

Chapter 7.16

SOLID WASTE, LITTER AND WEEDS

7.16.042 Automated refuse collection.

A. Purpose: The purpose of this ordinance is to establish minimum standards for the storage, collection, transportation, and disposal of refuse by automated collection, and thus promote the health, safety, and welfare of the city and improve the city's environment.

B. The director of the department of public works (hereinafter the "director") shall have the direct responsibility for the administration of this ordinance subject to the direction and control of the mayor.

C. For the purpose of this ordinance the following definitions shall apply:

1. "Automated collection" means the method of collecting rubbish through the use of mechanical collection equipment and special containers to accommodate the collection.

2. "Automated container" means a specially designed container approved by the director to accommodate the automated collection operation to be used for the deposit of acceptable rubbish. The automated container is equipped with wheels for mobility.

3. "City" means the city of Springfield, Massachusetts.

4. "Commercial customer" means any business premises, industry premises or organization, either private or public, profit or non-profit currently receiving service from the city. This definition shall include customers operating businesses out of their residential unit such as, day care centers, offices, etc.

5. "Curb line" means the area directly behind the curb. In the absence of a curb, the area directly behind the edge of pavement or road.

6. "Customer" means any person or entity receiving service from the city.

7. "Designated collection point" means the place where the director has determined an automated container will be placed for service.

8. "Director" means the director of the department of public works or his/her duly authorized representative.

9. "Dwelling unit" means any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation) for not more than one household.

10. "Extra refuse" means any rubbish placed on, around or in a five foot radius of the automated collection container in excess capacity of the automated container. The rubbish must be within acceptable weight limits and reasonably handled by one person.

11. "Infectious waste" means waste from medical, dental, and intermediate care facilities, research centers, veterinary clinics, and other similar facilities, that has the potential to cause an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host.

12. "Overloaded" means that the automated container is so full of rubbish that its lid is not completely closed, thereby exceeding the automated container's rated capacity.

13. "Nonresidential unit" shall mean any establishment except those defined under residential units.

14. "Recyclables" means material as defined in section 7.16.040(B) of the city ordinances.

15. "Residential unit" means a single or multiple family dwelling unit up to and including apartment complexes of three (3) units or less.

16. "Rubbish" means all waste consisting of a variety of both combustible and noncombustible solid waste materials of households, stores and institutions. Rubbish does not include recyclables or yard waste.

17. "Yard waste means" material as defined in section 7.16.041(B) of the city ordinances.

D. General Requirements.

1. It shall be the customer's responsibility to assure that automated containers are placed in the appropriate location designated by the city prior to the arrival of the collection vehicle.

2. The city shall not be responsible for rubbish collection if there is a violation of any part of this section or circumstances are beyond the control of the city. Circumstances or violations include, but are not limited to, automated container overload, improperly loaded automated container, blocked access, automated container inaccessibility, or dangerous situations.

3. Automated containers shall be placed at the city designated collection point on the scheduled collection day by 7:00 a.m. Such location shall be easily accessible to the container, with the lids completely closed, and unobstructed to the collection vehicle.

It shall be the duty of each customer to remove the automated container from the curb line on the same day as collection. It is prohibited to overload automated containers in a manner which is likely to cause damage to the collection vehicle, automated container, create a litter condition, or impede collection.

4. The city may collect extra rubbish on or around automated containers. If additional rubbish generated on the premises that cannot be accommodated by regularly scheduled service in the automated container provided, the customer shall request in writing on a form provided by the director, to purchase another automated container(s). Additional automated container(s) will not be allowed if, in the opinion of the director, a customer is not recycling as mandated by city ordinance. The customer will purchase the additional automated container(s) at the current price paid by the city. The container(s) will not be supplied until payment has been received by the city. A money order is the only acceptable form of payment.

5. Automated collection within the city is mandatory in those areas designated by the director.

6. Any manure, offal or other noxious material that, in the discretion of the director, has not been securely wrapped and placed in an automated container, shall not be collected. All rubbish shall be drained of any free liquids prior to placement in any automated container.

7. It shall be a violation hereof to place or deposit any refuse whatsoever in or around an automated container owned or provided for the use of another customer without that customer's approval.

8. The city shall reserve the right to inspect any or all refuse prior to and/or during disposal for compliance with local, state, or federal laws or regulations.

E. Containers.

1. The automated containers are provided exclusively by the city. No other type of automated container is allowed. The city shall initially provide one (1) automated container at no charge to each occupied residential unit and commercial customer currently serviced by the city. All automated containers will be assigned to a street address and have an imprinted serial number for identification purposes. The automated container shall remain at the assigned address regardless of whether the resident sells or moves.

2. The automated container provided by the city shall not be filled to exceed two hundred (200) pounds total weight and all rubbish must fit inside the automated container. The cover of any automated container must be kept closed at all times except when the automated container is being filled, emptied or cleaned. Animal wastes and ashes shall be wrapped separately from other refuse in a manner to prevent spillage prior to placing the same in an automated container.

3. Residential units and current commercial customers are limited to a maximum of five (5) automated containers. Requests for additional automated containers must be submitted on a form approved by the director. If commercial customers require more than five automated containers, or do not have the room to properly place five automated containers for collection, the director may order them to obtain private collection service.

4. Any customer in possession of a city owned automated container shall pay the cost of repair or replacement of any damaged container, if it is the determination of the director that such damage is the result of the negligence of, or abuse by, the customer. The charge shall be the actual cost of repair or replacement as determined by the city.

5. The initial automated containers issued by the city are the property of the city and shall remain with the premises they are assigned to. Automated containers purchased by customers are their property and they are responsible for their maintenance. Automated containers shall only be used for storage and placement for collection of rubbish by the city.

6. In order to maintain an orderly and aesthetic appearance within the city and to prevent unauthorized encroachment on any street, public property or private property the director shall have the authority to sanction the storage location of automated containers for residential and commercial customers. Automated containers shall be stored on private property except on collection days. Failure by the customer to comply with city notification citing improper storage for automated containers shall be a violation of this ordinance.

7. Automated containers, after collection, shall be returned to a secure location. With the exception of automated containers being stored in a garage or shed the automated container shall not be stored anywhere closer to the street than the extension of any existing building line that faces any street unless the automated container is screened from public view by shrubbery, foliage, a fence or wall. Automated containers are not to be left curb side, street side or road side overnight after the day of collection.

F. Rubbish Collection Service:

1. To be eligible to receive service, the customer shall be current on the rubbish collection service as of the date of this ordinance.

2. Standard collection service shall include once a week collection of acceptable rubbish in properly place automated containers.

G. Points of Collection. Automated containers shall be placed:

1. Within two (2) feet of the curb line or where directed by the city.
2. At least three (3) feet away from all objects such as fences, mailboxes, utility poles, overhanging vegetation, etc.
3. So that the automated container handle is facing the dwelling unit.
4. At least three (3) feet from recycling and yard waste containers.
5. At least ten (10) feet away from parked vehicles.

H. Prohibited Material. All materials prohibited under existing ordinances, and;

1. No toxic, extremely hazardous, dangerous/hazardous, or liquid waste as defined now or hereafter, shall be deposited in any automated container intended for disposal.
2. Small quantity generator waster shall not be deposited in any automated container intended for disposal.
3. No infectious waste shall be place in any automated container.
4. No rocks, concrete, asphalt, dirt, etc. are to be placed in automated containers.
5. Yard waste and recyclables shall be separated from rubbish and placed in separate containers for separate collection.
6. No hot ashes and/or material capable of causing ignition or spontaneous combustion shall be placed in any automated container.
7. No motor oil or other automotive fluids shall be deposited in any automated container.
 - a. The city reserves the right to prohibit, or to place disposal restrictions upon any waste that may adversely affect the resource recovery facility, any disposal site or transfer station. This shall also extend to any item that may pose a risk to the health or safety of city employees. Disposal restrictions that may be implemented shall include, but are not limited to, item size restrictions, quantity restrictions, recycling regulations, special preparation requirements, and rubbish source documentation requirements.
 - b. The city may inspect commercial premises for the purpose of evaluating waste generated and disposal practices. These inspections will be during normal working hours and will be carried out in such a manner as to minimize disruption of the businesses' activities. City employees will inspect commercial waste generated and disposal practices for the purpose of determining compliance with this section. Failure of a business to comply with a request will be deemed a violation and may, at the discretion of the director, result in revocation of collection services.

I. Enforcement. This section shall be enforced by the police department of the city, the commissioner of health and human services and the commissioner of housing or their duly authorized agents.

J. Violation. Any customer, person, firm or corporation found willfully violating any of the provisions of this section may have their service terminated by the director. (added 01/18/1999)