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# DRAFT ORDINANCE

## CITY OF SOMERVILLE

ORDINANCE NO. 2016-\_\_\_\_  
IN THE BOARD OF ALDERMEN: \_\_\_\_\_, 2016

### ORDINANCE ESTABLISHING TIME OF PLACEMENT OF COMMERCIAL TRASH ON SIDEWALKS

Be it ordained by the Board of Aldermen, in session assembled, that the Code of Ordinances of the City of Somerville is hereby amended by adding the following section to 11-34 of the Somerville Code of Ordinances

#### Section 11-34(e) – Commercial trash and rubbish collection

Time of Placement: When commercial trash is picked up between 7:00 p.m. and 9:00 a.m., the receptacle shall be placed upon the sidewalk no earlier than 6:00 p.m prior to said pickup. When commercial trash is picked up between 9:00 a.m. and 6:00 p.m., the receptacle shall be placed upon the sidewalk no earlier than 7:00 a.m. on the day of pickup. Receptacles shall be removed from the public way within 3 regular business hours after collection for pickups between 6:00 p.m. and 9:00 a.m., and within 3 hours after collection for pickups between 9:00 a.m. and 6:00 p.m. In no event shall commercial trash receptacles remain on the public way for more than 24 hours after pickup, regardless of the regular business hours of the establishment.

Existing Section 11-34 (e) shall be changed to Section 11-34(f)

Approved:

\_\_\_\_\_  
President

applicants seeking to replace existing driveways or other impervious surfaces without change to dimensions, pavement material and stormwater runoff shall not be denied.

(c) *Paving contractor registration:* The construction, alteration, reconstruction, restoration or expansion of any impervious driveway, and any other impervious surface that would not otherwise require a building permit on any lot within the City of Somerville, (including but not limited to asphalt, concrete and compacted gravel) shall be made by a person who registers with the city engineer. Every person registered as a paving contractor shall, before performing any work authorized thereby, execute an agreement or bond with one or more sureties satisfactory to the city engineer, that he or she will restore any public infrastructure damaged by their operations. The value of the bond shall be determined by the city engineer, but shall not be less than \$2,500.00. No registered paving contractor shall perform any work such as is specified in section 11-33(b), without first following the regulations referenced therein. If a paving contractor shall fail to perform the requirements of this section or section 11-33(b), then the paving contractor shall not be entitled to receive another permit until said violation has been remedied. Failure to comply with the regulations of this section or section 11-33(b) may result in the revocation of registration for a period of one year subsequent to the most recent violation.

(d) Penalties for violations of these regulations are established per section 1-11(b) of the Code of Ordinances.  
(Code 1963, § 8-22; Ord. No. 2004-12, 9-23-2004; Ord. No. 2005-10, § 5, 6-23-2005; Ord. No. 2012-04, § 1, 4-12-2012)

#### **Sec. 11-34. Commercial trash and rubbish collection.**

(a) For the purpose of this section, commercial trash shall mean all rubbish, refuse, debris, garbage, scrap, by-products and other waste material produced by any commercial, industrial, manufacturing, retail and/or wholesale establishment,

or by any individual, corporation or any other entity, that is not household refuse, including but not limited to:

- (1) Building materials.
- (2) Produce, including but not limited to vegetables, fruits and animal products.
- (3) Industrial and commercial appliances including but not limited to vending machines, coin-operated washers and dryers, restaurant equipment, and the packaging all such appliances come in.
- (4) Office equipment and furnishings.
- (5) Computers and computer-related equipment.
- (6) Motor vehicles, truck, and motorcycle parts.
- (7) Restaurant garbage.

(b) It is mandatory that all such commercial trash shall be disposed of in accordance with the provisions of sections 8-16, 9-52, 9-53 and 11-31, by using either the collection service provided by the city, a duly licensed private trash collection service, or by dumping at any sanitary disposal site approved and licensed pursuant to the provisions of Chapter 111, Section 150A of the General Laws.

(c) No commercial trash shall at any time be deposited on any way, public or private, on any public place or on the property of another.

(d) No individual may bring any trash originating outside the boundaries of the city into the city.

(e) A violation of this section, disposed of pursuant to the noncriminal disposition procedures of Chapter 40, Section 21D of the General Laws shall be subject to a penalty in accordance with the provisions of section 1-11. Any judicial enforcement pursuant to complaint shall carry a fine of up to \$300.00 per day for each day of violation. Any individual violating this section shall be required to remove any trash disposed of in violation of this section at his/her expense, or pay the costs of removal if removed by the city or its agents or employees.

(Ord. No. 1990-2, 12-13-90; Ord. No. 2005-11, § 24, 7-14-2005; Ord. No. 2006-12, 9-28-2006)