

CITY OF LOWELL CODE OF ORDINANCES

TITLE V: PUBLIC WORKS

CHAPTER 50: GARBAGE AND REFUSE COLLECTION AND DISPOSAL

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Cross-reference:

Utility Billing Policy, see [Ch. 36](#)

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASHES. Residue resulting from the burning of wood, coal, coke or other combustible material which has no live embers.

CONTAINER, BULK. A metal receptacle of not less than one-half cubic yard nor more than six cubic yards in size. The receptacle is to be constructed according to city specifications and standards.

CONTAINER, REFUSE. A roll-cart receptacle of metal and plastic construction having water-tight fitting lids, handles sufficient for safe and convenient use, and an approximate capacity of 90 gallons.

GARBAGE. All putrescible animal or vegetable wastes resulting from the handling, preparation, cooking and consumption of food in any private dwelling house, multiple dwelling, hotel restaurant, building or other institution.

REFUSE, BULK. Leaves grass, trees, shrubbery, garden trimmings, discarded household furniture and appliances, beddings, mattresses and abandoned motor vehicles. For the purpose of this chapter, an **ABANDONED MOTOR VEHICLE** is defined as one that has for a period of more than 48 hours been in a state of disrepair and is incapable of being moved under its own power.

REFUSE, HAZARDOUS. Cleaning fluids, crank case oils, cutting oils, paints, plastics, explosives, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used to filter cleaning fluid, infected material and refuse of similar nature.

RESIDENTIAL UNIT, MULTIPLE. A duplex, apartment or group of apartments under a single roof and used for dwelling places for more than one family.

RESIDENTIAL UNIT, SINGLE. A dwelling occupied by one family.

RUBBISH. Cardboard, plastic, metal or glass food containers, waste papers, rags, sweepings, small pieces of wood, rubber, leather and similar waste materials that ordinarily accumulate around a home, business or industry. It shall not include garbage, ashes, bulk refuse, dead animals, hazardous refuse, industrial waste or construction waste resulting from the building, addition to or alteration of any building.

WASTE, BUILDING. Refuse or residue resulting directly from building, construction, repair, demolition or alteration; from grading, stumping or other incidental work in connection with the clearing of any premises; or from replacement of building equipment or appliances.

WASTE, INDUSTRIAL. Residue resulting directly from industrial or manufacturing operations.

(1995 Code, § 4-21) (Ord. passed 4-25-1966; Ord. passed 3-18-1991)

§ 50.02 RESPONSIBILITY FOR ADMINISTRATION.

The Public Works Director, or other city employee or official designated by the City Manager, shall have the responsibility for the jurisdiction of the collection, removal and disposal of all garbage, refuse, rubbish and ashes within the city.

(1995 Code, § 4-22) (Ord. passed 4-25-1966; Ord. passed 11-12-1984)

§ 50.03 THROWING OR DEPOSITING MATTER ON PUBLIC OR PRIVATE PROPERTY.

No person shall cause or permit to be deposited garbage, rubbish, mixed refuse, bulk refuse, dead animals, hazardous refuse, industrial waste, leaves, grass clippings or any other similar matter in or upon any street or alley or sidewalk, storm drain, manhole, gutter, ditch, culvert or upon any premises within the city, unless express permission therefor is first obtained from the City Manager, or other city employee or official designated by the City Manager.

(1995 Code, § 4-23) (Ord. passed 4-25-1966; Ord. passed 11-12-1984; Ord. passed 11-13-2012) Penalty, see § 50.99

§ 50.04 PRIVATE WASTE COLLECTORS.

No person other than employees of the city shall, for hire, collect, remove, haul or convey any type of garbage, refuse, rubbish, ashes, waste or similar matter through or upon the streets or alleys of the city, without first obtaining a permit from the City Manager, or other city employee or official designated by the City Manager to issue such authorization.

(1995 Code, § 4-25) (Ord. passed 4-25-1966; Ord. passed 11-12-1984) Penalty, see § 50.99

§ 50.05 SALVAGE.

All materials delivered and deposited for collection by the city in a bulk or refuse container, litter basket or in a sanitary landfill, are the property of the city. No person shall separate, collect, carry off or dispose of such materials unless a permit is first obtained from the City Manager, or other city employee or official designated by the City Manager.

(1995 Code, § 4-26) (Ord. passed 4-25-1966; Ord. passed 11-12-1984) Penalty, see § 50.99

§ 50.06 MATTER NOT ACCEPTABLE FOR DISPOSAL.

The following material shall not be acceptable for collection by the city and such material shall not be placed in a city-provided waste receptacle:

- (A) Certain hazardous refuse such as explosives, radioactive materials, infected materials;
- (B) Human tissue or waste resulting from operating, autopsy or obstetrical procedure, or any other material of similar nature;
- (C) Materials of any kind or nature, including ashes, that contain any hot or live coals or fire;
- (D) Construction and demolition debris generated by the work of contractors or of unusual quantities and waste resulting from manufacturing, industrial or agricultural processes; and
- (E) Large and bulky materials such as auto car bodies that may require special preparation and process for disposals.

(1995 Code, § 4-27) (Ord. passed 4-25-1966) Penalty, see § 50.99

§ 50.07 PRECOLLECTION PRACTICES.

(A) *Refuse containers.* Every person producing or having garbage, rubbish, ashes or refuse collected by the city shall place all such materials in a refuse container which shall be provided by and maintained by the city. The City Manager shall have the authority to refuse collection services should containers be provided by the owner, tenant, lessee or occupant of the premises.

(B) *Number of refuse containers.* Single residences shall be provided with 1 roll-cart container for a fee; multi-family residences shall be provided one such container per dwelling unit for a fee. Requests for additional roll-carts may be made to the City for an additional fee.

(C) *Materials to be placed in containers.* Garbage, rubbish, and ashes must be placed in bags prior to placement in the container. The container lid must close completely, and no separation of the matter is necessary. The roll-cart shall be placed at the front of the premises in the grass strip between the street and the sidewalk where said strips are available; otherwise, they shall be placed off that portion of the street right-of-way normally used by vehicles, pedestrians or for surface drainage.

(D) *Other limitations.* No person shall throw, dispose of or sweep from any household, yard, sidewalk or elsewhere, any garbage, rubbish, ashes, dirt, refuse or similar matter into a storm drain, manhole, gutter, center strip or onto a sidewalk or street, but shall deposit the same as herein specified.

(1995 Code, § 4-28) (Ord. passed 4-25-1966; Ord. passed 3-18-1991) Penalty, see § 50.99

§ 50.08 COLLECTION PRACTICES.

Subject to the conditions and limitations set forth herein, the city shall make collections of garbage, refuse, rubbish, ashes and similar matter as follows.

(A) *Residential, retail and commercial collections.* Residential, retail and commercial establishments, religious and governmental buildings and private club collection of matter placed in the container shall be made on regular schedules once each week, said schedules being established by the City Manager. All containers shall be made available to collectors of the city no later than 6:00 a.m. on the designated days of collection. No container shall be placed upon any sidewalk, street or alley, or upon any city property unless specific authorization to do so is obtained from the City Manager, or some other city employee or official under the supervision or direction of the City Manager. All containers made available to city collectors shall be removed no later than 9:00 p.m. on the days designated for collections. Rubbish or bulk refuse which cannot be placed in containers will be collected on the designated collection days. A copy of current additional collection fees shall be kept on file in the office of the Clerk.

(B) *Request for bulk containers.* Following approval by the City Manager or by a city employee or official so designated to authorize the same by the City Manager, any residence, retail or commercial establishment, religious or governmental building or private club, which produces greater quantities of garbage, rubbish, ashes or refuse than the limitation hereinbefore specified in this chapter, may furnish bulk containers, according to city standards and specifications. Once the bulk containers are placed in service, no other type of collection will be afforded to such establishment.

(C) *Dead animals.* Dead animals, except from slaughter houses or rendering plants, will be collected without charge on the days designated for collections, if the body is placed in a location accessible to the city collector.

(D) *Collections prohibited.* The city will neither pickup nor remove any of the following except upon written permission given by the City Manager:

- (1) Matter not acceptable for disposal at a sanitary landfill;
- (2) Hazardous refuse;
- (3) Industrial waste;
- (4) Building waste; and

(5) Garbage, ashes, rubbish and refuse not placed or stored as required by the provisions of this chapter.

(1995 Code, § 4-29) (Ord. passed 4-25-1966; Ord. passed 7-1-1969; Ord. passed 7-11-1989; Ord. passed 3-18-1991) Penalty, see § 50.99

§ 50.09 DUTY TO KEEP PREMISES CLEAN.

All owners or occupants of any premises within the city shall keep the same free and clear from garbage, rubbish, ashes, refuse, items specified in § 50.03 and similar matter, except as stored, placed or permitted in this chapter, or as stored or placed in an enclosed building designated and authorized by the City Manager or by an employee or official of the city designated to give such permission by the City Manager.

(1995 Code, § 4-30) (Ord. passed 4-25-1966; Ord. passed 11-12-1984; Ord. passed 7-11-1989) Penalty, see § 50.99

§ 50.10 COLLECTION LIMITATIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

TREE TRIMMINGS. Waste accumulation of tree branches, tree limbs, parts of trees, leaves or other matter usually created as refuse in the care of trees and bushes.

YARD TRASH. Waste accumulation of lawn, grass, and shrubbery cuttings or clippings, free of dirt, rocks, large branches and bulky or noncombustible material.

YARD TRASH CONTAINERS. Refuse receptacles, two-ply kraft paper bags, heavy-duty polyethylene plastic bags or heavy-duty cardboard boxes.

(B) Pending collection by the city, yard trash shall be stored in conformity with the following regulations.

(1) All such yard trash shall be stored in refuse receptacles with lids tightly fastened, or yard trash containers of such size, shape and weight that, when full, they do not weight more than 50 pounds. Such containers shall be securely fastened or covered at all times; and when plastic or paper bags are used, these shall be tightly sealed.

(2) Yard trash stored in refuse receptacles or yard trash containers shall be placed at curbside for collection.

(C) Tree trimmings shall be stored pending collection, and shall be collected by the city in conformity with the following regulations.

(1) Tree trimmings shall be placed at curbside for collection by the city.

(2) No tree trunks, branches or limbs larger than four inches in diameter, longer than six feet or heavier than 50 pounds, shall be collected by the city.

(3) Tree limbs shall have protruding branches trimmed, and shall be neatly stacked and placed in an orderly manner at curbside. Thorny vegetation shall be placed near the curbside in small, neat piles. All such trimmings shall be effectively secured to prevent scattering by the wind.

(4) Collection of tree and shrubbery trimmings shall be limited to one truck load per week per residence; additional service may be approved by the City Manager upon request.

(5) The city shall not collect tree and shrubbery trimmings resulting from work performed by landscaping or tree service contractors or other commercial workers or resulting from land clearing work.

(D) Loose leaves may be placed pending collection by the city at the front of the premises in the grass strip between the street and the sidewalk, where such strips are available; otherwise, they may be placed just off that portion of the street right-of-way normally used by vehicles or pedestrians, or used for surface drainage purposes.

(1995 Code, § 4-32) (Ord. passed 4-13-1987) Penalty, see § 50.99

§ 50.11 RESPONSIBILITIES AND DUTIES OF OCCUPANTS.

It shall be the duty of any building or residential unit:

(A) To place the refuse container or containers at a location in such a manner as to be convenient for removal and collecting. The City Manager may require such placement at any location for reasons of topography, efficiency or emergency;

(B) To remove the empty container or containers from the place of deposit at curbside or otherwise to be the storage location, such removal to be accomplished not later than 9:00 p.m. on the day of collection;

(C) To pay the city for all repairs to damaged containers other than normal wear and tear, such charges to be the actual cost of labor and materials, and if the occupant shall fail to pay such charges, the owner of the premises shall be liable for the payment thereof;

(D) To notify the Police Department of the city immediately upon the discovery of damage to or theft of any refuse container; and

(E) To notify the City Manager of his or her intent to vacate the premises in order that the refuse container or containers may be picked up by the city and receipts issued therefor.

(1995 Code, § 4-33) (Ord. passed 3-18-1991) Penalty, see § 50.99

§ 50.12 CARE, MAINTENANCE, REPLACEMENT AND ISSUANCE OF ROLL-CART CONTAINERS (REFUSE CONTAINERS).

(A) *Care and maintenance of roll-carts, garbage, refuse and waste containers.* The occupants of any unit or building for which a roll-cart container has been provided shall be responsible for the following:

(1) Placing the container in a location where it will not be subject to damage by vehicular or other traffic, including lawnmowers;

(2) Preventing the placing in the container of any hot materials, solvents or any other items or material which might damage plastic;

(3) Keeping the container in a clean and sanitary condition; and

(4) Placing the container in a readily accessible location as near the street as possible (six feet or less) on scheduled collection days.

(B) *Replacement of damaged carts.* The owners for any unit or building for which a roll-cart has been provided shall be required to pay the cost of replacement of any cart which is damaged as a result of carelessness, improper use, neglect or any other cause of not resulting from actions of city personnel.

(C) *Issuance of roll-carts.*

(1) All single-family households will be issued a roll-cart in which to store their refuse between collections. Exceptions may be made only by the City Manager.

(2) Certain multi-family residential units will be issued roll-carts if it is advantageous to the Sanitation Department to speed up collection time. The City Manager, or other official or employee designated by the City Manager, will make a determination on the individual basis as to the feasibility of using roll-carts or bulk containers.

(3) Certain retail and commercial establishments, religious and governmental buildings and private clubs will be issued roll-carts if it is advantageous to the Sanitation Department to speed up collection time. The City Manager, or other official or employee designated by the City Manager, will make a determination on the individual basis as to the feasibility of using roll-carts or bulk containers.

(4) Additional roll-carts may be leased by persons upon receiving approval by the City Manager and upon agreement to abide by the lease terms established by the City Council.

(1995 Code, § 4-34) (Ord. passed 3-18-1991) Penalty, see § 50.99

§ 50.13 EXCLUSIVE USE OF REFUSE CONTAINERS.

Only those producers of garbage, refuse or rubbish to whom or which a roll-cart refuse container has been issued by the city shall be entitled to use such roll-cart container.

(1995 Code, § 4-35) (Ord. passed 3-18-1991)

§ 50.14 PROHIBITED ACTIVITIES.

(A) *Refuse containers.* It shall be unlawful:

(1) For any unauthorized person to remove, disarrange or interfere with refuse containers used for collection of refuse or the contents of any such refuse containers;

(2) For any person to break or damage any refuse container used for refuse collection; and

(3) To fail to keep all refuse receptacles and containers clean, sanitary, tightly covered and in good repair.

(B) *Storage.* It shall be unlawful:

(1) To deposit yard rubbish, bulk waste or dead animals on any lot other than one owned by the depositor, whether vacant or improved, occupied and unoccupied within the city;

(2) For any person to permit refuse to be scattered upon the streets of the city;

(3) To place hot ashes and the like or any burning matter in any refuse container; and

(4) For the responsible party to fail to provide sufficient refuse containers pursuant to the requirements of this chapter.

(1995 Code, § 4-36) (Ord. passed 3-18-1991) Penalty, see § 50.99

§ 50.15 SPECIAL PROVISIONS.

In the event a resident is physically unable to place the cart at the curbside and there is no one living in the household or nearby that will place it on the curb for them, the resident may request special pickup consideration. All requests are to be made in writing to the City Manager, or an employee designated to

receive such request by the City Manager, who will then make a determination as to whether special pickup arrangements are warranted. Residents enrolled in this program must comply with all other provisions of this chapter.

(1995 Code, § 4-37) (Ord. passed 3-18-1991)

§ 50.99 PENALTY.

(A) The City Manager, or a city employee or official designated by the City Manager, shall notify in writing the owner or occupant of any premises in violation of this chapter of such violation, and failure to remove any unlawful accumulation of such matter as hereinbefore specified within 24 hours after such notification shall constitute a separate offense for each 24 hours that the violation continues to exist.

(B) Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the amount not exceeding \$50 or be imprisoned in the county jail for a period not exceeding 30 days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(1995 Code, § 4-31) (Ord. passed 4-25-1966; Ord. passed 11-12-1984; Ord. passed 3-18-1991)



Ordinance Text Amendment to Title V: Public Works, Chapter 50: Garbage and Refuse Collection and Disposal adopted this, the 8th of June, 2021, upon a motion of Councilmember Emin and seconded by Councilmember Gillespie by a vote of 4 affirmative votes to 0 negative votes.

Sandy Railey
Sandy Railey, Mayor

ATTEST:

Beverly Harris
Beverly Harris, City Clerk