

TITLE 2: NATURAL RESOURCES
DIVISION 3: THE ENVIRONMENT

§ 3801. Definitions.

For purposes of this Act the following terms shall have the meanings indicated:

(a) “Business” means a building or property used for business, manufacturing, or other commercial purposes.

(b) “Garbage” means all waste from the preparation and consumption of food, and all refuse and waste from the handling, storage, preparation, and sale of produce.

(c) “Person” means any individual, partnership, corporation, association or government entity, corporation or agency.

(d) “Trash” means all materials, which are not garbage, discarded from residences, dwellings, hotels, clubs, restaurants, shops, stores, or other places of business.

(e) “Waste container” means a receptacle used for the temporary storage of garbage or trash.

Source: PL 14-15, § 3 (3801).

Commission Comment: PL 14-15 was enacted on June 18, 2004 and contained a short title, findings, public awareness, severability, and savings clause provisions. PL 14-15 stated in part:

Section 1. Short Title. This Act may be cited as the “Waste Container Lid Requirement Act of 2004.”

Section 2. Findings. The Legislature finds that it is a public nuisance and a health hazard for garbage or trash to be accumulated on either public or private property without tightly fitting lids or covers on the waste containers. Frequently, trash or garbage is seen scattered on streets or on sidewalks. This not only affects the environment, but additionally, the appearance of unclean streets has a negative impact on the tourism industry. Waste containers without lids, and trash or garbage piled without waste containers consistently attract dogs, cats, and rats. In addition, windy conditions cause trash or garbage to be blown out of open waste containers or spread piles of unsecured trash or garbage.

Section 4. Public Awareness Program. Enforcement of this Act shall begin 90 days after its effective date pursuant to Section 7. The Department of Public Health through its Bureau of Environmental Health shall conduct a comprehensive public awareness program within the 90-day period to inform the general public of the requirements of this Act including, but not limited to, the civil fines that may be assessed. Notwithstanding any law to the contrary, the Secretary of the Department of Public Health or the Governor may reprogram available funds to pay for the public awareness program.