

Sponsor: Councilwoman Gott
First Reading: 09/20/21
Second Reading: 10/04/21
Third Reading: 10/18/21
Ord. No.: 012-21

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF SMYRNA TO CLARIFY THE STORAGE REQUIREMENTS FOR TRASH, RECYCLING, AND YARD WASTE RECEPTACLES

WHEREAS, the Town of Smyrna is authorized pursuant to Section 4.2.25 of the Town Charter to “provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants”;

WHEREAS, the Town Council has adopted regulations pertaining to the disposal of trash, recyclables, and yard waste; and

WHEREAS, in the opinion of the Town Council, it is in the best interest of the public health, safety, and welfare to revise the town’s regulations to clarify the acceptable storage and screening requirements for trash, recycling, and yard waste receptacles.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 54 (Solid Waste), Article I (Collection and Disposal) be and hereby is amended as follows:

Section 1. Amend Division 2 by making insertions as shown by underline and deletions as shown by strikethrough as follows:

Sec. 54-30. - Placement for collection; collection times.

(a) *Placement for collection.* All properly containerized non-organic refuse, ashes, recyclables, organic refuse and/or bulk refuse shall be placed along the curb or property line in front of such lot, or at the rear alley thereof, in order that it may be conveniently collected by the town's collection contractor. Yard waste shall be placed for collection as provided in section 54-29.

(b) *Setting out and removing rigid containers ~~and heavy-duty plastic bags.~~* All non-organic refuse, ashes, organic refuse, bulk refuse, and recyclables properly bagged or containerized shall be placed at the appropriate place for collection after 4:30 p.m., prevailing time, the day preceding the day designated for collection. All empty rigid containers and lids shall be removed by 12:00 midnight of the same day the collection is scheduled. By 12:00 midnight of the same day the collection is scheduled, all empty rigid containers and lids shall be removed to the side or rear of the primary structure situated on the property. If side yard or rear yard storage is not possible, rigid containers may be stored in the front of the primary structure as

long as the containers are screened in such a manner that they cannot be viewed by the public from the right-of-way abutting the front of the property.

Section 2. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council's intent.

Section 3. Effective Date. This Ordinance shall become effective January 1, 2022.

SYNOPSIS

This ordinance clarifies that trash, recycling, and yard waste receptacles must be stored to the side or rear of the primary structure on a property or at another location that screens the receptacles from the public's view. The effective date of the ordinance is January 1, 2022.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on _____, 2021.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in the "Smyrna/Clayton Sun Times" on _____, 2021 and posted at the Town Hall on _____, 2021.

So Certifies:

Town Clerk