



## **Ordinance 641**

### **An Ordinance amending Chapter 192 – Streets and Sidewalks**

**Sponsored By:** 2<sup>nd</sup> District Councilman Ted Pfirrmann

**First and Second Reading:** September 13, 2018 Council Meeting

**Results:**

**Third and Final Reading:** October 11, 2018 Council Meeting

**Results:**

# **Ordinance 641**

## **An Ordinance amending Chapter 192 Streets and Sidewalks**

**WHEREAS**, The Town of Elsmere has seen an increase in the number of dumpsters being used throughout the Town; and

**WHEREAS**, The conditions which some of these dumpsters are kept is creating a public nuisance and health risk; and

**WHEREAS**, The Mayor and Council have determined that they need to control the conditions these dumpsters are being kept in.

### **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, AS FOLLOWS:**

That Chapter 187 – Streets and Sidewalks, §192-9 Permits be amended by inserting anew subsection H. to read as follows:

- H. While a permit will not be required for a Dumpster to be placed on private property, no such dumpster shall remain on private property for a period of time which exceeds 30 days. In any such case, dumpsters which are full, must be emptied or removed within 48 hours of becoming full or such work requiring said dumpster has been completed. If the Code Enforcement Officer determines that an emergency or hardship exists, the Code Enforcement Officer may extend the period of time.
  - 1. Any dumpster, whether in a public right-of-way pursuant to a permit or on private property, may be ordered to be removed by the Code Enforcement Officer if the officer determines that the dumpster is;
    - a. Creating a public nuisance due to offensive smell.
    - b. Is leaking any liquid from inside the dumpster to outside the dumpster.
    - c. Contains trash or other municipal solid waste.
    - d. Is overflowing.
    - e. Is unsecured.
    - f. Is attracting rats and other rodents.
    - g. Is being used by those other than the person who rented the dumpster to perform illegal dumping.
  - 2. Any dumpster ordered to be removed by the Code Officer must be removed within 48 hours of the time which the Code Officer ordered the removal.

3. Should the dumpster not be removed within 48 hours. Both the person who rented the dumpster and the owner of the dumpster shall pay a find of \$50.00 per day until such time as the dumpster is removed.

First and Second Reading  
September 13, 2018

Third and Final Reading  
October 11, 2018

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Eric Thompson, Mayor

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Brian Hurst, Secretary

Approved as to form:

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Town Solicitor

## **SYNOPSIS**

This Ordinance updates the regulations regarding dumpsters placed on private property within the Town and regulated the removal of dumpsters.

### **Fiscal Impact**

The ordinance shall have no fiscal impact to the Town.