

**AN ORDINANCE TO AMEND CHAPTER 13 OF THE CITY CODE REGARDING
COMMERCIAL PROPERTY MAINTENANCE**

#4645

Sponsor:

**Council
Member
Oliver**

WHEREAS, the collection, removal, and proper disposal of solid waste generated within the City of Wilmington is essential to the health, safety and welfare of the City' s residents; and

WHEREAS, government can be ultimately responsible for establishing criteria needed to eliminate waste, for creating the economic and regulatory environment in which to achieve it, and for leading by example; and

WHEREAS, City Council wishes to establish the rules, regulations, and conditions which shall regulate the accumulation, removal, and disposal of garbage and other waste; and

WHEREAS, the proliferation of trash, litter, and sometimes garbage in neighborhoods located near commercial establishments selling edible commodities is unsightly, unhealthy, and has a negative effect on property values. The accumulation of litter, debris, trimmings or trash on any property, including the public right of way, which is generated on, or as a consequence of the use or maintenance of the property is the responsibility of the owner, agent, occupant, or lessee of property; and

WHEREAS, City Council desires to provide for a community environment having a “sense of place” and for the preservation and enhancement of the City's image and community character.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 13 of the City Code is hereby amended by adding the underlined language as follows:

Sec. 13-4. – Littering

(a) Every sidewalk or footway between the curb stone and the building line along any of the public streets in the city in front of lots whereon is erected any dwelling house, office, place of business, railing, fence, stone or brick wall, or permanent structure of any kind, or in front of any vacant lots, and every public or private alley shall at all times be kept free of any garbage, rubbish, refuse, trash or other offensive materials, except for garbage, rubbish, refuse, and trash properly contained and placed on the sidewalk for regularly or specially scheduled refuse collection. The owner of any property or ground abutting on such sidewalk or footway or alley who fails to remove such garbage, rubbish, refuse, trash or other offensive materials shall be subject to, and liable for, a civil penalty in the amount of \$50.00, except that an owner of any property from which a business licensed as retail edible is operated shall be subject to, and liable for, a civil penalty in the amount of \$150.00.

...

(e) Every person required to be licensed as a retailer of edible commodities pursuant to the provisions of chapter 5 of this Code, who or which conducts such business, in whole or in part, by operation as a mobile vendor in or from a motor vehicle of any kind, or conducts such business as a stationary vendor of such commodities, and every owner of a property on which any such business is operated, shall provide in or upon such motor vehicle or immediately adjacent to the location of such stationary vending device, a trash receptacle for deposit by customers and consumers of paper wrappings, cans, bottles or any similar material obtained by the purchaser or consumer from such vendor as part of the purchase of such commodities. In all instances, both the vendor and the owner of a property on which any such business is operated, shall be responsible for the disposal of all such trash so collected.

i. Trash receptacles required by subsection (e) shall be substantially constructed of plastic, nonrusting metal or other leakproof, non-absorbent material. Such containers shall be capable of being tightly closed by lid so as to prevent insect breeding, spillage of refuse and other health and safety problems. The container shall be of such a size, shape and weight that, when filled, it may be easily handled by one (1) person.

SECTION 2. This Ordinance shall become effective thirty (30) days upon its date of passage by the City Council and approval by the Mayor.

First Reading..... April 18, 2019
Second Reading.... April 18, 2019
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2019.

Mayor

SYNOPSIS: Chapter 13, section 13-4 of the City Code requires all owners of properties to remove garbage, rubbish, refuse, trash and other offensive materials from sidewalks, footways and alleys. This Ordinance amends section 13-4 by increasing the penalty from \$50 to \$150 for owners of properties from which a business licensed as retail edible is operated. This ordinance also establishes requirements for trash receptacles for mobile vendors of edible commodities.

FISCAL IMPACT STATEMENT: This Ordinance has no anticipated fiscal impact.

POLICY STATEMENT: The proliferation of trash, litter, and sometimes garbage in neighborhoods located near commercial establishments selling edible commodities is unsightly, unhealthy, and has a negative effect on property values. The accumulation of litter, debris, trimmings or trash on any property, including the public right of way, which is generated on, or as a consequence of the use or maintenance of the property is the responsibility of the owner, agent, occupant, or lessee of property.