



CITY OF MELROSE

In City Council

June 24, 2024

AN ORDER ORDNC-2024-4

Amending Melrose Revised Ordinances Chapter 198: Section 198-2 Dumping, obstructing sidewalks; placement of refuse containers, and Section 198-3 Ashes and rubbish; yard waste; metal goods, collection fees as set forth herein.

BE IT ORDERED

Respectfully request the following changes to Melrose Revised Ordinances Chapter 198 Solid Waste: Section 198-2 (Dumping, obstructing sidewalks; placement of refuse containers), and Section 198-3 (Ashes and rubbish; yard waste; metal goods, collection fees) as set forth herein.

§ 198-2 Dumping; obstructing sidewalks; placement of refuse containers.

[Amended 6-18-1984 by Ord. No. 785A; 6-18-1984 by Ord. No. 785B; 2-20-2007 by Ord. No. 07-107A; 5-21-2012 by Ord. No. 2012-158; 8-21-2017 by Ord. No. 2018-4; 9-20-2021 by Ord.

No. 2022-25^[1]

<https://ecode360.com/15359196?highlight=fee%2Cfees%2Ctrash%2Ctrash%20fee&searchId=24089369051275650&ft15359191-1>

- A. 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.
- B. 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.
- C. The City shall provide one 64-gallon trash and one 64-gallon recycling receptacle ("receptacle" or "receptacles") to each property for the purpose of providing automated curbside collection of solid waste and recycling. Only City issued receptacles shall be collected by the hauler. Additional receptacles may be made available for purchase and subject to additional fees as published on the Department of Public Works website. In addition to City-issued receptacles, residents may also use approved overflow bags in accordance with the guidelines of the solid waste and recycling program. Such overflow bags will be made available for purchase at designated retailers and locations throughout the City and as defined and published on the City website. Residents are not permitted to place any items for curbside pickup in bags aside from the approved overflow bags. Overflow bags shall not be placed curbside until after 5 AM on the scheduled pickup day.
- 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. [Amended 2-22-2022 by Order No. 2022-65] Refuse shall be stored in City issued receptacles as described in this section except for material which may be placed at curbside in approved overflow bags or under city-sponsored source reduction and/or source separation collection programs in accordance with the guidelines of such programs. Pickup of bulky items not eligible for large metal goods collection shall be scheduled directly with the contracted hauler for a fee to be paid directly to the hauler. The schedule of fees shall be published on the Department of Public Works website.

- E. Refuse receptacles shall be placed at the curb by 7:00 a.m. on the scheduled collection day, not prior to 5:00 p.m. the preceding day, and shall be removed from the sidewalk within 12 hours after collection. Refuse receptacles shall be placed on the sidewalk in a way that does not obstruct or interfere with pedestrians, if applicable, otherwise shall be placed on the edge of the public way in front of the household's property. Refuse receptacles must also be placed in accordance with the requirements of the hauler for proper automated pickup. Items not placed in accordance with these requirements may not be collected.
- F. The following shall apply to Subsections **A** through **D** of this section:
 - (1) 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 for each violation, provided that each and every day of the violation shall constitute a distinct and separate offense.
 - (2) 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 section. Failure to comply with this provision shall constitute a separate violation, which may be enforced as authorized above.
 - (3) 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.
 - (4) No property owner shall be cited for a violation of this section until a written warning is first served upon the party.
- G. Any party fined hereunder shall have a right of appeal in accordance with MGL c. 40, § 21D. [1] *Editor's Note: This order also stated that enforcement is set to begin 3-1-2022.*

§ 198-3 Ashes and rubbish; yard waste; metal goods; collection fees.

[Amended 9-24-1990 by Ord. No. 91-10; 11-1-1990 by Ord. No. 91-33; 1-21-1992 by Ord. No. 92-119; 3-16-1992 by Ord. No. 92-241; 3-7-1994 by Ord. No. 94-176; 7-18-1994 by Ord. No. 94-343; 6-26-2002 by Ord. No. 02-367; 6-26-2002 by Ord. No. 02-368; 6-26-2003 by Ord. No. 03-292; 6-7-2004 by Ord. No. 04-264A; 6-7-2004 by Ord. No. 04-264B; 6-7-2004 by Ord. No. 04-264C; 6-21-2004 by Ord. No. 04-264D; 6-23-2005 by Ord. No. 05-243; 6-5-2006 by Ord. No. 06-172; 2-2-2009 by Ord. No. 09-109; 5-21-2012 by Ord. No. 2012-158; 6-25-2015 by Ord. No. 2015-168; 9-20-2021 by Ord. No. 2022-16]

The Director of Public Works shall, in addition to the duties prescribed by law and the Charter, have charge of the collection and disposal of ashes and other household rubbish, including garbage, under proper regulations approved by the Mayor and City Council.

- A. The Director of Public Works shall maintain and publish a Waste and Recycling Services Schedule of Fees on the Department of Public Works website for curbside pickup services, City

Yard drop-off items, and special City Yard events.

- B.** For solid waste collection, residents shall use City issued receptacles or approved overflow bags, 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. [Amended 2-22-2022 by Order No. 2022-65]
- C.** The Director of Public Works shall, for a period beginning on or around April 15 and ending about December 15, collect at curbside, biweekly or monthly as defined in its annual collection calendar, all leaves and grass clippings, provided that such materials do not violate any regulation or rule authorized by this section. Leaves and grass clippings shall be placed at curbside for City pickup in plain brown paper bags or barrels, subject to such reasonable limits as may be set by the Director of Public Works. No loose materials will be collected. The Director of Public Works shall operate a drop-off yard waste collection program in conjunction with this subsection.
- D.** There shall be a collection of large metal goods by the Public Works Department either once or twice a week at the Director's discretion and under the following regulations:
- (1) Metal goods include refrigerators, sinks, stoves, bathtubs, toilets, shower stalls, radiators, metal file cabinets, metal desks, dismantled play sets, metal pipes tied together in a bundle weighing not in excess of approximately 30 pounds and any other metal goods requiring special pickup.
 - (2) Each metal goods item as defined in Subsection **D(1)** <https://ecode360.com/38209760> will be picked up at curbside for a fee, listed in the Schedule of Fees as "metal goods item pickup" and payable to the City of Melrose. The homeowner/resident wishing to dispose of such items will obtain a receipt from the Department of Public Works after payment is made for each item. Any item that has no sticker will not be picked up by the City or its agents.
 - (3) The collection of these fees is to be in accordance with Chapter **56** <https://ecode360.com/15358479>, Officers and Employees, § 56-21.
 - (4) Moneys collected under this Subsection **D** <https://ecode360.com/38209759> shall be set aside in a special fund suggested by the Auditor.
 - (5) Non-metal bulk items not collected by the Public Works Department shall be collected by the City's contracted hauler for a fee to be paid directly to the hauler. Such items and fees shall be maintained and published in the Schedule of Fees on the Department of Public Works website.
- E.** There shall be a collection of mattress(es) and/or box spring(s) made by a vendor at the discretion of the Director of Public Works. This collection shall be made pursuant to the following:
- (1) Each mattress or box spring will be picked up curbside for a fee, as listed in the Schedule of Fees as "mattress pickup." This fee shall be paid to the City of Melrose in advance of any curbside pickup.
 - (2) The collection of these fees is to be in accordance with Chapter **56**, Officers and Employees, § 56-21.
- F.** No person, except an authorized employee or agent of the Public Works Department, shall remove any article or material deposited or placed upon a street or sidewalk for the purpose of being collected by the Public Works Department.
- G.** No dumpster may be placed on City streets without first obtaining a permit from the Engineering Division of the Department of Public Works.

H. Solid Waste Collection Fee; Opting Out; Discounts; Billing.

- (1) Residential As established effective July 1, 2005, all property owners of residential structures of six units or fewer shall be charged a solid waste collection fee per dwelling unit, as listed in the Schedule of Fees published and maintained on the DPW website.
- (2) Opt-Out. Owners are allowed to "Opt-Out" of City curbside trash and recycling services for any reason by following the opt-out process set forth on the DPW website. The solid waste collection fee shall not be charged to property owners who opt out of the City curbside collection services for their properties. If an owner opts out of the fee, the City will not pick up curbside recycling or trash at the property. Individuals or entities who do not use the City's services may utilize any other lawful method of disposal which does not endanger any person and complies with the State Sanitary Code and City ordinances. Owners who opt out of the City's collection services must coordinate with DPW to pick up the receptacles.
- (3) Discount.
 - (a) Effective July 1, 2024, any resident of Melrose who owns and occupies a single-family home or condominium with an income of \$65,870 or less for a single person, \$75,280 or less for married couples, will be eligible for a 50% discount for this fee.
 - (b) Effective July 1, 2024. Any resident of Melrose who owns and occupies a single- family home or condominium with an income of \$45,000 or less for a single person, \$50,000 or less for married couples, will be eligible for a 100% discount for this fee.
Effective July 1, 2025. Any resident of Melrose who owns and occupies a single- family home or condominium with an income of \$55,000 or less for a single person, \$65,000 or less for married couples, will be eligible for a 100% discount for this fee.
 - (c) Proviso. Eligibility should be determined by using the adjusted gross income number found on the IRS 1040 form.
- (4) (Reserved)
- (5) Billing. The Collector shall issue bills quarterly.

I. Billing period; place of payment; delinquent payments.

- (1) All bills for solid waste and recycling shall be made out and rendered by the Public Works Department to consumers quarterly, and all such bills shall be payable within 30 days at the office of the City Collector.
- (2) Bills not paid within 30 days shall be subject to the following:
 - (a) Demand charge of \$5.
 - (b) Interest penalty of 14% from the due date.

Lien fee of \$10, to be applied only on those solid waste and recycling bills that become lien on real estate tax bills

HISTORY:

05/20/24	City Council	ASSIGN TO COMMITTEE
06/10/24	Legal & Legislative	RECOMMEND AS AMENDED

RESULT: PASSED AS AMENDED [10 TO 0]
MOVER: Ryan Williams, At-Large
SECONDER: Maya Jamaledine, At-Large
AYES: Finocchiaro, Garipay, Hamilton, Jamaledine, Karamcheti, Obremski, Romanul, Vandiver, Williams, Migliorelli
ABSENT: Robb Stewart

In the City Council
Ordained Roll Call
[Unanimous]

Passed June 24, 2024

Kristin Foote, Clerk



Leila B. Migliorelli, President
City Council

7/9/24

Date



Jennifer Grigoraitis, Mayor

7/9/24

Date