



# CITY OF LYNN

May 24, 2005

*In City Council*-----

## **IN THE YEAR TWO THOUSAND AND FIVE AN ORDINANCE MANDATING PAPER-ONLY RECYCLING FOR SMALL BUSINESSES IN THE CITY OF LYNN.**

Be it ordained by the City Council of the City of Lynn and by the authority of the same as follows, to wit:-

SECTION 1. An Ordinance mandating paper-only recycling for small businesses in the City of Lynn is hereby established.

SECTION 2. Establishment of Program. There is established a program for the mandatory separation of certain recyclable materials from refuse which shall apply to all small businesses participating in the City trash collection program. The program shall be carried out under the supervision of the Commissioner of the City of Lynn Department of Public Works (DPW).

SECTION 3. Mandatory Separation of Recyclable Materials. It shall be mandatory for each small business in Lynn to separate all designated paper only recyclable materials from other refuse in accordance with the provisions of this section.

SECTION 4. Small businesses are any businesses which receive City of Lynn Solid Waste Collection Services. On and after the effective date of the ordinance, it shall be mandatory for all of the small businesses which receive City solid waste collection services to separate from other refuse all recyclable materials designated by the Commissioner in rules and regulations issued under this Ordinance.

The Small Business paper only Recycling Program includes:

### Paper Product

Newspapers with inserts  
Cardboard (cardboard need to be flattened and cut into pieces [30" x 30"])  
Paperboard (cereal, crackers boxes) Junk Mail, office and computer paper  
Telephone books Magazine and catalogues Brown paper bags



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**SECTION 5.** The City of Lynn will provide small business owners with one or two recycling receptacles for their immediate participation in the City Small Business Mandatory Recycling program.

**SECTION 6.** The City shall retain ownership of its entire small business recycling receptacles and the owner of each small business shall take proper care to protect such receptacle from loss or damage. The City will replace receptacles that are lost or stolen at a cost of \$40.00 dollars per receptacle, as long as the City's supplies last. After City supplies, are depleted, it shall be the responsibility of the small business owner to obtain a suitable replacement within 14 days. In such buildings, the materials designated for recycling in rules and regulations promulgated by the Commissioner of the Department of Public Works shall be placed in the small business recycling receptacles.

**SECTION 7.** The preparation and placement of recyclables shall be accomplished in accordance with rules and regulations to be issued by the Commissioner of the Department of Public Works under this Ordinance.

**SECTION 8.** The recycling containers and receptacles shall be placed for collection 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 to be issued under this Ordinance.

**SECTION 9.** 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 recyclable materials from rubbish does not take place, the City may decline to collect said rubbish.

**SECTION 10.** Upon placement of recyclables for the City or its contractor at the curbside, pursuant to this section, such recyclables shall become the property of the City. It shall be a violation of this Ordinance 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 so placed. Each and every such collection in violation of this section from one or more locations shall constitute a separate and distinct offense. In addition to the penalty provided in Section 12 of this section, any violator of this section shall make restitution to the City for the value of recyclables illegally removed.

**SECTION 11.** Rules and Regulations. The Commissioner, with the approval of the City Council, may promulgate rules and regulations for the implementation of this section.

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**SECTION 12.** Enforcement and Penalties. Whoever violates any provision of this section, including any rule or regulation promulgated under item 13 of this section, may be penalized by a non-criminal disposition as provided in G.L. c. 40, § 21D. For purposes of this section, the following officials shall be enforcing persons: designated staff of the City of Lynn Department of Inspectional Services and the City Department of Public Works. The penalty for each violation shall be fifty dollars. A penalty will be assessed under this section only after the violator receives a written warning regarding the violation indicating the method of correction.

**SECTION 13.** Repeal of Inconsistent Laws. All ordinances, resolutions, regulations or other documents inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**SECTION 14.** Severability. This section and the various parts, sentences and clauses thereof are declared severable. If any part, sentence or clause is adjudged invalid, the remainder of this section shall not be affected thereby.