

## REVISED MAIN MOTION FOR ARTICLE 30

To see if the Town will vote to amend the General By-laws by adding new Section 26, Rubbish Control to read as follows; or act in relation thereto.

### RUBBISH CONTROL

#### Definitions

**Rubbish** is any combustible and noncombustible waste materials and includes but is not limited to such materials as paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, mineral matter, glass, crockery, dust and the residue from the burning of combustible materials.

**Public property** includes, but is not limited to, the following exterior locations: streets that have been accepted by town meeting, street medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, municipal housing project grounds, municipal vacant lots, parks, beaches, playgrounds, other publicly-owned recreation facilities, and municipal waterways and bodies of water

**Private property** includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions, churches or organizations: yards, grounds, tops of buildings, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

**Containers** shall be watertight receptacles with tight fitting covers made of metal or other durable rodent-proof material for the storage of solid waste.

#### 1. Pedestrians and Motorists

- 1.1 It shall be unlawful for any person to throw, discard, place or deposit litter in any manner or amount on any public or private property, except in containers lawfully provided therefore.
- 1.2 It shall be the duty of every person distributing commercial handbills, leaflets, flyers or any other advertising and information material to take whatever measures necessary to keep such materials from littering public or private property.
- 1.3 Yard sale signs, open house signs and any other signs or notices, with the exception of government and school related signs, posted to advertise a specific event cannot be posted sooner than five (5) days prior to the event, and such signs and/or notices must be removed from all places of posting no later than 24 hours after the conclusion of the event. Failure to comply with these guidelines will make the person(s) or organization responsible

for holding the event subject to fines as stated under Section 1.9, Enforcement Authorization and Fines.

## 2. Loading and Unloading Operations

No person shall, at any exterior location, load or unload any materials where the entire material is not to be placed in a vehicle or in a building as the case might be, unless suitable containers for litter are maintained at the place of the loading or unloading.

## 3. Household Solid Waste Containerization and Removal

- 3.1 All residences located in any area in which collection is by the Town or an approved contractor shall have sufficient container capacity to accommodate their normal volume of solid waste between collections.
- 3.2 All items too large to fit into containers such as, but not limited to, appliances, furniture and mattresses, shall be disposed of only in accordance with regulations set by the Town.
- 3.3 All loose material which normally fits into containers but which are excess as a result of special circumstances, shall be bundled and tied securely to prevent them from blowing or scattering and shall be placed by the containers.
- 3.4 Containers shall be kept closed or contents shall be contained in a manner to prevent the entrance of vectors and the escape of objectionable odors and spillage.
- 3.5 It shall be unlawful for any person to deposit household solid waste in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians or in any commercial solid waste receptacle.
- 3.6 The duties imposed by Sections 3.1 through 3.4 of this bylaw shall be carried out by the occupant of a dwelling unit or owner or managing association of a multi-unit dwelling in the Town above the age of 17, and any such occupant shall be liable for any penalty that may be imposed for violation of such sections.

## 4. Commercial Solid Waste Containerization and Removal

- 4.1 Every person, including an artificial person such as a corporation, partnership, religious society, trust or similar entity, shall deposit solid waste in a suitably sized container, which container shall be maintained by such persons in good condition at such location.
- 4.2 Containers shall be kept closed at all times, and the area around the containers shall be kept free of litter at all times.
- 4.3 It shall be unlawful for any person to whom Sections 4.1 and 4.2 of this bylaw apply to deposit solid waste in any household receptacle or public receptacle maintained on a sidewalk or at any other location for disposal.
- 4.4 Collection and disposal of private solid waste containers shall not commence prior to 7:00 a.m. and shall cease no later than 7:00 p.m.

## 5. Maintenance of Areas Free from Rubbish

- 5.1 All exterior private property shall be kept free of litter and rubbish. This requirement shall apply to the removal not only of loose litter but also of materials that become trapped at such locations as fences and wall bases, grassy and planted areas, borders, embankments and other places of accumulation, excluding private composting.
- 5.2 It shall be unlawful to sweep or push litter from private property, sidewalks, and/or strips into streets. Sidewalk and strip sweepings must be picked up and put into household or commercial solid waste containers.
- 5.3 No owner or occupant of land above the age of 17 and no artificial occupant of land such as a corporation, partnership, religious society, trustee or similar entity owning or occupying land or officer, partner, director or trustee thereof or a person in charge of its business or employee customarily responsible for maintaining the cleanliness of its land shall permit land to be maintained in violation of Section 5.1 and 5.2 of this article.
- 5.4 Any person, entity, civic group, or sports organization that uses public property including recreation complexes and sporting fields, shall be responsible to remove all Rubbish and debris that was brought to the premise by said person, entity, civic group, or sports organization. Failure to remove created litter will make the person(s) or organization responsible for holding the event subject to fines as stated under Section 6, Enforcement Authorization and Fines.

## 6. Enforcement Authorization and Fines

- 6.1 Any person, including an entity or corporation operating a business, found to have violated any provision of this bylaw shall make a good faith effort to correct the violation within 72 hours of receiving an order of correction from the enforcement agent. Any person failing to comply with any provision of this by-law may be warned or fined in accordance with the non-criminal disposition process, Massachusetts General Law Chapter 40, section 21D, adopted by Town Meeting at its meeting of October 5, 2000 (warrant article #47) as follows: 1st offense – written warning or one hundred (100) dollar fine; 2nd offense – two hundred (200) dollar fine; 3rd offense – three hundred (300) dollar fine; 4th and subsequent offenses – three hundred (300) dollar fine and/or enforcement action. Each day's failure to comply with the order(s) of correction shall constitute a separate violation. All fines collected will deposited to the general fund.
- 6.2 Any person wishing to grieve order of correction or fine received may file a grievance hearing with the Town Manager or his designee. Decision made by the Town Manager or his designee is final.
- 6.3 This By-law will be enforced for the town by it's Health Department, Building department, Recreation Director, Police Department, Town Manager or his designee.

6.4 A copy of this Bylaw shall be distributed by the Town Clerk after the approval by the Attorney General to every employee of the Police Department, Recreation Department, Board of Health, and Department of Public Works of the Town and to the Building Inspector and Town Manager.

Submitted By: Marc Lombardo, Board of Selectman