



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

June 26, 2000

To: Robert W. Healy, City Manager

From: Bob Bresani, Inspectional Services

Subject: Council Order 00-27; RE: REPORT ON ADOPTING A POLICY SIMILAR TO BOSTON'S TO ENFORCE CLEANLINESS STANDARDS FOR PUBLIC AREAS AND STREETS.

The City of Boston adopted an Ordinance that will be effective on July 1, 2000 that provides for the issuance of site cleanliness licenses. Key elements of this new Ordinance are:

- applies to automotive facilities, food/beverage establishments and all business and residential locations that use bulk refuse containers(dumpsters).
- provides for screening of dumpsters.
- licensee is required to provide information such as; site cleaning schedules, name of supervisor, location and screening of dumpsters, name of waste hauling company, frequency of pickup, pest control company, etc.
- annual license fee of \$25.
- provides for City to seek injunction to close establishment for failure to obtain license.
- penalties for failure to comply with terms of license are suspension, cancellation, or revocation of license with the penalty for not complying with violation notices a fine(non-criminal) of up to \$1000 per violation per day.

Cambridge has a Refuse and Litter Ordinance(Municipal Code Ch. 8.24) which includes within its scope the kinds of establishments and waste containers covered under the Boston Site Cleanliness Ordinance. It also contains objectives and provisions that are similar to those contained in the Boston Ordinance. For violations of the Ordinance, fines of \$50 per day(criminal) and \$25 per day non-criminal are provided. In addition to the above, problems relating to refuse and litter control can also be enforced, depending on the specific circumstances, under the State Sanitary Code, Chapter II(Minimum Standards of Fitness for Human Habitation) or Chapter X (Food Establishments). The State Sanitary Code provides for fines of up to \$500 per day and, in the case of food establishments, revocation of the food handling permit.

As indicated above, I believe that adequate laws are currently available to control trash and litter and related disposal problems within the City. A licensing program similar to that of Boston would likely involve significant resources to effectively administer with questionable benefits. As the program in Boston is just getting started, I recommend that

it be monitored and reassessed after it has been in operation for a year to determine if this program, or elements of it, should be considered for Cambridge.

A copy of the Boston Site Cleanliness Ordinance along with the Cambridge Refuse and Litter Ordinance are attached for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. R. Bersani". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

R. R. Bersani

cc

Ralph Dunphy, Public Works Commissioner

Don Drisdell, Deputy City Solicitor

Boston Inspectional Services

Site Cleanliness Ordinance

Applicability: Applicable to every bulk refuse container (dumpster) whether commercial or residential; all food and beverage establishments; all automotive establishments; and all bulk refuse container storage lots.

Requirements: The site cleanliness license is applied for and obtained at the Boston Inspectional Services Department. The license fee is \$25.00.

Application Contents: The application must include:

- a site plan indicating the location of the dumpster and its proximity to abutting properties or public ways;
- the location of any required fencing or screening
- a maintenance plan and schedule
- a solid waste proposal plan including a copy of the solid waste disposal contract; and
- a rodent/pest control contract.

Violation of Ordinance: Operating or maintaining an establishment or dumpster without a license or failing to operate or maintain a licensed dumpster or site in accordance with the terms of an issued license.

Enforcement: The Community Sanitation Division of Boston Inspectional Services and the Code Enforcement Police.

Penalty: Fines of up to \$1000 per day and/or closure of the business for repeated violations.

City of Boston
Thomas M. Menino
Mayor



Boston Inspectional Services
1010 Massachusetts Avenue
Boston, MA 02118

Boston Inspectional Services

Site Cleanliness Requirements for Residents and Businesses

Application



City of Boston

Thomas M. Menino, Mayor
Kevin J. Joyce, Commissioner

Residences and Businesses
that use dumpsters have new
responsibilities under the new
Site Cleanliness Ordinance.
Licenses must be obtained and
posted on or before July 1, 2000.

Site Cleanliness Application

To the Citizens of Boston:

As Mayor of Boston, I want to make sure that everybody who lives in and/or conducts business in our City enjoys a clean, healthful environment.

For this reason, I proposed a new Site Cleanliness Ordinance, which the City Council approved. This Ordinance will take effect on July 1, 2000 and establishes clear property management standards.

In the past, restaurants, small take-out businesses, automotive repair shops, and solid waste storage sites bordering residential areas were often the cause of wind-blown litter, overflowing dumpsters and the rodents attracted to unsecured garbage. All of this negatively impacted the quality of life in our neighborhoods.

This new Ordinance requires that all business and residential locations that use bulk dumpsters must now apply to Boston Inspectional Services for a license. A waste management plan must be filed that demonstrates how the owner or operator of the property will keep the site clean and free of trash and debris.

The quality of life in our neighborhoods is very important to me. This new Site Cleanliness Ordinance is another step toward improving our environment in Boston's neighborhoods and ensuring that health and safety regulations are enforced. I thank you for your cooperation.

Sincerely,



Thomas M. Menino
Mayor of Boston

Site Location: _____ Ward: _____ Precinct: _____

Owner's Name: _____

Address: _____ Tel: (____) _____

Type of Property/Lot:

- ____ Auto Sale or Repair
- ____ Food/Beverage
- ____ Other Commercial Use
- ____ Residential Use
- ____ Other Use

Explain: _____

DPW Approval: Yes _____ No _____

Location of Receptacle: (Map or Schematic Drawing)

Name of Disposal Company: _____

Contact Person: _____

Address: _____ **Tel:** (____) _____

Trash Pick Up Schedule: No. of Days: _____ Days of Pick-up: Sun. Mon. Tues. Wed. Thurs. Fri. Sat.

Cleaning Schedule: No. of Days: _____ Time: _____

Person Responsible for Cleaning:

Name: _____

Address: _____ **Tel:** (____) _____

Site Cleanliness Plan Submitted: Yes _____ No _____

Applicant's Signature: _____ **Date:** _____

Site Plan Official Use Only

Approved: _____ Denied: _____

Commissioner/Designee Signature: _____ **Date:** _____

Commissioner/Designee Signature: _____ **Date:** _____

Boston Inspectional Services

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- a rodent/pest control contract.

Violation of Ordinance: Operating or maintaining an establishment or dumpster without a license or failing to operate or maintain a licensed dumpster or site in accordance with the terms of an issued license.

Enforcement: The Community Sanitation Division of Boston Inspectional Services and the Code Enforcement Police.

Penalty: Fines of up to \$1000 per day and/or closure of the business for repeated violations.



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1010 Massachusetts Avenue
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Site Cleanliness Requirements for Residents and Businesses

Application



City of Boston

Thomas M. Menino, Mayor

Kevin J. Joyce, Commissioner

Residences and Businesses that use dumpsters have new responsibilities under the new Site Cleanliness Ordinance. Licenses must be obtained and posted on or before July 1, 2000.

CITY OF BOSTON



IN THE YEAR NINETEEN HUNDRED AND NINETY-NINE

AN ORDINANCE

ESTABLISHING SITE CLEANLINESS LICENSES

Preamble.

WHEREAS; the unregulated maintenance and operation of automotive establishments, food and beverage establishments, bulk refuse containers, and bulk refuse container storage lots presents a threat to the public health, safety, environment, and general welfare; therefore

Be it ordained by the City Council of Boston, as follows:

Chapter IX of the City of Boston Code Ordinances, is hereby amended by adding the following new section:

Section 9-9.8. Site Cleanliness Licenses

No person shall operate or maintain an automotive establishment, a food and beverage establishment, bulk refuse container storage lot, or a bulk refuse container without first obtaining the Site Cleanliness License required by this ordinance or unless the same is maintained in accordance with said license and any regulation promulgated hereunder.

a. *Definitions.* As used in this subsection, the following words and phrases shall have the meanings given in the following clauses. Where words and phrases are not defined in the following clauses, such words and phrases shall have their ordinarily accepted meanings such as the context implies.

1. *Automotive Establishments.* Autobody shop, car wash, garage, gasoline station, motor vehicle repair garage or lot, retail business establishment or other place for the sale, service, repair, or installation of new or used motor vehicles, new or used motor vehicle parts, new or used tires, or new or used motor vehicle accessories, whether or not vehicles are serviced or parts or accessories are installed or used on or off the premises.

2. *Bulk Refuse Containers.* Dumpsters, trash compactors, or any other container or receptacle where recyclable materials, debris, refuse, trash, solid waste or like material are contained or stored in any quantity for any period of time.

3. *Bulk Refuse Container Storage Lot.* Lot for the storage, repair, or maintenance of empty or loaded dumpsters, roll-off containers, trash compactors or any other container or receptacle where debris, refuse, solid waste, trash, recyclable material, or like material, are contained or stored in any quantity for any period of time.

4. *Food/Beverage Establishments.* Restaurant, lunchroom, cafeteria, drive in restaurant, take out restaurant, night club, bar or tavern or other retail business establishment open to the public for the sale or service of food, food products or beverages, whether the food, food products or beverages are prepared for consumption on premises; or where food, food products and beverages are sold or served in disposable containers; or where the establishment provides disposable tableware, napkins, containers, condiments or other disposable material to the public as a usual business practice.

5. *Lot.* A parcel of land including land under water, whether or not platted, in single ownership, and not divided by a street.

6. *Site Cleanliness License.* The license required by this ordinance and issued by the Inspectional Services Department upon satisfactory review of the Site Cleanliness License Application and Site Cleanliness Plan.

7. *Site Cleanliness Plan.* An operational and maintenance plan for each automotive establishment, food/beverage establishment, bulk refuse container storage lot, or any bulk refuse storage container governed by this Ordinance. The plan shall also include all information included in the Site Cleanliness Plan application as discussed in section (d) below.

b. *Applicability.* The Site Cleanliness Ordinance shall apply to all existing and future automotive establishments, food and beverage establishments, bulk refuse container storage lots, and bulk refuse containers located within the City.

c. *License Required for Site Cleanliness of Establishments and Bulk Refuse Containers.*

No automotive establishment, food/beverage establishment, or bulk container storage lot shall operate, and no bulk refuse container shall be used, without first obtaining a Site Cleanliness License from the Commissioner of Inspectional Services. If the Commissioner of Inspectional

Services determines that a submitted Site Cleanliness License application is accurate and adequate to keep the site free from debris, refuse, trash, solid waste or like material that is injurious to the public health, safety, and environment, the Commissioner shall issue a Site Cleanliness License for the establishment, bulk refuse container storage lot, or bulk refuse container. Performance of the activities scheduled in the Site Cleanliness Plan shall be a condition of the license and nonperformance of the activities scheduled in the Site Cleanliness Plan shall be a violation of the license and conditions of this ordinance.

d. *Contents of License Application.* A complete Site Cleanliness License application consists of a completed application form and a Site Cleanliness Plan attached thereto. The Site Cleanliness Application form shall be in a form approved by the Commissioner. A Site Cleanliness Plan shall, at a minimum, include the following information:

- the address of the lot on which the establishment is located;
- the name, address, and telephone number of the owner of the lot;
- the name, address, and telephone number of the operator of the establishment located on the lot;
- the type of establishment and nature of its business;
- a plot plan accurately depicting the lot;
- the location of any bulk refuse container and the location of the bulk refuse container in relation to all abutting lots;
- a weekly schedule detailing the times and days of the week for cleaning and maintaining the site free of windblown litter and refuse;
- the name of a supervisor responsible for overseeing the cleaning and maintenance of the site;
- the name and address of the waste hauling company responsible for servicing the establishment, bulk refuse container storage lot, or bulk refuse container;
- the date, time, and frequency of service by the waste hauling company;
- any and all permits and/or licenses issued by the Department of Environmental Protection relating to the management, storage, and disposal of solid wastes and hazardous materials and hazardous wastes generated, stored, or disposed on site;
- any and all permits and/or licenses issued by the Boston Fire Department;
- any and all permits and/or licenses issued by the Inspectional Services Department;
- any and all permits and/or licenses issued by the Public Works Department;

- the name, address, and phone number of the pest control company servicing the establishment, bulk refuse container storage lot, or bulk refuse container;
- any fencing or screening required; and
- any other information required by the Inspectional Services Department to ensure the site is maintained in a sanitary condition free of debris, refuse, trash, solid waste or like material that is injurious to the public health, safety, and environment.

e. *Screening/Fencing Requirements.* All bulk refuse containers maintained by establishments governed by this ordinance shall be screened or fenced off from view from public ways, sidewalks, and adjoining properties at all sites other than construction sites, unless said screening would eliminate disposal access to the bulk refuse container.

f. *Posting Requirements.* The Site Cleanliness Plan and Site Cleanliness License shall be posted in a conspicuous place on the premises in public view.

h. *Inspections.*

1. *Authority.* In order to properly carry out their respective responsibilities under this Ordinance, and to ensure that the public health, safety and environment are protected from the hazards posed by unsanitary and unhealthy conditions, the Inspectional Services Department is authorized to enter, examine, or survey at any reasonable time all establishments and bulk refuse containers licensed hereunder.
2. *Systematic Area Inspections.* The Inspectional Services Department is authorized to develop and adopt plans for systematic, periodic area-wide inspections of establishments, bulk refuse container storage lots, and bulk refuse containers required to obtain a Site Cleanliness License.
3. *Interference With Inspection.* If any owner, occupant, or other person refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to the site, operation, or premise where inspection is authorized by this Ordinance, the Inspectional Services Department may seek in a court of competent jurisdiction an inspection warrant that allows for the inspection of the site and appraises the owner, occupant, or other person concerning the nature of the inspection, the scope of the inspection, and justification for it and may seek the assistance of the police authorities in presenting said warrant.

h. *Violation.* The operation or maintenance of any establishment or bulk refuse container governed by this Ordinance without a Site Cleanliness License; the failure to operate or maintain the same in accordance with a validly issued Site Cleanliness License; and the interference with an inspection, including inspections conducted pursuant to a validly issued inspection warrant.

i. *Service of Notice of Violation.* Notice of Violation shall be served on all owners, operators, and all other persons responsible for the operation and maintenance of the establishment, bulk refuse container storage lot, or bulk refuse container. The Notice of Violation shall be served in the following manner:

1. Personally, by any person authorized to serve civil process; or
2. By any person authorized to serve civil process by leaving a copy of the Notice of Violation at the last and usual place of abode of the violator; or
3. By sending a copy of the order by registered or certified mail, return receipt requested, if within the Commonwealth; or
4. If the last and usual place of abode of the violator is unknown or outside the Commonwealth, by posting a copy of the Notice of Violation in a conspicuous place on or about the premises and by advertising it for at least three out of five consecutive days in one or more newspapers of general circulation within the City.

j. *Administrative Hearings.*

1. *Right to Hearing.* Any person upon whom a Notice of Violation has been served may request a hearing from the Inspectional Services Department by filing a written petition requesting a hearing on the matter with the Department within seven days after the day the Notice of Violation was served.
2. *Hearing Notice.* Upon receipt of a petition, the Inspectional Services Department shall inform the petitioner of the date, time, and place of the hearing in writing.
3. *Time for Hearing.* The hearing shall commence within thirty days after the day on which the Notice of Violation was served. The time period in which the cited violations must be remedied shall be stayed upon receipt of the petition for a hearing until such time as the hearing is held.
4. *Hearing of Petitioner.* At the hearing, the petitioner shall be given an opportunity to be heard, to present witnesses or documentary evidence, and to show why the Notice

of Violation should be modified or withdrawn. An official record shall be kept of the hearing proceedings and made available to the petitioner upon request. Failure to hold a hearing within the time period specified herein shall not affect the validity of any Notice of Violation.

5. *Final Decision After Hearing; Failure To Comply with Final Order.*

- a) Within seven days after the conclusion of the hearing, the Inspectional Services Department shall sustain, modify, or withdraw the Notice of Violation and shall inform the Petitioner in writing of its decision and the reasons therefore. If the Department sustains or modifies the Notice of Violation, said violation shall be remedied within the time period allotted in the original Notice of Violation or in the modification.
- b) If a written petition for a hearing is not filed with the Inspectional Services Department within seven days after the Notice of Violation has been served, or if after a hearing the Notice of Violation has been sustained in any part, each day's failure to comply with the Notice of Violation within the time allotted as issued or modified shall constitute an additional offense.

k. *Judicial Appeals.* Any person aggrieved by a final decision of the Inspectional Services Department with respect to the denial of a Site Cleanliness License, the revocation of a Site Cleanliness License, the issuance of a Notice of Violation, or any other order issued under this Ordinance by the Inspectional Services Department, may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the Commonwealth.

1. *Penalties.*

1. *Failure to Obtain Site Cleanliness License.* If a person operates an establishment, bulk refuse container storage lot, or bulk refuse container without first obtaining a Site Cleanliness License, the Commissioner of Inspectional Services may seek an injunction from a court of competent jurisdiction prohibiting the operation of the establishment, bulk refuse container storage lot, or bulk refuse container until a Site Cleanliness License is secured.
2. *Failure to Comply With Terms of Site Cleanliness License.* If a licensee fails to comply with the terms of a Site Cleanliness License, the Commissioner of Inspectional Services may suspend the Site Cleanliness License, after an

administrative hearing, and seek an injunction from a court of competent jurisdiction prohibiting the operation of the establishment, bulk refuse container storage lot, or bulk refuse container until the licensee proves to the court its compliance with the Site Cleanliness License. If a licensee fails to comply with the terms of the Site Cleanliness License three times in the preceding twelve month period, the Commissioner of Inspectional Services may suspend, cancel, or revoke the Site Cleanliness License after an administrative hearing. In the event of suspension or cancellation of the Site Cleanliness License, other municipal agencies issuing licenses will be so notified.

3. *Failure to Comply with Notice of Violation.* Any person who fails to comply with any Notice of Violation or other order issued pursuant to this Ordinance by the Inspectional Services Department, or its duly appointed agents or representatives, shall be fined one thousand (\$1,000) dollars per violation per day. Each day's failure to comply with a Notice of Violation or any other order shall constitute a separate violation.
4. *Interference After Inspection Warrant Presented.* Any owner, occupant, or other person who refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure, site, operation or premises where inspection is sought under this Ordinance after an inspection warrant has been obtained and presented in accordance with g (3) of this Ordinance, shall be fined one thousand (\$1,000) dollars.
5. *Fines.* All fines and penalties assessed and collected under this Ordinance may be enforced pursuant to G.L. c. 40, section 21D.

m. *Site Cleanliness License Fee.* The fee for the site cleanliness license shall be twenty-five (\$25.00) dollars.

n. *Term of License.* The term of each license shall be one year. Annually on a date set by the Commissioner, all persons who operate or maintain food/beverage establishments, automotive establishments, bulk refuse container storage lots, and bulk refuse containers shall file, renew, or amend a Site Cleanliness Plan and obtain a new Site Cleanliness License.

o. *Severability.* If any section provided for under this Ordinance shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of this Ordinance, which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared severable.

p. *Regulatory Authority.* The Commissioner of Inspectional Services shall have the authority to promulgate rules and regulations necessary to enforce this Ordinance.

q. *Delegation of Authority.* The Commissioner of Inspectional Services may delegate enforcement of this Ordinance to any City department authorized to enforce public safety, health, or environmental laws and regulations.

r. *Effective Date.* This ordinance shall take effect within ninety (90) days of passage.

Chapter 8.24 REFUSE AND LITTER

- 8.24.010 Purpose.
- 8.24.020 Definitions.
- 8.24.030 Private property owners and occupants—Duties.
- 8.24.040 Private property owners and occupants—Keeping premises and adjacent areas free of litter.
- 8.24.050 City's duties and responsibilities.
- 8.24.070 Mandatory recycling.
- 8.24.090 Receptacles—Sidewalk placement time restrictions.
- 8.24.100 Receptacles—Screening from public view.
- 8.24.110 Private collectors—Methods of storage, collection and disposal.
- 8.24.120 Commercial or nonprofit establishments—Frequency—Receptacle specifications.
- 8.24.130 Oversize items—Collection procedures.
- 8.24.140 Bulk refuse—Preparation and placement.
- 8.24.150 Burning of refuse prohibited.
- 8.24.160 Temporary container placement in parking spaces.
- 8.24.170 Litter—Pedestrians on public property.
- 8.24.180 Litter—Pedestrians on private property.
- 8.24.190 Litter—Throwing from vehicles.
- 8.24.200 Litter—Load-carrying vehicles.
- 8.24.230 Publicity—Citizen information service.
- 8.24.240 Fees—Collection of refuse.
- 8.24.260 Violation—Penalty.
- 8.24.270 Rules and regulations.

8.24.010 Purpose.

It is the intent of the City Council that this chapter be liberally construed for the purpose of providing a sanitary and satisfactory method of handling, collecting and disposing of refuse 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. 1152 (part), 1993: prior code § 17-71)

8.24.020 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

A. "Aluminum" means aluminum cans, aluminum foil, and aluminum containers or trays used in packaging, preparation or cooking of food.

B. "Authorized litter receptacles" means 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 designed 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."

C. "Authorized recycling receptacles" means "household recycling receptacle," "toter" or "paper leaf bag" as defined herein, or other containers defined in regulations written pursuant to Section 8.24.070.

D. "Authorized refuse receptacles" means authorized recycling receptacles and authorized rubbish receptacles.

E. "Authorized rubbish receptacles" means receptacles that contain rubbish awaiting collection and are kept outdoors. They shall be constructed preferably of heavy plastic or of metal, with tight-fitting covers, and shall be flytight, rodent proof, nonflammable and waterproof, or of heavy plastic bags of not less than three mil fastened tightly with wire, strings or tape. Authorized rubbish receptacles for City rubbish collection shall not exceed thirty-two-gallon capacity, and shall not exceed fifty pounds per container, or one hundred fifty pounds per household per week. Limitation on size or weight does not apply to authorized rubbish receptacles for private collection.

F. "Cans" means all containers composed in whole of iron or steel (so-called tin cans) used as containers for the packaging or storage of various food and non-food items, except containers that contain paint or petroleum-based solvents, and any pressurized aerosol cans.

G. "Commercial establishment" means any nonresidential building, including, but not limited to, those used for retail, wholesale, industrial, manufacturing, dining, offices, professional services, automobile service, hotels and motels, restaurants, or shipping and receiving areas.

H. "Corrugated cardboard" means paper in which a portion has been made to have a wavy surface (alternating ridges and grooves) and is placed between two flat surfaces for the sake of strength, and which is commonly used to form cartons.

I. "Glass containers" means bottles and jars, made of silica, sand, soda ash, and limestone, being transparent or translucent, and used for packaging or bottling various materials. This does not include plastics or glass products such as window glass, blue glass, flat glass, mirrors, plate glass, light bulbs, dishes or ceramics.

J. "Household recycling receptacle" means a container designed for use by one household to store recyclable materials between pickups.

K. "Leaves" means deciduous and coniferous seasonal deposition from trees.

L. "Litter" means all refuse, and includes any other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger or nuisance to public health, safety or welfare.

M. "Magazines" means publications printed on glossy, clay-coated paper.

N. "Multifamily dwelling" means any place of residence with thirteen or more dwelling units, including apartments, cooperatives, condominiums, group houses, roominghouses or boardinghouses.

O. "Newspaper" means newsprint-grade paper, the common, inexpensive

machine-finished paper made chiefly from wood pulp, which is printed and distributed, and includes all newspaper advertisement, comics and enclosures. This does not include newspaper soiled by food, paint, petroleum products, oil or oil solvents, or other solid wastes that are not recyclable.

P. "Nonprofit establishment" means an established organization or foundation dedicated to public service or culture, including, but not limited to, religious, educational and health care functions.

Q. "Occupant" means any person living, sleeping or cooking in, or conducting any commercial or nonprofit activity, or having actual possession of any building or part thereof.

R. "Owner" means 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.

S. "Paper leaf bag" shall be a sanitary Kraft Paper Sack or equal of thirty-gallon capacity, two-ply fifty-pound wet strength with decomposing glue and reinforced self-supporting square bottom closure.

T. "Plastic" means clear and colored bottles and jugs made from high-density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics, excluding caps and lids.

U. "Recyclable materials" means any type of refuse designated by the Cambridge Commissioner of Public Works through rules and regulations issued under this chapter to be separated for recycling.

V. "Refuse" means all solid waste generated by occupiers of land in Cambridge, excluding construction demolition debris.

W. "Residential dwelling" means any residential building, including single-family homes, apartment buildings, buildings containing

cooperatives and condominiums, group houses, roominghouses or boardinghouses.

X. "Rubbish" means all refuse excluding recyclable materials.

Y. "Sorted office paper" means printed or unprinted sheets, shavings and cuttings of colored or white sulphite or sulphite ledger, bond, writing and other paper which have a similar fiber and filler content, and which are free of treated, coated, padded and heavily printed paper, carbon paper and nonpaper materials.

Z. "Toter" means a central collection container used for storage of recyclable materials between pickups from numerous households in a multifamily dwelling and compatible with collection equipment used by the City's recyclables collection contractor.

AA. "White goods" means major kitchen and laundry appliances including, but not limited to, stoves, washers, refrigerators and dryers. Nothing in this definition shall waive compliance with the rules and regulations for the generation, transportation, storage, and disposal of hazardous waste.

BB. "Yard waste" means grass clippings, weeds, hedge clippings, garden waste, and twigs and brush not longer than two feet in length and one-half inch in diameter. (Ord. 1152 (part), 1993: prior code §17-72)

8.24.030 Private property owners and occupants—Duties.

A. Residential Property.

1. Every owner (or occupant if designated in a written agreement), shall supply authorized refuse receptacles sufficient to contain all refuse accumulated between collection days.

2. Every owner (or occupant, if designated in 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 8.24.040 and 8.24.140 of this chapter.

3. Every occupant shall dispose of all

refuse in a clean and sanitary manner in compliance with Sections 8.24.070, 8.24.090, 8.24.110, and 8.24.130 through 8.24.170 of this chapter.

4. Every owner of a multifamily 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 Section 8.24.040 and 8.24.140 of this chapter.

B. Private Property Occupied by Commercial or Nonprofit Establishments. Every owner (or occupant, if designated in a written agreement) shall supply a sufficient quantity of authorized refuse receptacles in compliance with Sections 8.24.070, 8.24.090, 8.24.110 and 8.24.120 through 8.24.160, of this chapter. If refuse is not collected by the City, arrangements shall be made for adequate and regular private collection of refuse in compliance with Sections 8.24.070 through 8.24.160 of this chapter. (Ord. 1152 (part), 1993: prior code §17-74)

8.24.040 Private property owners and occupants—Keeping premises and adjacent areas free of litter.

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.

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.

2. Every owner or occupant of private property shall cut and dispose of weeds in any yard area or vacant lot, or around any public or private property.

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.

C. Litter From Commercial or Nonprofit Establishments.

1. Litter from commercial or nonprofit establishments shall not be thrown or deposited in any public litter receptacles by the owners, occupants, employees or agents of the commercial or non-profit establishments.

2. Commercial or nonprofit 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 8.24.020 of this chapter and the establishment shall cause the receptacles to be emptied regularly. (Ord. 1152 (part), 1993: prior code § 17-75)

8.24.050 City's duties and responsibilities.

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

B. The City shall maintain regular schedules of refuse collection subject to the provisions of Sections 8.24.070, 8.24.090, 8.24.130 and 8.24.140 of this chapter, and shall publicize the schedules by all appropriate means.

C. The City shall maintain and service authorized litter receptacles in the City.

D. The City shall require all federal, state and local government organizations to comply with the regulations in Sections 8.24.040, 8.24.070 through 8.24.160 and 8.24.240 of this chapter, for owners of private property and for commercial or nonprofit establishments. (Ord. 1152 (part), 1993: prior code § 17-81)

8.24.070 Mandatory recycling.

A. Purpose and Declaration of Policy. This section has been created because of the great interest of the people of Cambridge in preserving the environment by reducing the amount of refuse sent to landfills and incinerators. It shall be the policy of the City to reduce the amount of solid waste generated and to require the recycling of recyclable materials to the fullest extent possible.

B. Establishment of Program. There is established a program for the mandatory separation of certain recyclable materials from refuse which shall apply to all buildings in Cambridge, and shall be carried out under the supervision of the Commissioner of the Cambridge Department of Public Works (DPW).

C. Mandatory Separation of Recyclable Materials. It shall be mandatory for each owner or occupant in Cambridge to separate all designated recyclable materials from other refuse in accordance with the provisions of this section. The timetable for compliance shall be as follows:

1. Buildings Which Receive City Solid Waste Collection Services. On and after the effective date of the ordinance codified in this section, it shall be mandatory for each owner or occupant of a building which receives City solid waste collection services to separate from other refuse all recyclable materials designated by the Commissioner in rules and regulations issued under this section; provided, however, that this requirement shall be delayed with regard to owners or occupants of multifamily dwellings. Owners of multifamily dwellings shall submit a recycling plan to the Commissioner or his or her designee in accordance with subsection E of this section. This requirement shall also apply to all City-owned buildings, including schools.

2. Buildings Which Do Not Receive City Solid Waste Collection Services. It shall be mandatory for each owner or occupant of a building which does not receive City solid waste collection to separate all designated recyclable materials from other refuse in accordance with

a recycling plan to be submitted to the Commissioner or his or her designee, in accordance with subsection E of this section.

D. Collection of Recyclable Materials.

1. Residential Dwellings.

a. As long as funds are available, the City will provide one household recycling receptacle to each dwelling unit in residential dwellings with twelve or fewer units that are not primarily used to house students and/or staff of nonprofit establishments. The City shall retain ownership of all its household recycling receptacles and the resident of each dwelling unit shall take proper care to protect such receptacle from loss or damage. Receptacles that are lost or stolen will be replaced by the City as long as the City's supplies last. After City supplies are depleted, it shall be the responsibility of the resident of each dwelling unit to obtain a suitable replacement within forty-five days. In such buildings, the materials designated for recycling in rules and regulations promulgated by the Commissioner shall be placed in the household recycling receptacles.

b. As long as funds are available, the City will provide a suitable number of household recycling receptacles and/or toters to buildings with thirteen or more units that are not primarily used to house students and/or staff of nonprofit establishments. The number of household recycling receptacles and/or toters to be provided shall be determined by the City for each individual building. The City shall retain ownership of all its household recycling receptacles and toters and the owner or owners of the building shall take proper care to protect such containers from loss or damage. If the containers are lost or stolen, it is the responsibility of the owner or owners of the building to obtain a suitable replacement within forty-five days in accordance with rules and regulations to be issued by the Commissioner under this section. In such buildings, the materials designated for recycling in rules and regulations promulgated by the Commissioner shall be placed in the household recycling

receptacles and/or toters. If owners or occupants desire recyclables collection from a location on private property, they must arrange for private collection of recyclables and are responsible for the costs of collection.

c. During the leaf and yard waste collection season, owners or occupants shall place their leaves and yard waste in paper leaf bags (as defined in subsection C of this section), open barrels or boxes to be provided by the owner or occupant. However, if the owner or occupant employs a commercial landscaping company, the landscaping company is responsible for hauling away the leaves and yard waste from the owner's property.

d. The preparation and placement of recyclables shall be accomplished in accordance with rules and regulations to be issued by the Commissioner under this section.

e. All recycling containers and receptacles shall be placed for collection on the outer edge of the sidewalk, so as not to obstruct the free passage of pedestrians, or in such other place and on days specified by the Commissioner in rules and regulations to be issued under this section.

f. Recyclables shall not be placed in plastic garbage bags for collection, removal or disposal. Recyclables shall not be placed in the same refuse containers as rubbish or mixed with rubbish or litter for collection, removal or disposal. If separation of recyclable materials from rubbish does not take place, the City may decide not to collect said rubbish.

g. Upon placement of recyclables for the City or its contractor at the curbside, pursuant to this subsection, such recyclables shall become the property of the City. It shall be a violation of this section if any person, other than authorized agents of the City acting in the course of their employment or contract, collects or causes to be collected any recyclables so placed. Each and every such collection in violation of this subdivision from one or more locations shall constitute a separate and distinct offense. In addition to the penalty provided in subsection I

of this section, any violator of this subsection shall make restitution to the City for the value of recyclables illegally removed.

2. **Commercial Nonprofit Establishments.** In commercial nonprofit establishments, the materials designated for recycling in rules and regulations promulgated by the Commissioner shall be placed in recycling receptacles provided by the owner or owners of such buildings. The owner or owners of such buildings shall be responsible for the costs of recyclables separation and collection. Any savings in solid waste disposal realized due to recycling shall accrue to the owner or owners of such buildings. The owner or owners of such buildings shall submit recycling plans to the Commissioner in accordance with subsection E of this section. The Commissioner shall have the authority to require documentation from the City's recyclables collection contractors and from any owner, lessee or tenant of a building which does not receive City recyclables collection services, that recyclables are being delivered to a broker or end market that causes the material to be recycled or composted rather than landfilled or incinerated.

E. **Recycling Plans.**

1. All property owners required to submit recycling plans to the Commissioner shall do so by the date set for plan submissions in the rules and regulations promulgated by the Commissioner under this section. Separation and collection of recyclables in such buildings shall begin within one hundred twenty days of plan approval by the Commissioner.

2. **Contents of Plan.** Each recycling plan will cover the following items:

- a. Which recyclables will be put out for collection;
- b. Frequency of collection;
- c. Methods to be used for collection, including types of containers;
- d. Any other items which may be specified in rules and regulations promulgated by the Commissioner under this section.

3. **Format of Plan.** Plans shall be submitted

in a format to be specified in rules and regulations promulgated by the Commissioner under this section.

F. **Recyclable Materials.** The recyclable materials to be separated shall be designated by the Commissioner in rules and regulations to be issued under this section. If the Commissioner designates a material as recyclable, such designation shall govern the treatment of such material notwithstanding the provisions of any ordinance to the contrary.

G. **Recycling Advisory Committee.** There is established a Recycling Advisory Committee. The Committee, as requested, shall provide advice, assistance and recommendations to the Commissioner regarding the recycling program. The Committee shall be appointed by the City Manager, and shall consist of at least nine persons with a demonstrated interest in recycling, at least six of whom are residents of Cambridge. At least one member shall be chosen from volunteers in the City's monthly recycling dropoff program, one member shall represent the private real estate industry (apartment management), and one member shall be a designee of the Cambridge Housing Authority. One member shall represent the business community, and one member shall represent nonprofit institutions. The term shall be three years. The Commissioner, or his or her designee, shall be an ex officio member of the Committee.

H. **Rules and Regulations.** The Commissioner, with the approval of the City Manager, may promulgate rules and regulations for the implementation of this section.

I. **Enforcement and Penalties.** Whoever violates any provision of this section, including any rule or regulation promulgated under subsection H of this section, may be penalized by a noncriminal disposition as provided in G.L. c. 40, § 21D. For purposes of this section, the following officials shall be enforcing persons: designated staff of the Cambridge Department of Public Works. The penalty for each violation shall be twenty-five dollars. A penalty will be

8.24.070**Cambridge, MA**

assessed under this section only after the violator receives a written warning regarding the violation indicating the method of correction.

J. Repeal of Inconsistent Laws. All ordinances, resolutions, regulations or other documents inconsistent with the provisions of this section are repealed to the extent of such inconsistency.

K. Severability. This section and the various parts, sentences and clauses thereof are declared to be severable. If any part, sentence or clause is adjudged to be invalid, the remainder of this section shall not be affected thereby.

L. Effective Date of this Section. This section shall take effect when notice of the effective date is published by the Commissioner in a newspaper of general circulation in Cambridge. (Ord. 1152 (part), 1993; Ord. 1137, 1992; Ord. 1117 (part), 1991)

8.24.090 Receptacles—Sidewalk placement time restrictions.

Whoever desires the removal of rubbish from private property shall cause the refuse to be placed in authorized refuse receptacles and to be set in an easily accessible place upon the sidewalk. The authorized refuse receptacles shall be placed on the sidewalk no earlier than three p.m. of the day immediately prior to the day of collection as designated by the Commissioner of Public Works for collection for the area where the premises are located and shall be removed from the sidewalk no later than six p.m. of the day of collection. The refuse receptacles shall not be placed upon the sidewalks in a manner to inconvenience the use of the sidewalks by pedestrians. (Ord. 1152 (part), 1993; prior code §17-76(d))

8.24.100 Receptacles—Screening from public view.

Every owner or occupant of private property may maintain authorized rubbish receptacles outdoors on such private property provided the receptacles are screened from the view of public streets and sidewalks. (Ord. 1152 (part), 1993;

prior code § 17-76(a))

8.24.110 Private collectors—Methods of storage, collection and disposal.

The Commissioner of Public Works shall have the right to specify the times and methods of storage, collection and disposal of refuse by any private collector. (Ord. 1152 (part), 1993; prior code § 17-76(k))

8.24.120 Commercial or nonprofit establishments—Frequency—Receptacle specifications.

A. The Commissioner of Public Works may, at his or her discretion, and if the public convenience and necessity so require, determine that the volume of refuse from the commercial or nonprofit 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 nonprofit establishments that the City will not collect refuse from the establishments and that the establishments shall arrange for private collection.

B. All garbage receptacles for rubbish awaiting private collection shall be flytight, rodent proof, nonflammable and waterproof, and shall be so constructed as to prevent the escape of litter onto public or private property. All such rubbish receptacles shall be kept on private property at all times and not on public streets or sidewalks. All such rubbish receptacles in residentially zoned areas or within thirty feet of such an area shall be screened from view by being completely enclosed by a fence at least six feet in height. (Ord. 1152 (part), 1993; Ord. 1126, 1991; prior code § 17-76(l))

8.24.130 Oversize items—Collection procedures.

Large bulky items of refuse such as refrigerators, stoves, beds, crates, tree stumps, dead trees, etc., will be collected by the City only by special arrangement with the Department 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 or her discretion, determine that certain items are unsuitable for collection by the City, and may direct the owner to arrange for private collection or may charge a reasonable fee for collection by the City. The determination of the Commissioner shall be final. (Ord. 1152 (part), 1993: prior code § 17-76(g))

8.24.140 Bulk refuse—Preparation and placement.

Refuse that is larger than can be contained in authorized refuse receptacles shall be securely tied in compact bundles, not to exceed fifty pounds in weight and two feet in length. Large cardboard cartons shall be flattened and securely tied in bundles. Such bulk refuse shall be set out in the same place and under the same restrictions as those for authorized refuse receptacles in Section 8.24.090 of this chapter. (Ord. 1152 (part), 1993: prior code § 17-76(e))

8.24.150 Burning of refuse prohibited.

The burning of leaves and other refuse is strictly prohibited. (Ord. 1152 (part), 1993: prior code § 17-76(f))

8.24.160 Temporary container placement in parking spaces.

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. 1152 (part), 1993: prior code § 17-76(j))

8.24.170 Litter—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 authorized public or private litter receptacles. (Ord. 1152 (part), 1993: prior code § 17-73(a))

8.24.180 Litter—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. 1152 (part), 1993: prior code § 17-73(c))

8.24.190 Litter—Throwing 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. 1152 (part), 1993: prior code § 17-73(c))

8.24.200 Litter—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. 1152 (part), 1993: prior code § 17-73(d))

8.24.230 Publicity—Citizen information service.

A. The City shall publicize the provisions of this chapter 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 recycling, refuse and anti-litter services.

B. The City shall maintain a citizen information service information and complaints about litter, recycling, refuse and snow removal problems. (Ord. 1152 (part), 1993: prior code § 17-82)

8.24.240 Fees—Collection of refuse.

The Commissioner of Public Works shall collect amounts due for refuse collections for which charges are imposed, and shall keep suitable records thereof. (Ord. 1152 (part), 1993: prior code § 17-77)

8.24.260 Violation—Penalty.

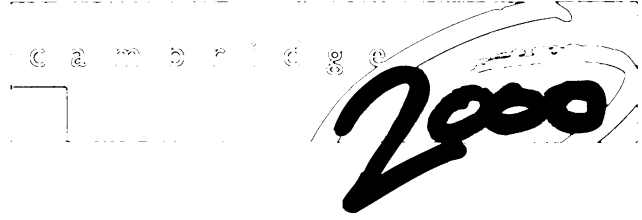
A. Criminal Penalty. Any person who violates any section of this chapter shall be subject to a fine not exceeding fifty dollars. Each day's violation shall constitute a separate offense.

B. Noncriminal Disposition. Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, § 21D. For purposes of this section, the Commissioner of Public Works shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Public Works Enforcement Officers. The penalty for each violation will be twenty-five dollars. Each day's violation shall constitute a separate violation. (Ord. 1152 (part), 1993: Ord. 1084 § 3, 1989)

8.24.270 Rules and regulations.

The Commissioner, with the approval of the City Manager, may promulgate rules and regulations for the implementation of this chapter. (Ord. 1152 (part), 1993)

13.



CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager

Richard C. Rossi, Deputy City Manager

July 31, 2000

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 00-27, regarding a report on adopting a policy similar to Boston's to enforce cleanliness standards for public areas and streets, received from Inspectional Services Commissioner Robert Bersani.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment



2000 Things to Do in 2000

Consent Agenda #13

5225

Relative to AW Rpt. #00-27,
regarding a report on
adopting a policy similar to
Boston's to enforce cleanliness
standards for public areas and
streets.

In City Council July 31, 2000

PLACED ON FILE