

The Mayor and Commissioners  
of the Town of Elkton

Ordinance 9-2006

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BY: **Mayor Joseph L. Fisona**  
INTRODUCTION: **September 20, 2006**  
ADOPTION: **October 4, 2006** (as amended)

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**AN ORDINANCE CONCERNING**

The Code of the Town of Elkton  
Title 8  
Chapter 8.04  
Garbage Collection and Disposal

**FOR THE PURPOSE** of amending the Code of the Town of Elkton, Title 8, Chapter 8.04, adding language to prohibit the placement or depositing of eviction-related tenant personal property on the public sidewalk, curb & gutter, street, right-of-way or other property of the Town.

**WHEREAS**, Article XI-E., Constitution of the State of Maryland; Section 23A., Corporations - Municipal Article, Annotated Code of Maryland; the Charter and Code of the Town of Elkton provide the authority under which the Mayor and Commissioners may adopt, repeal and/or amend the ordinances of the Town of Elkton; and

**WHEREAS**, the Mayor and Commissioners have previously enacted Chapter 8.04, Title 8., Code of the Town of Elkton, regulating the disposal and collection of trash within the town; and

**WHEREAS**, the Mayor and Commissioners have determined that landlords, rental managers, agents and/or other persons shall be prohibited, during the course of an eviction process, from placing or depositing the personal property of a tenant on the sidewalk, street or other property of the Town, and should this occur, resulting in the Town's removal of tenant property from a public property, the Town shall invoice the rental property owner for the cost of the removal by the Town. Additionally, if the invoice is not paid within thirty (30) days, the Town shall enter a lien on the rental property.

**NOW, THEREFORE**, the Mayor and Commissioners of the Town of Elkton hereby ordain the following:

Section 1. The Code of the Town of Elkton, Title 8., Chapter 8.04, Article I., §§ 8.04.010 - 8.04.070., shall be repealed; and

Section 2. The Code of the Town of Elkton, Title 8., Chapter 8.04, Article I., §§ 8.04.010 - 8.04.070., shall be re-enacted and read as follows:

**The Code of the Town of Elkton  
Title 8.  
Chapter 8.04  
Garbage Collection and Disposal**

**Sections:**

**Article I. General Provisions**

**Section 8.04.010** **Depositing trash and other rubbish on public or private property; placing or depositing eviction-related tenant personal property on the public sidewalk, street or other public property; notice of eviction by rental property owner.**

Section 8.04.020 Depositing building materials - Permit requirements.

Section 8.04.030 Litter blown from vehicles.

Section 8.04.040 Burning garbage, offal or other matter.

Section 8.04.050 Litter and rubbish on premises.

Section 8.04.060 Dumpsters.

Section 8.04.070 Violation - Penalty

**Article II. Town Waste Collection Service**

Section 8.04.080 through and inclusive of Section 8.04.120 - No change of text.

Article I. General Provisions.

**§8.04.010** Depositing trash and other rubbish on public or private property; **placing or depositing eviction-related tenant personal property on the public sidewalk, street or other public property; notice of eviction by rental property owner.**

- A. It is unlawful for any person to throw, dump or deposit any trash, litter, junk, house refuse, rubbish, filth, offal, garbage, dead animals or parts thereof, decaying vegetable or organic waste substance of any kind or other rubbish, upon any public or private property without the written consent of the owner thereof or except under the personal direction of such owner.
- B. The phrase “public or private property” means the right-of-way of any road or highway, any body of water or watercourse or the shores or beaches thereof, any park, parking facility, playground, public service company property or transmission line right-of-way or utility pole, building, refuge or conservation or recreation area, any residential, commercial or farm properties, timberlands or forest.
- C. Unless as otherwise provided in this chapter, no person, as defined in Chapter 1.04, § 1.04.010, in the process of evicting a tenant from a rental property, shall place or deposit, or cause the placement or depositing of, a tenant's trash and/or personal property on the public sidewalk, street, right-of-way, or other property of the Town.
- D. Upon written notice on the form prescribed by the Town, a person may be granted a period of time by the Town not to exceed four (4) hours to temporarily place or deposit the personal property of an evicted tenant on a public sidewalk, street, right-of-way, or other property of the Town that does not obstruct access to and/or free passage upon the sidewalk and/or street by the public, or create a hazardous and unsafe condition to any person.
- E. Written notice, as set forth under paragraph D of this section, shall be made to the Town during business hours and no less than twenty-four (24) hours prior to date of a tenant eviction ordered by a court of competent jurisdiction. Said notice shall be on the form prescribed by the Town and include: 1) the name, business address and business telephone number of the rental property owner, or authorized agent; 2) the name and address of the tenant subject to the eviction order; 3) the date and time of the eviction; 4) a copy of the applicable Warrant of Restitution issued by the court; and 5) a statement by the rental property owner, or authorized agent, that all eviction-related tenant personal property will be removed within the time provided under paragraph D of this section and that in the event that the Town removes said property after the granted time has elapsed, all removal costs incurred by the Town shall be paid by the rental property owner.

§§ 8.04.020 - 8.04.060 No change to text.

§ 8.04.070 Violation - Penalty.

A. No change to text.

B. No change to text.

C. **A person in violation of §8.04.010 shall be responsible for any expense incurred by the Town to remove any trash and/or eviction-related tenant personal property placed or deposited on a public sidewalk, street, right-of-way, or other property of the Town. The failure of the person to pay the Town for a charge under this section within thirty (30) days of the date of the billing shall result in a lien being placed on the rental property from which the tenant was evicted and the subsequent collection of debt in accordance with law.**

Article II. Town Waste Collection Service

§§ 8.04.080 - 8.04.130 - No change in text.

**\*\* END OF SECTION \*\***

**DATE OF EFFECT**

**THIS ORDINANCE** shall be effective on 24<sup>th</sup> day of October, 2006.

**CERTIFICATION OF LEGAL REVIEW**

**THIS ORDINANCE** reviewed by the Town Attorney and found legally sufficient and in proper form.

**Mr. H. Norman Wilson, Jr., Esq., P.A.**

**EXECUTION BY THE MAYOR AND COMMISSIONERS**

**AFFIRMING**

Attest:

**Mayor and Commissioners  
of the Town of Elkton**

**Lewis George, Town Administrator  
Joseph L. Fisona, Mayor  
Commissioner Charles H. Givens, Sr.  
Commissioner Mary Jo Jablonski  
Commissioner C. Charles Storke**

Published in the Cecil Whig, Legal Section, on **Wednesday, October 11, 2006**, and  
**Wednesday, October 18, 2006**.