

PRELIMINARY DRAFT

CHAPTER 18

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ARTICLE I. COMPOSITION

SECTION 18.101. COMMISSIONER HEADS DEPARTMENT. The Department of Public Works shall consist of the Streets Division, the Sewers Division, the Cemetery Division, and the Engineering Division. It shall be under the charge of the Commissioner of Public Works, who shall be appointed by and shall serve at the pleasure of the City Manager. (Ord. No. 91, Nov. 18, 1946 as amended)

SECTION 18.102. REPORTS OF COMMISSIONER. The Commissioner shall submit recommendations to the City Manager with respect to the operations of his department as he may from time to time deem appropriate and shall prepare and submit to the City Manager in January of each year a report on the activities of his department during the preceding year. (Code 1972, sec. 17-2)

SECTION 18.103. DEFINITIONS. The word "Commissioner" shall be taken to mean in this chapter, the Commissioner of Public Works.

ARTICLE II. STREETS DIVISION¹

A. GENERAL PROVISIONS

SECTION 18.201. STREET NAMES. The several streets in the City shall continue to be called by the names heretofore given to them, until such names are altered by the City Council. The City Council, subject to any provisions of law relative thereto, shall give names to all streets hereafter laid out and may change the name of a street at any time, except that no street shall be given the designation of any existing street, and no street shall be accepted so long as the name thereof is the same as that of any existing street. (G.O. 1943, c. 33, sec. 4)

¹As to ordinances pertaining to signs projecting over public ways see ch. ¹⁶8, "Advertising Signs". As to ordinances pertaining to traffic regulations see ch. 19, "Vehicles & Traffic".

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SECTION 18.202. STREET NUMBERS. The Council may order numbers in regular series, at the expense of the owner or occupant, of such form, size and materials, and in such mode, place, succession and order, as it may determine, to be affixed to or inscribed upon, all buildings on any street. Any person having the control of any such building, refusing or neglecting to affix or inscribe the number designated by the Council, or allowing any other number to remain thereon more than one week after notice so to affix or inscribe, shall be liable to a penalty not exceeding Fifty (\$50.00) Dollars. (G.O. 1943, c. 33, sec. 5)

SECTION 18.203. ASSESSMENT FOR BETTERMENTS. Whenever the City Council determines that land or buildings shall be taken for street widening or street laying out purposes, betterments shall be assessed according to law for the improvement on any property that the City Council may determine is in the benefited area. (G.O. 1943, c. 33, sec. 6)

B. MANAGEMENT OF DIVISION

SECTION 18.204. COMMISSIONER IN CHARGE OF DIVISION. The Streets Division shall be under the charge of the Commissioner of Public Works.

SECTION 18.205. AUTHORITY AND DUTIES OF COMMISSIONER. (a) The Commissioner shall be responsible for the care of the City highways and public squares and shall attend to the construction, maintenance and alteration thereof, and cause the same to be kept in good repair, so as to be safe and convenient for travellers, with their vehicles at all seasons of the year.

(b) He shall see that the highways and streets, and sidewalks are kept in good order, and that all nuisances and obstructions therein are forthwith removed. He shall remove all snow from the sidewalks and walks around the schoolhouses. In case of the blockade or obstruction of any street, the person causing such blockade or obstruction shall forthwith notify the Commissioner and the Chief of Police thereof.

(c) He shall have the authority for the purposes of removing or plowing snow or removing ice in any way from the City, to remove or cause to be removed to some convenient place, including in such term a public garage, any vehicle interfering with such work. The owner of any such vehicle so removed shall be liable for the reasonable costs of such removal and storage, and delivery of the vehicle to the owner may be withheld by the Commissioner until such reasonable costs shall be paid. The Police Department shall render all necessary assistance to the Commissioner in enforcing this Section. (Ord. No 11, March 20, 1944, as amended)

SECTION 18.206. PERSONNEL OF DIVISION; MANAGEMENT OF PROPERTY; ANNUAL REPORT. The Commissioner shall have the right to

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hire, and the general control of, all persons employed in his division and shall have the custody and management of the vehicles, buildings, and all other property connected with the Streets Division, and shall keep the same in good condition and repair. He shall annually, in the month of January, prepare a report showing the detailed expenses, the material and other property on hand, a detailed account of work done, and other facts in relation to his division. (G.O. 1943, c. 33, sec. 3, as amended)

C. REGULATIONS PERTAINING TO STREETS AND SIDEWALKS

SECTION 18.207. LICENSE REQUIRED FOR DIGGING UP OR OBSTRUCTING; LOCATION AND GRADE OF PIPES, SEWERS, POLES; WORK PLAN; PENALTY. (a) No person shall break or dig up the ground or stones in any street or on any sidewalk, or erect any staging for building, or place or deposit any stone, bricks, timber, or building materials thereon, or otherwise occupy, obstruct, or encumber the same, without first obtaining a written license from the Commissioner of Public Works for that purpose. No gas-pipe, water-pipe, sewer, conduit, street railway track, pole, nor any other structure, except wires, shall be placed beneath, upon or above any public street or way, except upon a location and at a grade approved by the City Engineer, or authorized by the City Council.

(b) Within sixty days after the completion of the work so approved or authorized a final plan showing accurately the lines, grades and construction of the work as finished shall be filed in the office of the City Engineer. If required by the City Engineer, a preliminary plan showing the proposed location and grade of the structure shall first be filed in his office.

(c) Any person who violates the foregoing provision shall be subject to a penalty not exceeding Fifty (\$50.00) Dollars for each offense and shall remove any structure placed contrary to the provisions of this Section if required to do so by the City Engineer. Upon failure to do so, the Commissioner may make such removal or change, and the cost thereof shall be paid to the City by the person owning or controlling the structure. (G.O. 1943, c. 33, sec. 7)

SECTION 18.208. CONTENTS OF LICENSE; FENCING AND LIGHTING EXCAVATION AND OBSTRUCTIONS; FOOT PATHS. The Commissioner of Public Works may grant licenses in writing to persons having authority in the premises to open, occupy, obstruct, encumber and use parts of any street or sidewalk, and every license shall specify the time, place, size and use of such opening, occupation or obstruction, and the time within which the street must be put in a condition satisfactory to the Commissioner, and each license so granted shall be upon the condition that the licensee shall conform to the statutes and ordinances of the City then or thereafter in force, and to the specifications in the license; that the license may be revoked at any time by the Commissioner; that before performing any work authorized by the license the

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party licensed shall execute a bond to the City conditioned as required by the ordinances of the City, and subject to the additional condition that the excavation and obstruction shall be properly fenced during the whole time the street is opened and obstructed; that he shall place and maintain suitable lighting at night in a manner sufficient to protect travellers from injury; shall place and maintain a safe and convenient way for the use of foot travellers, and a safe and convenient passage for public travel around or over such place; that if he does not, within the time prescribed by the Commissioner, put the street into good condition, satisfactory to the Commissioner, he shall pay whatever sum the Commissioner shall expend for putting it to good condition, and that he shall surrender the license to the Commissioner on or before the expiration of the time fixed in the license for completing the work or any extension or extensions thereof. The Commissioner may in addition to said specifications, require in the license, or after the issuance thereof, any other specification that he deems necessary and advisable. (G.O. 1943, c. 33, sec. 8 as amended)

SECTION 18.209. BOND REQUIRED. (a) Before any such license is issued, the applicant therefor, unless he is an employee of the City employed on public work, shall certify that a copy of the license entered in a book kept for the purpose is a correct copy of the license he received.

(b) Unless the application is made in behalf of a department of the City or by a person who has given bond and who applies for a license in accordance with the provisions of Section 19.309 and 19.310 of this Chapter the applicant shall give a bond in the sum of not less than One Thousand (\$1,000) Dollars with one or more sureties conditioned to the faithful observance of the conditions and specifications of every and all such licenses issued to the applicant.

(c) The Commissioner may at any time require a new bond which shall be considered a strengthening bond, unless the sureties on the former bond are expressly released from their liability by the City Council; the Commissioner may accept one bond for more than one license whether then issued or issued at any time after the date of the bond. (G.O. 1943, c. 33, sec. 11)

SECTION 18.210. VIOLATIONS OF CONDITIONS OF LICENSE. The Commissioner of Public Works shall not issue any license to a person who has within one year previous to his application violated or failed to observe the conditions or specifications of any such license without special authority of the City Council. (G.O. 1943, c. 33, Part of sec. 13)

SECTION 18.211. NOTICES OF DEFECTS IN PUBLIC WAYS. The Commissioner shall keep a record of the notices of defects sent to him, with the name of any person giving the notice, and the time when given, and he shall without delay cause the locality of the alleged defect to be examined, and, if the defect is of such a character as to endanger the safety of public travel, shall do

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whatever may be necessary to prevent the public from injury by the defect, and cause it to be immediately repaired; and every person in the employ of the City shall send to the Commissioner notice of every defect of which he has any knowledge. (G.O. 1943, c. 33, sec. 13, as amended)

SECTION 18.212. RESPONSIBILITY OF PERSON MAKING OPENING OR CAUSING OBSTRUCTION IN STREET. Whenever any person lawfully makes any opening or causes any obstruction in any street, he shall be held responsible for any damages that may result from such opening or obstruction. (G.O. 1943, c. 33, sec. 12)

SECTION 18.213. STREETS REQUIRING REPAVING WITHIN ONE YEAR OF EXCAVATION. Should any portion of the street which has been excavated require repaving or resurfacing within a period of one year from the time it has been disturbed, the Commissioner of Public Works shall, by mail, postage prepaid, notify the person applying for the license under authority of which the disturbance was made, to forthwith make such repairs as, in the opinion of the Commissioner, are necessary; and in case of the failure of the person to make such repairs within twenty-four hours after the receipt of such notice, the Commissioner shall then have the right to make the necessary repairs at the expense of the licensee. (G.O. 1943, c. 38, part of sec. 9)

SECTION 18.214. LICENSES TO REPAIR WATER PIPES, ETC. The Commissioner of Public Works shall grant a license to a person who presents a license from the Water Department to repair or lay water pipes, and to a person who presents a license from the City Electrician to connect with the lamps or pipes of the City. (G.O. 1943, c. 33, sec. 14)

SECTION 18.215. LICENSES TO RAISE AND LOWER GOODS IN AND OUT OF BUILDINGS. The Commissioner may grant to competent persons engaged in the business, licenses to occupy and use certain portions of the streets for the purpose of raising and lowering goods and merchandise into and from buildings on conditions the terms of which shall be those stated in Sections 18.203 to 18.213 of this Chapter, so far as the same may apply, and any additional requirements that he deems necessary. (G.O. 1943, c. 33, sec. 15)

SECTION 18.216. NOTIFICATION BY SUPERINTENDENT OF PROPOSED CONSTRUCTION OR OPENING. Whenever the Commissioner is about to construct a new street, or to break up the surface of any street, he shall, at least two weeks before beginning work, notify the City Electrician, and all public utilities having locations in such street. If any of these departments or utility companies has any work to be done in the street so designated, it shall consult and arrange with the Commissioner, in order that such work may be done before

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the surface of such street is again prepared for and open to public travel. After such notice and opportunity have been given, none of the departments or utility companies shall, for the period of six months, break up such street within the area of such previous disturbance, except in case of obvious necessity, to be certified to and approved by the City Manager. (G.O. 1943, c. 33, sec. 16)

SECTION 18.217. FENCING AND LIGHTING UNSAFE HIGHWAY. Whenever any highway, street or bridge is from any cause unsafe or inconvenient for travellers, the Commissioner shall forthwith cause the parts thereof, so rendered unsafe and inconvenient, to be enclosed by a sufficient barrier, which shall be kept standing so long as the same remains unsafe and inconvenient; and shall also place one or more lighted lanterns to such barrier, or in some other proper manner, to be there kept every night, from twilight in the evening, through the night, so long as such barrier is kept standing. (G.O. 1943, c. 33, sec. 17)

SECTION 18.218. GATES OR DOOR NOT TO SWING OUTWARD No person shall make, erect or maintain any gate or door in or upon any street in such manner that, when opening it it shall swing over such street. (G.O. 1943, c. 33, sec. 19)

SECTION 18.219. DOORSTEPS, PORTICOS, ENTRANCES TO BASEMENTS. No person shall make, erect or maintain any doorstep, portico, porch, entrance, aperture, or passageway to any cellar or basement or any other structure, in or upon any street, for any purpose without permission in writing, from the Commissioner when authorized by the City Council. No person shall suffer the platform or grate of the entrance or passageway to his cellar or basement in any street, to rise above the even surface of such street; and every such entrance or passageway shall either be kept covered by a suitable and substantial platform or grate, or in case it is kept open, it shall be guarded and protected by a sufficient railing, on both sides thereof, at least two and a half feet high, and well lighted at night. (G.O. 1943, c. 33, sec. 20)

SECTION 18.220. FENCES AROUND WELLS, CISTERNS, DRAINS AND CAVITIES IN STREETS. If any person digs or sinks or causes to be dug or sunk, any well, cistern, drain, or other cavity in the ground, near to or adjoining any street, he shall put up and at all times keep up, so long as it is necessary for the purpose, a railing or barrier, on or near the line of such street, sufficient to guard and protect travellers and passengers from falling into said well, cistern, drain or other cavity. (G.O. 1943, c. 33, sec. 21)

SECTION 18.221. RESPONSIBILITY FOR SIDEWALK REPAIRS All sidewalks shall be kept in repair at the expense of the City; provided, however,

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that if such repairs are rendered necessary by any act of the owner or occupant of the adjoining land or by any defect in the buildings thereon or by any other cause under the control of such owner or occupant, the repairs shall be made by such owner or occupant; and if he fails to do so the repairs shall be made by the City, at his expense. (G.O. 1943, c. 33, sec. 26)

SECTION 18.222. PLANK WALKS ON SIDEWALKS; LICENSE REQUIRED. (a) No person shall place upon any sidewalk any board or plank walk without first obtaining a written license from the Commissioner authorized by the City Council; and walks hereafter laid under authority of such license shall be constructed in accordance with the specification to be approved by the Commissioner. Such walks shall be removed whenever in the judgment of the City Council, public safety and convenience require such removal.

(b) Plank walks, authorized as hereinbefore provided, shall be laid and kept in proper condition by the respective owners thereof, and the same shall be taken up by such owners whenever the Superintendent of Streets shall so direct. (G.O. 1943, c. 33, sec. 27)

SECTION 18.223. CONDUCTORS NOT TO DRAIN ON SIDEWALKS. No person shall permit a leader or conductor from the roof of a building owned by him to be so placed or maintained as to direct a volume of water upon or across the surface of the sidewalk. (G.O. 1943, c. 33, sec. 29)

SECTION 18.224. AWNINGS, CANOPIES, CLOTHES LINES. No canopy or awning shall hereafter be erected or maintained within the limits of any street, without the written permission of the Commissioner of Public Works authorized by the City Council, except a canopy or awning, constructed of cloth or canvas attached to an iron frame, securely fastened and supported from above and with no part less than nine feet above the level of the sidewalk over which it is placed. No clothes dryer or clothes lines, and no clothes or garment shall be hereafter placed or hung over a sidewalk or within the limits of any street without the written permission of the Commissioner of Public Works. (G.O. 1943, c. 33, sec. 34)

SECTION 18.225. SAVING CITY HARMLESS FROM CLAIMS FOR DAMAGES FROM EXCAVATIONS UNDER SIDEWALKS OR STREETS. Every owner of any estate who maintains any cellar, coal hole or other excavation under the part of the street adjacent to or which is a part of, his estate, shall do so only on condition that such maintenance shall be considered as an agreement on his part to hold the City harmless from any claim for damages to himself or the occupants of the estate resulting from gas, sewage or water leaking into such excavation, and every owner who maintains a post, pole or other structure in or over a street, or a wire, pipe, conduit or other

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structure under a street, shall do so only on the condition that such maintenance shall be considered as an agreement on his part to keep the same and the covers thereof in good repair and condition, at all times during his ownership, and to indemnify and save harmless the City against any and all damages, costs, expenses or compensation which it may sustain, or be required to pay by reason of such excavation or structure being over, under, or in the street, or being out of repair during his ownership, or by reason of any cover of the same being out of repair or unfastened during his ownership.

SECTION 18.226. REMOVAL OF ENCROACHING BUILDINGS. Whenever the City Manager shall be notified by the City Engineer that any building or structure has been placed within the lines of a public street, or so that it may cause injury or inconvenience to a public street, he shall forthwith issue an order to the party offending, directing that the building or structure be removed within a certain specified time, and in case of non-compliance the City Manager shall direct that the incumbrance be removed at the expense of the delinquent. (G.O. 1943, c. 33, sec. 23)

SECTION 18.227. MOVING BUILDINGS; CERTIFICATES; LICENSE; BOND. (a) No person shall move, or assist in moving, any building through or under any street, unless a written license therefor has been first obtained from the Commissioner of Public Works upon the authority of the City Council, specifying the terms and conditions on which such removal may be made. No such license shall be authorized without public notice and opportunity for hearing. No person thus licensed shall act under his license until he has filed with the Commissioner of Public Works a bond, with sufficient surety to indemnify the City from all loss and damage by reason of such removal. No building shall be removed through any street until the chimneys of the building have been taken down even with the roof.

(b) No license for the removal of any building through any public street, square or place shall be authorized until certificates have been presented to the City Council from the Commissioner of Public Works certifying the general conditions with regard to the streets, square or places through which it is proposed to remove the building and of general conditions with reference to trees and the possibility of injury thereto, from the Inspector of Buildings as to the safety of the structure to be moved and from the City Electrician as to the conditions respecting electric wires on the route and when the granting of such license is authorized it shall be upon the following conditions:

(1) The licensee shall give the Chief of the Fire Department and the inspector of wires notice of such removal, at least twenty-four hours before the building shall be placed in the street.

(2) The licensee shall reimburse the City for any expenses incurred by it by reason of labor by any department of the City in cutting and replacing

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wires, trimming trees, or in any other way, by reason of said removal. and before receiving a license the licensee shall deposit with the Commissioner of Public Works a sum deemed sufficient by the Commissioner which sum shall be returned to the licensee when he has reimbursed the City for such expenses.

(c) The above conditions shall be printed upon and become a part of each and every license issued. (G.O. 1943, c. 18, sec. 9 as amended)

SECTION 18.228. DEPOSITING BUILDING MATERIAL ON STREET—PERMIT REQUIRED. No person shall deposit material from any construction or excavation site on any public street, way or sidewalk in the City without first obtaining a permit from the Commissioner of Public Works. All permits shall be issued subject to the following conditions:

(1) All motor vehicles and equipment with a capacity of one-half ton or over used in connection with the construction or excavation site shall be suitably cleaned with steam or other method approved by the Commissioner of Public Works to remove dirt and mud from the wheels and undercarriages prior to entering upon a public street or way from the construction or excavation site.

(2) No water shall be drained, pumped or otherwise caused to be removed from construction or excavation sites into the City storm or sanitary sewers without being filtered or treated by settling tanks or other means approved by the Commissioner of Public Works so that suspended solids are removed to the extent that the water discharged shall be substantially cleaned when entering storm or sanitary sewers. No petroleum products may be discharged into storm or sanitary sewers.

(3) When a permit is granted by the Department of Traffic and Parking or the Department of Public Works for temporary facilities, or storage of material on a public street or way, these shall not obstruct more than fifty percent of the streets' width at any one time without closing the street to vehicular traffic, and said obstruction shall be suitably maintained and marked with barriers and lights and other measures, necessary to promote the public safety. Such markings and barriers shall be at the expense of the person granted the permit.

(4) Each violation shall be subject to a penalty not to exceed Fifty (\$50.00) Dollars. Any permits granted for work, which may result in violation of the City regulations shall be suspended until corrective measures have been carried out. (Ord. No. 800, Sept. 21, 1970)

SECTION 18.229. RIDING OR DRIVING ON SIDEWALKS. No person shall drive, ride, wheel or draw any vehicle across a sidewalk except on a driveway

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designed for the purpose of passage of such vehicles; this Section shall not apply to children's carriages or sleds containing children when drawn by hand. (G.O. 1943, c. 33, sec. 43)

SECTION 18.230. OBSTRUCTIONS ON SIDEWALKS, AT CROSS WALKS. (a) No person shall place, or cause to be placed, upon any sidewalk, any article whatsoever, so as to obstruct a free passage for travellers for more than fifteen minutes, without a permit issued by the Commissioner of Public Works.²

(b) No person shall stop his vehicle, or unnecessarily place any other obstruction, on any cross-walks laid in or across any street. (G.O. 1943, c. 33, secs. 22, 44)

SECTION 18.231. DISPLAY OF MERCHANDISE; PERMIT; FEE. (a) No merchandise shall be displayed within the limits of any public highway in the City without a permit granted by the City Council and issued by the Commissioner of Public Works. The fee for the permit shall be Five (\$5.00) Dollars annually.

(b) No counter, platform or other apparatus or structure for the purpose of selling merchandise shall be placed on any public highway in the City without a permit granted by the City Council, and issued by the Commissioner of Public Works. The fee for the permit shall be Five (\$5.00) Dollars and for any permits granted for periods of more than one year the fee shall be Five (\$5.00) Dollars annually.

(c) No permit shall be granted for encroachment of such merchandise, counter, platform or other apparatus or structure to exceed more than twenty-five percent of the width of the sidewalk from the property line of the premises in front of which such merchandise, counter, platform or other apparatus or structure shall be displayed or installed. (Ord. No. 36, February 19, 1945)

SECTION 18.232. NEW PUBLIC WAYS; REQUIREMENTS. In order to protect the citizens and their real estate values and to encourage the best possible land development, no proposed public way shall be accepted by the City Council until the proposal has been referred to the City Engineer, Electrical, Planning, Public Works, Traffic and Water Departments for a review and report concerning the design, engineering, construction and utility aspects of the proposed road. If no such report shall have been filed with the Council after thirty days from the date of referral, the Council may accept the proposed road. (Ord. No. 743, May 2, 1966)

²For additional regulations relative to permits, see sec. 13.401 of this code.

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ARTICLE III. SEWERS DIVISION

SECTION 18.301. COMMISSIONER OF PUBLIC WORKS IN CHARGE OF DIVISION. The Sewers Division shall be under the charge of the Commissioner of Public Works. (New)

SECTION 18.302. DUTIES. The Commissioner shall have general supervision of all common sewers of the City and of all connections built under the provisions of this Division. He shall have constant care of, and keep clean and in proper order and repair, all street catch-basins and connecting drains within the limits of any street. (G.O. 1943, c. 29, Part of secs. 3, 4)

SECTION 18.303. COMMON SEWER. In any street opened, or proposed to be opened, for public travel and accommodations, every sewer or drain laid for the purposes of draining more than one estate, shall be deemed to be a common sewer, and no such common sewer shall be laid or connected with any existing common sewer except by the City, as provided in Section 18.302. (G.O. 1943, c. 29, sec. 1)

SECTION 18.304. SEWER PLANS AND RECORDS KEPT BY ENGINEERING DIVISION. The City Engineer shall make and file accurate plans of all common sewers, showing all entrances thereto when made as hereinafter provided, and the charges for making and repairing the same, and all assessments therefor. (G.O. 1943, c. 29, Part of secs. 4, 5)

SECTION 18.305. SEWERS NOT TO BE OBSTRUCTED BY STREET WORK. Whenever any street is opened for the laying of pipes for water, gas or other purposes, or for any work of construction, such laying of pipes and work connected therewith, or such work of construction shall be so executed as not to obstruct, in any way, the course, capacity or construction of a common sewer, and whenever pipes for any purpose, or any work of construction, are found to exist at such a depth or in such location as to interfere with an existing sewer, or with the building of any common sewer of the required size, and at the proper depth and grades, the person maintaining the same, shall, upon notice thereof, at once remove, change or alter said pipe or pipes or other works, in such a manner as the City Engineer may direct. If such person neglects to comply immediately with the terms of such notification the Department of Public Works may make such removal, change or alteration, and the cost thereof shall be paid by such person; provided, that whenever any sewer is to be constructed, or any water pipe to be laid, in any street or way, the City Engineer and Chief Superintendent of Water Works shall consult with each other in regard to the location of any existing pipes. (G.O. 1943, c. 29, sec. 2)

SECTION 18.306. DRAINING INTO COMMON SEWER PREREQUISITE TO ASSESSMENT; SINGLE ASSESSMENT. No estate or portion of an estate shall

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be assessed for a sewer benefit until it can be drained into the common sewer and no estate or portion of an estate shall be assessed more than once for the same benefit. (G.O. 1943, c. 29, sec. 6)

SECTION 18.307. AMOUNT OF ASSESSMENTS; RATES. (a) The amounts of the sewer assessments to be levied upon abutting estates or parts of estates for a sewer benefit shall be determined in the ratio of four-tenths of the benefit according to the frontage and six-tenths of the benefit according to the area of the estate or part of an estate within one hundred twenty-five feet of the street in which the common sewer has been constructed.

(b) The area of estates on the corner of an intersecting street shall be measured to the line of said intersecting street if the area of said corner estate has not been previously assessed for a sewer benefit. If any part of the corner estate has already been assessed, a proper exemption of the area so assessed shall be made and only the frontage rate shall be applied to said area already assessed.

(c) The following standard rate for sewer assessments is established, namely: 85 Cents per front foot for the frontage rate, and 2 Cents per square foot for the area rate. (G.O. 1943, c. 29, sec. 7)

SECTION 18.308. ENTRY OF ASSESSMENTS ON PLAN. The amounts assessed and certified by the City Council shall be entered upon the plan prepared for an assessment. (G.O. 1943, c. 29, sec. 8)

SECTION 18.309. DRAIN LAYERS; LICENSE; SIZE OF PRIVATE DRAINS. Annually, in the month of January, and at other times when necessary, the City Engineer shall license such drain layers as apply, and are found competent, who alone shall be authorized to make all openings or excavations in any street for the purpose of constructing and repairing private drains, and who shall construct all entrances into the common sewers. The drain layers shall hold their license for one year, unless sooner revoked by the City Engineer. No such private drain, if of vitrified pipe, shall be laid of a less size than six inches interior diameter, and if of iron, it shall be not less than five inches internal diameter, and of extra heavy pipe, and the work shall be done as directed by the City Engineer. (G.O. 1943, c. 29, sec. 9)

SECTION 18.310. BONDS OF DRAIN LAYERS. Every person licenses as provided in the preceding Section shall, before performing any work authorized thereby, execute a bond to the City in the sum of Two Thousand (\$2,000.00) Dollars, with two good and sufficient sureties, to be approved by the City Engineer conditioned that he shall comply with the terms of the permit under which entrance is made; that he will cause the excavation to be properly fenced during the whole time the street is obstructed; that he shall when necessary,

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maintain one or more lighted lanterns in a conspicuous place over such obstruction from twilight in the evening and through the whole night; that he shall properly make all entrances to the sewers, and shall leave no obstruction of any description in the sewer which he may open; that he shall properly close the excavation, restore the earth and pavements taken up, and regrade and repave that part of the street which has been excavated, and keep it in a good and satisfactory condition for a period of one year thereafter, and that if he fails to do so, the street may be repaired by the Street Division and the expense thereof charged to him; and that he shall repay the City such expense, and that he shall indemnify and hold harmless the City from any damage or cost to which it may be put by reason of injuries resulting to any person from neglect or carelessness in making or repairing such drain, or in properly fencing or lighting any excavation or obstruction, or in performing any other work connected therewith. (G.O. 1943, c. 29, sec. 10)

SECTION 18.311. PRIVATE DRAINS NOT TO ENTER SEWER WITHOUT PERMIT. No private drain shall be entered into any common sewer, or into any private drain connected with any common sewer, without a permit in writing from the City Engineer; and on the completion of the work, the permit shall be returned to the office of the City Engineer, endorsed by the layer of the drain, with a statement of his proceedings thereunder. The City Engineer is authorized to grant such permits for estates which abut on the sewer into which an entrance is desired. Each permit shall be subject to the provisions of this Article, and shall state in detail the premises to which it applies, and the time, place, manner and construction of such entrance. Each permit may, at the discretion of the City Engineer, be subject to the condition that the entrance be made in the presence of any inspector appointed by him. No private drain from any estate or part of an estate not already assessed, or not liable to assessment for the sewer, shall be entered into such sewer, except by the consent of the City Council. (G.O. 1943, c. 29, sec. 11)

SECTION 18.312. PERMITS FOR CONDUITS FROM VAULTS TO SEWERS. The Commissioner of Public Works, under the direction of the Board of Health, is authorized to permit, under such restrictions as said Board may deem expedient, the construction of sufficient passage ways or conduits underground for the purpose of conveying the liquid contents of any vault into any common sewer. (G.O. 1943, c. 29, sec. 12)

SECTION 18.313. PLUGS OR CLAPPERS. No drain connecting with a common sewer, subject to the action of tide-water, shall be constructed without a plug or clapper to prevent completely the reflux of drainage matter, and storm or tidewaters. (G.O. 1943, c. 29, sec. 13)

SECTION 18.314. RECONSTRUCTION OF DRAINS. All drains not now built

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in accordance with the requirements herein, shall be reconstructed so as to conform thereto, whenever, in the opinion of the City Engineer, it may be necessary. (G.O. 1943, c. 29, sec. 14)

SECTION 18.315. EXHAUSTS AND BLOWOFFS. No steam exhaust or blowoff shall be connected with any common sewer or private drain. (G.O. 1943, c. 29, sec. 15)

SECTION 18.316. PENALTY FOR INTERFERING OR OBSTRUCTING. Whoever cuts into, interferes with or obstructs a common sewer, or enters a private drain therein, except as herein provided, or places or deposits in any street catch-basin or common sewer, any animal or vegetable matter or any other filthy substance, solid or liquid, or any naphtha, gasoline or other explosives or dangerous substances, or violates any of the provisions of this Article, shall be liable to a penalty not exceeding Fifty (\$50.00) Dollars. (G.O. 1943, c. 29, sec. 16)

ARTICLE IV. CEMETERY DIVISION

SECTION 18.401. COMMISSIONER IN CHARGE OF DIVISION. The Cemetery Division shall be under the charge of the Commissioner of Public Works. (G.O. 1943, c. 7, sec. 1)

SECTION 18.402. CARE OF CEMETERY. The Commissioner shall have the care and management of the Cambridge Cemetery, so-called, and also of the burial ground on Garden Street. (G.O. 1943, c. 7, sec. 2)

SECTION 18.403. RATES AND SALE OF RIGHTS OF BURIAL; RATES FOR SERVICES. (a) The Commissioner shall have authority to establish rates for and to sell rights of burial in the Cambridge Cemetery. All deeds and conveyances shall be executed by the City Manager in the name of the City, and recorded by the City Clerk in a book kept for that purpose.

(b) The Commissioner shall have authority to establish rates for services rendered to lot owners.

(c) All rates established as aforesaid shall be subject to the approval of the City Manager and no rate shall be deemed to be in effect until such approval in writing is given thereto. (G.O. 1943, c. 7, secs. 3, 5)

SECTION 18.404. AMOUNT NECESSARY FOR CARE OF LOT; PERPETUAL CARE. The Commissioner shall determine the amount necessary

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to preserve and care for any lot in Cambridge Cemetery, and shall also determine what lots may be received under perpetual care. Sums deposited by lot owners for perpetual care shall be paid into the Treasury and invested. The income therefrom shall be applied by the Commissioner for the preservation and care of such lots. The fund so created shall be denominated the "cemetery fund for the perpetual care of lots". (G.O. 1943, c. 7, sec. 4)

SECTION 18.405. LOTS RECEIVED IN TRUST. Proprietors of lots may, upon forms prescribed by the Commissioner and upon written approval of the City Manager convey the lot or lots to the City; and the Commissioner may, with the written approval of the City Manager, accept the same, for and in behalf of the City upon certain trusts in the deed of conveyance to be expressly mentioned. But in no event shall any such deed of conveyance be accepted as aforesaid, unless and until there shall be deposited with and held by the City Treasurer, a sum sufficient to provide for the perpetual preservation and care of such lot or lots, as hereinbefore provided for, and in addition thereto such sum or sums as may be determined by the Commissioner with the approval of the City Manager for keeping in repair and for the replacement of any curb, monument, headstone and fence on said lot or lots at the time of such conveyance. Any proprietor so conveying may in the deed reserve to himself and to such as may be beneficiaries thereunder the right of admission and such supervision as to the Commissioner may seem proper and as may not be inconsistent with the rights which have vested in the City. (G.O. 1943, c. 7, sec. 7)

ARTICLE V. ENGINEERING DIVISION

SECTION 18.501. CITY ENGINEER; APPOINTMENT; TERM; SALARY. The Engineering Division shall be under the charge of the City Engineer, who shall be appointed by the City Manager in April for the term of one year from May 1 in the year of his appointment and until his successor is appointed and qualified. He shall receive such compensation as the Council may determine. (G.O. 1943, c. 2, sec. 34)

SECTION 18.502. CITY ENGINEER IN CHARGE OF PLANS FOR STREET, DRAINS, AND SEWERS. The City Engineer shall be consulted in relation to public improvements of every kind where the advice of a civil engineer would be of service. He shall have charge of all plans of streets, drains, sewers and structures of every kind, not especially belonging to other departments, and shall keep the same properly classified and indexed. He may promulgate rules and regulations, concerning the operation of his department. (G.O. 1943, c. 2, sec. 35)

SECTION 18.503. PUBLIC WORKS; MEASURING WORK DONE BY CONTRACT. Unless otherwise specially provided the City Engineer shall take

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charge of the construction of all public works of the City which properly come under the direction of the civil engineer. He shall perform all engineering services, make all examinations and prepare all statements, plans, specifications and contracts which any department may need in the discharge of its duties. He shall, when required by the City Manager, or by any department, measure the work done by contract for the City, and certify to the results of such measurement. (G.O. 1943, c. 2, sec. 36)

SECTION 18.504. SURVEYS, PLANS, ESTIMATES AND DESCRIPTIONS; OTHER DUTIES. The City Engineer or his assistants shall make such surveys, plans, profiles, estimates, and descriptions as may be required of him by the City Manager, the City Council, or any committee thereof. He shall perform all other services for the City, which properly come under the direction of a civil engineer, as may be required of him by the City Manager, the City Council, or any committee thereof, the City Solicitor or the Water Board. (G.O. 1943, c. 2, sec. 37)

SECTION 18.505. ANNUAL REPORT. The City Engineer shall annually, in January, present to the City Manager a report in relation to his division, showing the number of persons employed, the detailed expenses of the division, the general nature of the work, the property under his charge, the condition of all structures that come under his supervision that are in process of construction or that have been completed during the previous year, and such other general information, in relation to the same, as he may deem expedient. (G.O. 1943, c. 2, sec. 42)

SECTION 18.506. DEPUTY CITY ENGINEER; DUTIES. (a) There shall be a Deputy City Engineer who shall, in accordance with the Civil Service Law, be appointed by the City Engineer, from the members of the Engineering Division.

(b) The Deputy City Engineer, in addition to any other duties or authority prescribed for him, shall be in charge of the department whenever the City Engineer may be absent or unable to perform his duties. (G.O. 1943, c. 2, sec. 43)

ARTICLE VI. REFUSE, SNOW, AND ICE REMOVAL

SECTION 18.601. PURPOSE AND INTENT OF ARTICLE. It is the intent of the City Council that this Article be liberally construed for the purpose of providing a sanitary and satisfactory method of handling, collecting and disposing of rubbish and garbage 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. (Ord. No. 798, sec. 1.01, July 27, 1970)

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SECTION 18.602. COMMISSIONER IN CHARGE. The Commissioner of Public Works shall have control of the collection, carrying away, sale and disposal of refuse and shall have authority to make rules and regulations in relation thereto not inconsistent with any ordinance now in force or that may be hereafter enacted. He shall also have charge of the vehicles, buildings and equipment now used or hereafter to be used in connection with the collection, carrying away, sale and disposal of refuse. (G.O. 1943, c. 33, sec. 2)

SECTION 18.603. DEFINITIONS. (a) Authorized garbage receptacles shall mean receptacles for private residences which shall be made of metal with tightfitting covers, with a capacity of not less than ten nor more than fifteen gallons. Every garbage storage receptacle shall be cleaned by the user at least once weekly and shall be so maintained and located on the premises that no objectionable odors shall permeate any building. Limitations on size do not apply to authorized garbage receptacles for private collections. (Ord. No. 798, sec. 2.05, July 27, 1970)

(b) Authorized litter receptacles shall mean receptacles for the use of the general public outdoors by the City or by private persons on either public or private property. The receptacles shall be 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. (Ord. No. 798, sec. 2.04, July 27, 1970)

(c) Authorized rubbish receptacles shall mean receptacles that contain rubbish awaiting collection and are kept outdoors and shall be constructed preferably of heavy plastic or of metal, with tightfitting covers, and shall be flytight, rodent-proof, nonflammable and waterproof. Heavy plastic bags of not less than one and one-half mil may be used to line a receptacle with a tightfitting cover or fastened tightly with wire, string, ties, or tape. Specially treated, water-resistance paper or cardboard containers may also be used as temporary rubbish containers provided that they are tightly fastened with wire, string, ties, or tape. Ordinary cardboard containers without special water-resistant treatment are not authorized rubbish receptacles. Authorized rubbish receptacles for City rubbish collection shall not exceed two feet, thirty-two gallon capacity, and shall not exceed one hundred thirty pounds gross weight. Limitation on size or weight do not apply to authorized rubbish receptacles for private collection. (Ord. No. 798, sec. 2.06, July 27, 1970)

(d) Commercial establishment shall mean any person or owner as defined in subsection (i) of this Section doing business for profit and occupying private property. (Ord. No. 798, sec. 2.10, July 27, 1970)

(e) Garbage shall mean the animal and vegetable waste from the handling, preparing, cooking, and consumption of food. (Ord. No. 798, sec. 2.02, July 27, 1970)

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(f) Litter shall mean all garbage and rubbish, and shall include any other waste material which, if thrown or deposited as prohibited in this Article tends to create a danger or nuisance to public health, safety or welfare. (Ord. No. 798, sec. 2.01, July 27, 1970)

(g) Non-profit establishment shall mean not-for-profit corporation or association established for religious, educational, charitable, or benevolent purposes and occupying private property. (Ord. No. 798, sec. 2.11, July 27, 1970)

(h) Occupant shall mean any person living, sleeping, or cooking in, or conducting any commercial or non-profit activity, or having actual possession of any building or any part thereof. (Ord. No. 798, sec. 2.09, July 27, 1970)

(i) Owner shall mean any person or entity which alone or jointly or severally with others: Shall have legal or equitable title to any private property with or without accompanying actual possession thereof; or, shall have charge, care or control of any private property as owner or agent or as executor, administrator, trustee or guardian of the estate of the owner or any other person in a representative capacity. (Ord. No. 798, sec. 2.07, July 27, 1970)

(j) Rubbish shall mean combustible and noncombustible waste materials except garbage, and shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar substances. (Ord. No. 798, sec. 2.03, July 27, 1970)

SECTION 18.604. LEGAL DUTIES OF PEDESTRIAN AND MOTORISTS. (a) No person shall throw or deposit litter in or upon any street, sidewalk, square, playground, park, or other public place except in authorized public or private litter receptacles. (Ord. No. 798, sec. 3.01, July 27, 1970)

(b) Litter from pedestrians on private property. No person shall throw or deposit litter on any occupied, open or vacant private property, whether or not occupied by such person, except in authorized private litter receptacles or authorized private rubbish receptacles. (Ord. No. 798, sec. 3.02, July 27, 1970)

(c) Litter from vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street, sidewalk, square, playground, park or other public place. (Ord. No. 798, sec. 3.03, July 27, 1970)

(d) Litter from load-carrying vehicles. No person shall drive or move any truck or other vehicle unless such vehicle is so constructed and loaded as to prevent any load, contents, or litter from being blown off or deposited upon any street, sidewalk, square, playground, park, or other public place. (Ord. No. 798, sec. 3.04, July 27, 1970)

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(e) Abandoned vehicles. No person shall abandon an automobile, truck, motorcycle, or other motor vehicle for more than seventy-two hours upon a public or private way or on any property without the permission of the owner or lessee of the property. Any person who wishes to junk such a vehicle must contract with a private disposal agency. (Ord. No. 798, sec. 3.05, July 27, 1970)

SECTION 18.605. LEGAL DUTIES OF OWNERS AND OCCUPANTS OF PRIVATE RESIDENTIAL PROPERTY. (a) Every owner or occupant, in the event of a written agreement, shall supply garbage disposal facilities or authorized garbage receptacles on the basis of at least one ten-gallon container per family, and authorized rubbish receptacles sufficient to contain all rubbish accumulated between collection days. (Ord. No. 798, sec. 4.01a, July 27, 1970)

(b) Every owner or occupant, in the event of 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 Section 18.607 and 18.610 of this Chapter. (Ord. No. 798, sec. 4.01b, July 27, 1970)

(c) Every occupant shall dispose of all garbage and rubbish in a clean and sanitary manner in compliance with Sections 18.609a through 18.609k of this Chapter. (Ord. No. 798, sec. 4.01c, July 27, 1970)

(d) Every owner of a multiple dwelling in which he does not reside, shall designate a responsible person as his agent. This person and the owner shall be severally and jointly responsible for maintaining the entire premises including the yard area and the adjoining sidewalk and gutter in compliance with Sections 18.607 and 18.610 of this Chapter. (Ord. No. 798, sec. d, July 27, 1970)

SECTION 18.606. LEGAL DUTIES OF OWNERS OR OCCUPANTS OF PRIVATE PROPERTY OCCUPIED BY COMMERCIAL OR NON-PROFIT ESTABLISHMENTS. Every owner or occupant, in the event of a written agreement shall supply a sufficient quantity of authorized garbage and rubbish receptacles in compliance with Sections 18.609a through 18.609k of this Article. If garbage and rubbish is not collected by the City, arrangements shall be made for adequate and regular private collection of garbage and rubbish in compliance with Section 18.609 of this Article. (Ord. No. 798, sec. 4.02, July 27, 1970)

SECTION 18.607. RESPONSIBILITY OF OWNERS OR OCCUPANTS FOR LITTER ON PRIVATE PROPERTY AND ADJOINING SIDEWALKS AND GUTTERS. (a) 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. (Ord. No.,798, sec. 5.01, July 27, 1970)

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(b) 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 and the adjoining gutter to the center of the street free of litter. (Ord. No. 798, sec. 5.02a, July 27, 1970)

(c) Every owner or occupant of private property shall cut and dispose of weed in any yard area or vacant lot, or around any public or private property. (Ord. No. 798, sec. 5.02b, July 27, 1970)

(d) 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. (Ord. No. 798, sec. 5.02c, July 27, 1970)

SECTION 18.608. LITTER FROM COMMERCIAL OR NON-PROFIT ESTABLISHMENTS. (a) Litter from commercial or non-profit establishments shall not be thrown or deposited in any public litter receptacles. (Ord. No. 798, sec. 5.03a, July 27, 1970)

(b) Commercial or non-profit 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 receptacles as described in Section 18.605 of this Article and the establishment shall cause the receptacles to be emptied regularly. (Ord. No. 798, sec. 5.03b, July 27, 1970)

SECTION 18.609. GARBAGE AND RUBBISH COLLECTION FROM PRIVATE PROPERTY. (a) Garbage and rubbish receptacles. Every owner or occupant of private property may maintain authorized garbage and rubbish receptacles outdoors on said private property provided the receptacles are screened from the view of public streets and sidewalks. (Ord. No. 798, sec. 7.01, July 27, 1970)

(b) Garbage and rubbish to be separated. Garbage and rubbish that is to be collected by the City shall be separated in their respective receptacles at all times and mixing of rubbish in authorized garbage receptacles is prohibited. Any person wishing to dispose of garbage who does not have access to an authorized garbage receptacle may deposit the garbage in an authorized rubbish receptacle provided that the garbage shall be drained of all liquid and shall be wrapped in paper of such thickness as to prevent leakage. (Ord. No. 798, sec. 7.02, July 27, 1970)

(c) Garbage collection. Whoever desires the removal of garbage from private property shall cause the garbage to be placed in authorized garbage receptacles. The receptacles shall be kept in some convenient and accessible place on the

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premises of the owner or occupant of private property, where the receptacles can be easily reached by the garbage collectors. (Ord. No. 798, sec. 7.03, July 27, 1970)

(d) Rubbish collection. Whoever desires the removal of rubbish from private property shall cause the rubbish to be placed in authorized rubbish receptacles and to be set in an easily accessible place in the yard adjoining the premises or upon the sidewalk, but if placed upon the sidewalk, the authorized rubbish receptacles shall be placed on sidewalk no earlier than 6:00 P.M. of the day immediately prior to the day of collection as designated by the Commissioner of Public Works for collection in the area where the premises are located and shall be removed from the sidewalk no later than 6:00 P.M. of the day of collection. The rubbish receptacles shall not be placed upon the sidewalks in a manner to inconvenience the use of the sidewalks by pedestrians. (Ord. No. 798, sec. 7.04, July 27, 1970)

(e) Bulk rubbish. Rubbish that is larger than can be contained in authorized rubbish receptacles shall be securely tied in compact bundles, not to exceed one hundred pounds in weight. Newspapers, magazines and other papers shall be securely tied in bundles unless they are placed in authorized rubbish containers. Large cardboard cartons shall be flattened and securely tied in bundles. Such bulk rubbish shall be set out in the same places and under the same restrictions as those for authorized rubbish receptacles in Subsection (d) of this Section. (Ord. No. 798, sec. 7.05, July 27, 1970)

(f) Grass clippings, fallen leaves, small shrubs, and tree trimmings, etc: All grass clippings and fallen leaves to be collected by the City shall be stored in authorized rubbish containers. The use of heavy plastic bags tied securely at the top is encouraged for this type of rubbish. Small shrub and tree trimmings shall be stored in authorized rubbish containers or shall be tied securely in bundles not exceeding three feet in length, ten inches in diameter or a total of one hundred pounds in weight. Such bundles of small shrub and tree trimmings shall be set out in the same places and under the same restrictions as those for authorized receptacles in Subsection (d) of this Section. The burning of leaves or other material outdoors is strictly prohibited. (Ord. No. 798, sec. 7.06, July 27, 1970)

(g) Large items of rubbish. Large bulky items of rubbish such as refrigerators, stoves, beds, crates, tree stumps, dead trees, etc: will be collected by the City only by special arrangement with the Commissioner of Public Works. Persons desiring such collection should notify the Commissioner. The City Manager may at his discretion direct the Commissioner to charge a fee for the collection of certain items, or the Commissioner may, at his discretion, determine that certain items are unsuitable for collection by the City, and may direct the owner to arrange for private collection. (Ord. No. 798, sec. 7.07, July 27, 1970)

(h) Periodic free collection of large items of rubbish. At least once each year, the Commissioner of Public Works shall set dates for the collection of large bulky items of rubbish, as described in subsection (g) of this Section. The dates

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shall be publicized by the City. No fee shall be charged and no notice shall be required from the owner or occupant of private property. The Commissioner may, at his discretion, set a single collection period for the whole City or divide the City into suitable collection areas and set a different collection period for each area. Such large items of rubbish awaiting collection shall be stored in the same place as specified in subsection (d) of this Section for authorized rubbish containers. However, the Commissioner may from time to time issue regulations directing other methods and places for storing such large items of rubbish awaiting collection, and all such regulations shall be publicized by the City. The Commissioner may, at his discretion, determine that certain items are unsuitable for collection by the City, and may direct the owner to arrange for private collection. (Ord. No. 798, sec. 7.08, July 27, 1970)

(i) Periodic free collection of large shrubs and tree trimmings. At least once a year the Commissioner shall set dates for the collection of dead shrubs or trees or the large trimmings of shrubs or trees. The dates shall be publicized by the City. No fee shall be charged and no notice shall be required from the owner or occupant of private property. The Commissioner may, at his discretion, set a single collection period for the whole City or divide the City into suitable collection areas and set a different collection period for each area. Such material awaiting collection shall be stored in the same places as specified in subsection (d) of this Section for authorized rubbish containers, or if the bulk is very large, in the street against the adjoining sidewalk. However, the Commissioner may, from time to time issue regulations directing other methods and places for storing such material awaiting collection. Grass clippings, fallen leaves, and small shrub and tree trimmings must be stored in containers or bundles as specified in subsection (f) of this Section. (Ord. No. 798, sec. 7.09, July 27, 1970)

(j) Container collection of large items of rubbish or of shrub and tree trimmings. The Commissioner of Public Works may preempt parking spaces for limited periods of time at any area for the purpose of installing temporary containers for the collection of large items of rubbish or of shrub and tree trimmings. (Ord. No. 798, sec. 7.10, July 27, 1970)

(k) Private garbage and rubbish collection. The Commissioner of Public Works shall have the right to specify the times and methods of storage, collection and disposal of garbage and rubbish by any private collector. (Ord. No. 798, sec. 7.11, July 27, 1970)

(l) Commercial or non-profit establishments: garbage and rubbish collection. The Commissioner of Public Works may, at his discretion, and if the public convenience and necessity so require, determine that the volume of garbage or rubbish from commercial or non-profit establishments is beyond the capacity of the Department of Public Works to collect or dump, and upon making such a determination, the Commissioner shall so notify the commercial or non-profit establishments that the City will not collect garbage or rubbish from the establishments and that the establishments shall arrange for private collection. All garbage receptacles for garbage awaiting private collection shall be made of metal with tightfitting covers, shall be cleaned by the user at least once weekly,

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and shall be so maintained and located on the premises that no objectional odors shall permeate any building. All rubbish receptacles for rubbish awaiting private collection shall be flytight, rodentproof, non-flammable and waterproof, and shall be so constructed as to prevent the escape of litter onto public or private property. All such garbage and rubbish receptacles shall be kept on private property at all times and not on public streets or sidewalks and shall be screened from view of public streets or sidewalks. (Ord. No. 798, sec. 7.12, July 27, 1970)

(m) Whoever desires to have his discarded newspapers collected by the City for recycling may follow the following procedure: (a) Newspapers (but not magazines, paper bags, or other forms of paper) should be kept in a separate place between rubbish collection days; (b) Newspapers should be tied with string in bundles approximately six to eight inches in thickness; and (c) Bundles should be placed at the curb or near rubbish receptacles on the day designated for collection of rubbish in the location.

Newspaper placed on the curb or near rubbish receptacles on rubbish collection days shall become the property of the City of Cambridge; no one other than the City of Cambridge or persons duly authorized by the City Manager shall remove such newspapers.

The City Manager is authorized to issue written permits to non-profit charitable organizations which are exempt from federal income taxation to collect bundled newspapers within the City in a particular area of the City but only on days of the week other than the regular rubbish collection days for such area, or the day immediately preceding such day. (Ord. No. 824, Sept. 10, 1973)

SECTION 18.610. CHARGES FOR COLLECTION OF ASHES AND RUBBISH. (a) There shall be charged by the City for the collection of ashes, dust, sweepings, shrubbery clippings, tree branches, and any other refuse other than offal, the sum of Twenty-Five (\$.25) Cents for each barrel, parcel, box, or other container in excess of two containers, but after four barrels or containers the sum of Forty (\$.40) Cents per barrel or container, except refuse from schools, churches, charitable, or benevolent organizations, buildings used solely for private dwellings, and portions used for private dwelling in buildings other than hotels and other than buildings used solely for private dwellings. (Ord. No. 25, sec. 47, as amended by Ord. No. 470, May 17, 1954)

(b) The Commissioner of Public Works shall keep suitable records of all collections for which charges are to be made, as required by this Section and shall be charged with the collection of amounts due for such services at the time collections are made. The Commissioner is authorized to cause to be sold to occupants of real estate stubs or other tickets for the purpose of making payment and collection of amounts due for said services. (Ord. No. 25, sec. 47, Sept. 25, 1944)

SECTION 18.611. RESPONSIBILITIES OF OWNERS OR OCCUPANTS FOR

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SNOW AND ICE REMOVAL. (a) Removal of snow from sidewalks. The owner or occupant of private property bordering on a street where there is a sidewalk or a footway shall, within twelve hours after snow ceases to fall in the daytime and before 1:00 P.M. after a fall of snow during the night, cause all snow that may be on such sidewalk or footway to be removed therefrom. In the event of an unusually heavy snowfall, the time limit shall be extended at the discretion of the Commissioner of Public Works. The provisions of this Section shall apply to snow which falls from buildings as well as to that which falls from the clouds. (Ord. No. 798, sec. 6.01, July 27, 1970)

(b) Removal of ice from sidewalks. The owner or occupant of private property bordering on a street where there is a sidewalk or footway any portion of which is encumbered by ice shall within six hours after the sidewalk or footway becomes encumbered with ice cause such sidewalk or footway to be made safe and convenient by removing the ice therefrom, or by keeping the same covered with sand or some other suitable substance. (Ord. No. 798, sec. 6.02, July 27, 1970)

SECTION 18.612. PENALTY. (a) Any person who violates Section 18.604e of this Article shall be prosecuted in accordance with Massachusetts General Laws, Chapter 90, Section 22B.

(b) Any person who violates any other Section of this Article shall be subject to a fine not exceeding Fifty (\$50.00) Dollars. Each days violation shall constitute a separate offense. (Ord. No. 798, sec. 8.01, July 27, 1970)

SECTION 18.613. LEGAL DUTIES OF CITY. (a) The City shall maintain regular schedules of street cleaning, and shall post signs city-wide and otherwise publicize by all appropriate means the schedule of regular street cleaning times. (Ord. No. 798, sec. 9.01, July 27, 1970)

(b) The City shall maintain regular schedules of garbage and rubbish collection subject to the provisions of Section 18.609a through 18.609f of this Article and shall publicize the schedules by all appropriate means. (Ord. No. 798, sec. 9.02, July 27, 1970)

(c) The City shall publicize dates for the collection of large items of rubbish and of shrub and tree trimmings subject to the provisions of Sections 18.609g through 18.609j of this Article and shall publicize the schedules by all appropriate means. (Ord. No. 798, sec. 9.03, July 27, 1970)

(d) The City shall maintain and service authorized litter receptacles in all parts of the City. (Ord. No. 798, sec. 9.04, July 27, 1970)

(e) The City shall plow snow from the streets in all parts of the City. (Ord. No. 798, sec. 9.05, July 27, 1970)

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(f) The City shall require all Federal, State and local Government organizations to comply with the regulations in Sections 18.607 through 18.610 for owners of private property and for commercial or non-profit establishments. (Ord. No. 798, sec. 9.06, July 27, 1970)

(g) The City shall maintain citizen information service for citizen information and complaints about litter, garbage, rubbish and snow removal problems, and City services similar to, or in combination with, the Housing Code Enforcement telephone number. (Ord. No. 798, sec. 10.02, July 27, 1970)

