

*City of Woonsocket
Rhode Island*

June 18 A.D. 2007

Ordinance 7342

**AMENDING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES
RELATING TO SOLID WASTE, RECYCLABLES AND YARD WASTE
COLLECTION**

WHEREAS, the City and Waste Management of Rhode Island, Inc. ("Waste Management") have entered into a new Service Agreement for Solid Waste, Recyclable Materials and Yard Waste Collection (the "New Contract"); and,

WHEREAS, under the New Contract, Waste Management will utilize automated and semi-automated equipment, and residents in one, two and three-unit residential dwellings will utilize new 64-gallon carts for collection; and,

WHEREAS, in accordance with Section 1-4 of the Code of Ordinances, the City Council, by this Ordinance, intends to establish the procedures pursuant to which residents' waste will be collected commencing on July 1, 2007.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
WOONSOCKET AS FOLLOWS:**

SECTION 1. Section 10-1 of the Code of Ordinances of the City of Woonsocket, Rhode Island, is hereby amended to read as follows:

"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."

SECTION 2. Section 10-7(b) of the Code of Ordinances of the City of Woonsocket, Rhode Island, is hereby deleted in its entirety, and the following shall be substituted therefor and in place thereof:

"Violations of this Section and any other provision of this Chapter, except as expressly provided otherwise, shall be governed by Section 10-40."

SECTION 3. Section 10-9(a) of the Code of Ordinances of the City of Woonsocket, Rhode Island, is hereby amended to read as follows:

"(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."

SECTION 4. Section 10-16 of the Code of Ordinances of the City of Woonsocket, Rhode Island, is hereby amended to include, immediately following Section 10-16(e), as follows:

"(f) 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."

SECTION 5. Section 10-33(b) of the Code of Ordinances of the City of Woonsocket, Rhode Island, is hereby amended to read as follows:

"(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."

SECTION 6. The following provisions are hereby inserted immediately following Section 10-34 of the Code of Ordinances of the City of Woonsocket, Rhode Island:

"Section 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.

Section 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 set-outs (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.

Section 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.

Section 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.

Section 10-39. Collection Frequency.

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

- Solid Waste - once per week.
- 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 at no additional charge. Residents may contact Waste Management of Rhode Island, Inc. for additional curbside pick-up for a fee payable to the City, to be approved by the Public Works Director. Currently, the fee is \$0.00.

Section 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 \$500 per violation.
- The City may, at the discretion of the Public Works Director, suspend collection service to any Residential Premises or dwelling unit not Recycling.

Jurisdiction:

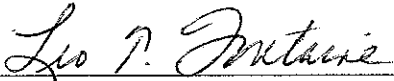
Violations and penalties for violations of this Chapter shall be as determined by the Woonsocket Municipal Court, consistent with the provisions of this Chapter.

Section 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."

SECTION 7. This Ordinance shall take effect upon its passage by the City Council in accordance with Chapter III, Section 10 of the Woonsocket Home Rule Charter.


Leo T. Fontaine, President

IN CITY COUNCIL June 18, 2007 - Read by title and passed.