

TOWN OF WEST WARWICK

ORDINANCE

OF THE

TOWN COUNCIL

ORDINANCE NO. 2015-17

AS AMENDED

AN ORDINANCE AMENDING CHAPTER 8, GARBAGE AND TRASH, ARTICLE VII, RULES AND REGULATIONS FOR COLLECTION AND DISPOSAL OF RUBBISH, OF THE CODE OF ORDINANCES OF THE TOWN OF WEST WARWICK.

WHEREAS: The Town Council in the effort to be financially responsible in approving expenses to be incurred by the town caused an analysis to be made of the data collected from other Rhode Island communities regarding the implementation of an automated system of the collection of rubbish and recycling materials, and

WHEREAS: The Town Council has determined based on said analysis that the implementation of an automated system is in the best financial interest of the town, and

WHEREAS: The Town Council has further determined that the hinged trash bins used in such automated system prevent both rubbish and recycling material from blowing from the bins and causing litter on the streets of the town resulting in a cleaner environmental condition resulting from the collection of rubbish and recycling material, and

WHEREAS: As a result of said study and analysis the Town Council has entered into an agreement for the automated collection of rubbish and recycling materials.

NOW, THEREFORE, IT IS HEREBY ORDAINED that the Town Council of the Town of West Warwick hereby amends Chapter 8, GARBAGE AND TRASH, Article VII, Rules and Regulation for Collection and Disposal of Rubbish as follows:

**ARTICLE VII.
RULES AND REGULATION
FOR COLLECTION AND DISPOSAL
OF RUBBISH**

Sec. 8-104. - Definitions and descriptions.

(a) *Bags.* Plastic weatherproof sacks designed to store garbage and rubbish with sufficient

overall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed 30 pounds.

- (b) *Bulky waste.* Shall include but not be limited to the following items: chairs, couches, sofas, rugs, dressers, tables, bureaus, desks, bookcases, cabinets. ~~And will be collected with your normal weekly pickup. All steel and/or metal must be removed before collection.~~ Steel and/or metal may be brought to DPW for recycling.
- (c) *Construction/demolition debris.* Construction or demolition waste shall include wood, miscellaneous metal, asphalt shingles, concrete, brick, insulation (except asbestos), windows and doors, and other miscellaneous building materials. Demolition waste shall not include machinery and parts or any toxic or hazardous waste.
- (d) *Container/Bins.* A receptacle, tightly covered, water tight, constructed of plastic, ~~metal, or fiberglass, having handles and a capacity of no more than 35 gallons. The weight of the container and its contents shall not exceed 65 pounds.~~ Residents receiving trash pickup are required to use Town supplied collection containers
- (e) *Hazardous waste.* Waste in any amount, which is defined, characterized, or designated as hazardous by the United States Environmental Protection Agency (EPA) or The Rhode Island Department of Environmental Management (RIDEM) or pursuant to federal or state law, or waste in any amount which is regulated under federal or state law. For purposes of these rules and regulations, the term hazardous waste shall also include motor oil, gasoline, non-latex paint, pesticides and pesticide containers, cathode-ray tubes (CRT used mostly in televisions and computer display screens), and sewerage wastes.
- (f) *Household refuse.* All solid waste materials not otherwise herein defined.
- (g) *Residential garbage.* Vegetable matter, household food waste and non-recyclable wastes from residential kitchens. Vegetable matter or household food wastes shall be drained and wrapped tightly in paper bags, plastic bags, and or other, and placed in containers.
- (h) *Recyclable materials.* Material specified by the Rhode Island Resource Recovery center Corporation (RIRRC) in accordance with regulations. Such material may include, but is not limited to, aluminum products, clean glass containers, plastic containers, newspapers, magazines, ~~mattresses and box springs.~~
- (i) *Recycling containers/bins.* Receptacles designed for the purpose of curbside collection of materials. ~~The receptacle shall be one made of plastic and can be picked up at the department of public works (DPW) for a \$5.00 fee. Any suitable, clearly marked trash can may also be used for extra recyclable materials as needed.~~ Residents receiving recycling pickup are required to use Town supplied collection containers.
- (j) *White goods.* An appliance employing electricity, oil, or natural gas or liquefied petroleum to preserve or cook food, to wash or dry clothing, cooking or kitchen utensils or related items or to cool or heat air or water. These include refrigerators, freezers, dish washers, clothes dryers, gas or electric ovens and ranges, and hot water heaters.
- (k) *Paper leaf bags.* A biodegradable paper sack of up to 30 gallons capacity and meeting specifications set by the DPW.

- (l) *Yard waste.* All tree trimmings (less than one and one half inches in diameter, grass cutting weeds, leaves, wood chips and yard shavings, and other wastes associated with residential yard maintenance that is compostable.
- (m) Contaminated Loads. Any truck load that is rejected by the RIRRC for containing materials that are not accepted at the facility.

Sec. 8-104.1. - Curbside pickup.

Curbside pickup. Refers to ~~bags, trash~~ containers/bins, ~~bundles~~ or recycling containers/bins, bulky waste, household refuse, residential garbage and recyclable materials, white goods, paper leaf bags and yard waste placed at the curb. Such items shall hereinafter be referred to as "rubbish". In areas where there are no curbs, curb pickup shall refer to items placed no further than five feet away from the edge of the roadway.

Sec. 8-105. - Rules and regulations.

- (a) *General provisions.*
 - (1) Collection of all rubbish will be made from each occupied single-family residential unit and from residential apartments of not more than four occupied single-family units. No rubbish will be collected from any condominium, nor from any private, commercial, industrial, profit or non-profit enterprise, except for home occupations as provided for in §5.6.17 of the West Warwick Zoning Code.
 - (2) Rubbish must be curbside by ~~7:00~~ 6:00 a.m. and shall not be placed within five feet of any abutter's property or in any way interfere with abutter's access to their property. No rubbish or other debris may be placed out for collection more than one day prior to scheduled pickup and empty containers shall be removed within one day after pickup.
 - (3) ~~A maximum of eight bags or three containers, and one bulky item. Residents receiving trash/recycling pickup are required to place all trash & recycling in the Town supplied collection containers/bins, covers must be closed. Trash placed alongside the supplied collection containers/bins will not be collected. In some instances an extra container/bin for year round service may be required and purchased at the DPW in accordance with the fee schedule. Additional "Special Event" container/bins will be available per a onetime fee in accordance with the fee schedule.~~
 - (4) ~~Any container that does not conform to these specifications or that may have ragged or sharp edges or any defect tending to hamper or injure the persons collecting may not be collected and disposed of by the DPW as rubbish.~~
 - (5)(4) All leaves, grass and other organic yard waste shall be placed in paper leaf bags or plastic barrels, clearly marked "Yard Waste" and must not exceed 35 gallons. Bags shall not be closed with tape. Staples, string and no closure are acceptable. The sweeping or blowing of leaves and other yard waste into streets, onto sidewalks or into town rights-of-way is hereby prohibited.

~~(6)~~(5) No person other than the owner thereof or a duly authorized agent of the town shall examine, disturb, interfere with or remove the contents of any container or remove white goods placed at curbside for collection.

~~(7)~~(6) These rules and regulations may be suspended in case of emergency for a period of up to five days by the DPW.

(b) *Specific regulations.*

(1) As of May 1, 2016 the General Laws of Rhode Island require all purchases of new mattresses and box springs to pay a fee at the point of purchase. In turn mattresses may then be brought to the DPW and returned without payment of a fee.

Matresses and box springs will be collected only by appointment and upon the purchase of a sticker upon payment upon payment of a fee in accordance with the Fee Resolution of the Town of West Warwick. of a \$20.00 fee per item collected. A sticker shall be required for the collection of every mattress or box spring. A sticker for each item may be purchased at the DPW or the tax collector's office. ~~Matresses and box springs may also be brought to the DPW, and a fee of \$10.00 per item will be charged.~~ Disposal fees will be charged in accordance with the fee schedule as adopted by the Town Council by Resolution or as from time to time changed by Resolution by the Town Council.

(2) Construction/demolition debris from home projects that do not require a building permit can be cut up and placed into the residential collection container. Oversize debris that doesn't fit in the collection container or debris from a project that requires a building permit shall require the property owner or the hired contractor to supply a dumpster for waste removal.

~~Construction/demolition debris will not be picked up. The DPW will allow homeowners with small construction project that do not require a building permit to bring the equivalent of a wheel barrel load to the DPW facility for disposal between the hours of 7:00 a.m. and 2:30 p.m. Monday through Friday. Construction/Demolition debris shall require the property owner or contractor to supply a dumpster for waste removal.~~

(3) White goods will be collected only by appointment and upon the purchase of a sticker, ~~upon payment of a \$25.00 fee per item for each item collected.~~ A sticker for each item may be purchased at the DPW or the tax collector's office. White goods may also be dropped off at the DPW during normal operating hours at no cost, with the exception of refrigerators and air conditioning units, ~~which will require a \$25.00 fee.~~ Disposal fees will be charged in accordance with the fee schedule as adopted by the Town Council by Resolution or as from time to time changed by Resolution by the Town Council.

(4) Tires will be collected only by appointment and are preferred without rims attached. Tires with or without rims may also be dropped off at the DPW during normal operating hours at no cost.

(5) Waste oil and hazardous waste may not be placed at curbside. All automotive waste oil may be brought to the DPW facility for disposal by town residents only. There will be no commercial drop-off. Hazardous waste must be returned to the place of purchase or contact the Rhode Island resource recovery center (RIRRC) for instructions.

- (6) No junk automobiles or automobile parts will be collected by the DPW.
- (7) Any item with a circuit board or a cathode ray tube (CRT) which is considered electronic waste, such as computers, towers, monitors, servers, ~~phones, keyboards, mice, printers, pagers, routers, scanners, copiers, fax machines, telephones,~~ televisions, VCRs, DVD players, remote controls, radios, GPS receivers, smoke detectors and any similar device may not be placed at curbside. All such items must be brought to the DPW facility Rhode Island Transfer Station located at the Coventry DPW, 1670 Flat River Road for disposal.
- (8) Bulk Waste will be collected once per month. Residents that receive Town trash pickup shall receive four (4) pickups per year and will be required to call the DPW to schedule a pickup. Bulk items shall not be placed curbside more than twenty-four (24) hours prior to the collection date. Pickups in excess of (4) four will be charged in accordance with the fee schedule as adopted by the Town Council by Resolution or as from time to time changed by Resolution by the Town Council.

Sec. 8-106. - Compliance.

- (a) Failure to comply with any of the requirements contained herein shall result in the refusal of the DPW or town's contractor to collect the trash or rubbish at the property at which such violation occurred until such time as said violation is corrected.
- (b) Any violation of section 8-105 of this article shall be filed by the director of DPW or an authorized official of DPW in the municipal court with all powers as provided by the Rhode Island general laws and shall carry a fine ~~of not less than \$50.00 nor more than \$500.00~~ in accordance with the fee schedule per violation, as shall be determined appropriate by the court. Said violation shall be filed against the property owner and tenant in all instances of a rental property. Said director shall be further authorized to file said violation against any person who shall violate the provisions of section 8-105, even though such person may have no legal interest in the property at which said violation occurred.
- (c) Any item for which the purchase of a "sticker" as herein provided to be picked up by DPW shall not be placed at curbside without said "sticker attached. The owner and tenant, of any property at which such an item shall be placed shall be jointly and severally liable for a fine ~~of \$100.00~~ in accordance with the fee schedule per day, for each day that such item remains at curbside, commencing with the date of notice as sent by the office of the building official to the landlord and tenant. In addition, the owner and tenant shall further be jointly and severally liable for the ~~following~~ costs incurred by DPW for the removal of such items in accordance with the fee schedule as adopted by the Town Council by Resolution or as from time to time changed by Resolution by the Town Council.
- (1) ~~\$25.00 per laborer and driver~~
- (2) ~~\$20.00 per item~~
- (3) ~~\$25.00 administrative fee.~~
- (d) Residents and/or property owners who may cause the rejection of either a trash or recycling truck load by the RIRRC shall receive the following:

(1) First Offense – Warning

(2) Second Offense – Fine, the fine shall be equal the cost of the rejected load.

(3) Third Offense – Suspension of Trash and Recycling service.

All such fines, fees and interest, if any, shall constitute a lien upon the property, which lien shall run with the land and shall not be released until all fines, fees and lien release fees of ~~\$49.00~~ have been paid in full. All such fines and fees shall be satisfied by payment in full within 60 days of the date of notice. An interest rate of 12 percent per annum upon all sums due and payable shall commence on the 60th day subsequent to the date of notice and shall continue to accrue until all fines, fees and interest shall be paid in full.

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COUNCIL PRESIDENT: _____

TOWN CLERK: _____

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THIS ORDINANCE WILL TAKE EFFECT ON: