

**AN ORDINANCE TO AMEND CHAPTER 45 OF THE CITY CODE TO REQUIRE THE CITY DEPARTMENT OF PUBLIC WORKS TO PICK UP TRASH AND RECYCLING FROM CONDOMINIUMS**

**#0373**

**Sponsor:**

**Council  
Member  
Field**

**WHEREAS**, in a September 18, 2017, press release entitled “City to End Unauthorized Commercial Trash/Recycling/Recycling Collections” the City of Wilmington announced a policy to stop collecting trash from commercial accounts; and

**WHEREAS**, the press release and subsequent communications about this Policy have pointed to Substitute Four to Ordinance No. 05-090, passed by City Council on January 3, 2008; and

**WHEREAS**, this section has been interpreted to permit the City to cease collecting trash from Condominium units; and

**WHEREAS**, Ordinance No. 05-090 states the purpose was to address “a significant number of unenclosed dumpster-type containers used for the disposal of trash, rubbish, and debris” which were “not maintained and are a blight upon the community” and that Council deemed it “necessary and proper to amend the provisions of City Code regarding the location and maintenance of dumpster-type containers; and

**WHEREAS**, City Council debate transcripts clarify that the intent of Ordinance 05-090 was not to allow the City to cease collecting trash from Condominium units; and

**WHEREAS**, City Council deems it necessary and proper to amend the provisions of Chapter 45 of the City Code to clarify that the owners of condominium units are eligible for trash collection and recycling services.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON  
HEREBY ORDAINS:**

**SECTION 1.** Chapter 45 of the City Code is hereby amended by adding in the following underlined language to read as follows:

**Sec. 45-250. – Collection, dumpsters or waste collection containers required.**

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- (a) Any person owning and/or operating a multifamily dwelling unit containing five or more dwelling units, an apartment house, a boarding home, an auditorium, a club, a hospital, a nursing home, a convalescent home, or any business or activity for which a license is required shall provide for collection and disposal of solid waste from the premises where such use, business or activity is operated and shall provide and utilize dumpsters in compliance with this article whenever solid waste material is accumulated and/or stored outdoors pending disposal. This section shall not apply to condominiums, as defined in section 9-36. Two or more persons may provide common facilities for such accumulation, storage, collection or disposal, but utilization of common facilities shall not relieve any person from the requirement of complying with this article. Where site conditions eliminate potential dumpster location, a sufficient number of tightly sealed garbage containers 64 gallons or larger must be utilized in compliance with section 45-269.

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**SECTION 2.** This Ordinance shall become effective immediately upon its passage by City Council and approval by the Mayor.

First Reading.....December 7, 2023  
Second Reading.....December 7, 2023  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Mayor

**SYNOPSIS:** This Ordinance amends Chapter 45 of the City Code to require the City to provide trash pick-up and recycling services to condominium owners.

**FISCAL IMPACT:** The Department of Public Works estimates that this Ordinance will cost the City approximately \$3 million dollars in start-up costs, followed by an undetermined yearly amount.