

Chapter 10 HEALTH AND SANITATION*

*Cross reference(s)--Buildings and Building Regulations, Ch. 8; Dutch Elm Disease Ch. 17; Animal Control, Ch. 18.

Article I. In General

Sec. 10-1. Definitions.

Article II. Administration

Sec. 10-2. Title and administration of Chapter.

Sec. 10-3. Authority of the Village Manager to regulate and control collection of refuse and hazardous waste.

Sec. 10-4. Establishment of rules and regulations for collection or disposal of refuse and hazardous waste

Sec. 10-5. Authority to contract with private collectors.

Article III. Refuse Collection

Sec. 10-6. Regular collection of household garbage, trash and mixed recyclables.

Sec. 10-7. Special pickups of rubbish.

Sec. 10-8. Exceptions.

Sec. 10-9. Pickup of lawn and garden debris.

Article IV. Prohibitions

Sec. 10-10. Accumulation of refuse, construction rubble or hazardous waste.

Sec. 10-11. Placement of refuse, construction rubble or hazardous waste on public or private property prohibited.

Sec. 10-12. Restrictions on use of public trash receptacles.

Sec. 10-13. Advertisements and handbills.

Sec. 10-14. Liquids and gases.

Sec. 10-15. Use of poison.

Sec. 10-16. Household hazardous waste disposal.

Sec. 10-17. Maximum height of grass and weeds.

Secs. 10-18--10-26. Reserved.

Article V. Enforcement

Sec. 10-27. Notice to abate prohibited conditions.

Sec. 10-28. Abatement of prohibited conditions by the Village.

Sec. 10-29. Penalties.

ARTICLE I. IN GENERAL

Sec. 10-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

- (a) *Household garbage and trash*: All organic waste, including the residue of animal, fruit or vegetable matter, resulting from the preparation, cooking, handling or storage of food; and all other waste materials normally generated and accumulated in a house.
- (b) *Lawn and garden debris*: All yard trash, including dead trees, grass clippings, tree limbs, stumps, bushes and leaves; and all other debris of the type normally generated and accumulated in gardening, lawn care and tree care.
- (c) *Rubbish*: All refuse other than household garbage and trash, recyclable material, and lawn and garden debris. This shall include ashes, junk, street refuse and all other solid waste materials including salvageable waste, but not hazardous waste or construction rubble.
- (d) *Household Hazardous Waste*: Household products that can no longer be used that contain corrosive, toxic, or ignitable materials such as household cleaners, paint thinners, motor oils, gasoline and pesticides.
- (e) *Recyclable Material*: Materials that can be recycled under Chapter 48 of the Montgomery County Code, including, but not limited to, newspaper, cardboard, cans, jars and bottles.
- (f) *Construction Rubble and Debris*: Material from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including materials such as brick, concrete and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing, and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electrical wiring and components.
- (g) *Refuse*: Household garbage and trash, recyclable materials, lawn and garden debris and rubbish.

Cross reference(s)--Definitions generally, § 1-2; rules of construction generally, § 1-3.

(02-14-83; No. 05-01-11, 06-13-11)

ARTICLE II. ADMINISTRATION

Sec. 10-2. Title and administration of Chapter.

This Chapter shall be known as the "Health and Sanitation Ordinance" of the Village and shall be administered by the Village Manager.

(02-14-83)

Sec. 10-3. Authority of the Village Manager to regulate and control collection of refuse and hazardous waste.

The Village Manager is authorized to regulate and control the collection of refuse and hazardous waste in any part of the Village.

(02-14-83; No. 05-01-11, 06-13-11)

Sec. 10-4. Establishment of rules and regulations for collection or disposal of refuse and hazardous waste.

Collection or disposal of refuse and hazardous waste shall be in accordance with such rules and regulations as the Village Manager shall establish with the concurrent approval of the Board of Managers.

(02-14-83; No. 05-01-11, 06-13-11)

Sec. 10-5. Authority to contract with private collectors.

The Village Manager, with the approval of the Board of Managers, shall have the authority to enter into contracts with private licensed collectors and haulers of refuse and hazardous waste for the Village.

(02-14-83; No. 05-01-11, 06-13-11)

ARTICLE III. REFUSE COLLECTION

Sec. 10-6. Regular collection of household garbage, trash and recyclable material.

- (a) All household garbage and trash shall be placed in bags and left for collection at the rear of the dwelling unit.
- (b) It shall be the responsibility of the occupant or owner to provide a sufficient number of approved containers for storage of household garbage and trash to prevent overflow between times of collection.
- (c) All containers for the storage of household garbage and trash shall be vermin-proof and waterproof, of non-corrosive material or similar material, and shall be equipped with tight-fitting lids at all times.
- (d) Liquids must be placed in a leak-proof container.
- (e) Recyclable material must be placed in the approved containers provided by the Village and paper and paper products must be separated from other recyclable material.

Cross reference(s)--Fine for violation of § 10-6, § 6-3(b)(1).

(02-14-83; No. 05-01-11, 06-13-11)

Sec. 10-7. Special pickups of rubbish and hazardous waste.

The Village will make special pickups of rubbish, and separate pickups of hazardous waste, by arrangement of the owner or occupant with the Village office.

(02-14-83; No. 05-01-11, 06-13-11)

Sec. 10-8. Exceptions.

The Village will not collect or remove in either regular or special pickups, any construction rubble and debris, objects weighing in excess of 100 pounds, or other material which the Director of Public Works determines would unreasonably burden staff. The owner or occupant shall be responsible for removing the aforesaid types of refuse.

(02-14-83; No. 05-01-11, 06-13-11)

Sec. 10-9. Pickup of lawn and garden debris.

The Village will pick up lawn and garden debris throughout the work week as time is available. The owner and/or occupant shall place grass clippings, leaves, garden trash, yard trash, and limbs less than three (3) feet in length along the curb for collection by the Village. Under no circumstances shall any such matter be placed in the street. Special rules apply to property abutting Connecticut Avenue, Brookville Road and Bradley Lane. Lawn and garden debris, other than leaves, generated and accumulated by private lawn and garden services must be removed by the contractor. Tree removal services are responsible for the disposal of all tree debris.

(02-14-83; No. 03 or 04-84; No. 05-01-97, 5-12-97; No. 05-01-11, 06-13-11)

ARTICLE IV. PROHIBITIONS

Sec. 10-10. Accumulation of refuse, construction rubble or household hazardous waste.

No person shall allow, on property owned or occupied by such person, accumulation of refuse, construction rubble or hazardous waste, with the following exceptions:

- (a) Refuse stored in accordance with this Chapter and awaiting collection by the Village.
- (b) Accumulation of matter for garden compost intended for use only on the property on which it is stored.
- (c) Accumulation of firewood provided that the wood is cut into fireplace-size lengths and stacked so as to not be hazardous or attract vermin.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(2).

(02-14-83; No. 05-01-11, 06-13-11)

Sec. 10-11. Placement of refuse, construction rubble or household hazardous waste on public or private property prohibited.

No person shall place refuse, construction rubble or household hazardous waste upon any street or public right-of-way within the Village or upon any property other than such person's own property except for lawn and garden debris which may be placed on the public right-of-way but not on any paved or unpaved street, gutter or sidewalk.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(3).

(02-14-83; No. 03 or 04-84; No. 05-01-97, 5-12-97; No. 05-01-11, 06-13-11)

Sec. 10-12. Restrictions on use of public trash receptacles.

No person shall deposit refuse in the trash receptacles provided by the Village, except for refuse normally and reasonably deposited by a pedestrian in lieu of discarding of the same on the streets and highways of the Village.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(4).

(02-14-83)

Sec. 10-13. Advertisements and handbills.

No person shall distribute any advertisements, circulars, handbills, newspapers or other materials within the Village in such a manner that they may be blown onto any public street or property or onto any other private property.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(5).

(02-14-83; No. 05-01-11, 06-13-11)

Sec. 10-14. Liquids and gases.

No person shall allow to accumulate, throw, place, discharge or cause to flow into any public or private property or into the air any foul or hazardous liquids, gases or other matter that would endanger the public health, safety or welfare, including persons, property or the environment.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(6).

(02-14-83; No. 05-01-11, 06-13-11)

Sec. 10-15. Use of poison.

No person shall spread or cause to be spread any poisonous matter in such manner as to violate County, State or Federal law.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(7).

(02-14-83; No. 05-01-11, 06-13-11)

Sec. 10-16. Household hazardous waste disposal.

Hazardous waste must be disposed of in a safe and effective manner. Such waste may not be placed with household trash nor may liquid hazardous waste be introduced into the household drain, storm sewer or deposited onto the ground.

(02-14-83; No. 05-01-11, 06-13-11)

Sec. 10-17. Maximum height of grass and weeds.

No owner or occupant shall permit or allow any non-ornamental grass or weeds to grow on any land owned or occupied by that person to a height in excess of ten (10) inches above the ground.

Cross reference(s)--Fine for violation of this section, § 6-3(b)(8).

(02-14-83; No. 05-01-11, 06-13-11; No. 09-01-16, 09-12-16.)

Secs. 10-18--10-26. Reserved.

ARTICLE V. ENFORCEMENT

Sec. 10-27. Notice to abate prohibited conditions.

- a) Whenever any condition prohibited by this chapter shall be found to exist within the Village, the Village Manager or the Manager's designee shall give notice to the owner and/or occupant of the premises or other person responsible for such condition to abate such condition within such reasonable time as may be specified in such notice. For violations of Sec. 10-17, abatement is required within five (5) business days of notice.
- b) For violations of Sec. 10-17, only one notice of violation is required per calendar year.
- c) Within five (5) business days of notification, such person may in writing request a review by the Board of Managers of whether the notice of violation was properly issued.

(02-14-83; No. 05-01-11, 06-13-11; No. 09-01-16, 09-12-16.)

Sec. 10-28. Abatement of prohibited conditions by the Village.

If any person shall fail or refuse to abate any condition prohibited by this chapter within the time allotted in the notice pursuant to Sec. 10-27, such condition may be abated by the Village at the expense of the person or persons named in such notice. The abatement cost shall be paid by such person or persons upon request of the Village. The abatement cost shall be a lien upon the property, to be collected in the same manner as Village taxes are collected. Abatement by the Village is in addition to any other remedies available under law, including without limitation, issuance of a municipal infraction.

(02-14-83; No. 05-01-11, 06-13-11; No. 09-01-16, 09-12-16.)

Sec. 10-29. Penalties.

- a) Violations of this chapter are declared to be municipal infractions and enforceable pursuant to the provisions of Chapters 5 and 6. The maximum penalty for each initial and repeat violation shall be established by the Board of Managers. If a violation of Sec. 10-17 occurs, there shall be a rebuttable presumption that all owners and occupants of the property allowed the violation.
- b) The Village may institute injunctive or any other appropriate action or proceedings at law or equity for enforcement of this chapter in any court of competent jurisdiction.

(02-14-83; No. 05-01-11, 06-13-11; No. 09-01-16, 09-12-16.)

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