

Chapter 11

RECYCLING AND TRASH*

Art. I. In General, §§ 11-1—11-33

Art. II. Public Landfills and Recycling Depots, §§ 11-34—11-36

**ARTICLE I.
IN GENERAL**

Sec. 11-1. Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them in this section:

Bulky waste items: Bulky waste items are large items that are burnable, such as discarded or broken furniture, large toys, mattresses, rugs, and other large or unwieldy refuse that cannot be placed in the assigned receptacle. Hard plastic and metal items are not bulky items.

Construction Material: Items from building construction, deconstruction, renovations, repairs, etc. This is not considered residential trash and will not be collected by the city.

Garbage: Putrescible waste matter, animal or vegetable, from tables, kitchens, markets and stores. Also known as organics.

Non-profit rubbish: Any trash and recyclable materials generated by the use of property for residential and non-residential non-profit institutions. The term "institution" includes, religious, and charitable organizations that do not pay city real estate tax.

Recyclable materials: Printed paper; cardboard and paperboard; glass; rigid plastic containers; aluminum containers; leaf and yard wastes; scrap metal and other such materials as set forth by the Department of Environmental Protection of the Commonwealth of Massachusetts or as the commissioner of public works may determine.

Refuse: Generally refers to common household waste, as well as office and retail wastes, but excludes recyclable materials, industrial, hazardous, and construction wastes. Also known as trash.

Leaf and yard wastes: Leaves, grass clippings, wood chips, shrub trimmings, plant cuttings and other materials as set forth by the Department of Environmental Protection of the Commonwealth of Massachusetts or as the commissioner of public works may determine.

Moveouts and cleanouts: Large amounts of bulky waste that may also include excess trash and whitegoods that resulting from turnover of a residential property, which most commonly occurs from rental property turnover, residential downsizing, and estate management.

***Editor's note:** Ordinance T-92, adopted June 18, 1990, changed the title of this chapter from "Garbage, Trash and Refuse" to "Recycling and Trash".

Cross references—Health and human services, Ch. 12; secondhand and junk dealers, Ch. 20, Art. VI

Organics: Putrescible waste matter (animal or vegetable) and compostable paper from tables, kitchens, markets and stores. Also known as garbage.

Packaging: Recyclable materials that consist of primarily of food and consumer goods packaging, including cardboard boxes, paperboard boxes (i.e., cereal boxes, tissue boxes, etc.) and rigid containers (i.e., bottles, cans, jars, jugs, tubs) made of glass, plastic, and metal.

Packaging and printed paper: The recyclable material stream that is able to be collected in a curbside collection program and mixed together in the collection truck instead of being sorted into separate commodities by the generator; includes printed paper, cardboard, paperboard and rigid containers made of plastic, glass, and metal.

Plastic containers: Rigid bottles, cans jars, jugs, tubs, made of high density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics and other plastic resins as the commissioner of public works may determine; excludes flexible plastic film (i.e., shipping air pillow), plastic bags (i.e. plastic shopping bags, bags packaged around new durable goods, etc.), and plastic wrap (i.e., cellophane, case wrap, paper towel wrap).

Printed Paper: Paper that has not been exposed to foreign substance or substances, or conditions rendering it unusable for recycling; includes, but is not limited to, office paper, documents, magazines, newspaper, junk mail and other paper as the commissioner of public works may determine.

Recycling depot: A site designated on a permanent or temporary basis for drop-off and collection of certain recyclable materials.

Receptacle: Any container that the commissioner of public works may determine to be acceptable to utilize for the collection of trash and / or recyclable materials and or any other material that the commissioner of public works may determine.

Trash: Generally refers to common household waste, as well as office and retail wastes, but excludes recyclable materials, industrial, hazardous, and construction wastes. Also known as refuse.

Single Stream Recycling: Also known as fully commingled recycling, refers to a system in which all paper materials and co-mingled containers are mixed together in a collection truck, instead of being sorted into separate commodities (newspaper, cardboard, plastic, glass, etc.) by the resident and handled separately throughout the collection process.

Waste Bans: Materials as listed under the Commonwealth of Massachusetts Regulation 310 CMR 19.017: Waste Disposal Ban Regulation. All items as listed will either not be collected or collected as a special collection per the commissioner of public works.

White goods: Large household appliances such as washing machines, clothes dryers, refrigerators, stoves, and the like, formerly finished with white enamel but now often with varied finishes, as well as electronic devices such as televisions and computers.

(Rev. Ords. 1973, § 8-34; Ord. No. 11, 8-15-74; Ord. No. R-56, 3-17-80; Ord. No. R-105, 12-15-80; Ord. No. S-1, 7-11-83; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10; Ord. No. Z-87, 05-16-11; Ord. No. A-62, 08-10-15; Ord. No. B-51, 12-16-19)

Cross reference—Rules of construction and definitions generally, § 1-3

Sec. 11-2. Department of public works—To have charge of removal, processing and disposal.

The department of public works, or its contractor, shall remove and process or dispose of all refuse, recyclable materials and garbage from residential premises, except those residential premises which are required pursuant to

special permit or other zoning requirements to make their own private arrangements therefor, which are properly placed in accordance with the requirements of this chapter. (Rev. Ords. 1973, § 8-35; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10)

Sec. 11-3. Same—Employees, contractors and agents not to enter premises to remove; exception.

Employees, contractors and agents of the department of public works shall not enter upon private property to remove, garbage, refuse or recyclable materials, except when and where directed by the commissioner of public works or his duly authorized agent. (Rev. Ords. 1973, § 8-36; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10)

Sec. 11-4. Reserved.

Sec. 11-5. Trash, Garbage—Permit required to transport; 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 or garbage 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; Ord. No. A-14, 03-18-13)

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)

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 receptacle 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 receptacle; and
- (4) not remove the assigned receptacle from the premises unless granted permission by the commissioner of public works; and
- (5) not be in possession of any receptacle not assigned to his or her premises.

(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. (Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13; Ord. No. A-62, 08-10-15)
Cross reference – general fines, §17-21; civil fines, §17-23

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; and
- (4) not remove the assigned receptacle from the premises unless granted permission by the commissioner of public works; and
- (5) not be in possession of any receptacle not assigned to his or her premises.

(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 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. (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; Ord. No. A-14, 03-18-13; Ord. No. A-62, 08-10-15)
Cross reference – general fines, §17-21; civil fines, §17-23.

Sec. 11-9. Participation in and enforcement of recycling and trash program; hardship exemption.

(a) All persons whose trash is collected by the city shall comply with the provisions of this chapter when placing materials for collection, unless specifically exempted pursuant to the provisions of subsection (b). Failure to comply with sections 11-7, 11-8, 11-10, 11-14, 11-15, or 11-16 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. 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 or the owner of the premises.

Cross reference – general fines, §17-21; civil fines, §17-23(f).

(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; Ord. No. A-14, 03-18-13; Ord. No. A-62, 08-10-15)

Sec. 11-10. When trash and recyclable materials to be placed for collection; collection vehicles 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 penalties provided in section 9(a), 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.

- (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; Ord. No. A-14, 03-18-13; Ord. No. A-62, 08-10-15)

Cross reference—Licensing and permits generally, Ch. 17; general fines §17-21; civil fines, §17-23.

Sec. 11-11. Registration for transporting garbage through Newton.

All persons transporting 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; Ord. No. A-14, 03-18-13)

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. Bulky waste items.

(a) Bulky waste items may be removed from the curb and disposed of by the department of public works upon application to the commissioner of public works by the owner or occupant of a building or premises who shall pay a fee of twenty dollars (\$20.00) per item. All materials set out for curbside removal shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city.

(b) The commissioner of public works in his/her sole discretion may remove and dispose of bulky waste items that have been set out for collection without application and in accordance with section 16. Failure to apply for removal of bulky waste items shall be subject to penalties provided in section 9(a). (Rev. Ords. 1973, § 8-49; 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; Ord. No. A-62, 08-10-15; Ord. No. B-51, 12-16-19)

Sec. 11-15. White goods.

(a) White goods may be removed at the curb and properly managed by the department of public works upon application to the commissioner of public works by the owner or occupant of a building or premises who shall pay a fee of twenty-five dollars (\$25.00) per item. All white goods set out for curbside removal by application shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city.

(b) White goods, except TVs and monitors, shall be accepted at no charge when dropped off by City of Newton residents at the Newton Resource Recovery Center during operating hours. TVs and monitors shall be accepted at the Newton Resource Recovery Center upon application to the commissioner of public works by the owner or occupant of a building or premises who shall pay a fee of twenty-five dollars (\$25.00) per item.

(c) The commissioner of public works in his or her sole discretion may remove and properly manage white goods items that have been set out for collection without application. Failure to apply for removal of white goods shall be subject to penalties provided in section 9(a). (Ord. No. Z-87, 05-16-11; Ord. No. A-54, 01-20-15; Ord. No. A-64, 10-19-15; Ord. No. B-51, 12-16-19)

Sec. 11-16 Moveouts and cleanouts.

Moveouts and cleanouts are not considered normal residential trash and will not be collected by the City. If, for whatever reason, the City finds it necessary to remove and dispose of a moveout or cleanout, the owner of the building or premises shall pay the City the total cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent. Such removal may also be subject to fines as specified in Chapter 17-21. (Ord. No. A-62, 08-10-15; Ord. No. B-51, 12-16-19)

Sec. 11-17. Annual appropriation for publicizing recycling program.

The recycling program shall receive an annual appropriation to be used to advertise the program on a regular basis and to inform citizens of their collection days. (Rev. Ords. 1973, § 8-50; Ord. No. 11, 8- 15-74; Ord. No. S-1, 7-11-83; Ord. No. Z-68, 06-21-10; Ord. No. Z-87, 05-16-11; Ord. No. A-62, 08-10-15)

Secs. 11-18—11-33. Reserved.

ARTICLE II. PUBLIC LANDFILLS AND RECYCLING DEPOTS

Sec. 11-34. Control of operation and use.

The commissioner of public works shall have custody and control and charge of the operation of all landfills and recycling depots maintained by the city. He is authorized, subject to the provisions of this article and to any other applicable order of the city council, to prescribe, and from time to time amend, rules and regulations governing the operation and use thereof. (Rev. Ords. 1973, § 8-56; Ord. No. 90, 10-6-75; Ord. No. T-92, 6-18-90)

Sec. 11-35. Regulations of use.

Use of landfills, transfer haul stations and recycling depots maintained and/or operated by the city or by a contractor under contract with the city to do the same, by other than city employees acting within the scope of their employment, shall be limited to residents of the city, to owners or employees of commercial or industrial establishments located within the city and to such other persons as may establish to the satisfaction of the commissioner of public works that they are engaged in business activities within the city which require the disposal of trash or depositing of recyclable materials from such operations. All such use shall be upon permission of and in accordance with the rules of the commissioner of public works. No person shall dispose of any trash or deposit any recyclable materials originating outside the limits of the city to any such landfill, transfer haul station or recycling depot. All persons and commercial haulers, except city employees acting within the scope of their employment, using any such landfill, transfer haul station or recycling depot shall do so at their own risk. (Rev. Ords. 1973, § 8-57; Ord. No. 60, 2-18-75; Ord. No. 90, 10-6-75; Ord. No. T-92, 6-18-90)

Sec. 11-36. Recycling depots.

The commissioner of public works shall have custody and control and charge of the operation of recycling depots maintained by the city. The commissioner may use these recycling depots for the collection of recyclable materials such as office grade paper; corrugated cardboard; automobile batteries and other such materials as he shall determine. (Ord. No. T-92, 6-18-90)

Cross reference—Licenses and permits generally, Ch. 17