

Chapter 62 SOLID WASTE ^[1]

ARTICLE I. - IN GENERAL

ARTICLE II. - COLLECTION REGULATIONS

FOOTNOTE(S):

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Cross reference— Buildings and building regulations, ch. 10; environment, ch. 26; litter, § 26-31 et seq.; health, ch. 34; housing, ch. 42; utilities, ch. 74. (Back)

State Law reference— Authority to regulate removal of garbage, etc., M.G.L.A. c. 111, § 31B; littering highways, M.G.L.A. c. 270, § 16. (Back)

ARTICLE I. IN GENERAL

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Sec. 62-8. Disposal of waste in commercial container without permission.

Secs. 62-9—62-30. Reserved.

Sec. 62-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ashes means the residue of the burning of wood, coal, coke or other combustible materials.

Authorized private receptacle means a litter storage and collection receptacle as required and authorized in this Revision.

Commercial handbill means any printed or written matter, any sample or device, any dodger, circular, leaflet, pamphlet, paper or booklet, or any other printed or otherwise reproduced original or copies of any matter of literature which:

- (1) Advertises for sale any merchandise, product, commodity or thing;
- (2) Directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when such performance, exhibition or event is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this subsection shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license where such license is or may be required by any law of the commonwealth or under any ordinance of the city; or
- (4) While containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Garbage and *solid waste* mean decomposing animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter means garbage, refuse and rubbish and all other waste material which, if thrown or deposited as prohibited in this Revision, tends to create a danger to public health, safety and welfare.

Newspaper means any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Noncommercial handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine or booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definition of a commercial handbill or newspaper.

Park means a park, reservation, playground, beach, recreation center or any other public area in the city owned or used by the city and devoted to active or passive recreation.

Private premises means any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling house, building or other structure.

Public place means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse means all decomposing and nondecomposing solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish means nondecomposing solid wastes, consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Solid waste is synonymous with the terms "garbage" and "refuse."

Trash is synonymous with the term "rubbish."

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(Rev. Ords. 1988, § 7-1; Ord. No. 1999-28, § 1, 12-17-1999; Ord. No. 2008-40, § 9(62-1), 7-15-2008)

Cross reference— Definitions generally, § 1-2.

Sec. 62-2. Collection and disposal generally.

- (a) Except as otherwise authorized in this chapter, all refuse accumulated in the city shall be collected, conveyed and disposed of by the city under the supervision of the director of community maintenance.
- (b) This chapter shall not prohibit the actual producers of refuse, or the owners of property upon which the refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided such persons comply with all provisions of this chapter.

(Rev. Ords. 1988, § 7-16; Ord. No. 2008-40, § 9(62-2), 7-15-2008)

Sec. 62-3. Depositing refuse generated outside city on street or sidewalk.

Anyone who knowingly, willfully or without right places any refuse not generated in the city on any sidewalk, street or public way shall be subject to the penalty as described in section 1-15.

(Ord. No. 1997-10, § 1, 5-13-1997)

Sec. 62-4. Collector's license.

The director of community maintenance may license persons to collect and dispose of refuse under such terms and conditions as the director of community maintenance may establish.

(Rev. Ords. 1988, § 7-17; Ord. No. 2008-40, § 9(62-4), 7-15-2008)

State law reference— Permits to collect solid waste, M.G.L.A. c. 111, § 31A.

Sec. 62-5. Contracts for use of municipal incinerator.

The director of community maintenance shall have the authority to negotiate contracts for the use of the municipal incinerator by any person or political subdivision, or any other entity. All contracts shall be in writing and executed as required by law, this Revision, and city ordinances.

(Rev. Ords. 1988, § 7-18; Ord. No. 2008-40, § 9(62-5), 7-15-2008)

Sec. 62-6. Fees for use of municipal incinerator.

- (a) The fees charged for the use of the municipal incinerator in any contract for disposal of waste generated within the city negotiated by the director of community maintenance shall be based on the fee schedule in Appendix A to this Revision. For each year, the rate set shall be no more than the figure set out in the fee schedule in Appendix A to this Revision.
- (b) For all users who have not negotiated a contract according to section 62-5, the director of community maintenance shall issue regulations establishing a schedule of charges.
- (c) The director shall not charge any person who uses the municipal incinerator to dispose of residential or household waste generated in the city.
- (d) The director's regulations shall set separate rates for the disposal of waste generated in the city and for that generated outside the city. The rate for waste generated in the city shall always be lower than the charge for waste generated outside the city.
- (e) If the director of community maintenance determines that an emergency exists because of fire, need for demolition or other emergency conditions, he may waive any fees required by this section, providing he declares the emergency in writing.

(Rev. Ords. 1988, § 7-19; Ord. No. 1994-20, § 6, 9-27-1994; Ord. No. 2008-40, § 9(62-6), 7-15-2008)

Sec. 62-7. Interference with receptacles.

Any person who, without the approval of the director of community maintenance in the case of refuse receptacles, or the director of community maintenance in the case of garbage receptacles, moves, disturbs or in any way interferes with the storage or placing for collection of garbage or refuse receptacles shall be guilty of a violation of this chapter.

(Rev. Ords. 1988, § 7-42; Ord. No. 2008-40, § 9(62-7), 7-15-2008)

Sec. 62-8. Disposal of waste in commercial container without permission.

Any person who willfully and without right deposits solid waste in a commercial disposal container of another without the consent of the owner or other person who has legal custody, care or control of such container shall be punished by a fine of \$100.00 for the first offense, \$150.00 for the second offense and \$300.00 for the third and subsequent offenses.

(Ord. No. 1996-7, 3-12-1996)

Secs. 62-9—62-30. Reserved.

ARTICLE II. COLLECTION REGULATIONS ^[2]

- Sec. 62-31. Size and weight of receptacles.
- Sec. 62-32. Compostable leaf and yard waste.
- Sec. 62-33. Ashes.
- Sec. 62-34. House refuse.
- Sec. 62-35. Paper, newspapers and paper cartons.
- Sec. 62-36. Tires.
- Sec. 62-37. Refrigerators and air conditioners.
- Sec. 62-38. Construction refuse.
- Sec. 62-39. Time of placing receptacles for collection.
- Sec. 62-40. Limitation on quantity of waste removed.
- Sec. 62-41. Refuse deposited in streets to be in proper receptacles and bundles.
- Sec. 62-42. Placement of refuse from commercial establishments on sidewalk.
- Sec. 62-43. Separation of garbage and rubbish; disposal of garbage from commercial establishments.
- Sec. 62-44. Standards for garbage containers.
- Sec. 62-45. Permit for placement of large container in street.
- Sec. 62-46. Cathode ray tubes.
- Sec. 62-47. Bulky items.
- Sec. 62-48. Enforcement.
- Sec. 62-49. Microwave ovens.

Sec. 62-31. Size and weight of receptacles.

All receptacles containing ashes and house refuse for removal must be no larger or heavier than the ordinary refuse container, the size to be approximately 35 gallons' capacity.

(Rev. Ords. 1988, § 7-31)

Sec. 62-32. Compostable leaf and yard waste.

- (a) There is hereby established a program for the mandatory separation of certain compostable leaf and yard waste materials (leaves, grass and twigs) from any other recyclable materials by the residents of the city and the collection of these compostable leaf and yard waste materials at the resident's curbside. The collection of compostable leaf and yard waste materials shall be made on a scheduled basis under the supervision of the department of community maintenance as authorized by the director of community maintenance. The leaf and yard waste material collected by the city shall be transported to and disposed of at a designated material recovery facility.
- (b) For the collection of leaf and yard waste materials, residents shall place the materials into suitable cardboard boxes, biodegradable paper bags, or ordinary refuse barrels. Leaf and yard waste materials shall not be placed in plastic bags. These boxes, paper bags and barrels shall be placed on the curbside on those days of the week scheduled for leaf and yard waste pickup, during the leaf and yard waste collection season, as determined by the public works administrator. Leaf and yard waste includes the following materials: grass and hedge

clippings, weeds, garden waste, twigs and brush not longer than three feet in length and 2½ inches in diameter, and leaves. From the time of the actual collection of any leaf and yard waste materials at the curbside, such materials shall become the property of the city.

(Ord. No. 1995-35, 9-5-1995; Ord. No. 1997-10, § 2, 5-13-1997; Ord. No. 1997-30, 11-18-1997; Ord. No. 2008-40, § 9(62-32), 7-15-2008)

Sec. 62-33. Ashes.

- (a) Ashes shall be confined to ashes from coal, coke and other fuel and mineral substances such as may accumulate in connection with the ordinary conduct of dwellings, and ashes must be kept dry. This does not in any sense include plaster, demolished ceilings in dwellings or business buildings, or other debris resulting from repairing or building operations.
- (b) Noncombustible waste and debris may be placed in the same container as the ashes, but in no event may be mixed with combustible material and rubbish and house refuse which can be burned in the city incinerator. Noncombustible material includes tin cans, tinware, bottles, glassware, earthenware and discarded metal articles.

(Rev. Ords. 1988, § 7-32)

Sec. 62-34. House refuse.

For purposes of this chapter, house refuse shall be considered to mean all refuse incident to the ordinary conduct of the household, including discarded floral decorations, Christmas greens, and small branches of shrubs and vines tied in bundles not larger than four feet long, and which must be kept separate and apart from the noncombustible container and the combustible container. House refuse does not include garbage, ashes, paper, cartons, wallpaper, earth, gravel, brick, dead animals or vegetable matter.

(Rev. Ords. 1988, § 7-33)

Sec. 62-35. Paper, newspapers and paper cartons.

All paper, newspapers and paper cartons of any kind must be bundled, tied or otherwise properly secured so as not to be blown about the streets. The bundles of paper must be on the edge of the sidewalk, separate from the containers of material, and placed alongside the containers. All paper cartons, wooden crates, etc., must be crushed flat to reduce their bulk.

(Rev. Ords. 1988, § 7-34)

Sec. 62-36. Tires.

Tires will not be picked up by municipal employees. All tires must be delivered to the municipal incinerator complex. The fee charged at the incinerator for acceptance of tires shall be as provided in the fee schedule in Appendix A to this Revision.

(Ord. No. 1994-20, § 7(7-20), 9-27-1994)

Sec. 62-37. Refrigerators and air conditioners.

Refrigerators and air conditioners can be picked up at curbside by the department by obtaining a scheduled pick up date by the department, or can be delivered to the municipal incinerator complex. The fee charged for pick up or acceptance shall be as provided in the fee schedule in Appendix A to this Revision.

(Ord. No. 1994-20, § 7(7-21), 9-27-1994; Ord. No. 1999-28, § 2, 12-17-1999; Ord. No. 2000-12, § 8, 6-20-2000; Ord. No. 2003-24, § 1, 7-17-2003)

Sec. 62-38. Construction refuse.

The removal of dirt and refuse caused by the construction and repair of buildings will not be undertaken by the department of community maintenance.

(Rev. Ords. 1988, § 7-38; Ord. No. 2008-40, § 9(62-38), 7-15-2008)

Sec. 62-39. Time of placing receptacles for collection.

Receptacles shall be placed on the outer edge of the sidewalk after 4:00 p.m. the evening before the day of collection. The receptacles must be removed from the street by 5:00 p.m. on the day following the day of collection.

(Rev. Ords. 1988, § 7-35; Ord. No. 1993-23, 10-26-1993; Ord. No. 2009-24, 9-14-2009)

Sec. 62-40. Limitation on quantity of waste removed.

Ashes and refuse of a reasonable limit placed in proper receptacles and bundles on the sidewalk as outlined in this division will be removed, but the removal of unreasonable quantities will not be undertaken.

(Rev. Ords. 1988, § 7-36)

Sec. 62-41. Refuse deposited in streets to be in proper receptacles and bundles.

Persons must not keep or heap material and refuse in the streets, except in the proper receptacles and bundles.

(Rev. Ords. 1988, § 7-37)

Sec. 62-42. Placement of refuse from commercial establishments on sidewalk.

Business establishments, stores, restaurants and laundries will be permitted to place refuse and rubbish on the sidewalk on the day of collection, provided such refuse and rubbish shall be in proper containers and bundles and shall occupy a space not larger than 12 feet long, three feet wide and four feet high.

(Rev. Ords. 1988, § 7-39)

Sec. 62-43. Separation of garbage and rubbish; disposal of garbage from commercial establishments.

- (a) Garbage and rubbish shall be separated and wrapped in separate containers.
- (b) Commercial and business establishments shall segregate their garbage in watertight containers made of material and equipment with suitable handles and tightfitting covers.

(Rev. Ords. 1988, § 7-40)

Sec. 62-44. Standards for garbage containers.

Garbage containers shall be of a type approved by the director of community maintenance and shall be kept in a clean, neat and sanitary condition at all times.

(Rev. Ords. 1988, § 7-41; Ord. No. 2008-40, § 9(62-44), 7-15-2008)

Sec. 62-45. Permit for placement of large container in street.

- (a) *Permit required.* Except as otherwise authorized by this chapter, no person shall place or maintain or allow to be placed or maintained in or upon any public way any container or receptacle of a storage capacity of 100 pounds or more used or intended or designed to be used for the storage or collection of refuse or any other material without first obtaining a permit from the traffic commission. No permit shall be issued for the placing of any such container or receptacle on any sidewalk.
- (b) *Fee; term; conditions.* The fee for such permit shall be as provided in the fee schedule in Appendix A to this Revision, and the permit shall be valid for a period of 30 days from its date of issue, at any one location, unless granted a continuance by the traffic commission. Containers must be placed at the location where the refuse is coming from, and they cannot be used as domestic trash containers.
- (c) *Standards for containers.* Each storage receptacle shall be marked on each end with 18-inch-wide reflective sheeting which has 12-inch-wide diagonal orange and white stripes sloping downward at an angle of 45 degrees in the direction traffic is to pass. The reflectorized sheeting shall conform with specification M9.30.2 of the Standard Specifications for Highways and Bridges. The owner shall have his name affixed to the dumpster. The traffic commission may prescribe additional rules and regulations governing the placing and maintaining of such receptacles.
- (d) *Safety hazards prohibited.* No such container or receptacle shall be placed or maintained in such a manner as to constitute a safety hazard to pedestrians or motor vehicles.
- (e) *Revocation.* The traffic commission may revoke any permit so issued at its discretion.
- (f) *Violations.* Each day that any container or receptacle is placed or maintained in violation of this section shall constitute a separate offense and shall be punishable as provided in section 1-15
- (g) *Additional permits; compliance with other laws.* The permits required by this section shall be in addition to any other licenses or permits required by law or ordinance, and such permittees shall be subject to all other applicable laws, ordinances and rules.

(Rev. Ords. 1988, § 7-43)

Sec. 62-46. Cathode ray tubes.

Cathode ray tubes, which include televisions and computer monitors can be picked up at curbside by the department by obtaining a scheduled pick up date from the department, or can be delivered to the municipal incinerator complex. The fee charged for pick up or acceptance shall be as provided in the fee schedule in Appendix A to this Revision.

(Ord. No. 2000-12, § 8, 6-20-2000)

Sec. 62-47. Bulky items.

Bulky items, which should include white goods and metals (washers, dryers, cooking stoves, hot water heaters, metal tubs and sinks, lawn mowers absent fuel and oil, other large metal lawn care tools, metal cabinets, tire rims, swing sets, etc.), porcelain plumbing fixtures (toilets, sinks and tubs), furniture (sofas, loveseats, sofa/sleepers, chairs/recliners, desks, bedding, dressers/bureaus, rugs (9 feet × 12 feet and larger)), other items on a case by case dependent on size and composition (note: generally items that are reduced to fit in a barrel and are legal to dispose of in the landfill are picked up with the normal trash). If an item is not in a barrel (32-gallon barrel or less) it shall be considered a bulky item.

If a resident has one, two or three items to be picked up, the resident must pay the fee at either the government center or the DPW complex and the pick up shall be scheduled. If a resident has more than three items, they can purchase additional pick ups for the same day, but must pay for each additional set of one through three items. The fee charged for pick up shall be as provided in the fee schedule in Appendix A to this Revision.

(Ord. No. 2000-12, § 8, 6-20-2000; Ord. No. 2003-9, 4-1-2003)

Sec. 62-48. Enforcement.

The director of public works and his authorized agents, including, but not limited to litter enforcement officers, shall have the authority to enforce the provisions of ordinances as detailed in chapter 26, environment, chapter 62, solid waste and sections 2-1021 through 2-1024, of chapter 2, Administration, as said sections relate to chapters 26 and 62.

(Ord. No. 2000-25, § 3, 9-12-2000; Ord. No. 2008-40, § 9(62-48), 7-15-2008)

Sec. 62-49. Microwave ovens.

Microwave ovens for residential customers can be picked up at curbside by the department by obtaining a scheduled pick up date from the department, or can be delivered to the DPW complex. The fee charged for pickup or acceptance shall be as provided in the fee schedule in Appendix A to this Revision.

(Ord. No. 2003-24, § 2, 7-17-2003)

FOOTNOTE(S):

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Editor's note— Ord. No. 2000-12, § 8, adopted June 20, 2000, set out provisions intended for use as §§ 62-46 and 62-47. For purposes of sequential numbering, and at the editor's discretion, these provisions have been included as §§ 62-47 and 62-48 (Back)