

**Ordinance Committee Meeting
Wednesday, February 15, 2017**

ITEM #1

BE IT ORDAINED by the City Council that Chapter 243-34B and 243-36B be and is hereby deleted and insert in place thereof the following:

First Offense:	\$100.00
Second Offense within the same calendar year	\$200.00
Third Offense and subsequent offenses within the Same calendar year	\$300.00

ITEM #2

Blighted and Vacant Buildings

Chapter 125-1

Purpose and declaration of policy.

It is hereby found and declared that there exist within the City of Chicopee numerous real properties which are in a blighted and/or vacant condition. Many of these properties are essentially abandoned. Some are in violation of multiple aspects of state and local building codes and sanitary codes. The owner of record is often a large financial institution located out of state, making enforcement of the code very difficult. These code violations include, among multiple other violations, unoccupied buildings susceptible to vandalism and/or open structures rendering them unsafe and dangerous, yards full of litter and trash, unlocked houses, unshoveled snow that renders sidewalks impassable, and overgrown grass and bushes.

The existence of such blighted and vacant properties contributes to the decline of City neighborhoods. It is further found that the existence of such blighted and vacant properties encourage temporary occupancy by transients, drug users and persons engaged in criminal activity; adversely affect the economic well-being of the City and the health, safety and welfare of the residents of the City; and create significant costs to the city by virtue of the need for constant monitoring and frequent boarding and securing.

It is further found that many of the blighted or vacant properties can be rehabilitated, reconstructed, demolished and/or reused so as to provide decent, safe and sanitary housing, or commercial facilities, and that such rehabilitation, reconstruction, demolition and/or reuse would eliminate, remedy and prevent the adverse conditions described above.

Chapter 125-2

Definitions.

For the purposes of this section, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise:

Blighted premises: shall mean any building, structure, parcel of land, or any part of a building or structure that is a separate unit, whether commercial or residential, in which at least one of the following conditions exist:

- (1) It is not being adequately maintained and secured as documented by the enforcement officer (as that term is defined herein) based upon, without limitation, the following factors: missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing fire damage; a foundation that is structurally faulty; accumulation of interior furniture outside, garbage, trash, junk, inoperable cars, boats, motorcycles or other inoperable machinery or other refuse (unless otherwise licensed to do so);
- (2) It has been cited for violations as documented by the building commissioner, the director of the board of health, the police chief, the fire chief and/or their designated agents, which violations have not been corrected;
- (3) It is attracting illegal activity as documented by the police department;
- (4) It is a fire hazard as documented by the fire department;
- (5) Because of fire, wind, or other natural disaster, or because of physical deterioration, it is no longer habitable as a dwelling or useful for the purpose for which it was originally intended;

- (6) Is a vacant building as defined hereunder; or
- (7) It is determined by the building commissioner and/or the health director that the building, structure or parcel of land is in a condition which poses a serious threat to safety, health, morals and general welfare of the City.

Building: shall mean an independent structure having a roof supported by columns or walls, resting on its own foundations and designed for the shelter, housing or enclosure of persons, animals or property of any kind.

Enforcement officer: shall mean the building commissioner, health director, police chief, fire chief and/or their designated agents.

Initiation of the foreclosure process: shall mean taking any of the following actions:

- (1) Taking possession of a residential property pursuant to M.G.L.A. c. 244 § 1;
- (2) Publishing the first notice of a residential property pursuant to M.G.L.A. c. 244 [§ 14](#); or
- (3) Commencing a foreclosure action on a residential property in either the land court or the county superior court.

Local agent: shall mean an agent located within 20 driving miles distance of the property in question.

Owner: shall mean any individual, business entity, voluntary association or nonprofit organization, which alone or jointly or severally with others:

- (1) Has legal title to any building, structure or property.
- (2) Has care, charge, or control of any such building, structure or property in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title.
- (3) Is a lessee under a written agreement.
- (4) Is a mortgagee in possession of any such property, or
- (5) Is an agent, trustee or other person appointed by the courts and vested with possession or control of such building, structure or property.
- (6) Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

Structure: shall mean anything erected at a fixed location on the ground to give support, provide shelter or satisfy other purposes (includes the term "building").

Vacant building: shall mean any commercial or industrial building in which no person or entity actually conducts a lawfully licensed business in such building; or any residential building in which no person lawfully resides in any part of the building; or a mixed use building in which neither a licensed business nor a lawful resident exists. Further, any building in which more than one half of the total exterior windows and doors are broken, boarded or open without a functioning lock shall be deemed "vacant."

Chapter 125-3

Creation or maintenance of blighted premises prohibited.

- (1) No owner of real property located within the City shall allow, create, maintain or cause to be created or maintained any blighted premises.
- (2)
 - a. *Investigation.* The enforcement officer(s) shall undertake an investigation of any alleged violation of this section upon their own initiative or upon receipt of a complaint from any individual, civic organization or other governmental agency.
 - b. *Orders to take corrective action.* Upon a finding of a violation of the provisions of this section the enforcement officer shall serve notice of the violation and an order to correct such violation upon the owner of the property by certified mail or by service in hand by a person duly authorized to do such. The order shall require the owner to take one or more of the following actions to bring the property into compliance with the requirements of this section within 30 days of receipt of such order:

1. To file a completed application and any required plans for a permit for repair or rehabilitation of the building or structure and a schedule indicating a completion date for such work or its various phases. All work performed pursuant to this subsection shall be completed within 180 days of the date that the order is received;
 2. To file a completed application and any required plans for a permit for demolition of the building or structure and a schedule indicating a completion date for such work or its various phases. All work performed pursuant to this subsection shall be completed within 180 days of the date that the order is received; or
 3. To take any other action that the enforcement officer deems necessary to correct the violations of this section in order to assist the city in protecting the public health, safety and welfare of its residents.
- c. *Recovery of costs.* Whenever a property owner fails, neglects or refuses to make repairs or take other corrective action specified in the order, the city may undertake such repairs or actions, when in its judgment a failure to make them will endanger the public health, safety and welfare.

Notice of the intention of the city to make such repairs or other corrective action shall be served on the owner by certified mail or by service in hand by a person duly authorized to do such.

When repairs are made or other corrective action taken by the city, the cost of such repairs shall constitute a debt in favor of the city against the owner of the repaired building or structure. In the event that the owner fails, neglects or refuses to pay the city the amount of the debt within 30 days of the receipt of the notice of the debt, the city may place a lien on the property for such debt/and or may initiate a civil action against the owner in a court of competent jurisdiction to recover the debt.

Chapter 125-4

Registration of vacant buildings required.

- (1) *Registration.*
 - a. Within 45 days of a building becoming vacant, each owner of such vacant building shall register said building with the City Building Department (hereinafter referred to as "the department"). All registrations must state the owner's name, mailing address and telephone number. The mailing address may not be a P.O. Box.

- b. If none of the owner(s) are at an address within the Commonwealth of Massachusetts, the registration shall also include the name, address and telephone number of a person who resides within the Commonwealth of Massachusetts, who shall be designated as a responsible local agent for purposes of securing and maintaining the property, for purposes of notification in the event of an emergency affecting the public health, safety and welfare, and for service of any and all notices issued pursuant to this section.
- c. The failure to timely register a vacant building shall be a violation of this section.

(2) *Registration fees.*

- a. On or before October 15 of each calendar year, the City Building Department shall send a billing statement setting forth the required registration fee, to each owner of a vacant building. However, the registration fee set forth in this section shall be due and payable on November 15 of each year regardless of the delivery or receipt of such billing statement.
- b. On or before November 15 of each calendar year, the owners of any vacant building shall pay to the City Building Department a registration fee to cover the administrative cost of monitoring and ensuring proper maintenance of such vacant buildings. The annual registration fee shall be based on the duration of the vacancy as of November 15 of such year according to the following schedule:
 - 1. Residential properties with one to three units, regardless of duration of vacancy—\$100.00.
 - 2. Residential properties with four or more units and any other property:
- c. A failure to pay timely the registration fee shall be a violation of this section and the full fee shall be imposed as a municipal charges lien on the property in accordance with M.G.L.A. c. 40, [§ 58](#), as voted by the City Council.

(3) *Maintenance requirements.*

- a. Properties subject to this section shall comply with 780 CMR 121.7 "Standards for making buildings safe or secure" and shall be maintained in accordance with all other applicable sanitary codes, building codes, and local regulation.
- b. The local owner or local agent must inspect and maintain the property on a monthly basis for the duration of the vacancy.

- c. The property must contain a posting with the name and 24-hour contact phone number of the local owner or local agent responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street.
- (4) *Appeal.* Any owner assessed a registration fee under this section shall have the right to appeal the imposition of such fee to the city board of health upon the filing of an application in writing, no later than 15 calendar days after mailing of the billing statement, or if a billing statement is not mailed, then no later than November 15. The appeal request shall be accompanied by a \$50.00 nonrefundable appeal cost. The appeal shall be limited solely to the issues of whether the building is vacant and how long the building has been vacant. The owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome on appeal. If the decision on appeal is adverse to the owner, the payment shall be due within ten calendar days of the board of health's decision.
- (5) Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice of occupancy to the board of health.

Chapter 125-5

Penalties and enforcement. This section shall be enforced by the building commissioner, the director of the board of health, the police chief, the fire chief or their designated agents.

Each separate offense of this section shall be punishable of a fine of not more than \$300.00. Each violation of any provision of this section shall be considered a separate offense and each day that any violation continues shall constitute a separate offense.

Upon failure to comply with any order issued under this section, the city may, in addition to other penalties and actions, bring civil or legal action against the owner to require compliance with the order.

The imposition of any fine shall not be constructed to prevent the enforcement of other laws upon the premises nor prevent the initiation of other enforcement measures or penalties. Failure to pay any fine arising from the enforcement of this chapter shall constitute a debt in favor of the city. The city may place a lien on the property for such debt/and or may initiate a civil action against the owner in a court of competent jurisdiction to recover the debt.

If any provision of this section is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

The provisions of this section are effective immediately upon passage and all provisions shall be enforced immediately, but no monetary fine shall be imposed pursuant hereto until 90 days after passage.

ITEM #3

BE IT ORDAINED by the City Council that Chapter 169-1 through 169-15, inclusive, be and is hereby deleted and insert in place thereof the following:

Chapter 169
Garbage, Rubbish and Refuse

Article I
Miscellaneous Provisions

§ 169-1 Definitions.

Definitions: For the purpose of this article, the following definitions shall be applicable:

ABANDONED VEHICLES

A class of waste which includes passenger automobiles, trucks and trailers which are useless, unwanted and/or discarded by their owners and have been left on City streets, other public places and on private premises.

ANIMAL WASTE

All wastes from stables, kennels, pet pens, chicken coops, veterinary establishments and the like.

ASHES

The residue from the burning of wood, coal, coke and other combustible materials.

BULKY WASTES

All large items of refuse that do not fit into the standard legal container or overflow bag including, but not limited to, appliances, furniture, mattresses, floor covering, large auto parts, boilers/furnaces, water heaters, large electronics, televisions and tires..

CONSTRUCTION AND DEMOLITION WASTES

All wastes that are the result of construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures.

CONTAINER

See definition of "standard legal container" in this section.

DEAD ANIMALS

Those that die naturally or from diseases or are accidentally killed or are intentionally killed. Condemned animals or parts of animals from slaughterhouses, dog hospitals or similar places are not included in this term, but are regarded as industrial refuse. It is the intent of this section to describe only small animals, such as dogs, cats, rabbits, squirrels, chickens and rats that find their homes within the wooded areas of the City or often serve as household pets.

GARBAGE

All animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HANDBILL

Any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper booklet or any other printed or otherwise reproduced original or copies of any matter of literature.

HAZARDOUS WASTE

All waste of a pathological, explosive, radioactive or toxic nature.

INDUSTRIAL WASTE

Consists of the solid waste materials from factories, processing plants and other manufacturing enterprises.

LITTER

Garbage, refuse and rubbish, as defined in this article and all other waste material which, if thrown or deposited as prohibited in this article, tends to create a danger to public health, safety, welfare or appearance.

LITTER RECEPTACLE

A litter storage and collection receptacle as required and authorized by regulations and ordinance of the Waste Disposal Division of the Public Works Department.

MARKET WASTE

That waste which generates from the wholesale and retail markets as a result of handling, storage and selling of poultry, fish, meat, vegetables and fruit. Included are large quantities of putrescible garbage along with some rubbish, such as wooden crates and cardboard.

NEWSPAPER

Any newspaper of general circulation as defined by general law; any newspaper duly entered with the Postal Service Department of the United States, in accordance with federal statute or regulation; any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

OVERFLOW BAG

A plastic bag of proper size, color and City markings. The cost of said plastic bags shall be set by the City of Chicopee and distributed by only City approved outlets. Overflow bags to be used to contain weekly garbage and rubbish that will not fit into the standard legal container for automated curbside trash collection.

PAPER

All paper products, including but not limited to, envelopes, books, magazines, newspapers, inserts, junk mail, catalogs, white and colored paper, shredded paper, corrugated cardboard, paperboard, paperback books, phonebooks, construction paper, gift wrap, gift bags, gift tissue paper and cards.

PARK

A park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

PERSON

Any person or his servant, agent, employee or representative, as well as firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES

Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continually uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE

Any and all streets, sidewalks, boulevards, alleys or public ways and any and all grounds and buildings under City ownership and/or control.

REFUSE

The total solid waste of the community.

RUBBISH

All waste consisting of a variety of both combustible and noncombustible solid waste materials of households, stores and institutions. Combustible rubbish consists of miscellaneous burnable materials; and, in general, it is the organic component of rubbish, such as paper, rags, cartons, boxes, wood, excelsior, bedding, rubber, leather, grass, leaves and other yard trimmings, as well as combustible inorganic materials such as plastics. Noncombustible rubbish, for the most part, consists of the organic components of rubbish, such as tin cans, metals, dirt, ceramics, glass and similar or like substances. Further, those portions of rubbish banned from landfill disposal, including recyclables, yard waste, and any waste ban material designated by the Massachusetts Department of Environmental Protection shall be separated in accordance with Chapter 223 (Recycling) and any other rules and regulations promulgated by the Superintendent of Public Works, under the direction of the Mayor and City Council.

STANDARD LEGAL CONTAINER

A set out container ("Toter") as provided by the City, overflow bag as defined above, or other yard waste bag or container as specifically approved by the City.

TOTER

A wheeled cart/container, distributed by the City, used for the collection of garbage, rubbish and/or recyclables. Said TOTER shall be of a size and design approved by the City to ensure mechanical lifting and loading by City collection vehicles.

VEHICLE

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

YARD RUBBISH AND YARD WASTE

Consists of prunings, grass clippings, weeds, leaves, tree branches up to and including three inches in diameter, and general yard and garden wastes.

§ 169-2 Appointment of Superintendent.

The Superintendent of Public Works shall be appointed by the Mayor and subject to City Council confirmation. The Superintendent of Public Works shall supervise, direct, and control City sanitation operations.

§ 169-3 Duties of Superintendent of Public Works .

The Superintendent, under the direction of the Mayor and the City Council, shall make rules and regulations in reference to the collection, temporary accumulation and packaging of garbage, ashes and rubbish. With the approval of the Mayor, the Superintendent may also make contracts for the collection of garbage, ashes and rubbish. This, however, shall not prevent the owner or occupant of the premises from removing his own garbage, ashes and rubbish.

§ 169-4 Limitations of sanitation service.

Sanitation services shall NOT extend to the following:

- (1) *Manufacturing Industries*
- (2) *Non-accessible properties*
- (3) *Multifamily residences greater than Four (4) family units. Exception: Residences greater than Four (4) family units receiving City curbside sanitation services as of July 1, 2016 shall be “grandfathered” and shall continue to receive sanitation services consistent with City rules and regulations unless opted out by the property owner.*
- (4) *Commercial, Industrial and Business Properties. Exception: Those commercial/business properties being provided curbside service as of July 1, 2016 shall be “grandfathered” and shall continue to receive sanitation services consistent with City rules and regulations unless opted out by the property owner.*
- (5) *The removal of any material which has accumulated as a result of building, remodeling, demolition or other construction activities.*

§ 169-5 Disposal of refuse; general restrictions.

- A. No person shall dump, throw or place any garbage, paper, ashes or rubbish on any public or private property, whether owned by such a person or not, within the City, except if it is in a *standard legal container* for collection or it is expressly approved by the Board of Health and the City Council.
- B. Garbage or mixed garbage and rubbish shall be stored in watertight receptacles with tight-fitting covers. Said receptacles and covers shall be of metal or other durable, rodent proof material. Garbage and rubbish shall be put out for collection no earlier than 12 hours prior to the day of collection and emptied containers shall be returned to storage areas on the same day as collections.
- C. *Rules for use of plastic bags:*
 - 1. Any type of plastic bag may be used to store garbage or mixed rubbish for placement inside a standard legal container.*

2. Plastic bags set out for curbside collection of garbage and rubbish outside the legal container shall be Overflow Bags as defined above.

3. The Board of Health may require that regular plastic bags or Overflow Bags be properly contained if it determines that a health problem exists on public or private property. In making its determination, the Board of Health shall consider, among other things, evidence of strewn garbage/rubbish, torn garbage bags or evidence of rodents.

D. Dumpsters.

(1) Semi-permanent garbage and rubbish receptacles (e.g. dumpster) shall not be located between the principal building and the street line or closer than six feet to any building used as a dwelling unit. Only dwellings that contain five or more dwelling units are permitted to have semi-permanent garbage and rubbish receptacles. This receptacle being any container that is used for normal household garbage and rubbish. Such receptacles shall be kept closed at all times when not in use and shall be constructed in such a manner as to stand secure from entry by children and animals.

(2) All dwellings with four dwelling units or fewer shall be included in the mandatory recycling program in accordance with Chapter 223.

(3) Temporary dumpsters located on residential properties shall only be allowed for a total of eight weeks and shall only be used for household demolition and/or construction debris. Prior to setting a temporary dumpster on said properties, the Property owner shall secure approval from the Health Department. If a temporary dumpster is to be located on City property, a permit must be obtained from the Department of Public Works. Any such dumpster shall have working flashing lights on both sides at night

E. The owner of any dwelling that contains three or more dwelling units, the owner of any rooming house and the occupant of any other dwelling place shall be responsible for providing at least three receptacles or one receptacle per occupant, when there are more than three occupants involved, for the storage of garbage and rubbish as are sufficient to contain the accumulation before final collection or ultimate disposal and shall so locate them to be convenient to the tenants and that no objectionable odors enter any dwelling.

F. The occupants of each dwelling, dwelling unit and rooming unit shall be responsible for the proper placement of their garbage and rubbish in the receptacles required in Subsection E above or at the point of collection provided by the owner.

G. Owners of multifamily dwellings.

The owner of any dwelling that contains three or more dwelling units, the owner of any rooming house and the occupant of any other dwelling place shall be responsible for the final collection or ultimate disposal or incineration of garbage and rubbish by means of:

(1) The regular municipal collection system.

(2) Any other collection system approved by the Board of Health.

(3) When otherwise lawful, a garbage grinder which grinds garbage into the kitchen sink drain finely enough to ensure its free passage and is otherwise maintained in a sanitary condition.

(4) When otherwise lawful, a garbage or rubbish incinerator located within the dwelling which is properly installed and which is maintained so as not to create a safety or health hazard.

(5) Any other method of disposal which does not endanger any person and which is approved in writing by the Board of Health.

§ 169-6 Disposal of refuse in bodies of water prohibited.

No person shall throw or deposit any refuse in any stream or other body of water.

§ 169-7 Transportation of refuse restricted.

No person or firm or other City or town shall transport or deliver or cause to be transported or delivered any rubbish, trash, demolition by-products, garbage or other waste materials to any location within this City from any location outside this City unless a permit for such transportation or delivery has been procured from the City Council and certified by the Board of Health that no health hazard or nuisance may be created by the introduction of such materials within this City.

§ 169-8 Dumping in City parks prohibited.

The dumping of rubbish or trash in City parks is forbidden. Violators will be liable to a penalty of \$100 for each offense.

§ 169-9 Responsibilities outlined.

- A. Owners of land. The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean and sanitary condition and free from garbage, rubbish or other refuse. The owner of such parcel of land shall correct any condition caused by or on such parcel or its appurtenance which affects the health or safety and well-being of the occupants of any dwelling or of the general public. **The owner of land and/or dwelling shall be responsible for compliance with the City's curbside overflow bag refuse collection program. The property owner shall also be ultimately responsible for compliance of the occupants of any dwelling with the provisions of this Chapter.**
- B. Occupants of dwelling units. The occupant of any dwelling unit shall be responsible for maintaining in a clean and sanitary condition and free of garbage, rubbish and other filth or causes of sickness that part of the dwelling which they exclusively occupy or control. **In addition, occupants of dwelling units shall be responsible for cooperating with the property owner in complying with this Chapter.**
- C. Occupants of dwellings containing fewer than three dwelling units. In a dwelling that contains fewer than three dwelling units, the occupant shall be responsible for maintaining in a clean and sanitary condition, free of garbage, rubbish and other filth or causes of sickness, the stairs or stairways leading to his dwelling unit and the landing adjacent to his dwelling unit if the stairs, stairways or landing are not used by another occupant.
- D. Common areas.
 - (1) In any dwelling, the owner shall be responsible for maintaining in a clean and sanitary condition, free of garbage, rubbish and other filth or causes of sickness, that part of the dwelling which is used in common by the occupants and which is not occupied or controlled by one occupant exclusively.
 - (2) The owner of any dwelling abutting a private passageway or right-of-way owned or used in common with other dwellings or which the owner or occupants under his control have the right to use or are in fact using shall be responsible for maintaining in a clean and sanitary condition, free of garbage,

rubbish and other filth or causes of sickness, that part of the passageway or right-of-way which abuts his property and which he or the occupants under his control have the right to use or are in fact using or which he owns.

§ 169-10 Storage in tree belts.

There shall be no storage of garbage, rubbish or refuse or recyclables of any kind on any tree belt, curb or public property except when contained with an approved standard legal container or overflow bag as defined above. Furthermore, those standard legal containers and overflow bags shall comply with the following:

- (1) Approved garbage/rubbish/refuse/recyclable containers may only be put out for collection no earlier than twelve (12) hours prior to the scheduled collection day.**
- (2) Approved garbage/rubbish/refuse/recyclable containers must be put out for collection no later than 7:00 a.m. on the scheduled collection day.**
- (3) Approved garbage/rubbish/refuse/recyclable containers must be placed on public property in a location accessible by City Collection vehicles. .**
- (4) Emptied garbage/rubbish/refuse/recyclable containers must be removed from public property on the same day of collection.**

Article II

Collection and Storage of Rubbish and Refuse

§ 169-11 Refuse, rubbish and garbage to become City property; prohibited acts; exceptions; violations and penalties.

- A. All refuse, rubbish and garbage which are placed on public property for collection purposes shall become the property of the City of Chicopee.**
- B. No person, except an individual acting within the course and scope of his or her agency or employment with the City of Chicopee, or private collector licensed by the City of Chicopee, shall remove from any place or premises in the City, or transport over public streets, any refuse, rubbish and garbage placed within a barrel, bag or other container.**
- C. No person shall enter onto private property for the purpose of collecting or inspecting rubbish, garbage, or recyclables, except the owner, occupant, manager, person in control of the premises, or a person employed to do so by the City of Chicopee or private collector licensed by the City of Chicopee who is then acting within the course and scope of his or her agency or employment.**
- D. The provisions of this section shall not prohibit:**
 - (1) Any person from gathering and removing refuse or cuttings generated by construction, landscaping or gardening on the property when the refuse and cuttings have not been set out for collection by the City of Chicopee or a private collector licensed by the City of Chicopee.**
 - (2) Any person from removing rubbish or garbage generated on property owned or controlled by that**

person.

- (3) The immediate removal by any person of rubbish or garbage which the Health Department, Police Chief, Fire Chief, Building Commissioner or their agents have determined to constitute a nuisance or an immediate threat to the public health, safety and welfare.
 - (4) Any nonprofit organization from collecting recyclables in any manner which does not conflict with this section or any other provision of this Code.
 - (5) Any person from gathering or removing refuse not contained within a barrel, bag or other container. Any such person shall file with the Superintendent of Public Works his or her name, address, contact telephone number, vehicle description and vehicle registration number.
- E. **Notwithstanding other specific provisions of Chapter 169**, violations of **Article I and Article II** are enforceable by the Chicopee Police Department, Chicopee Building Department, Chicopee Health Department or the Superintendent of Public Works or any of their designee(s). Any person or entity who fails to comply with any portion of this article shall be fined \$25 per day. A person or entity commits a separate offense for each and every day a violation continues.

§ 169-12 Rules for collection.

The following rules and regulations shall govern the **Municipal** collection of garbage, ashes and rubbish. When collection has been refused because of noncompliance with these regulations, no obligation shall remain with the City to furnish collection again until the next regular period. Furthermore, any fire hazard which becomes evident from such a refusal shall be reported to the proper authorities by the Superintendent of **Public Works**.

A. **Municipal** Collection schedule.

- (1) The collection of garbage, ashes and rubbish is to be made at least once a week from each structure, building, dwelling or trailer where housing accommodations exist **except as noted in Section 169-4, Limitation of Sanitation Service**. For the purpose of this subsection, a week shall be interpreted as starting in the a.m. on Sunday and ending on the following Saturday in the p.m.
- (2) Every structure, building, dwelling or trailer where housing accommodations exist **as noted in section A(1)** shall be made part of a zone and shall be assigned a regular day of the week (Zone 1— Monday, Zone 2— Tuesday, Zone 3— Wednesday, Zone 4— Thursday or Zone 5— Friday) for pickup. Collection of garbage, ashes or rubbish shall be on the regular day except in weeks where holidays prohibit such collection and in those instances shall be on the next following day. If a holiday falls on a Monday, Zone 1 shall be picked up on the next day (Tuesday), and each other zone shall be moved forward one day (Zone 2— Wednesday, Zone 3— Thursday, Zone 4— Friday, Zone 5— Saturday). If a holiday falls on a collection day other than Monday, the zone for that day shall be picked up on the next day, and each subsequent zone shall be moved forward one day. For instance, if a holiday occurs on Wednesday, Zone 1 shall be picked up on Monday, Zone 2 on Tuesday, Zone 3 on Thursday, Zone 4 on Friday and Zone 5 on Saturday.
- (3) Each holiday is to be corrected for within the week in which it occurs, and every week in which there is not a holiday shall have collection on the regularly assigned day. During the course of the year, garbage, ashes and rubbish shall be collected from every structure where housing accommodations exist **as noted in section A(1)** at least once a week.
- (4) The Superintendent of Public Works may petition the City Council for specific exemptions from

daily trash and/or recycling pickup. A positive vote of 2/3 of the City Council shall be required to grant such petition. Upon being granted such petition, the Superintendent of Public Works shall publish notice of such exemption at least one week before the date of the proposed canceled pickup.

- (5) In an emergency situation caused by weather or other unforeseen circumstance, the Mayor or his/her designee, who may be the Superintendent of Public Works, may exempt daily trash and/or recycling pickup. Upon such emergency exemption, the Superintendent of Public Works or his/her designee shall announce the exemption through local media outlets.
- B. All ashes, garbage, paper or rubbish shall be delivered to the curb for pickup per Section 169-10..
- C. Sidewalks shall be kept free from obstruction and cleared of snow to the curb line.
- D. **City collection employees will not enter onto private property to make collections.**
- E. No one shall obstruct any contractor or employee of the **Department of Public Works** in the performance of his duties.

§ 169-13 Rules for preparation of refuse and waste.

The following rules and regulations shall govern the preparation of all refuse and household waste for collection. The Department of Public Works will not pick up any refuse or household waste which fails to comply with these rules and regulations.

- A. **Approved Standard Legal Container for garbage and rubbish shall be the thirty-five (35) gallon City provided TOTER and shall not weigh more than seventy-five (75) pounds when filled. Cover on the TOTER must be reasonably closed for pick-up to occur. "Snow-coning" of garbage and rubbish in a TOTER is prohibited. The City shall empty one thirty-five (35) gallon City provided TOTER per pick-up location per week. Weekly garbage and rubbish which will not fit into the City provided thirty-five (35) gallon TOTER must be placed in approved OVERFLOW BAGS and set out next to the TOTER. Any and all garbage and/or rubbish not contained within a City provided TOTER or approved OVERFLOW BAG will not be picked-up by the City and shall be removed by the property owner.**
- B. Garbage **and Rubbish** shall be prepared for collection by being drained of all water and liquids.
- C. **Cardboard boxes and cartons shall be knocked down, flattened or collapsed. If the accumulation of cardboard is such that it cannot be placed inside the recycling TOTER, they shall be securely tied in bundles of not over 50 pounds and stacked next to the Recycling TOTER.**
- D. **All paper shall be protected from the weather and placed in the Recycling TOTER.**
- E. **Bulky waste, such as discarded furniture, mattresses, large electronics, tires, floor coverings, large appliances, and similar items will not be picked up by the City. Disposal of said bulky waste shall be the responsibility of the Owner.**
- F. **Yard waste must be placed at the curb in an accessible location separate from garbage, rubbish, and recyclables in accordance with the City's yard waste pickup schedule. Grass, leaves, garden clippings and small twigs must be placed in a standard legal container for yard waste—paper lawn/leaf bags, small cardboard boxes or a 32 gallon legal container. Small branches (3 inch diameter or less) should be tied in bundles of 4 feet or less. All yard waste should be kept dry and**

protected from the weather prior to collection. The weight of any bag, box, barrel or bundle shall not exceed seventy-five (75) pounds

G. Restricted materials; hazardous wastes.

- (1) Hazardous waste, as determined in conjunction with state and federal regulations, will not be collected by the City of Chicopee at curbside. Such material must be disposed of as required by federal, state and local law.
- (2) No person shall place any material at curbside which is listed as a restricted material in the state regulations on waste control (310 CMR 19.017) or is inconsistent with the City's disposal policy and contract provisions. Materials banned from curbside collection include, but are not limited to, batteries, tires, white goods (i.e., stoves, refrigerators, hot-water heaters), televisions and computers (i.e., monitors, hardware, keyboards) videogames, fluorescent lamps, electronic ballasts and medical waste.

§ 169-14 Curtailment of service.

No owner or occupant shall cause any service, facility, equipment or utility to be removed from or shut off from any occupied dwelling, except for such temporary period as may be necessary during actual repairs or alterations and where reasonable notice of curtailment of service is given to the occupant or during temporary emergencies when curtailment of service is approved by the Board of Health. If any such service or facility becomes curtailed, that person shall take immediate steps to cause its restoration.

§ 169-15 Authority to issue citations.

The Superintendent of Public Works and/or his/her designee and the Health Department, as authorized by the Mayor and the City Council, shall enforce the provisions of Chapter 169 and have the authority to issue citations wherein violations of this chapter will be subject to fines that will be determined and approved from time to time by the Mayor and the City Council. The Superintendent of Public Works shall have authority on City property or within the public right-of-way. The Health Department shall have jurisdiction on private property.

ITEM #4

East Main Street South side - 150 ft from the intersection with Broadway to CEL pole 2X - PARKING PROHIBITED

ITEM #5

Edward Street - West on Edward Street at intersection of Arcade Street - ISOLATED STOP SIGN

ITEM #6

Henry Harris Street – West side – entire length – PARKING PROHIBITED

ITEM #7

Bristol Street – Entire length – both ends – COMMERCIAL VEHICLES EXCLUDED

ITEM #8

Minutes – January 10, 2017

