



CITY OF MELROSE

CITY COUNCIL

City Hall, 562 Main Street
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KRISTIN FOOTE

City Clerk

To: City Council
From: Kristin Foote
Meeting Date: September 20, 2021
Subject: Amending ch 198: Article II sec 198-2
Order #: ORDER-2022-25

FINANCIAL IMPACT: Herein please find the current ordinance and proposed amendment to Chapter 198, Article II § 198-2 for council review.

<p>RESULT: PASSED AS AMENDED [UNANIMOUS] MOVER: Jen Grigoraitis, Ward 6 SECONDER: Shawn M. MacMaster, Ward 5 AYES: Cinella, Eccles, Jamaledine, Migliorelli, Tramontozzi, McNaught, Stewart, Garipay, MacMaster, Grigoraitis, Thomas</p>
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Article II

Collection and Disposal

[Adopted as Rev. Ords. 1976, §§ 13-3, 13-6, 20-5 and 20-6 (Rev. Ords. 1989, §§ 8-1, 15-26 and 15-27)]

§ 198-2

*** Dumping; obstructing sidewalks; placement of refuse containers. [Amended 6-§ 1984 by Ord. No. 785A; 6-18-1984 by Ord. No. 785B; 2-20-2007 by Ord. No. 7-107A; 9-20-2021 by Ord. No. 2022-25]**

§ No person shall put or place, or cause to be put or placed, in any street, lane, alley or any other place, public or private, where it may be offensive or objectionable, any ashes, dirt or refuse, nor shall any piece of metal or wood or any plastic in any form or other material injurious to feet or to tires of vehicles or any other rubbish be put, placed or thrown into or on any street, lane, alley or public place. No person shall throw or place on any vacant land, whether public or private, or in any brook, waterway, or pool rubbish, limbs, brush, barrels, boxes, or the likes.

§ No person shall place or cause to be placed on any sidewalk, footwalk or crosswalk any object whatsoever so as to interfere with the convenient use of the same by any person traveling thereon. This shall not apply to building materials placed by permission of the City Engineer. [Amended 5-21-2012 by Ord. No. 2012-158]

§ Residential refuse receptacles shall be watertight with tight-fitting covers of a durable rodent-proof material. A sufficient number of receptacles shall be provided by property owners or their agent(s) so as to adequately contain the amount of refuse produced at each property. Receptacles shall be no larger than forty-five (45) gallons and have two intact handles. [Amended 9-20-2021 by Ord No. 2022-25]

D. Receptacles shall be tightly covered whenever refuse of any amount is contained therein, have it be on private property, a private way, or a public sidewalk. Refuse shall be stored in receptacles as described in this section except for material which may be placed at curbside under city-sponsored source reduction and/or source separation collection programs in accordance with the guidelines of such programs.

E. Refuse receptacles shall be placed at the curb by 7:00 a.m. on the scheduled collection day, ~~but no later than 5 p.m. the~~ preceding day, and shall be removed from the sidewalk within twelve

F. The following shall apply to subsections (A) through (D) of this section:

- I. Whoever violates any provision of the aforementioned sections shall be penalized in accordance with MGL c. 40, § 21D or MGL c. 270, § 16, not to exceed \$100.00 for each violation, provided that each and every day of the violation shall constitute a distinct and separate offense.
- II. Property owners or their agents shall be responsible for the retrieval and pickup of any and all scattered refuse stemming from a violation of this ordinance. Failure to

comply with this provision shall constitute a separate violation, which may be enforced as authorized above.

- III. The Board of Health, the Department of Public Works, and the Police Department through their authorized agents and employees, are hereby empowered to enforce the provisions of this section pursuant to MGL c. 40, § 21D and MGL c. 270, § 16.
- IV. No property owner shall be cited for a violation of this ordinance until a written warning is first served upon the party.

G. Any party fined hereunder shall have a right of appeal in accordance with General Laws Chapter 40, Section 21D.

*Enforcement set to begin March 1, 2022