ORDINANCE NO. 2026-03

AN ORDINANCE TO AMEND CHAPTER 85, REFUSE AND RECYCLING DISPOSAL, OF THE CODE OF THE TOWN OF MYERSVILLE, TO REMOVE DEFINITIONS FROM CHAPTER 85 AND REFERENCE THOSE DEFINITIONS WITHIN CHAPTER 1, GENERAL PROVISIONS, SECTION 1-16, DEFINITIONS; AND TO SPECIFY THE CLASS OF MUNICIPAL INFRACTION AS PROVIDED FOR UNDER CHAPTER 20, ARTICLE II, SECTION 20-10 SCHEDULE OF FINES FOR MUNICIPAL INFRACTIONS.

SECTION I. BE IT ENACTED AND ORDAINED, by the Mayor and Council of the Town of Myersville that Chapter 85 "Refuse and Recycling Disposal" of the Code of the Town of Myersville be, and hereby is, amended as hereinafter provided. New language is designated by being **IN BOLD CAPITAL LETTERS**, and deletions are designated by being {~~in brackets and stricken through~~}.

Chapter 85 – Refuse and Recycling Disposal

§ 85-1. Legislative intent.

It is the purpose and intent of this chapter to require all owners, tenants or occupiers of property, with limited exception, within the incorporated areas of Myersville to participate in the Frederick County recycling program; to eliminate illegal dumping; and to promote the health, safety and welfare of the citizens of the Town.

§ 85-2. Definitions.

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

~~CONSTRUCTION DEBRIS — Waste materials resulting from the construction, alteration or demolition of a structure and intended to be discarded or removed from the site.~~

~~CONTRACTOR — Those firms authorized by the Town of Myersville by contract to provide~~

~~refuse and recycling collection services within the Town limits.~~

~~COUNTY — Frederick County.~~

~~HAZARDOUS WASTE — Wastes that are inherently dangerous to handle or dispose of and which are not accepted at landfills which receive Town refuse. Hazardous waste includes, but is not limited to, toxic chemicals, biohazards, corrosive materials, reactive chemicals, flammable wastes, explosives, and certain items found in the home, including, but not limited to, pool chlorine, paint thinner and pesticides.~~

~~LITTER — Any used or unconsumed substance or waste material which has been discarded.~~

~~PARK — A public area or private area used by the public, such as a park, reservation, recreation center or other public area in the Town, which is used by the public for active or passive recreation.~~

~~PRIVATE PROPERTY or PRIVATE PREMISES — Any dwelling, house, building or other structure used either wholly or in part for private residential or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.~~

~~NUISANCE — Any condition or occurrence which adversely affects the public health, safety or welfare, including but not limited to an accumulation of refuse, trash, rubbish, garbage, abandoned or lost property or hazardous waste or material which is placed or discarded in a manner in violation of this chapter.~~

~~RECEPTACLE — Any steel, plastic, aluminum or galvanized receptacle, bin or tote manufactured for the purpose of storing refuse or recycling and that allows for easy lifting when filled with refuse or recycling materials. A receptacle or collection container also includes any secured, leakproof plastic bag which is manufactured for the purpose of securing and disposing of household refuse if it is of sufficient strength to hold its contents without tearing or allowing the contents to spill, leak or otherwise escape from the bag.~~

~~RECYCLING MATERIALS OR RECYCLABLES — Those materials which are designated as~~

~~such by Frederick County in its recycling program, typically including various types of plastic, glass, metal, cardboard and paper.~~

~~REFUSE, SOLID WASTE, GARBAGE, TRASH, HOUSEHOLD REFUSE or RUBBISH — May be used interchangeably, and mean material and items that cannot be recycled. TOWN — The Town of Myersville.~~

~~TOTES — Thirty-five-, sixty-five- or ninety-five-gallon plastic roll-out carts specifically manufactured as a container for holding refuse or recyclables.~~

~~YARD WASTE — Solid waste consisting of lawn grass, shrubbery, cuttings, clippings, leaf rakings, tree branches, bushes or shrubs, green leaf cuttings, fruits or other vegetative matter generally created as refuse in the care of lawns and yards.}~~

SEE CHAPTER 1, § 1-16, FOR DEFINITIONS OF TERMS.

§ 85-3. - § 85-16. {*Unchanged*}

§ 85-17. Violations and penalties.

{~~A. — A violation of any of the provisions of this chapter shall constitute a Class F municipal infraction as defined in Chapter 20 of this Code, and any person or persons violating any of the provisions of this chapter shall be subject to the penalties and/or fines imposed for a Class F municipal infraction. The enforcement procedures for municipal infractions prescribed by § 3 of Article 23A of the Annotated Code of Maryland shall be followed. Each day such violation continues or occurs shall be considered a separate offense.~~

~~B. — In addition, the Town shall be entitled to exercise any other remedy available to it, at law or in equity, to enforce the provisions of this chapter. The Town may terminate collection services to any property which habitually or regularly violates the provisions of this chapter.~~}

ANY VIOLATION OF THIS CHAPTER SHALL CONSTITUTE A CLASS F MUNICIPAL INFRACTION, AND A MISDEMEANOR OFFENSE IN ACCORDANCE WITH THE PROVISIONS OF THE MARYLAND LOCAL GOVERNMENT ARTICLE §6-101(b).

UPON CONVICTION, VIOLATORS MAY BE FINED IN ACCORDANCE WITH CHAPTER 20 OF THE TOWN CODE OF MYERSVILLE AND SUBJECT TO A TERM OF IMPRISONMENT OF NO MORE THAN SIX (6) MONTHS.

INTRODUCED on the _____ day of _____, 2026.

ENACTED AND APPROVED this _____ day of _____, 2026 by a vote of ___ for, ___against, ___absent and ___abstaining.

ATTEST:

_____
Kathy Gaver, Town Clerk

MAYOR AND COUNCIL OF THE TOWN OF MYERSVILLE

By: _____(SEAL)
Mark Hinkle, Mayor