

Sponsor: Mayor Frankie Dale Rife
First Reading: 10/3/11
Second Reading: 11/7/11

ORDINANCE # 7-11

AN ORDINANCE TO PROHIBIT THE THEFT OF TOWN TRASH COLLECTION SERVICE

BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in Council duly met, that the following ordinance be, and hereby is, adopted to wit:

ORDINANCE TO PROHIBIT THE THEFT OF TOWN TRASH COLLECTION SERVICE

Section 1. Purpose. Only persons who reside within the Town limits of the Town of Wyoming are charged and pay for residential (i.e. non-commercial) trash collection services by the Town and only such residents are therefore entitled to such service. It is therefore the purpose of this ordinance to prohibit the use of Town residential trash collection services by any person who is not a resident of the Town.

Section 2. Definitions. For purposes of this ordinance, the following terms are defined as follows:

Resident: Any natural person physically residing within the municipal limits of the Town of Wyoming.

Residential Trash Collection Services: Those trash collection services provided by and through the Town of Wyoming to residents of the Town.

Recycle Center: A collection facility authorized by the Town and/or the Delaware Solid Waste Authority (usually consisting of "igloos") for the collection of designated recyclable materials (e.g. newspaper, plastic bottles, glass, cardboard, and batteries).

Trash: All trash, garbage, debris, refuse, and rubbish, including by way of example and not limitation: paper, excelsior, cardboard, metals, tin or aluminum cans, glass, plastic containers, crockery, dishes, discarded clothes, furnishings or appliances, tree branches, tree or shrub trimmings, brambles, leaves, grass clippings and all similar materials commonly known and referred to as "trash" or "rubbish."

Section 3. Theft of Trash Service Prohibited.

- (a) Non-residents. No person who is not a resident of the Town of Wyoming shall put, place, throw, discard, leave, or deposit any trash in any container, pail, package, or bundle in any location in the Town in such manner, or under such circumstances, as

to indicate either an intent, a reckless disregard, or a willful indifference that it be collected and removed by an employee of the Town or of a firm under contract with the Town to provide residential trash collection services in the Town.

- (b) Trash Collected From Outside Town Limits. No person shall put, place, throw, discard, leave, or deposit any trash collected from any location outside the Town of Wyoming in any container, pail, package, or bundle in any location in the Town in such manner, or under such circumstances, as to indicate either an intent, a reckless disregard, or a willful indifference that it be collected and removed by an employee of the Town or of a firm under contract with the Town to provide residential trash collection services in the Town.
- (c) Commercial Trash Receptacles. Without the express permission of the business owner, no person shall put, place, throw, discard, leave, or deposit any trash in any dumpster, receptacle, container, or location owned, leased, or under the control of any commercial enterprise in the Town used or intended for use by a private trash collecting service under contract with such commercial enterprise.
- (d) Public Waste Containers. No person shall dispose of any trash into any public waste container placed by the Town along any of the streets, alleys, sidewalks or other public places in the Town except such trash as accumulated by members of the general public in the normal course of using the public ways and places of the Town.

Section 4. Exemptions. Nothing in section 3 (a) or 3 (b) above shall prohibit any person from depositing designated recyclable materials in the proper recyclable containers at any recycle center in the Town.

Section 5. Penalties. Any person convicted of violating any provision of Section 3 of this ordinance by any court of competent jurisdiction shall be assessed a civil penalty as follows:

First offense: A fine of not less than \$25.00 nor more than \$50.00
Second offense: A fine of not less than \$50.00 nor more than \$100.00
Third and Subsequent Offenses: A fine of not less than \$100.00 nor more than \$200.00.

In addition, all persons convicted shall pay the court costs and Victims Compensation Fund Assessment, if applicable.

Section 6. Effective Date. This ordinance shall take effect as of the date of its adoption.

Synopsis

This ordinance prohibits the theft of trash collection services in the Town. Non-residents are prohibited from placing trash out for collection by the Town's residential trash collection

service, and trash collected outside the Town's limits may not be placed out for collection by the Town's residential trash collection service. Individuals may not place trash in a business owner's trash receptacle without permission, and public waste containers may only be used for trash accumulated by the general public during the use of public ways and places. This ordinance sets forth penalties for violations and exempts from this ordinance recyclables deposited at recycling centers.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on November 7, 2011.

Attest: *Parvula B. Haddick*
Town Clerk

So Certifies:
 Frankie Dale Ruff
Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on
 11/10 , 2011.

 11/10/11
Date

So Certifies:
 Parvula B. Haddick