

## ORDINANCE 20-06

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE TO ADD A NEW CHAPTER 93, ENTITLED "LITTERING," TO ESTABLISH A COMPREHENSIVE PROGRAM WITHIN THE TOWN TO CONTROL LITTER.

WHEREAS, the Town Council of Millville has the power to adopt ordinances in the interest of good government and the safety, health, and public welfare of the Town, its inhabitants and affairs, including to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, the Town Council of Millville has become aware of increased littering of public and private property within the incorporated limits of the Town of Millville; and

WHEREAS, said littering of public and private property degrades the environment and community, causes health and safety hazards, and undermines the cleanliness and order of the Town of Millville; and

WHEREAS, the Town Council of Millville has determined that an ordinance specifically regulating litter will assist in providing for and preserving the health, safety, cleanliness, and ornament of the Town; and

WHEREAS, the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by this Ordinance;

NOW, BE IT THEREFORE ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, that the following language hereby be adopted and incorporated into the Town of Millville Code as a new Chapter 93, entitled "Littering", with additions shown in black bold and underlined and ~~deletions in black bold and strikethrough~~ as follows:

### Chapter 93. Littering

#### § 93-1. Purpose.

The purpose of this chapter is to prohibit waste and litter from being discarded improperly within the incorporated limits of the Town of Millville. This behavior endangers the public health and negatively impacts the cleanliness, ornament, and free utilization and enjoyment of the community.

#### § 93-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMPOSTABLE TRASH

Any waste accumulation of lawn grass, tree trimmings, shrubbery, or dry leaf rakings that is free of dirt, rocks, non-compostable trash and bulky waste.

COVER

Any device, equipment, container, close fitting tarpaulin, chain, rope, wire, or line used on vehicles to prevent any part of a vehicle load to shift, blow, leak, fall, or escape in any manner from the vehicle.

DERELICT PROPERTY

Any item such as wrecked or junked property, which has been left abandoned or unprotected from the elements, including but not limited to, wrecked, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures and other articles. Wrecked or partially dismantled motor vehicles shall include any vehicle which does not have lawfully affixed thereto both a license plate and a current motor vehicle safety inspection certificate and the condition of which is wrecked, dismantled, partially dismantled, inoperable, abandoned or discarded and is not capable of being legally driven upon the public streets within the Town of Millville.

GARBAGE

Includes waste resulting from the handling, preparation, cooking and consumption of food; waste from the handling, storage and sale of produce.

HANDBILL

Any paper or papers, poster, circular, coupon or pamphlet, regardless of size, to be circulated for the purpose of making some public or private announcement except newspapers circulated to bona fide subscribers.

LITTER

Any trash, including that which is unsightly, excessive in accumulation, or both, including but not limited to paper, bottles, cans, glass, crockery, plastic, rubber, waste building materials, disposable packages and containers, white goods, water heaters, small automobile parts, tires, furniture, non-compostable trash, or any other matter which tends to create a hazard to public health, safety and welfare.

PERSON

Includes corporations, companies, associations, firms, partnerships, societies, and joint-stock companies, as well as individuals.

PRIVATE PROPERTY

Includes all dwellings, houses, buildings, or other structures designed or used for private, commercial, or residential purposes and shall include any yard, grounds, acreage, vacant lots, walks, driveways, porches, steps, parking

areas, vestibules, or mailboxes belonging to such dwelling, house, building or other structure.

#### PUBLIC PROPERTY

Includes all streets, public rights of way, easements, medians, sidewalks, boulevards, highways, alleys, or other public parks, squares, spaces, grounds, and buildings.

#### REFUSE

Includes combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, and wood trimmings; and includes noncombustible trash, including but not limited to metals, tin cans, dirt, small quantities of rock and small pieces of concrete, glass, crockery and other mineral waste; and street rubbish, including but not limited to street sweepings, dirt, leaves, catch-basin dirt and contents of litter receptacles.

#### RUBBISH

Includes the worthless or the useless portion of something, the leavings, the trash, the garbage, as well as that which has been thrown aside or left as worthless or useless.

#### § 93-3. Control of litter.

A. Littering prohibited. No person shall strew, cast, throw, drop, discard, dump, or deposit, or permit the strewing, casting, throwing, dropping, discarding, dumping, or depositing, of any litter, rubbish, refuse, or trash on any public property or private property, including construction sites, within the limits of the Town of Millville, except when placed in a container in accordance with Chapter 111, Property Maintenance.

#### B. Requirements for loads on vehicles.

(1) No person shall drive, move, park, maintain, or in any other way operate any vehicle carrying a load within the Town of Millville unless said vehicle is loaded so as to prevent any of its load from dropping, shifting, leaking, blowing or otherwise escaping therefrom. In the event that the vehicle is hauling material that includes garbage, rubbish, refuse, trash, derelict property, or any other such materials, said vehicle must have a cover secured over all such materials.

(2) Any owner, driver or other person in direct control of any vehicle from which any materials or objects have fallen, blown, leaked, or otherwise escaped shall immediately cause said materials or objects to be cleaned up at the person's expense.

#### C. Requirements for handbills.

(1) No person shall throw, scatter, deposit, distribute, or cause to be thrown, scattered, deposited, distributed, any handbill upon any public property or private property within the Town of Millville; except that

handbills may be distributed to any private residence, office, or retail establishments so long as the handbill is handed in at the door or securely fastened to reasonably prevent it from being blown or scattered about.

(2) No person shall place or deposit any handbill or advertising on any vehicle.

(3) No person shall place, tack, nail, post, or attach any sign, poster, or placard on any sign, utility pole, tree, or other street appurtenance except as permitted by Article IX of Chapter 155, Zoning.

D. Prima facie evidence.

(1) The strewing, casting, throwing, dropping, discarding, dumping, or depositing of litter rubbish, refuse, or trash from a motor vehicle, boat, airplane, or other conveyance in violation of this chapter is prima facie evidence that the operator of the conveyance violated this chapter.

(2) If, under paragraph (1) of this subsection, a motor vehicle is used and the identity of the operator is not discernable, there is a rebuttable presumption that the registered owner of the motor vehicle caused or contributed to the violation.

§ 93-4. Violations and penalties.

Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 11 DAY OF February, 2020.

SEAL:



ATTESTED:

Matthew Thomas Amerling

Steve Maneri

STEVE MANERI, MAYOR

Ronald Belinko

RONALD BELINKO, SECRETARY

SYNOPSIS

This ordinance creates litter regulations in the Town of Millville, including but not limited to construction sites. Violations are governed under Chapter 1, Article II's general penalty. Littering includes discarding any rubbish, refuse, or trash on any public or private property outside of a container designated for such. The ordinance also sets up requirements for vehicles carrying loads that might otherwise escape. The

ordinance limits how handbills can be distributed, as handbills have had the tendency to scatter and litter the Town. The ordinance also establishes prima facie evidence of a violation, akin to Title 16, Section 1606 of the Delaware Code.