

City of Northampton

MASSACHUSETTS

In the Year Two Thousand Fourteen

Upon the Recommendation of Mayor David J. Narkewicz

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 272 of said code; providing that *Solid Waste*

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: That section 272 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

SECTION 272 – Amend as follows:

Article I. Garbage, Rubbish and Refuse

§ 272-1. Definitions

As used in this article, the following terms shall have the meanings indicated:

BULKY WASTE MATERIAL

Includes but is not limited to refrigerators, stoves, and other large appliances, furniture, mattresses, tires, rolls of carpeting, refuse in sealed bags or containers and other large waste items which must be securely held in place in the vehicle by sturdy ropes, cords or materials so that the solid waste cannot fall, bounce or blow out of the vehicle on to the roadway.

~~(Implementation date: 2-1-1999.)~~

CONSTRUCTION AND DEMOLITION (C&D) WASTE

Building or demolition materials with a maximum size of four feet in any dimension, including but not limited to wood, roofing materials, gypsum (wallboard), flooring materials, carpeting, insulation, brick, asphalt and concrete, fixtures, and pieces of duct and pipes. Cardboard and scrap metal are not included in this category, as these materials are classified as "recyclable materials."

LOOSE SOLID WASTE

Refers to quantities of waste material including but not limited to brush, leaves, paper, roof shingles, recyclable materials and other items placed in the rear of a vehicle and which must be completely enclosed by the sides of the vehicle and a tarp or other covering which securely holds the waste material in place and prevents it from falling, bouncing, or blowing from the vehicle onto the roadway. ~~(Implementation: 2-1-1999.)~~

PRECOMPACTED REFUSE

~~Refers to refuse which has been compacted by hydraulic force in refuse removal trucks or containers, dumped for processing and then mechanically loaded into open-top containers for transport to the landfill.~~

PROPERLY SECURED LOAD

Refers to all solid waste materials including "solid waste," "loose solid waste" and "bulky waste material" being transported ~~to a solid waste disposal facility to the landfill or DPW transfer station~~; loose solid waste material shall be in closed vehicles, closed containers, sealed plastic bags, or completely covered with a tarp or other covering, which encloses it entirely. Bulky solid waste shall be tied with sturdy ropes or other materials so that it is securely held in place. All solid waste material must be securely tied down or covered so that neither it nor any of its parts can fall out of or blow out of the vehicle transporting it onto the roadway or properties adjacent to the roadway.

RECYCLABLE MATERIALS

Refers to materials that are accepted at the Springfield Materials Recycling Facility (SMRF) and/or materials that are subject to a ban on landfill disposal imposed by the Massachusetts Department of Environmental Protection and/or the Northampton Board of Health. Materials currently accepted by the SMRF include recyclable paper and corrugated cardboard, and metal/glass/aseptic/plastic (#1-7) containers. Materials currently restricted by the DEP under 310 CMR 19.017 include glass and metal containers, single-resin plastics, recyclable paper and corrugated cardboard, leaves and yard waste, vehicle batteries, white goods/appliances, whole tires, and cathode ray tubes, **asphalt, pavement, brick, concrete, clean gypsum wallboard and commercial organic material**. In addition, materials currently restricted by the Northampton Board of Health include scrap metal and mattresses.

SOLID WASTE

Refers to all materials being transported to a **solid waste disposal facility** ~~the landfill, the transfer station(s) or other permitted disposal facility~~ for disposal and/or recycling, including but not limited to the following: brush, construction and demolition material, garbage, household refuse, recyclable material, rubbish, scrap metal, tires, used appliances, used furniture, and yard waste. (Implementation date: February 1, 1999.)

SPECIAL WASTES (WITH PRIOR APPROVAL, NOTIFICATIONS, AND/OR PERMITS)

~~Refers to asbestos, ashes, dead animals, offal, rope, cable, chains, dredge materials, contaminated soils, street sweepings, stumps, trees, or wastewater treatment residues (e.g., grit/screenings).~~

§ 272-2. Placing certain articles in streets prohibited.

No person shall deposit in any street, except as herein otherwise provided, any dead shrub or tree, trimming of shrubs or trees, posts, pole or other article, earth from cellars or any rubbish, unless the same shall be immediately removed therefrom at the expense of the owner or other person making such deposit, except at such times as the ~~Board~~ **Department** of Public Works may request that any or all of the aforementioned articles be so deposited for removal by it as a part of the regular rubbish removal programs.

§ 272-3. Littering prohibited; exception.

No person shall put or place or cause to be put or placed in any street, lane, common, park, court, alley or other public place or on any private property in this City any dirt, filth, ashes, garbage, litter or rubbish of any description; or throw or distribute, or cause to be thrown or distributed therein, any playbill, poster, notice, advertisement or printed paper of any description or any advertising appliance or medium, excepting newspapers distributed to purchasers, except at such times as the ~~Board~~ **Department** of Public Works may request that any or all of the aforementioned articles be so deposited for removal by it as a part of its regular rubbish removal program. Violation of this section shall be punishable as set forth in Chapter 40, Enforcement.

§ 272-6. Commercial and residential disposal permits and fees for residents transporting rubbish by private vehicle.

A.

No person shall remove or transport garbage/rubbish within the City without first obtaining a permit from the Department of Public Works as **authorized by the Board of Health** and provided herein pursuant to § 31A of Chapter 111 of the General Laws of Massachusetts. **Residential garbage/rubbage transported by the owner is exempt.**

D.

Only operators of vehicles displaying a current residential permit sticker will be allowed to dispose of solid waste or recyclables at a ~~City the landfill or the residential transfer station(s).~~

E.

~~After a public hearing, the Board of Public Works, in consultation with the Joint City Council/Board of Public Works Conference Committee, shall have the authority to set and collect disposal and permit fees for residential waste management systems and programs as outlined in Article II of this chapter. A fee shall be charged on a per-item basis for the residential disposal of tires, bulky wastes, scrap metal, cathode ray tubes, electronics, propane tanks, white goods, appliances containing Freon, hazardous wastes and universal wastes.~~

§ 272-7. Commercial vehicle permits and disposal fees.

A.

~~Permit fees. The Board of Public Works shall have the authority to set and collect permit fees for refuse removal trucks and commercial vehicles as outlined in Article II of this chapter.~~

B.

~~A fee shall be charged for the commercial disposal of all refuse at the Northampton Regional Landfill on the basis of weight not volume, with the exception of tires, bulky wastes, scrap metal, cathode ray tubes, electronics, propane tanks, white goods, appliances containing Freon, hazardous wastes and universal wastes which shall be charged on a per-item basis. The Board of Public Works shall have the authority to set and collect commercial disposal fees as outlined in Article II of this chapter.~~

§ 272-8. Transporting refuse, garbage and rubbish; fines for improperly secured loads

A.

~~Purpose. The purpose of this section is to ensure that~~ All solid wastes, including but not limited to bulky waste materials and loose solid waste which is collected and/or transported within the City of

Northampton shall be so collected and transported in a manner which will prevent such solid, bulky and loose solid waste from falling or blowing onto the roadway, or onto property near or adjacent to the roadway while transporting such waste within the City limits.

B.

~~Collection of solid waste:~~ Solid wastes shall only be collected and transported in vehicles in good repair with watertight and/or tightly covered receptacles. The vehicles and receptacles shall be kept in clean condition satisfactory to the Board of Health, and shall be cleaned at a site approved by the Board of Health. All such receptacles shall be kept covered except at such times as the combined refuse is being placed therein or removed therefrom.

C.

~~Transportation of waste for disposal:~~ All solid waste being transported to a solid waste disposal facility ~~the landfill or to the transfer station(s)~~ shall be in properly secured loads.

D.

~~Residential permit holder fees:~~ Operators of private vehicles transporting improperly secured solid waste shall be subject to an improperly secured load ~~fee~~ fine as set forth in Chapter 40, Enforcement, for each of the first five offenses, in addition to other applicable refuse disposal charges. For each subsequent offense, the improperly secured load ~~fee~~ fine shall be as set forth in Chapter 40.

(1)

The Board of Health and/or the Department of Public Works acting through its agents and employees shall have the authority to withhold a residential permit from any residential user who has outstanding improperly secured load ~~fees~~ fines due to the City.

(2)

If the holder of a residential permit shall have no offenses for a period of two years, the holder's record of previous offenses shall be expunged, provided that there are no outstanding improperly secured load ~~fees~~ fines due to the City.

E.

~~Commercial permit holder fees.~~

~~(1)~~

Operators of commercial vehicles transporting improperly secured solid waste shall be subject to the improperly secured load ~~fees~~ fines as set forth in Chapter 40, Enforcement, ~~which shall be in addition to all other applicable disposal charges.~~

~~(2)~~(1)

For a fourth offense, the Board of Health and/or the Department of Public Works shall have the right (after providing an opportunity for hearing) to suspend the commercial entity's refuse disposal permit for up to one month and to charge a ~~fee~~ fine of up to \$1,000 in costs to reimburse the City for the costs of the hearing including staff time and also to cover any and all staff time necessary to clean up the refuse which may have fallen or blown unto the roadway or property adjacent to the roadway.

~~(3)~~(2)

The Board of Health and/or the Department of Public Works acting through its agents and employees shall have the authority to withhold a commercial permit from any commercial user who has outstanding improperly secured load ~~fees~~ fines due to the City.

F.

All ~~permit holders~~. The operator of any vehicle transporting improperly secured solid waste who refuses to pay the improperly secured load ~~fee~~ fine and/or who exits the disposal facility with improperly secured refuse shall be subject to an additional fine equal to the original ~~fee~~ fine imposed.

§ 272-10. Deposits other than in authorized locations prohibited; ~~regulations for use of sanitary landfill.~~

It shall be unlawful for any person to deposit, place or dispose of garbage or rubbish in any place except a site assigned for that purpose by the Board of Health as provided in MGL c. 111, § 150A. ~~No vehicles shall be allowed to enter the sanitary landfill facility without first obtaining a permit from the Board of Health. Automobiles, toxic wastes, hot items, chemicals, bunker or waste oils, and all liquid wastes shall not be placed or deposited in or at the site of the sanitary landfill facility. Trees, stumps, furniture and bulk appliances, excluding items described above, shall be deposited in a separate area provided for that purpose.~~

§ 272-11. Permit for disposal of demolition materials

~~Any person wishing to dispose of demolition materials shall obtain a permit from the Department of Public Works to dispose of the demolition materials at a site assigned by the Board of Health.~~

§ 272-13. Municipal transfer stations; disposal fee

A.

Municipal transfer station(s) established within the City shall be for the sole use of residents of the City, and only ~~domestic residential~~ refuse and rubbish shall be deposited in the compactor unit.

B.

The Department of Public Works shall issue permits in the form of stickers to be attached to each vehicle. Said permit shall allow use of a municipal solid waste disposal facility ~~the regional landfill and municipal transfer station(s).~~

C.

Any person, ~~firm, or corporation~~ using the compactor unit in violation of these provisions shall be subject to the penalties set forth in § 272-14 of this chapter.

~~D.~~

~~Any person, firm, or corporation using the compactor unit in violation of these provisions shall be subject to the penalties set forth in § 272-14 of this chapter.~~

§ 272-15. Mandatory recycling

A.

~~Program established.~~ There is hereby established in the City of Northampton a program for the mandatory separation of recyclable materials from garbage or rubbish by anyone who lives or works in Northampton, including residents (including but not limited to inhabitants of single-family units, multifamily units, condominiums, boardinghouses, schools, assisted living facilities, etc.), businesses (including but limited to offices and retail establishments), institutions and industries located in the City of Northampton.

B.

~~Enforcement.~~ Enforcement of this section shall be by either criminal complaint in the District Court or noncriminal procedures as set forth in Chapter 40 of this Code of Ordinances. The maximum fine for violation of this section shall be \$300.

C.

~~Effective date.~~ This section shall take effect one week following the publication of the Board of Health regulations cited above in a daily newspaper of general circulation in the City of Northampton. Any changes in the definition of "recyclables" shall take effect one week after the pertinent regulations of the Board of Health have been published in a daily newspaper of general circulation in the City of Northampton or at such later date as may be specified in said regulations.

~~§ 272-16. Disposal of refuse at landfill; unacceptable garbage and trash.~~

{Added 6-20-1991; amended 1-6-1994}

~~All garbage or trash collected within the City limits of the City of Northampton by a holder of a commercial trash hauler's permit issued under § 272-7 of the Code of Ordinances shall be disposed of at the City of Northampton Sanitary Landfill, provided that garbage or trash which is not acceptable for disposal at the City landfill shall not be disposed of within the City of Northampton except at places designated in writing by the Board of Health. All permits granted to commercial haulers of trash or garbage shall state that any garbage or trash collected and transported under said permit shall be disposed of at the City of Northampton Sanitary Landfill.~~

Article II. Integrated Solid Waste Management

{Adopted 12-4-2003 (Ch. 22, Art. III), of the 1977 Code}

~~§ 272-18. Available surplus account.~~

~~At the end of each fiscal year all receipts of the Integrated Solid Waste Management Division during such fiscal year in excess of its expenditures during such period shall be transferred to an account known as the "Solid Waste Surplus Account." Appropriations from such account shall be made in the customary manner, but only for the purpose of improving the waste management systems of the City.~~

§ 272-19. Permits

A.

Every person, corporation, or entity who disposes of solid waste and/or recyclable materials at the landfill and/or transfer station(s) of the City of Northampton shall be charged for an annual permit at a rate(s) set by the ~~Board~~ Department of Public Works ~~except as specified in § 272-6E.~~

B.

The ~~Board~~ Department of Public Works shall make such rules and regulations concerning permit fees, starting and closing date(s) and exemptions for refuse collection vehicles, commercial vehicles, and private vehicles, as it deems appropriate.

§ 272-20. User fees

Every person, ~~corporation, or entity~~ who disposes of solid waste and/or recyclable materials at the landfill and/or transfer station(s) of the City of Northampton shall be charged for such usage at the rate(s) set by the ~~Board~~ Department of Public Works.

§ 272-21. Billing procedures.

A.

For customers on a monthly billing system, disposal and permit fees shall be collected by separate billings sent out by the Department of Public Works ~~in such form and at such times as the Board of Public Works may direct.~~

B.

The ~~Board~~ Department of Public Works shall make such rules and regulations concerning contract rates, billing dates, discounts, exemptions, surcharges, interest on overdue accounts, late fees and penalties as it deems appropriate.

E.

The ~~Board~~ Department of Public Works may, at its discretion, refuse to allow any hauler with an unpaid account which has begun to accrue interest to dispose of solid waste, recyclable materials, or daily cover materials at the integrated solid waste management facility or may require such hauler to pay immediately at the time of disposal. The ~~Board~~ Department of Public Works or other appropriate City official may take any other appropriate action permitted by local ordinance or state statute in connection with an unpaid, overdue account.