

ORDINANCE OF THE  
TOWN OF MIDDLETOWN, RHODE ISLAND

**AN ORDINANCE AMENDING THE TOWN CODE  
OF THE TOWN OF MIDDLETOWN**

**NOW THEREFORE BE IT ORDAINED AS FOLLOWS:**

*FIRST: The Town Code, Chapter 50, Garbage and Refuse, is amended as follows:*

**General Provisions**

- 50.01 Definitions
- 50.02 Depositing waste and other substances in public places prohibited
- 50.03 Depositing waste upon property of another without consent prohibited
- 50.04 Duty of drivers to prevent and clean up spillage
- 50.05 Commercial vehicles to comply with town rules
- 50.06 Haulers
- 50.07 Enforcement
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**Mandatory Recycling**

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## GENERAL PROVISIONS

### § 50.01 DEFINITIONS.

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

**BULKY WASTE.** Solid waste larger than two feet by two feet by two feet (2' x 2' x 2') or heavier than 75 pounds. Bulky waste includes so-called "white goods," such as refrigerators, stoves, and other heavy appliances; sofas and chairs; mattresses and box springs; carpet no larger than 4 feet wide and 12 feet in length and rolled up; and building demolition materials generated by the resident. Pieces of wood must be cut to 4 feet or less and tied into bundles weighing less than 50 pounds. Doors to refrigerators and freezers must be removed.

**HAZARDOUS WASTE.** Any waste defined in the state Hazardous Waste Management Act, R.I. Gen. Laws § 23-19.1-4 or in regulations adopted pursuant thereto, and as they may be amended.

**MUNICIPAL SOLID WASTE.** Solid waste generated by the residents of Middletown in the course of their daily living, the disposal of which the town council has undertaken in the discharge of its duties to protect the health of the municipality. Municipal solid waste does not include solid waste generated by residents of a municipality in the course of their employment or that generated by any manufacturing or commercial enterprise.

**PAYT CONTRACTOR.** The waste removal company that under contract with the town is responsible for collecting and properly disposing of the various kinds of waste and recyclable materials generated by residents in the PAYT program.

**RECYCLABLE MATERIALS.** All recyclables accepted by the Rhode Island Resource Recovery Corporation (RIRRC), including paper and cardboard; glass and plastic bottles, jars and jugs; tin, aluminum and scrap metal. This definition incorporates by reference the complete list of residential recyclables published by RIRRC in brochures and on its website, [www.rirrc.org](http://www.rirrc.org).

**RESIDENT.** Any person, corporation or other business entity, church, nonprofit institution, or other organization or group residing or having a place of business or operation within the corporate limits of the town.

**WASTE.** All trash, rubbish, garbage, offal and other refuse or discarded matter, including cigarette butts; provided, that WASTE shall not include recognized byproducts of any business or industry having commercial value and regularly handled in the ordinary course of business.

**YARD WASTE** Leaves, grass clippings, vine cuttings, and tree trimmings not greater

than two inches in diameter or four feet in length.

**§ 50.02 DEPOSITING WASTE AND OTHER SUBSTANCES IN PUBLIC PLACES PROHIBITED.**

No person shall throw or pour, or in any way deposit, place or cause to be placed, any filth, offal, brine, dirty water, dirt, rubbish or other offensive substance of any description, or any other waste whatsoever, or any sand, gravel, stone, paper, sawdust or shavings, or any refuse animal, marine or vegetable matter of any kind, in any street, commonage, beach, watercourse or other public place in the town.

**§ 50.03 DEPOSITING WASTE UPON PROPERTY OF ANOTHER WITHOUT CONSENT PROHIBITED.**

No person shall deposit waste upon the property of another person, or in a waste container of another person, without the latter's express permission to do so; nor shall any person deposit waste upon any vacant lot, regardless of the ownership of such vacant lot.

**§ 50.04 DUTY OF DRIVERS TO PREVENT AND CLEAN UP SPILLAGE.**

(A) The driver or other person in control of a vehicle transporting any quantity of waste, residential recyclables, yard waste, bulky waste or other cargo shall stow and secure such cargo in such manner as to prevent the spilling or blowing of any portion thereof from the vehicle onto the ground. If spillage occurs, the driver or other person in control shall ensure that it is cleaned up without delay.

(B) Every person driving any earth moving or hauling vehicle shall remove any loam, gravel, stones or other material which falls or spills from said vehicle onto any street or highway and which causes or is likely to cause an obstruction or hazard to vehicular traffic.

**§ 50.05 COMMERCIAL VEHICLES TO COMPLY WITH TOWN RULES.**

Commercial vehicles operated upon the streets of this town shall conform to such specifications and standards as may be established in rules and regulations promulgated by the Director of Public Works and approved by the Council; provided, that a copy of such rules and regulations shall be placed on file in the office of the Clerk.

**§ 50.06 HAULERS.**

(A) All qualified persons engaged in the business of collection and hauling refuse or

waste and operating transfer stations for refuse or waste generated within the boundaries of the town shall be licensed by the town, pursuant to R.I. Gen. Laws § 23-18.9-1(b)(1).

(B) Licensed haulers shall maintain any separated recyclable materials that are delivered to either a town, state, or state-designated recycling facility in processable condition.

(C) All haulers of waste materials from Middletown residences must offer recycling service, included in the price for collecting waste, that is substantially the same as that provided in the PAYT program under the provisions of this chapter.

(D) All haulers of waste materials from Middletown residences are subject to the time limitations for picking up waste stated in § 50.44(B).

(E) All haulers of waste materials, recyclables and yard waste shall maintain liability insurance and Workers' Compensation insurance in an amount satisfactory to the Town.

(F) All haulers of waste materials, recyclables and yard waste from residential sources, shall report to the Town on a quarterly basis, commencing in January of each year, the tonnage collected for solid waste, recyclables and yard waste.

(G) All haulers of waste materials, recyclables and yard waste in the Town of Middletown shall display on the exterior of their vehicle a decal noticeable from the street, which indicates that the hauler is a licensed hauler by the Town of Middletown.

#### **§ 50.07 ENFORCEMENT.**

It shall be the duty of the Chief of Police of the town to enforce the provisions of this chapter.

#### **§ 50.08 PENALTIES.**

Penalties for violation of this chapter shall be as follows:

(A) For residents failing to separate recyclable materials from solid waste or to deliver recyclable materials in a processable condition, or for any other violation of this chapter:

(1) First offense, \$25 fine;

(2) Subsequent offense, \$50 fine.

(B) For haulers found in violation of § 50.06.

(1) First offense, \$200 fine;

- (2) Subsequent offense, loss of license.
- (C) For all other violations of this chapter:

- (1) First offense, \$25.00 fine;
- (2) Subsequent offense, \$50.00 fine.

## **MANDATORY RECYCLING**

### **§ 50.20 AUTHORITY.**

Mandatory recycling is hereby implemented in the town pursuant to R.I. Gen. Laws §§ 23-18.8, 23-18.9, and 23-19 as amended.

### **§ 50.21 IMPLEMENTATION.**

There is hereby established a program for the mandatory separation of recyclable materials from municipal solid waste by town residents and the collection of such recyclable materials by a waste removal company under contract to the town or by other waste removal companies under contract to a resident.

### **§ 50.22 RECYCLING COORDINATOR.**

The Town Administrator shall appoint an individual to provide recycling education for residents and school children and to coordinate the recycling program in a manner consistent with state and federal regulations. Said appointment is subject annual appropriations by the Town.

### **§ 50.23 RESIDENTIAL RECYCLING.**

(A) All residents shall separate recyclable materials from residential solid waste. This subchapter does not, however, bar any residents from giving recyclable materials to non-profit organizations.

(B) Separated recyclable materials shall be put in a processable condition. Cans, bottles, and other containers shall be empty and rinsed; non-container glass or other non-recyclable material shall not be mixed with the recyclables; and recyclable materials shall not be placed in plastic bags.

(C) All separated recyclable materials shall be disposed of in accordance with the town's

Pay-As-You-Throw (PAYT) program pursuant to this chapter, or delivered to another licensed waste hauler, or otherwise delivered to a state-designated recycling facility in processable condition.

#### **§ 50.24 PUBLIC EVENTS.**

The separation of recyclable materials from solid waste shall be a condition of licensing or authorization of any public event, the conduct of which generates solid waste for which the town accepts disposal responsibility.

#### **§ 50.25 OWNERSHIP OF RECYCLABLES.**

Any recyclable materials placed in a designated pick-up place become the property of the town, and no person not permitted by the town shall collect such materials except as specifically authorized by the town. The town may issue permits to charitable organizations to collect recyclable materials on the condition that a report is filed by said organizations detailing the weights of each material collected in compliance with the state Department of Environmental Management reporting requirements and provided that the town determines that said collection does not conflict with the town's recycling program. Such permit shall be obtained from the Town Clerk after application is made on a form furnished by the Town Clerk. The fee for such permit shall be established by the Town Council from time to time, to be paid at the time of application.

### **PAY-AS-YOU-THROW COLLECTION**

#### **§ 50.41 INTRODUCTION**

To compensate for the loss of the transfer station used by Middletown residents on U.S. Navy property, the town hereby institutes a "Pay-As-You-Throw" (PAYT) program under which a single waste removal company under contract to the town will remove from residents' premises various types of solid waste under the provisions of this subchapter, except that hazardous waste is not covered by the program. The PAYT program is not mandatory; residents may contract for their waste to be removed by any waste removal company licensed by the town, or may deliver it themselves to a town, state, or state-designated recycling facility. However, all residents must follow applicable provisions of this chapter to properly dispose of their waste.

#### **§ 50.42 APPLICATION.**

This subchapter applies only to individuals who reside in owned or rented dwellings in Middletown, except for residents of (1) apartment or condominium complexes of more than four units, or (2) mobile homes located in a mobile home park. It does not apply to non-individual

residents of the town, such as businesses, churches, or other institutions.

#### **§ 50.43 RESPONSIBILITIES OF PAYT CONTRACTOR.**

(A) The PAYT contractor, in conjunction with the town, shall establish and publicize pick-up schedules for all residents in the PAYT program. Such schedules shall provide for weekly pickup of waste in PAYT bags and carts; bi-weekly pickup of recyclable materials on a rotating basis, with paper recyclables one week and other recyclables the next; on-request pickup of bulky waste (limited to two requests per month); and pickup of yard waste as follows: four weeks in April, every other week through October, and four weeks in November plus the first week in January for Christmas trees only.

(B) Pickups may not begin before 7:00 a.m. except that pickups from residents on East and West Main Roads and on Aquidneck Avenue may begin at 6:30 a.m.

(C) The PAYT contractor shall inform all residents in the program, at least annually, of a toll-free telephone number to be used for bulky waste pickups and for requesting information or making complaints.

#### **§ 50.44 RESPONSIBILITIES OF RESIDENTS.**

Residents who elect to participate in the PAYT program are subject to the following responsibilities:

(A) The different types of waste, as defined in § 50.01, shall be handled by residents as follows:

(1) Solid waste shall be placed only in color coded plastic trash bags authorized for use by the Town. Said plastic bags shall be placed in the solid waste cart provided by the Town.

(2) Recyclable paper and cardboard must be placed in a green cart provided by the town. All other recyclable materials must be placed in a blue cart provided by the town.

(3) Yard waste must be placed in standard 32-gallon garbage cans labeled as yard waste or in paper bags, except that tree trimmings not greater than two inches in diameter or four feet in length may be tied up separately and not placed in a container.

(3) Bulky waste items need not be placed in a container but must be affixed with a PAYT sticker, obtainable from the town hall, and will only be picked up if a request is made therefor 72 hours in advance by telephoning the PAYT contractor. Residential construction waste must be placed in no more than two standard 32-gallon garbage cans, each weighing less

than 50 pounds. Bulky waste pickups are limited to two per month.

(4) All waste that does not qualify as recyclable materials, yard waste, or bulky materials must be placed in special PAYT bags, which may be purchased from hardware stores and other merchants, and the PAYT bags must be placed in a waste cart provided by the town. Not more than 40 pounds of waste may be placed in each PAYT bag.

(B) Time and manner of setting out waste:

(1) All waste containers and bulky waste items may be put out for collection after 7:00 p.m. on the day preceding the resident's scheduled pickup day and before 7:00 a.m. on the resident's scheduled pickup day, except that residents on East and West Main Roads and on Aquidneck Avenue must put their containers in place before 6:30 a.m. on the scheduled pickup day.

(2) Waste containers and bulky waste items shall be placed at the curb or, if there is no curb, next to the roadway. Waste carts must have their hinged covers fully down, so that no waste is overflowing.

(C) Time and manner of removing containers:

(1) All waste containers and/or recyclable containers shall be removed from the curbside by 7:00 a.m. on the day following pick up.

#### **50.45 CONTAINERS**

(A) Town ownership of containers: As part of instituting the PAYT program, the Town shall initially distribute three color coded containers (for solid waste, paper recyclables and bottles/cans/plastic recyclables) to each eligible household in the Town. Said containers shall bear the seal of the Town of Middletown. All containers distributed shall be the property of the Town of Middletown. All containers shall be coded with a serial number which shall correspond to a designated street address. Upon moving or vacating a household, residents shall leave all Town containers at the property for use by the next owner and/or tenant. Violators shall be subject to penalties as contained in § 50.08.

(B) Container Replacement: If a household or resident has a container stolen or needs to replace a container, the Department of Public Works can be contacted to secure a replacement. The replacement cost for a container shall be paid by the resident.

*SECOND: This ordinance shall take effect on November 1, 2007, and its provisions shall supersede any inconsistent or contrary provision in any other ordinance.*