



City of Cambridge

41.

IN CITY COUNCIL

October 19, 1992

COUNCILLOR WALSH
COUNCILLOR RUSSELL

ORDERED: That the City Manager be and hereby is requested to contact the Department of Public Works regarding the enclosed letter from Brendan Burns and request the Department of Public Works to send a written letter of clarification to Mr. Burns regarding the Ordinance referred to in his note of October 13, 1992 and to send informational pamphlets to the Bellevue Avenue neighborhood informing them of their rights and obligations under the applicable law.

In City Council October 19, 1992.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk



City of Cambridge

41.
IN CITY COUNCIL

October 15, 1992

COUNCILLOR WALSH

ORDERED:

That the City Manager be requested to contact the Department of Public Works regarding the enclosed letter from Brendan Burns and request the Department of Public Works send a written letter of clarification to Mr. Burns regarding the Ordinance referred to in his note of October 13, 1992 and to send informational pamphlets to the Bellevue Avenue neighborhood informing them of their rights and obligations under the applicable law.

10/13/92

Dear sirs, mams,

To date: I have yet to recieve a clarification on what is "Clean Out" and whether it is a ligitimate ordinance. I have called the DPW and have been told that two barrels are the limit and then again three hefty bags are allotted to each residence. Everyone in my neighborhood puts out four barrels and then come. Are we all violating the Clean Out Act?

[Signature]

3/19/92

Mr. Brendan C. Burns
16 Bellevue Avenue
Cambridge, MA. 02140

Dear Sirs, Mams,

As a fellow cantabrigian, it may concern you that we are under the tyranny of the Commissioner of Public Works. On 3/2/92 my first floor neighbor vacated his apartment: leaving his couch, two upholstered chairs and forty bags of nicknacks. I was informed by a DPW inspector in an orange DPW pickup truck that the Public Works would not collect or dump my neighbors rubbish under a new Clean Out law. When I asked the inspector what was Clean Out. He asked me what was in said rubbish. I told him it was mostly my neighbors' rubbish from their apartment and cellar. This, the inspector declared, was Clean Out and promptly drove off with a warning, "Get this off the walk by 6:00 PM!"

After dragging my neighbors' rubbish to side of the house. I decided to research this new Clean Out law. I called the DPW and was referred to Mr. Dan Evans the City Manager of the Cambridge DPW. He explained that the new Clean Out law could be found under Hauling Away Beyond Ordinary Limits in the City Rubbish laws. Then, he cited four sections:

- a) 254-030 a,b Explain how the Commisioner of Public Works is appointed
- b) 254-040 and his duties. There is no mention of the Clean Out law.
- c) 12-1010 c I have yet to find even with the help of the Chief Cambridge City Clerk: Mr. John Flynn.
- d) 12.12-020 d Defines the proper way to open a public street for gas main repair.

Mr. Dan Evans showed me these cited Clean Out section posted next to his desk. Under the Hauling Away Beyond Ordinary Limits on said posted flyer were the said sections.

It seemed odd to me that all the rubbish, garbage and litter sections in the City Hall' ordinances begain with the number 8, but the sections cited by Mr. Dan Evans begain with a section number 2 or 1.

In the City Hall ordinances, the Chief Cambridge City Clerk: Mr. John Flynn postulated that section 8.24.120 could apply to the new Clean Out law:

8.24.120 Commercial or nonprofit establishments-Frequency-Receptacle specifications.

A. The Commissioner of Public Works may, at his discretion, and if in the public convenience and necessity so require, determine that the volume of garbage or rubbish from commercial or nonprofit establishments is beyond the capacity of the Department of Public Works to collect or dump... the establishments shall arrange for private collection.

First of all my private residence is not a commercial or nonprofit establishments. Secondly this is an ambiguous ordinance: no set number on rubbish receptacles, securely tied bulk rubbish, oversized items or yard refuse is given. Instead I must guess what the discretion of the Commissioner of Public Works will be. This is not law. This is tyranny.

Sincerely,

[Signature]



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Russell CONSENT ORDER #41

F-438

Councillor Walsh re: Explanation of the
clean out ordinance.

In City Council,

October 19, 1992

Order Adopted