

Chapter 10 - Garbage and Trash

(Cross references--Animals and fowl, Ch. 5; buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 8; food and food establishments, Ch. 9; health and sanitation, Ch. 11; housing, Ch. 12; parks and recreation, Ch. 15; streets and sidewalks, Ch. 16; water and sewers and sewage disposal, Ch. 18. State law reference--Refuse disposal, G.L. 1956, Sec. 23-46-1 et seq.)

Art. I. In General, Secs. 10-1--10-15

Art. II. Commercial Waste Haulers, Secs. 10-16--10-25

Art. III. Woonsocket Disposal Facilities, Secs. 10-26--10-32

ARTICLE I. IN GENERAL

Sec. 10-1. Rubbish containers for collection, size and type.

Containers for Residential Premises shall be supplied by or at the direction of the City, shall be no larger than 64 gallons and shall have adequate grips for handling, as further described in this Chapter. Any person who shall deposit any rubbish or recycling materials in any other place than the containers as herein prescribed shall be deemed to have created an unsanitary condition and a nuisance. (Ord. 7342, Ch. 39, Sec. 1, 6-18-07)

Sec. 10-2. Placement of rubbish containers for collection; removal.

Rubbish barrels and containers of any and all descriptions shall not be placed on the street more than one (1) day before the day set for collecting the same in the district, except, that rubbish barrels and containers of any and all descriptions set for collection on Mondays shall not be placed on the street before 3:00 p.m. on Sundays, and shall be removed from the street by the end of the day following the collection day. The Minimum Housing Inspector of the Division of Building Inspection Services in the Department of Planning and Development shall be responsible for enforcement of this section." (Ch. No. 6289, 9-4-96) (Ch. No. 1660, Sec. 1, 11-20-61; Ch. No. 4539, Sec. 1, 6-2-86)

Sec. 10-3. Permit to collect garbage.

It shall be unlawful for any person to collect or gather garbage from any home, residence, hotel, restaurant, or any other place in the city where garbage is deposited without first obtaining permission from the director of public works. (Ch. No. 614, Sec. 1, 11-13-28)

Cross reference--Licenses and permits, Ch. 13.

Sec. 10-4. Unlawful deposits.

It shall be unlawful for any person to throw or in any way deposit, place or cause to be placed any filth, dirt, rubbish, or other offensive substance of any description whatsoever, or any paper, sawdust, shavings, cartons, bottles, cans, or any refuse, animal or vegetable matter of any kind, in any street, lane, highway or park, into any catch basin or gravel catcher in this city, and it shall be unlawful for any person to deposit or scatter, or cause to be deposited or scattered any handbills, circulars, programs, or advertising slips in or upon any street, public place, school premises, park sidewalk or highway of this city. (Ch. No. 1653, Sec. 1, 10-2-61)

Cross reference--Streets and sidewalks, Ch. 16.

Sec. 10-5. Transporting refuse matter, etc.

It shall be unlawful for any person to drive or suffer to be driven upon or along any public highway within the limits of the city any vehicle, containing swill, offal or other refuse matter, unless the receptacle containing such swill, offal or refuse matter shall be so covered and closed as to prevent the emission therefrom of offensive odor or odors. (Rev. Ords. 1928, Ch. 40, Sec. 54)

Cross reference--Traffic, Ch. 17.

Sec. 10-6. Transporting wastepaper, etc.

No person shall carry or convey through or in any street in the city any wastepaper not so covered or protected as to prevent the escape of such paper into any street, and no person while loading or unloading a vehicle shall scatter or permit any wastepaper to be scattered in any street or highway or where such paper shall be blown onto any street or highway. (Rev. Ords. 1928, Ch. 40, Sec. 23)

Cross reference--Traffic, Ch. 17.

Sec. 10-7. Unlawful dumping.

(a) The dumping of rubbish, refuse, debris and garbage in the streets of the city or on public or private property within the city except in those places as may from time to time be designated by the director of public works, is hereby declared to be a public nuisance and is prohibited.

(b) Violations of this Section and any other provision of this Chapter, except as expressly provided otherwise, shall be governed by Section 10-40. (Ch. No. 7342, Sec. 2, 6-1807)

Sec. 10-8. Unlawful accumulation.

(1) Inspections.

(a) The Director of the Department of Public Works or his or her designee, and/or the Division of Minimum Housing, shall make, or cause to be made, inspection trips at regular intervals to determine compliance with the provisions of this chapter. In the event a violation of these provisions is discovered, said Director of the Department of Public Works or his or her designee, and/or Division of Minimum Housing, shall immediately take action to cite the owner and/or operator and/or tenant of the premises so found in violation, by written citation served upon said owner and/or operator and/or tenant by the

Director of the Department of Public Works or his or her designee and/or the Minimum Housing Inspector by personal service or by certified mail at the home or business address of such owner, operator or tenant.

If one (1) or more persons to whom such notice must be given cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice on or about the dwelling, dwelling unit, rooming unit, or structure described in the notice, or by causing any such notice to be published in a newspaper of general circulation for a period of three (3) consecutive days.

(b) For the purposes of this section, an offense shall be considered to have occurred on the first day for which a Violation is cited, and the offender shall be subject to the penalty provisions hereinafter set forth in this section and for that day and for each succeeding day on which the violation continues unabated.

(c) If the violations are not corrected, the Director of the Department of Public Works or his or her designee, and/or the Division of Minimum Housing, after the expiration of time granted the person served with notice, shall file a complaint against the owner and/or operator and/or tenant in Woonsocket Municipal Court. Said complaint shall set forth the violations complained of, and said complaint shall be served upon the owner and/or operator and/or tenant as prescribed by law.

(2) Penalty; suspension of penalty.

(a) Except as to chronic violators, as described below, whoever shall be found in violation of any of the provisions of this article shall be punishable with a fine not exceeding \$500.00 for each offense or by imprisonment not exceeding thirty (30) days for each offense, subject to the terms of this section. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(b) Except as to chronic violators, as hereinafter defined, the Director of the Department of Public Works or his or her designee and/or the Division of Minimum Housing is authorized to suspend the penalty provisions set forth herein upon a finding that the conditions existing in violation of the requirements of this article have been corrected within five days of the date that notice of violation was served upon the owner and/or tenant and/or operator of the premises.

(3) Chronic violators.

Whoever shall be found in violation of the provisions of this article on three (3) or more occasions within a 12-month period shall be deemed a chronic violator and shall be punishable with a fine of not less than \$50.00 and not more than \$600.00 for each offense or by imprisonment not exceeding six (6) months for each offense. Every violation shall be counted in determining whether this section is applicable and not just three or more instances of the same type of violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(4) Correction of violations by City - Authorized; costs to constitute lien.

Upon failure of the owner or owners of such premises to remedy the violation for which he/she has been cited under this article within thirty (30) days after citation of violation as provided herein, then the Director of the Department of Public Works or his or her designee shall proceed to have such violation remedied, and the cost thereof shall be and become a lien against such property to the same extent and character as the lien for real estate taxes and with the same penalties and interest and with the same rights of collection, foreclosure, sale and forfeiture as obtained for tax liens. The lien shall be recorded with the records of land evidence.

(5) Same--Notice to owner; due date for payment of costs.

Upon completion of required work by the City as provided in section hereof, notice thereof and of the

cost assessed therefore shall be given to the owner in the same manner as prescribed for citations of violation in this article, and the sum assessed shall be due and payable thirty (30) days after such notice of completion and cost, unless such assessment shall be appealed to the Director of the Department Public Works or his or her designee court prior to the expiration of said 3D-day period.

(6) Landowner's responsibility for maintaining premises.

Notwithstanding anything to the contrary herein contained, the owner or owners of the premises found in violation of the provisions of this article shall be ultimately responsible for maintaining the premises in compliance herewith. Any fines or penalties assessed hereunder or any costs incurred by the City in enforcing these provisions shall be and become a lien against such property to the same extent and character as the lien for real estate taxes with the same penalties and interest and with the same rights of collection, foreclosure, sale and forfeiture as obtained for tax liens.

(7) Notices, certificates and other documents to be filed with city clerk.

Upon the making of a finding of a violation, the Director of the Department of Public Works or his or her designee and/or the Division of Minimum Housing shall deliver a certified copy thereof and of the notice to the City Clerk and the City Clerk shall place the same on record as a lien against the property described therein. It shall also be the duty of the Director of the Department of Public Works or his or her designee and/or the Division of Minimum Housing to file such other and further certificates as to work done and amounts due and/or paid as the circumstances may require.

(8) Appeals.

Any person found in violation of the provisions of this article shall have the right to appeal the finding of violation within 15 days of issuance of citation thereof, and any such person shall have the right to appeal the assessment of cost within 30 days of service of notice thereof. Such appeals shall be taken to the Director of the Department Public Works or his or her designee.

(9) This section is not intended to prohibit the City from proceeding under the applicable provisions of the General Laws of Rhode Island, 1956, or the provisions of Section 10-7.

(Ch. No. 7442, Sec. 2, 1-5-09)

Sec. 10-9. Disposal facilities required on commercial or industrial premises; penalty.

(a) Every owner of commercial real estate (including residential property consisting of four (4) or more dwelling units) or industrial real estate shall supply, on the premises but not less than twelve (12) feet from any property line, such rubbish and garbage disposal facilities and storage containers as are necessary and shall maintain such facilities and containers in good repair and sanitary condition. Every such owner shall provide for the proper collection and removal of the contents of such facilities and containers on a weekly basis or such other frequency as necessary to comply with the provisions of this Chapter. Every such owner shall prevent the accumulation of litter or debris in the area of said facilities and containers and in the areas adjoining said facilities and containers, and shall take all actions required to keep the premises free of litter or debris. Containment facilities shall include closed vessels, dumpsters, totes and barrels with lids, which shall be maintained in a sanitary fashion so as to not cause a public nuisance. All property owners must make provision for the storage and removal of Solid Waste, Recyclables and Yard Waste consistent with this Chapter or be subject to applicable fines, penalties or other consequences provided under this Chapter. (Ch. No. 7342, Sec. 3, 6-18-07)

(b) The penalty for violation of this section shall be as determined by the Woonsocket Municipal Court

under those guidelines established by the Woonsocket City Council for said municipal court. (Ch. No. 5538, Sec. 1, 2-3-92)

Editor's note--Ch. No. 2591, Sec. 8, repealed Ch. 1537, enacted Sept. 16, 1960, and Ch. 1809, enacted Aug. 5, 1963, formerly codified as Sec. 10-9, setting out fees for use of municipal incinerator. Fee schedule is set out in Article III of this chapter. Subsequently Sec. 1, of Ch. 5538 added a new Sec. 10-9.

Sec. 10-10. Littering.

(a) Litter defined. Litter means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed or deposited by a person on public property, on private property not owned by the person, or in or on waters of the city, unless said material is placed in a litter receptacle in a manner that prevents it from being carried away by the elements.

(b) Littering prohibited. No person shall throw, drop, deposit, discard or otherwise dispose of litter, from a motor vehicle, bicycle, or on foot, upon any public property in the city, or in any waters in the city or upon private property in this city not owned by him or her except:

(1) When the property is designated by the city or by any of its agencies or subdivisions for the disposal of solid waste or litter, and the person is authorized to use the property for that purpose; or

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away by the elements.

(c) Penalties.

(1) Any person convicted of a first violation of this section shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). In addition to the fine imposed hereunder, the person so convicted may be ordered to pick up litter for not less than two (2), nor more than twenty-five (25) hours.

(2) Any person convicted of a second violation of this section shall be subject to a fine of [not less than] one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). In addition to the fine imposed upon a second violation of this section, the person so convicted may be ordered to pick up litter for not less than four (4), nor more than fifty (50) hours.

(3) Any person convicted of a third or subsequent offense shall be subject to a fine of [not less than] two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). In addition to the fine imposed upon a third or subsequent violation of this section, the person so convicted may be ordered to pick up litter for not less than twenty (20), nor more than one hundred (100) hours.

(4) Any person convicted of a violation of this section shall, in addition to all other penalties, be liable for the removal or cost of removal of all litter illegally disposed of by that person.

(Ch. No. 5964, Sec. 1, 9-19-94)

Secs. 10-11--10-15. Reserved.

ARTICLE II. COMMERCIAL WASTE HAULERS

(Editor's note--Article II, Secs. 10-16--10-24, is derived from Chapter 2588, Secs. 1--9 and addendum "A", enacted Oct. 19, 1970. This ordinance was not amendatory of this Code.)

Sec. 10-16. General requirements.

No person shall collect and transport waste materials on or over the streets or other public ways of the City of Woonsocket unless:

- (a) He has obtained a permit from the city.
- (b) He carries with him his permit.
- (c) The permit identification plate or sticker is affixed to the left side of the vehicle cab.
- (d) The gross weight and the tare weight of the vehicle is painted on both sides of the vehicle cab with letters and numbers at least two (2) inches high and plainly visible at all times.
- (e) The vehicle body is approved for the type of material to be carried therein. (Ch. No. 2588, Sec. 1, 10-19-70)
- (e) No practice, custom, equipment or operation of any commercial waste hauler shall be inconsistent with, conflict with or defeat the purposes of the provisions of this Chapter governing residential collection. (Ch. No. 7342, Sec. 4, 6-18-07)

Sec. 10-17. Application for permit; insurance certificate.

Application for a permit to collect and haul waste materials in the City of Woonsocket shall be made on forms provided by the director of public works.

Each applicant shall produce each vehicle for which a permit is requested at the transfer station for weighing, measurement and inspection by a representative of the director of public works. Said representative shall give the owner or driver of each vehicle conforming to requirements, hereinafter enumerated, a certificate to that effect and said certificate shall be presented with the application for a permit.

A certificate of insurance for public liability and property damage for the current year, in amounts not less than five thousand dollars (\$5,000.00) for property damage and ten thousand dollars (\$10,000.00) and twenty thousand dollars (\$20,000.00) for public liability, must be submitted at the time of application. No application will be processed or advanced by the department of public works for issuance of permit until the vehicle has been produced for the above purposes and the above certificates have been presented. (Ch. No. 2588, Sec. 2, 10-19-70; Ch. No. 3150, Sec. 1, 8-15-75)

Sec. 10-18. Form of permit; fees.

(a) Permits shall consist of a serially numbered card issued by the public works department of the City of Woonsocket, and bearing the permittee's name and address and an identification plate or windshield sticker bearing the same serial number, which shall be affixed to the vehicle.

(b) The annual fee for such permit or renewal thereof shall be as follows:

(1) Where the permittee is transporting waste for profit the annual fee for such permit or renewal thereof shall be twenty-five dollars (\$25.00) plus twenty-five dollars (\$25.00) for each waste conveyance vehicle in excess of one operated pursuant to such permit.

(2) If the permittee is not transporting for profit the annual fee for such permit or renewal thereof, shall be ten dollars (\$10.00) plus five dollars (\$5.00) for each waste conveyance vehicle in excess of one operated pursuant to such permit. (Ch. No. 2588, Sec. 3, 10-9-70)

Sec. 10-19. Classification of vehicle bodies.

To preserve, protect and promote public health and prevent the soiling and littering of the streets, the following classifications of vehicle bodies by the types of materials carried herein are made as of the basis for prescribing, describing, and specifying the vehicle body of each class required to achieve the basic objectives of public health and clean, uncluttered streets, to wit:

(a) CLASS 1. Transportation of ordinary waste, commercial waste or industrial waste, to include rubbish.

Bodies of vehicles shall be:

(1) Totally enclosed, or

(2) Box type open top with both sides and forward end built up solidly to the full water level leading height.

(3) Constructed of either wood or steel or of wood and steel.

(4) Provided, however, that whether the vehicle body be totally enclosed or box top open, each shall be without any provision whatsoever upon the body, cab or other portions of the vehicle to provide for or permit the loading and carrying of any material otherwise than within the totally enclosed body or within the box type open top body up to the height of the sides or hinged or stake sideboards and tailgate; and

(5) Provided further, that the tailgate of every box type open top vehicle body shall be always of a height of not less than that of the two (2) long sides including in the height of the sides the height of hinged or stake sideboards while in use; and

(6) Provided further, that each box type open top vehicle body shall be provided at all times with a heavy tarpaulin cover permanently attached at the front end of the vehicle body, long enough and wide enough to completely cover the vehicle body when fully loaded and extend three-quarters (3/4) of the way down each side and the rear end or tailgate, having heavy rope, canvas or leather ties at not more than three (3) foot intervals along the bottom of each of the three (3) sides and along the parts of the front end not permanently attached to the body, and the vehicle body shall have suitable attachments to which to secure the ties of the tarpaulin cover.

(b) CLASS 2. Transportation of waste materials originated and produced solely in the business operations of the owner of the vehicle.

Bodies of vehicles may be either:

- (1) Panel type closed;
- (2) Box type open top;
- (3) Station wagon;
- (4) Platform;
- (5) Stake; or
- (6) Rack type. (Ch. No. 2588, Sec. 4, 10-19-70)

Sec. 10-20. Permit year; renewal.

The permit year shall be from July 1, to June 30, of each year and said permit shall be renewable thereafter on a yearly basis. The renewal shall be made in the same manner as a new permit and a new certificate of inspection shall be required. (Ch. No. 2588, Sec. 5, 10-19-70)

Sec. 10-21. Regulations.

- (a) No material shall be carried on a platform, stake or rack vehicle body excepting when and while it is contained entirely in and within metal, wood or corrugated containers.
- (b) Garbage or rubbish shall be carried in any type vehicle body only when and while such waste material is contained entirely in and within metal containers.
- (c) Only waste materials originated and produced in the business operations of the permittee shall be transported at any time in vehicle bodies of this class.
- (d) When containers of materials are carried and transported upon or in box type open top, platform, stake or rack type bodies, each and every container shall be tightly covered at all times to prevent any spillage or overflow, or such type body shall be provided at all times with a heavy tarpaulin cover permanently attached at the front end of the vehicle body, long enough and wide enough to completely cover the vehicle body when fully loaded and extend three-quarters (3/4) of the way down each side and the rear end or tailgate of open box type or long enough and wide enough to entirely cover the load on platform, stake, or rack types and be fastened to the sides and rear of the platform of any of these latter three (3) types, having heavy rope, leather or canvas ties at not more than three (3) foot intervals along the bottom of each of the three (3) sides and along the parts of the front end not permanently attached to the vehicle body and shall have suitable attachments to which to secure the ties of the tarpaulin cover. (Ch. No. 2588, Sec. 6, 10-19-70)

Sec. 10-22. Revocation of permits.

The permit issued may be revoked at any time by the public works department and the owner prevented from disposing of waste materials at the city transfer station or disposal area, if the rules and regulations are not followed. (Ch. No. 2588, Sec. 7, 10-19-70; Ch. No. 3150, Sec. 1, 8-15-75)

Sec. 10-23. Exceptions to article.

The provisions of this article do not apply to a householder of the City of Woonsocket transporting refuse obtained from his own household for disposal at the transfer station or disposal area. (Ch. No. 2588, Sec. 8, 10-19-70; Ch. No. 2673, Sec. 1, 6-7-71; Ch. No. 3150, Sec. 1, 8-15-75)

Sec. 10-24. Procedure for issuance of permit; use of city facilities.

In order to simplify the issuance of permits and to expedite the use of the city personnel and facilities the guidelines as substantially contained in Addendum "A" are hereby promulgated and incorporated herein by reference.

ADDENDUM "A"

OUTLINE FOR OBTAINING A PERMIT FOR THE HAULING AND DISPOSAL OF WASTE MATERIALS IN THE CITY OF WOONSOCKET.

1. Each vehicle is inspected by a representative of the public works department at appointed times and a certificate is issued stating that the vehicle is equipped in accordance with the ordinance and rules and regulations pertaining to the conveyance and disposal of waste materials in the City of Woonsocket.
2. The owner, or agent, then goes to the department of public works office in the city hall and fills out an application for a permit, attaching both copies of certification of inspection and a certificate of insurance, to the filled-in application. He presents these, together with the required fee, and is issued a permit. He is also given a permit plate or windshield sticker having the same number as the number of the permit.
3. The owner then may purchase a book or books of tickets for disposing of material at the city transfer station or disposal area.
4. The permit year shall be from July 1 to June 30 of each year and said permit shall be renewable thereafter on a yearly basis. The renewal shall be made in the same manner as a new permit and a new certificate of inspection shall be required.
5. The permit issued may be revoked at any time by the public works department and the owner prevented from disposing of waste materials at the city transfer station or at disposal area, if the rules and regulations are not followed.
6. When the vehicle arrives at the city transfer station or disposal area, with a load or part of a load of waste material, the book of tickets issued for that specific vehicle is to be presented to the city employee on duty, which employee shall remove the number of tickets required according to the rate schedule hereinafter published in these rules.
(Ch. No. 2588, Sec. 9, 10-19-70; Ch. No. 3150, Sec. 1, 8-15-75)

Sec. 10-25. Reserved.

ARTICLE III. WOONSOCKET DISPOSAL FACILITIES

(Editor's note--Article III, Secs. 10-26--10-32 is derived from Ch. No. 2591, Secs. 1--7, enacted Oct. 19, 1970 as amended by Ord. No. 2670, enacted June 21, 1970. This ordinance did not amend this Code.)

Sec. 10-26. Use of facilities.

The privilege of disposing of waste materials at the City of Woonsocket transfer station and disposal area shall be in observance of and in compliance with all applicable provisions of law, federal, state and local and the rules and regulations established by the city council of the City of Woonsocket.

(Ch. No. 2591, Sec. 1, 10-19-70; Ch. No. 6140, Sec. 1, 9-18-95)

Sec. 10-27. General limitations.

(a) The City of Woonsocket reserves the right to refuse material produced or collected outside the City of Woonsocket.

(b) Dangerous materials will not be received nor accepted at the transfer station or disposal area, except as provided in section 10-29(c) hereof.

(c) Materials will not be received or accepted at the transfer station or disposal area unless the person makes payment at the rates prescribed and fixed by the city council.

(Ch. No. 2591, Sec. 2, 10-19-70; Ch. No. 6140, Sec. 1, 9-18-95)

Sec. 10-28. General provisions.

(a) Each and every time a person offers a load of material for receipt and acceptance by the department of public works at the transfer station or disposal area, the person offering the load on his behalf shall be deemed by the offer to represent and warrant, for the purpose of inducing receipt and acceptance of the load of material, in reliance thereon, that each and every part and portion and all of the load complies in every particular with all applicable provisions of this article.

(b) At any time and without notice or warning in advance, any and every disposal point under the charge and control of the director of public works may be closed down indefinitely or discontinued entirely, or continued open and in operation only to receive materials collected for the department of public works, whenever in the opinion of the director of public works, any such action is in the city's interest.

(c) The director of public works will receive for disposal only such materials and those in such volume from time to time, as facilities under his control, in his opinion, are suitable for and extensive enough to handle, after first disposing of all materials collected for the city.

(d) The schedule of rates or fees to be charged for the disposal of waste materials at the disposal point shall be based upon the rate schedule set forth in section 10-30 hereafter.

(Ch. No. 2591, Sec. 3, 10-19-70; Ch. No. 6140, Sec. 1, 9-18-95)

Sec. 10-29. Disposal of waste materials.

(a) At BFI transfer station, Canal Street, North Smithfield, RI: Only Woonsocket generated solid waste meeting the requirements of the Rhode Island Solid Waste Management Corporation shall be accepted at the transfer station, and shall include household rubbish; building materials from demolition and construction; wood and brush (in lengths not to exceed three (3) feet and tied in bundles); yard waste; and metal items.

(b) At yard waste facility, Davison Avenue, Woonsocket, RI: Only residentially generated grass clippings, leaves and brush shall be accepted at the facility.

(c) Hazardous waste materials: Any materials classified as hazardous waste shall not be accepted at the transfer station, yard waste facility or oil igloo.

(d) Special wastes: The following materials shall be received for disposal:

(1) Tires: Tires will be received at the transfer station, subject to the restrictions imposed by the transfer station operator.

(2) Oil: Used motor oil will be received at the oil igloo at the highway division garage, 105 Cumberland Hill Road, Woonsocket, RI.

(e) Hours:

(1) BFI transfer station, Canal Street, North Smithfield, RI: Solid waste will be received at the transfer station between the hours of 8:00 a.m. and 3:30 p.m., Monday through Friday and on Saturdays from 8:00 a.m. to 11:30 a.m., or as posted by the director of public works.

(2) Yard waste facility, Davison Avenue, Woonsocket, RI: Yard waste will be received at the facility between the hours of 8:00 a.m. and 4:30 p.m. on Wednesdays and the hours of 8:00 a.m. and 12:00 p.m. on Saturdays, or as posted by the director of public works. The facility will be closed during the winter months and will reopen in the spring as scheduled by the director of public works.

(3) Oil igloo, Highway Division Garage, 105 Cumberland Hill Road, Woonsocket, RI: Oil will be received at the highway division garage between the hours of 10:45 a.m. and 11:45 a.m. on Mondays and Wednesdays and the hours of 8:00 a.m. and 12:00 p.m. on Saturdays, or as posted by the director of public works.

(Ch. No. 2591, Sec. 4, 10-19-70; Ch. No. 3150, Sec. 2, 8-15-75; Ch. No. 6140, Sec. 1, 9-18-95)

Sec. 10-30. Rates.

Charges for disposal of waste materials at the city transfer station and disposal area shall be in accordance with the following schedule of rates:

(a) Three dollars and thirty cents (\$3.30) per one hundred (100) pounds over and above five hundred (500) pounds or one thousand (1,000) pounds for owners of multiple properties who present a letter of authorization from the director of public works.

The five hundred (500) and/or one thousand (1,000) pound limitation applies only to normal household

solid waste which must not include wood, brush, yard waste, plaster, shingles, roofing or construction material mixed in.

(b) Building materials are charged at the rate of three dollars and thirty cents (\$3.30) per one hundred (100) pounds.

(c) Metal items (i.e. refrigerators, stoves, water tanks) are accepted at the transfer station at no charge to residents. Metals must be brought in separated loads. Doors must be off refrigerators in accordance with state law.

(Ch. No. 2591, Sec. 5, 10-19-70; Ch. No. 2670, Sec. 1, 6-21-71; Ch. No. 3150, Sec. 3, 8-15-75; Ch. No. 3255, Sec. 1, 8-2-76; Ch. No. 3616, Sec. 1, 6-6-79; Ch. No. 3822, Sec. 1, 1-19-81; Ch. No. 4379, Sec. 1, 2-4-85; Ch. No. 6140, Sec. 1, 9-18-95)

Sec. 10-31. Payments.

Payment shall be made at the transfer station office after final verification of load weight.

(Ch. No. 2591, Sec. 6, 10-19-70; Ch. No. 2670, Sec. 1, 6-21-71; Ch. No. 6140, Sec. 1, 9-18-95)

Sec. 10-32. Exclusions from article.

The provisions of this article shall not apply to the following:

(a) Householders of the City of Woonsocket disposing of waste materials obtained from his own household and transported to the transfer station in either a vehicle registered in the City of Woonsocket or driven by a license holder of the City of Woonsocket. Waste material is normal household solid waste but not including commercial, construction (i.e. wood, plaster, shingles, roofing), demolition or yard waste and is limited to five hundred (500) pounds (or one thousand (1,000) pounds for owners of multiple properties who present a letter of authorization from the director of public works) validated by scale weight at the transfer station.

(b) The collector of rubbish under contract with the City of Woonsocket, except when disposing of commercial waste.

(c) Excluding private schools and houses of worship.

(Ch. No. 2591, Sec. 7, 10-19-70; Ch. No. 2670, 6-21-71; Ch. No. 3150, Sec. 4, 8-15-75; Ch. No. 3255, Sec. 2, 8-2-76; Ch. No. 6140, Sec. 1, 9-18-95)

Sec. 10-33. Mandatory recycling.

(a) Program Implemented: A mandatory recycling program is hereby implemented in the City of Woonsocket pursuant to chapters 23-18.8, 23-18.9, and 23-19, Rhode Island General Laws, and the Rhode Island Department of Environmental Management Municipal Recycling Regulations as amended.

(b) The following definitions shall apply for purposes of this Chapter:

(1) "Arrangements" means the process by which a city or town plans for and carries out the separation,

weighing, collection, hauling and disposal of Solid Waste generated within that city or town.

(2) "Bulk Rubbish" means all miscellaneous large household items and articles such as mattresses and box springs; small or large articles of furniture; dismantled swing sets and pipes in short lengths; boards cut in four (4) foot lengths and bundled; and heavy articles such as plaster placed in small durable carts. Bulk Rubbish shall be of a size so that it can be lifted by a man of average strength. Bulk Rubbish shall not include construction or demolition debris.

(3) "Cart" means wheeled Carts of approximately sixty-four (64) gallon capacity provided by the City to eligible City residents for collection of Solid Waste and Recyclables, which Carts shall be subject to any applicable cost or fee to be charged.

(4) "Designated Disposal or Transfer Facility" means the Rhode Island Resource Recovery Corporation Landfill in Johnston, Rhode Island, or such other transfer or disposal facility(ies) designated by the City.

(5) "Hazardous Waste" shall have the meaning set forth in Rhode Island General Laws or in the Comprehensive Environmental Responsibility Compensation and Liability Act, 42 U.S.C.A. Section 9601 *et seq.* (West 1983 & Supp. 1989), as amended or superseded, and the regulations promulgated thereunder.

(6) "Household Appliances" means so-called "white goods", including but not limited to washing machines, clothes dryers, cooking stoves, refrigerators, freezers, water heaters and other items designated by the City to have similar recyclable properties.

(7) "Household Hazardous Waste" shall have the meaning set forth in R.I. Gen. Laws and regulations enacted pursuant thereto as may be amended from time to time.

(8) "Local Recycling Program" means a recycling program for municipal Solid Waste as set forth in a local recycling plan approved by the State of Rhode Island pursuant to the municipal recycling regulations as amended.

(9) "Medical and Infectious Waste" means biomedical waste generated at hospitals, public or private medical clinics, dental offices, research laboratories, pharmaceutical industries, blood banks, mortuaries, veterinary facilities, and other similar establishments, or as defined in R.I. Gen. Laws § 23-19.12-3, as amended or superseded.

(10) "Mixed Recyclables" means recyclable materials which are required to be removed from municipal Solid Waste at the source and placed in the appropriate Cart or other container for transport to the applicable materials recovery facility for recycling.

(11) "Recyclable Materials" or "Recyclables" means discarded materials intended for and capable of being Recycled, and that are separated, set aside, handled, packaged, offered or otherwise delivered for collection by a citizen in a manner different from Solid Waste, consisting of those items defined as "recyclable" by the Rhode Island Resource Recovery Corporation from time to time. Consistent with these definitions, the blue and green Carts provided by the City to each residential dwelling unit eligible for services shall be utilized for the discarding of these materials.

(12) "Recycle, Recycled, Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting Recyclable Materials that would otherwise be disposed of, and returning them to the economy in the form of raw materials for new, reused, repaired, refabricated, remanufactured, or reconstituted products. The collection, transportation, or disposal of Solid Waste not intended for, or

capable of, reuse is not Recycling.

(13) "Refuse" means waste material intended for disposal and including:

(1) all putrescible and nonputrescible wastes, except liquid-carried industrial wastes or sewage hauled as an incidental part of septic tank or cesspool-cleaning service; (2) garbage (i.e. putrescible animal, fish, food, fowl, fruit or vegetable matter, or any thereof, resulting from the preparation, storage, handling or consumption of such substances); (3) rubbish (such as printed materials, paper, pasteboard, rags, straw, used and discarded clothing, packaging materials, ashes, floor sweepings, glass, and other waste materials). The Refuse items shall be placed in the designated wheeled Cart (burgundy colored) and shall not be placed in the blue or green Carts or placed outside the burgundy Cart.

(14) "Resident" means anyone residing in the City of Woonsocket for any period of time who generated Solid Waste for which the City accepts responsibility for disposal.

(15) "Residential Premises" means parcels of real property containing one, two or three dwelling units, as determined by the City Tax Assessor.

(16) "Solid Waste" means all discarded putrescible and non-putrescible solid, semi-solid and liquid wastes, including garbage, trash, Refuse, paper, rubbish, ashes, discarded home appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded and other discarded substances or materials. Solid Waste does not include (1) Hazardous Waste, (2) low-level radioactive waste regulated under the Rhode Island-Massachusetts Interstate Low-Level Radioactive Waste Management compact under R.I. Gen. Laws § 23-19.9-1, or under 42 U.S.C. § 2021(b) et seq., (3) untreated Medical and Infectious Waste which is regulated pursuant to the R.I. Gen. Laws § 23-19.12-1 et seq., (4) electronic materials classified as universal waste, including computers and computer components, (5) Recyclable Materials or Yard Waste that have been segregated from other waste material by the waste generator, (6) infectious or human or animal pathological waste from any hospital, clinic, medical laboratory, nursing home, medical examiner, or teaching hospital which is regulated pursuant to the R.I. Gen. Laws § 23-19-1 et seq., (7) Special Waste; (8) Household Appliances; or (9) Household Hazardous Waste.

(17) "Source Separation" means the removal by the generator of recyclable materials, including mixed recyclables, from all other solid waste generated by the household, and conveyance of the recyclables to the curbside or other designated location by the municipality or its agents.

(18) "Special Waste" includes flammable waste; sewage sludge; residue and debris from cleanup of a spill or release of chemical substances, commercial products, or any other Special Wastes; dead animals; manure; waste water; explosive substances; radioactive substances; abandoned or discarded automobiles, trucks, motorcycles or parts thereof, including tires; fluorescent tubes; and any other materials that under current or future statute or regulation require the application of special treatment, handling, or disposal practices beyond those normally required for Solid Waste.

(19) "Yard Waste" means leaves, grass clippings, weeds, herbaceous garden waste, shrub and tree prunings, and brush, provided that larger items such as tree stumps and intact dead trees are Bulk Rubbish."

(c) Penalties for Noncompliance:

(1) On the first violation for failure to separate recyclable and non-recyclable materials or for leaving recyclables prepared in a manner inconsistent with department of public works regulations, the hauler shall pick up solid waste and attach a notice to the special recycling containers as prescribed in section C.1.b. advising the resident of his duties by law. A copy of said notice shall be kept by the director of

public works. Haulers shall keep a record of the street address of those issued a warning and shall furnish this information to the department of public works.

(2) A ninety-day grace period, effective November 14, 1988, will be allowed for all residents not in compliance with this section. During this period, the hauler will issue a notice advising the resident of the noncompliance, after which time notices will be issued by the director of public works or his designee for all residents not in compliance with this section.

(3) Upon conclusion of the ninety-day grace period, the hauler will issue a warning notice to all residents not in compliance with this section. Those residents who, after receiving the warning notice of noncompliance again violate this section shall receive a second warning notice issued by the director of public works or his designee detailing the violation of this section. Upon the third offense, residents who again violate this section will be issued a summons to appear in municipal court and shall be fined twenty-five dollars (\$25.00) for noncompliance. The fourth offense against this section will be issued a summons to appear in municipal court and shall be fined fifty dollars (\$50.00) for noncompliance. All subsequent violations will be subject to a fine of one hundred dollars (\$100.00) through the municipal court.

(d) Commercial Recycling: Business firms shall be subject to state and federal recycling regulations.

(e) Compliance Required: All residents, taxpayers and others doing business in the City of Woonsocket shall separate recyclables from the non-recycling portion of their solid waste and prepare them for recycling according to directions published by the City of Woonsocket.

(f) Severability: This section and the various parts, sentences, sections and clauses thereof are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this section shall not be affected thereby.

(Ch. No. 5029, Sec. 1, 10-17-88)

Sec. 10-34. Ownership of recyclables.

Once municipal solid waste has been deposited at curbside for collection by the department of public works, said solid waste becomes the property of the city. No resident, taxpayer, or other person engaged in the business of separation, recovery, collection, removal, storage or disposition of solid waste shall pick up or procure any recyclable materials as defined in section 10-33 or any other regulation with the City of Woonsocket for personal gain except as specifically authorized by the director of public works.

The director of public works may issue permits to charitable organizations to collect recyclable materials on the condition that a report is filed by said organization detailing the weights of each material collected in compliance with the Rhode Island Department of Environmental Management reporting requirements and provided that the director of public works determines that said collection does not conflict with the city's recycling implementation program.

(Ch. No. 5014, Sec. 1, 9-19-88)

Sec. 10-35. Scope.

The Director of the Department of Public Works shall have full charge of the collection and disposal of Solid Waste and Recyclables in the City. The Director of the Department of Public Works is hereby authorized and directed to operate and maintain a system for the collection of Solid Waste and

Recyclables in the City and to prepare and promulgate from time to time, rules and regulations governing the collection of such Solid Waste and Recyclables. The provisions of this Chapter shall be enforced by the Director of the Department of Public Works.

The Director of the Department of Public Works is empowered to supervise, facilitate and contract with either state recycling facilities as mandated by the General Laws of the State of Rhode Island or with commercial firms for the receipt and processing of recyclable material in a manner consistent with the City's local implementation program that yields the best rate of recycling and the most cost effective results for the City.

The services described in this Chapter are intended to be the sole program offered by the City for curbside collection. However, the Director of the Department of Public Works may, at his or her discretion, promulgate or terminate additional programs to supplement the services provided under this Chapter.

Sec. 10-36. Superintendent of Solid Waste Established.

There is hereby established within the Department of Public Works a position entitled "Superintendent of Solid Waste" for the implementation and enforcement of the City's Solid Waste and Recycling collection program and the mandatory recycling program established pursuant to Section 10-33 and provided for herein. The Superintendent of Solid Waste will report to the Director of the Department of Public Works, through the City Engineer, and will be charged with the following duties, among others:

- 1) Monitoring of the private sector service provider for residential solid waste and recycling for contract compliance and satisfactory levels of service and responsiveness. The Superintendent shall be the daily point of contact for the private sector contractor.
- 2) Citizen complaint resolution and maintenance of supporting statistics.
- 3) Code enforcement to include all program elements with emphasis on solid waste, recycling, and usage of the Allied transfer station. Code enforcement activities shall include inspection of solid waste and recycling container setouts (each route in advance of pickups) for code enforcement and usage of City tagging for code violations and enforcement actions as authorized by the Director of Public Works.
- 4) Coordination of development and research of solid waste reduction programs and initiatives for consideration by the Director of Public Works.
- 5) Coordination of development of public awareness information with the objective of achieving and documenting improved recycling rates with an initial goal of 30% recycling.

Sec. 10-37. Carts.

Use. The occupant of each Residential Premises shall place and keep Solid Waste and Recyclables in Carts approved and distributed by or at the direction of the Department of Public Works. Solid Waste and Recyclables not placed in the designated Cart with its cover closed will not be collected.

Maintenance. All Carts shall be kept clean and sanitary and portable by the owner or tenant using the same. The owner or tenant using the Cart shall be responsible for returning to the Cart any waste or recyclable material dislodged from the Cart due to weather conditions, vandals, animals, accidents, and the like. Every owner of Residential Premises shall prevent the accumulation of litter or debris in the area of the Carts and in the areas adjoining said Carts, and shall take all actions required to keep the Residential Premises free of litter or debris. Every owner of Residential Premises must make provision

for the storage and removal of Solid Waste, Recyclables and Yard Waste consistent with this Chapter or be subject to applicable fines, penalties or other consequences provided under this Chapter."

Location. On collection days, all Carts shall be placed adjacent to the roadway in a manner that does not block any travel way, parking area or gutter. All Carts shall be at least two (2) feet apart from each other and shall be placed curbside with the lifting extension facing the street, and shall not be obstructed by any tree, utility pole, mailbox, fire hydrant, parked car or other impediment. Residents shall position Carts with the lid opening facing the street (that is, with the Cart's lid hinge closest to the residence).

Possession. It shall be unlawful for any person, except with the permission of the owner of the Cart, to tamper with, modify, remove from, or deposit materials into any Cart which has not been provided for that person's use. In the event that a building tenant serviced pursuant to these provisions vacates the premises, the owner of the property shall ensure that the tenant's Cart remains with the property. In the event that property serviced pursuant to these provisions is sold, such sale shall be subject to confirmation by the Superintendent of Solid Waste that the Carts assigned to such property remain with the property post-closing. As a condition to all building permits for construction of new one, two and three-unit residences within the City, such construction shall provide sufficient, easily accessible areas for Carts. The owner of any Residential Premises shall be responsible for the cost to replace any Cart(s). The seller of any Residential Premises shall supply Carts (at the seller's cost) to the purchaser at the time of closing.

Time. Collection service (for residential and non-residential collection) shall take place only between the hours of 7:00 a.m. and sunset. No collection shall take place on Sundays.

Sec. 10-38. Treatment of Certain Waste Materials.

Waste consisting of flammable liquids, anti-freeze, insecticides, poisons, caustics, acids, explosives, motor oil and motor oil filters, liquid paint or other Special Waste or Household Hazardous Waste material shall not be placed for collection service, but rather shall be disposed of at designated hazardous waste disposal sites, or as otherwise required by law. Medical and Infectious Waste shall not be placed for collection through the regular Solid Waste collection service, but rather shall be disposed of as otherwise required by law. Recyclable material shall be separated from other Solid Waste for collection. Household Appliances, Bulk Rubbish and Yard Waste items shall not be placed for collection through the regular Solid Waste collection service, but rather shall be disposed of pursuant to these Ordinances.

Sec. 10-39. Collection Frequency; Collection Fees.

Residents of Residential Premises shall place the following for collection, on a schedule to be provided by the City:

- Solid Waste - once per week, at a fee in the amount of Twenty-Four Dollars (\$24.00) per calendar quarter per dwelling unit of each Residential Premises (such that, if a Residential Premises consists of three (3) dwelling units, each dwelling unit would pay \$24.00 per quarter, for a total of \$72.00 per quarter). Such charge shall be collected pursuant to a billing and collection process to be established by the Department of Public Works. The quarterly assessment will be in effect commencing on April 15, 2009, and will be due each April 15, July 15, October 15 and January 15.

- Recyclables -once per week on an alternating basis, such that one week, recyclables to be placed in the blue cart shall be collected, and the following week, recyclables to be placed in the green cart shall be collected.
- Curbside Yard Waste -once per week for two (2) ten (10) week periods each year.
- Bulk Rubbish -Bulk Rubbish may be left for collection at curbside as requested by residents during one scheduled week per month. Collection shall be limited to one (1) item per month at no additional charge. A permit must be obtained for the disposal of any Bulk Rubbish.
- Household Appliances -once per week, Household Appliances may be left at curbside as requested by residents on a weekly schedule established by the City. A permit must be obtained for the disposal of any Household Appliances. Collection shall be limited to one (1) item per week

(Ch. No. 7448, Sec. 1, 2-2-09)

Sec. 10-40. Violations.

In addition to any other fines or penalties provided under this Chapter or within the authority of the Municipal Court, the following shall apply to any violation hereunder:

The Public Works Director or his designee shall have the delegated authority for enforcement of this Ordinance, including issuing notices to violators, assessing additional costs and penalties, and specifying compliance actions that shall be implemented. Violations shall be addressed as follows:

For violations (other than Special Violations) by an owner or occupant of Residential Premises eligible for collection hereunder:

- The Owner of the Residential Premises will be given a warning that a violation has occurred; then, if another violation occurs:
- The Owner of the Residential Premises will be given a second warning that a violation has occurred; then, if another violation occurs:
- The Owner of the Residential Premises will be assessed a fine in the amount of \$250; then, if another violation occurs:
- The Owner of the Residential Premises will be assessed a fine in the amount of \$500; then, if another violation occurs:
- The Owner of the Residential Premises will be expelled from the collection program, meaning that the City will no longer collect Solid Waste or Recyclables from the Residential Premises.

For violations (other than Special Violations) by anyone other than an owner or occupant of Residential Premises eligible for collection hereunder (for example, an owner of commercial or industrial property, or residential property consisting of four (4) or more units):

- The Owner of the premises will be given a warning that a violation has occurred; then, if another violation occurs:

- The Owner of the premises will be assessed a fine in the amount of \$250; then, if another violation occurs:
- The Owner of the premises will be assessed a fine in the amount of \$500 per violation.

Special Violations:

- An individual or entity placing materials in or removing materials from a Cart not assigned to said individual or entity will be fined per violation: Fifty Dollars (\$50.00) for the first violation; One Hundred Dollars (\$100.00) for the second violation; One Hundred Fifty Dollars (\$150.00) for the third violation and any other violation hereafter. (Ch. No. 7418, Sec. 1, 9-2-08)

Jurisdiction:

Violations and penalties for violations of this Chapter shall be as determined by the Woonsocket Municipal Court, consistent with the provisions of this Chapter.

Sec. 10-41. Severability.

This Chapter and various parts, sections and clauses thereto are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this Chapter shall not be affected thereby. (Ch. No. 7342, Sec. 6, 6-18-07)