

**CITY OF SALISBURY
ORDINANCE NO. 2025**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SALISBURY TO AMEND SECTION 8.16.090 OF THE SALISBURY MUNICIPAL CODE TO CLARIFY THE MANDATORY NATURE OF THE MONTHLY DISPOSAL FEE FOR CITY GARBAGE COLLECTION SERVICES, AND THE APPLICATION TO RESIDENTIAL UNITS.

WHEREAS, the collection and disposal of waste is part of Salisbury's governmental power to protect public health, safety, and welfare; and

WHEREAS, Article 23A of the Maryland Code, § 2(b)(14) gives municipal corporations the express power to regulate the proper disposal of dirt, garbage, trash, or liquid refuse; and

WHEREAS, Section 8.16.020 of the City Code provides that the City will provide a weekly collection of residential refuse; and

WHEREAS, Section 8.16.090 of the City Code provides that each residential unit, as defined in that Section, shall be charged a monthly disposal fee for such garbage collection services; and

WHEREAS, the City Council desires to clarify the language of Section 8.16.090 to state unequivocally that the monthly disposal fee is mandatory for all residential units, excepting certain multi-family residential buildings, irrespective of whether they utilize the garbage collection services provided;

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Salisbury, in regular session, that Section 8.16.090 of the Salisbury Municipal Code shall be amended as follows:

- 1) Amend Section 8.16.090 - Monthly disposal fee to read:
 - A. Each residential unit (including churches and bona fide charities) to which

city garbage collection services are provided shall be charged a disposal fee in an amount established annually in the city budget ordinance. The disposal fee will be billed quarterly and made a part of the city water and sewer bill. A five-percent (5%) penalty will be added after forty-five (45) days if the fee is unpaid. No residential unit within the City of Salisbury shall be permitted to refuse city garbage collection services, and the failure to utilize such services shall not exempt any residential unit from payment of the fees described herein. A “residential unit” shall consist of:

1. A single-family dwelling;
2. Each separate dwelling unit contained within a multiple-family building.
3. Each rooming or boarding house, capable of occupancy by five (5) or

more residents, regardless of the number of individual rooms contained therein, and provided that no room shall contain an independent cooking area, shall be counted as two (2) residential units.

- ~~1. Any single family detached dwelling;~~
- ~~2. Each multiple room dwelling unit contained within a multiple family~~

~~dwelling.~~

~~————— B. Further, each rooming or boarding house, regardless of the number of individual rooms contained therein and subject to the provision that no room shall contain an independent cooking area, shall be counted as two residential units. In the case of rooms and units, defined in subsection (A)(2) of this section, being contained within the confines of a single structure, each multiple room unit would count as one residential unit, and the balance of single rooms would count as a residential unit. (Prior code § 81-9)~~

B. The owner of each residential unit shall purchase a City-approved trash collection receptacle.

C. If the Department of Public Works determines that a residential unit regularly produces trash requiring two (2) or more trash collection receptacles, then the owner of the residential unit shall be required to purchase and use additional trash collection receptacles.

D. A multi-family residential building with a central trash collection area utilizing trash collection receptacles larger than one hundred (100) gallons may be approved by the Department of Public Works for exclusion from the requirements of Paragraph A.

E. The owner of a residential unit who violates the provisions of Section 8.16.090 shall be guilty of a municipal infraction and shall receive a written notice of the initial violation. If the owner of a residential dwelling unit does not comply within seven (7) days of written notice, the owner shall be subject to a municipal infraction and fine as set forth in Chapter 1.16.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the changes set forth in this Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the ____ day of _____, 2007, and having been published as required by law in the meantime, was finally passed by the Council on the ____ day of _____, 2007.

ATTEST:

Brenda J. Colegrove
City Clerk

Michael P. Dunn, President
City Council of the City of Salisbury

Approved by me this ____ day of _____, 2007

Barrie P. Tilghman, Mayor
City of Salisbury