

## **MEMORANDUM**

TO: City Council

FROM: Alfred D. Lott, City Manager

DATE: June 2, 2021

SUBJECT: Ordinance O-3-21  
Amending Chapter 10, Garbage and Trash.

The attached Ordinance (O-3-21) has been prepared by the City Attorney to amend Chapter 10 of the Bowie City Code changing storage of refuse and collection requirements. This amendment is being proposed to combat litter within the community.

Existing Code stipulates refuse is permitted to be put out for collection in strong plastic bags. Due to the number of turkey vultures throughout Bowie and the ongoing litter concerns from residents, Ordinance O-3-21 requires household refuse to be placed in plastic bags and put out for collection inside a container with a tight-fitting lid. This is a requirement of several surrounding cities including Rockville, Gaithersburg, College Park, Seat Pleasant and Annapolis.

Since we are proposing refuse be collected from cans only, every property owner will now be required to have refuse receptacles causing a potential concern regarding storage of said receptacles. The current Code requires refuse receptacles be stored at the side or rear of the house compelling homeowners that do not have side or rear yards to store refuse inside their homes. The revision permits attached dwelling units without a side yard to store the receptacles in front of the house if screened from view.

The revision adds definitions for refuse, litter and screening to provide clarity for enforcement. The remainder of the changes are to correspond with current policies for bulk, recycling and metal item collection.

Your approval is requested.

ADL/sch

**ORDINANCE**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND,**  
**AMENDING CITY CODE CHAPTER 10 “GARBAGE, TRASH AND**  
**REFUSE”, SECTION 10-2, “LITTERING PROHIBITED; REFUSE**  
**FROM EXCAVATIONS AND CONSTRUCTION WORK,” TO ADD**  
**LANDSCAPING AS A SOURCE OF IMPERMISSIBLE DEBRIS;**  
**SECTION 10-3, “COLLECTION AND DISPOSAL OF REFUSE”, TO**  
**ALTER THE ACCEPTABLE SIZE OF REFUSE COLLECTION BINS,**  
**TO CLARIFY THE MANNER IN WHICH RECEPTACLES MUST BE**  
**PLACED FOR COLLECTION, AND TO DEFINE REFUSE FOR**  
**PURPOSES OF THAT SECTION; AMENDING SECTION 10-4,**  
**“REQUIREMENTS RELATING TO REFUSE COLLECTION**  
**RECEPTACLES FOR STANDARD CITY SERVICE”, TO ALTER THE**  
**LOCATIONS IN WHICH REFUSE COLLECTION BINS MAY BE**  
**STORED; SECTION 10-6, “SUPPLEMENTAL COLLECTIONS AND**  
**LIMITATIONS THEREON”, TO AMEND THE DESCRIPTION OF**  
**ACCEPTABLE RECYCLABLE MATERIALS, TO REQUIRE THE USE**  
**OF CITY-PROVIDED RECYCLING CONTAINERS, AND TO**  
**INCORPORATE REQUIREMENTS RELATING TO BULK TRASH**  
**COLLECTION; AND SECTION 10-11, “NOTICE TO REMOVE**  
**ACCUMULATION OF LITTER”, TO CLARIFY THE MEANING OF**  
**THE TERM “LITTER”; AND TO MAKE CERTAIN ADDITIONAL**  
**AMENDMENTS TO THE FOREGOING SECTIONS FOR CLARITY**

WHEREAS, pursuant to Md. Code Ann., Local Gov’t. Article, § 5-202, the City of Bowie, Maryland (the “City”) has the authority to pass such ordinances as it deems necessary to preserve peace and good order, to secure persons from danger and destruction and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, § 5-209(c) of the Local Gov’t Article permits the City to prevent and remove nuisances.

WHEREAS, § 5-209(d) of the Local Gov’t Article permits the City to provide for the proper disposal or garbage and trash

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[**Bold brackets**] : Indicate matter deleted from existing law  
 UNDERLINED SMALL CAPS : Indicate matter added to existing law.

**WHEREAS**, Section 18A(27) of the City Charter implements the authority of the foregoing provisions of the Local Gov't Art.; and

**WHEREAS**, pursuant to this authority, the City of Bowie has established Chapter 10 "Garbage, Trash and Refuse" of the City Code, to provide for the collection of trash, refuse and recycling and to prevent nuisances related to accumulations thereof; and

**WHEREAS**, over time, the City's capacity to collect refuse from larger receptacles materials has increased and the materials acceptable for the City's curbside recycling program have changed; and

**WHEREAS**, it has come to the attention of the City Council that the text of the certain Code provisions relating to collection of refuse and recycling require clarification.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Chapter 10 "Garbage, Trash and Refuse", be and is hereby amended as set forth herein:

**Section 1.** Chapter 10 "Garbage, Trash and Refuse", Section 10-2, "Littering Prohibited; Refuse from Excavations and Construction Work," is amended as follows:

Sec. 10-2. Littering Prohibited; Refuse from Excavations AND LANDSCAPING and Construction Work.

\* \* \*

(b) It shall be unlawful for the owner of any land where excavation is being made, where excavated material is being deposited or where LANDSCAPING OR construction work is being done, or FOR the owner, driver, operator, contractor, manager, agent, foreman, superintendent or person

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in charge or any truck, automobile, or other vehicle or any construction equipment to cause or permit any earth clay, dirt, sod, gravel, broken stone, mortar, hay, straw, manure, or any loose material of any kind to be placed, deposited, scattered, dropped, leaked, spilled, let fall from any truck, automobile or other vehicle or any construction equipment or to be trod by the wheels of such vehicles or equipment upon any street, road, sidewalk, crosswalk, curb, gutter or parking area.

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**Section 2.** Chapter 10 “Garbage, Trash and Refuse”, Section 10-3, “Collection and Disposal of Refuse”, is amended as follows:

Sec. 10-3. Collection and Disposal of Refuse.

A.      Refuse containers shall be provided by the owner or occupant of a City residence. They shall be between ten (10) and [thirty (30)] THIRTY-TWO (32) gallons, made of metal or plastic, equipped with handles [and tight-fitting covers]. They shall be kept sanitary and in good condition[. These containers are not to], SHALL NOT exceed a weight of fifty (50) pounds when filled, and must be covered at all times. [Strong plastic bags that are tied may be used to contain refuse] REFUSE MUST BE PLACED INSIDE PLASTIC BAGS THAT ARE TIGHTLY TIED OR OTHERWISE SEALED BEFORE BEING PLACED INSIDE REFUSE CONTAINERS.

B.      [Refuse, in containers, shall be placed for collection at the curb in front of the property] REFUSE SHALL BE PLACED FOR COLLECTION AT THE CURB IN FRONT OF THE PROPERTY IN CONTAINERS WITH TIGHT FITTING LIDS, except THAT, for those properties whose rear property line abuts or is adjacent to an alley or public right of way where trash is collected from the rear

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of the property, [in which case,] refuse containers shall be placed at the curb in the rear of the property, but not in the street, alley or other public right of way[.]. REFUSE MUST BE PLACED AT THE CURB FOR COLLECTION by 7 a.m. on the scheduled day of collection but no earlier than 5 p.m. of the prior day. [Collections will start at 7 a.m.] REFUSE PLACED AT THE CURB AFTER 7 A.M. ON THE SCHEDULED COLLECTION DAY MAY NOT BE COLLECTED IF THE COLLECTION VEHICLE HAS PASSED THE PROPERTY WHEN THE REFUSE IS PLACED AT THE CURB.

C. NOTWITHSTANDING ANYTHING IN THIS SECTION TO THE CONTRARY, PROPERTY OCCUPANTS MAY USE REFUSE CONTAINERS THAT HAVE A CAPACITY OF 48 TO 64 GALLONS IF THE CONTAINERS ARE EQUIPPED WITH A METAL BAR IN THE CENTER REAR THAT WILL ALLOW THEM TO BE LIFTED MECHANICALLY.

D. FOR PURPOSES OF THIS SECTION, THE TERM “REFUSE” SHALL MEAN FOOD SCRAPS AND OTHER HOUSEHOLD WASTE OF ANY SIZE ABLE TO BE CONTAINED IN THE HOUSEHOLD’S REFUSE CONTAINER(S), INCLUDING WRAPPED DIAPERS, BUT NOT INCLUDING RUBBLE, BRICKS, STONES, CONSTRUCTION DEBRIS, UNWRAPPED DIAPERS, OR SEWAGE, ALL OF WHICH THE CITY WILL NOT COLLECT, OR YARD WASTE OR METAL ITEMS, WHICH THE CITY COLLECTS SEPARATELY.

**Section 3.** Chapter 10 “Garbage, Trash and Refuse”, Section 10-4, “Requirements

Relating to Refuse Collection Receptacles for and Disposal of Refuse”, is amended as follows:

Sec. 10-4. [Requirements Relating to] STORAGE OF Refuse Collection Receptacles [for Standard City Service].

A. FOR PURPOSES OF THIS SECTION, SCREENING SHALL CONSIST OF FENCES AND WALLS LOWER THAN 4’ IN HEIGHT AND/OR LANDSCAPING THAT COLLECTIVELY BLOCK DIRECT

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VISUAL ACCESS TO AN OBJECT FROM ADJOINING PROPERTIES AND PUBLIC STREETS THROUGHOUT THE YEAR.

B.      [Receptacles] REFUSE RECEPTACLES shall be stored on [each resident's] RESIDENTIAL property either in an enclosed structure or at the rear [or side] of each residence [in such a manner as not to be visible from the public right of way in front of the residence.], EXCEPT THAT:

1.      IN THE CASE OF AN ATTACHED DWELLING THAT HAS NO SIDE YARD, WHERE REFUSE COLLECTION IS ACCOMPLISHED AT THE FRONT CURB, REFUSE RECEPTACLES MAY BE STORED IN THE FRONT YARD IF SCREENED FROM PUBLIC VIEW; AND

2.      REFUSE RECEPTACLES MAY BE STORED IN THE SIDE YARD OF THE HOUSE, TEN FEET (10') OR MORE FROM THE FRONT CORNER OF THE SIDE OF THE HOUSE ON WHICH THE RECEPTACLES ARE STORED.

C. Empty containers will not be returned to the [side or rear of] STORAGE LOCATION ON the premises by City employees, and the owner or [person in charge thereof] OCCUPANT OF THE PREMISES shall return the empty containers to [their original] A PERMISSIBLE STORAGE location prior to 10 p.m. [local time of] ON the day of collection.

**Section 4.** Chapter 10 “Garbage, Trash and Refuse”, Section 10-6, “Supplemental Collections and Limitations Thereon”, is amended as follows:

Sec. 10-6. [Supplemental Collections and Limitations Thereon]COLLECTION OF YARD WASTE, METAL, AND RECYCLABLE MATERIALS.

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[(a)]A. The City provides for yard waste collection to all homes in the corporate limits every Wednesday without special request. “Yard waste” includes bagged grass and leaves, and twigs and branches tied securely in bundles. Branches can be no larger than three inches (3”) in diameter and no longer than four feet (4’) in length. Yard waste does not include bamboo, dirt, rocks, concrete, bricks, stumps, and landscape timbers. Yard waste may not be placed at the curb prior to 5 p.m. the Tuesday evening before the scheduled [pickup] COLLECTION and must be at the curb no later than 7 a.m. on Wednesday morning. YARD WASTE MUST BE PLACED IN PAPER BAGS FOR COLLECTION AND MUST BE PROTECTED FROM PRECIPITATION BEFORE COLLECTION; THE CITY WILL NOT COLLECT WET YARD WASTE.

[(b)]B. The City provides for collection of metal items from all homes in the corporate limits every Wednesday when requested. “Metal items” include household appliances, grills, bikes, hot water heaters, air conditioner units, and any other item that is 98% metal. Metal items do not include auto parts, metal fencing, propane tanks, fence posts, CYLINDERS AND DRUMS or garden stakes. Residents must call the Public Works Department prior to Noon on the Tuesday before pickup to be on the special [pickup] COLLECTION list. Items for special [pickup] COLLECTION [may not] MAY ONLY be placed at the curb [prior to] BETWEEN 5 p.m. on the Tuesday IMMEDIATELY before [pickup] THE SPECIAL COLLECTION DATE and [must be at the curb by] 7 a.m. ON THE Wednesday [pickup] SPECIAL COLLECTION DATE. ITEMS PLACED AT THE CURB AFTER 7 A.M. ON THE SCHEDULED COLLECTION DAY MAY NOT BE COLLECTED IF THE COLLECTION VEHICLE HAS PASSED THE PROPERTY WHEN THE ITEMS ARE PLACED AT THE CURB.

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[(c)]C. The City provides [citywide pick up] COLLECTION OF MIXED (SINGLE STREAM) RECYCLING items on certain days in each section of the City without special request. Items that will be collected for recycling include [glass; aluminum, steel and bi-metal cans; paper, including newspapers, magazines, junk mail, catalogs and cardboard, but not white office paper; plastic bottles; and telephone books, which will be collected October through December only] PLASTIC, METAL, AND GLASS FOOD AND DRINK CONTAINERS; PAPER; AND CARDBOARD. Residents are responsible for CHECKING THE CITY WEB SITE OR contacting the Public Works Department [of the City] for an updated list of items that may and may not be included in MIXED recycling [pickup] COLLECTION, as the list changes from time to time. MIXED RECYCLING ITEMS MUST BE PLACED IN THE CITY-PROVIDED RECYCLING CONTAINERS. Items for recycling [pickup] COLLECTION [may not] MAY ONLY be placed at the curb [prior to] BETWEEN 5 p.m. the day before scheduled [pickup] COLLECTION DATE and [must be at the curb by] 7 a.m. ON the day of [pickup] COLLECTION. ITEMS PLACED AT THE CURB AFTER 7 A.M. ON THE SCHEDULED COLLECTION DAY MAY NOT BE COLLECTED IF THE COLLECTION VEHICLE HAS PASSED THE PROPERTY WHEN THE ITEMS ARE PLACED AT THE CURB.

D. THE CITY PROVIDES COLLECTION OF LARGE ITEMS (BULK TRASH) AT THE SAME TIME AS REGULAR REFUSE COLLECTION, INCLUDING MATTRESSES, FURNITURE, AND SIMILAR NON-METAL ITEMS. MATTRESSES MUST BE ENTIRELY WRAPPED IN PLASTIC FOR COLLECTION.

**Section 5.** Chapter 10, “Garbage, Trash and Refuse”, Section 10-11, “Notice to remove Accumulation of Litter”, is amended as follows:

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Sec. 10-11. Notice to Remove Accumulations of Litter.

The City Manager is hereby authorized to notify in writing the owner or the person responsible for the maintenance of property to remove or properly dispose of the litter from the subject property within ten (10) days, inclusive of Sundays and holidays, after the date of such notice. Such notice shall advise the owner or responsible person that the City shall take action and the owner or responsible person shall bear the cost if they fail to remove or properly dispose of the litter. FOR PURPOSES OF THIS SECTION, THE TERM "LITTER" SHALL MEAN ANY OF THE ITEMS COVERED BY SECTION 10-2, SUBSECTION (A) OF THIS CHAPTER.

**AND BE IT FURTHER ORDAINED** that this Ordinance shall become effective thirty (30) days after its enactment by the Council of the City of Bowie, Maryland provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

**INTRODUCED** by the Council of the City of Bowie, Maryland at a regular meeting on the 7<sup>th</sup> day of June, 2021.

**PASSED** by the Council of the City of Bowie, Maryland at a regular meeting on the \_\_\_\_\_ day of June, 2021.

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ATTEST:

THE CITY OF BOWIE, MARYLAND

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Awilda Hernandez  
City Clerk

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Timothy J. Adams  
Mayor

**APPROVED AS TO FORM AND  
SUFFICIENCY:**

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Elissa D. Levan, City Attorney

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