

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 Superintendent of the Cemetery Division may seem proper and as may not be inconsistent with the rights which have vested in the City.

(G.O. 1943, Ch.7, §7.)

Sec. 17-70. Report of Superintendent.

The Superintendent shall annually, in the month of January, submit to the Commissioner of Public Works a report of all his acts, doings and proceedings and of the condition of the cemetery and burial ground, and an account of his receipts and expenditures for the preceding year ending December 31.

(G.O. 1943, Ch.7, §6.)

ARTICLE II. REFUSE.

Sec. 17-71. 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, §1.01, July 27, 1970.)

Sec. 17-72. 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 (10) nor more than fifteen (15) 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, §2.05, July 27, 1970.)

(b) Authorized litter receptacles shall mean receptacles for the use of the general public placed outdoors by the City or by private persons on either public or private property. The receptacles shall be 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, §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 (1-1/2) 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

(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, §2.09, July 27, 1970.)

(i) Owner shall mean any person or entity which alone or jointly or severally with others:

(1) Shall have legal or equitable title to any private property with or without accompanying actual possession thereof; or,

(2) 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, §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, §2.03, July 27, 1970.)

Sec. 17-73. Legal duties of pedestrian and motorists.

(a) Litter from Pedestrians on public property. No person shall throw or deposit litter in or upon any street, sidewalk, square, playground, park or other public place except in

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 (2) feet, thirty-two (32) gallon capacity, and shall not exceed one hundred thirty (130) pounds gross weight. Limitation on size or weight do not apply to authorized rubbish receptacles for private collection.

(Ord. No. 798, §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, §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, §2.02, July 27, 1970.)

(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, §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, §2.11, July 27, 1970.)

authorized public or private litter receptacles.

(Ord. No. 798, §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, §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, §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, §3.04, July 27, 1970.)

(e) Abandoned vehicles. No person shall abandon an automobile, truck, motorcycle, or other motor vehicle for more than seventy-two (72) 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, §3.05, July 27, 1970.)

authorized public or private litter receptacles.

(Ord. No. 798, §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, §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, §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, §3.04, July 27, 1970.)

(e) Abandoned vehicles. No person shall abandon an automobile, truck, motorcycle, or other motor vehicle for more than seventy-two (72) 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, §3.05, July 27, 1970.)

Sec. 17-74. Legal duties of owners and occupants of private property.

(a) Residential property.

(1) 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 (1) 10-gallon container per family, and authorized rubbish receptacles sufficient to contain all rubbish accumulated between collection days.

(Ord. No. 798, §4.01a, July 27, 1970.)

(2) 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 Sections 17-75 and 17-77 of this Chapter.

(Ord. No. 798, §4.01b, July 27, 1970.)

(3) Every occupant shall dispose of all garbage and rubbish in a clean and sanitary manner in compliance with Sections 17-76(a) through 17-76(k) of this Chapter.

(Ord. No. 798, §4.01c, July 27, 1970.)

(4) Every owner of a multiple dwelling in which he does not reside, he 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 17-75 and 17-77 of this Chapter.

(Ord. No. 798, §4.01d, July 27, 1970.)

Sec. 17-74. Legal duties of owners and occupants of private property.

(a) Residential property.

(1) 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 (1) 10-gallon container per family, and authorized rubbish receptacles sufficient to contain all rubbish accumulated between collection days.

(Ord. No. 798, §4.01a, July 27, 1970.)

(2) 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 Sections 17-75 and 17-77 of this Chapter.

(Ord. No. 798, §4.01b, July 27, 1970.)

(3) Every occupant shall dispose of all garbage and rubbish in a clean and sanitary manner in compliance with Sections 17-76(a) through 17-76(k) of this Chapter.

(Ord. No. 798, §4.01c, July 27, 1970.)

(4) Every owner of a multiple dwelling in which he does not reside, he 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 17-75 and 17-77 of this Chapter.

(Ord. No. 798, §4.01d, July 27, 1970.)

(b) Private property occupied by commercial or non-profit establishments.

(1) 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 17-76(a) through 17-76(k) 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 17-76 of this Article.

(Ord. No. 798, §4.02a, July 27, 1970.)

Sec. 17-75. 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, §5.01, July 27, 1970.)

(b) Maintenance of sidewalks.

(1) 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, §5.02a, July 27, 1970.)

(2) 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, §5.02b, July 27, 1970.)

(3) 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, §5.02c, July 27, 1970.)

(c) Litter from commercial or non-profit establishments.

(1) Litter from commercial or non-profit establishments shall not be thrown or deposited in any public litter receptacles.

(Ord. No. 798, §5.03a, July 27, 1970.)

(2) 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 litter receptacles as described in Section 17-74 of this Article and the establishment shall cause the receptacles to be emptied regularly.

(Ord. No. 798, §5.03b, July 27, 1970.)

Sec. 17-76. 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, §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, §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 premises of the owner or occupant of private property, where the receptacles can be easily reached by the garbage collectors.

(Ord. No. 798, §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 the 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 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, §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 (100) 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, §7.05, July 27, 1970.)

(f) Grass clippings, fallen leaves, small shrub, 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 (3) feet in length, ten (10) inches in diameter or a total of one hundred (100) 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, §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, §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 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 area 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, §7.08, July 27, 1970.)

(i) Periodic free collection of large shrub 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, §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, §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, §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, and shall be so maintained and located on the premises that no objectionable 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, §7.12, July 27, 1970.)

→ NEW SECTION (11) Proposed -

Sec. 17-77. 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 (2) containers, but after four (4) barrels or containers the sum of Forty (\$.40) Cents per barrel or container, except that no charge shall be made for the collection of such 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, §47, ¶1 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, §47, ¶2, Sept. 25, 1944.)

Sec. 17-78. Charges for use of City dumps and incinerator; permit.

The Commissioner of Public Works is empowered to issue permits for dumping in any dump owned or controlled by the City or at the incinerator now owned by the City or at any other incinerator hereafter operated by the City. The Commissioner shall establish rules and regulations for the conduct of such dumping, such rules and regulations to be approved by the City Manager. The charge for such permit shall be a minimum of Two (\$2.00) Dollars per load and Fifty (\$.50) Cents per load over six (6) loads, except for building materials. Building materials such as laths, doors, timbers, boards, etc. shall have a minimum of Five (\$5.00) Dollars per load, the charges to be determined within said limits by the Commissioner, according to the size of each load. All persons, except employees of the City in the course of their employment, who pick up refuse within the City shall pay a fee of Two (\$2.00) Dollars per vehicle per year. The Commissioner of Public Works shall issue all permits for the use of said street for trans-

portation of refuse. No person shall dump any refuse or rubbish in any dump owned or controlled by the City or in any incinerator owned or operated by the City without previously having obtained a permit therefor from the Commissioner of Public Works.

(Ord. No. 25, §48 as amended by Ord. No. 471, May 17, 1954)

Sec. 17-79. Responsibilities of owners or occupants for 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 footway shall, within twelve (12) 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, §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 (6) 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, §6.02, July 27, 1970.)

Sec. 17-80. Penalty.

(a) Any person who violated Section 17-73(e) of this Article shall be prosecuted in accordance with Massachusetts General Laws, Chapter 90, Section 22B.

(b) Any person who violated 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, §8.01, July 27, 1970.)

Sec. 17-81. Legal duties of City.

(a) The City shall maintain regulare schedules of street cleaning, and shall post signs city-wide and otherwise publicize by all appropriate means the schedules of regular street cleaning times.

(Ord. No. 798, §9.01, July 27, 1970.)

(b) The City shall maintain regular schedules of garnage and rubbish collection subject to the provisions of Section 17-76(a) through 17-76(f) of this Article and shall publicize the schedules by all appropriate means.

(Ord. No. 798, §9,02, July 27, 1970.)

(c) The City shall publicize dates for the collec- tion of large items of rubbish and of shrub and tree trimmings subject to the provisions of Sections 17-76(g) thru 17-76(j) of this Article and shall publicize the schedules by all appro- priate means.

(Ord. No. 798, §9.03, July 27, 1970.)

(d) The City shall maintain and service authorized litter receptacles in all parts of the City.

(Ord. No. 798, §9.04, July 27, 1970.)

(e) The City shall plow snow from the streets in all parts of the City.

(Ord. No. 798, §9.05, July 27, 1970.)

(f) The City shall require all Federal, State and Local Government organizations to comply with the regulations in Sections 17-75, 17-76 and 17-77 for owners of private property and for commercial or non-profit establishments.

(Ord. No. 798, §9.06, July 27, 1970.)

Sec. 17-82. Publicizing Article; citizen information service.

(a) The City shall publicize the provisions of this Article through the media of signs, advertisements, flyers, leaflets, announcements on radios and television, newspaper articles, and through any other appropriate means, so that all citizens will have the opportunity to become informed about the legal duties of property owners and occupants, pedestrians and motorists, and about the City garbage, rubbish and anti-litter services.

(Ord. No. 798, §10.01, July 27, 1970.)

(b) The City shall maintain citizen information service for citizen information and complaints about litter, garbage, rubbish and snow removal problems, and City services similiar to, or in combination with, the Housing Code Enforcement telephone number.

(Ord. No. 798, §10.02, July 27, 1970.)

