

ORDINANCE NO. 24-147 AS AMENDED BY FLOOR AMENDMENT NO. 1

**TO AMEND NEW CASTLE COUNTY CODE CHAPTER 7 ("PROPERTY
MAINTENANCE CODE"), SECTION 7.01.002 ("AMENDMENTS TO THE
INTERNATIONAL PROPERTY MAINTENANCE CODE")
REGARDING RUBBISH AND GARBAGE CONTAINERS**

WHEREAS, it is important, upon termination or conclusion of an agreement for the private hauling of residential rubbish and garbage that the container issued by the hauler is promptly removed from the residential property; and

WHEREAS, when a container is not promptly removed from a residential property, it often leads to rubbish and/or garbage remaining or collecting in the container, which then attracts rodents and vermin, which, in turn, often leads to health and safety concerns; and

WHEREAS, it is best that rubbish and garbage containers are timely retrieved by the trash hauler from the residential property; and

WHEREAS, it is in the best interests of New Castle County and its residents that the County regulate issues relating to collection of rubbish and garbage in residential areas in a manner that preserves and ensures the welfare, safety, and integrity of neighborhoods in New Castle County.

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

Section 1. *New Castle County Code* Chapter 7 ("Property Maintenance Code"), Section 7.01.002 ("Amendments to the International Property Maintenance Code") is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Sec. 7.01.002. - Amendments to the International Property Maintenance Code.

...
SECTION PM 308. RUBBISH AND GARBAGE...

Section PM 308.6, Rubbish and garbage containers – retrieval, is added as a new subsection, as indicated by underlines, to read as follows:

...
Section PM 308.6, Rubbish and garbage containers – retrieval. Within 14 business days of termination or conclusion of an agreement for residential rubbish and/or garbage removal, or where, based on the circumstances, the hauler otherwise reasonably has notice that their services are no longer needed, the hauler shall retrieve all rubbish and garbage containers issued by the hauler at the residential property. Any hauler that fail
s to comply with this Section shall be subject to the following:

- 38 1. For the first non-compliance (i.e., failure to comply within 14 business days of
39 agreement termination or conclusion), the violator shall be subject to a fine of \$
40 50 and may be subject to administrative penalties and fees established by the
41 Department of Land Use.
- 42 2. For a continual non-compliance which persists after 30 calendar days (from the
43 date of the agreement termination or conclusion), in addition to the assessments
44 set forth in subsection 1., the violator shall be subject to a fine of \$50 per calendar
45 day while the non-compliance persists. The violator also may be subject to
46 administrative penalties and fees established by the Department.

47
48 Section 2. This Ordinance shall become effective immediately upon its adoption by
49 County Council and approval by the County Executive, or as otherwise provided in 9 Del.
50 C. § 1156.

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: This Ordinance, if enacted, will require, within 14 business days of termination or conclusion of a private agreement for rubbish and/or garbage removal in a residential neighborhood, that a residential hauler retrieve all rubbish and garbage containers issued by the hauler at the residential property. The Ordinance proposes certain assessments (fines, penalties, and fees) for non-compliance. The hauler will be subject to additional assessments if the non-compliance is not corrected and persists beyond 30 calendar days (from the date of the agreement termination or conclusion).

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this Ordinance.