



CITY OF AMESBURY IN THE YEAR TWO THOUSAND FOURTEEN

SPONSORED BY: C. Kenneth Gray, Mayor BILL No. 2014-067

At the meeting of the Amesbury City Council held on June 10, 2014, in the City Hall Auditorium the following action was taken:

An Ordinance to *MANDATORY RECYCLING (define) with RECYCLING ENFORCMENT: VIOLATIONS & PENALTIES*

Summary: To define Mandatory Recycling requirements for generators of solid waste and recycling in Amesbury and provide an enforcement measure if needed.

Be it Ordained by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

Purpose and Declaration of Policy.

This section has been created to define Mandatory Recycling because of the great interest of the people of Amesbury 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 that recycling of recyclable materials to the fullest extent possible promulgated by the **City of Amesbury Bylaw Article 32 CURBSIDE RECYLING PROGRAM Accepted at the Town Meeting May 10, 1993** Under Massachusetts General Laws Chapter 40, Section 8H and Mass DEP under **310 CMR 19.017: Waste Disposal Ban Regulation** and a program for the mandatory separation of recyclable materials from refuse which shall apply to all buildings in the City of Amesbury and will be carried out under the supervision of the Department of Public Works.

Councilor Sherwood moved to accept the Finance Committee recommendations to adopt 2014-067 as submitted with the amendments to Violations & Penalties, that the second offense be \$100.00; the third offense be \$250.00; the fourth offense be \$500.00 fine plus a criminal complaint and then add a provision that the penalty section become effective on January 1, 2015. Councilor Ferguson seconded. Roll Call Vote: 7 Yes, 1 No, McClure (8 Members present)

Mandatory recycling.

A. Purpose and Declaration of Policy.

This section has been created because of the great interest of the people of Amesbury 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 that recycling of recyclable materials to the fullest extent possible promulgated by **the City of Amesbury Bylaw Article 32 CURBSIDE RECYCLING PROGRAM Accepted at Town Meeting May 10, 1993**) Under Massachusetts General Laws Chapter 40, Section 8H and Mass DEP under **310 CMR 19.017: Waste Disposal Ban Regulation** and a program for the mandatory separation of recyclable materials from refuse which shall apply to all buildings in the City of Amesbury and will be carried out under the supervision of the Department of Public Works.

B. Establishment of Program.

There is an established program (May 1993) for the mandatory separation of certain recyclable materials from refuse which shall apply to all buildings in Amesbury, and shall be carried out under the supervision of the Director of the Amesbury Department of Public Works (DPW).

C. Mandatory Separation of Recyclable Materials.

It shall be mandatory for each owner or occupant in Amesbury to separate all designated recyclable materials from other refuse. These mandatory recycling requirements shall apply to all buildings without regard to whether the building's solid waste is collected by the City.

(1) Buildings Which Receive City Solid Waste Collection Services. 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 Director or his or her designee in rules and regulations issued under this section

(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 Director or his or her designee, in accordance with subsection E of this section.

D. Collection of Recyclable Materials.

(1) Definition of a receptacle or container.

A receptacle or container must be able to hold no less than 32 gallons and no more than 96 gallons of recyclable material. Each container must have an attached lid.

(2) 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 six or fewer units that are not primarily used to house students and/or staff of nonprofit establishments. The City or Hauling Vendor 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 Director shall be placed in the household recycling receptacles.
- b. All recycling containers and receptacles shall be placed for collection on the outer edge of the sidewalk or driveway, so as not to obstruct the free passage of pedestrians or in such other place and on days specified by the Director in rules and regulations to be issued under this section.
- c. 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 or hauler may put a sticker on the non-compliant container or the City may decide to send out a warning letter for the first offence or not to collect said rubbish.
- e. 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 (scavenger), 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 violation. In addition to the penalty provided in Chapter 360, Article 1, § 360-2 of this section, any violator of this subsection shall make restitution to the City for the value of recyclables illegally removed.

(3) **Commercial and Nonprofit Establishments.** In commercial nonprofit establishments, the materials designated for recycling in rules and regulations promulgated by the Director shall be placed in recycling receptacles provided by the owner or owners of such buildings. Owners of commercial establishments in the Central Business District (CBD) shall receive a city owned recycling container, for their use while in the CBD, which will be collected under the City's Municipal Collection Contractor. The owner or owners of such other buildings shall be responsible for the costs of recyclables separation and

collection. The owner or owners of such buildings shall submit recycling plans to the Director in accordance with subsection E of this section.

- (4) The Director or his or her designee 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 of property whose recycling is not collected by the City are required to submit

recycling plans every year to the Director or his or her designee upon request.

(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. Collection Companies Name, Address, Phone and Fax number and Owners name.
- d. 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 Director under this section.

(3) Format of Plan. Plans shall be submitted in a format to be specified by the Director under this section.

- a. Plan Format documents can be found on the City website at www.amesburyma.gov/DPW or at the Public Works Office.

F. Recyclable Materials.

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

G. Receptacles—Sidewalk placement time restrictions.

Whoever receives Municipal removal of recycling from private property shall cause the recycling to be placed in a recycling receptacle and to be set in an easily accessible place upon the sidewalk or driveway. The recycling receptacles shall be placed on the sidewalk no earlier than five (5) p.m. of the day immediately prior to the day of collection, provided it has an attached lid and can close tightly, as designated by the Director of Public Works for collection for the area where the premises are located and shall be removed from the sidewalk no later than seven (7) p.m. on the day of collection. The recycling receptacles shall not be placed upon the sidewalks in a manner to inconvenience the use of the sidewalks by pedestrians.

H. Receptacles—Screening from public view.

The residents of the City of Amesbury desire a clean and healthy environment, free of debris, waste and garbage on their streets and property. Every owner or occupant of private property should maintain recycling receptacles outdoors on such private property provided the receptacles are screened from the view of public streets and sidewalks.

_____ - Private collectors - Commercial and Residential

(1) Methods of storage, collection and disposal.

- a. The Director of Public Works or his or her designee shall have the right to specify the times and methods of storage, collection and disposal of recycling by any private collector.

(2) Commercial or nonprofit establishments or multifamily dwellings— Frequency Recycling Receptacle/Dumpster specifications.

- a. All recycling awaiting private collection shall be in recycling receptacles which shall contain only recycling generated by owners or occupants of the private property where they are located and shall be enclosed, rodent resistant, nonflammable and waterproof, and shall be so constructed as to prevent the escape of litter onto public or private property, provided, however, that dumpsters shall comply with the provisions of http://library.municode.com/HTML/16889/level2/TIT8HESA_CH8.25DULI.html - [TIT8HESA_CH8.25DULI B.](#) below. All such recycling receptacles shall be kept on private property at all times and not on public streets or sidewalks. All such recycling receptacles in residentially zoned areas or within twenty feet of such an area shall be screened from view by being completely enclosed by a fence at least six feet in height.
- b. All recycling dumpsters shall be in new or good condition free of damage caused by wear or misuse that would allow leaks or access by rodents. All dumpsters shall be covered and secured at all times except when being filled or emptied. Temporary private dumpsters shall be covered when not in use (including overnight) at a minimum with a tight-fitting tarp. All dumpsters shall be

deodorized and washed on a regular schedule. The Health Agent, or designee, may require more frequent cleaning, if necessary. If rodent activity or other site hygiene issues are prevalent, the Regional Director of the Board of Health or the Director of Public Works may require additional design/containment requirements utilizing best available technology.

-Recycling Enforcement: Violations & Penalties

Violations of this Article shall be issued to the property owner. Enforcement shall be the responsibility of the Director of Public Works, the Health agent and/or any other individual or agency so designated as Enforcement Agent(s) for this purpose.

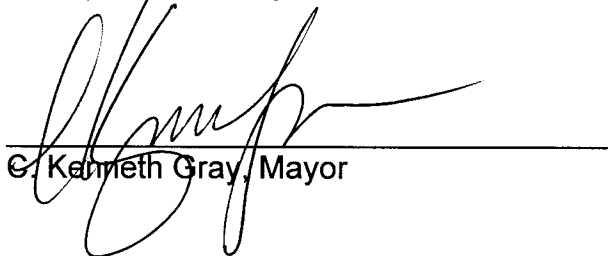
(1) Fines and violations shall be as follows:

- a. Written Warning by certified mail to the owner on record.
- b. Second Offense: fine of \$100.00
- c. Third Offense: fine of \$250.00
- d. Fourth Offense: \$500.00 plus a Criminal Complaint

With the provision the penalty section becomes effective on January 1, 2015

Witness my hand and seal for the City of Amesbury this 11th day of June, 2014


Bonnijo Kitchen, City Clerk


C. Kenneth Gray, Mayor

6/13/14
Date