

APPENDIX A

Chapter 161 Solid Waste, Recycling & Litter (Formerly: Ch. 9 Garbage & Refuse)

Mandatory recycling--Purpose and intent.

A. The Commonwealth of Massachusetts has promulgated recycling rules (formerly known as waste bans) which restrict the disposal of certain recyclable items at solid waste landfills and incinerators in Massachusetts (310 CMR 19.017). The restricted materials are: lead batteries, leaf waste and yard waste, white goods, recyclable aluminum, metals and glass, all grades of recyclable paper, single polymer plastics, cathode ray tubes in televisions and old computers. Compliance with the recycling rules may be accomplished through reducing the amount of solid waste generated in buildings throughout the city and by recycling and composting materials to the fullest extent possible; and public support for recycling and composting has been demonstrated throughout the city.

B. Be it declared by the city council of the city of Lowell that the following policies are hereby adopted by the city of Lowell with respect to efficient city collected management of solid waste, for the promotion of health and welfare of its citizens and for the protection of the environment; the city of Lowell hereby declares its goal of requiring all buildings in the city to implement recycling programs. The city of Lowell further declares its goal of encouraging all residents, municipal offices, commercial businesses, and institutions to reduce the amount of solid waste they generate by recycling to the fullest extent possible.

C. The city hereby further declares that the implementation of this policy shall proceed within the bounds of sound fiscal management and in contemplation of advances in recycling collection and processing technology, in an orderly fashion with all due speed. This chapter has been created because of the great interest by the citizens of the city of Lowell in preserving the environment by reducing the amount of refuse sent to landfills and incinerators. It shall be the policy of the city of Lowell to reduce the amount of refuse generated and to require recycling and composting to the fullest extent possible.

Amendments/Additions to City of Lowell Code of Ordinance Sec. 161

Amend Sec. 161-14: FEE

This ordinance (Formerly Ch. 9 Garbage & Recycling) updates, incorporates and replaces any regulation, ordinance, or by-law passed or approved by any vote by any City Council or City Council Meeting. .

Sec. 161-14.1 The fee assessed to each residential unit will be payable quarterly.

- To reflect “changed” Refuse FEE (adopted by Council in Nov. ’06)
{ \$175/Yr - billed Qtly - and \$40 for ‘Elderly residents }.

➤ The current elderly resident fee is \$6.00 per qrt. = \$24.00 per year.

Sec. 161-14.1A Abatement of Fee.

A. Owners of owner-occupied multifamily dwelling of two (2) through six (6) units may arrange for the full abatement of the trash collection/disposal fee for the second, third, fourth, fifth or sixth unit of their dwellings if the unit is not being utilized for rental purposes. The abatement may be obtained by presenting the following to the department of public works within forty-five (45) days of issuance of a bill for the trash collection/ disposal fee by the City:

- (1) A sworn statement from the property owner stating that the second, third, fourth, fifth or sixth unit will not be used for rental purposes during the billing period and

- that the property owner receives no rental income from the second, third, fourth, fifth or sixth unit.
- (2) A certified copy of the most recent census listing indicating those persons residing at the property address.
 - (3) A copy of the property owner's previous year's federal and state tax return, not to be placed on file.

Sec. 161-14.2 "Opt out: of Fee".

B. Property owners subject to the trash collection/disposal fee who have contracted with a private company for trash & recycling collection/disposal may arrange for the full abatement of the fee by presenting a copy of the contract to the department of public works within forty-five (45) days of the issuance of the bill for the trash collection/disposal fee.

- o **New Sec. 161-15: "Definitions"** For the purposes of this chapter, the following words, terms, and phrases shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:
 - a) "**Access**" means the implementation of a recycling program that provides the opportunity to recycle for residents, tenants, or occupants of all buildings. The recycling program must be as convenient as rubbish collection whenever possible.
 - b) "**Bulky**" items shall mean waste items of a large size including, without limitation, household furniture, furnishings, rolled rugs (cut in four (4) foot lengths, rolled and tied), beds, mattresses and similar items that cannot be placed in bags or barrels because of their size or bulk, but which are otherwise acceptable as curbside trash and are loadable by the collectors. No bulky item shall exceed one hundred (100) pounds in weight. Bulky items shall not include large household appliances defined as white goods, nor shall it include any item containing a cathode ray tube (items x. and e. respectively).
 - c) "**Cart**" [aka Toter] means a barrel of approximately thirty (30) to one hundred (100) gallons with wheels and a lid used for storage of recyclables and designed for mechanical loading into a refuse or recyclables collection vehicle.
 - d) "**City**" means the city of Lowell, Massachusetts.
 - e) "**CRT or Cathode Ray Tube**" shall mean any intact, broken or processed glass tube used to provide the visual display in televisions, computer monitors and certain scientific instruments such as oscilloscopes, including the cabinets attached thereto.
 - f) "**Construction & Demolition Debris**" shall include, but is not limited to Asphalt Roofing Shingles/Siding, Pressure Treated Wood, Gypsum Board, Asphalt Pavement, Brick and Concrete, Metal.
 - g) "**Designated Hauler**" means a company in the business of collecting and transporting recyclables generated in the city
 - h) "**Director**" means the director of department of public works or his/her duly authorized representative.
 - i) "**Drop-off**" means the transport and deposit of recyclable materials at a city approved location.
 - j) "**Dumpster**" shall mean any container, receptacle, compactor unit, trailer, roll-off, or other similar unit with or without wheels that is used for the temporary storage, containment, or transport of refuse, garbage, or other discarded materials of household or commercial trash.
 - k) "**Dwelling Unit**" means any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation) for not more than one (1) household.
 - l) "**Garbage**" All putrescable waste matter (animal, fish, fowl, fruit and vegetable) produced from or resulting from the use or storage of food for human consumption.
 - m) "**Green Bin or Household Recycling Receptacle**" means a rectangular plastic box of approximately twelve (12) to eighteen (18) gallons, designed for use as a curbside set out container for recyclable materials.

- n) **“Household”** shall mean each single-family home or unit of a two-, three-, four-, five- or six-family structure.
- o) **“Mixed-Use”** shall mean any building containing any combination of business, industrial, commercial and residential units; regardless of the number of each category; regardless of the buildings location within the city’s zoning areas.
- p) **“MSW or Municipal Solid Waste”** shall mean any type of trash, rubbish or refuse.
- q) **“Owner”**: person(s), corporations(s), partnership(s) or other legal entity that holds legal title to any premises who shall be ultimately responsible for compliance with these regulations, as defined in Chapter 105, Section 410.020, of the CMR
- r) **“Property Owners and Managers”** mean those individuals or businesses responsible for providing waste management services for a building located in the City
- s) **“Recyclables or Recyclable Materials”** mean the discarded non- hazardous waste material that may be reclaimed and is considered to be marketable and shall mean the following items placed in reusable containers: newspapers, including, without limitation news and inserts; magazines, catalogues and telephone books; draft paper, white paper, computer printout paper, box (paper) board; clean frozen vegetable containers, milk and juice cartons, drink boxes, cereal boxes, pasta boxes etc; paper bags, mail, manila folders and envelopes; corrugated cardboard (OCC) that is smaller than 3’ x 3’ or smaller; tin (steel) cans, aluminum food and beverage containers (including pet food containers); aluminum foil and pie plates; coated steel food and beverage containers (lids and labels may be included); clear, green, brown glass, food and beverage containers (labels caps and rings may be included); and clean containers (#1 through #7), labels and caps may be included. Ceramic plates, mirrors, drinking glasses, light bulbs and Styrofoam (any color) are not included. The list of recyclables may be expanded or contracted from time to time as determined by the director of public works.
- t) **“Residence”** shall mean a building or structure containing one (1) to six (6) dwelling units. Included as residences are townhouse/condominium structures in which the individual units open to the outside, and egress from each unit is provided directly to a street, whether public or private, accepted or unaccepted, thereby allowing direct placement of trash at curbside. Specifically excluded from the meaning of residence are boarding houses; structures with seven (7) or more dwelling units that have a common egress in which the dwelling units do not open directly to the outside; group homes; hospitals, rest homes, convalescent homes, and nursing homes; and hotels, motels, and other similar transient sleeping facilities.
- u) **“Rubbish”** All combustible and non-combustible trash, waste, offal, broken or rejected matter, hence anything worthless.
- v) **“Solid waste”** shall mean useless, unwanted or discarded solid, liquid or contained gaseous material, resulting from municipal or household activities that is abandoned by being disposed or incinerated or is stored, treated, or transferred pending such disposal, incineration or other treatment, but does not include:
 - 1. Hazardous wastes defined and regulated pursuant to 310 CMR 30.00;
 - 2. Sludge or seepage which is landed applied in compliance with 310 CMR 32.00;
 - 3. Waste water treatment facility residuals and sludge ash from either publicly or privately owned waste water treatment facilities that treat only sewage, which is treated and/or disposed at a site regulated pursuant to MGL Ch 83 se. 6 & 7, and/or MGL Ch 21, sec 26-53, and the regulations promulgated thereunder, unless the waste water treatment residuals and/or sludge ash are codisposed with solid waste;
 - 4. Septage and sewage as defined and regulated pursuant 314 CMR 5.00, as may be amended, and regulated pursuant to either MGL Ch 21, Sec 26-53, or 310 CMR 15.00, as may be amended, provided that 310 CMR 19.00 do apply to solid waste management facilities which co-dispose septage and sewage with solid waste.
 - 5. Ash produced from the combustion of coal when reused as prescribed pursuant to MGL Ch 111, sec. 150A;
 - 6. Solid or dissolved materials in irrigation return flows;

7. Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended;
- w) **“Tenant”**: person(s), corporation, partnership or other legal entity having occupancy and/or possession of any premises whether under written agreement, tenancy at will, tenancy at sufferance or otherwise.
 - x) **“Waste Hauler”** shall mean any company authorized by the BOH
 - y) **“White goods”** shall mean any appliance employing electricity, oil, natural gas, liquefied petroleum gas or any other fuel source to supply heat or motive power to preserve or cook food, to wash or dry clothing, cooking or kitchen utensils or related items or to cool or heat air or water. To include (but not limited to) ovens, stoves, dish washers, washing machines, dryers, refrigerators, freezers, hot water heaters and air conditioners.
 - z) **“Yard Waste”** shall mean deciduous and coniferous seasonal deposition (e.g. leaves or needles) grass clippings, weeds, hedge clippings, garden materials, brush and tree limbs less than three (3) inches in diameter, cut into lengths of three (3) feet or less and tied (using non-metallic twine) in bundles weighing no more than thirty-five (35) pounds.

New **Sec. 161-16: “Eligibility Curbside Collection” vs. “Non-Collection”**

This ordinance updates, incorporates and replaces any regulation, ordinance, or by-law passed or approved by any vote by any City Council or City Council Meeting.

Sec. 161-16.1 Curbside collection shall be offered to residential dwellings that contain six (6) dwelling units or less {per assessed parcel}. Mixed-use -Commercial/Industrial and Residential (regardless of the number of housing units), Rooming Houses or any other building with multiple dwelling units numbering more than six (6) units- will not be eligible for curbside collection provided by the city.

Sec. 161-16.1a Curbside collection shall be offered to religious properties –rectory or convent- at the same quarterly charges assessed to a single family dwelling. With this, comes the privilege of participating in municipal curbside yard waste collection and appliance recycling {at posted rates, if any}.

Sec. 161-16.2 Single buildings that have multiple addresses but contain more than six (6) dwelling units shall not be eligible for the city collection services. These buildings will be required to provide private collection and disposal in accordance with State and Local regulations. This shall be applicable to buildings that are situated on one or more streets (parallel streets or street corners).

Sec. 161-16.3 All buildings with seven (7) or more residential units, Mixed Use properties or commercial/business entities shall have solid waste and recyclable material collected by a, city of Lowell, licensed private waste hauler. The owner of each of these properties shall provide MSW removal and disposal in accordance with 105 CMR 410.600 and all applicable City of Lowell Regulations and Ordinances.

Sec. 161-16.4 Any dwelling or housing unit that has municipal solid waste removed privately will be required to utilize a dumpster, barrels or a cart. The dumpster, barrels or cart shall be kept closed (except when loading or emptying), be weather, insect, animal proof and emptied as frequently as needed as not create smells, odors or nuisance. The owner of the property will be solely responsible for the proper maintenance of the dumpster, barrel or cart (logistically and financially). Locking devices may be required by the Health Department.

Sec. 161-16.5 Any dwelling or housing unit that has municipal solid waste removed privately [who otherwise would be eligible for city collection] will be required to provide documentation (“proof of service”) to the department of public works on an annual basis. {Sec. 161-14.1}

Sec. 161-16.6 Any dwelling or housing unit that has solid waste or recyclables removed privately (by a licensed hauler) will be required to schedule said private collection 2-[business] days staggered from regular neighborhood garbage day; According the following schedule:

City Neighborhood trash day	Private collection day
Monday	Wednesday or Thursday
Tuesday	Thursday or Friday
Wednesday	Monday or Friday
Thursday	Monday or Tuesday
Friday	Tuesday or Wednesday

- *Residents who choose not to participate in the City’s refuse/recycling collection system must have a contract with a licensed vendor and present documentation or ‘private’ refuse/recycling hauling. This vendor will be required to collect refuse on a day approved by the Commissioner of Public Works (2-day staggered from city neighborhood day). As mandated by Sec. 161-14.2 “Opt out”: of Fee.*

Sec. 161-16.7 Enforcement: Any property owner that does not comply with these regulations shall be subject to the following fines: First violation, \$25, and subsequent violations \$1000. Each day of non-compliance will be considered an additional and separate violation.

○ **New Sec. 161-17: “Recyclables” AKA “Mandatory Recycling Ordinance”**
This ordinance updates, incorporates and replaces any regulation, ordinance, or by-law passed or approved by any vote by any City Council or City Council Meeting.

- **Allow city contracted MSW hauler to leave behind “Visible Recyclables’ and any item that appears on the MA DEP Waste Ban list; especially items intended for recycling, such as cardboard, plastic, paper, metal & glass.**
- **Recommend mandatory recycling programs in public buildings.**
- **Regulate container size & set out time for recyclables.**
- **Recommend mandatory recycling in multi-unit and large buildings.**
- **Prohibit scavenging.**

Section 161.-17 MANDATORY RECYCLING ORDINANCE

In order to implement a program of integrated waste management, all generators of solid waste within the City, including all residents of single family, multi-family, or apartment units, and all municipal government units, businesses, and institutions located within the City, shall separate the following waste materials from their trash before it is collected:

- A. All glass containers and all metal and aluminum cans
- B. Paper products, including newspaper, magazines, corrugated cardboard, boxboard, phone books, “junk mail,” and envelopes
- C. Plastic bottles and containers labeled #1, #2, #3, #4, #5, non-foam #6 and #7
- D. Leaves and Yard Waste
- E. Tires
- F. Scrap metal, including white goods and appliances
- G. Automotive products including motor oil, antifreeze, oil filters and car batteries
- H. Oil-based paints and thinners
- I. Fluorescent bulbs and ballasts

- J. Cathode-Ray Tubes (TVs and computer monitors)
- K. Re-chargeable and button batteries
- L. Hazardous materials
- M. Other materials as defined by the Board of Health

Sec. 161-17.1

For each residential building, consisting of no more than six residential dwelling units, and for all municipal buildings, the proper disposal of the items listed in Section I is described in the Solid Waste Regulations.

Sec. 161.17.2

For residential buildings located within the City, separation and proper disposal of the items listed in Section I is the responsibility of the property owners. Items G, H, I, J, K, and L, generated from residential sources, may be disposed of at the City sponsored Household Hazardous Waste days which take place twice per year.

New **Sec. 161-18: City of Lowell Waste Ban**

This ordinance updates, incorporates and replaces any regulation, ordinance, or by-law passed or approved by any vote by any City Council or City Council Meeting.

Sec. 161-18.1 Pertaining to Yard Waste Collection

The city’s Yard Waste Collection begins “the first ‘neighbor trash day’ of April and provides weekly collection through the ‘last neighborhood trash day’ of November”. No yard waste material or containers shall be at the curb prior to or after collection season begins. The program shall be printed on the annual DPW Collection Calendar and advertised in the local paper and Department website. Residents shall use biodegradable paper leaf bags; no plastic bags or cardboard boxes allowed for this purpose. Alternatively, residents may place loose organic material (leaves, brush, grass clippings and plant material) in clearly marked barrels. Labels are provided by the City and must be clearly visible on barrels. Brush and tree limbs less than three (3) inches in diameter, cut into lengths of three (3) feet or less and tied (using non-metallic twine) in bundles weighing no more than thirty-five (35) pounds. Contaminating yard waste with refuse, trash and other material such as rocks, gravel, plastic, metal or glass is prohibited. Yard waste may not be disposed of in ‘regular’ trash or by any other means in violation of this section, including in dumpsters. Allowed containers must satisfy Sec 161-21.1. Violation of this section is a \$25.00 fine.

Sec. 161-18.2 Pertaining to Christmas tree disposal

Christmas trees are not to be placed at the curb. From December 26th through January 16th (the following calendar year) the city provides nine (9) Christmas tree drop-off locations. Address of each location is posted on the Department’s website. Trees shall be free from man-made material (not limited to tree-stands, tinsel, swags, lights, ornaments and plastic bags). Violation of this section is a \$25.00 fine. Each day shall constitute a separate violation.

Sec. 161-18.3 Definition/Information on MADEP Waste Ban Regulations (310 CMR 19.017)

Restricted Material	Effective Date of Restriction for Landfills or Combustion Facilities	Effective Date of Restriction for Transfer Facilities	Restriction
Lead Batteries	December 31, 1990	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Leaves	December 31, 1991	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Tires	December 31, 1991	April 1, 2000	Ban on disposal or transfer for disposal of whole tires only at landfills. Tires must be

White Goods	December 31, 1991	April 1, 2000	shredded prior to disposal in landfills. Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Other Yard Waste	December 31, 1992	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Aluminum Containers	December 31, 1992	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Metal or Glass	December 31, 1992	April 1, 2000	Containers Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Single Polymer Plastics	December 31, 1994	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Recyclable Paper	December 31, 1994	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Cathode Ray Tubes	April 1, 2000	April 1, 2000	Ban on disposal, incineration, or transfer for disposal, at a solid waste disposal facility
Asphalt Pavement, Brick and Concrete	July 1, 2006	July 1, 2006	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Metal	July 1, 2006	July 1, 2006	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Wood	July 1, 2006	July 1, 2006	Ban on disposal or transfer for disposal at landfills

New Sec. 161-19: “Illegal Dumping” & “Importation”

This ordinance updates, incorporates and replaces any regulation, ordinance, or by-law passed or approved by any vote by any City Council or City Council Meeting.

Sec. 161-19.1 Garbage or refuse; disposal in containers placed along public ways with in the City. [in accordance with M.G.L. Ch 270 Sec. 17]

Whoever disposes of household or commercial garbage or refuse by placing it in a trash barrel placed on a public way by the City, or by any political subdivision thereof for the convenience of the traveling public shall be punished by a fine of not less than two hundred dollars (\$200).

Sec. 161-19.2 Garbage or refuse; disposal in containers owned and operated by the City.

Whoever disposes of household or commercial garbage or refuse by placing it in a dumpster (or other such container) owned or operated by the City, or by any political subdivision thereof for the purpose of municipal operations shall be punished by a fine of not less than two hundred dollars (\$200).

Sec. 161-19.3 Commercial, Industrial or business refuse, trash or waste disposed of at residential address.

Whoever disposes (by storing or placing for collection) of Commercial, Industrial or business refuse, trash or waste at a residential address (eligible for city collection) shall be punished by a fine of not less than two hundred dollars (\$200).

Sec. 161-19.4 Construction and Demolition Debris (as defined in 310 CMR 19.017(3)) disposal at residential address.

Whoever places out for curbside collection, Construction and Demolition Debris at a residential address (even if such material originated from said address) shall be punished by a fine of not less than two hundred dollars (\$200).

Sec. 161-19.5 Illegal Dumping [in accordance with M.G.L. Ch 270 Sec. 16]

Whoever places, throws, deposits or discharges or whoever causes to be placed, thrown, deposited or discharged, trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or other material of any kind on a public highway or within 20 yards of a public highway, or on any other public land, or in inland waters, as defined in section 1 of chapter 131, or within 20 yards of such waters, or on property of another, or on lands dedicated for open space purposes, including lands subject to conservation restrictions and agricultural preservation restrictions as defined in chapter 184, shall be punished by a fine of not more than \$5,500 for the first offense and a fine not to exceed \$15,000 for each subsequent offense; the court may also require that the violator remove, at his own expense, the trash, refuse, rubbish, debris or materials. The permission of the owner of land to place, throw, deposit or discharge trash, refuse, rubbish, garbage, debris, scrap, waste or other material on the owner's land shall constitute a defense in any trial for such offense.

If a motor vehicle is used in committing such an offense where the offense involves the unlawful disposal of more than five cubic feet of trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or any other materials and the motor vehicle is observed while the offense is in progress by an officer authorized to enforce this section, the officer may seize the vehicle and remove and store it or otherwise immobilize it by a mechanical device until (1) payment is made to the enforcing authority of a fine set by such enforcing authority up to the maximum fine which may be imposed under this section, (2) the illegally disposed of material is removed and legally disposed of, and (3) payment is made to the enforcing authority of its reasonable towing and storage charges, if any, for the seized vehicle. If, after payment of the above fine and towing and storage charges, the use of the seized vehicle is necessary to dispose of the material, the enforcing authority shall release the seized vehicle upon the posting of security sufficient to pay for the cost of legal disposal of the material. The security shall be returned to the person posting it upon proof of legal disposal of the material. Within five days of the payment of a fine to secure the release of a seized vehicle as provided for herein, the enforcing authority to whom the fine is paid shall deposit the fine in court along with an application for a criminal complaint regarding the offense, and the court shall hold the fine until judgment is entered on said complaint; provided, however, that at the discretion of the enforcing authority, the violation may be disposed of by the non-criminal disposition procedures pursuant to section twenty-one D of chapter forty, in which case the maximum fine shall be one thousand dollars. If a conviction is returned on the complaint the court shall award to any person or persons, other than an employee of the enforcing authority, whose information materially contributed to the identification of the convicted party, up to five hundred dollars, or forty percent of said fine, whichever is the greater, and the balance of the fine shall be equally divided between the enforcing authority and the court. If such violation is disposed of non-criminally, the balance of such fine, after payment of the award, if any, shall be deposited in the general fund of the City of Lowell. Vehicles seized under the provisions of this section which are not claimed or redeemed by their owners as provided for above within thirty days of the date of seizure, may after thirty days notice by certified mail to the vehicle's registered owner, be sold at auction and the proceeds be applied to the fines assessed herein, vehicle towing and storage costs and the costs for legal disposal of the material. Enforcing authorities shall adopt appropriate rules and regulations which provide for the orderly implementation of this section.

If a motor vehicle is used in committing such an offense, a conviction under this section shall forthwith be reported by the court to the registrar of motor vehicles, and the registrar may suspend the license of the operator of such vehicle for not more than thirty days, and if it appears from the records of the registrar of motor vehicles that the person so convicted is the owner of the motor vehicle so used, the registrar may suspend the certificate of registration of said vehicle for thirty days.

This section shall be enforced by members of the state police and by city police officers. A city by majority vote of the city council, with the approval of the City Manager, may designate its public health agents, health officers and health directors as enforcing officers. In the city of Lowell this section shall also be enforced by the commissioner of health, by the commissioner of housing inspection, and by the commissioner of public works, and their respective authorized agents.

Sec. 161-19.6 Importation of Solid Waste (commercial or residential), appliances, tires or bulky items
Whoever brings Solid Waste (commercial or residential), appliances, tires, CRTs, furniture, bulky items or any other such items, from outside communities [in to the City] for the purpose of disposal within the City; either for residential, commercial or private disposal, shall be punished by a fine of not less than two hundred dollars (\$200). Each item shall constitute a separate violation.

New **Sec. 161-20: “Bulky Item”** AKA “Sticker Program”

This ordinance updates, incorporates and replaces any regulation, ordinance, or by-law passed or approved by any vote by any City Council or City Council Meeting.

MVRRP pricing structure:

- \$12 for white goods with Freon
- \$10 for white goods without Freon
- \$20 for large CRTs (>27" screen on the diagonal)
- \$10 for smaller CRTs
- \$5 for laptops, DVD players, games with small screens, etc
- \$5 for tires (not truck tires or commercial quantities)
- \$5 for bulky waste
- \$5 for propane tanks

- *Bulky waste as defined at 310 CMR 19.000. “Bulky Wastes means waste items of unusually large size including but not limited to large appliances (such as refrigerators, freezers, air conditioners and dehumidifiers), furniture, large auto parts, stumps, trees, branches, brush.” Furniture includes, but is not limited to, chairs, couches, beds, tables, mattresses, bookcases, shelves, cabinets and dressers;*
- *Define: Appliances (“White goods”, large appliances including ovens, washing machines and refrigerators), CRT and furniture items that do not fit in barrel or bag.*
- *Implement “Sticker System” impose \$5 disposal fee for each of these items.*
- *Weekly or quarterly limits should be considered.*
- *Define system for purchase of stickers and scheduling of collection.*

Sec. 161-20.1

White goods, CRTs and Bulky items shall be collected curbside from residences, after issuance of a pre-paid sticker, by the Department of Public works. The city council shall set the fee schedule if any. Refrigerator and freezer doors shall be removed before a refrigerator or freezer is placed curbside for pick up. Violation of this section is a \$25.00 fine; Each item shall constitute a separate violation.

Note: Estimated 750 items a month. $750 \times 12 = 9,000 \Rightarrow 9,000 \times \$5 = \$45,000/yr$

Not including “Bulky” (non-appliance) items...

There has been no accurate count of these...

Conservative estimate = 3,600 pc/yr = an additional \$18,000/ yr

New **Sec. 161-21: Solid Waste**

This ordinance updates, incorporates and replaces any regulation, ordinance, or by-law passed or approved by any vote by any City Council or City Council Meeting.

These regulations can be found at <http://www.state.ma.us/dph/dcs/codech1.pdf>

Sec. 161-21.1 Storage of trash, garbage or rubbish [based on 105 CMR 410.600]

- (A) Garbage or mixed garbage and rubbish shall be stored in watertight receptacles (metal or plastic) with tight-fitting covers. Said receptacles and covers shall be of metal or other durable, rodent-proof material. Rubbish shall be stored in receptacles of metal or other durable, rodent-proof material. Cardboard boxes are NOT approved containers for refuse, trash, recycling or yard waste. Garbage and rubbish shall be put out for collection no earlier than the day of collection and no later than 7 am of that day. White Goods – for which a collection appointment has been made (or fee paid) - may not be placed at the curb prior to the day of collection. Violation of this section is subject to a fine of twenty-five dollars (\$25.00). Each day shall constitute a separate violation.
- (A) 1. Any person that allows solid waste, recyclables, yard waste, bulky items, white goods, CRTs or refuse containers (barrels or carts) to remain on the curb after the regular collection day shall be subject to a fine of twenty-five (\$25) for the first violation in a calendar year. All subsequent violations shall be subject to a fine of one hundred dollars (\$100). Each day shall constitute a separate violation.
- (B) Plastic bags shall be used to store garbage or mixed rubbish and garbage only if used as a liner in watertight receptacles with tight-fitting covers as required in 161-21.1(A), provided that the plastic bags may be put out for collection, on the day of collection.
- (C) The owner of any dwelling shall provide as many receptacles for the storage of garbage and rubbish as are sufficient to contain the accumulation before final collection or ultimate disposal, and shall locate them so as to be convenient to the tenant and so that no objectionable odors enter any dwelling.
- (D) The occupants of each dwelling, dwelling unit, and rooming unit shall be responsible for the proper placement of his garbage and rubbish in the receptacles required in 161-21.1(C) or at the point of collection by the owner.
- (E) Solid waste and recycling containers may not (between collection days) be stored within fifteen (15) feet of the public way; unless a variance is issued by the BOH. Containers should not be visible from the street.
- (F) All refuse containers, set curbside for pick-up shall remain covered by water tight cover at all times. Each violation of this section is subject to a fine of \$25.00

Sec. 161-21.2 Maintenance of Areas Free from Garbage and Rubbish [based on 105 CMR 410.602]

- (A) Land. The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean and sanitary condition and free from garbage, rubbish or other refuse. The owner of such parcel of land shall correct any condition caused by or on such parcel or its appurtenance which affects the health or safety, and well-being of the occupants of any dwelling or of the general public.
- (B) Dwelling Units. The occupant of any dwelling unit shall be responsible for maintaining in a clean and sanitary condition and free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which he exclusively occupies or controls.
- (C) Dwellings Containing Less than Seven Dwelling Units. In a dwelling that contains less than Seven dwelling units, the occupant shall be responsible for maintaining in a clean and sanitary condition, free of garbage, rubbish, other filth or causes of sickness the stairs or stairways leading to his dwelling unit and the landing adjacent to his dwelling unit if the stairs, stairways

or landing are not used by another occupant.

- (D) **Common Areas.** In any dwelling, the owner shall be responsible for maintaining in a clean and sanitary condition free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which is used in common by the occupants and which is not occupied or controlled by one occupant exclusively. The owner of any dwelling abutting a private passageway or right-of-way owned or used in common with other dwellings or which the owner or occupants under his control have the right to use or are in fact using shall be responsible for maintaining in a clean and sanitary condition free of garbage, rubbish, other filth or causes of sickness that part of the passageway or right-of-way which abuts his property and which he or the occupants under his control have the right to use, or are in fact using, or which he owns.

Sec. 161-21.3 Refuse Container Size & weight

Limit: Size (40 gal), and weight (50 lbs) containers for MSW.

Sec. 161-21.4 Maximum number of containers per dwelling unit

Maximum of 4 barrels per residential dwelling/unit"

There is no limit on the amount of recyclable materials that a residence may place at curbside.

Sec. 161-21.5 Materials Not Acceptable for city curbside:

Appliances, such as refrigerators, washers or dryers. Computers, monitors, televisions and other electronic waste. Lawn mowers, auto parts – not limited to batteries, hulks, engine blocks, body panels and transmissions- heavy machinery, ski mobiles, motorcycles, riding mowers or tractors and other items containing gasoline or oil. Stumps, regardless of size, or limbs and branches exceeding 3” in diameter or 3’ length. Pallets (made of wood or plastic) any material resulting from the repair, excavation, construction or demolition of a building or structure. Refuse generated from the operation of a business.

Sec. 161-21.6 The following hazardous materials are not acceptable for collection by the City:

Pesticides, herbicides, drain and oven cleaners, spot removers, dry cleaning fluid, rug cleaners, dyes, lighter fluids, photographic chemicals, concrete and asphalt sealers, swimming pool chemicals, oil based paint, paint thinner, turpentine, paint remover, furniture strippers and furniture refinishing products, Toxic or volatile chemicals including explosives. Oxygen Cylinders & Propane Tanks etc.. The City of Lowell sponsors two annual Household Hazardous Waste Collection Days. For more information on the City Program, please call 978-970-4010 ext 9-4309.

Sec. 161-21.7 Prohibition of Scavenging/Ownership of materials placed at the curb for collection.

Upon placing solid waste and recyclable materials (Refuse, Recycling, Yard Waste, Appliances etc) at curbside for collection, as part of the City’s Solid Waste & Recycling program, such materials become the property of the Waste Hauler. No person or business, other than licensed or authorized agents of the City acting in the course of their employment, may collect any recyclable materials so placed. Violation of this section is a \$25.00 fine. Proper storage still remains with parcel owner.

Sec. 161-21.8 Collection Regulation

In order to facilitate proper collection of waste materials, City Collectors are forbidden to go onto private property to pick materials. All items should be placed at curbside.

Sec. 161-21.9

Every Owner, Manager, or Tenant shall be responsible for the proper disposal of hazardous wastes and any other materials needing special treatment.

Sec. 161-21.10 Set out location

All solid waste, yard waste and recycling containers and receptacles shall be placed at the curbside every week, for collection by 7:00 a.m. on the designated 'trash day' of collection. The approved containers shall be placed on the outer edge of the sidewalk so as to not obstruct the free passage of pedestrians. All attempts should be made to place receptacles on frontage abutting said parcel.

Sec. 161-21.11 Proper container for each waste stream

A Leaf Collection Week shall be conducted by the Department of Public Works in the fall of each year. Residents shall use biodegradable paper leaf bags; no plastic bags allowed. The Leaf Collection Week shall be printed on the annual DPW Collection Calendar and advertised in the local paper(s).

Sec. 161-21.12 State and Federal Holidays

When a regular collection day falls on a holiday, the collection designated for that day shall be made one day later than usual, and the collection days remaining in that week shall all slide by one day.