

Sponsor: Councilman Pressley
First Reading: 07/06/20
Second Reading: waived
Third Reading: 07/20/20
Ord. No.: 013-20

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF SMYRNA TO PROHIBIT THE DISPOSAL OF RECYCLABLES IN PLASTIC BAGS

WHEREAS, the Town Council has adopted regulations pertaining to the disposal of recyclable materials;

WHEREAS, in order to facilitate the separation of recyclable materials that are collected and recycled using the single stream recycling method, the Delaware Solid Waste Authority discourages the placement of recyclable materials in plastic bags and recommends that all recyclable materials be loosely placed into recycling containers;

WHEREAS, in the opinion of the Town Council, it is in the best interest of the public health, safety, and welfare to revise the town's recycling collection procedures to be better aligned with the Delaware Solid Waste Authority standards.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 54 (Solid Waste), Article I (Collection and Disposal) be and hereby is amended as follows:

Section 1. Amend Division 1 (Generally) by making insertions as shown by underline and deletions as shown by strikethrough as follows:

Sec. 54-1. – Definitions.

Recyclables means fibers and containers including, but not limited to, the following: Narrow-neck plastic bottles (such as milk jugs, bleach-detergent containers, and shampoo bottles), glass bottles and jars, metal containers (such as aluminum, steel, and tin), ~~plastic grocery bags~~, magazines, junk mail, envelopes, newspapers, corrugated cardboard, boxboard (cereal boxes), clean paper bags, catalogs, telephone books, soft cover books, colored paper, and white office paper. Any item with food residue (such as pizza boxes) is not considered a recyclable, and all liquid containers must first be emptied.

Section 2. Amend Division 2 (Single-family dwellings, multifamily dwellings with fewer than ten units under one ownership at one location and certain commercial units) by making insertions as shown by underline and deletions as shown by strikethrough as follows:

Sec. 54-28. - Collection of recyclables.

- (a) Each individual pickup location shall have at least one rigid container that is used strictly for recyclables. The maximum size of the rigid container for recyclables shall be 96 gallons.

~~Heavy duty plastic bags may be used for recyclables after the original rigid container for recyclables has been filled to its maximum capacity.~~ Cardboard boxes may be stacked for collection next to rigid containers ~~and/or heavy duty plastic bags~~ as long as they are broken down and secured so as to prevent their scattering by wind or other means.

- (b) No person shall place into a rigid container for recyclables any items that are not defined by this article as recyclables. Recyclables shall be placed loosely in the rigid container and shall not be placed into bags that are then placed in a rigid container. In the event that a rigid container for recyclables is found to contain one or more items not defined as recyclables or recyclables that have been placed into bags and then placed in the rigid container, a written warning for the first violation shall be issued to the person listed on the town's records as receiving collection services at that address. The written warning shall include a list of approved recyclable items. After a written warning has been issued, any subsequent violations shall be subject to the penalties found in section 54-2.

Section 3. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council's intent.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This ordinance eliminates the option of using plastic bags to containerize recyclable materials that do not fit within a rigid container used for recycling. This ordinance also prohibits the placement of recyclables into plastic bags that are then placed in rigid containers.

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 _____, 2020.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in the "Smyrna/Clayton Sun Times" on _____, 2020 and posted at the Town Hall on _____, 2020.

So Certifies:

Town Clerk