

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. C-27

April 3, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON that the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 11 Recycling and Trash** and **Chapter 17 Fees for Licensing and Permits; and Civil Fines Generally** as follows:

- I. **INSERT** after the definition of "Packaging and printed paper" where it appears in **Sec. 11-1. Definitions** the following:

*Permitted hauler:* All persons transporting trash or recycling through the public ways of the city from places within or to destinations within the city that have received a permit from health and human services in conformity with Section 11-5.

- II. **DELETE Sec. 11-5. Trash, Garbage – Permit required to transport; recycling services required** in its entirety and replaced with the following new Sec. 11-5:

**Sec. 11-5. Mandatory recycling, permit required to transport, bundled service required**

Purpose: The goal of these regulations is to protect public health and the environment and ensure that all persons transporting trash or recycling from places within or to destinations within the city adhere to the Massachusetts Waste Bans 310 CMR 19.017 and uniformly comply with permit requirements established by the City of Newton.

- a. All owners of residential properties and commercial properties within the city shall separate recyclable materials from the trash for collection.
- b. All persons transporting trash or recycling through the public ways of the city from places within or to destinations within the city shall first obtain from the health department an annual permit therefor. All such permits shall expire at the end of the calendar year in which they are issued. No permit may be transferred without approval of the health and human services department. All permitted haulers shall sign a statement with their application for an annual permit certifying that they understand and are in compliance with the Massachusetts Waste Bans 310 CMR 19.017 and the Disposal Prohibition Provision of the Mercury Management Act (Chapter 190 of the Acts of 2006), as they may be amended from time to time.

- c. Effective July 1, 2023 to June 30, 2024, permitted haulers shall provide bundled trash and corrugated cardboard collection services. Trash and corrugated cardboard collection services for a property must be provided by the same permitted hauler unless the property owner can provide proof to the permitted hauler that separate corrugated cardboard collection services are provided by another permitted hauler. Such proof shall be submitted by the permitted hauler providing trash collection services, to the commissioner of department of public works or their designee.

Permitted haulers shall provide containers designated for trash or corrugated cardboard and other recyclable materials collections. Trash and corrugated cardboard/recyclable materials collection containers for a property shall be located adjacent to or in close proximity to each other. All collection containers must be appropriately sized for available space and be picked up with such frequency so as to prevent overflow. All containers shall be clearly marked in an easily visible location with the name and phone number of the permitted hauler.

- d. Effective July 1, 2024, permitted haulers shall provide bundled trash and recycling collection services. Trash and recycling collection services for a property must be provided by the same permitted hauler unless the property owner can provide proof to the permitted hauler that separate recycling services are provided by another permitted hauler. Such proof shall be submitted by the permitted hauler providing trash collection services, to the commissioner of department of public works or their designee.

Permitted haulers shall provide containers designated for trash or recyclable materials collections. Trash and recyclable materials collection containers for a property shall be located adjacent to or in close proximity to each other. All collection containers must be appropriately sized for available space and be picked up with such frequency so as to prevent overflow. All containers shall be clearly marked in an easily visible location with the name and phone number of the permitted hauler.

- e. Notwithstanding the provisions of Section 11-5(c), permitted haulers that collect only recyclable materials are not required to collect trash.
- f. Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket per MGL Chapter 40, Section 21D. The commissioner of health and human services or their designee shall have the power to enforce the provisions of this regulation.
- g. Failure to comply with provisions in subsections (a) through (d) shall result in the imposition to the permitted hauler of a warning for the first offense, one hundred dollar (\$100.00) civil fine for the second offense, and two hundred and fifty dollar (\$250.00) civil fine for the third and subsequent offenses

occurring in any three hundred sixty-five (365) day period. Each day of failure to comply with the regulations shall constitute a separate violation. The commissioner of health and human services reserves the right to revoke the permit to operate within the city for repeated failure of compliance.

III. **INSERT in subsection (b) HEALTH AND HUMAN SERVICES DEPARTMENT of Sec. 17-23. Enforcing persons and revised ordinances subject to civil fine.** The following:

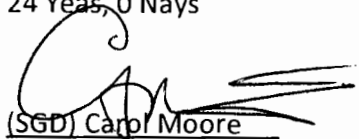
Sec. 11-5. Mandatory recycling, permit required to transport, bundled service required.

- ( ) First offense.....Warning
- ( ) Second offense.....\$100.00
- ( ) Third or subsequent offenses.....\$\$250.00

Approved as to legal form and character:

*Alissa O. Giuliani*  
Alissa O. Giuliani  
City Solicitor

Under Suspension of Rules  
Readings Waived and Approved  
24 Years, 0 Nays

  
(SGD) Carol Moore

City Clerk

*Ruthanne Fuller*

(SGD) RUTHANNE FULLER

Mayor

Date: 5/17/2023