

Chapter 8.24 REFUSE AND LITTER

8.24.010 Purpose.

~~It is the intent of the City Council that this chapter be liberally construed for the purpose of~~ The purpose of this Chapter is to provide ~~ing~~ a sanitary and satisfactory method of handling, collecting and disposing of refuse and for the maintenance of public and private property free of litter in a clean, orderly and sanitary condition for the appearance, health and safety of the community.

(Ord. 1152 (part), 1993: prior code § 17-71)

8.24.020 Definitions.

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

- A. "Aluminum" means aluminum cans, aluminum foil, and aluminum containers or trays used in packaging, preparation or cooking of food.
- ~~B. "Authorized Food Waste Receptacle" or "Food Waste Ceart" means a receptacle that contains compostable materials as defined herein, or other containers defined in regulations written pursuant to Section 8.24.070.~~
- ~~B. "Authorized litter receptacles"~~ C. "Authorized Litter Receptacles" means receptacles for the use of the general public placed outdoors by the City or by private persons on either public or private property. The receptacles shall be designed so as to prevent the escape of litter onto any public or private property. The receptacles may be identified by an appropriate sign, furnished either by the City or the owner, which includes the statement, "No Littering Under Penalty of Law. Fine \$50.00."
- ~~C. "Authorized Overflow Rubbish Bag" means a heavy-duty plastic bag that is not less than three mils thick, and is flytight, rodent resistant, waterproof, and fastened tightly. Such bags may not exceed 50 pounds.~~
- ~~E. "Authorized Recycling Receptacle" or "Toter", means a receptacle that contains recyclable materials, or "Toter" recycling receptacle" means "household recycling receptacle (otherwise known as household recycling bin)", "toter" or "paper leaf bag", as defined herein, or other containers defined in regulations written pursuant to Section 8.24.070.~~
- ~~F. "Authorized Refuse Receptacles"~~ D. "Authorized Rubbish Receptacles" means authorized recycling receptacles, Authorized Food Waste Receptacles, Authorized Overflow Rubbish Bags, Authorized Rubbish Receptacles, Authorized Yard Waste Receptacles, and ~~authorized rubbish receptacles, including dumpsters licensed pursuant to Chapter 8.25.~~
- ~~G. "Authorized Rubbish Receptacles"~~ E. "Authorized Rubbish Receptacles" means receptacles that contain rubbish generated by owners or occupants of the private property where they are located that are awaiting collection and are kept outdoors on private property or set out for curbside collection including dumpsters licensed pursuant to Chapter 8.25. They shall be constructed preferably of heavy plastic (not plastic bags) or of metal, with tight-fitting covers, and shall be flytight, rodent resistant, nonflammable and waterproof, provided, however, that dumpsters shall be kept in accordance with the requirements of Chapter 8.25 of this Code. ~~On the day of pick-up only, heavy plastic bags of not less than three mil that are flytight, rodent resistant, non-flammable and waterproof, fastened tightly with wire, strings or tape, may be set out for curbside collection. Authorized rubbish receptacles for City rubbish collection, other than dumpsters licensed pursuant to Chapter 8.25 shall not exceed fifty-gallon capacity, and shall not exceed fifty pounds per container, or one hundred fifty pounds per~~

~~household per week. Limitation on size or weight does not apply to authorized rubbish receptacles for private collection.~~

H. "Authorized Yard Waste Receptacle" means paper leaf bag or receptacle provided by owners or occupants of a property.

I.F. "Cans" means all containers composed in whole of iron or steel (~~so-called i.e.~~ tin cans) used as containers for the packaging or storage of various food and non-food items including empty aerosol cans, except containers that contain paint or petroleum-based solvents.

J.G. "Commercial establishment" means any nonresidential building, including, but not limited to, those used for retail, wholesale, industrial, manufacturing, dining, offices, professional services, automobile service, hotels and motels, restaurants, or shipping and receiving areas.

K. "Commissioner" shall mean the Commissioner of Public Works of the City of Cambridge.

L. "Compostable Materials" or "Compostables" means food scraps (any waste from food and any food product) and other compostable items as may be defined in rules & regulations.

K.1 "Commissioner" shall mean the Commissioner of Public Works of the City of Cambridge

M.H. ~~"Corrugated cardboard" means paper in which a portion has been made to have a wavy surface (alternating ridges and grooves) and is placed between two flat surfaces for the sake of strength, and which is commonly used to form cartons.~~

I. "Glass containers" means bottles and jars of any color, made of silica, sand, soda ash, and limestone, being transparent or translucent, and used for packaging or bottling various materials. This does not include plastics or glass products such as window glass, blue glass, flat glass, mirrors, plate glass, light bulbs, dishes or ceramics.

J. ~~"Household recycling receptacle" means a container, up to 20 gallons in size, used to store recyclables before they are collected in the curbside recycling program.~~

K.N. "Leaves" means deciduous and coniferous seasonal deposition from trees.

Q.L. "Litter" means all refuse, and includes any other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger or nuisance to public health, safety or welfare.

P.M. "Magazines" means publications printed on glossy, clay-coated paper.

Q. "Mattresses" means box springs and resilient material or combination of materials that is enclosed by ticking, used alone or in combination with other products, that is intended for sleeping upon, except for mattresses that are contaminated with mold, bodily fluids, insects, oil, or hazardous substances. Mattresses does not include mattress pads, mattress toppers, sleeping bags, pillows, car beds, carriages, baskets, dressing tables, strollers, playpens, infant carriers, lounge pads, crib bumpers, liquid or gaseous filled ticking, including water beds or air mattresses that do not contain upholstery material between the ticking and the mattress core, or mattresses in futons or sofa beds.

R.N. "Multifamily dwelling" means any place of residence with seven or more dwelling units, including apartments, cooperatives, condominiums, group houses, rooming houses or boardinghouses.

S.O. "Newspaper" means newsprint-grade paper, the common, inexpensive machine-finished paper made chiefly from wood pulp, which is printed and distributed, and includes all newspaper advertisement, comics and enclosures. This does not include newspaper soiled by food, paint, petroleum products, oil or oil solvents, or other solid wastes that are not recyclable.

T.P. "Nonprofit establishment" means an established organization or foundation dedicated to public service or culture, including, but not limited to, religious, educational and health care functions.

U.Q. "Occupant" means any person living, sleeping or cooking in, or conducting any commercial or nonprofit activity, or having actual possession of any residence and/or building or part thereof.

V. "Other Recoverable Materials" means any type of refuse designated to be separated from rubbish by the Commissioner of Public Works through rules and regulations issued under this chapter. It includes but is not limited to Textiles, Mattresses, and Yard Waste.

WR. "Owner" means any person or entity which alone or jointly or severally with others:

1. Shall have legal or equitable title to any private property with or without accompanying actual possession thereof; or
2. Shall have charge, care or control of any private property as owner or agent or as executor, administrator, trustee or guardian of the estate of the owner or any other person in a representative capacity.

XS. "Paper leaf bag" shall be a sanitary Kraft Paper Sack or equal of thirty-gallon capacity, two-ply fifty-pound wet strength with decomposing glue and reinforced self-supporting square bottom closure.

YZ. ~~T. "Recyclable Plastic" means clear and colored plastic bottles and jugs marked #1-#7 with the exception of Styrofoam and plastic film or bags.~~

U. ~~"Recyclable materials" or "Recyclables"~~ means any type of refuse designated by the Cambridge Commissioner of Public Works through rules and regulations issued under this chapter to be separated for recycling ~~or composting.~~

Z. ~~"Recyclable Plastic" means clear and colored plastic bottles, tubs and jugs marked #1-#7 with the exception of Styrofoam and plastic film or bags.~~

AAV. "Refuse" means all solid waste generated by occupiers of land in Cambridge, excluding construction demolition debris.

BBW. "Residential dwelling" means any residential building, including single-family homes, apartment buildings, buildings containing cooperatives and condominiums, group houses, rooming houses or boardinghouses.

CCX. "Rubbish" means all refuse excluding recyclable materials, compostable materials and other recoverable materials.

DD. ~~CC1—"Solid Waste Hauler License" means a required annual license for a private refuse or rubbish collector to operate in the City of Cambridge for that calendar year, as issued by the License Commission, such license to be issued pursuant to rules and regulations promulgated by the Commissioner.~~

EEY. "Sorted office paper" means printed or unprinted sheets, shavings and cuttings of colored or white sulphite or sulphite ledger, bond, writing and other paper which have a similar fiber and filler content, and which are free of treated, coated, padded and heavily printed paper, carbon paper and nonpaper materials.

FF. ~~"Textiles" means clothing, footwear, bedding, towels, curtains, fabric, and similar products, except for textiles that are contaminated with mold, bodily fluids, insects, oil, or hazardous substances.~~

Z. ~~"Toter" means a central collection container used for storage of recyclable materials between pickups from numerous households in a multifamily dwelling and compatible with collection equipment used by the City's recyclables collection contractor.~~

GGAA. "White goods" means major kitchen and laundry appliances including, but not limited to, stoves, washers, refrigerators and dryers. Nothing in this definition shall waive compliance with the rules and regulations for the generation, transportation, storage, and disposal of hazardous waste.

HH. BB- "Yard waste" means grass clippings, leaves, weeds, hedge clippings, garden waste, and twigs and brush not longer than threetwo feet in length and one-half inch in diameter.

(Ord. 1328, 9/14/2009; Ord. 1293, Amended, 12/19/2005; Ord. 1152 (part), 1993: prior code § 17-72)

8.24.030 Private property owners and occupants—Duties.

A. Residential Property.

1. Every owner (or occupant or owner's agent if designated in a written agreement) of a residential property or dwelling unit, shall supply ~~A~~uthorized ~~R~~efuse ~~R~~eceptacles sufficient to contain all refuse accumulated between collection days ~~;~~ Owners must provide enough collection capacity to capture all recyclables and compostables generated on-site. Residential properties that participate in the City's curbside collection program for rubbish, recyclables, compostables or yard waste must use receptacles as specified by the Commissioner of Public Works through rules and regulations.
2. Every owner (or occupant or owner's agent if designated in a written agreement) of a dwelling unit shall cause the shared or common areas of the dwelling, its premises and yard area, and the adjoining sidewalk and gutter to be maintained in compliance with Sections 8.24.040 and 8.24.140 of this chapter.
3. Every occupant (or owner's agent if designated in a written agreement) shall store and dispose of all refuse in a clean and sanitary manner in compliance with Sections 8.24.070, 8.24.090, 8.24.110, and 8.24.130 through 8.24.170 of this chapter.
4. Every owner (and owner's agent if such agent is legally required and is designated in a written agreement) of a dwelling in which ~~he~~ they do not reside, shall be severally and jointly responsible for maintaining the entire premises including the yard area and the adjoining sidewalk and gutter in compliance with this chapter.
5. Every owner of any residential dwelling with 3 or more units in which the owner does not reside shall have posted contact information for the owner (or owner's agent who is responsible for the maintenance of the premises if designated in a written agreement) in a location visible from the outside entrance, which posting shall be on a durable material no smaller than 20 square inches.

- B. Private Property Occupied by Multifamily Dwellings, Commercial or Nonprofit Establishments. Every owner (or occupant, if designated in a written agreement) shall supply a sufficient quantity of authorized refuse receptacles in compliance with Sections 8.24.070, 8.24.090, 8.24.110 and 8.24.120 through 8.24.160, of this chapter. If refuse is not collected by the City, arrangements shall be made for adequate and regular private collection of refuse in compliance with Sections 8.24.070 through 8.24.160 of this chapter.

(Ord. 1328, 9/14/2009; Ord. 1293, Amended, 12/19/2005; Ord. 1152 (part), 1993: prior code §17-74)

8.24.040 Private property owners and occupants—Keeping premises and adjacent areas free of litter.

- A. Maintenance of Private Property. Every owner or occupant of private property shall maintain ~~his~~ their property free of any accumulation of litter, and shall prevent any litter from escaping to any other public or private property.
- B. Maintenance of Sidewalks.
1. 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 and the adjoining gutter to the center of the street free of litter and yard waste.
 2. Every owner or occupant of private property shall cut and dispose of weeds in any yard area or vacant lot, or around any public or private property.

-
3. No person shall sweep into or deposit in any gutter, street, square or other public place the accumulation of litter or yard waste from any building or lot, or from any public or private sidewalk, footway or driveway.

C. Litter From Residential, Commercial or Nonprofit Establishments.

1. Litter from residential, commercial or nonprofit establishments shall not be thrown or deposited in any public litter receptacles by the owners, occupants, employees or agents of the residential, commercial or non-profit establishments.
2. 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. The establishments are encouraged to identify such authorized litter receptacles as described in Section 8.24.020 of this chapter and the establishment shall cause the receptacles to be emptied regularly.

(Ord. 1152 (part), 1993: prior code § 17-75)

(Ord. 1310, Amended, 10/29/2007)

8.24.050 City's duties and responsibilities.

- A. The City shall maintain regular schedules of street cleaning, and shall post signs City-wide and otherwise publicize by all appropriate means the schedules of regular street cleaning times.
- B. The City shall maintain regular schedules of refuse collection subject to the provisions of Sections 8.24.070, 8.24.090, 8.24.130 and 8.24.140 of this chapter, and shall publicize the schedules by all appropriate means.
- C. The City shall maintain and service authorized litter receptacles in the City.
- D. The City shall require all federal, state and local government organizations to comply with the regulations in Sections 8.24.040, 8.24.070 through 8.24.160 and 8.24.240 of this chapter, for owners of private property and for commercial or nonprofit establishments.

(Ord. 1152 (part), 1993: prior code § 17-81)

(Ord, 1310, Amended, 10/29/2007)

8.24.070 Mandatory separation of recyclable, compostable, and other recoverable materials~~recycling~~.

- A. Purpose and Declaration of Policy. This section has been created because of the great interest of the people of Cambridge in preserving the environment by reducing the amount of refuse sent to landfills and incinerators. It shall be the policy of the City to reduce the amount of rubbish~~solid waste~~ generated and to require the diversion~~recycling~~ of recyclable materials, compostable materials, and other recoverable materials from refuse to the fullest extent possible.
- B. Establishment of Program. There is established a program for the mandatory separation of certain~~recyclable materials, compostable materials, and other recoverable~~ materials from refuse which shall apply to all buildings in Cambridge, including Commercial Establishments, Nonprofit Establishments, Residential dwellings, and Multifamily Dwellings. This and shall be carried out under the supervision of the Commissioner ~~of the Cambridge Department of Public Works, (DPW).~~
- C. Mandatory Separation of Recyclable~~Materials~~. It shall be mandatory for each owner or occupant in Cambridge, including Commercial Establishments, Nonprofit Establishments, Residential dwellings, and

Multifamily Dwellings, to separate all designated recyclable materials, compostable materials, and other recoverable materials from other refuse in accordance with the provisions of this section. These ~~mandatory recycling~~ requirements shall apply to all buildings without regard to whether the building's solid waste is collected by the City.

- ~~1. Buildings Which Receive City Solid Waste Collection Services. It shall be mandatory for each owner or occupant of a building which receives City solid waste collection services to separate from other refuse all recyclable materials designated by the Commissioner in rules and regulations issued under this section. Owners of multifamily dwellings shall submit a recycling plan to the Commissioner or his or her designee in accordance with subsection E of this section. This requirement shall also apply to all City-owned buildings, including schools.~~
- ~~2. Buildings Which Do Not Receive City Solid Waste Collection Services. It shall be mandatory for each owner or occupant of a building which does not receive City solid waste collection to separate all designated recyclable materials from other refuse in accordance with a recycling plan to be submitted to the Commissioner or his or her designee, in accordance with subsection E of this section.~~

D. Collection of Recyclable and Compostable Materials.

1. Residential Dwellings.

- ~~a. At the discretion of the Commissioner of Public Works, the City may provide a suitable number of Authorized Recycling Receptacle(s) authorized recycling, Authorized Food Waste Receptacle(s) and Authorized Rubbish Receptacle(s) rubbish receptacles to buildings. As long as funds are available, the City will provide one household recycling receptacle to each dwelling unit in residential dwellings with six or fewer units that are not primarily used to house students and/or staff of nonprofit establishments. The City shall retain ownership of all its household recycling receptacles and the resident of each dwelling unit shall take proper care to protect such receptacle from loss or damage. Receptacles that are lost or stolen will be replaced by the City as long as the City's supplies last. After City supplies are depleted, it shall be the responsibility of the resident of each dwelling unit to obtain a suitable replacement within forty-five days. In such buildings, the materials designated for recycling in rules and regulations promulgated by the Commissioner shall be placed in the household recycling receptacles.~~
- ~~b. As long as funds are available, the City will provide a suitable number of household recycling receptacles and/or totes to buildings with seven or more units that are not primarily used to house students and/or staff of nonprofit establishments. The number of authorized household recycling, Food Waste, and rubbish receptacles and/or totes to be provided shall be determined by the City for each individual building. The City shall retain ownership of all its household recycling, Food Waste receptacles and rubbish cartstotersfurnished receptacles as referenced herein, and the owner or owners of the building shall take proper care to protect such containers from loss or damage. If the containers are lost or brokenstolen, it is the responsibility of the owner or owners of the building to obtain a suitable replacement within fifteenforty-five days in accordance with rules and regulations to be issued by the Commissioner under this section. MaterialsIn such buildings, the materials designated asfor Recyclablesrecycling or CompostablesFood Waste collectionin rules and regulations promulgated by the Commissioner shall be placed in the respective authorizedhousehold recycling and Food Waste receptacles, and/or totes. If owners or occupants desire or require Rrecyclables, Ceompostables and Rrubbish collection from a location on private property, collection more than once a week, or larger containers than the City provides, they must arrange for private collection of Rrecyclables, Ceompostables and Rrubbish and are responsible for the costs of collection.~~
- ~~be. During the leaf and yard waste collection season, owners or occupants shall place their leaves and yard waste in authorizedpaper leaf bags (as defined in subsection C of this section) or open barrels to be provided by the owner or occupant. Barrels must be marked with City-approved yard waste receptableslabels. However, if the owner or occupant employs a commercial~~

landscaping company, the landscaping company is responsible for hauling away the leaves and yard waste from the owner's property.

- ~~cd.~~ The preparation and placement of ~~all Rrefuserecyclables~~ shall be accomplished in accordance with rules and regulations to be issued by the Commissioner under this section.
- ~~d.~~ ~~Recyclables e.~~ ~~— All recycling containers and Ceompostables receptacles shall be placed out for collection shall be set out according on the outer edge of the sidewalk, so as not to obstruct the free passage of pedestrians, or in such other place and on days specified by the Commissioner in rules and regulations. Recyclable materials and Ceompostable materials to be issued under this section.~~
- ~~f.~~ ~~Recyclables shall not be placed in plastic garbage bags for collection, removal or disposal. Recyclables~~ shall not be placed in the same refuse containers as rubbish or mixed with rubbish or litter for collection, removal or disposal. If separation of ~~Rrecyclable Mmaterials or Ceompostable Mmaterials~~ from rubbish does not take place, the City may ~~issue a violation and/or~~ decide not to collect said rubbish.
- ~~eg.~~ Upon placement of ~~Rrecyclables~~ for the City or its contractor at the curbside, pursuant to this subsection, such ~~Rrecyclables~~ shall become the property of the City. It shall be a violation of this section if any person, other than authorized agents of the City acting in the course of their employment or contract, collects or causes to be collected any ~~Rrecyclables so placed~~. Each and every such collection in violation of this subdivision from one or more locations shall constitute a separate and distinct offense. ~~In addition to the penalty provided in subsection I of this section, any violator of this subsection shall make restitution to the City for the value of recyclables illegally removed.~~
2. Commercial and Nonprofit Establishments. In commercial ~~and~~ nonprofit establishments, the ~~Rrecyclable Mmaterials, Ceompostable Mmaterials and Oother Rrecoverable Mmaterials designated for recycling in rules and regulations promulgated by the Commissioner~~ shall be ~~separated from rubbish, placed in recycling receptacles provided by the owner or owners of such buildings.~~ The owner or owners of such buildings shall be responsible for the costs of ~~all such recyclables~~ separation and collection. Any savings in solid waste disposal realized due to ~~diversion recycling~~ shall accrue to the owner or owners of such buildings. The owner or owners of such buildings shall submit ~~Zero Waste Plans recycling plans~~ to the Commissioner in accordance with subsection E of this section. The Commissioner shall have the authority to require documentation from ~~the City's Rrecyclables or Ceompostables~~ collection contractors and from any owner, lessee or tenant of a building which does not receive City ~~Rrecyclables or Ceompostables~~ collection services, that ~~Rrecyclables and Ceompostables~~ are being delivered to a broker or end market that causes the material to be recycled or ~~otherwise diverted/composted~~ rather than landfilled or incinerated.
- E. ~~Zero Waste~~Recycling Plans.
1. ~~Owners All property owners of multifamily dwellings, nonprofit establishments, and commercial establishments property whose recycling is not collected by the City~~ are required to submit ~~Zero Waste Plans recycling plans~~ to the Commissioner ~~as upon request.~~
2. ~~Contents of Planas.~~ Each recycling plan will cover the following items:
- a. ~~Which recyclables will be put out for collection;~~
- b. ~~Frequency of collection;~~
- c. ~~Methods to be used for collection, including types of containers;~~
- d. ~~Any other items which may be specified in rules and regulations established pursuant to this chapter. Information required in Zero Waste s specified in rules and regulations promulgated by the Commissioner, r under this section.~~
-

3. ~~Format of Plan. Plans shall be submitted in a format to be specified in rules and regulations promulgated by the Commissioner under this section.~~

- F. ~~Recyclable Materials and Compostable Materials.~~ The ~~R~~ecyclable ~~M~~aterials ~~and C~~ompostable ~~M~~aterials to be separated shall be designated by the Commissioner in rules and regulations to be issued under this ~~Chapter~~section. If the Commissioner designates a material as recyclable ~~or compostable~~, such designation shall govern the treatment of such material ~~notwithstanding the provisions of any ordinance to the contrary.~~
- G. ~~Waste Reduction~~Recycling Advisory Committee. There is established a ~~Waste Reduction~~Recycling Advisory Committee. The Committee, as requested, shall provide advice, assistance and recommendations to the Commissioner regarding ~~the Zero Waste initiatives.~~recycling program. The Committee shall be appointed by the City Manager, and shall consist of at least nine persons with a demonstrated interest in recycling, food waste diversion, waste reduction and community engagement, at least six of whom are residents of Cambridge. ~~The Committee members should represent~~ At least one member chosen shall be a wide rangeuser of perspectives including familiarity~~or familiar~~ with the City's Recycling Dropoff Center, ~~one member shall represent~~ the private real estate industry (apartment management), affordable housing communities,~~and one member shall be a designee of the Cambridge Housing Authority. One member shall represent~~ the business community, and/or ~~and one member shall represent~~ nonprofit institutions. The term shall be three years. The Commissioner, or ~~his or her~~their designee, shall be an ex officio member of the Committee.

(Ord. 1152 (part), 1993: Ord. 1137, 1992: Ord. 1117 (part), 1991)

(Ord. 1310, Amended, 10/29/2007)

8.24.090 Receptacles—Sidewalk placement time restrictions.

Whoever desires the removal of refuse from private property shall cause the refuse to be placed in ~~A~~authorized ~~R~~efuse ~~R~~eceptacles and to be set in an easily accessible place upon the sidewalk. ~~With the exception of A~~authorized ~~O~~verflow ~~R~~ubbish ~~B~~ags.~~The A~~authorized ~~R~~efuse ~~R~~eceptacles shall be placed on the sidewalk no earlier than ~~six 6:00~~ p.m. of the day immediately prior to the day of collection as designated by the Commissioner ~~of Public Works~~ for collection for the area where the premises are located and shall be removed from the sidewalk no later than ~~six 6:00~~ p.m. of the day of collection. Authorized Overflow Rubbish Bags shall be placed on the sidewalk no earlier than 5:00 a.m. on the day of collection. The ~~A~~authorized ~~R~~efuse ~~R~~eceptacles shall not be placed upon the sidewalks in a manner to inconvenience the use of the sidewalks by pedestrians.

(Ord. 1152 (part), 1993: prior code § 17-76(d))

(Ord. 1293, Amended, 12/19/2005)

(Ord. 1310, Amended, 10/29/2007; Ord. 1293, Amended, 12/19/2005)

8.24.100 Receptacles—Screening from public view.

Every owner or occupant of private property may maintain authorized rubbish receptacles outdoors on such private property provided the receptacles are screened from the view of public streets and sidewalks.

(Ord. 1152 (part), 1993: prior code § 17-76(a))

8.24.110 Private collectors—Methods of storage, collection and disposal.

The Commissioner ~~of Public Works~~ shall have the right to specify the times and methods of storage, collection and disposal of refuse by any private collector. A private collector is prohibited from operating or

hauling refuse in the City of Cambridge without a valid Solid Waste Hauler License issued by the CommissionerCity. Any individual collection of any refuse or rubbish without a valid Solid Waste Hauler License shall be considered a separate and distinct violation of this Chapter. All private collectors shall be required to confirm that Rubbish, Recyclables and Compostables are separated by building owners and occupants into separate their respective containers and are not disposed of separately as rubbish.

- A. A private collector shall provide its commercial customers with informational materials detailing its recyclables and/or compostables services and educational materials regarding waste diversion.
- B. Upon filing for an initial or renewal Solid Waste Hauler License, a private collector shall provide an annual report that contains the following information for the preceding year:
 - 1. List of commercial customers and what services they receive from the collector;
 - 2. The number and total percentage of commercial customers that use the collector's recyclables and/or compostables collection program(s);
 - 3. An estimated amount of Rubbish, Recyclables and Compostables collected (in tons); and
 - 4. A description of its customer education materials related to waste diversion services.

(Ord. 1152 (part), 1993: prior code § 17-76(k))

8.24.120 Commercial or nonprofit establishments or multifamily dwellings—Frequency—Receptacle specifications.

- A. The Commissioner of Public Works may, at ~~his or her~~their discretion, and if the public convenience and necessity so require, determine that the volume of refuse from a commercial or nonprofit establishment or multifamily dwelling is beyond the capacity of the Department of Public Works to collect or dump, and upon making such a determination, the Commissioner shall so notify the owner, manager, tenant or occupant of the commercial or nonprofit establishment or multifamily dwelling that the City will not collect refuse from the commercial or nonprofit establishment or multifamily dwelling and that the owner, manager, tenant or occupant of the commercial or nonprofit establishment or multifamily dwelling shall apply for a dumpster license if applicable, and shall arrange for private collection in accordance with Chapter 8.25.
- B. All refuse awaiting private collection shall be in refuse receptacles which shall contain only refuse generated by owners or occupants of the private property where they are located and shall be flytight, rodent resistant, nonflammable and waterproof, and shall be so constructed as to prevent the escape of litter onto public or private property, provided, however, that dumpsters shall comply with the provisions of Chapter 8.25. All such refuse receptacles shall be kept on private property at all times and not on public streets or sidewalks. All such refuse receptacles in residentially zoned areas or within thirty feet of such an area shall be screened from view by being completely enclosed by a fence at least six feet in height.

(Ord. 1328, 9/14/2009; Ord. 1310, Amended, 10/29/2007; Ord. 1293, Amended, 12/19/2005; Ord. 1152 (part), 1993: Ord. 1126, 1991; prior code § 17-76(l))

Editor's note(s)—Ord. 1328, adopted September 14, 2009, changed the title of section 8.24.120 from "Commercial or nonprofit establishments—Frequency—Receptacle specifications" to "Commercial or nonprofit establishments or multifamily dwellings—Frequency—Receptacle specifications." The historical notation has been preserved for reference purposes.

8.24.130 Oversize items—Collection procedures.

Large bulky items of refuse such as refrigerators, air conditioners, stoves, ~~mattresses~~ and other bulky appliances will be collected by the City only by special arrangement with the Department of Public Works. Persons desiring such collection should notify the Commissioner. The City Manager may at ~~his or her~~their discretion direct the Commissioner to charge a fee for the collection of certain items, or the Commissioner may, at ~~his or her~~their discretion, determine that certain items are unsuitable for collection by the City, and may direct the owner to arrange for private collection or may charge a reasonable fee for collection by the City. The determination of the Commissioner shall be final.

(Ord. 1152 (part), 1993: prior code §17-76(g))

(Ord. 1310, Amended, 10/29/2007)

8.24.140 Bulk refuse—Preparation and placement.

Refuse that is larger than can be contained in ~~A~~authorized ~~R~~efuse ~~R~~eceptacles shall be securely tied in compact bundles, not to exceed fifty pounds in weight and two feet in length. Large cardboard cartons shall be flattened down no larger than three feet by three feet, may be collected for recycling only, and may not be used as refuse receptacles. Such bulk refuse shall be set out in the same place and under the same restrictions as those for authorized refuse receptacles in Section 8.24.090 of this chapter.

(Ord. 1152 (part), 1993: prior code § 17-76(e))

(Ord. 1310, Amended, 10/29/2007)

8.24.150 Burning of refuse prohibited.

The burning of leaves and other refuse is strictly prohibited.

(Ord. 1152 (part), 1993: prior code § 17-76(f))

8.24.160 Temporary container placement in parking spaces.

The Commissioner of Public Works may preempt parking spaces for limited periods of time at any area for the purpose of installing temporary containers for the collection of large items of rubbish or of shrub and tree trimmings.

(Ord. 1152 (part), 1993: prior code § 17-76(j))

8.24.170 Litter—Pedestrians on public property.

No person shall throw or deposit litter in or upon any street, sidewalk, square, playground, park or other public place except in authorized public or private litter receptacles.

(Ord. 1152 (part), 1993: prior code § 17-73(a))

8.24.180 Litter—Pedestrians on private property.

No person shall throw or deposit litter on any occupied, open or vacant private property, whether or not occupied by such person, except in authorized private litter receptacles or authorized private rubbish receptacles.

(Ord. 1152 (part), 1993: prior code § 17-73(c))

8.24.190 Litter—Throwing from vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street, sidewalk, square, playground, park or other public place.

(Ord. 1152 (part), 1993: prior code § 17-73(c))

8.24.200 Litter—Load-carrying vehicles.

No person shall drive or move any truck or other vehicle unless such vehicle is so constructed and loaded as to prevent any load, contents or litter from being blown off or deposited upon any street, sidewalk, square, playground, park or other public place.

(Ord. 1152 (part), 1993: prior code § 17-73(d))

8.24.230 Publicity—Citizen information service.

- A. The City shall publicize the provisions of this chapter through the media of signs, advertisements, flyers, leaflets, announcements on radios and television, newspaper articles and through any other appropriate means, so that all citizens will have the opportunity to become informed about the legal duties of property owners and occupants, pedestrians and motorists, and about the City recycling, refuse and anti-litter services.
- B. The City shall maintain a citizen information service to provide information and receive complaints about litter, recycling, refuse and snow removal problems.

(Ord. 1152 (part), 1993: prior code § 17-82)

8.24.240 Fees—Collection of refuse.

The Commissioner of Public Works shall collect amounts due for refuse collections for which charges are imposed, and shall keep suitable records thereof.

(Ord. 1152 (part), 1993: prior code § 17-77)

8.24.260 Violation—Penalty.

- A. Criminal Penalty. Any person who violates any section of this chapter shall be subject to a fine not exceeding three hundred dollars. Each day's violation shall constitute a separate offense.
- B. Noncriminal Disposition. Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, § 21D. For purposes of this section, the Commissioner of Public Works shall be the enforcing officer, except that the Commissioner may delegate his or her the enforcing authority to designated Public Works Enforcement Officers and the Commissioner of Inspectional Services and his or

~~her-their~~ designees. The penalty for each violation shall not exceed three hundred dollars. Each day's violation shall constitute a separate violation.

C. ~~The City may revoke City collection services for a property with ongoing noncompliance with the provisions and Rules & Regulations of Ordinance 8.24 of this chapter or any rules or regulations issued in accordance with this chapter.~~

(Ord. 1152 (part), 1993; Ord. 1084 § 3, 1989)

(Ord. 1310, Amended, 10/29/2007)

8.24.270 Rules and regulations.

The Commissioner, with the approval of the City Manager, may promulgate rules and regulations for the implementation of this chapter.

(Ord. 1152 (part), 1993)

8.24.280 Effective Date.

This chapter shall take effect six months from the date of enactment.

Chapter 8.68 BRING YOUR OWN BAG

8.68.010 Short Title.

This Chapter may be cited as the "Bring Your Own Bag Ordinance" of the City of Cambridge.
(Ord. 1366, 03/30/2015)

8.68.020 Declaration of findings and policy—Scope.

The City Council hereby finds that the reduction in the use of disposable checkout bags by retail establishments in the City is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, and protects waterways. This chapter seeks to reduce the number of plastic and paper bags that are being burned, used, discarded and or littered, and to promote the use of reusable checkout bags by retail establishments located ~~in~~ throughout the City. This chapter seeks to ensure that customers using reusable checkout bags are made aware of the need to keep those bags sanitized between uses in order to protect against the transmission of food-borne illnesses.

(Ord. 1366, 03/30/2015)

8.68.030 Definitions.

A. The following words shall, unless the context clearly requires otherwise, have the following meanings:

1. "Checkout bag" means a carryout bag with handles provided by a retail establishment to a customer at the point of sale. A checkout bag shall not include:
 - a. Bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a retail establishment;
 - b. Laundry or dry-cleaner bags; or
 - c. Newspaper bags;
 - d. Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.
2. "Commissioner" means the City's Commissioner of Public Works.
3. "Compostable plastic bag" means a plastic checkout bag that is capable of meeting the standards set forth in the test parameters of ASTM D6400 and approved by the Commissioner. ~~Said bags~~ The bag must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.
4. "Department" means the City's Department of Public Works.
5. "Recyclable paper bag" means a paper bag that is 100 percent recyclable and contains at least forty percent post-consumer recycled content, and displays the words "recyclable" and "made from forty percent post-consumer recycled content" in a visible manner on the outside of the bag.

~~"Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 3.0 mils in thickness.~~

~~67. "Retail establishment" means any commercial enterprise which sells goods directly to the consumer from a fixed location, and which includes but is not limited to the following, whether for or not for~~

~~profit, "Retail establishment" means any commercial enterprise which sells goods directly to the consumer from a fixed location, and which includes but is not limited to the following, whether for or not for profit,~~ restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions.

(Ord. 1366, 03/30/2015)

8.68.040 Requirements.

- A. If a retail establishment provides checkout bags to customers, such bags shall be either a recyclable paper bag or a ~~reusable bag~~compostable plastic bag. Public information advising customers to sanitize reusable bags to prevent food-borne illness must be prominently displayed or communicated upon sale.
- B. The Commissioner shall have the authority to promulgate regulations to accomplish any of the provisions of this Chapter.
- C. Charges.
 - 1. Retail establishments which provide recyclable paper bags or compostable plastic bags as checkout bags shall charge for each such bag provided not less than an amount established by regulations promulgated by the Commissioner of Public Works. The checkout bag charge shall be retained by the retail establishment.
 - 2. Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "checkout bag charge" thereon.
- D. Each Retail Establishment as defined in Section 8.67.030, above, shall comply with this chapter.

(Ord. 1366, 03/30/2015)

8.68.050 Effective Date.

This chapter shall take effect ~~one year~~six months from the date of enactment.

(Ord. 1366, 03/30/2015)

8.68.060 Exemption.

- A. The Commissioner may exempt a retail establishment from the requirements of this chapter for a period of ~~two year~~six months upon a finding by the Commissioner that the requirements of this chapter would cause undue hardship to ~~a retail~~the establishment. Any exemption granted by the Commissioner pursuant to this section shall expire after ~~two year~~six months. A retail establishment may re-apply when the exemption expires. An "undue hardship" shall only be found in:
 - 1. Circumstances or situations unique to the particular retail establishment such that there are no reasonable alternatives to bags that are not recyclable paper bags or ~~reusable~~compostable plastic bags, or
 - 2. Circumstances or situations unique to the retail establishment such that compliance with the requirements of this chapter would deprive a person of a legally protected right, or
 - 3. Circumstances where a retail establishment requires additional time in order to draw down an existing inventory of single-use plastic check out bags. Any retail establishment receiving an exemption shall file with the Commissioner monthly reports on inventory reduction and remaining stocks.

-
- B. Any retail establishment shall apply for an exemption to the Commissioner using forms provided by the department, and shall allow the Commissioner, or his or her designee, access to all information supporting its application.
 - C. The Commissioner may approve the exemption request, in whole or in part, with or without conditions.
 - D. The Commissioner by regulation, may establish a fee for exemption requests.

(Ord. 1366, 03/30/2015)

8.68.070 Enforcement.

- A. Fine. Any retail establishment who shall violate any provision of this chapter shall be liable for a fine of not more than three hundred dollars and each day's violation shall constitute a separate offense.
- B. Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the Commissioner of the Department of Public Works, the Executive Director of the License Commission, the ~~Commissioner~~~~Executive Director~~ of Inspectional Services Department and the Commissioner of the Health Commission, or their designees shall be the enforcing persons.

(Ord. 1366, 03/30/2015)

8.68.080 Severability.

It is the intention of the City Council that each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain valid and enforceable.

(Ord. 1366, 03/30/2015)

Chapter 8.72: Skip The Stuff

Section 8.72.010: Definitions.

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

“Accessory Disposable Food Ware Items” means any disposable food ware item such as straws, stirrers, forks, spoons, knives, chopsticks, napkins; condiment cups and packets; cup sleeves, tops, lids, and spill plugs; and other similar accessory or utensil items used as part of food or beverage service or packaging.

“Compostable” means material as defined in Chapter 8.24 of the Cambridge Municipal Code and its regulations, including fruit, vegetables, grains, meat, bones, coffee/tea grounds, and other food waste.

“Enforcing Authority” means the Commissioner of Public Works, the Chair of the License Commission, the Commissioner of Inspectional Services, the Commissioner of Public Health, or their designees.

“Food Establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Food Establishments shall include any fixed or mobile place, structure or vehicle whether permanent, transient, or temporary, private, public, or non-profit, routinely serving the public; or any other eating and drinking establishment or place in which food or drink is prepared for sale or for service to the public on the premises or elsewhere.

“Prepared Food” means any food or beverage prepared for consumption on the Food Establishment’s premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

“Recyclable” means material as defined in Ordinance 8.24, including cardboard, paper, plastic containers, metal containers, and glass containers. “Recycling” does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

“Retail Establishment” means any commercial enterprise, which sells goods directly to the consumer, and which includes but is not limited to the following, whether for or not for profit: restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions.

“Takeout Food” means Prepared Food which is purchased to be consumed off a Food Establishment’s premises. Takeout Food includes Prepared Food carried out by the customer or delivered by a Food Establishment or by a Takeout Food Delivery Service.

“Takeout food Delivery Service” is a third party delivery service which picks up Takeout Food from a Food Establishment and delivers it to the customer for consumption off the premises.

Section 8.72.020: Requirements

(a) Accessory Disposable Food Ware Items, if utilized by a Food Establishment, shall be provided only upon request by the customer or at self-serve stations, except that disposable cups for delivery by a Food Establishment may include lids, spill plugs and sleeves without request. Food Establishments and Takeout Food Delivery Services, if Accessory Disposable Food Ware Items are utilized, must provide options for customers to affirmatively request Accessory Disposable Food Ware Items separate from orders for food and beverages across all ordering/point of sale platforms, including but not limited to web, smart phone and other digital platforms, telephone and in-person.

(b) Food Establishments that allow self-bussing must provide receptacles for customers to separate their Recyclable waste from trash, and shall dispose of materials in a manner consistent with Chapter 8.24 of the Cambridge Municipal Code. Recycling receptacles must be clearly labeled as “Recycling”. Signage must be posted on and/or above each receptacle, indicating the materials to be deposited into such receptacle. Food Establishments and Retail Establishments that do not allow self-bussing shall separate their Recyclable and

Compostable waste from the rubbish, and shall dispose of materials in a manner consistent with Chapter 8.24 of the Cambridge Municipal Code.

Section 8.72.030: Exemption

Any Food Establishment or Retail Establishment may seek an exemption from the requirements of this chapter by filing a request in writing to the Commissioner of Public Works who, may waive any specific requirement of this chapter for a period of not more than one year if the establishment seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship. To obtain a waiver, the Retail Establishment or Food Establishment must demonstrate inability to comply due to insurmountable space constraints, undue financial hardship and/or extraordinary, insurmountable circumstances. Such determination shall be at the sole discretion of the Commissioner of Public Works.

Section 8.72.040: Penalties and Enforcement

- (a) The Commissioner of Public Works may promulgate rules and regulations for the implementation of this chapter.
- (b) Fine. Any establishment which violates any provision of this chapter shall be liable for a fine of not more than three hundred dollars. Each day's violation shall constitute a separate offense.
- (c) Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D, by an Enforcing Authority.
- (d) For purposes of this section, the Commissioner of the Department of Public Works, the Executive Director of the License Commission, the Commissioner of the Inspectional Services Department and the Commissioner of the Health Commission, or their designees shall be the enforcing persons.

Section 8.72.050: Severability

It is the intention of the City Council that each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this chapter be declared invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain valid and enforceable.

Section 8.72.060: Effective Date

The provisions of this Ordinance shall take effect six months from the date of enactment.

Chapter 8.24 REFUSE AND LITTER

8.24.010 Purpose.

The purpose of this Chapter is to provide a sanitary and satisfactory method of handling, collecting and disposing of refuse and for the maintenance of public and private property free of litter in a clean, orderly and sanitary condition for the appearance, health and safety of the community.

(Ord. 1152 (part), 1993: prior code § 17-71)

8.24.020 Definitions.

For the purposes of this chapter, the following words or phrases are defined as:

- A. "Aluminum" means aluminum cans, aluminum foil, and aluminum containers or trays used in packaging, preparation or cooking of food.
- B. "Authorized Food Waste Receptacle" or "Food Waste Cart" means a receptacle that contains compostable materials as defined herein
- C. "Authorized Litter Receptacles" means receptacles for the use of the general public placed outdoors by the City or by private persons on either public or private property. The receptacles shall be designed so as to prevent the escape of litter onto any public or private property. The receptacles may be identified by an appropriate sign, furnished either by the City or the owner, which includes the statement, "No Littering Under Penalty of Law. Fine \$50.00."
- D. "Authorized Overflow Rubbish Bag" means a heavy-duty plastic bag that is not less than three mils thick, and is flytight, rodent resistant, waterproof, and fastened tightly. Such bags may not exceed 50 pounds.
- E. "Authorized Recycling Receptacle" means a receptacle that contains recyclable materials.
- F. "Authorized Refuse Receptacles" means authorized recycling receptacles, Authorized Food Waste Receptacles, Authorized Overflow Rubbish Bags, Authorized Rubbish Receptacles, Authorized Yard Waste Receptacles, and dumpsters licensed pursuant to Chapter 8.25.
- G. "Authorized Rubbish Receptacles" means receptacles that contain rubbish generated by owners or occupants of the private property where they are located that are awaiting collection and are kept outdoors on private property or set out for curbside collection including dumpsters licensed pursuant to Chapter 8.25. They shall be constructed preferably of heavy plastic (not plastic bags) or of metal, with tight-fitting covers, and shall be flytight, rodent resistant, nonflammable and waterproof, provided, however, that dumpsters shall be kept in accordance with the requirements of Chapter 8.25 of this Code.
- H. "Authorized Yard Waste Receptacle" means paper leaf bag or receptacle provided by owners or occupants of a property.
- I. "Cans" means all containers composed in whole of iron or steel (i.e. tin cans) used as containers for the packaging or storage of various food and non-food items including empty aerosol cans, except containers that contain paint or petroleum-based solvents.
- J. "Commercial establishment" means any nonresidential building, including, but not limited to, those used for retail, wholesale, industrial, manufacturing, dining, offices, professional services, automobile service, hotels and motels, restaurants, or shipping and receiving areas.
- K. "Commissioner" shall mean the Commissioner of Public Works of the City of Cambridge.

-
- L. "Compostable Materials" or "Compostables" means food scraps (any waste from food and any food product) and other compostable items as may be defined in rules & regulations.
- M. "Glass containers" means bottles and jars of any color, made of silica, sand, soda ash, and limestone, being transparent or translucent, and used for packaging or bottling various materials. This does not include plastics or glass products such as window glass, blue glass, flat glass, mirrors, plate glass, light bulbs, dishes or ceramics.
- N. "Leaves" means deciduous and coniferous seasonal deposition from trees.
- O. "Litter" means all refuse, and includes any other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger or nuisance to public health, safety or welfare.
- P. "Magazines" means publications printed on glossy, clay-coated paper.
- Q. "Mattresses" means box springs and resilient material or combination of materials that is enclosed by ticking, used alone or in combination with other products, that is intended for sleeping upon, except for mattresses that are contaminated with mold, bodily fluids, insects, oil, or hazardous substances. Mattresses does not include mattress pads, mattress toppers, sleeping bags, pillows, car beds, carriages, baskets, dressing tables, strollers, playpens, infant carriers, lounge pads, crib bumpers, liquid or gaseous filled ticking, including water beds or air mattresses that do not contain upholstery material between the ticking and the mattress core, or mattresses in futons or sofa beds.
- R. "Multifamily dwelling" means any place of residence with seven or more dwelling units, including apartments, cooperatives, condominiums, group houses, rooming houses or boardinghouses.
- S. "Newspaper" means newsprint-grade paper, the common, inexpensive machine-finished paper made chiefly from wood pulp, which is printed and distributed, and includes all newspaper advertisement, comics and enclosures. This does not include newspaper soiled by food, paint, petroleum products, oil or oil solvents, or other solid wastes that are not recyclable.
- T. "Nonprofit establishment" means an established organization or foundation dedicated to public service or culture, including, but not limited to, religious, educational and health care functions.
- U. "Occupant" means any person living, sleeping or cooking in, or conducting any commercial or nonprofit activity, or having actual possession of any residence and/or building or part thereof.
- V. "Other Recoverable Materials" means any type of refuse designated to be separated from rubbish by the Commissioner of Public Works through rules and regulations issued under this chapter. It includes but is not limited to Textiles, Mattresses, and Yard Waste.
- W. "Owner" means any person or entity which alone or jointly or severally with others:
1. Shall have legal or equitable title to any private property with or without accompanying actual possession thereof; or
 2. Shall have charge, care or control of any private property as owner or agent or as executor, administrator, trustee or guardian of the estate of the owner or any other person in a representative capacity.
- X. "Paper leaf bag" shall be a sanitary Kraft Paper Sack or equal of thirty-gallon capacity, two-ply fifty-pound wet strength with decomposing glue and reinforced self-supporting square bottom closure.
- Y. "Recyclable materials" or "Recyclables" means any type of refuse designated by the Cambridge Commissioner of Public Works through rules and regulations issued under this chapter to be separated for recycling.
- Z. "Recyclable Plastic" means clear and colored plastic bottles, tubs and jugs marked #1-#7 with the exception of Styrofoam and plastic film or bags.
-

-
- AA. "Refuse" means all solid waste generated by occupiers of land in Cambridge, excluding construction demolition debris.
- BB. "Residential dwelling" means any residential building, including single-family homes, apartment buildings, buildings containing cooperatives and condominiums, group houses, rooming houses or boardinghouses.
- CC. "Rubbish" means all refuse excluding recyclable materials, compostable materials and other recoverable materials.
- DD. "Solid Waste Hauler License" means a required annual license for a private refuse or rubbish collector to operate in the City of Cambridge for that calendar year, as issued by the License Commission.
- EE. "Sorted office paper" means printed or unprinted sheets, shavings and cuttings of colored or white sulphite or sulphite ledger, bond, writing and other paper which have a similar fiber and filler content, and which are free of treated, coated, padded and heavily printed paper, carbon paper and nonpaper materials.
- FF. "Textiles" means clothing, footwear, bedding, towels, curtains, fabric, and similar products, except for textiles that are contaminated with mold, bodily fluids, insects, oil, or hazardous substances.
- GG. "White goods" means major kitchen and laundry appliances including, but not limited to, stoves, washers, refrigerators and dryers. Nothing in this definition shall waive compliance with the rules and regulations for the generation, transportation, storage, and disposal of hazardous waste.
- HH. "Yard waste" means grass clippings, leaves, weeds, hedge clippings, garden waste, and twigs and brush not longer than three feet in length and one inch in diameter.

(Ord. 1328, 9/14/2009; Ord. 1293, Amended, 12/19/2005; Ord. 1152 (part), 1993: prior code § 17-72)

8.24.030 Private property owners and occupants—Duties.

- A. Residential Property.
1. Every owner (or occupant or owner's agent if designated in a written agreement) of a residential property or dwelling unit, shall supply Authorized Refuse Receptacles sufficient to contain all refuse accumulated between collection days. Owners must provide enough collection capacity to capture all recyclables and compostables generated on-site. Residential properties that participate in the City's curbside collection program for rubbish, recyclables, compostables or yard waste must use receptacles as specified by the Commissioner through rules and regulations.
 2. Every owner (or occupant or owner's agent if designated in a written agreement) of a dwelling unit shall cause the shared or common areas of the dwelling, its premises and yard area, and the adjoining sidewalk and gutter to be maintained in compliance with Sections 8.24.040 and 8.24.140 of this chapter.
 3. Every occupant (or owner's agent if designated in a written agreement) shall store and dispose of all refuse in a clean and sanitary manner in compliance with Sections 8.24.070, 8.24.090, 8.24.110, and 8.24.130 through 8.24.170 of this chapter.
 4. Every owner (and owner's agent if such agent is legally required and is designated in a written agreement) of a dwelling in which they do not reside, shall be severally and jointly responsible for maintaining the entire premises including the yard area and the adjoining sidewalk and gutter in compliance with this chapter.
 5. Every owner of any residential dwelling with 3 or more units in which the owner does not reside shall have posted contact information for the owner (or owner's agent who is responsible for the

maintenance of the premises if designated in a written agreement) in a location visible from the outside entrance, which posting shall be on a durable material no smaller than 20 square inches.

- B. Private Property Occupied by Multifamily Dwellings, Commercial or Nonprofit Establishments. Every owner (or occupant, if designated in a written agreement) shall supply a sufficient quantity of authorized refuse receptacles in compliance with Sections 8.24.070, 8.24.090, 8.24.110 and 8.24.120 through 8.24.160, of this chapter. If refuse is not collected by the City, arrangements shall be made for adequate and regular private collection of refuse in compliance with Sections 8.24.070 through 8.24.160 of this chapter.

(Ord. 1328, 9/14/2009; Ord. 1293, Amended, 12/19/2005; Ord. 1152 (part), 1993: prior code §17-74)

8.24.040 Private property owners and occupants—Keeping premises and adjacent areas free of litter.

- A. Maintenance of Private Property. Every owner or occupant of private property shall maintain their property free of any accumulation of litter, and shall prevent any litter from escaping to any other public or private property.
- B. Maintenance of Sidewalks.
1. 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 and the adjoining gutter to the center of the street free of litter and yard waste.
 2. Every owner or occupant of private property shall cut and dispose of weeds in any yard area or vacant lot, or around any public or private property.
 3. No person shall sweep into or deposit in any gutter, street, square or other public place the accumulation of litter or yard waste from any building or lot, or from any public or private sidewalk, footway or driveway.
- C. Litter From Residential, Commercial or Nonprofit Establishments.
1. Litter from residential, commercial or nonprofit establishments shall not be thrown or deposited in any public litter receptacles by the owners, occupants, employees or agents of the residential, commercial or non-profit establishments.
 2. 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. The establishments are encouraged to identify such authorized litter receptacles as described in Section 8.24.020 of this chapter and the establishment shall cause the receptacles to be emptied regularly.

(Ord. 1152 (part), 1993: prior code § 17-75)

(Ord. 1310, Amended, 10/29/2007)

8.24.050 City's duties and responsibilities.

- A. The City shall maintain regular schedules of street cleaning, and shall post signs City-wide and otherwise publicize by all appropriate means the schedules of regular street cleaning times.
- B. The City shall maintain regular schedules of refuse collection subject to the provisions of Sections 8.24.070, 8.24.090, 8.24.130 and 8.24.140 of this chapter, and shall publicize the schedules by all appropriate means.
- C. The City shall maintain and service authorized litter receptacles in the City.

-
- D. The City shall require all federal, state and local government organizations to comply with the regulations in Sections 8.24.040, 8.24.070 through 8.24.160 and 8.24.240 of this chapter, for owners of private property and for commercial or nonprofit establishments.

(Ord. 1152 (part), 1993: prior code § 17-81)

(Ord, 1310, Amended, 10/29/2007)

8.24.070 Mandatory separation of recyclable, compostable, and other recoverable materials.

- A. Purpose and Declaration of Policy. This section has been created because of the great interest of the people of Cambridge in preserving the environment by reducing the amount of refuse sent to landfills and incinerators. It shall be the policy of the City to reduce the amount of rubbish generated and to require the diversion of recyclable materials, compostable materials, and other recoverable materials from refuse to the fullest extent possible.
- B. Establishment of Program. There is established a program for the mandatory separation of recyclable materials, compostable materials, and other recoverable materials from refuse which shall apply to all buildings in Cambridge, including Commercial Establishments, Nonprofit Establishments, Residential dwellings, and Multifamily Dwellings. This shall be carried out under the supervision of the Commissioner.
- C. Mandatory Separation of Materials. It shall be mandatory for each owner or occupant in Cambridge, including Commercial Establishments, Nonprofit Establishments, Residential dwellings, and Multifamily Dwellings, to separate all designated recyclable materials, compostable materials, and other recoverable materials from other refuse in accordance with the provisions of this section. These requirements shall apply to all buildings without regard to whether the building's solid waste is collected by the City.
- D. Collection of Recyclable and Compostable Materials.
1. Residential Dwellings.
 - a. At the discretion of the Commissioner, the City may provide a suitable number of Authorized Recycling Receptacle(s), Authorized Food Waste Receptacle(s) and Authorized Rubbish Receptacle(s) to buildings that are not primarily used to house students and/or staff of nonprofit establishments. The number of authorized receptacles to be provided shall be determined by the City for each individual building. The City shall retain ownership of all its furnished receptacles as referenced herein, and the owner or owners of the building shall take proper care to protect such containers from loss or damage. If the containers are lost or broken, it is the responsibility of the owner or owners of the building to obtain a suitable replacement within fifteen days in accordance with rules and regulations to be issued by the Commissioner under this section. Materials designated as Recyclables or Compostables in rules and regulations promulgated by the Commissioner shall be placed in the respective authorized receptacles. If owners or occupants desire or require Recyclables, Compostables and Rubbish collection from a location on private property, collection more than once a week, or larger containers than the City provides, they must arrange for private collection of Recyclables, Compostables and Rubbish and are responsible for the costs of collection.
 - b. During the leaf and yard waste collection season, owners or occupants shall place their yard waste in authorized yard waste receptacles. However, if the owner or occupant employs a commercial landscaping company, the landscaping company is responsible for hauling away the leaves and yard waste from the owner's property.
 - c. The preparation and placement of all Refuse shall be accomplished in accordance with rules and regulations to be issued by the Commissioner under this section.
 - d. Recyclables and Compostables placed out for collection shall be set out according to rules and regulations. Recyclable materials and Compostable materials shall not be placed in the same

refuse containers as rubbish or mixed with rubbish or litter for collection, removal or disposal. If separation of Recyclable Materials or Compostable Materials from rubbish does not take place, the City may issue a violation and/or decide not to collect said rubbish.

- e. Upon placement of Recyclables for the City or its contractor at the curbside, pursuant to this subsection, such Recyclables shall become the property of the City. It shall be a violation of this section if any person, other than authorized agents of the City acting in the course of their employment or contract, collects or causes to be collected any Recyclables. Each and every such collection in violation of this subdivision from one or more locations shall constitute a separate and distinct offense.
 - 2. Commercial and Nonprofit Establishments. In commercial and nonprofit establishments, the Recyclable Materials, Compostable Materials and Other Recoverable Materials shall be separated from rubbish. The owner or owners of such buildings shall be responsible for the costs of all such separation and collection. Any savings in solid waste disposal realized due to diversion shall accrue to the owner or owners of such buildings. The owner or owners of such buildings shall submit Zero Waste Plans to the Commissioner in accordance with subsection E of this section. The Commissioner shall have the authority to require documentation from Recyclables or Compostables collection contractors and from any owner, lessee or tenant of a building which does not receive City Recyclables or Compostables collection services, that Recyclables and Compostables are being delivered to a broker or end market that causes the material to be recycled or otherwise diverted rather than landfilled or incinerated.
- E. Zero Waste Plans.
- 1. Owners of multifamily dwellings, nonprofit establishments, and commercial establishments are required to submit Zero Waste Plans to the Commissioner as specified in rules and regulations established pursuant to this chapter.
- F. Recyclable Materials and Compostable Materials. The Recyclable Materials and Compostable Materials to be separated shall be designated by the Commissioner in rules and regulations to be issued under this Chapter. If the Commissioner designates a material as recyclable or compostable, such designation shall govern the treatment of such material.
- G. Waste Reduction Advisory Committee. There is established a Waste Reduction Advisory Committee. The Committee, as requested, shall provide advice, assistance and recommendations to the Commissioner regarding Zero Waste initiatives. The Committee shall be appointed by the City Manager, and shall consist of at least nine persons with a demonstrated interest in recycling, food waste diversion, waste reduction and community engagement, at least six of whom are residents of Cambridge. The Committee members should represent a wide range of perspectives including familiarity with the City's Recycling Dropoff Center, the private real estate industry (apartment management), affordable housing communities, the business community, and/or nonprofit institutions. The term shall be three years. The Commissioner, or their designee, shall be an ex officio member of the Committee.

(Ord. 1152 (part), 1993: Ord. 1137, 1992: Ord. 1117 (part), 1991)

(Ord. 1310, Amended, 10/29/2007)

8.24.090 Receptacles—Sidewalk placement time restrictions.

Whoever desires the removal of refuse from private property shall cause the refuse to be placed in Authorized Refuse Receptacles and to be set in an easily accessible place upon the sidewalk. With the exception of Authorized Overflow Rubbish Bags, Authorized Refuse Receptacles shall be placed on the sidewalk no earlier than 6:00 p.m. of the day immediately prior to the day of collection as designated by the Commissioner for collection for the area where the premises are located and shall be removed from the sidewalk no later than 6:00 p.m. of the day of collection. Authorized Overflow Rubbish Bags shall be placed on the sidewalk no earlier than 5:00 a.m. on

the day of collection. The Authorized Refuse Receptacles shall not be placed upon the sidewalks in a manner to inconvenience the use of the sidewalks by pedestrians.

(Ord. 1152 (part), 1993: prior code § 17-76(d))

(Ord. 1293, Amended, 12/19/2005)

(Ord. 1310, Amended, 10/29/2007; Ord. 1293, Amended, 12/19/2005)

8.24.100 Receptacles—Screening from public view.

Every owner or occupant of private property may maintain authorized rubbish receptacles outdoors on such private property provided the receptacles are screened from the view of public streets and sidewalks.

(Ord. 1152 (part), 1993: prior code § 17-76(a))

8.24.110 Private collectors—Methods of storage, collection and disposal.

The Commissioner shall have the right to specify the times and methods of storage, collection and disposal of refuse by any private collector. A private collector is prohibited from operating or hauling refuse in the City of Cambridge without a valid Solid Waste Hauler License issued by the City. Any individual collection of any refuse or rubbish without a valid Solid Waste Hauler License shall be considered a separate and distinct violation of this Chapter. All private collectors shall be required to confirm that Recyclables and Compostables separated by building owners and occupants into their respective containers are not disposed of as rubbish.

- A. A private collector shall provide its commercial customers with informational materials detailing its recyclables and/or compostables services and educational materials regarding waste diversion.
- B. Upon filing for an initial or renewal Solid Waste Hauler License, a private collector shall provide an annual report that contains the following information for the preceding year:
 - 1. List of commercial customers and what services they receive from the collector;
 - 2. The number and total percentage of commercial customers that use the collector's recyclables and/or compostables collection program(s);
 - 3. An estimated amount of Rubbish, Recyclables and Compostables collected (in tons); and
 - 4. A description of its customer education materials related to waste diversion services.

(Ord. 1152 (part), 1993: prior code § 17-76(k))

8.24.120 Commercial or nonprofit establishments or multifamily dwellings—Frequency—Receptacle specifications.

- A. The Commissioner of Public Works may, at their discretion, and if the public convenience and necessity so require, determine that the volume of refuse from a commercial or nonprofit establishment or multifamily dwelling is beyond the capacity of the Department of Public Works to collect or dump, and upon making such a determination, the Commissioner shall so notify the owner, manager, tenant or occupant of the commercial or nonprofit establishment or multifamily dwelling that the City will not collect refuse from the commercial or nonprofit establishment or multifamily dwelling and that the owner, manager, tenant or occupant of the commercial or nonprofit establishment or multifamily dwelling shall apply for a dumpster license if applicable, and shall arrange for private collection in accordance with Chapter 8.25.

-
- B. All refuse awaiting private collection shall be in refuse receptacles which shall contain only refuse generated by owners or occupants of the private property where they are located and shall be flytight, rodent resistant, nonflammable and waterproof, and shall be so constructed as to prevent the escape of litter onto public or private property, provided, however, that dumpsters shall comply with the provisions of Chapter 8.25. All such refuse receptacles shall be kept on private property at all times and not on public streets or sidewalks. All such refuse receptacles in residentially zoned areas or within thirty feet of such an area shall be screened from view by being completely enclosed by a fence at least six feet in height.

(Ord. 1328, 9/14/2009; Ord. 1310, Amended, 10/29/2007; Ord. 1293, Amended, 12/19/2005; Ord. 1152 (part), 1993: Ord. 1126, 1991; prior code § 17-76(l))

Editor's note(s)—Ord. 1328, adopted September 14, 2009, changed the title of section 8.24.120 from "Commercial or nonprofit establishments—Frequency—Receptacle specifications" to "Commercial or nonprofit establishments or multifamily dwellings—Frequency—Receptacle specifications." The historical notation has been preserved for reference purposes.

8.24.130 Oversize items—Collection procedures.

Large bulky items of refuse such as refrigerators, air conditioners, stoves, mattresses and other bulky appliances will be collected by the City only by special arrangement with the Department of Public Works. Persons desiring such collection should notify the Commissioner. The City Manager may at their discretion direct the Commissioner to charge a fee for the collection of certain items, or the Commissioner may, at their discretion, determine that certain items are unsuitable for collection by the City, and may direct the owner to arrange for private collection or may charge a reasonable fee for collection by the City. The determination of the Commissioner shall be final.

(Ord. 1152 (part), 1993: prior code §17-76(g))

(Ord. 1310, Amended, 10/29/2007)

8.24.140 Bulk refuse—Preparation and placement.

Refuse that is larger than can be contained in Authorized Refuse Receptacles shall be securely tied in compact bundles, not to exceed fifty pounds in weight and two feet in length. Large cardboard cartons shall be flattened down no larger than three feet by three feet, may be collected for recycling only, and may not be used as refuse receptacles. Such bulk refuse shall be set out in the same place and under the same restrictions as those for authorized refuse receptacles in Section 8.24.090 of this chapter.

(Ord. 1152 (part), 1993: prior code § 17-76(e))

(Ord. 1310, Amended, 10/29/2007)

8.24.150 Burning of refuse prohibited.

The burning of leaves and other refuse is strictly prohibited.

(Ord. 1152 (part), 1993: prior code § 17-76(f))

8.24.160 Temporary container placement in parking spaces.

The Commissioner of Public Works may preempt parking spaces for limited periods of time at any area for the purpose of installing temporary containers for the collection of large items of rubbish or of shrub and tree trimmings.

(Ord. 1152 (part), 1993: prior code § 17-76(j))

8.24.170 Litter—Pedestrians on public property.

No person shall throw or deposit litter in or upon any street, sidewalk, square, playground, park or other public place except in authorized public or private litter receptacles.

(Ord. 1152 (part), 1993: prior code § 17-73(a))

8.24.180 Litter—Pedestrians on private property.

No person shall throw or deposit litter on any occupied, open or vacant private property, whether or not occupied by such person, except in authorized private litter receptacles or authorized private rubbish receptacles.

(Ord. 1152 (part), 1993: prior code § 17-73(c))

8.24.190 Litter—Throwing from vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street, sidewalk, square, playground, park or other public place.

(Ord. 1152 (part), 1993: prior code § 17-73(c))

8.24.200 Litter—Load-carrying vehicles.

No person shall drive or move any truck or other vehicle unless such vehicle is so constructed and loaded as to prevent any load, contents or litter from being blown off or deposited upon any street, sidewalk, square, playground, park or other public place.

(Ord. 1152 (part), 1993: prior code § 17-73(d))

8.24.230 Publicity—Citizen information service.

- A. The City shall publicize the provisions of this chapter through the media of signs, advertisements, flyers, leaflets, announcements on radios and television, newspaper articles and through any other appropriate means, so that all citizens will have the opportunity to become informed about the legal duties of property owners and occupants, pedestrians and motorists, and about the City recycling, refuse and anti-litter services.
- B. The City shall maintain a citizen information service to provide information and receive complaints about litter, recycling, refuse and snow removal problems.

(Ord. 1152 (part), 1993: prior code § 17-82)

8.24.240 Fees—Collection of refuse.

The Commissioner of Public Works shall collect amounts due for refuse collections for which charges are imposed, and shall keep suitable records thereof.

(Ord. 1152 (part), 1993: prior code § 17-77)

8.24.260 Violation—Penalty.

- A. Criminal Penalty. Any person who violates any section of this chapter shall be subject to a fine not exceeding three hundred dollars. Each day's violation shall constitute a separate offense.
- B. Noncriminal Disposition. Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, § 21D. For purposes of this section, the Commissioner of Public Works shall be the enforcing officer, except that the Commissioner may delegate the enforcing authority to designated Public Works Enforcement Officers and the Commissioner of Inspectional Services and their designees. The penalty for each violation shall not exceed three hundred dollars. Each day's violation shall constitute a separate violation.
- C. The City may revoke City collection services for a property with ongoing noncompliance with the provisions of this chapter or any rules or regulations issued in accordance with this chapter.

(Ord. 1152 (part), 1993: Ord. 1084 § 3, 1989)

(Ord. 1310, Amended, 10/29/2007)

8.24.270 Rules and regulations.

The Commissioner, with the approval of the City Manager, may promulgate rules and regulations for the implementation of this chapter.

(Ord. 1152 (part), 1993)

8.24.280 Effective Date.

This chapter shall take effect six months from the date of enactment.

Chapter 8.68 BRING YOUR OWN BAG

8.68.010 Short Title.

This Chapter may be cited as the "Bring Your Own Bag Ordinance" of the City of Cambridge.
(Ord. 1366, 03/30/2015)

8.68.020 Declaration of findings and policy—Scope.

The City Council hereby finds that the reduction in the use of disposable checkout bags by retail establishments in the City is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, and protects waterways. This chapter seeks to reduce the number of plastic and paper bags that are being burned, used, discarded and/or littered, and to promote the use of reusable checkout bags by retail establishments located throughout the City. This chapter seeks to ensure that customers using reusable checkout bags are made aware of the need to keep those bags sanitized between uses in order to protect against the transmission of food-borne illnesses.

(Ord. 1366, 03/30/2015)

8.68.030 Definitions.

- A. The following words shall, unless the context clearly requires otherwise, have the following meanings:
1. "Checkout bag" means a carryout bag with handles provided by a retail establishment to a customer at the point of sale. A checkout bag shall not include:
 - a. Bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a retail establishment;
 - b. Laundry or dry-cleaner bags; or
 - c. Newspaper bags;
 - d. Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.
 2. "Commissioner" means the City's Commissioner of Public Works.
 3. "Compostable plastic bag" means a plastic checkout bag that is capable of meeting the standards set forth in the test parameters of ASTM D6400 and approved by the Commissioner. The bag must be capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials.
 4. "Department" means the City's Department of Public Works.
 5. "Recyclable paper bag" means a paper bag that is 100 percent recyclable and contains at least forty percent post-consumer recycled content, and displays the words "recyclable" and "made from forty percent post-consumer recycled content" in a visible manner on the outside of the bag.
 6. "Retail establishment" means any commercial enterprise which sells goods directly to the consumer from a fixed location, and which includes but is not limited to the following, whether for or not for profit, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary

businesses, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions.

(Ord. 1366, 03/30/2015)

8.68.040 Requirements.

- A. If a retail establishment provides checkout bags to customers, such bags shall be either a recyclable paper bag or a compostable plastic bag. Public information advising customers to sanitize reusable bags to prevent food-borne illness must be prominently displayed or communicated upon sale.
- B. The Commissioner shall have the authority to promulgate regulations to accomplish any of the provisions of this Chapter.
- C. Charges.
 - 1. Retail establishments which provide recyclable paper bags or compostable plastic bags as checkout bags shall charge for each such bag provided not less than an amount established by regulations promulgated by the Commissioner of Public Works. The checkout bag charge shall be retained by the retail establishment.
 - 2. Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "checkout bag charge" thereon.
- D. Each Retail Establishment as defined in Section 8.67.030, above, shall comply with this chapter.

(Ord. 1366, 03/30/2015)

8.68.050 Effective Date.

This chapter shall take effect six months from the date of enactment.

(Ord. 1366, 03/30/2015)

8.68.060 Exemption.

- A. The Commissioner may exempt a retail establishment from the requirements of this chapter for a period of six months upon a finding by the Commissioner that the requirements of this chapter would cause undue hardship to the establishment. Any exemption granted by the Commissioner pursuant to this section shall expire after six months. A retail establishment may re-apply when the exemption expires. An "undue hardship" shall only be found in:
 - 1. Circumstances or situations unique to the particular retail establishment such that there are no reasonable alternatives to bags that are not recyclable paper bags or compostable plastic bags, or
 - 2. Circumstances or situations unique to the retail establishment such that compliance with the requirements of this chapter would deprive a person of a legally protected right, or
 - 3. Circumstances where a retail establishment requires additional time in order to draw down an existing inventory of single-use plastic check out bags. Any retail establishment receiving an exemption shall file with the Commissioner monthly reports on inventory reduction and remaining stocks.
- B. Any retail establishment shall apply for an exemption to the Commissioner using forms provided by the department, and shall allow the Commissioner, or his or her designee, access to all information supporting its application.

-
- C. The Commissioner may approve the exemption request, in whole or in part, with or without conditions.
 - D. The Commissioner by regulation, may establish a fee for exemption requests.
- (Ord. 1366, 03/30/2015)

8.68.070 Enforcement.

- A. Fine. Any retail establishment who shall violate any provision of this chapter shall be liable for a fine of not more than three hundred dollars and each day's violation shall constitute a separate offense.
- B. Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the Commissioner of the Department of Public Works, the Executive Director of the License Commission, the Commissioner of Inspectional Services Department and the Commissioner of the Health Commission, or their designees shall be the enforcing persons.

(Ord. 1366, 03/30/2015)

8.68.080 Severability.

It is the intention of the City Council that each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain valid and enforceable.

(Ord. 1366, 03/30/2015)

Chapter 8.72: Skip The Stuff

Section 8.72.010: Definitions.

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

“Accessory Disposable Food Ware Items” means any disposable food ware item such as straws, stirrers, forks, spoons, knives, chopsticks, napkins; condiment cups and packets; cup sleeves, tops, lids, and spill plugs; and other similar accessory or utensil items used as part of food or beverage service or packaging.

“Compostable” means material as defined in Chapter 8.24 of the Cambridge Municipal Code and its regulations, including fruit, vegetables, grains, meat, bones, coffee/tea grounds, and other food waste.

“Enforcing Authority” means the Commissioner of Public Works, the Chair of the License Commission, the Commissioner of Inspectional Services, the Commissioner of Public Health, or their designees.

“Food Establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Food Establishments shall include any fixed or mobile place, structure or vehicle whether permanent, transient, or temporary, private, public, or non-profit, routinely serving the public; or any other eating and drinking establishment or place in which food or drink is prepared for sale or for service to the public on the premises or elsewhere.

“Prepared Food” means any food or beverage prepared for consumption on the Food Establishment’s premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

“Recyclable” means material as defined in Ordinance 8.24, including cardboard, paper, plastic containers, metal containers, and glass containers. “Recycling” does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

“Retail Establishment” means any commercial enterprise, which sells goods directly to the consumer, and which includes but is not limited to the following, whether for or not for profit: restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions.

“Takeout Food” means Prepared Food which is purchased to be consumed off a Food Establishment’s premises. Takeout Food includes Prepared Food carried out by the customer or delivered by a Food Establishment or by a Takeout Food Delivery Service.

“Takeout food Delivery Service” is a third party delivery service which picks up Takeout Food from a Food Establishment and delivers it to the customer for consumption off the premises.

Section 8.72.020: Requirements

(a) Accessory Disposable Food Ware Items, if utilized by a Food Establishment, shall be provided only upon request by the customer or at self-serve stations, except that disposable cups for delivery by a Food Establishment may include lids, spill plugs and sleeves without request. Food Establishments and Takeout Food Delivery Services, if Accessory Disposable Food Ware Items are utilized, must provide options for customers to affirmatively request Accessory Disposable Food Ware Items separate from orders for food and beverages across all ordering/point of sale platforms, including but not limited to web, smart phone and other digital platforms, telephone and in-person.

(b) Food Establishments that allow self-bussing must provide receptacles for customers to separate their Recyclable waste from trash, and shall dispose of materials in a manner consistent with Chapter 8.24 of the Cambridge Municipal Code. Recycling receptacles must be clearly labeled as “Recycling”. Signage must be posted on and/or above each receptacle, indicating the materials to be deposited into such receptacle. Food Establishments and Retail Establishments that do not allow self-bussing shall separate their Recyclable and

Compostable waste from the rubbish, and shall dispose of materials in a manner consistent with Chapter 8.24 of the Cambridge Municipal Code.

Section 8.72.030: Exemption

Any Food Establishment or Retail Establishment may seek an exemption from the requirements of this chapter by filing a request in writing to the Commissioner of Public Works who, may waive any specific requirement of this chapter for a period of not more than one year if the establishment seeking the exemption has demonstrated that strict application of the specific requirement would cause undue hardship. To obtain a waiver, the Retail Establishment or Food Establishment must demonstrate inability to comply due to insurmountable space constraints, undue financial hardship and/or extraordinary, insurmountable circumstances. Such determination shall be at the sole discretion of the Commissioner of Public Works.

Section 8.72.040: Penalties and Enforcement

- (a) The Commissioner of Public Works may promulgate rules and regulations for the implementation of this chapter.
- (b) Fine. Any establishment which violates any provision of this chapter shall be liable for a fine of not more than three hundred dollars. Each day's violation shall constitute a separate offense.
- (c) Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D, by an Enforcing Authority.
- (d) For purposes of this section, the Commissioner of the Department of Public Works, the Executive Director of the License Commission, the Commissioner of the Inspectional Services Department and the Commissioner of the Health Commission, or their designees shall be the enforcing persons.

Section 8.72.050: Severability

It is the intention of the City Council that each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this chapter be declared invalid by a court of competent jurisdiction, the remaining provisions of this chapter shall remain valid and enforceable.

Section 8.72.060: Effective Date

The provisions of this Ordinance shall take effect six months from the date of enactment.