

Sponsor: Councilman DeFeo  
First Reading: 11/15/10  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_  
Ord. No.: 016-10

**AN ORDINANCE TO AMEND CHAPTER 54 ("SOLID WASTE") TO PROVIDE FOR YARD WASTE COLLECTION THAT IS SEPARATE FROM GENERAL GARBAGE AND REFUSE COLLECTION**

WHEREAS, the Delaware Department of Natural Resources and Environmental Controls ("DNREC") has placed restrictions on the disposal of yard waste in landfills;

WHEREAS, DNREC's restriction materially impedes the current trash collection method employed in the Town of Smyrna where yard waste, garbage, and refuse can all be collected together in the same receptacle;

WHEREAS, the Town Council of the Town of Smyrna seeks to continue to provide Town Residents with a viable yard waste disposal option; and

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, it is necessary to amend Chapter 54 ("Solid Waste") in order to provide residents with a yard waste disposal option that complies with the restrictions imposed by DNREC.

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

**Section 1.** Amend Chapter 54, Article I, Section 54-1 by deleting subsections (a) through (f) in their entirety and inserting the following in their place:

(a) "Yard waste" as used in this article means grass clippings, leaves, branches, twigs, tree limbs and prunings, flower cuttings, weeds, shrub and hedge clippings, sod, and garden waste (including but not limited to vines, plants, fruit/vegetables and vegetable matter).

(b) It shall be unlawful for any person to

(i) dispose of or mix yard waste with any garbage, refuse, or recyclables for regular trash collection or to dispose of yard waste in any dumpster or location not specified for such purpose.

(ii) deposit, place, discard, drop or in any other manner scatter any yard waste in or upon the streets, curbs, sidewalks or alleys of the town except as permitted under this section.

(c) All yard waste, with the exception of branches, twigs, and tree limbs and prunings, shall be bagged in plastic bags of sufficient strength to carry their contents without ripping or rupturing and be deposited separate from other garbage and refuse at the appropriate street or alley line for collection. Each individual bag of yard waste shall not exceed forty (40) lbs in weight. Branches, twigs, and tree limbs and prunings shall be placed together in bundles, bags or cardboard boxes, which shall not exceed forty (40) lbs in weight and four (4) feet in length, and shall be deposited separate from other garbage and refuse at the appropriate street or alley line for collection.

(d) Unbagged leaves may be deposited in the streets of the town, near the curb, for pickup from October 16 through December 31 of each year. Leaves must be bagged at all times between January 1 and October 15 of each year.

(e) Nothing in this section shall be construed as prohibiting the temporary scattering of grass clippings, leaves or the like on town streets, curbs, alleys or sidewalks where the same occurs incidental to and during mowing, raking or clipping operations, but the same shall thereafter be removed and corrected immediately at the conclusion of such operations.

(f) Any person or legal entity convicted of violating the provisions of this section shall, upon conviction by any court of competent jurisdiction, pay a civil penalty of not less than \$10.00 nor more than \$25.00, plus costs.

(g) This section shall be subject to the provisions of section 1-12, commonly known and referred to as the

town mail-in fine ordinance.

**Section 2.** Amend Chapter 54, Article II, Section 54-26 ("Definitions") by deleting the definition of "Refuse" in its entirety and inserting in its place thereof the following:

*Refuse* means all nonputrescible solid waste (excluding ashes, tires, construction/demolition debris, building materials, or hazardous waste) consisting of combustible and noncombustible wastes including, by way of example but not limitation, paper, excelsior, cardboard, metals, tin cans, dirt, stone, crockery, glass, and similar material commonly known and referred to as "trash" or "rubbish." Except as otherwise indicated in this article, refuse shall include "yard waste" as defined in Section 54-1(a).

**Section 3.** Amend Chapter 54, Article II, Section 54-41(a) by inserting before the period at the end of subsection (a) the words ", with the exception of yard waste as defined and regulated in Section 54-1".

**Section 4.** Amend Chapter 54, Article II, Section 54-42(a) by inserting in the third sentence after the word "garbage" the words "and refuse".

**Section 5.** Amend Chapter 54, Article II, Section 54-42 (d) by deleting subsection (d) in its entirety and inserting in its place thereof the following:

(d) *Yard Waste.* All yard waste shall be disposed of as provided in Section 54-1.

**Section 6.** Amend Chapter 54, Article II, Section 54-43 by inserting after the final period at the conclusion of the section the words, "Yard waste shall be placed for collection as provided in Section 54-1."

#### SYNOPSIS

This ordinance amends Chapter 54 of the Town Code ("Solid Waste") to define yard waste and to prohibit mixing yard waste and/or disposing yard waste with regular garbage and refuse. Yard waste is to be separately bagged or bundled and place in the appropriate location to be collected. This ordinance authorizes the depositing of the unbagged leaves on the streets near the curb between October 16 and December 31 annually. Between January 1 and October 15, leaves must be bagged. This

ordinance retains the range of potential fines for a violation of section 54-1 of not less than \$10.00 nor more than \$25.00, plus costs. This ordinance makes various other changes as required to clarify the differences between yard waste collection and the collection of general garbage and refuse.

---

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on \_\_\_\_\_, 2010.

ATTEST:

\_\_\_\_\_  
Council Secretary

\_\_\_\_\_  
Mayor

---

This shall certify that the title and synopsis of this Ordinance was published in "The Smyrna Times" on \_\_\_\_\_, 2010 and posted at the Town Hall on \_\_\_\_\_, 2010.

So Certifies:

\_\_\_\_\_  
Town Clerk

---

This shall certify that the title, effective date and synopsis of this Ordinance was published in "The Smyrna Times" on \_\_\_\_\_, 2010 and posted at the Town Hall on \_\_\_\_\_, 2010.

So Certifies:

\_\_\_\_\_  
Town Manager

## **CERTIFICATE OF POSTING**

This is to certify that I, Valerie L. Heritage, Administrative Clerk II/Secretary of the Town of Smyrna, do hereby certify that on November 16, 2010 a copy of Ord. No. 016-10 '*An ordinance to amend Chapter 54 ("Solid Waste") to provide for yard waste collection that is separate from general garbage and refuse collection*' was posted in the Smyrna Town Hall.



Valerie L. Heritage  
TOWN OF SMYRNA  
Administrative Clerk II/Secretary