



CITY OF CAMBRIDGE, MASSACHUSETTS MUNICIPAL CODE

Section 8.24.070 Mandatory Recycling Ordinance Section 8.24.020 Definitions

Section 8.24.070 Mandatory Recycling Ordinance

- A. Purpose and Declaration of Policy. This section has been created because of the great interest of the people of Cambridge in preserving the environment by reducing the amount of refuse sent to landfills and incinerators. It shall be the policy of the City to reduce the amount of solid waste generated and to require the recycling of recyclable materials to the fullest extent possible.
- B. Establishment of Program. There is established a program for the mandatory separation of certain recyclable materials from refuse which shall apply to all buildings in Cambridge, and shall be carried out under the supervision of the Commissioner of the Cambridge Department of Public Works (DPW).
- C. Mandatory Separation of Recyclable Materials. It shall be mandatory for each owner or occupant in Cambridge to separate all designated recyclable materials from other refuse in accordance with the provisions of this section. The timetable for compliance shall be as follows:
 1. Buildings, Which Receive City Solid Waste Collection Services. On and after the effective date of the ordinance codified in this section, it shall be mandatory for each owner or occupant of a building which receives City solid waste collection services to separate from other refuse all recyclable materials designated by the Commissioner in rules and regulations issued under this section; provided, however, that this requirement shall be delayed with regard to owners or occupants of multifamily dwellings. Owners of multifamily dwellings shall submit a recycling plan to the Commissioner or his or her designee in accordance with subsection E of this section. This requirement shall also apply to all City-owned buildings, including schools.
 2. Buildings, Which Do Not Receive City Solid Waste Collection Services. It shall be mandatory for each owner or occupant of a building which does not receive City solid waste collection to separate all designated recyclable materials from other refuse in accordance with a recycling plan to be submitted to the Commissioner or his or her designee, in accordance with subsection E of this section.
- D. Collection of Recyclable Materials.
 1. Residential Dwellings.
 - a. As long as funds are available, the City will provide one household recycling receptacle to each dwelling unit in residential dwellings with twelve or fewer units that are not primarily used to house students and/or staff of nonprofit establishments. The City shall retain ownership of all its household recycling receptacles and the resident of each dwelling unit shall take proper care to protect such receptacle from loss or damage. Receptacles that are lost or stolen will be replaced by the City as long as the City's supplies last. After City supplies are depleted, it shall be the responsibility of the resident of each dwelling unit to obtain a suitable replacement within forty-five days. In such buildings, the materials designated for recycling in rules and regulations promulgated by the Commissioner shall be placed in the household recycling receptacles.
 - b. As long as funds are available, the City will provide a suitable number of household recycling receptacles and/or totes to buildings with thirteen or more units that are not primarily used to house students and/or staff of nonprofit establishments. The number of household recycling receptacles and/or totes to be provided shall be determined by

the City for each individual building. The City shall retain ownership of all its household recycling receptacles and totes and the owner or owners of the building shall take proper care to protect such containers from loss or damage. If the containers are lost or stolen, it is the responsibility of the owner or owners of the building to obtain a suitable replacement within forty-five days in accordance with rules and regulations to be issued by the Commissioner under this section. In such buildings, the materials designated for recycling in rules and regulations promulgated by the Commissioner shall be placed in the household recycling receptacles and/or totes. If owners or occupants desire recyclables collection from a location on private property, they must arrange for private collection of recyclables and are responsible for the costs of collection.

- c. During the leaf and yard waste collection season, owners or occupants shall place their leaves and yard waste in paper leaf bags (as defined in subsection C of this section), open barrels or boxes to be provided by the owner or occupant. However, if the owner or occupant employs a commercial landscaping company, the landscaping company is responsible for hauling away the leaves and yard waste from the owner's property.
 - d. The preparation and placement of recyclables shall be accomplished in accordance with rules and regulations to be issued by the Commissioner under this section.
 - e. All recycling containers and receptacles shall be placed for collection on the outer edge of the sidewalk, so as not to obstruct the free passage of pedestrians, or in such other place and on days specified by the Commissioner in rules and regulations to be issued under this section.
 - f. Recyclables shall not be placed in plastic garbage bags for collection, removal or disposal. Recyclables shall not be placed in the same refuse containers as rubbish or mixed with rubbish or litter for collection, removal or disposal. If separation of recyclable materials from rubbish does not take place, the City may decide not to collect said rubbish.
 - g. Upon placement of recyclables for the City or its contractor at the curbside, pursuant to this subsection, such recyclables shall become the property of the City. It shall be a violation of this section if any person, other than authorized agents of the City acting in the course of their employment or contract, collects or causes to be collected any recyclables so placed. Each and every such collection in violation of this subdivision from one or more locations shall constitute a separate and distinct offense. In addition to the penalty provided in subsection I of this section, any violator of this subsection shall make restitution to the City for the value of recyclables illegally removed.
2. Commercial Nonprofit Establishments. In commercial nonprofit establishments, the materials designated for recycling in rules and regulations promulgated by the Commissioner shall be placed in recycling receptacles provided by the owner or owners of such buildings. The owner or owners of such buildings shall be responsible for the costs of recyclables separation and collection. Any savings in solid waste disposal realized due to recycling shall accrue to the owner or owners of such buildings. The owner or owners of such buildings shall submit recycling plans to the Commissioner in accordance with subsection E of this section. The Commissioner shall have the authority to require documentation from the City's recyclables collection contractors and from any owner, lessee or tenant of a building which does not receive City recyclables collection services, that recyclables are being delivered to a broker or end market that causes the material to be recycled or composted rather than landfilled or incinerated.

E. Recycling Plans.

1. All property owners required to submit recycling plans to the Commissioner shall do so by the date set for plan submissions in the rules and regulations promulgated by the Commissioner under this section. Separation and collection of recyclables in such buildings shall begin within one hundred twenty days of plan approval by the Commissioner.

2. Contents of Plan. Each recycling plan will cover the following items:
 - a. Which recyclables will be put out for collection;
 - b. Frequency of collection;
 - c. Methods to be used for collection, including types of containers;
 - d. Any other items which may be specified in rules and regulations promulgated by the Commissioner under this section.
 3. Format of Plan. Plans shall be submitted in a format to be specified in rules and regulations promulgated by the Commissioner under this section.
- F. Recyclable Materials. The recyclable materials to be separated shall be designated by the Commissioner in rules and regulations to be issued under this section. If the Commissioner designates a material as recyclable, such designation shall govern the treatment of such material notwithstanding the provisions of any ordinance to the contrary.
- G. Recycling Advisory Committee. There is established a Recycling Advisory Committee. The Committee, as requested, shall provide advice, assistance and recommendations to the Commissioner regarding the recycling program. The Committee shall be appointed by the City Manager, and shall consist of at least nine persons with a demonstrated interest in recycling, at least six of whom are residents of Cambridge. At least one member shall be chosen from volunteers in the City's monthly recycling dropoff program, one member shall represent the private real estate industry (apartment management), and one member shall be a designee of the Cambridge Housing Authority. One member shall represent the business community, and one member shall represent nonprofit institutions. The term shall be three years. The Commissioner, or his or her designee, shall be an ex officio member of the Committee.
- H. Rules and Regulations. The Commissioner, with the approval of the City Manager, may promulgate rules and regulations for the implementation of this section.
- I. Enforcement and Penalties. Whoever violates any provision of this section, including any rule or regulation promulgated under subsection H of this section, may be penalized by a noncriminal disposition as provided in G.L. c. 40, § 21D. For purposes of this section, the following officials shall be enforcing persons: designated staff of the Cambridge Department of Public Works. The penalty for each violation shall be twenty-five dollars. A penalty will be assessed under this section only after the violator receives a written warning regarding the violation indicating the method of correction.
- J. Repeal of Inconsistent Laws. All ordinances, resolutions, regulations or other documents inconsistent with the provisions of this section are repealed to the extent of such inconsistency.
- K. Severability. This section and the various parts, sentences and clauses thereof are declared to be severable. If any part, sentence or clause is adjudged to be invalid, the remainder of this section shall not be affected thereby.
- L. Effective Date of this Section. This section shall take effect when notice of the effective date is published by the Commissioner in a newspaper of general circulation in Cambridge. (Ord. 1152 (part), 1993; Ord. 1137, 1992; Ord. 1117 (part), 1991)

Section 8.24.020 Definitions

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- A. "Aluminum" means aluminum cans, aluminum foil, and aluminum containers or trays used in packaging, preparation or cooking of food.
- B. "Authorized litter receptacles" means receptacles for the use of the general public placed outdoors by the City or by private persons on either public or private property. The receptacles shall be designed so as to prevent the escape of litter onto any public or private property. The receptacles may be identified by an appropriate sign, furnished either by the City or the owner, which includes the statement, "No Littering Under Penalty of Law. Fine \$50.00."
- C. "Authorized recycling receptacles" means "household recycling receptacle," "toter" or "paper leaf bag" as defined herein, or other containers defined in regulations written pursuant to Section 8.24.070.
- D. "Authorized refuse receptacles" means authorized recycling receptacles and authorized rubbish receptacles.
- E. "Authorized rubbish receptacles" means receptacles that contain rubbish awaiting collection and are kept outdoors. They shall be constructed preferably of heavy plastic or of metal, with tight-fitting covers, and shall be flytight, rodent proof, nonflammable and waterproof, or of heavy plastic bags of not less than three mil fastened tightly with wire, strings or tape. Authorized rubbish receptacles for City rubbish collection shall not exceed thirty-two-gallon capacity, and shall not exceed fifty pounds per container, or one hundred fifty pounds per household per week. Limitation on size or weight does not apply to authorized rubbish receptacles for private collection.
- F. "Cans" means all containers composed in whole of iron or steel (so-called tin cans) used as containers for the packaging or storage of various food and non-food items, except containers that contain paint or petroleum-based solvents, and any pressurized aerosol cans.
- G. "Commercial establishment" means any nonresidential building, including, but not limited to, those used for retail, wholesale, industrial, manufacturing, dining, offices, professional services, automobile service, hotels and motels, restaurants, or shipping and receiving areas.
- H. "Corrugated cardboard" means paper in which a portion has been made to have a wavy surface (alternating ridges and grooves) and is placed between two flat surfaces for the sake of strength, and which is commonly used to form cartons.
- I. "Glass containers" means bottles and jars, made of silica, sand, soda ash, and limestone, being transparent or translucent, and used for packaging or bottling various materials. This does not include plastics or glass products such as window glass, blue glass, flat glass, mirrors, plate glass, light bulbs, dishes or ceramics.
- J. "Household recycling receptacle" means a container designed for use by one household to store recyclable materials between pickups.
- K. "Leaves" means deciduous and coniferous seasonal deposition from trees.
- L. "Litter" means all refuse, and includes any other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger or nuisance to public health, safety or welfare.
- M. "Magazines" means publications printed on glossy, clay-coated paper.

- N. "Multifamily dwelling" means any place of residence with thirteen or more dwelling units, including apartments, cooperatives, condominiums, group houses, roominghouses or boardinghouses.
- O. "Newspaper" means newsprint-grade paper, the common, inexpensive machine-finished paper made chiefly from wood pulp, which is printed and distributed, and includes all newspaper advertisement, comics and enclosures. This does not include newspaper soiled by food, paint, petroleum products, oil or oil solvents, or other solid wastes that are not recyclable.
- P. "Nonprofit establishment" means an established organization or foundation dedicated to public service or culture, including, but not limited to, religious, educational and health care functions.
- Q. "Occupant" means any person living, sleeping or cooking in, or conducting any commercial or nonprofit activity, or having actual possession of any building or part thereof.
- R. "Owner" means any person or entity which alone or jointly or severally with others:
1. Shall have legal or equitable title to any private property with or without accompanying actual possession thereof; or
 2. Shall have charge, care or control of any private property as owner or agent or as executor, administrator, trustee or guardian of the estate of the owner or any other person in a representative capacity.
- S. "Paper leaf bag" shall be a sanitary Kraft Paper Sack or equal of thirty-gallon capacity, two-ply fifty-pound wet strength with decomposing glue and reinforced self-supporting square bottom closure.
- T. "Plastic" means clear and colored bottles and jugs made from high-density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics, excluding caps and lids.
- U. "Recyclable materials" means any type of refuse designated by the Cambridge Commissioner of Public Works through rules and regulations issued under this chapter to be separated for recycling.
- V. "Refuse" means all solid waste generated by occupiers of land in Cambridge, excluding construction demolition debris.
- W. "Residential dwelling" means any residential building, including single-family homes, apartment buildings, buildings containing cooperatives and condominiums, group houses, roominghouses or boardinghouses.
- X. "Rubbish" means all refuse excluding recyclable materials.
- Y. "Sorted office paper" means printed or unprinted sheets, shavings and cuttings of colored or white sulphite or sulphite ledger, bond, writing and other paper which have a similar fiber and filler content, and which are free of treated, coated, padded and heavily printed paper, carbon paper and nonpaper materials.
- Z. "Toter" means a central collection container used for storage of recyclable materials between pickups from numerous households in a multifamily dwelling and compatible with collection equipment used by the City's recyclables collection contractor.
- AA. "White goods" means major kitchen and laundry appliances including, but not limited to, stoves, washers, refrigerators and dryers. Nothing in this definition shall waive compliance with the rules and regulations for the generation, transportation, storage, and disposal of hazardous waste.
- BB. "Yard waste" means grass clippings, weeds, hedge clippings, garden waste, and twigs and brush not longer than two feet in length and one-half inch in diameter. (Ord. 1152 (part), 1993: prior code §17-72)