



City of Springfield

Special Meeting

~ Agenda ~

36 Court Street
Springfield, MA 01103
<http://www.springfieldcityhall.com>

Linda Fitzpatrick
413-787-6559

Monday, July 30, 2012

5:00 PM

Springfield City Hall -- Council Chambers

I. Call to Order

5:00 PM Meeting called to order on July 30, 2012 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

II. Roll Call

III. Ordinances

1. Ordinance (ID # 1777)

Chapter 327-5-Automated Refuse Collection- 3RD Step, as Amended

2. Orders

1. Order (ID # 1768)

FY 2013 Budget - GF Order



City of Springfield

36 Court Street
Springfield, MA 01103

SCHEDULED

ORDINANCE (ID # 1777)

Meeting: 07/30/12 05:00 PM

Department: City Clerk

Category: Local Law

Prepared By: Wayman Lee

Initiator: Wayman Lee

Sponsors: Ward 7 Councilor Timothy Allen

DOC ID: 1777 A

Chapter 327-5-Automated Refuse Collection- 3RD Step, as Amended

Chapter 327-5 - Automated Refuse Collection -Trash Fee

PROPOSED ORDINANCE

ORD. NO _____

AN ORDINANCE TO AMEND the Code of the City of Springfield, Chapter 327 thereof, entitled Solid Waste, by deleting and repealing § 327-5, Automated Refuse Collection.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD AS FOLLOWS:

Section 1.

The Code of the City of Springfield is hereby amended by deleting and repealing Chapter 327-5, Automated Refuse Collection.

Section 2.

The Code of the City of Springfield is hereby amended by adding thereto a new chapter, to replace Chapter 327-5 hereinabove repealed, to the Chapter 327-5, Automated Refuse Collection, to read as follows.

§ 327-5 Automated refuse collection.

A. Purpose: The purpose of this ordinance is to establish minimum standards for the storage, collection, transportation, and disposal of refuse by automated collection, and thus promote the health, safety, and welfare of the city and improve the City's environment.

B. The director of the department of public works (hereinafter the "director") shall have the direct responsibility for the administration of this ordinance subject to the direction and control of the mayor.

C. For the purpose of this ordinance the following definitions shall apply:

1. "Automated collection" means the method of collecting rubbish through the use of mechanical collection equipment and special containers to accommodate the collection.
2. "Automated container" means a specially designed container distributed by the director to accommodate the automated collection operation to be used deposit of acceptable rubbish. The automated is equipped with wheels for mobility.
3. "City" means the city of Springfield, Massachusetts.
4. "Commercial customer" means any business premises, industry premises or organization, either or public, profit or non-profit currently receiving from the city. This definition operating businesses out of their day care centers, offices, etc.
5. "Curb line" means the area directly behind the curb. In the absence of a curb; the area directly behind the edge of pavement or curb.
6. "Customer" means any person or entity receiving service from the city.
7. "Designated collection point" means the place where the director has determined an automated container will be placed for service.
8. "Director" means the director of the department of public works or his/her duly authorized representative.
9. "Dwelling unit" means any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation) for not more than one household.
10. "Extra refuse" means any rubbish placed on, around or in a five foot radius of the automated collection container in excess capacity of the automated container. The rubbish must be within acceptable weight limits and reasonably handled by one person.

11. "Infectious waste" means waste from medical, dental, and intermediate care facilities, research centers, veterinary clinics, and other similar facilities, that has the potential to cause an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host.

12. "Overloaded" means that the automated container is so full of rubbish that its lid is not completely closed, thereby exceeding the automated containers rated capacity.

13. "Nonresidential unit" shall mean any establishment except those defined under residential units.

14. "Recyclables" means material as defined in section 7.16.040(B) of the city ordinances.

15. "Residential unit" means a single or multiple family dwelling unit up to and including apartment complexes of three (3) units or less.

16. "Rubbish" means all waste consisting of a variety of both combustible and noncombustible solid waste materials of households, stores and institutions. Rubbish does not include recyclables or yard waste.

17. "Yard waste means" material as defined in section 7.16.041(3) of the city ordinances.

D. General Requirements.

1. It shall be the customer's responsibility to assure that automated containers are placed in the appropriate location designated by the city prior to the arrival of the collection vehicle.

2. The city shall not be responsible for rubbish collection if there is a violation of any part of this section or circumstances are beyond the control of the city. Circumstances or violations include, but are not limited to, automated container overload, improperly loaded automated container, blocked access, automated

container inaccessibility, or dangerous situations.

3. Automated containers shall be placed at the city designated collection point on the scheduled collection day by 6:30 A.M. Such location shall be easily accessible to the container, with the lids completely closed, and unobstructed to the collection vehicle. It shall be the duty of each customer to remove the automated container from the curb line on the same day as collection. It is prohibited to overload automated containers in a manner which is likely to cause damage to the collection vehicle, automated container, create a litter condition, or impede collection.

4. The city may collect extra rubbish on or around automated containers in accordance with the provisions of this Ordinance provided that the material is contained in standard legal container with an extra bag sticker attached. If additional rubbish generated on the premises, that cannot be accommodated by regularly scheduled service in the automated container provided, the customer shall request in writing on a form provided by the DPW director, to request an additional automated container(s) at the cost as provided in this Ordinance. A request for additional automated container(s) may be disallowed if, in the opinion of the director, a customer is not recycling as mandated by city ordinance. Any request for a container(s) will not be supplied until payment has been received by the city for all past due and current fiscal year payments under this Ordinance.

5. Automated collection within the city is mandatory in those areas designated by the director.

6. Any manure, offal or other noxious material that, in the discretion of the director, has not been securely wrapped and placed in an automated container, shall not be collected. All rubbish shall be drained of any free liquids prior to placement in any automated container.

7. It shall be a violation hereof to place or deposit any refuse whatsoever in or around an automated container owned or provided for the use of another

customer without that customer's approval.

8. The city reserves the right to inspect any or all refuse prior to and/or during disposal for compliance with local, state, or federal laws or regulations.

E. Containers.

1. The automated containers are provided exclusively by the city. No other type of automated container is allowed. The city shall initially provide one (1) automated container at to each occupied residential unit and commercial customer currently serviced by the city in accordance with the payment of an annual Trash Fee as authorized by this Ordinance. All automated containers will be assigned to a street address and have an imprinted serial number for identification purposes. The automated container shall remain at the assigned address regardless of whether the resident sells or moves. Any additional barrels that are needed by the resident after the issuance of the first automated barrel will be provided to the resident at a cost that is determined to cover the appropriate expenses of securing such a barrel by the director.

2. The automated container provided by the city shall not be filled to exceed one hundred (100) pounds total weight and all rubbish must fit inside the automated container. The cover of any automated container must be kept closed at all times except when the automated container is being filled, emptied or cleaned. Animal wastes and ashes shall be wrapped separately from other refuse in a manner to prevent spillage prior to placing the same in an automated container.

3. Residential and Multi-family units and current commercial customers are limited to a maximum of three automated containers. Requests for additional automated containers must be submitted on a form approved by the director. If commercial customers require more than three automated containers, or do not have the room to properly place three automated containers for collection, the director may decline to provide service from the City.

4. Any customer in possession of a city owned automated container shall pay the cost of repair or replacement of any damaged container. The charge shall be the actual cost of repair or replacement as determined by the city.

5. In order to maintain an orderly and aesthetic appearance within the city and to prevent unauthorized encroachment on any street, public property or private property the director shall have the authority to sanction the storage location of automated containers for residential and commercial customers. Automated containers shall be stored on private property except on collection days. Failure by the customer to comply with city notification citing improper storage for automated containers shall be a violation of this ordinance.

6. Automated containers, after collection, shall be returned to a secure location. With the exception of automated containers being stored in a garage or shed the automated container shall not be stored anywhere closer to the street than the extension of any existing building line that faces any street unless the automated container is screened from public view by shrubbery, foliage, a fence or wall. Automated containers are not to be left curb side, street side or road side overnight after the day of collection.

F. Rubbish Collection Service:

1. If a customer does not pay their trash fee in its entirety after thirty-days, then a demand letter will be issued by the Treasurer/Collector and a fine consistent with the tax demand fee plus interest will be assessed. If the customer fails to pay their trash fee after the issuance of the demand letter the director will continue to provide trash collection if requested by the customer and the Treasurer/Collector will attach a lien to the customer's property as soon as state law allows.

2. Standard collection service shall include once a week collection of acceptable rubbish in properly place automated containers in accordance with the provisions of this Ordinance.

G. Points of Collection.

Automated containers shall be placed:

1. Within two (2) feet of the curb line or where directed by the city.
2. At least three (3) feet away from all objects such as fences, mailboxes, utility poles, overhanging vegetation, etc,
3. So that the automated container handle is facing the dwelling unit.
4. At least three (3) feet from recycling and yard waste containers.
5. At least ten (10) feet away from parked vehicles.

H. Prohibited Material.

All materials prohibited under existing ordinances, and;

1. No toxic, extremely hazardous, dangerous/hazardous, or liquid waste as defined now or hereafter, shall be deposited in any automated container intended for disposal.
2. Small quantity generator waster shall not be deposited in any automated container intended for disposal.
3. No infectious waste shall be place in any automated container.
4. No rocks, concrete, asphalt, dirt, construction or demolition debris are to be placed in automated containers.
5. Yard waste and recyclables shall be separated from rubbish and placed in separate City issued or approved containers for separate collection.
6. No hot ashes and/or material capable of causing ignition or spontaneous combustion shall be placed in any automated container.

7. No motor oil or other automotive fluids shall be deposited in any automated container.

8. The city reserves the right to prohibit, or to place disposal restrictions upon any waste that may adversely affect the resource recovery facility, any disposal site or transfer station. This shall also extend to any item that may pose a risk to the health or safety of city employees. Disposal restrictions that may be implemented shall include, but are not limited to, item size restrictions, quantity restrictions, recycling regulations, special preparation requirements, and rubbish source documentation requirements.

9. The city may inspect residential, multifamily units and commercial premises for the purpose of evaluating waste generated and disposal practices for the purpose of determining compliance with this Ordinance. These inspections will be during normal working hours and will be carried out in such a manner as to minimize disruption of the any business activities. Failure to comply with a request will be deemed a violation and may, at the discretion of the director, result in revocation of collection services.

I. Enforcement.

This Ordinance shall be enforced by the Director of Public Works, police department of the city, the commissioner of health and human services and the commissioner of housing or their duly authorized agents.

J. Violation.

Stricken by City Council on July 3, 2012.

K. Fees.

1. Solid waste collection and disposal services is in accordance with the government's police power to protect the public health, the State Sanitary Code, 105 Code of Massachusetts Regulations Section 410, Sections 410.601, 410.602 and 410.603, and City Ordinances that require proper disposal of solid waste; and

2. The city of Springfield provides services which

include the curbside collection and disposal of non-bulky item solid waste, recyclables, and yard waste (City Services); and

3. Mass. Gen. Laws ch. 44, §28C authorizes the City to charge a fee to cover the costs of said City Services; and

4. The cost of providing the City Services in Fiscal Year 2011 are estimated to exceed \$8.5 million dollars, and the costs in Fiscal Year 2012 are expected to increase; and

5. The City has determined that the it should charge a fee to property owners who voluntarily elect to use the City Services to defray in part, the costs of providing the City Services; and

6. The City has determined that as of July 1, 2012 and continuing thereafter until amended, the amount of the fee for services shall be Ninety Dollars (\$90.00) per each fiscal year.

7. The City has determined that it will re-evaluate this fee and trash disposal system on an annual basis between January 1 and April 30 thru a public RFP process to compare similar or alternative methods of trash removal but specifically a 'pay as you throw' program in hopes of more secure financial times when a fee is not needed and in hopes of limiting our trash disposal costs; and

8. The potential annual revenue from said trash fee based on expected usage has been estimated at approximately \$3.3 million dollars annually for fiscal year 2012; and

9. On the city November 27, 2006, the Finance Control Board approved the creation of a Solid Waste Enterprise Fund pursuant to Mass. Gen. Laws ch. 44, §53F 1/2.

10. Pursuant to the authority granted under Mass. Gen. Law ch. 44, §28C, and in order to defray a portion of the costs of providing Solid Waste Collection and

Disposal Services in the city of Springfield, effective July 1, 2012, the city establishes a Solid Waste Collection and Disposal Fee,. (Trash Fee) of Ninety Dollars (\$90.00), payable for each fiscal year, to be charged to the owner of each dwelling unit and commercial unit who voluntarily elects to receive such City Services from the City of Springfield (hereinafter referred to as the Customer).

11. The Mayor is authorized to adopt rules and regulations for the implementation and administration of the fee.

12. The Fee will be subject to the following terms and conditions:

a. The Trash Fee shall be charged to customers of DPW solid waste collection and disposal services who own property that is particularized as a recipient or user of the City Services, and will not be charged to property owners who do not elect to use the City Services for their properties.

b. The City will issue bills to all individuals or entities that own property and currently receive the City Services. Such owners may choose to use the City's Services by paying the Trash Fee, or may choose not to use the Services and avoid the Trash Fee.

c. Individuals or entities who do not use the City's Services may utilize any other method of disposal which does not endanger any person and complies with the State Sanitary Code and City Ordinances.

d. Owners who choose not to use the City Service shall be responsible for returning the City-provided container to the Department of Public Works. Persons who are unable to return the City-provided container may request the DPW pick up the container.

e. Trash Fees collected pursuant to this order shall be deposited in the Solid Waste Enterprise Fund, to be used to defray a portion of the City's costs of

providing the Services.

f. Effective July 1, 2012, and in each fiscal year thereafter, the Trash Fee shall be charged for each conforming container used by a Customer, and for each condominium unit where the condominium association utilizes a dumpster which is collected by the City or its contractors. If a Customer requests one or more additional containers per dwelling or commercial unit, the Customer will be charged a Trash Fee for each additional container in an amount to be established by regulations pursuant to this Order.

g. The Trash Fee will be payable to the City in one installment, due and payable thirty (30) days from the billing date.

h. The City shall grant annual twenty-five dollar Trash Fee discount for the household of the owner of a single family home, condominium, mobile home or owner occupied multi-family home who is: {a) veteran with a war-service connected disability; (b) a legally blind person; (c) an indigent individual; or (d) an individual over 65 years of age; as of July 1 of each year. Such discount will only apply to the owner-occupied primary residence, and will not apply to other trash services, such as bulky item stickers. Decisions on applications for discounts will be made by the DPW.

i. Property units owned by any government agency shall be exempt from the Trash Fee with the exception of property units owned by a housing authority.

j. The City reserves the right to refuse to provide Refuse Collection Services to any commercial unit, government property, condominium unit or multi-family buildings with more than three (3) dwelling units.

k. Property owners aggrieved by the denial of a discount or any other decision concerning the Trash Fee may appeal such determination to the Executive Director of DPW. (added 01/18/1999) (as amended 05/20/2011)

Approved as to form:

Thomas D. Moore
Assistant City Solicitor



City of Springfield

SCHEDULED

Meeting: 07/30/12 05:00 PM
Initiator: Pat Burns
Sponsors: Mayor Domenic J. Sarno
DOC ID: 1768

3.2.1

FY 2013 Budget - GF Order (Mayor Sarno)

Fiscal Year 2013 Appropriations Order - Proceeds from Other Financing Uses

July 1, 2012 to June 30, 2013

Date of Vote: July 30, 2012

WHEREAS, to meet the expenses of the Library Department for the operation of the East Forest Park, Pine Point and Liberty Street branch libraries, for the fiscal year commencing July 1, 2012 and ending June 30, 2013 (FY'13), Appropriations in the amount of \$200,000.00 as itemized below are hereby voted from Other Financing Uses , pursuant to Massachusetts General Laws Chapter 44, Section 32, and Chapter 468 of the Acts of 2008, and the recommendations of his Honor the Mayor.

WHEREAS, after reviewing this order, the Chief Administrative and Financial Officer has certified to the Mayor and City Council, that in his professional opinion, after an evaluation of all pertinent financial information reasonably available, the City's financial resources and revenues are and will continue to be adequate to support the proposed expenditures and obligations involved in the Order, without a detrimental impact on the continuous provision of the existing level of municipal services, in accordance with Section 2(f) of Chapter 656 of the Acts of 1989, as added by Section 1 of Chapter 468 of the Acts of 2008.

IT IS FURTHER ORDERED, that the City Council accepts the funds from Other Financing Uses and approves the Appropriations as itemized below to meet the expenses of The Springfield Library Department for Fiscal Year 2013.

SOURCES

Other Financing Uses	\$ <u>200,000.00</u>
TOTAL:	\$ 200,000.00

USES

Library Branch Operations	\$ <u>200,000.00</u>
0100-10-610 Library Department	Schedule A: -----
Personal Services	\$150,000.00
OTPS	<u>50,000.00</u>
Total	\$200,000.00