumpster is not being loaded or unloaded. Waiver of any or all of the requirements of this subsection may be approved by the Council upon application for special refuse containers or dumpsters that are not visible from public therefore or which under the circumstances cannot be practically screened.

§36-10. Overturning or disturbing garbage, ash, or trash containers unlawful.

It shall be unlawful for any person to willfully or wantonly tamper with, damage, or remove any trash, glass, ash, or garbage container, either before or after being emptied, while such container is being used in connection with the collection of trash, ashes, or garbage, or to scatter any trash or ashes or to overturn any garbage, ash, or trash container while so placed for collection. Whoever shall accidentally overturn the contents of any trash, ash or garbage container in any public place shall immediately restore the contents thereof, and upon failure to do so shall be subject to the penalties provided by this chapter.

§ 36-11. Regulation of collecting vehicles.

(a) No collector, driver, or person having charge or control of any vehicle for carrying garbage, refuse, trash, or waste 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, refuse, trash, or waste, 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.

§ 36-12. Removal of refuse from industrial plant.

The owners, lessees, tenants, occupants, and managers of every building or place in or upon which a stationary engine, furnace, boiler, or combustion machinery is used shall cause all ashes, cinders, rubbish, dirt, and refuse to be removed to some proper place so that the same shall not accumulate; nor shall any person cause, suffer, or allow cinders, dust, gas, steam, or offensive

or noxious odors to escape or to be discharged from any such building, place, or combustion machinery to the detriment or annoyance of any person or persons not being therein or thereupon engaged.

§ 36-13. Depositing garbage, refuse, trash, or waste on vacant lots prohibited.

It shall be unlawful for any person to throw, deposit, scatter, drop, or cause to be thrown, deposited, scattered, or dropped in or upon any vacant lot or open space within the town any garbage, refuse, trash, or waste or sawdust, shavings, vegetable matter, paper, metal cans or containers, glass of any description, or any dead animal, offal, putrescible matter of any sort, or any matter or thing injurious to the public health.

§ 36-14. Removal of goods and materials from public right-of-way as a result of an eviction.

It shall be unlawful for any property owner or his/her agent to permit goods and materials of an evicted tenant who has vacated said property to remain on the public right of way adjacent to such property for more than twenty-four (24) hours following such eviction or such vacating of the property. In the event such goods or materials remain beyond twenty-four hours, the Town of Riverdale Park may employ a person to remove such items and the cost of such services shall be assessed against the owner of said rental property and collected as an action for debt.

**§ 36-15. Violations and penalties. (Repealed and replaced 5/23/97. Effective 6/12/97)
[Amended 10-2-08, effective 10-22-08; Amended 6-7-10, Effective 6-27-10]**

(a) Generally

Violations of §§ 36-2 through 36-14 of this chapter are declared to be a municipal infractions, the penalty for which shall be fifty dollars (\$50) for each initial offense and one hundred dollars (\$100) for each repeat offense, which is defined as an identical or substantially similar separate violation committed within thirty (30) days after the initial offense, except in the case when the violation of § 36-2 is the disposal of a dead animal, the penalty for which shall be two hundred dollars (\$200) for the first offense, and four hundred dollars (\$400) for each repeat offense. Each day that a violation of any provision of §§ 36-2 through 36-14 of this chapter continues shall constitute a separate violation.

(b) Repeat Violations - Abatement at Owner's Expense

If a property owner has been cited at least two (2) times within a thirty (30) day period for the same or substantially the same conditions which violate any provisions of §§ 36-2 through 36-14, the Town may, through the Mayor or Town Administrator or through a duly appointed agent of the Town, notify the owner of the property in writing to remedy the condition within Two (2) days after receipt of such notice. Upon failure to comply with such notice, the Mayor or Town Administrator may employ persons to have the work done, who shall have the right of

entering the premises for that purpose. The cost thereof shall be assessed against the owner of the property.

(c) Emergency Condition

In the event a condition on any property in the Town of Riverdale Park creates such a hazard that poses an immediate and serious threat to the Town or its residents, the Town shall have the right to enter said premises pursuant to subsection (b) above without written notice to the property owner. Only the Mayor of Riverdale Park, Town Administrator or the Chief of Police may have the authority to order abatement without prior notice. Abatement of that serious condition shall be at the owner's expense.