

Chapter 16 SOLID WASTE MANAGEMENT*

ARTICLE I. IN GENERAL

Sections. 16-1--16-20. Reserved.

ARTICLE II. LITTER*

Section 16-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) Containers are receptacles approved by the Board of Public Works and used for the disposal and storage of solid waste.
- (b) Litter means any quantity of uncontainerized paper, metal, glass, plastic or miscellaneous solid waste which may be classified as trash, debris, rubbish, refuse, garbage or junk.
- (c) Private property means and includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreational facilities.
- (d) Public property means and includes, but is not limited to, the following locations: streets, street medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, municipal housing project grounds, municipal vacant lots, parks, beaches, playgrounds, other publicly-owned recreation facilities, and municipal waterways and bodies of water.

Cross reference(s)--Definitions and rules of construction generally, § 1-3.

Section 16-22. Disposal restricted.

- (a) It shall be unlawful for any person to throw, discard, place or deposit litter in any manner or amount on any public or private property within the corporate limits of the city, except in containers or areas lawfully provided therefor.
- (b) It shall be unlawful for any business located outside the city or person who is not a legal resident of the city, to throw, discard, place or deposit litter in any manner or amount on any public or private property within the corporate limits of the city.
- (c) In the prosecution charging a violation of (a) above from a motor vehicle, proof that the particular vehicle described in the complaint was the origin of the litter, together with proof that the defendant named in the complaint was at the time of such violation the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner was the person who committed the violation.

- (d) Every person distributing commercial handbills, leaflets, flyers or any other advertising and information material shall take whatever measures that may be necessary to keep such materials from littering public or private property.
- (e) To facilitate proper disposal of litter by pedestrians and motorists, such publicly patronized or used establishments as fast-food outlets, shopping centers, convenience stores, supermarkets, parking lots, mobile canteens, schools and any other establishments, as designated by the Board of Public Works, shall provide, and regularly empty and maintain in good condition adequate containers that meet the standards prescribed by the Board of Public Works.

(Ord. of 9-30-85, Part. II, § 1)(Ord. of 12-1-2000)

Section 16-23. Vehicles transporting loose materials.

- (a) It shall be unlawful for any person to transport any loose cargo by truck or other motor vehicle within the corporate limits of the city unless such cargo is covered and secured in such a manner as to prevent depositing of litter on public or private property.
- (b) The provisions of (a), above, shall be applicable alike to the owner of the truck or other vehicle, the operator thereof, and the person from whose residence or establishment the cargo originated.
- (c) In the prosecution charging a violation of (a) above, lack of adequate covering and securing shall in itself constitute proof a violation has been committed.

(Ord. of 9-30-85, Part. II, § 2)

Cross reference(s)--Traffic and motor vehicles, Ch. 18.

Section 16-24. Loading and unloading operations.

- (a) Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers there for the disposal and storage of litter and shall make appropriate arrangements for the collection thereof.
- (b) Every owner or occupant shall remove at the end of each working day any litter that has not been containerized at these locations.

(Ord. of 9-30-85, Part. II, § 3)

Section 16-25. Construction or demolition projects.

- (a) It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of the construction or demolition project.
- (b) Every owner, agent or contractor shall have on the site adequate containers for the disposal of litter and to make appropriate arrangements for the collection thereof or for transport by himself to an authorized facility for final disposition.
- (c) The owner, agent or contractor may be required at any time to show proof of appropriate collection or, if transported by himself, of final disposition at an authorized facility.

(Ord. of 9-30-85, Part. II, § 4)

Cross reference(s)--Use of public ways during construction, reconstruction of buildings, § 17-81 et seq.

Section 16-26. Household solid waste containerization and removal.

- (a) All residences located in any area in which collection is by the city or approved contractors shall have sufficient container capacity to accommodate their normal volume of solid waste between collections.
- (b) All items too large to fit into containers such as, but not limited to, appliances, furniture and mattresses shall be disposed of only in accordance with the provisions outlined in article III of this chapter.
- (c) All loose materials which normally fit into containers but which are excess as a result of special circumstances such as holidays shall be bundled and tied securely to prevent them from blowing or scattering and shall be placed beside the containers.
- (d) Containers shall be kept covered at all times.
- (e) Any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the Board of Public Works. Failure to comply will result in a fine in accordance with Section 1-8 of these Revised Ordinances of the City of Everett. (Ord. 03-18-2004)
- (f) In placing containers for collection and removing them after collection, all residents shall follow the practices prescribed by the Board of Public Works in article III of this chapter.
- (g) It shall be unlawful for any resident to deposit household solid waste in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians.
- (h) It shall be unlawful for any person not residing within the limits of the city or a corporation, institution or organization not located within the limits of the city to place household or commercial solid waste on the streets of the city for removal by the city or its approved contractor.

(Ord. of 9-30-85, Part. II, § 5)

Section 16-27. Commercial solid waste containerization and removal.

- (a) All establishments and institutions which generate solid waste for collection by the city or approved contractors shall abide by the waste container requirements prescribed by the Board of Public Works.
- (b) Containers shall be covered at all times.
- (c) Any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the Board of Public Works.
 - (1) Failure to do so within five (5) days of such notification shall constitute a violation of this section.

- (d) It shall be unlawful for any owner, manager, or employee of a commercial establishment or institution to deposit solid waste from that establishment or institution in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians.

(Ord. of 9-30-85, Part. II, § 6)

Section 16-28. Provisions for facilities at new buildings.

- (a) Before building permits shall be issued for construction of commercial buildings and multiple-dwelling units, plans for the adequacy, location and accessibility of solid waste containerization and storage facilities must be approved by the Board of public works.
- (b) No certificate of occupancy shall be issued for such premises until the Board's approval of these facilities has been obtained.

(Ord. of 9-30-85, Part. II, § 7)

Section 16-29. Keeping property clean.

- (a) Every owner, agent, occupant or lessee shall keep exterior private property free of litter. This requirement applies not only to the removal of loose litter, but to materials that already are, or become, trapped at such locations as fence and wall bases, grassy and planted areas, borders, embankments and other lodging points.
- (b) Owners, agents, occupants or lessees whose properties face on municipal sidewalks and strips between streets and sidewalks shall be responsible for keeping those sidewalks and strips free of litter.
- (c) It shall be unlawful to sweep or push litter from sidewalks and strips into streets. Sidewalk and strip sweepings must be picked up and put into household or commercial solid waste containers.
- (d) Every owner of a vacant lot or other vacant property shall appoint an agent who shall have responsibility for keeping that lot or other property free of litter and the growth of excess vegetation which traps litter and encourages dumping.

(Ord. Of 9-30-85, Part II, C8: Ord. of 5-27-88) (Ord of 03-03-2005) (Ord of 3-30-2005)

Section 16-30. Enforcement authorization.

Designated personnel in the following departments or boards are authorized to enforce sections of this article as prescribed below:

- (a) Police department. Regular police officers are empowered to enforce the provisions of this article.
- (b) Executive Director of City Services. The executive director of City Services is authorized to delegate enforcement authority to such agents as he deems appropriate. Such authority is applicable to the entire article except where prohibited by police authority. (Ord. of 06-25-2001)
- (c) In pursuance of their normal work, inspectors in the following departments and agencies are authorized to enforce the following sections:
 - (1) Building department.

- a. The building department may enforce sections 16-25 and 16-28.
- (2) Fire department. The fire department may enforce:
 - a. Section 16-26, wherever violations of the household solid waste containerization ordinance constitute existing or potential fire hazards.
 - b. Section 16-27, wherever violations of the commercial solid waste containerization ordinance constitute existing or potential fire hazards.
 - c. Section 16-29, wherever violations of the clean property ordinance constitute existing or potential fire hazards.
- (3) Health department. The health department may enforce:
 - a. Section 16-26, wherever violations of the household solid waste containerization ordinance constitute existing or potential health hazards.
 - b. Section 16-27, wherever violations of the commercial solid waste containerization ordinance constitute existing or potential health hazards.
 - c. Section 16-29, wherever violations of the clean property ordinance constitute existing or potential health hazards.
- (4) Housing authority. The housing authority may enforce:
 - a. Section 16-26, where there are violations of the household solid waste containerization ordinance at Housing Authority property.
 - b. Section 16-29, where there are violations of the clean property ordinance at Housing Authority property.
- (5) Park department. The park department may enforce:
 - a. paragraphs (a) and (c) of section 16-22 with respect to parks and playgrounds in the city.
 (Ord. of 9-30-85, Part. III)

Section 16-31. Penalties.

- (a) Any person who shall fail to comply with the provisions of this article will be subject to a fine in accordance with Section 1-8 of these Revised Ordinances of the City of Everett. (Ord. of 3-30- 2005)(Ord. of 10-21-2005)

Section 16-32 Orderly disposal of solid waste.

Anyone except an authorized agent of the City of Everett who opens a container placed on the sidewalk for collection or removes items from a container placed on the sidewalk for

collection shall be subject to a fine in accordance with Section 1-8 of these Revised Ordinances of the City of Everett. (Ord. of 05-19-2004)

Secs. 16-33--16-50. Reserved.

ARTICLE III. COLLECTION AND DISPOSAL OF SOLID WASTE

DIVISION 1. GENERALLY

Section 16-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Acceptable waste means and includes:

- (1) Solid waste. Rubbish, garbage, and other discarded materials with insufficient liquid content to be free flowing, but excludes solids or dissolved materials in domestic sewage or other water pollutants.
- (2) Garbage. All waste, animal, fish, fowl, fruit or vegetable matter produced or resulting from the use or storage of food.
- (3) Rubbish. Domestic solid, combustible and incombustible waste other than garbage.
- (4) Ordinary commercial waste. General and usual waste that accumulates on the premises of any grocery, market, store, restaurant or other such like small business enterprise operating for profit, and not exceeding seven (7) fifty-five (55) gallon size not to exceed fifty pounds (50 lbs) each. Each barrel shall contain the name of the business and the address of the business. The letters in each barrel shall be visible from a distance of ten feet (10'). (03/18/2004) (Ord of 9/21/2004)

a. Each commercial building shall not have more than ten (10) fifty-five (55) gallon barrels placed out for collection per week. The building owner will be subject to a fine in accordance with Section 1-8 of the Revised Ordinances of the City of Everett for any additional barrels placed out for collection. (Ord. 3-18-2004)

- (5) Garden and lawn waste. Includes grass, leaves, brush, tree trimmings, and vine or shrub trimmings not amounting to tree waste.

(b) Non-acceptable waste means and includes:

- (1) Bulk means any one item larger than one (1) cubic yard and weighing not more than fifty pounds (50 lbs). (Ord of 03-18-2004; Ord of 04-08-04)
- (2) Extraordinary commercial waste. Waste as defined and set forth in (4) above in excess of five (5) barrels or the equivalent thereof each week.
- (3) Motor vehicles and large machinery. Any abandoned, junked or inoperative motor vehicle, motor vehicle parts or other large machinery.
- (4) Building and construction waste. Discarded materials resulting from or non-usable in the construction, alteration, or repair of structures including, but not limited to: stones, plaster, brick, excavated earth, concrete, lathing, roofing materials, siding

materials, lumber, and structural materials, chain link fences, fence posts, plumbing fixtures, masonry debris and electrical debris. (Ord of 03-18-2004)

- (5) Animal remains. The carcass of any dead animal.
- (6) Industrial waste. Wasted materials from factories, processing plants, and other manufacturing enterprises.
- (7) Tree waste. Tree stumps, trunks or limbs which exceed five (5) inches in diameter or forty-eight (48) inches in length.
- (8) White Goods. Includes items such as, but not limited to, washing machines, clothes dryers, hot water heaters, air conditioners, large household or office furniture and commercial equipment. (Ord. of 3-22-76, § 32A(II); (Ord. of 03-18-2004)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Note: In 16-51(b)(1), the word “not” was removed before the word “more” during codification to conform to the original intention of the ordinance.

Section 16-52. Responsibility of board of public works.

The board of public works shall cause acceptable solid waste to be collected and shall provide for the disposal of such waste. (Ord. of 3-22-76, § 32A(I))

Cross reference(s)--Board of public works, § 2-161 et seq.

Section 16-53. Duty of occupants, owners.

(a) The occupant or occupants of every single-or two-family dwelling, the owner or agent of every dwelling housing more than two (2) families, and the owner or operator of any business enterprise, shall remove non-acceptable waste at sufficiently frequent intervals to prevent a nuisance as may be determined by the board of public works or its designee.

(b) The occupant or occupants of every single-or two-family dwelling, the owner or agent of every dwelling housing more than two (2) families, and the owner or operator of any business enterprise shall, whenever waste accumulates, provide, keep clean and in good repair proper and sufficient containers for the storage of solid waste.

(Ord. of 3-22-76, § 32A(I))

Section 16-54. Disposal of waste.

(a) Non-acceptable waste to be collected by private collectors or to be collected and removed by an occupant, owner, owner's agent, or operator shall be stored, handled and placed for collection in a manner as to prevent a nuisance as determined by the Board of Public Works or its designee. Such waste shall not be placed or stored on any public street or way except by permission of the Board of Public Works or its designee under such reasonable terms as the board or its designee shall determine.

(b) Private collectors of solid waste may collect acceptable and non-acceptable waste within the city subject to the rules and regulations issued by the Board of Public Works and any applicable provisions of the General Laws.

(c) When the Director of Public Works or his designee refuses to remove solid waste for just cause, the occupant, owner, owner's agent, or operator responsible under the provisions of section 16-53(b) shall remove the same forthwith at no expense to the city.

(Ord. of 3-22-76, § 32A(III))

State law reference(s)--Permit for removal and transportation of garbage etc.; M.G.L. c. 111, § 31A.

Section 16-55. Time, place of collection.

- (a) Acceptable solid waste and recyclable materials shall be placed in suitable containers at the outer edge of the sidewalk appurtenant to the premises of the occupant or owner not later than 7:00 a.m. on the day of scheduled collection, and not earlier than sunset of the day preceding the day of scheduled collection. Reusable solid waste containers and recycling containers shall be removed from the sidewalk after collection as soon as possible but in no case later than 12:00 midnight of the day of scheduled collection.

- (1) No waste or recycling container placed out for collection shall extend beyond the boundaries of the property line abutting the sidewalk as to obstruct the walkway on the sidewalk.

- (b) Acceptable solid waste shall be collected in accordance with a schedule published by the Board of Public Works.
- (c) No person shall willfully or maliciously tip over or spill the whole or any part of the contents of any container, holding rubbish.

(Ord. of 3-22-76, § 32A(IV)) (A0266-08)

Section 16-56. Administration and enforcement.

- (a) The Board of Public Works shall adopt, revise, revoke and enforce rules and regulations governing the management of solid waste and the administration of this article.
- (b) Any person who shall fail to comply with the provisions of this article will be subject to a fine in accordance with Section 1-8 of these Revised Ordinances of the City of Everett.
- (c) The Board of Public Works or its designee shall periodically inspect all phases of the municipal solid waste management system within and without the city.

(Ord. of 3-22-76, § 32A(V); Ord. of 12-28-2000)(Ord. of 03-18-2004)

Secs. 16-57--16-70. Reserved.

DIVISION 2. DUMPSTERS

Section 16-71. Definitions.

(a) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) Contractor means the person owning or having legal title to a dumpster.
- (2) Dumpster means any receptacle used for the collection and storage and transportation of rubbish, garbage, offal and other substances and materials, with a lid or covering satisfactory to the enforcing agencies.
- (3) Owner means that person having title to the land upon which the dumpster is located, the permit holder and representatives of the permit holder, or his designee who

resides on the premises where a dumpster is located. The name and address of the owner and designee shall be on file in the Board of Health Office.
(Ord. of 7-19-82, § 1; Ord. of 3-14-88)
Cross reference(s)--Definitions and rules of construction generally, § 1-3.

Section 16-72. Enforcing agencies; issuance of permit, license.

- (a) The Board of Health and/or Fire Department are hereby designated as the enforcing agencies of this division, according to their respective powers and duties.
- (b) Any temporary permit or annual license required under this division shall be issued by the board of health.
(Ord. of 7-19-82)

Section 16-73. Location.

Each dumpster must be located at a distance from the lot line so as not to interfere with the safety, or destruction of the curb and sidewalk, convenience or health of abutters and residents and public, and location of dumpsters shall be subject to approval of the Board of Health and the Fire department. (Ord. of 7-19-82, § 2)

Section 16-74. Screening.

All dumpsters in residential areas shall be covered with a screen. When deemed necessary by an enforcing agency it shall be required that a dumpster site be enclosed or screened by the owner or his authorized agent. (Ord. of 7-19-82, § 3)

Section 16-75. Hours for use; protection when not in use.

- (a) No dumpster shall be filled between the hours of 11:00 p.m. and 7:00 a.m., in or upon residential property.
- (b) All dumpsters on commercial property shall be filled prior to the close of the working day, but not later than 6:00 p.m., unless special circumstances are shown to the enforcing agencies who then, at their discretion, may grant an extension of time.
- (c) All dumpsters must be covered and secured at all times, except during the actual filling thereof. (Ord. of 7-19-82, § 4)

Section 16-76. Size.

- (a) Each dumpster shall be of sufficient size and capacity, shall not be filled to overflowing and avoid noisome odors. The owner or his agent utilizing the dumpster service must take appropriate action to immediately cause the dumpster to be empty of its contents when full.
- (b) The Board of Health may refuse an annual license or temporary permit, if in its discretion, the size or capacity of the dumpster does not fulfill the requirements of the board.
(Ord. of 7-19-82, § 5)

Section 16-77. Obstruction of traffic.

- (a) Each dumpster shall be situated so as not to obstruct the view of flowing traffic. No dumpster shall be placed or parked on a public way.

(b) If, in the opinion of the Board of Health, the primary department responsible for issuing permits, and the concurring approval of the following departments; Public Works, Police department, and Fire department, that a condition exists requiring the temporary placement of a dumpster on a public way, then a temporary permit may be issued.

(1) If a temporary permit is issued for parking a dumpster on a public way, then such dumpster shall be clearly illuminated at night by lights or reflective materials.

(2) The Police Chief, or his designee, may require additional illumination.

(c) The Police Chief or his designee are hereby given authority to remove a dumpster from a public way that does not meet the requirements of this division or presents a threat to public safety.

(1) The cost of removal and storage of the dumpster shall be paid by the owner as defined in section 16-71.

(Ord. of 7-19-82, § 6; Ord. of 3-14-88)

Cross reference(s)--Traffic and motor vehicles, Ch. 18.; permit required, § 17-81.

Section 16-78. Maintenance.

(a) It shall be the responsibility of the owner to maintain the dumpster area free of odors, scattered debris, overflowing and all other nuisances.

(b) If the owner is notified that the dumpster upon his property is in violation of any of the foregoing offenses, the owner shall within twelve (12) hours of notification cause the offense to be remedied or shall be in violation of this chapter. (Ord. of 7-19-82, § 7)

Section 16-79. Permit required, term, fee.

(a) An owner as defined in section 16-71 shall be required to have a plot plan showing location of dumpster and permit from the Board of Health for each dumpster in use upon his property.

(b) All permits shall expire at the end of the calendar year in which they were issued, but may be renewed each year on application as herein provided.

(c) Each permit issued hereunder shall cost sixty-five dollars (\$65.00) for the year in which they are issued.

(Ord. of 7-19-82, § 8)(Ord. of 3-4-99)

Section 16-80. Contractors' permit.

(a) No contractor shall supply a dumpster service in the city for the purpose of storage, removal or transportation of rubbish, garbage, offal and other materials and substances without first obtaining a permit from the board of health.

(b) All permits shall expire at the end of the calendar year they are issued, but may be renewable upon application annually as herein provided.

(c) The permit shall cost sixty-five dollars (\$65.00) for the year in which they are issued and shall be payable upon the issuing of the permit.

(Ord. of 7-19-82, § 9)(Ord. of 3-4-99)

Section 16-81. Temporary permits.

(a) Temporary dumpster permits (roll-off or gondola type) will be issued to an owner for a period of time not to exceed thirty (30) days, in connection with construction, demolition, fairs, carnivals or for other similar temporary needs.

(1) Such permit may be renewed for an additional thirty (30) days as the need requires and upon proper application.

(b) The owner shall comply with all the provisions of this division which are applicable to the operation of the dumpster.

(c) There shall be a fee of twenty-five dollars (\$25.00) payable upon the issuing of the permit and twenty-five dollars (\$25.00) fee for each renewal thereof.

(Ord. of 7-19-82, § 10)(Ord. of 3-4-99)

Section 16-82. Display of contractor's name.

The contractor shall have his or his firm's name and business telephone number conspicuously displayed on the dumpster. (Ord. of 7-19-82, § 11)

Section 16-83. Hours for emptying.

The emptying of the contents of the dumpster or its removal shall not commence before 7:00 a.m. nor continue after 6:00 p.m. (Ord. of 7-19-82, § 12)

Section 16-84. Deodorization.

The contractor shall have the dumpster deodorized when emptied, washed or sanitized as directed by order of the Board of Health. (Ord. of 7-19-82, § 13)

Section 16-85. Application of division.

This division shall apply to all dumpsters used anywhere in the city. (Ord. of 7-19-82, § 14)

Section 16-86. Penalty for violation.

Any person found guilty of a violation of any of the provisions of this division shall be fined in accordance with Section 1-8. (Ord. of 7-19-82, § 16)

Sections. 16-87--16-110. Reserved.

ARTICLE IV. RECYCLABLE MATERIALS

Section 16-111. Purpose.

The purpose of the article is to prohibit the removal of recyclable material by unauthorized persons. (Ord. of 11-27-95(2))