

CITY OF SOMERVILLE ORDINANCE NO. 2018-_____

In Board of Aldermen _____

AMENDING SECTIONS 11-31 AND 11-40 OF THE CODE OF ORDINANCES

Be it ordained by the Board of Aldermen, in session assembled, that the provisions of Section 11-31 of the Code of Ordinances of the City of Somerville are hereby amended as follows:

Sec. 11-31. - Household trash and rubbish collection.

- (a) *Purpose.* It is the intent of the board of aldermen that this chapter be liberally construed for the purpose of providing a sanitary and satisfactory method of handling, collecting, and disposing of refuse and for the maintenance of public and private property free of litter in a clean, orderly and sanitary condition for the appearance, health and safety of the community.
- (b) *Definitions.* For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:
 - (1) *Aluminum* means aluminum cans, aluminum foil, and aluminum containers or trays used in packaging, preparation or cooking of food.
 - (2) *Authorized litter receptacles* means receptacles for the use of the general public placed outdoors by the city or by private persons on either public or private property. The receptacles shall be designed so as to prevent the escape of litter onto any public or private property. The receptacles may be identified by an appropriate sign, furnished either by the city or the owner, which includes the statement, "No Littering Under Penalty of Law. Fine \$50.00 Subject to Fine Allowed by Law."
 - (3) *Authorized recycling receptacles* means "household recycling receptacle," "textile recycling receptacle," "toter" or "paper leaf bag" as defined herein.
 - (4) *Authorized refuse receptacles* means authorized recycling receptacles and authorized rubbish receptacles.
 - (5) *Authorized rubbish receptacles* means receptacles that contain rubbish awaiting collection and are kept outdoors. They shall be construed preferably of heavy plastic or of metal, with tight-fitting covers, and shall be flytight, rodent resistant, nonflammable and waterproof. Authorized rubbish receptacles for city rubbish collection shall not exceed fifty pounds per container. Limit on weight does not apply to authorized rubbish receptacles for private collection. Receptacles should have the resident's address displayed clearly on the side of the barrel.
 - (6) *Cans* means all containers composed in whole of iron or steel (so-called tin cans) used as containers for the packaging or storage of various food and nonfood items, except

containers that contain paint or petroleum-based solvents, and any pressurized aerosol cans.

- (7) *Commercial establishment* means any nonresidential building, including, but not limited to, those used for retail, wholesale, industrial, manufacturing, dining, offices, professional services, automobile service, hotels and motels, restaurants, or shipping and receiving areas.
- (8) *Corrugated cardboard* means paper in which a portion has been made to have a wavy surface (alternating ridges and grooves) and is placed between two flat surfaces for the sake of strength, and which is commonly used to form cartons.
- (9) *Glass containers* means bottles and jars, made of silica, sand, soda ash, and limestone, being transparent or translucent, and used for packaging or bottling various materials. This does not include plastics or glass products such as window glass, blue glass, flat glass, mirrors, plate glass, light bulbs, dishes or ceramics.
- (10) *Household recycling receptacle* means a container designed for use by one household to store recyclable materials between pickups.
- (11) *Leaves* means deciduous and coniferous seasonal deposition from trees.
- (12) *Litter* means all refuse, and includes any other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger or nuisance to public health, safety or welfare.
- (13) *Magazines* means publications printed on glossy, clay-coated paper.
- (14) *Newspaper* means newsprint-grade paper, the common, inexpensive machine-finished paper made chiefly from wood pulp, which is printed and distributed, and includes all newspaper advertisement, comics and enclosures. This does not include newspaper soiled by food, paint, petroleum products, oil or oil solvents, or other solid wastes that are not recyclable.
- (15) *Nonprofit establishment* means an established organization or foundation dedicated to public service or culture, including, but not limited to, religious, educational and health care functions.
- (16) *Occupant* means any person living, sleeping or cooking in, or conducting any commercial or nonprofit activity, or having actual possession of any building or part thereof.
- (17) *Owner* means any person or entity which alone or jointly or severally with others:
 - a. Shall have legal or equitable title to any private property with or without accompanying actual possession thereof; or
 - b. Shall have charge, care or control of any private property as owner or as executor, administrator, trustee or guardian of the estate of the owner or any other person in a representative capacity.
- (18) *Paper leaf bag* shall be a sanitary Kraft Paper Sack or equal of 30-gallon capacity, two-ply 50-pound wet strength with decomposing glue and reinforced self-supporting square bottom closure.

- (19) *Plastic* means clear and colored bottles and jugs made from high-density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics, excluding caps and lids.
- (20) *Recyclable plastic* means clear and colored plastic bottles, containers, and jugs marked #1—#7 with the exception of polystyrene and plastic film or bags.
- (21) *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.
- (22) *Refuse* means all solid waste generated by occupiers of land in Somerville, excluding construction demolition debris.
- (23) *Residential dwelling* means any residential building, including single-family homes, apartment buildings, buildings containing cooperatives and condominiums, group houses, rooming houses or boardinghouses.
- (24) *Rubbish* means all refuse excluding recyclable materials.
- (25) *Sorted office paper* means printed or unprinted sheets, shavings and cuttings of colored or white sulphite or sulphite ledger, bond, writing and other paper which have a similar fiber and filler content, and which are free of treated, coated, padded and heavily printed paper, carbon paper and nonpaper materials.
- (26) Textile Recycling Receptacle means a bag or container specifically distributed for use to recycle clothing and other home goods (exclusive of white goods), as part of a textile recyclables program. All such receptacles are pre-approved by the commissioner of public works prior to their distribution and use. A plastic garbage bag shall not be an approved textile recycling receptacle.
- (27) *Toter* means a central collection container used for storage of recyclable materials between pickups from numerous households in a multifamily dwelling and compatible with collection equipment used by the city's recyclables collection contractor.
- (28) *White goods* means major kitchen and laundry appliances including, but not limited to, stoves, washers, refrigerators and dryers. Nothing in this definition shall waive compliance with the rules and regulations for the generation, transportation, storage, and disposal of hazardous waste.
- (29) *Yard waste/debris* means grass clippings, weeds, hedge clippings, garden waste, and twigs and brush not longer than three feet in length.
- (c) *Private property owners and occupants—Duties.*
- (1) *Residential property.*
- a. Every owner (or occupant if designated in a written agreement), shall supply authorized refuse receptacles sufficient to contain all refuse accumulated between collection days and to keep a tightly fitted cover in place at all times when refuse is contained therein, except when opened for the deposit or removal of refuse in accordance with subsection (g). The owner, his agent or occupant shall maintain the container so that all refuse spilled during usage is removed and the area is cleaned in a timely manner. It shall be unlawful for any person other than the owner, his agent

or occupant of the premises served by a refuse container to deposit or cause to be deposited therein any article or thing whatsoever.

- b. Every owner (or occupant, if designated in a written agreement), or the occupant of a single-family dwelling, shall cause the shared or common areas of the dwelling, its premises and yard area, and the adjoining sidewalk and gutter to be maintained in compliance with these ordinances.
 - c. Every occupant shall dispose of all refuse in a clean and sanitary manner in compliance with these ordinances.
- (2) *Private property occupied by commercial or nonprofit establishments.* Every owner (or occupant, if designated in a written agreement) shall supply a sufficient quantity of authorized refuse receptacles in compliance with these ordinances. If refuse is not collected by the city, arrangements shall be made for adequate and regular private collection of refuse in compliance with these ordinances.
- (d) *Private property owners and occupants—Keeping premises and adjacent areas free of litter.*
- (1) Maintenance of private property. Every owner or occupant of private property shall maintain his property free of any accumulation of litter, and shall prevent any litter from escaping to any other public or private property.
 - (2) Maintenance of sidewalks. Every owner or occupant of private property bordering on a street where there is a public or private sidewalk or footway shall maintain such sidewalk or footway free of litter.
 - (3) Every owner or occupant of private property shall cut and dispose of weeds in any yard area or vacant lot, or around any public or private property.
 - (4) No person shall sweep into or deposit in any gutter, street, square or other public place the accumulation of litter from any building or lot, or from any public or private sidewalk, footway or driveway.
- (e) *Litter from commercial or nonprofit establishments.*
- (1) Litter from commercial or nonprofit establishments shall not be thrown or deposited in any public litter receptacles by the owners, occupants, employees or agents of the commercial or nonprofit establishments.
 - (2) Commercial or nonprofit establishments may maintain authorized litter receptacles for the use of the general public outdoors on private property or on the adjoining sidewalk in a manner not to inconvenience the use of the sidewalk by pedestrians. The establishments are encouraged to identify such authorized litter receptacles as described in these ordinances.
- (f) *City's duties and responsibilities.*
- (1) The city shall maintain regular schedules of street cleaning, and shall post signs city-wide and otherwise publicize by all appropriate means the schedules of regular street cleaning times.
 - (2) The city shall maintain regular schedules of refuse collection subject to the provisions of these ordinances, and shall publicize the schedules by all appropriate means.

- (3) The city shall maintain and service authorized litter receptacles owned by the city.
- (4) The city shall require all federal, state and local government organizations to comply with the regulations in these ordinances, for owners of private property and for commercial or nonprofit establishments.
- (5) The city shall publicize the provisions of this chapter through the media of signs, advertisements, flyers, leaflets, announcements on radios and television, newspaper articles and through any other appropriate means, so that all citizens will have the opportunity to become informed about the legal duties of property owners and occupants, pedestrians and motorists, and about the city recycling, refuse and anti-litter services.
- (6) The city shall maintain a citizen information service to disseminate information and to accept and to track complaints about litter, recycling, refuse and snow removal problems.
- (g) *Time of placement.* All refuse shall be placed upon the sidewalk not earlier than 4:00 p.m. of the day prior to collection and no later than 7:00 a.m. on collection day. Additionally, all empty cans and lids will be removed from the sidewalk by 7:00 p.m. the day of collection. There will be one collection day weekly. If refuse is placed out for collection after 7:00 a.m. and the collector has already driven by the residence, the refuse will not be collected and the owner or occupant shall be responsible for removing the refuse from the sidewalk.
- (h) *Use of receptacle.*
 - (1) Any person desiring the removal of refuse from private residential property of six units or less shall cause the refuse to be placed in authorized refuse receptacles. No receptacle shall exceed 50 pounds per container or a ~~32~~ 64-gallon volume.
 - (2) The city will not be responsible for any damage to barrels, including but not limited to splitting and/or denting due to subzero temperatures and icing.
 - (3) Nonregulation barrels or any other unapproved containers will be treated as a bulk item and disposed of as such. Cardboard barrels and cardboard boxes are deemed unapproved containers. If such a container falls apart during collection, any rubbish remaining shall not be the responsibility of the city.
- (i) *Paper goods.* Newspapers, magazines, or collapsed cardboard boxes may be set out in securely tied bundles not to exceed 50 pounds.
- (j) *Yard waste/debris.* Yard waste/debris such as tree trimmings, hedge clippings and similar materials shall be cut to a length not exceeding three feet and shall be securely tied in bundles before being set out for collection or disposed of in either paper leaf bags or barrels labeled with "yard waste" stickers provided by the department of public works.
- (k) *Hazardous waste.* Hazardous waste shall not be put out for collection. Hazardous waste includes gasoline, explosives, compressed gases from other than household consumer products, explosive chemicals, wet-cell batteries, tires and all other hazardous wastes as so defined by the department of environmental protection or any other materials as the commissioner of public works may determine to be hazardous.

(l) *Bulk items.*

(1) Bulk items shall not be deemed to be acceptable rubbish. A bulk item shall be defined as any item so large or heavy that one man could not reasonably handle it, any item over 75 pounds or anything in the following categories:

- a. Auto parts, such as generators, starters, air-cleaners, auto seats, wheel rims, or small pieces of body metal, but not to include large pieces of body metal or engine blocks, dismantled swing sets with concrete footings removed, bicycles and other similar items.
- b. Appliances such as stoves, air conditioners, dishwashers, washing machines, dryers, hot water heaters and refrigerators will be picked up by the city, but are required to have all doors completely removed prior to being placed on the sidewalk for collection and must have affixed thereon a white goods disposal sticker purchased from the department of public works.

(2) If in the opinion of the commissioner of public works or his or her designee the household refuse from any one household is unusually great or if the quantity, size, weight or nature of bulk items cannot be reasonably handled, they will not be collected. Earth, stones, tree trunks or large tree limbs will not be collected by the city and are the responsibility of the resident for disposal.

(3) The following items will be accepted at the department of public works yard, sanitation division garage during normal business hours:

- a. Automobile tires (unmounted, not mounted) up to four each;
- b. Automobile wet-cell batteries up to two each; and
- ~~c. Latex paint (up to ten gallons).~~

(m) *Building materials.* Building materials from owner-occupied one- or two-family dwellings where the owners and not private contractors have done repairs or rehabilitation will be picked up subject to the following restrictions:

- (1) Materials shall be tied in bundles not to exceed four feet in length or 24 inches in diameter or 50 pounds.
- (2) Such materials shall not exceed one cubic yard per collection.
- (3) Such collections will require a current building permit to be prominently displayed on the owner's building, and the following criteria must be met: the building permit is for an amount not to exceed \$5,000.00, and the work must be performed by or supervised by the owner.

(n) *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).

(o) *Illegal dumping.* No household refuse or bulk item, as defined herein, shall at any time be placed on any property other than the owner's own residence for collection. Any person violating

the provisions of this paragraph may be prosecuted under the provisions of Chapter 270, Section 16 of the General Laws.

Be it further ordained by the Board of Aldermen, in session assembled, that the provisions of Section 11-40 of the Code of Ordinances of the City of Somerville are hereby amended as follows:

Sec. 11-40. - 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.
- (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 subsection 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 or a contractor on behalf of 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).

Approved:

President
Board of Aldermen