

Chapter 11

RECYCLING AND TRASH*

Art. I. In General, §§ 11-1—11-33

Art. II. Public Landfills and Recycling Depots, §§ 11-34—11-36

ARTICLE I. IN GENERAL

Sec. 11-1. Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them in this section:

Ashes: All the earthy or mineral part of combustible substances remaining after combustion.

Clean and uncontaminated newspaper: Newspaper that has not been exposed to foreign substance or substances, or conditions rendering it unusable for recycling.

Commercial rubbish: Any rubbish generated by the use of property for non-residential purposes, including, but not limited to, hotels, motels, institutions, offices, businesses and industry. The term "institution" includes, but is not limited to, churches, hospitals, schools, and charitable, educational and benevolent organizations.

Garbage: Putrescible waste matter, animal or vegetable, from tables, kitchens, markets and stores.

Recyclable materials: Clean and uncontaminated newspaper; glass; cans; aluminum; leaf and yard wastes; plastics; straw, sawdust and other such materials as the commissioner of public works may determine.

Refuse: All non-putrescible household solid wastes except those which constitute recyclable materials or ashes as defined herein.

Leaf and yard wastes: Leaves, grass clippings, soil, sand, manure, wood chips, shrub trimmings, plant cuttings and other similar materials.

Plastics: High density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics.

Recycling depot: A site designated on a permanent or temporary basis for drop-off and collection of certain recyclable materials.

Trash: All trash, including ashes, garbage and refuse from residential premises which receive municipal trash disposal services. Sometimes also called "rubbish" or "residential rubbish." (Rev. Ords. 1973, § 8-34; Ord. No. 11, 8-15-74; Ord. No. R-56, 3-17-80; Ord. No. R-105, 12-15-80; Ord. No. S-1, 7-11-83; Ord. No. T-92, 6-18-90)

Cross reference—Rules of construction and definitions generally, § 1-3

Sec. 11-2. Department of public works—To have charge of removal, processing and disposal.

***Editor's note:** Ordinance T-92, adopted June 18, 1990, changed the title of this chapter from "Garbage, Trash and Refuse" to "Recycling and Trash".

Cross references—Health and human services, Ch. 12; secondhand and junk dealers, Ch. 17, Art. IV

The department of public works, or its contractor, shall remove and process or dispose of all ashes, refuse, recyclable materials and garbage from residential premises, except those residential premises which are required pursuant to special permit or other zoning requirements to make their own private arrangements therefor, which are properly placed in accordance with the requirements of this chapter. (Rev. Ords. 1973, § 8-35; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. T-92, 6-18-90)

Sec. 11-3. Same—Employees, contractors and agents not to enter premises to remove; exception.

Employees, contractors and agents of the department of public works shall not enter upon private property to remove ashes, garbage, refuse or recyclable materials, except when and where directed by the commissioner of public works or his duly authorized agent. (Rev. Ords. 1973, § 8-36; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. T-92, 6-18-90)

Sec. 11-4. Reserved.

Sec. 11-5. Garbage—Permit required to transport; exceptions.

All persons transporting garbage through the public ways of the city from places within or to destinations within the city shall first obtain from the health department a permit therefor. All such permits shall expire at the end of the calendar year in which they are issued. No permit may be transferred without approval of the health and human services department. (Rev. Ords. 1973, § 8-38(a); Ord. No. 59, 2-20-75; Ord. No. S-1, 7-11-83; Ord. No. X-175, 05-26-05)

Cross reference—Licensing and permits generally, Ch. 17

Sec. 11-6. How ashes to be placed for collection; weight of containers when filled.

Ashes shall be placed for collection in sound metal containers, weighing not more than one hundred fifty (150) pounds when filled, on the outer edges of the sidewalk fronting the premises or in such other place as the commissioner of public works, or his duly authorized agent, may designate. (Rev. Ords. 1973, § 8-39; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75)

Sec. 11-7. How trash to be placed for collection; weight of receptacles.

Rubbish, with the exception of ashes, shall be placed in barrels, plastic bags or other sound receptacles for collection, provided that rubbish which cannot be readily placed into such containers, such as tree branches, rugs, boards and brush may instead be securely tied into bundles which do not exceed four (4) feet in length. Each such barrel, bag, receptacle and bundle may not exceed one hundred (100) pounds and shall be placed on the outer edges of the sidewalk so as not to obstruct free passage of foot travelers thereon, or in such other place as the commissioner of public works, or his duly authorized agent, may designate or permit. (Rev. Ords. 1973, § 8-40; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-105, 12-15-80; Ord. No. T-92, 6-18-90)

Sec. 11-8. How recyclable materials to be placed for collection.

(a) The City shall provide, or cause to be provided, one recycling container to each residential premises which receives municipal rubbish disposal services. The residents of each such premises shall:

- (1) take proper care to protect such recycling container from misuse, loss and damage; and
- (2) return such recycling container to the City, or its contractor, upon request of the commissioner of public works; and

(3) in the event that they vacate the premises, shall leave such recycling container with the premises for use by the subsequent residents.

(b) Glass, cans, aluminum, and plastics shall be emptied and rinsed and placed into such recycling containers or in the event that such containers become unavailable or if there are more recyclable materials than can be held in the container provided, in a suitable receptacle which can readily be identified by the collectors. Newspapers shall be placed into brown paper bags or securely bundled and tied with twine in packages not exceeding fifty (50) pounds and placed on top of said recycling containers or receptacles. Leaf and yard waste is to be set out in containers as directed by rules and regulations of the commissioner of public works.

(c) All such containers and receptacles shall be placed for collection on the outer edges of the sidewalk so as not to obstruct free passage of pedestrians thereon or in such other place and on days specified by the commissioner of public works or his duly authorized agent under rules and regulations prescribed for recycling purposes.

(d) No person except those individuals and companies authorized by the commissioner of public works shall collect or pick up or cause to be collected or picked up, recyclable materials which have been placed for collection pursuant to subsection (b). (Rev. Ords. 1973, § 8-42; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-105, 12-15-80; Ord. No. T-92, 6-18-90)

Sec. 11-9. Participation in and enforcement of recycling program.

(a) All persons whose trash is collected by the city shall comply with section 11-8 when placing recyclable materials for collection, unless specifically exempted pursuant to the provisions of subsection (b). Failure to comply shall result in the imposition of a twenty-five dollar (\$25.00) fine, and each day of such non-compliance shall constitute a separate violation.

(b) If compliance with the requirements of subsection (a) imposes undue hardship upon a person, that person may request an exemption from this ordinance from the commissioner of public works. (Ord. No. R-105, 12-15-80; Ord. No. S-249, 3-16-87; Ord. No. T-92, 6-18-90)

Sec. 11-10. When trash and recyclable materials to be placed for collection; carts to pass through streets only once.

(a) Trash and recyclable materials shall be placed for collection on such day or days as may be designated for collection by the commissioner of public works. The commissioner of public works may designate the specific days of collection for particular areas of the city and/or types of trash and/or recyclable materials. Trash and recyclable materials shall be placed for collection between 4 P.M. of the day preceding collection and 7 A.M. of the day of collection. Collection vehicles having passed through the street will not be sent back to collect any such materials placed for collection after 7 A.M.

(b) All empty barrels, cans or rubbish containers of any kind shall be removed from the area of collection prior to midnight of the day of collection.

(c) Any occupant of a building who places or causes to be placed trash or recyclable materials for collection at times other than those designated in subsection (a) of this section or fails to remove said trash containers or recycling containers or receptacles from the area of collection prior to midnight of the day of collection shall be subject to the following penalties:

(1) For the first offense—a written warning;

(2) For each subsequent offense—a fine not exceeding fifty dollars (\$50.00) per offense.

The written warning for each first offense shall be attributable to the dwelling unit occupied by the offending party. Any subsequent offense by any occupant of said dwelling unit shall result in the fifty dollar (\$50.00) fine referred to above and shall be attributable to the head of the household.

Provided, however, that when the collection of trash or recyclable materials is delayed due to weather conditions, holidays, or other causes, no penalty shall be imposed for placement thereof in accordance with the time periods established for collection as set forth in subsection (a) above. (Rev.Ords. 1973, § 8-42; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-56, 3-17-80; Ord. No. S-1, 7-11-83; Ord. No. T-92, 6-18-90; Ord. No. T-168, 9-3-91)

Cross reference—Licensing and permits generally, Ch. 17

Sec. 11-11. Permit to cart ashes or refuse.

All persons transporting garbage on public ways of the city from points outside the city and to destinations outside the city shall register with the city health and human services department pursuant to Mass. Gen. Laws c. 111, § 31A. Such garbage shall be transported in accordance with such rules and regulations as the health and human services department shall make. (Rev. Ords. 1973, § 8-43; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. X-175, 5-26-2005)

Sec. 11-12. Definition of pickup point, placement of refuse for collection from mixed-use buildings, persons responsible for fee.

For buildings utilizing dumpsters, each dumpster location shall constitute a pickup point. Refuse from non-residential and residential units shall not be placed into the same dumpster for collection. For can or bag collection, each street address shall constitute a pickup point, provided however, that in the case of multi-unit buildings, each unit shall constitute a pickup point, and provided further, that the refuse generated by each non-residential unit in such building shall not be set out for collection.

Nothing herein shall be deemed to render any person liable for charges incurred by a previous owner. (Rev. Ords. 1973, § 8-45; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-105, 12-15-80; Ord. No. R-201, 12-7-81; Ord. No. S-1, 7-11-83)

Sec. 11-13. Tipping over, etc.; slippery substances.

No person shall willfully or maliciously disturb or handle the contents of or tip over or upset containers or receptacles standing upon the sidewalk or within the street limits or throw or place upon any sidewalk, crosswalk, street or way any banana skin, orange peel or other slippery substance. (Rev. Ords. 1973, § 8-48; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83)

Sec. 11-14. Large, bulky, etc., refuse.

Discarded or broken furniture, stoves, pipes, machinery, ruins of buildings, remnants of wood and metal from building construction or repairs, wooden boxes and large junk, trimmings from trees and vines and other large, bulky or unwieldy refuse may be removed and disposed of by the sanitation division upon application to the commissioner of public works by the owner or occupant of the building or premises, who shall pay to the city therefor the actual cost of removal and disposal as determined by the commissioner of public works or his duly authorized agent, provided, that the mayor may suspend for one week in the year, to be determined by him, the provision of this section requiring payment for removal. All the materials offered for removal by application shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city. (Rev. Ords. 1973, § 8-49; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83)

Sec. 11-15. Annual appropriation for publicizing recycling program.

The recycling program shall receive an annual appropriation to be used to advertise the program on a regular basis and to inform citizens of their collection days. (Rev. Ords. 1973, § 8-50; Ord. No. 11, 8- 15-74; Ord. No. S-1, 7-11-83)

Secs. 11-16—11-33. Reserved.

ARTICLE II. PUBLIC LANDFILLS AND RECYCLING DEPOTS

Sec. 11-34. Control of operation and use.

The commissioner of public works shall have custody and control and charge of the operation of all landfills and recycling depots maintained by the city. He is authorized, subject to the provisions of this article and to any other applicable order of the board of aldermen, to prescribe, and from time to time amend, rules and regulations governing the operation and use thereof. (Rev. Ords. 1973, § 8-56; Ord. No. 90, 10-6-75; Ord. No. T-92, 6-18-90)

Sec. 11-35. Regulations of use.

Use of landfills, transfer haul stations and recycling depots maintained and/or operated by the city or by a contractor under contract with the city to do the same, by other than city employees acting within the scope of their employment, shall be limited to residents of the city, to owners or employees of commercial or industrial establishments located within the city and to such other persons as may establish to the satisfaction of the commissioner of public works that they are engaged in business activities within the city which require the disposal of trash or depositing of recyclable materials from such operations. All such use shall be upon permission of and in accordance with the rules of the commissioner of public works. No person shall dispose of any trash or deposit any recyclable materials originating outside the limits of the city to any such landfill, transfer haul station or recycling depot. All persons and commercial haulers, except city employees acting within the scope of their employment, using any such landfill, transfer haul station or recycling depot shall do so at their own risk. (Rev. Ords. 1973, § 8-57; Ord. No. 60, 2-18-75; Ord. No. 90, 10-6-75; Ord. No. T-92, 6-18-90)

Sec. 11-36. Recycling depots.

The commissioner of public works shall have custody and control and charge of the operation of recycling depots maintained by the city. The commissioner may use these recycling depots for the collection of recyclable materials such as office grade paper; corrugated cardboard; automobile batteries and other such materials as he shall determine. (Ord. No. T-92, 6-18-90)

Cross reference—Licenses and permits generally, Ch. 17