

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, FEBRUARY 6, 2013

**REVISED**

7:45 PM  
Room 222

**ITEMS SCHEDULED FOR DISCUSSION:**

- #56-13      BOARD OF ELECTION COMMISSIONERS recommending that Home Rule Legislation be sought to forego a special election to fill the position of Ward 1 Alderman at-Large, due to a death. The vacancy would be filled at the upcoming November 5, 2013 municipal election and the individual would be sworn into office immediately following the election.
- #57-13      BOARD OF ELECTION COMMISSIONERS requesting approval of Tuesday, September 17, 2013, as the date of the Preliminary Municipal Election in accordance with Article 8 Section 1 of the City Charter.
- #370-06(2)  
(#54-13)      CLERK OF THE BOARD OF ALDERMEN requesting a re-vote of the request for special legislation previously approved on January 17, 2012 to authorize placement of a non-binding public opinion advisory question on the ballot for either a regular or special municipal election in accordance with the procedures established by section 18A of G.L. chapter 53.
- #34-13      ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]

**REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES**

- #315-12      ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process.  
[10/02/12 @ 3:37PM]

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The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at [TGuditz@newtonma.gov](mailto:TGuditz@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

**REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES COMMITTEES**

- #231-12      RECODIFICATION COMMITTEE recommending that **Sec. 11-11. Permit to cart trash and/or recyclable materials.** be deleted as G.L.c.111 §31A authorizes the Health Department to require registration for “garbage,” which is addressed in Sec. 11-5.
- #228-12      RECODIFICATION COMMITTEE recommending that **Chapter 28 VETERANS' SERVICES** be amended by deleting **Secs. 8 through-10**, which refer to “a physician to the department of veterans’ services” – a position that no longer exists.

**ITEMS NOT YET SCHEDULED FOR DISCUSSION:**

#49-13            ALD. SANGIOLO, on behalf of Gary Rucinski, 40 Clearwater Road, Newton Lower Falls, requesting discussion and consideration of a letter of support to Congress for Carbon Fees. [01/30/13 @ 10:31 AM]

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

#333-12            ALD. CROSSLEY AND HESS-MAHAN, on behalf of Green Decade Newton, requesting a discussion and possible Resolution, asking that Newton join the Center for Biological Diversity’s Clean Air Campaign by sending a Resolution to the US Administration and Environmental Protection Agency urging them to assert and enforce certain provisions of the nation’s Clean Air Act in order to help communities achieve cuts in greenhouse gas pollution. [10/11/12 @ 5:05PM]

**APPROVED 4-0 SUBJECT TO SECOND CALL**

**MOTION TO RECOMMIT TO PROGRAMS AND SERVICES WAS APPROVED BY VOICE VOTE**

#7-13              HIS HONOR THE MAYOR seeking Home Rule Legislation relative to the acquisition from the Commonwealth of the Waban Hill Reservoir located on Manet Road. [12/31/12 @ 12:50 PM]

#336-12            HIS HONOR THE MAYOR, ALD. BAKER, FULLER AND LAREDO, requesting a discussion to include possible uses, process, timeline, opportunity for community input and funding sources, with the affected neighborhood community and with members of the Board of Aldermen, on the potential acquisition for passive or active recreational uses of the five acre parcel in Ward 7 on Manet Road currently held by the MWRA as an obsolete open water reservoir. [10/3/12 @ 6:57PM]

334-12            ALD. SWISTON AND LINSKY requesting a discussion with the Licensing Board regarding the licensing and permit requirements for non-profit organizations. [10/10/12 @ 3:52 PM]

#335-12            DAVID OLSON requesting a discussion of Mayor Warren’s Executive Order #1 which authorizes the use of remote participation for City Boards and Commissions as it relates to and effects the Board of Aldermen’s Committee and Full Board meetings, and to make any necessary changes to the Board Rules to allow and regulate remote participation should it be deemed acceptable. [10/3/12 @ 4:56PM]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#322-12            HIS HONOR THE MAYOR submitting the FY14-FY18 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter. [10/09/12 @ 2:38 PM]

**REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES**

- #256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing an ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #254-12 ALD. HESS-MAHAN, SANGIOLO, DANBERG, KALIS, CROSSLEY proposing an ordinance relating to plastic bag reduction that would add a fee to single-use plastic and paper bags that are not at least 40% post-consumer recycled content, at certain retail establishments in Newton. [07/18/12 @4:34 PM]
- #230-12 ALD. SANGIOLO requesting the establishment of guidelines and policies regarding the creation of Neighborhood Area Councils particularly with respect to (1) boundary delineations and (2) description of area council authority. [08/06/12 @ 4:39PM]
- #229-12 RECODIFICATION COMMITTEE recommending a review and possible amendment to the *Board of Aldermen Rules & Orders 2012-2013* relative to review of draft ordinances by the Law Department.

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #165-12 HIS HONOR THE MAYOR submitting (1) the report prepared by Kopelman & Paige PC, the consultant engaged to review the city's election procedures, and (2) proposing that Charter Sections 2-1(b) and 4-1(b) be amended to establish a particular date by which nomination papers are made available. [05/25/2012 @ 1:35PM]
- #145-12 ALD JOHNSON requesting a review by the Solicitor's office as to what constitutes "reorganization" per our City Charter. [05/16/12 @ 10:24PM]
- #144-12 ALD. HESS-MAHAN proposing to repeal the time restrictions for filing special permit applications/site plan reviews for Major Projects during July and August in Article X Section 5 of the Rules and Orders of the Board of Aldermen.
- #68-12(2) ALD. YATES, MERRILL requesting that a detailed inventory of the more than 100 photographs, paintings, drawings and other images of the Civil War, World War I, World War II in the office section of the War Memorial Hall be prepared and a plan be developed for their public display in whole or in part before or during the city's observance of the 150<sup>th</sup> anniversary of the Civil War through 2015 and the centennial of World War I from 2014-2015. [03/23/12 @ 1:43 PM]

#68-12 ALD. YATES, MERRILL asking that the Executive Department develop a detailed plan for the storage of the veterans archives currently housed in the War Memorial that allows for proper access to the records by veterans, their families, and historians, both amateur and professional. [03/05/12 @ 9:40 PM]

#67-12 ALD. ALBRIGHT seeking a discussion with the Executive Department regarding a plan and timeline for funding an archivist/records manager position for the city to oversee the preservation, cataloguing, and organization of the city archives; provide guidance and assistance to city departments that are maintaining their own archives in order to ensure that records are preserved, accessible, and maintained; and, plan for future storage needs as the collection continues to expand. [03/12/12 @ 10:28 AM]

**REFERRED TO PROG. & SERV AND PUBLIC FACILITIES COMMITTEES**

#36-12 ALD. CROSSLEY & FULLER requesting Home Rule legislation or an ordinance to require inspections of private sewer lines and storm water drainage connections prior to settling a change in property ownership, to assure that private sewer lines are functioning properly and that there are no illegal storm water connections to the city sewer mains.

- A) Sewer lines found to be compromised or of inferior construction would have to be repaired or replaced as a condition of sale;
  - B) Illegal connections would have to be removed, corrected, and re-inspected in accordance with current city ordinances and codes, as a condition of sale.
- [01/24/12 @ 8:07 AM]

**REFERRED TO PROG & SERV, PUB. FACIL. AND FINANCE COMMITTEES**

#312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10/27/10 @ 11:07 AM]

**FINANCE VOTED NO ACTION NECESSARY on 10/12/11**

**PUBLIC FACILITIES VOTED NO ACTION NECESSARY on 11/18/11**

**REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES**

#245-10 ALD. SCHNIPPER requesting discussion with National Grid regarding the possible damage to trees as a result of gas leaks. [09/01/10 4:00 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07/17/08 @ 9:53 AM]

**FINANCE VOTED NO ACTION NECESSARY on 3/8/10**

Respectfully Submitted,

Amy Mah Sangiolo, Chairman

City of Newton



# ELECTION COMMISSION

1000 COMMONWEALTH AVENUE  
NEWTON CENTRE, MA 02459

Peter Koutoujian  
Interim Executive  
Secretary

Mayor  
Setti D. Warren

Kenneth R. Hartford, Chairman  
Marjorie Ann Butler • John P. McDermott

February 1, 2013

RECEIVED  
Newton City Clerk  
2013 FEB -4 AM 9:36  
David A. Olson, CMC  
Newton, MA 02459

To: Honorable Board of Alderman  
Re: Proposed September 2013  
Preliminary Election Date

The Board of Election Commissioners at their meeting of February 1, 2013, voted unanimously to recommend that special legislation be sought to forego a special election to fill the position of ward 1 Alderman-at-Large, due to the death of Carleton P. Merrill.

The vacancy would be filled at the upcoming November 5<sup>th</sup> municipal election, with the individual being sworn in immediately following the election.

Thank you,

Peter Koutoujian  
Interim Executive Secretary  
Election Commission

City of Newton



# ELECTION COMMISSION

1000 COMMONWEALTH AVENUE  
NEWTON CENTRE, MA 02459

Peter Koutoujian  
Interim Executive  
Secretary

Mayor  
Setti D. Warren

Kenneth R. Hartford, Chairman  
Marjorie Ann Butler • John P. McDermott

February 1, 2013

To: Honorable Board of Alderman  
Re: Proposed September 2013  
Preliminary Election Date

RECEIVED  
Newton City Clerk  
2013 FEB - 1 PM 2:25  
David A. Olson, Clerk  
Newton, MA 02459

In accordance with the Newton City Charter (article 8 sec. 8-1); the Board of Alderman are obligated to approve the date of the September Preliminary Election.

I respectfully request that the Board approve Tuesday, September 17, 2013 as the date of the Preliminary; as indicated on the attached proposed election calendar.

All other calendar dates are predicated by statute.

Thank you,

Interim Executive Secretary  
Election Commission

**The City of Newton**  
**2013 ELECTION CALENDAR**

#57-13

<b>May 1, 2013</b>	Wednesday	Nomination Papers available. Mayor, Aldermen at Large, Ward Aldermen, and School Committee
<b>July 30, 2013</b>	Tuesday	5 p.m. - Last hour and day to file Nomination Papers and a statement of candidacy (on nomination papers) with the Election Commission.
<b>August 15, 2013</b>	Thursday	5 p.m. - Last hour and day for Objections to and/or Withdrawal of Nomination Papers.
<b>August 15, 2013</b>	Thursday	5:10 p.m. - Drawing for Ballot Positions for the City Preliminary Election. Drawing to be held in the Election Commission Office, Room 106.
<b>August 28, 2013</b>	Wednesday	8 p.m. - Last hour and day to register to vote for the September 17, 2013 City Preliminary Election.
<b>September 9, 2013</b>	Monday	5 p.m. – Last hour and day for ALL Candidates and Non-elected Political Committees to file Political Finance Forms.
<b>September 16, 2013</b>	Monday	12 Noon - Last hour and day to apply for an Absentee Ballot for the September 17, 2013 City Preliminary Election.
<b>September 17, 2013</b>	<b>Tuesday</b>	<b>CITY PRELIMINARY ELECTION DAY</b> <b>POLLS OPEN 7 A.M. - 8 P.M.</b>
<b>September 23, 2013</b>	Monday	5 p.m. Last day and hour for filing withdrawals of or objections to nominations made at the preliminary.
<b>September 23, 2013</b>	Monday	5:10 p.m. - Drawing for Ballot Positions for the November 5, 2013 Municipal Election. Drawing to be held in the Election Commission Office, Room 106.
<b>October 16, 2013</b>	Wednesday	8 p.m. - Last hour and day to register to vote for the November 5, 2013 Municipal Election.
<b>October 28, 2013</b>	Monday	5 p.m. – Last hour and day for ALL Candidates and Non-elected Political Committees to file Political Finance Forms.
<b>November 4, 2013</b>	Monday	12 Noon - Last hour and day to apply for an Absentee Ballot for the November 5, 2013 Municipal Election.
<b>November 5, 2013</b>	<b>Tuesday</b>	<b>MUNICIPAL ELECTION DAY</b> <b>POLLS OPEN 7 A.M. - 8 P.M.</b>
<b>January 21, 2014</b>	Tuesday	Deadline to file year end Campaign & Political Finance Forms.



CITY OF NEWTON

IN BOARD OF ALDERMEN

January 17, 2012

ORDERED:

That the Board of Aldermen hereby requests and authorizes His Honor the Mayor to submit a home rule petition to the General Court seeking the adoption of special legislation as set out below:

SECTION ONE. Notwithstanding the provisions of any general or special law to the contrary, in the city of Newton a non-binding public opinion advisory question may be placed on the ballot for either a regular or special municipal election in accordance with the procedures established by section 18A of chapter 53.

SECTION 2. This act shall take effect upon its passage.

Under Suspension of Rules  
Readings Waived and Approved  
23 yeas 0 nays 1 absent (Alderman Salvucci)



(SGD) DAVID A. OLSON  
City Clerk



(SGD) SETT D. WARREN  
Mayor

David A. Olson

From: Victoria Danberg <vdanberg@gmail.com>  
 To: Ted Hess-Mahan <tedhess-mahan@rcn.com>, Amy Mah Sangiolo <asangiolo@newtonma.gov>, David Kalis <dkalis@newtonma.gov>, Deb Crossley <dcrossley@newtonma.gov>, Dick Blazar <rbbblazar@yahoo.com>, Greg Schwartz <greg.schwartz02@gmail.com>  
 Subject: Polystyrene Ban  
 Date sent: Wed, 2 Jan 2013 17:49:40 -0500  
 Copies to: Marcia and Howard Johnson <marcia@marciajohnson.org>, Susan Albright <susan.albright@tufts.edu>, Stephen Linsky <smlinsky@rcn.com>, John Rice <jrice@tsm.com>  
 BCC to: dolson@newtonma.gov

RECEIVED  
 Newton City Clerk  
 2013 JAN -3 AM 11:01  
 DAVID A. OLSON, CMC  
 Newton, MA 02459

Hello Colleagues,

David Olson is awaiting wording from me on a docket item for a citywide polystyrene ban, which I propose would read as follows,(from the successful Brookline ban):

Ald. XYZ requesting a prohibition on the use of polystyrene based disposable food or beverage containers in the City of Newton, if that packaging takes place on the premises of food establishments within the City.

**Please let me know if you would like to be listed as a co-docketer.** I'd like to include it as a late filed item to be taken up at the same time as the proposed ban/fee on the use of plastic bags in the City.

I strongly feel that the way to go is a simple ban on both, without the complication of fees for use (a la the **"Sale of Indulgences"** by the Catholic Church in the 17th C.)

Happy New Year.

Vicki

*co-docketers*  
*Danberg, Albright, Blazar, Rice, Linsky, Crossley,*

----- Forwarded message -----

From: **Kara Brewton** <[kbrewton@brooklinema.gov](mailto:kbrewton@brooklinema.gov)>  
 Date: Wed, Jan 2, 2013 at 4:42 PM  
 Subject: Polystyrene Ban  
 To: [alisonlearymooradian@gmail.com](mailto:alisonlearymooradian@gmail.com)

Hi Alison:

**Per your request, see the approved text below. This is the original petition (which was what was finally voted on) -- good luck!**

Regards,

**Kara Brewton**  
**Acting Director**  
**Department of Planning and Community Development**  
**Town of Brookline**  
<http://www.twitter.com/brooklinema>

**Tel: 617.730.2468**  
[kbrewton@brooklinema.gov](mailto:kbrewton@brooklinema.gov)  
<http://www.linkedin.com/in/karabrewton>

**When responding, please remember the Secretary of State considers e-mail a**

**public record.**

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**ARTICLE 8**

Submitted by: Nancy Heller

To see if the town will amend the General By-Laws as follows:

By adding the following Article:

**Article 8.32 Prohibition on the Use of Polystyrene Based Disposable Food Containers**

Effective December 1, 2013, polystyrene food or beverage containers shall not be used in the Town of Brookline to package or serve food or beverages if that packaging takes place on the premises of food service establishments, as defined in Article 8.10.2, within the Town of Brookline.

In the event that compliance with the effective date of this by-law is not feasible for a food service establishment because of either unavailability of alternative nonpolystyrene containers or economic hardship, the Director of Health and Human Services may grant a waiver of not more than six months upon application of the owner or the owner' representative. The waiver may be extended for one (1) additional 6 month period upon the showing of continued infeasibility as set forth above.

And by adding a reference to this Article 8.32 in the General By-Laws, Article 10.2 Prosecutions and Enforcement, by including Article 8.32 under the list of by-laws enforceable by the Director of Health and Human Services.

Or act on anything relative thereto.

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Victoria Danberg  
Alderman at-Large, Ward 6  
Tel. 617.969.1756  
Fax. 617.969.5648  
Email: [Vdanberg@gmail.com](mailto:Vdanberg@gmail.com)

EIGHTH ARTICLE

Submitted by: Nancy Heller

To see if the town will amend the General By-Laws as follows:

By adding the following Article:

Article 8.32 Prohibition on the Use of Polystyrene Based Disposable Food Containers Effective December 1, 2013, polystyrene food or beverage containers shall not be used in the Town of Brookline to package or serve food or beverages if that packaging takes place on the premises of food service establishments, as defined in Article 8.10.2, within the Town of Brookline.

In the event that compliance with the effective date of this by-law is not feasible for a food service establishment because of either unavailability of alternative non-polystyrene containers or economic hardship, the Director of Health and Human Services may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional 6 month period upon the showing of continued infeasibility as set forth above.

And by adding a reference to this Article 8.32 in the General By-Laws, Article 10.2 Prosecutions and Enforcement, by including Article 8.32 under the list of by-laws enforceable by the Director of Health and Human Services.

Or act on anything relative thereto.

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PETITIONER'S ARTICLE DESCRIPTION

In June, 2011, the National Institute of Environmental Health Sciences (NIEHS), part of the U.S. Dept of Health and Human Services, added styrene, the chemical found and released from polystyrene (commonly known as Styrofoam) products such as to-go containers and cups, to its list of materials that are reasonably anticipated to be carcinogens, as toxic chemicals may leach out of these products into the food that they contain. The NIEHS added styrene to its list of likely carcinogens based on human cancer studies, laboratory animal studies, and mechanistic scientific information. Styrene is found in many products, including food and beverage containers, rubber, plastics, insulation, and cigarette smoke. While this list is not a regulatory statement, it has been a factor in regulatory decision-making and could mean that the federal government will at some future date regulate or ban the use of polystyrene.

This product is not only harmful to human health but it is also detrimental to the environment. Polystyrene, a petroleum product, does not biodegrade but rather crumbles into fragments. If strewn as trash on land, it will have an indefinite life, and could break

into pieces that choke and clog animal digestive systems. This product remains in landfills indefinitely, takes up more space than paper, and eventually can re-enter the environment when landfills are breached by water or mechanical forces.

While polystyrene can technically be recycled, it is cumbersome to do so. Brookline has an extensive recycling program, but single stream curbside recycling does not include polystyrene containers. About twice per year, our residents may take their collected polystyrene to the DPW facility, where it is picked up by a Rhode Island company. In Rhode Island, the polystyrene is compressed or “densified” into large blocks, then transported to China or India where facilities using complex chemical processes turn the polystyrene into pellets that are used to make new polystyrene. In this way, polystyrene can be recycled, but the carbon footprint of transporting this material is staggering.

While this warrant article only applies to food and beverage containers in Brookline, it begins to tackle the problem at a local level and furthers the process of educating people about the dangers of polystyrene. Great Barrington, MA banned polystyrene containers 22 years ago. In Great Barrington, all to-go coffee, such as from Dunkin’ Donuts, is sold in heavy paper cups.

The first such ban was enacted in Portland, Oregon in the late 1980’s. In the following years, many municipalities nation-wide have either an ordinance in place or are currently working on one. Other major cities include: Los Angeles, Oakland, Santa Monica, Seattle and San Francisco. Philadelphia and New York City are currently working on getting an ordinance passed through city council. In California alone, the number of municipalities which have tackled this issue is approaching 100 and the list keeps growing. Several counties in that state have adopted county-wide bans. California is poised to become the first state in the nation to pass a state-wide ban. Many other states are also considering state-wide bans.

Anecdotally, I have observed that food from the cafeteria at the Museum of Science is no longer placed in polystyrene containers, but in containers which are biodegradable. The MacDonald chain ceased to use polystyrene packaging several years ago, and now wraps all food in paper products.

Unlike the situation in 1990 when Great Barrington enacted its ban, today there are many alternative recyclable food containers, some of which are biodegradable: such alternative containers do not contain human health risks or negative impacts on the environment. Biodegradable containers are often made from PLA, a plastic substitute derived from plant starch, from bamboo, a fast-growing and renewable resource, and palm fiber. These plastic substitutes can match polystyrene in durability, strength, and flexibility.

It makes sense for Brookline Town Meeting to protect our citizens with this bylaw. It also makes sense that in addition to any police officer, the Director of Health and Human Services and the Commissioner of D.P.W. or their designees have the authority to enforce this by-law.

For a fuller description of polystyrene, please see:

<http://www.earthresource.org/campaigns/capp/capp-styrofoam.html>.

For a copy of the Great Barrington bylaw, please see Great Barrington Bylaws, Section 102.2 Polystyrene containers.

For an example of an ordinance from a California city:

<http://www.cityofalamedaca.gov/Go-Green/Styrofoam-Ban>

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## LAW DEPARTMENT MEMORANDUM

To: Recodification Committee

From: Marie Lawlor, Assistant City Solicitor 

Date: May 2, 2012

Re: Trash and Recycling: Summary and redlines of Law Department's recommended recodification changes to Chapter 11 and to corresponding portions of Chapter 20, § 20-21

SECTION	RECOMMENDED CHANGES	REASON
§11-5	<ol style="list-style-type: none"> <li>1. Caption: add "trash"; delete "exceptions"; add "recycling services required."</li> <li>2. Text: Add "trash"; insert "such" before "collection" and delete "of trash" after "collection."</li> </ol>	Conform to G.L. c. 111 §31A, Paragraph 1 (health dept. permit required for garbage collected within Newton) and to clarify that persons collecting garbage or trash (which includes materials other than garbage) in Newton are required to offer recycling services.
§11-6	Remove italics for "Non-profit rubbish"	Consistency of style
§§11-7(h); 11-8(i); 11-9(a); 11-10(c)	<ol style="list-style-type: none"> <li>1. Add language counting the graduated offenses per 365 day period;</li> <li>2. Add cross-reference to §1-6 (general penalty);</li> <li>3. Change format of cross-references</li> </ol>	<ol style="list-style-type: none"> <li>1. Conform to Board intent and to §20-21(f);</li> <li>2. Cross-reference to general provision that every day an ordinance offense continues constitutes a separate offense;</li> <li>3. Consistency of style</li> </ol>
§11-11	<ol style="list-style-type: none"> <li>1. Caption: Delete misleading caption &amp; replace with "Registration for transporting garbage through Newton."</li> <li>2. Text: delete "trash and/or recyclables"; replace with "garbage"</li> </ol>	Conform to G.L. c. 111 §31A, Paragraph 2 (registration for transporting non-Newton trash through Newton streets); distinguish from §11-5 which applies only to collection of trash & garbage within Newton (see above)
§20-21(f) (for each listed offense)	Delete all references to "first day", "second day", third day and each day thereafter" for each offense.	Clarity; instead, add cross reference to §1-6 (each day an ordinance offense continues constitutes a separate offense) to penalty sections of Chapter 11 (see above)

**Sec. 11-4. Reserved.**

**Sec. 11-5. Trash, Garbage—Permit required to transport; ~~exceptions~~ recycling services required.**

All persons transporting trash or garbage through the public ways of the city from places within or to destinations within the city shall first obtain from the health department a permit therefor. All persons offering these services are required to offer full recycling services to all places where such collection of trash occurs within the city. All persons shall show evidence of such recycling plan of services, which plan must be approved by the commissioner of public works or his/her designee and recommended to the commissioner of health and human services at the time of the annual permit request. 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. (Rev. Ords. 1973, § 8-38(a); Ord. No. 59, 2-20-75; Ord. No. S-1, 7-11-83; Ord. No. X-175, 05-26-05; Ord. No. Z-68, 06-21-10)

Cross reference—Licensing and permits generally, Ch. 17; G.L. c. 111, sec. 31A.

**Sec. 11-6. Collection, processing, and disposal of Non-Profit Rubbish for a fee.**

~~Non-profit rubbish from religious and charitable organizations may be set out for collection for a fee that reflects the total cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent. All non-profit rubbish shall be placed for collection in accordance with this chapter. All non-profit rubbish collected by the city under this section shall comply with all requirements of this chapter. (Ord. No. Z-68, 06-21-10)~~

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**Sec. 11-7. How trash to be placed for collection; weight of receptacles.**

(a) The city shall provide, or cause to be provided, one receptacle to each residential premises which receives municipal rubbish disposal services. The receptacle size shall be determined by the commissioner of public works. The receptacle shall be owned by the city. The residents of each such premises shall:

- (1) take proper care to protect such receptacle from misuse, loss, and damage as the city may require the resident to pay for any replacement carts due to such misuse, loss and/or damage; and
- (2) return such receptacle to the city, or its contractor, upon request of the commissioner of public works; and
- (3) in the event that they vacate the premises, shall leave such receptacle with the premises for use by the subsequent residents or if taken the city may require payment for such cart.

(b) If additional receptacles are required, additional receptacles shall be provided at the request of the homeowner at an annual charge established by the commissioner of public works. Only city authorized receptacles will be accepted for collection.

(c) Residents may also purchase trash bags, designated by the city for the sole purpose of trash collection, at a cost per bag established by the commissioner of public works. Only city authorized bags will be accepted for collection. Bags shall not exceed fifty (50) pounds in weight.

(d) All material set out for collection must be in the city supplied receptacle, additional city supplied receptacle, as requested, or designated bags. Loose material will not be collected. All material put out must fit within the receptacle provided so that the receptacle lid remains closed.

(e) Receptacles and designated bags shall be placed for collection in a manner and on days of the week as designated by the commissioner of public works or his/her designee which does not obstruct vehicular and / or pedestrian passage. All receptacles must be placed so that they are easily accessible for collection by the city, and/or in such a place as the commissioner of public works, or his/her duly authorized agent, may designate or



permit.

(f) The commissioner of public works may determine if a multiple residential site (apartment building, condominium units, townhouses, etc.) currently being collected from will require a dumpster. The commissioner will determine the size and location of the dumpster. Multiple unit locations will abide by the same standards as for collection in single residential sites.

(g) No person except those individuals and companies authorized by the commissioner of public works shall collect or pick up or cause to be collected or picked up, trash which has been placed for collection pursuant to Section 11-7.

(h) Failure to comply shall result in the imposition of a written warning for the first offense, fifty dollar (\$50.00) civil fine for the second offense and seventy-five dollar (\$75.00) civil fine for the third and subsequent offenses occurring in any three hundred sixty-five (365) day period. (Ord. No. Z-68, 06-21-10)  
(see Article III, Section 20-21). (Ord. No. Z-68, 06-21-10)

Cross reference – general penalty, §1-6; civil fines, §20-21

**Sec. 11-8. How recyclable materials to be placed for collection.**

(a) The city shall provide, or cause to be provided, one recycling receptacle to each residential premises which receives municipal rubbish disposal services. The receptacle size shall be determined by the commissioner of public works. Only city authorized receptacles will be accepted for collection. The residents of each such premises shall:

- (1) take proper care to protect such recycling container from misuse, loss and damage as the city may require the resident to pay for any replacement carts due to such misuse, loss and/or damage; and
- (2) return such recycling container to the city, or its contractor, upon request of the commissioner of public works; and
- (3) in the event that they vacate the premises, shall leave such recycling container with the premises for use by the subsequent residents or, if taken the city may require payment for such cart.

(b) If additional receptacles are required, additional receptacles shall be provided at the request of the homeowner at an annual charge established by the commissioner of public works. Only city authorized receptacles will be accepted for collection.

(c) Recyclable materials are to be set out in containers as directed by the rules and regulations of the commissioner of public works.

(d) Leaf and yard waste is to be set out in containers as directed by rules and regulations of the commissioner of public works.

(e) All recyclable material set out for collection must be in the city supplied receptacle. Loose material will not be collected. All material put out must fit within the receptacle provided so that the receptacle lid remains closed.

(f) Receptacles shall be placed for collection in a manner and on days of the week as designated by the commissioner of public works or his/her designee which does not obstruct vehicular and / or pedestrian passage. All receptacles must be placed so that they are easily accessible for collection by the city, and/or in such a place as the commissioner of public works, or his/her duly authorized agent, may designate or permit.

(g) The commissioner of public works may determine if a multiple residential site (apartment building, condo

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units, townhouses, etc.) currently being collected from will require a dumpster for single stream recycling. The city will determine the size and location of the dumpster. Multiple unit locations will abide by the same standards as for collection in single residential sites.

(h) No person except those individuals and companies authorized by the commissioner of public works shall collect or pick up or cause to be collected or picked up, recyclable materials which have been placed for collection pursuant to Section 11-8.

(i) Failure to comply shall result in the imposition of a written warning for the first offense, fifty dollar (\$50.00) civil fine for the second offense and seventy-five dollar (\$75.00) civil fine for the third and subsequent offenses occurring in any three hundred sixty-five (365) day period. (see Article III, Section 20-21). (Rev. Ords. 1973, § 8-42; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-105, 12-15-80; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10)

Cross reference – general penalty, §1-6; civil fines, §20-21.

**Sec. 11-9. Participation in and enforcement of recycling and trash program.**

(a) All persons whose trash is collected by the city shall comply with sections 11-7 and 11-8 when placing materials for collection, unless specifically exempted pursuant to the provisions of subsection (b). Failure to comply with section 11-9 shall result in the imposition of a written warning for the first offense, fifty dollar (\$50.00) civil fine for the second offense and seventy-five dollar (\$75.00) civil fine for the third and subsequent offenses occurring in any three hundred sixty-five (365) day period. (see Article III, Section 20-21)

Cross reference – general penalty, §1-6; civil fines, §20-21.

(b) If compliance with the requirements of subsection (a) imposes undue hardship upon a person, that person may request an exemption from this ordinance from the commissioner of public works. (Ord. No. R-105, 12-15-80; Ord. No. S-249, 3-16-87; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10)

**Sec. 11-10. When trash and recyclable materials to be placed for collection; carts to pass through streets only once.**

(a) Trash and recyclable materials shall be placed for collection on such day or days as may be designated for collection by the commissioner of public works. The commissioner of public works may designate the specific days of collection for particular areas of the city and/or types of trash and/or recyclable materials. Trash and recyclable materials shall be placed for collection between 4:00 p.m. of the day preceding collection and 7:00 a.m. of the day of collection. Collection vehicles having passed through the street will not be sent back to collect any such materials placed for collection after 7:00 a.m.

(b) All empty receptacles, barrels, cans or rubbish containers of any kind shall be removed from the area of collection and returned to the private property of the person(s) who owns or is assigned to the specific receptacle(s) prior to midnight of the day of collection.

(c) Any occupant of a building who places or causes to be placed trash or recyclable materials for collection at times other than those designated in subsection (a) of this section or fails to remove said trash containers or recycling containers or receptacles from the area of collection prior to midnight of the day of collection shall be subject to the following penalties for offenses occurring in any three hundred sixty-five (365) day period. (see Article III, Section 20-21):

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- (1) For the first offense—a written warning;
- (2) Second offense-fifty dollars (\$50.00);
- (3) Third and subsequent offenses-seventy-five dollars (\$75.00)

The written warning for each first offense shall be attributable to the dwelling unit occupied by the offending party. Any subsequent offense by any occupant of said dwelling unit shall result in the fine referred to above and shall be attributable to the head of the household.

Provided, however, that when the collection of trash or recyclable materials is delayed due to weather conditions, holidays, or other causes, no penalty shall be imposed for placement thereof in accordance with the time periods established for collection as set forth in subsection (a) above. (Rev.Ords. 1973, § 8-42; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-56, 3-17-80; Ord. No. S-1, 7-11-83; Ord. No. T-92, 6-18-90; Ord. No. T-168, 9-3-91; Ord. No. Z-68, 06-21-10)

Cross reference—Licensing and permits generally, Ch. 17; general penalty, §1-6; civil fines, §20-21.

**Sec. 11-11. Permit to cart trash and/or recyclable materials. Registration for transporting garbage through Newton.**

All persons transporting ~~trash and/or recyclable materials~~ garbage on public ways of the city from points outside the city and to destinations outside the city shall register with the city health and human services department pursuant to Mass. Gen. Laws c. 111, § 31A. Such garbage shall be transported in accordance with such rules and regulations as the health and human services department shall make. (Rev. Ords. 1973, § 8-43; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. X-175, 5-26-2005; Ord. No. Z-68, 06-21-10)

**Sec. 11-12. Definition of pickup point, placement of refuse for collection from mixed-use buildings, persons responsible for fee.**

For buildings utilizing dumpsters, each dumpster location shall constitute a pickup point. Refuse from non-residential and residential units shall not be placed into the same dumpster for collection. For receptacle or bag collection, each street address shall constitute a pickup point, provided however, that in the case of multi-unit buildings, each unit shall constitute a pickup point, and provided further, that the refuse and recycling generated by each non-residential unit in such building shall not be set out for collection.

Nothing herein shall be deemed to render any person liable for charges incurred by a previous owner. (Rev. Ords. 1973, § 8-45; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-105, 12-15-80; Ord. No. R-201, 12-7-81; Ord. No. S-1, 7-11-83; Ord. No. Z-68, 06-21-10)

**Sec. 11-13. Tipping over, etc.; slippery substances.**

No person shall willfully or maliciously disturb or handle the contents of or tip over or upset containers or receptacles standing upon the sidewalk or within the street limits or throw or place upon any sidewalk, crosswalk, street or way any banana skin, orange peel or other slippery substance. (Rev. Ords. 1973, § 8-48; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. Z-68, 06-21-10)

**Sec. 11-14. Large, bulky, etc., refuse.**

(a) Large and/or bulky items such as discarded or broken furniture, large toys, mattresses, rugs, and other large or unwieldy refuse which cannot be placed in the assigned receptacle shall be considered bulky waste. The department of public works may remove and dispose of up to five (5) bulky waste items per household per week without charge. All the materials put out for removal shall be of such form and so prepared and placed as the

**Chapter 26 – Streets and Sidewalks**

Ordinances Incorporated

Z-81	196-09 196-09(2)	Feb. 22, 2011	19-1 19-99 26-51	Traffic Calming
Z-83	310-10	March 21, 2011	26-8D	Snow Removal
Z-100	49-10	Nov. 21, 2011	26-26	Velocipedes on sidewalks

Technical Changes Made

None

Suggested Substantive Changes to be Docketed with the Board

None

**Chapter 27 - Taxation**

Ordinances Incorporated

Z-36	305-08	Nov. 17, 2008	27-22 17-23	Senior Services
Z-52	206-09	August 10, 2009	27-09	Hotel Tax
Z-71	210-10 (303-02)	Sept. 20, 2010	27-20	Senior Volunteer Program rate

Technical Changes Made

None

Suggested Substantive Changes to be Docketed with the Board

None

**Chapter 28 – Veterans’ Services**

Ordinances Incorporated

None

Technical Changes Made

None

Suggested Substantive Changes to be Docketed with the Board

#1b – The Veteran’s Physician is no longer used as described in Chapter 28 Sections 8 thru 10 and the sections should be docketed for removal from the ordinances.

payments made by him from money so received, and upon the first day of each month or upon request shall render to the comptroller of accounts a transcript thereof with proper vouchers attached. Not more than two thousand dollars (\$2,000.00) shall be advanced at any time to the veterans' agent, and no additional advance shall be made unless all money previously advanced shall have been properly accounted for. (Rev. Ords. 1973, § 22-6; Ord. No. 1, 6-3-74)

**Cross reference**—Comptroller of accounts generally, Ch. 2, Art. III, Div. 3

**Sec. 28-7. Establishment of information center; purpose.**

The veterans' agent shall establish an information center in which the dwelling units in the city available for veterans will be listed and veterans will be advised and assisted in establishing contact with the persons in charge of the selling or rental of such dwelling units and in determining whether a dwelling unit offered to a veteran is suitable for him at the price or rental charged. (Rev. Ords. 1973, § 22-7)

**Sec. 28-8. Physician-Qualifications; duties generally.**

(a) There shall be a physician of the department of veterans' services who, under the direction of the veterans' agent, shall have charge of the furnishing of medical attendance and care to those veterans and their dependents who are entitled to relief under any general or special law. Such physician shall be a resident of the city, a graduate of a legally incorporated medical school, shall be a registered physician, and shall have practiced as such physician for at least five (5) years continuously prior to his appointment.

(b) It shall be the duty of the physician of the department of veterans' services, under the direction of the veterans' agent, to attend and to dispense medicine for the use of all sick veterans and their dependents entitled to receive such relief, who live within the city or within a distance conveniently reachable therefrom; to authorize medical attendance to, including the dispensing of medicine for the use of, all such veterans or their dependents who live at a substantial distance from the city; and to authorize the services of medical consultants, surgeons and hospitalization where such services and care are in his opinion necessary. The physician of the department of veterans' services shall in no case, directly or indirectly, solicit, direct or in any way interfere with the selection of a physician, surgeon or hospital of such veteran or dependent. (Rev. Ords. 1973, § 22-8)

**Sec. 28-9. Same—Approval of medical charges.**

The city shall not be responsible for the payment of any charge for medicine, medical attendance, medical consultation, hospitalization, surgery or any charge for medical service of any kind or nature furnished to any veteran or his dependents unless authorization shall have been given and the charge approved by the physician of the department of veterans' services. (Rev. Ords. 1973, § 22-9)

**Sec. 28-10. Same—Advice to veterans' agent, board of aldermen.**

The physician of the department of veterans' services shall give to the veterans' agent and to the board of aldermen such professional advice and counsel now or hereafter incumbent upon him by the laws of the commonwealth, these Revised Ordinances and any other ordinances of the city. (Rev. Ords. 1973, § 22-10)