

# STM Amended Motion – Article 20

## PROPOSED MOTION:

### §162-19. Introduction and Purposes

This bylaw is adopted pursuant to the Town's Home Rule authority, G.L. c. 40, § 3, G.L. c. 44, § 28C, and any other applicable authority. The Town of Stoughton has undertaken great efforts to modernize and reform its solid waste and rubbish collection programs. The Town maintains a comprehensive rubbish and solid waste collection program including regular schedules for rubbish and solid waste collection. The dumping, accumulation and neglect of rubbish and solid waste on Town property, streets and sidewalks is detrimental to the public health and welfare. It is a visual blight and is a potential threat to housing and community sanitation. This bylaw is adopted to promote the beautification of the Town's property, streets and sidewalks, to prevent unnecessary dumping and/or accumulation of rubbish and solid waste on the Town's streets, sidewalks and property, to promote housing and community sanitation, and to promote the Town of Stoughton's attractiveness to its existing and future residential and business community.

### §162-20. Authority

All regulations duly adopted by the Select Board concerning Town property or in its capacity as Road Commissioners as to the Town's streets and sidewalks, as well as any such regulations duly adopted by any other municipal office or entity having care, custody and control of municipal property, shall be enforceable under this bylaw.

### §162-21. Clean Streets and Sidewalks

Every owner or occupant of private property shall maintain his/her property free of any accumulation of rubbish and/or solid waste, and shall prevent any such materials from escaping to any other public or private property.

**Rubbish and solid waste shall include all commercial, industrial, individual or bulky items, as defined by Mass General Laws Chapter 111 and 21E, 105 CMR 410 or 310 CMR such as but not limited to household rubbish, construction debris, bulky items, white goods, etc. but shall not include any naturally occurring yard debris and/or snow or ice.**

Every owner or occupant of private property bordering on a street where there is a public or private sidewalk or footway shall maintain such sidewalk or footway free of rubbish and/or solid waste along the length of that owners and/or occupant's frontage.

No person shall place, allow, sweep into or deposit in any gutter, street, square or other public place the accumulation of rubbish and/or solid waste from any building or lot, or from any public or private sidewalk, footway or driveway.

Litter from commercial or nonprofit establishments shall not be thrown or deposited in any public litter receptacles by the owners, occupants, employees or agents of the commercial or nonprofit establishments.

Commercial or nonprofit establishments may maintain authorized litter receptacles for the use of the general public outdoors on private property or on the adjoining sidewalk in a manner not to inconvenience the use of the sidewalk by pedestrians.

No commercial, industrial, manufacturing, retail, or household rubbish or solid waste/bulk item shall at any time be placed on any property other than the owner's own property for collection.

#### §162-22. Compliance with Rubbish and Solid Waste Collection

In addition to the requirements of 162-5, no person shall place or leave any rubbish, solid waste and/or other materials of similar like and kind on any public street, right-of-way and/or side walk for collection in violation of the time periods established by the Select Board and, in any event, no earlier than ~~7 p.m.~~ **3 p.m.** prior to the day of collection and no longer than 7 p.m. the day of collection. After notice and opportunity to cure, the Town may remove any rubbish or solid waste in violation of the regulations established by the Select Board and shall impose a penalty therefor in accordance with Section 162-24 below.

#### §162-23. No Dumping on Town Property

No person shall place or leave any rubbish, solid waste and/or other materials of similar like and kind on any municipal property (including easements), unless a permit or license therefor has been granted by the office or entity having care, custody and control of that property.

#### §162-24. Violations and penalties, enforcement.

The Department of Public Works may refuse to collect rubbish and/or solid waste from any building or property whose owner or occupant violates this bylaw and/or any of the rules or regulations promulgated in furtherance of this bylaw.

In addition to, and not in place of any fees or charges otherwise due for the collection of rubbish or solid waste, an additional out of cycle service fee shall be assessed on the next utility bill as follows:

1. Out of cycle rubbish collection: \$100 per collection (in addition to regular collection fees and charges)
2. Out of cycle solid waste collection: \$200 per collection (in addition to regular unit price fees and charges)
3. Any other service: \$100 for first service;  
\$200 for second service within 12 months;  
\$300 for third service within 12 months.

In addition to or as an alternative to the above, the Town may, as it deems appropriate, initiate civil or criminal enforcement as the particular matter warrants including a civil action for injunctive relief, and nothing herein shall abridge or prohibit the Town from exercising any other rights it may have under the laws of the Commonwealth including but not limited to G.L. c. 270, § 16. Any individual violating this bylaw shall be required to remove any rubbish and/or solid waste disposed of in violation of this bylaw at his/her expense, or pay the costs of removal if removed by the Town or its agents or employees.