

City of New Bedford  
Department of Facilities and Fleet Management  
Rules and Regulations Governing the Collection and Disposal of Solid Waste  
and Recyclables and the use of City Facilities  
promulgated by Kenneth Blanchard, Director of Facilities and Fleet Management  
\_\_\_\_\_, 2014

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1.0 DEFINITIONS

**“Acceptable Recycling Container”** shall mean the blue plastic wheeled Cart with orange lid issued by or on behalf of the Department of Facilities and Fleet Management for the curbside collection of Recyclables, in accordance with the Cart Distribution Policy set forth in Section 3.9 of these rules and regulations. Until the implementation of Automated Collection, within the Downtown Commercial Area, an Acceptable Recycling Container for the Downtown Commercial Area only shall mean a blue plastic bin, a Barrel not to exceed 32 gallons or 60 pounds in weight with an affixed recycling sticker issued by City, or a wheeled Cart issued to a residence or commercial establishment by the Department of Facilities and Fleet Management for the purpose of containing Curbside Recyclables.

**“Acceptable Solid Waste Container”** shall mean the blue plastic wheeled Cart with blue lid issued by or on behalf of the Department of Facilities and Fleet Management for the curbside collection of Solid Waste, in accordance with the Cart Distribution Policy set forth in Section 3.9 of these rules and regulations. Until the implementation of Automated Collection, within the Downtown Commercial Area, an Acceptable Solid Waste Container for the Downtown Commercial Area only shall mean a Barrel not to exceed 45 gallons and 60 pounds in weight, with a tight fitting cover.

**“Acceptable Yard Waste Container”** shall mean Barrels or paper bags specifically manufactured for the purpose of containing Acceptable Yard Waste. Barrels shall be left behind. Plastic bags are not an acceptable container for Yard Waste.

**“Automated Collection”** shall mean the collection of Solid Waste and Recyclables from Customers utilizing collection vehicles that are specially equipped with a mechanical arm to lift a Cart from Curbside, empty said Cart into the truck, and return the Cart to its original position.

**“Barrel”** shall mean a standard trash barrel not to exceed 45 gallons.

**“Board of Health”** shall mean the City of New Bedford Board of Health.

**“Brush”** shall mean tree branches, hedge clippings, vines. Individual branches must not exceed four (4) inches in diameter and shall be securely tied in bundles which shall not exceed four (4) feet in length and two (2) feet in diameter. Brush is a Special Collection Item.

**“Bulky Items”** shall mean individual items too large or too heavy for an Acceptable Solid Waste Container, including but not limited to 1) White Goods or Metal Bulk Waste; 2) CRTs; 3) upholstered chairs, furniture, beds, mattresses, sofas, and the like.

**“Cardboard”** shall mean cardboard collected from Customers during the regular curbside collection of Recyclables and at Commercial Business locations throughout the City of New Bedford.

**“Cart”** shall mean a plastic container used to store Solid Waste or Recyclables with a hinged lid and wheels serviced by an automated solid waste or recycling collection truck.

**“Cathode Ray Tube”** or **“CRT”** shall mean any intact, broken or processed glass tube used to provide the visual display in televisions, computer monitors and certain scientific instruments such as oscilloscopes. CRT’s shall be collected by appointment through the City’s Contractor.

**“City”** shall mean the City of New Bedford, a political subdivision of the Commonwealth of Massachusetts, and shall include all streets and ways and all buildings and improvements within the municipal boundaries, as set forth on the City street map on file in the City Engineer's office, and as updated periodically.

**“City of New Bedford Curbside Recycling Program”** shall mean the curbside collection of Single Stream Recyclables in place in the City of New Bedford. This program shall be further subject to change upon the approval of the Director of Facilities and Fleet Management and/or upon changes in the materials listed in the Waste Bans set forth in 310 Code of Massachusetts Regulations 19.017.

**“City’s Contractor”** shall mean ABC Disposal Service, Inc .

**“Commercial Dwelling”** shall mean any housing structure with more than six separate dwelling units.

**“Commercial Businesses”** shall mean non-industrial place of business that have been identified as Customers for Curbside collection of Solid Waste, and/or Recyclables.

**“Construction and Demolition Waste”** or **“C&D”** shall mean waste building material and rubble resulting from the excavation, construction, demolition or renovation or repairs to any buildings, pavements, roads or other structures regardless of cause of said operations. C&D waste includes, without limitation, asphalt, concrete, bricks, lumber, masonry, road paving materials, rebar and plaster.

**“Curbside Pick-up”** or **“Curbside”** shall mean Solid Waste, Recyclables, Yard Waste, Brush, and Bulky Items placed at the curb or at a point no further than five (5) feet from the back of the curb, in acceptable containers, as described herein. Pick-up of these items placed more than five (5) feet from the back of the curb shall not be included in the curbside collection. In areas where there are

no curbs, pick-up shall refer to items placed no further than five (5) feet from the portion of right-of-way adjacent to paved or traveled roadways (including alleys).

**“Customers”** shall mean property Owners and residents of each dwelling unit of the one, two, three, four, five and six family residences, identified mixed-use structures, identified public housing units, and eligible Commercial Businesses located within the City.

**“Department of Facilities and Fleet Management”** shall mean the City's Department of Facilities and Fleet Management.

**“Designated Collection Day”** shall mean the day of the week that Solid Waste and Recyclables are collected Curbside from the area. Curbside Collection maps and route lists shall be available for review at the Department of Facilities and Fleet Management located at 294 Liberty Street, New Bedford MA and online at [www.newbedford-ma.gov](http://www.newbedford-ma.gov). For the Downtown Commercial Area the **“Designated Collection Day”** for Solid Waste shall mean Monday through Friday, excluding Thanksgiving, Christmas and New Years Day.

**“Director of Facilities and Fleet Management”** or **“Director”** shall mean the Director of the Department of Facilities and Fleet Management for the City of New Bedford or his designee.

**“Downtown Commercial Area”** shall mean the area between Middle Street and School Street and between County Street and the west side of Route 18.

**“Drop-Off Area Recyclables”** shall mean materials collected at the Recycling Drop-Off Area. A list of materials currently being accepted at the Recycling Drop-Off Area shall be available for review at the Department of Fleet and Facilities Management located at 294 Liberty Street, New Bedford, MA and online at [www.newbedford-ma.gov](http://www.newbedford-ma.gov).

**“Facility”** shall mean the Solid Waste transfer station, Recycling Drop-off Area located at 1103 Shawmut Avenue.

**“Facility Operator”** shall mean City employees or a private contractor designated by the Director of Facilities and Fleet Management to operate the Facility.

**“Front Yard”** shall mean the open unoccupied space, within and extending the full width of a lot, between the street line and the building.

**“Glass Containers”** shall mean glass bottles, and jars, but excluding light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, mirrors, windshields and ceramics.

**“Hazardous Waste”** shall mean (a) any "hazardous waste" as defined under the Resource Conservation and Recovery Act, 42 U.S.C. & 6901 et seq., or hazardous waste, substance or material as defined under the Toxic Substance Control Act, 15 U.S.C. & 2601 et seq., the Federal Insecticide, Fungicide and Rodenticide Control Act, 7 U.S.C. & 136 et seq., the Federal Water Pollution Control Act, 33 U.S.C. & 1251 et seq, the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. & 9601 et seq., or "hazardous material" as defined

under M./G.L. c. 21E, &2, as each such law may be amended from time to time, and the regulations promulgated thereunder, and any analogous or succeeding federal, State or local law, rule or regulation and any regulations promulgated thereunder; or (b) any other material which any governmental agency or unit having appropriate jurisdiction shall determine from time to time cannot be held, stored or processed at the Facility because it is hazardous to health, safety or the environment. It shall not mean amounts of these materials that are under specified thresholds in these laws and regulations for the purposes of being allowed for normal solid waste disposal as opposed to special handling and disposal.

**“Health Department”** shall mean the City of New Bedford Health Department.

**“Holiday”** or **“Holiday, Legal”** shall mean New Year's Day, Martin Luther King's Day, Presidents Day, Patriots Day, Good Friday afternoon, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving, afternoon before Christmas, Christmas Day, afternoon before New Years Day, or such other legal holidays as may be designated by the City from time to time. Unless the Director approves other arrangements, no Solid Waste, Recyclables or other materials will be picked up on Holidays. Instead, the collection schedule will be deferred one day. Solid Waste shall be collection in the Downtown Commercial Area, on all days except for New Year's Day, Thanksgiving and Christmas Day.

**“Household Hazardous Waste”** or **“HHW”** shall mean hazardous waste generated by households but which is not subject to federal or State hazardous waste regulations.

**“Lead Acid Batteries”** shall mean batteries used in motor vehicles or stationary applications.

**“Metal Bulk Waste”** shall mean White Goods and other large metal items, such as bedsprings; gas grills, barrels, etc.

**“Metal Containers”** shall mean aluminum, steel or bi-metal beverage and food containers.

**“Occupant”** shall mean any person living, sleeping or cooking in, or conducting any commercial or nonprofit activity, or having accrual possession of any building or part thereof.

**“Ordinance”** shall mean Chapter 16, Article IV of the New Bedford Code of Ordinances, as amended.

**“Owner”** shall mean any person or entity which alone or jointly or severally with others:

1. Shall have legal or equitable title to any real property with or without accompanying actual possession thereof; or
2. Shall have charge, care or control of any real 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.

**“Private or Commercial Hauler”** shall mean any person, partnership, association, firm, company, corporation or other entity permitted by the New Bedford Board of Health for the removal and/or transportation of Solid Waste.

**“Recyclable Paper”** shall mean clean paper including, but not limited to newspaper, magazines, office paper, junk mail, brown paper bags, phone books, corrugated cardboard, and paperboard products.

**“Recyclables”** shall mean items included in the City of New Bedford Curbside Recycling Program, which may be changed from time to time. A list of materials currently included in the City of New Bedford Curbside Collection Program shall be available for review at the Department of Fleet and Facilities Management located at 294 Liberty Street, New Bedford, MA and online at [www.newbedford-ma.gov](http://www.newbedford-ma.gov).

**“Recycling Drop-off Area”** shall mean the area at the Facility where recyclable materials are dropped off by residents of the City of New Bedford to be reused or recycled.

**“Residential”** shall mean dwelling structures, including apartment houses and condominiums.

**“Plastic Containers”** shall mean plastic containers numbered 1 through 7 (except plastic bags, plastic wrap, and Styrofoam).

**“Single Stream Recyclables”** shall mean Recyclable Paper, Plastic Containers, Metal Containers and Glass Containers

**“Solid Waste”** shall mean useless, unwanted or discarded solid material resulting from municipal, household or commercial activities that is disposed or is stored, treated, processed or transferred pending such disposal, or contained liquid wastes generated by and produced in the normal operation of a household. Solid Waste does not include: industrial waste, material specifically excluded from the definition of “solid waste” in 310 Code of Massachusetts Regulation 19.006; items specifically restricted for disposal in accordance with the 310 Code of Massachusetts Regulations 19.017 (3); “infectious waste” or “physically dangerous medical or biological waste” as defined in 105 Code of Massachusetts Regulations 480.000, Recyclables, Construction and Demolition Waste, Yard Waste and Bulky Items.

**“Special Collection”** shall mean the collection of Special Collection Items by appointment through the Contractor.

**“Special Collection Items”** shall mean Brush (in securely tied bundles which must not exceed four (4) feet in length, two (2) feet in width, and four (4) inches in diameter) and Bulky Items including but not limited to CRTs, Metal Bulk Waste and White Goods.

**“Tires”** shall mean a continuous solid or pneumatic rubber covering intended for use on a motor vehicle.

**“Transport (Transportation)”** shall mean to transfer or carry Solid Waste or Recyclables in an approved and lawful vehicle from the point of collection or pickup to a disposal site.

**“White Goods”** shall mean a household appliance, excluding CRTs, employing electricity, oil, natural gas, liquefied petroleum gas or any other fuel source, including but not limited to, stoves,

refrigerators, water heaters, water coolers, bubblers, dishwashers, clothes dryers, washing machines, freezers, air conditioners and any items containing pressurized freon. White Goods containing freon (including but not limited to refrigerators, freezers and air conditioners) shall be kept in an upright position at all times.

**“Yard Waste”** shall mean deciduous and coniferous seasonal deposition (e.g.: leaves or needles) grass clippings, tree trimmings, weeds, hedge clippings, garden materials, vine cuttings, wood chips and shavings, all the preceding not to exceed  $\frac{1}{4}$  inch in diameter, and other waste associated with residential yard maintenance. Brush shall not be considered Yard Waste.

## 2.0 GENERAL

Should any provisions of these regulations be found to be in conflict or violation of any Federal or State Law, City Ordinance, or if amended or changed by order of the Director of Facilities and Fleet Management, all other provisions of these regulations shall remain in full force and effect.

## 3.0 COLLECTION

Interruptions may be caused by strikes, work stoppages, inclement weather, and legal holidays, at which time Owners shall store the Solid Waste, Recyclables, Yard Waste, Brush and/or Bulky Items on his or her property until the next collection date.

### 3.1 Solid Waste Collection

- a. Customers who receive Curbside collection of Solid Waste by the City or its contractor shall place Solid Waste Curbside in Acceptable Solid Waste Containers, in accordance with these Rules and Regulations, on the Designated Collection Day at the time scheduled for collection. Curbside Collection maps and route lists shall be available for review at the Department of Facilities and Fleet Management located at 294 Liberty Street, New Bedford, MA and online at [www.newbedford-ma.gov](http://www.newbedford-ma.gov).
- b. All Solid Waste shall be placed inside of an Acceptable Solid Waste Container and the cover shall be fully closed so it is flush with the Cart. No Solid Waste shall be left on top of, beside or under the Cart.
- c. Carts placed Curbside shall be separated by a space of two (2) feet.
- d. When placing Carts Curbside during snow events, or when snow is on the ground, Customers shall use best efforts to clear a path between the Carts and the street to ensure that the Carts can be seen and are accessible from the Automated Collection vehicles.
- e. Customers who receive Curbside collection of Solid Waste by the City or its contractor shall ensure that only Solid Waste generated within the City shall be placed Curbside for collection.

- f. Owners of properties that receive Curbside collection of Solid Waste by the City shall ensure that Acceptable Solid Waste Containers are obtained, in accordance with the Cart Distribution Policy set forth in section 3.9 of these Regulations and that said Acceptable Solid Waste Containers are utilized for the Curbside collection of Solid Waste generated by Owners and Occupants who reside in the Owner's building.
- g. Owners who receive Curbside collection of Solid Waste by the City shall ensure that Recyclables, Yard Waste, Bulky Items, C&D or Hazardous Waste have not been placed in the Acceptable Solid Waste Container for Curbside collection.
- h. Solid Waste shall not be collected from Commercial Dwellings. Owners of Commercial Dwellings are responsible to make sure Solid Waste is properly disposed.
- i. Any use of Solid Waste Carts issued by the City, other than its intended use, is prohibited.

### 3.2 Residential Solid Waste Collection

- a. Customers shall place Solid Waste curbside prior to 7:00 a.m. on the designated collection day but no earlier than 5:00 p.m. on the day prior to the Designated Collection Day. Customers within the Downtown Commercial Area shall place Solid Waste Curbside, in an Acceptable Solid Waste Container, between the hours of 3:00 a.m. and 8:00 a.m. on the Designated Collection Day. Curbside Collection maps and route lists shall be available for review at the Department of Facilities and Fleet Management located at 294 Liberty Street, New Bedford, MA and online at [www.newbedford-ma.gov](http://www.newbedford-ma.gov).
- b. Customers shall remove all Acceptable Solid Waste Containers from the public layout (street or sidewalk) as soon as practicable or, in any event, no later than 7:00 p.m. on the Designated Collection Day for the area. Customers within the Downtown Commercial Area shall remove Acceptable Solid Waste Containers from the public layout by 11:00 a.m., however, residential Customers within the Downtown Commercial Area shall remove their Acceptable Solid Waste Containers from the public layout no later than 7:00 p.m. on the day of collection.

### 3.3 Solid Waste Collection from Commercial Businesses

- a. Customers within the Downtown Commercial Area shall place their Solid Waste curbside in Acceptable Solid Waste Containers, between the hours of 3:00 a.m. and 8:00 a.m. Monday through Friday, excluding Thanksgiving, Christmas and New Years Day. Owners of properties located within the Downtown

Commercial Area shall remove Acceptable Solid Waste Containers from the public layout (street or sidewalk) by 11:00 a.m. on the day of collection.

- b. Owners and Occupants of properties in which Commercial Businesses are located, which are outside of the Downtown Commercial Area, shall place Solid Waste curbside prior to 7:00 a.m. on the Designated Collection Day for the area, but no earlier than 5:00 p.m. on the day prior to collection.
- c. Owners and Occupants of properties in which Commercial Businesses are located, which are outside of the Downtown Commercial Area, shall remove Acceptable Solid Waste Containers from the public layout (street or sidewalk) as soon as practicable or, in any event, not later than 7:00 p.m. on the day of collection.

### 3.4 Cardboard Collection from Commercial Businesses

- a. Cardboard shall be collected weekly from Commercial Businesses. The collection day will be determined by the Director.
- b. Owners and Occupants of Commercial Businesses shall place Cardboard curbside between the hours of 5:00 a.m. and 8:00 a.m. on the day designated for collection. New Commercial Businesses may request inclusion in the Cardboard Collection program by contacting the Recycling Coordinator.
- c. Owners and Occupants of properties located within the Downtown Commercial Area shall place Cardboard Curbside between the hours of 3:00 a.m. and 8:00 a.m. on the designated collection day.
- d. Cardboard shall be flattened and secured or consolidated by placing smaller boxes into larger boxes.
- e. Cardboard shall be free of plastic, Styrofoam or similar packaging.
- f. Wax coated cardboard shall not be accepted and shall be collected as Solid Waste.

### 3.5 Curbside Recyclable Collection

- a. Owners and Occupants shall separate from Solid Waste all materials included in the City of New Bedford Curbside Recycling Program, and shall ensure that Solid Waste is placed in a separate container from the Recyclables and that Solid Waste is collected separately from Recyclables. This requirement shall apply to all buildings without regard to whether the building's Solid Waste is collected by the City. This requirement shall also apply to all City-owned buildings, including schools. Every Owner (or owner's agent if designated in a written agreement) of a dwelling, shall be severally and jointly responsible for ensuring that Recyclables

are separated from Solid Waste, prior to Solid Waste disposal.

- b. All Recyclables shall be placed inside of an Acceptable Recycling Container and the cover shall be fully closed so it is flush with the Cart. No Recyclables shall be left on top of, beside or underneath the Cart.
- c. Carts placed Curbside shall be separated by a space of two (2) feet.
- d. When placing Carts Curbside during snow events, or when snow is on the ground, Customers shall use best efforts to clear a path between the Carts and the street to ensure that the Carts can be seen and are accessible from the Automated Collection vehicles.
- e. Customers who receive Curbside collection of Recyclables by the City or its contractor shall ensure that only Recyclables generated within the City shall be placed Curbside for collection.
- f. Owners of properties that receive Curbside collection of Recyclables by the City shall ensure that Acceptable Recycling Containers are obtained in accordance with the Cart Distribution Policy set forth in section 3.9 of these Regulations and that said Acceptable Recycling Containers are utilized for the Curbside collection of Recyclables generated by Owners and Occupants who reside in the Owner's building.
- g. Customers shall place Recyclables Curbside, in an Acceptable Recycling Container, prior to 7:00 a.m. on the Designated Collection Day but not earlier than 5:00 p.m. on the day prior to collection. Customers within the Downtown Commercial Area shall place Recyclables Curbside, in an Acceptable Recycling Container, between the hours of 3:00 a.m. and 8:00 a.m. on the Designated Collection Day.
- h. Owners and Occupants of properties, in which Commercial Businesses are located and are outside of the Downtown Commercial Area, shall remove Acceptable Recycling Containers from the public layout (street or sidewalk) as soon as practicable or, in any event, not later than 7:00 p.m. on the day of collection. Customers within the Downtown Commercial Area shall remove Acceptable Recycling Containers from the public layout by 11:00 a.m., however, residential Customers within the Downtown Commercial Area shall remove their Acceptable Solid Waste Containers from the public layout no later than 7:00 p.m. on the day of collection.
- i. Any use of Recycling Carts issued by the City, other than its intended use, is prohibited.

- j. Paper will be combined with other Recyclables and placed Curbside in an Acceptable Recycling Container, which shall consist of a Cart issued to Customers by the City for the purpose of containing Curbside Recyclables.
- k. The City of New Bedford Curbside Recycling Program shall include the items listed herein. Only the following materials, prepared in accordance with instructions listed with each material, shall be placed in the Acceptable Recycling Container for Curbside collection:
  - i. Containers: Includes Plastic, Glass and Metal containers. All containers shall be rinsed. No plastic bags or Styrofoam.
  - ii. Paper: All Recyclable Paper shall be placed loose in the recycling Cart.
- l. The City reserves the right to suspend collection of any of the items listed in section 3.5 if market conditions significantly impact the City's ability to recycle the material.

### 3.6 Yard Waste, Brush and Christmas Tree Collection

- a. During Yard Waste and Brush collection season, Customers who receive Curbside collection of Solid Waste by the City or its contractor shall place their Yard Waste and Brush Curbside, in accordance with these Rules and Regulations.
- b. Yard Waste, which includes leaves and grass clippings, shall be collected curbside from mid-April to mid-December. The actual dates of collection will be announced each spring and fall. Yard Waste shall be collected on the day following the Solid Waste collection. Owners shall ensure that Yard Waste shall be placed at the curb prior to 7:00 a.m. on the designated collection day but not earlier than 5:00 p.m. on the day prior to collection.
- c. Owners shall ensure that Yard Waste is placed in Acceptable Yard Waste Containers which include paper bags or Barrels. Yard Waste in plastic bags or mixed with Solid Waste shall not be collected.
- d. Owners shall ensure that only Yard Waste generated within the City shall be placed Curbside for collection.
- e. Brush shall be collected by the City or its contractor, by appointment only, during the last week of the month from April to November.
- f. Individual branches must not exceed four (4) inches in diameter and shall be securely tied in bundles which shall not exceed four (4) feet in length, two (2) feet in diameter. Bundles shall be placed at the curb by 7:00 a.m. on the day of

the scheduled collection appointment but no earlier than 5:00 p.m. on the day prior to collection.

- g. Owners shall ensure that only Brush generated within the City shall be placed Curbside for collection and that Brush is placed Curbside only on the day and at the time specified by the Director.
- h. Customers who receive Curbside collection of Solid Waste by the City or its contractor shall place their live (not artificial) Christmas trees Curbside on the regular collection day for Solid Waste and Recyclables that occurs during the first full week of January following January 6. Owners shall ensure that only discarded live Christmas trees generated within the City shall be placed Curbside for collection. Prior to placing live Christmas trees curbside, Owners shall ensure that garland, lights, decorations and plastic bags have been removed from the Christmas trees.
- i. Beginning December 26 through the month of January, live Christmas trees may be dropped off at the following locations:
  - Brooklawn Park (Irvington Street Side)
  - Transfer Station (1103 Shawmut Avenue)
  - Beach Parking Lot (bounded by South Rodney French Boulevard, Hudson and Seymour Street)

### 3.7 Bulky Waste Collection

- a. Residential Customers must contact the City's contractor, ABC Disposal, to schedule an appointment for Bulky Waste collection.
- b. Owners shall ensure that Bulky Items are placed Curbside, in accordance with these Rules and Regulations, by 7:00 a.m. on the designated collection day, but no earlier than 5:00 p.m. on the day prior to collection.
- c. Owners shall ensure that only Bulky Items generated within the City shall be placed Curbside for collection.
- d. No Bulky Items will be collected from Commercial Dwellings or from Commercial Businesses.
- e. No more than five (5) items shall be collected per appointment.
- f. The Owner of a property containing furniture, box springs and/or mattresses that have been infested with bedbugs, and/or other insects or vermin shall be responsible for 1.) making the furniture, box springs and/or mattresses unusable, 2.) treating the infested furniture, box springs and/or mattresses with insecticide and 3.) clearly labeling or spray painting the infested furniture, box springs and/or mattresses as INFESTED WITH BED BUGS 4.) wrapping the infested

furniture, box springs and/or mattresses in heavy gauge plastic prior to disposal. Items left curbside should be left as near to pick-up time as possible to minimize the chances of being taken by others.

### 3.8 Special Collection Items

- a. Special Collection Items shall be collected by the City or its contractor, by appointment only.
- b. Items shall be placed at the curb by 7:00 a.m. on the day of the scheduled collection appointment, but no earlier than 5:00 p.m. on the day prior to the collection appointment.

### 3.9 Cart Distribution Policy; Cart Storage

- a. The Cart Distribution policy for the Automated Collection of Solid Waste and Recyclables, shall be as follows:

| <u>Property Type</u>  | <u>65-Gallon for Solid Waste</u> | <u>65-Gallon for Recycling</u> |
|-----------------------|----------------------------------|--------------------------------|
| 1 Dwelling Unit       | 1                                | 1                              |
|                       |                                  |                                |
| <u>Property Type</u>  | <u>95 Gallon for Solid Waste</u> | <u>95 Gallon for Recycling</u> |
| 2 Dwelling Units      | 1                                | 1                              |
| 3-4 Dwelling Units    | 2                                | 2                              |
| 5 or 6 Dwelling Units | 3                                | 2                              |

Properties that contain one, two or three dwelling units shall be provided Carts, at no charge to the property Owner, in accordance with this schedule. Buildings, condominium complexes or apartments containing four through six dwelling units will be provided Solid Waste and Recycling carts in accordance with this schedule and will be charged a fee for the use of said Carts. Owners of dwelling units located within mixed use properties will be provided Solid Waste and Recycling carts at the number of carts specified in this policy and will be charged a fee for use of said Carts.

Businesses, including profit and not for profit, will have the opportunity to pay a one-time fee for the use of one (1) Cart for Solid Waste, contingent upon the payment of a fee for at least one (1) cart of equal size or larger for Recyclables. Businesses and Commercial Dwellings who do not receive Solid Waste collection from the City may pay a one-time fee for Recycling Carts only.

No property will receive more than the maximum number of Solid Waste Carts specified in this policy. However, additional Recycling Carts may be obtained through the payment of a one-time fee for the use of said Cart or Carts. Solid

Waste that is not placed in Carts, Solid Waste Carts placed Curbside that exceed the maximum number of Carts allowed pursuant to this policy and Solid Waste placed in Recycling Carts will not be collected and shall be reported by the contractor to the City for enforcement action.

The Cart fees shall be determined by the Director of the Department of Facilities and Fleet Management and shall be a one-time fee that will cover the life of the Cart. Any property Owner or business Customer who requests a replacement Cart will be charged a one-time fee for the use of said Cart. This will include property Owners who have previously received carts for no charge as well as property Owners who have already paid a one-time fee for a cart.

All Carts purchased by or on behalf of the City of New Bedford including, but not limited to, those distributed for the use of New Bedford residences and commercial Customers, are and shall remain the property of the City of New Bedford.

Each City owned Cart is assigned to a specific address. City owned Carts shall not be removed from the assigned address and shall be used only for their intended purpose. Using paint or permanent marker, Customers may neatly write the street address of their property in the white box provided on the Cart for that purpose.

Acceptable Solid Waste Containers (blue carts with blue covers) shall be used only for the storage and disposal of Solid Waste and shall not be used for any other purpose. **It shall be a violation of this regulation for any person to utilize Acceptable Solid Waste Containers for any purpose other than for the storage and disposal of Solid Waste.**

Acceptable Recycling Containers (blue carts with orange covers) shall be used only for the storage and disposal of Recyclables and shall not be used for any other purpose. **It shall be a violation of this regulation for any person to utilize Acceptable Recycling Containers for any purpose other than for the storage and disposal of Recyclables.**

b. Cart Storage

Carts shall be stored at a location on the Owner's property that shall be accessible to all occupants of the building. Storage shall be located at the rear or side of the building. Solid Waste, Recyclables and other materials shall not be stored within the Front Yard of a building. Notwithstanding the previous sentence, in the event no other location exists on the property, storage of Solid Waste, Recyclables and other materials may be permitted by the Director, if the Owner demonstrates that said storage will be adequately screened from view and will not adversely affect the neighborhood.

Each Owner (or owner's agent, if designated in a written agreement) shall store and dispose of all Solid Waste and Recyclables in a clean and sanitary manner. Owners shall ensure that Solid Waste and Recycling receptacles are maintained with a closed lid and are not overflowing beyond capacity.

Owners who receive Solid Waste and Recycling Collection by the City of the City's Contractor shall ensure that the property has Acceptable Solid Waste and Acceptable Recycling Containers.

### 3.11 Suspension of Curbside Collection

The Director may suspend Curbside collection for any property that has received more than five (5) violation notices for violating provisions of this ordinance on no less than five separate dates. Curbside Collection shall be not be suspended unless a) the Owner has been provided written notice, at the Owners last known address, on record with the City Assessor's Office, and b) has been afforded the opportunity to a hearing before the Director. In the event the Director deems it appropriate to suspend Curbside collection service, the Owner shall be responsible for making arrangements with a private hauler to provide the Owner's property with adequate and regular private collection of Solid Waste, Recyclables, Yard Waste, Brush and Bulky Items in compliance with this Ordinance and at the sole cost of the Owner.

The Curbside collection suspension schedule shall not exceed the following:

|                                 |                    |
|---------------------------------|--------------------|
| First suspension:               | 30 day suspension  |
| Second and third suspension:    | 60 day suspension  |
| Fourth and fifth suspension:    | 90 day suspension  |
| Sixth through ninth suspension: | 180 day suspension |
| Tenth or greater suspension:    | 365 day suspension |

## 4.0 TRANSPORTATION

- 4.1 Private or Commercial Haulers engaged in the collection and Transportation of Solid Waste or Recyclables in the City of New Bedford shall obtain a permit from the Board of Health, as necessary.
- 4.2 The owner of any vehicle transporting Solid Waste, Yard Waste, Brush, Recyclables or Bulky Items over City streets shall ensure that no material is deposited during Transport. All Solid Waste, Yard Waste, Brush, Recyclables or Bulky Items shall be surely fastened and contained within an enclosed body or contained in a truck with permanent sides and either a permanent roof or a securely fastened cover. Any vehicles that are not properly covered shall not be admitted into the Facility.
- 4.3 The owner of any vehicle hauling Solid Waste, Yard Waste, Brush, Recyclables or Bulky Items shall be responsible for the removal of any debris which has fallen from

such vehicle during Transport and shall be ensure that no liquid is released during Transport.

## 5.0 FACILITY

### 5.1 General

- a. Residents of New Bedford and City property owners may access the Recycling Drop-Off Area on Monday through Friday 7:30 a.m. to 3:30 p.m. and Saturdays 7:30 a.m. to 3:00 p.m. to deposit Drop-Off Area Recyclables for recycling or reuse and to drop off Yard Waste and Brush. The operating hours for the Recycling Drop-Off Area are subject to change, at the determination of the Director. Current hours of operation of the Recycling Drop-Off Area shall be available for review at the Department of Facilities and Management located at 294 Liberty Street, New Bedford, MA and online at [www.newbedford-ma.gov](http://www.newbedford-ma.gov). The Recycling Drop-Off Area is closed on Sundays, and Holidays.
- a. Only Drop-Off Area Recyclables, Yard Waste and Brush generated within the boundaries of the City shall be accepted at the Recycling Drop-Off Area located at the Facility. City property owners using the Recycling Drop-Off Area, who reside outside of the City, may be required to present documentation to demonstrate that the material was generated within the boundaries of the City.
- b. Persons accessing the Recycling Drop-Off Area shall obey all signs and verbal instruction from City personnel or the Facility Operator.
- c. All persons using the Recycling Drop-Off Area shall do so at their own risk.
- d. All Drop-Off Area Recyclables delivered to the Recycling Drop-Off Area shall be placed in the appropriate designated area or receptacle. No material which is rejected for any reason shall be left at the Recycling Drop-Off Area.
- e. Smoking is prohibited in all areas of the Facility including, but not limited to, the Recycling Drop-Off Area.
- f. All vehicles entering the Recycling Drop-Off Area are subject to inspections of loads to identify any oil or Hazardous Waste. Proper management of oil and Hazardous Waste identified shall be the responsibility of the persons using the Recycling Drop-Off Area.
- g. No scavenging is allowed in any area of the Facility.
- h. Failure to obey these rules and regulations shall result in loss of Facility privileges.

### 5.2 Drop-Off Area Recyclables Accepted at the Recycling Drop-Off Area

- b. The Drop-Off Area Recyclables accepted at the Recycling Drop-Off Area are subject to change, due to availability of recycling outlets, and the Director reserves the right to modify the list of accepted materials when necessary. A list of materials currently being accepted at the Recycling Drop-Off Area shall be available for review at the Department of Facilities and Fleet Management located at 294 Liberty Street, New Bedford, MA and online at [www.newbedford-ma.gov](http://www.newbedford-ma.gov).
- a. All material delivered to the Recycling Drop-Off Area shall be placed in the appropriate container or receptacle. Each container shall contain clearly marked signs indicating the appropriate material to be deposited in the container.
- b. The City reserves the right to limit quantities of materials accepted at the Drop-Off Recycling Center.

### 5.3 Yard Waste and Brush Accepted at the Recycling Drop-Off Area

- a. All vehicles shall come to a full stop at the weigh scale to be properly weighed and recorded.
  - i. Yard Waste and Brush shall be delivered to Recycling Drop-Off Area shall be placed in the appropriate designated area or receptacle. No material which is rejected for any reason shall be left at the Recycling Drop-Off Area.
- b. No plastic bags, Barrels, Solid Waste or other material shall be left in the Recycling Drop-Off Area.