

City of Salem, Massachusetts



"Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25 and City Ordinance Sections 2-2028 through 2-2033."

The City Council Committee ~~of~~ of the Whole _____

met in the Council Chamber on Thursday, May 9, 2013 at 6:45 P.M.

for the purpose of discussing the matter(s) listed below. Notice of this meeting was posted on

May 2, 2013 at 5:32 P.M.

(This meeting is being recorded.)

ATTENDANCE

ABSENT WERE: _____

SUBJECT(S)

#136 - Solid Waste Ordinance Amendment - Mandatory Recycling

Councillor O'Keefe is happy with City Solicitor's changes

Councillor Turkel moves to recommend approval
and Councillor Carr

Councillor Segal - instead of 1st week getting the letter
- they get letter 2nd week

Councillor Sargent wants to ~~use~~ use \$50K grant to buy
bigger recycle bins

Councillor Turkel agrees with Councillor Sargent


Councillor Sosnowski wants automatic pickup

Councillor Legault likes the changes made on the ordinance

Approved 11-0

On the motion of C. Prevay

the meeting adjourned at 7:10 P.M.


(Chairperson)

City of Salem

In the year two thousand and thirteen

An Ordinance mandatory recycling

Be it ordained by the City Council of the City of Salem, as follows:

Section 1. Chapter 36. Solid Waste Management is hereby amended by adding the following new paragraphs at the end of both sections 36-5 and 36-7:

“Massachusetts Code of Regulations, 310 CMR 19.017, the Massachusetts Department of Environmental Protection Waste Disposal Ban Regulations, imposes restrictions on the disposal or transfer for disposal of certain recyclable materials listed within the Regulation. To ensure conformance with the Regulations, any person who shall place solid waste curbside for collection by the City of Salem or its designated solid waste hauler shall simultaneously place curbside a designated recycling receptacle(s) containing waste prohibited from disposal and suitable for recycling under the city’s recycling program including aluminum containers, recyclable paper, metal, glass and single polymer plastics. To demonstrate compliance, in the event that recyclables are collected prior to the collection of solid waste suitable for disposal, an emptied recycling receptacle must remain curbside until the solid waste has been collected.

Any person violating this section shall receive a written notice mailed to the owner of the property outlining the requirement of this section after the first offense, a written warning shall be mailed to the owner of the property following a second offense, and a \$25.00 fine shall be imposed upon the owner of the property for a third and subsequent offenses. The Health Agent and his agents and the City Engineer and his designees shall have the power to enforce this section. Any fine issued by a city official may be appealed within 21 days of issuance to the City Collector/Hearing Officer.”

Section II. Chapter 36 is further amended by deleting section 36-9 in its entirety.

Section III. This ordinance shall take effect as provided by city charter.

In City Council February 28, 2013

Referred to the Committee of the Whole

In City Council March 28, 2013

Tabled until the next City Council meeting

In City Council April 11, 2013

Referred back to the Committee of the Whole for further review

ATTEST:

CHERYL A. LAPOINTE

CITY CLERK



CITY OF SALEM
LEGAL DEPARTMENT

93 WASHINGTON STREET ♦ SALEM, MASSACHUSETTS 01970
TEL: 978-745-9595 ♦ FAX: 978-744-1279

KIMBERLEY DRISCOLL
MAYOR

ELIZABETH RENNARD, ESQ.
CITY SOLICITOR

ROBIN STEIN, ESQ.
ASST. CITY SOLICITOR

To: Salem City Council

From: Elizabeth Rennard, City Solicitor *ER*

Re: Mandatory Recycling

Date: May 9, 2013

Enclosed herewith is a revised Ordinance to amend an Ordinance relative to Solid Waste Management-Mandatory Recycling, a proposed revised Mandatory Recycling Implementation Policy and a chart illustrating the steps found in the Ordinance and Policy.

The revisions shown in red are the recommendation of City Councilor Todd Siegel, specifically mandatory bi-weekly recycling, and Councilor O'Keefe, who requests the inclusion of a sentence clarifying that solid waste will be collected regardless of the placement of recyclables curbside. Both recommended changes have been approved by DEP officials.

thirteen

mandatory recycling

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Any person violating this section shall receive a written notice mailed to the owner of the property outlining the requirement of this section after the first offense, a written warning shall be mailed to the owner of the property following a second offense, and a \$25.00 fine shall be imposed upon the owner of the property for a third and subsequent offenses. The Health Agent and his agents and the City Engineer and his designees shall have the power to enforce this section. Any fine issued by a city official may be appealed within 21 days of issuance to the City Collector/Hearing Officer.”

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CITY OF SALEM, MASSACHUSETTS

Kimberley Driscoll
Mayor

Mandatory Recycling Implementation Policy (May 9, 2013)

The purpose of this policy is to provide guidelines for the implementation of the mandatory recycling ordinance. The goal of the ordinance is to improve recycling participation, thereby saving the City money on solid waste disposal; the goal is not to collect fines. The City will use all reasonable means to educate the public prior to issuing any warnings or fines.

Following adoption of the ordinance, there will be a three month "grace period" during which no warnings or fines shall be issued under the ordinance. During this period, the City will engage in a broad-based educational effort to make residents aware of the new policy and what its goals are. After the three month period has concluded, the following process will be in effect:

Process

1. All residents will be asked to have a marked recycling receptacle containing recyclable material present on those days when their trash is to be picked up, but shall not be required to do so more than every other week.
2. If the receptacle is not present for two consecutive weeks on the first week, the contractor (Northside Carting) will leave a warning notice sticker on the trash receptacle noting that this should be done.
3. If the recycling receptacle is not present in subsequent weeks, the following steps will be taken on each consecutive week that a receptacle is not present:
 - a. 3rdrd week: the Recycling Coordinator will leave a door hanger explaining the recycling process.
 - b. 4thth week: the Recycling Coordinator will try to phone the resident and landlord, if applicable, to discuss the matter.
 - c. 5thth week: the Recycling Coordinator will write a letter to the resident and landlord, if applicable, explaining how and why the City is encouraging recycling and what the next steps in the mandatory recycling ordinance are (warning letters and potential fine).
 - d. 5th week: the Recycling Coordinator will issue a warning letter to the resident and landlord, if applicable, indicating the resident (property owner) may be fined.
 - e. 7th week: the Recycling Coordinator will issue a second warning letter to the resident and landlord, if applicable, indicating the resident (property owner) may be fined.
 - f. 7th week: the City will issue a fine of \$25.

g. Any fine issued will be waived if there is demonstrated compliance in the 21 days following the fine or within appeal period landlord provides copy of lease executed prior to the adoption of mandatory recycling ordinance and which lease lacks requirement for tenant recycling. Fines will not be compounded.

h. Fines may be appealed to the City Collector/Hearing Officer.

Landlords shall be encouraged to specify in their lease documents that the tenant is responsible for any fines incurred as a result of non-compliance with the city ordinance.

CHART ILLUSTRATING STEPS IN ORDINANCE AS IT RELATES TO IMPLEMENTATION POLICY (MAY 9, 2013)

PROPOSED MANDATORY RECYCLING ORDINANCE	PROPOSED MANDATORY RECYCLING IMPLEMENTATION POLICY
1 st Offense: Written Notice to Owner	1 st Offense: a. After 120 grace period, Notice on trash barrel (week 2)
2 nd Offense: Written Warning of Fine to Owner	b. Door Knocker Placed with Notice (week 3)
3 rd Offense: \$25 Fine to Owner	c. Call is made to Owner and Tenant(s) (week 4)
Fines may be appealed within 21 days of issuance	d. Written Notice to Owner/Tenant (week 5)
	2 nd Offense: a. 1 st Written Warning of Fine to Owner/Tenant (week 6)
	b. 2 nd Written Warning of Fine to Owner/Tenant (week 7)
	3 rd Offense: \$25 Fine to Owner (week 8)
	Fines may be appealed within 21 days of issuance; Fines to be waived if demonstrated compliance within 21 days of issuance or within the appeal period landlord provides a copy of lease executed prior to the adoption of the mandatory recycling ordinance and which lease lacks a requirement for tenant recycling