

CITY OF SOMERVILLE

ORDINANCE NO. 2013-____

IN THE BOARD OF ALDERMEN: _____

WHEREAS, There is great interest in the people of Somerville in preserving the environment by reducing the amount of refuse sent to landfills and incinerators and;

WHEREAS, It is the City's policy to reduce the amount of solid waste generated and to require the recycling of recyclable materials to the fullest extent possible;

WHEREAS, Thus regulation of separation and collection of recyclable materials is in the best interest of the health and welfare of City inhabitants.

NOW THEREFORE, Be it ordained by the Board of Aldermen, in session assembled, that Chapter 11 of the Code of Ordinances of the City of Somerville, is hereby inserted as follows:

Sec. 11-xx Mandatory Recycling

(a).

Purpose and Declaration of Policy. This section has been created because of the great interest of the people of Somerville in preserving the environment by reducing the amount of refuse sent to landfills and incinerators. It shall be the policy of the City to reduce the amount of solid waste generated and to require the recycling of recyclable materials to the fullest extent possible.

(b).

Establishment of Program. There is established a program for the mandatory separation of certain recyclable materials from refuse which shall apply to all buildings in Somerville, and shall be carried out under the supervision of the Commissioner of Public Works (DPW).

(c).

Mandatory Separation of Recyclable Materials. It shall be mandatory for each owner or occupant in Somerville to separate all designated recyclable materials from other refuse in accordance with the provisions of this section. These mandatory recycling requirements shall apply to all buildings without regard to whether the building's solid waste is collected by the City.

1.

Buildings Which Receive City Solid Waste Collection Services. It shall be mandatory for each owner or occupant of a building which receives City solid waste collection services to separate from other refuse all recyclable materials designated by the Commissioner in rules and regulations issued under this section. This requirement shall also apply to all City-owned buildings, including schools.

2.

Buildings Which Do Not Receive City Solid Waste Collection Services. It shall be mandatory for each owner or occupant of a building which does not receive City solid waste collection to separate all designated recyclable materials from other refuse in accordance with a recycling plan to be submitted to the Commissioner or his or her designee, in accordance with subsection (e) as set forth below.

(d).

Collection of Recyclable Materials.

1.

Residential Dwellings.

a.

The preparation and placement of recyclables shall be accomplished in accordance with the requirements relative to time of placement for refuse as stated in section 11-31(g).

b.

All recycling containers and receptacles shall be placed for collection on the outer edge of the sidewalk, so as not to obstruct the free passage of pedestrians.

c.

Recyclables shall only be placed in authorized recycling receptacles. Recyclables shall not be placed in plastic garbage bags for collection, removal or disposal. Recyclables shall not be placed in the same refuse containers as rubbish or mixed with rubbish or litter for collection, removal or disposal. If separation of recyclable materials from rubbish does not take place, the City may decide not to collect said rubbish.

d.

Upon placement of recyclables for the City or its contractor at the curbside, pursuant to this subsection, such recyclables shall become the property of the City. It shall be a violation of this section if any person, other than authorized agents of the City acting in the course of their employment or contract, collects or causes to be collected any recyclables so placed. Each and every such collection in violation of this subdivision from one or more locations shall constitute a separate and distinct offense. In addition to the penalty provided in this section, any violator of this subsection shall make restitution to the City for the value of recyclables illegally removed. No fine or restitution requirement shall apply under this subsection to any violation by a person who collects recyclable containers redeemable under state law, without use of a motor vehicle.

2.

Commercial and Nonprofit Establishments. In commercial or nonprofit establishments, the materials designated for recycling in rules and regulations promulgated by the Commissioner shall be placed in recycling receptacles provided by the owner or owners of such buildings. The owner or owners of such buildings shall be responsible for the costs of recyclables separation and collection. However, the owner or owners can choose to have the City provide recyclables collection provided that they pay a fee for the use of each recycling receptacle, as determined by the Commissioner. The owner or owners of such buildings shall submit recycling plans to the Commissioner in accordance with subsection E of this section. The Commissioner shall have the authority to require documentation from the City's recyclables collection contractors and from any owner, lessee or tenant of a building which does not receive City recyclables collection services, that recyclables are being delivered to a broker or end market that causes the material to be recycled or composted rather than landfilled or incinerated.

(e).

Recycling Plans.

1.

All property owners of property whose recycling is not collected by the City are required to submit recycling plans to the Commissioner upon request.

2.

Contents of Plan. Each recycling plan will cover the following items:

- a. Certification that all recyclable materials will be put out for collection;
- b. Frequency of collection;
- c. Methods to be used for collection, including types of containers;
- d. Any other items which may be specified in rules and regulations promulgated by the Commissioner under this section.

3. Format of Plan. Plans shall be submitted in a format to be specified in rules and regulations promulgated by the Commissioner under this section.

(f). Recyclable Materials. The recyclable materials to be separated shall be designated by the Commissioner in rules and regulations to be issued under this section.

(g). *Violation.* A violation of this section shall be punishable by a fine pursuant to the provisions of section 1-11 to be imposed on the resident or owner of the property or the person responsible where the violation occurs. Each violation shall be subject to judicial action pursuant to the provisions of Chapter 401 of the Acts of 1977 (General Laws Chapter 40, Section 21D).

Be it further ordained by the Board of Aldermen, Section 11-31(b) of the Code of Ordinances is hereby amended by inserting the following definitions:

"Recyclable Plastic" means clear and colored plastic bottles, containers, and jugs marked #1-#7 with the exception of polystyrene and plastic film or bags.

"Recyclable materials" means any type of refuse designated by the Commissioner of Public Works through rules and regulations issued under this chapter to be separated for recycling or composting.

Be it further ordained by the Board of Aldermen, Section 11-32 of the Code of Ordinances is hereby amended by inserting the words “recyclable materials,” following the word “[A]shes,” in the first sentence.

Be it further ordained by the Board of Aldermen, Section 1-11(b) of the Code of Ordinances is hereby amended by inserting the following language providing for penalties:

<u>Offense</u>	<u>Fine</u>	<u>Enforcing Personnel</u>
Mandatory Recycling – Residential Dwellings: Separation of Recyclable Materials; Collection of Recyclable Materials; Recycling Plans (Sec. 11-xx(c),(d)(1)(a-c), (e)).	1st offense: Warning 2nd offense: \$100 3rd & subsequent offense: \$300	Police; commissioner of public works; inspectional services; health inspectors
Mandatory Recycling – Residential Dwellings Over Six Units; Commercial and Nonprofit Establishments: Separation of Recyclable Materials; Collection of Recyclable Materials; Recycling Plans (Sec. 11-xx(c),(d)(2),(e))	1st offense: Warning 2nd offense: \$125 3rd & subsequent offense: \$300	Police; commissioner of public works; inspectional services; health inspectors
Mandatory Recycling – Collection by Unauthorized Persons (Sec. 11-xx(d)(1)(d))	1st offense: Warning 2nd offense: \$100 3rd & subsequent offense: \$300	Police; commissioner of public works; inspectional services; health inspectors

Approved:

President
Board of Aldermen