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**I. Purpose and intent.**

- A. In accordance with the City’s governmental power to protect the public health, the State Sanitary Code, 105 Code of Massachusetts Regulations Section 410, and specifically Sections 410.601 and 602, certain property owners and occupants are required to properly dispose of solid waste; and
- B. The City of Springfield provides solid waste collection and disposal services which include the collection and disposal of solid waste, recyclables, and yard waste (“Services”); and
- C. Mass. Gen. Laws ch. 44, sec. 28C authorizes the City to charge a fee to cover the costs of solid waste collection and disposal services; and
- D. The fee amount and administration is required per City ordinance, Title 7, Chapter 7, Section 16 – Solid Waste, Litter and Weeds.

**II. Communication**

1. The City shall maintain the website section dedicated to the trash fee information at <http://www.springfieldcityhall.com/DPW/trashfee1.0.html>. This section shall include all necessary administrative details, forms, contact information and a list of frequently asked questions.
2. The City shall maintain an e-mail address dedicated to answering questions regarding the trash fee, at [trashfee@springfieldcityhall.com](mailto:trashfee@springfieldcityhall.com), with a link to a specific e-mail account in the City directory, which will be monitored by assigned personnel.
3. The City's Call Center personnel shall be available by calling (413) 736-3111, or dialing 3-1-1 within City limits, to answer questions about the trash fee and generate appropriate service orders related to the trash fee administration. Such personnel shall be trained appropriately and provided with standardized information to answer public questions and handle related transactions.
4. The City shall communicate to the general public in various ways including, but not limited to, official media release, website posting, television, public posting in City Hall, electronic mail, physical letter, telephone or other such means.

**III. Definitions.**

For the purpose of these rules and regulations, the following terms shall have the meaning ascribed to them in this section unless different meanings are clearly indicated by the context of their use:

- A. “Approved disposal site” means any trash disposal facility, licensed pursuant to M.G.L., chapter 111, § 150A or by other appropriate public authority.
- B. “Bulk waste” means all large items of trash; see City ordinance, Title 7, Chapter 7.16.050.
- C. “Bulk waste fee” shall mean a purchase price charged by the City to dispose of an item of bulk waste.
- D. “Condominium association” means an association of dwellings so designated in the Assessor’s records.
- E. “Dumping” means the discarding, dropping, placing, throwing, depositing or dispensing of trash.
- F. “Dwelling unit” shall mean one or more rooms forming a single unit that is used or intended to be used as a residence and contains cooking, sleeping, and sanitary facilities.
- G. “Hazardous waste” means a waste, or combination of waste, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however not including solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954.
- H. “Mobile home” means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried, and to

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provide a dwelling house or premises, a business office or premises, or accommodation for any other purpose.

- I. “Overflow bag” shall mean a trash bag affixed with a City-issued sticker sold to the owner who receives the City’s trash service to accommodate any trash that exceeds the capacity of the assigned trash container(s).
- J. “Owner” shall mean any one or more of the following:
  - 1. The owner or owners in fee simple of a parcel of real estate, including the life tenant or life tenants, if any; or
  - 2. The record owner or owners, as reflected by the City Assessors office; or
  - 3. The purchaser or purchasers of such real estate under a contract for conditional sale thereof; or
  - 4. The person or persons in control of the parcel as the personal representative, trustee, receiver, or guardian of the owner.
- K. “Owner Occupied” shall mean that the owner of parcel of real estate maintains said parcel as their primary residence.
- L. “Parcel” shall mean any lot, or tract of land, or any other area of land, as shown on the Assessors map of the Hampden County Registry of Deeds.
- M. “Person” shall mean any individual, firm, partnership, association, corporation, company, group of individuals acting for a common purpose or organization of any kind, excepting a governmental agency.
- N. “Premises” shall mean any portion of a parcel of land, inclusive of any structures thereon.
- O. “Recyclables” mean any materials so defined by the *Mandatory Recycling Ordinance* § 7.16.040 and by the Commonwealth’s Department of Environmental Protection. It shall be illegal for any other person than the City or its authorized deputies to remove recyclables set out for curbside collection, if such property receives trash service from the City.
- P. “Trash” shall mean all "garbage", "refuse" and "rubbish" as defined by *Mandatory Recycling Ordinance* § 7.16.010 and all other waste material which if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety, welfare, or appearance.

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1. “Garbage” means any putrescible animal and vegetable material resulting from the handling, preparation, cooking and consumption of food.
  2. “Refuse” means all putrescible and non-putrescible solid material (excepting body waste), including, but not limited to, garbage, rubbish, ashes, street cleanings, dead animals, abandoned motor vehicles, used motor vehicle parts, tires, bulk waste, construction and/or demolition waste, building materials, solid market and/or industrial wastes, used chemical and oil waste, and any other similar substance, man made or otherwise, which no longer serves the functional use for which it was intended.
  3. “Rubbish” means all non-putrescible solid material consisting of both combustible and noncombustible material, including but not limited to, paper, wrappings, cigarettes, cardboard, tin and aluminum cans, wood, glass, concrete, dirt, plaster, plasterboard, roofing material, nails, bedding, crockery and similar material.
- Q. “Trash container” shall mean a City-provided trash receptacle, which remains the City’s property, unless purchased by the user, if so allowed by the City.
- R. “Trash fee” shall mean a fee that is established by the City for the purpose of defraying the total cost of trash collection and disposal services provided by the City.
- S. “Trash space” shall mean a space in a dumpster through which the City provides the trash services to a dwelling unit.
- T. “Yard waste” means all grass clippings, weeds, hedge clippings, garden waste, leaves, and twigs and brush not longer than two (2) feet in length and one-half (1/2) inch in diameter.

**IV. Rules and Regulations.**

A. Effective Date

The current trash fee (“fee”) is established with an effective date of July 1, 2011.

B. Eligible Parcels

1. After the effective date of the fee, the City shall provide the trash service only to parcels with no more than three (3) dwelling units within the administrative boundaries of the City.
2. The City reserves the right to deny trash collection and disposal services to any government units, housing authority, non-profit or religious organization, commercial units, multi-family buildings with more than three (3) dwelling units, condominium associations or mobile home parks, seeking to continue to receive or start such services after the effective date of the fee.
3. The City’s trash service will not be available to boundary properties where at least fifty percent (50%) of the owner-occupied dwelling unit is not within the City’s administrative boundaries.
4. City of Springfield municipal offices, with the exception of the Springfield Public Schools, shall remain eligible for the City’s trash service.

C. Amount of Trash Fee and Other Charges

1. The annual fee for every fiscal year, until amended or revoked, is **\$75.00** for each City-provided trash container.
2. Trash fee bills that are not paid in full within thirty (30) days of issuance are subject to interest charges of twelve percent (12%) annually on the outstanding balance until the invoice is paid in full. Accumulated interest is not eligible to be waived by any party unless indisputable proof exists that A) the bill was paid in full on or before the due date or B) a material error on the part of the City caused an outstanding balance to remain outstanding.
3. Trash fee bills that are not paid in full by the due date will be

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subject to a \$10.00 late fee per City ordinance. The late fee is not eligible to be waived by any party unless indisputable proof exists that A) the bill was paid in full on or before the due date or B) a material error on the part of the City caused an outstanding balance to remain outstanding.

4. Since the trash service is not metered and is provided for the benefit of a specific property, the annual fee and corresponding payments made during the fiscal year are non-proratable by the City except as allowed under Section IV, Clause C, Item 8 of these regulations. Any apportionment of existing prepaid or unpaid municipal fees shall occur at the real estate settlement between the parties.
5. No proration is available to partial-year residents who maintain residence for any period of time outside Springfield.
6. No proration is available for properties that are vacant at any time during the fiscal year.
7. Proration of fifty percent (50%) of the annual fee is available in the fiscal year during which a change of ownership and a voluntary opt-in take place for properties purchased under the following conditions:
  - a. Properties purchased at a City-sponsored auction of City-owned foreclosed properties where the closing date for the sale is after December 31 of the fiscal year.
  - b. Properties purchased at a private sale from owners that had previously opted-out of City-provided trash collection services where the closing date for the sale is after December 31 of the fiscal year.
  - c. New construction of a dwelling unit on previously undeveloped parcels with no previously-constructed dwelling unit or City-provided trash service where the closing date for the sale is after December 31 of the fiscal year.
  - d. New construction of an additional dwelling unit on an existing parcel or City-provided trash service where the certificate of occupancy is dated after December 31 of the fiscal year.

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8. The fee does not include the cost of bulk waste sticker or overflow trash bag, both or which must be paid for separately at the time of purchase of such sticker or bag.
9. Any trash left at the curb for collection at ineligible properties may be subject to code violations.

D. Responsible Payer

1. The owner of a dwelling unit whose name appears on the real estate tax bill for the property as of January first, or the subsequent owner of the property, is responsible for the fee for that fiscal year. The City will use the most recent available property tax ownership information to determine who the annual trash fee will be invoiced and mailed to.
2. Residential property tenants shall not be responsible for the fee and the City will not bill such tenants directly.
3. For any property whose area crosses the administrative boundaries of the City and receives the City's trash service, the owner whose name appears on the real estate tax bill for the property as of January 1 each year, or the subsequent owner of the property, shall be responsible for the fee. The City will use the most recent available property tax ownership information available to determine the name of the person(s) to whom the annual trash fee will be invoiced and mailed.

E. Discounts

1. An annual twenty-five dollar (\$25.00) discount from the fee shall be granted to resident-owners who meet any one of the following criteria:
  - a. They are 65 years of age or older. Proof of age is required.
  - b. They are a veteran with a service-connected disability. A copy of the Veterans Administration award letter is required as proof.
  - c. They are blind. A copy of the MA Commission for the Blind visual impairment certification is required as proof.
  - d. They are indigent. Annual gross income is at or below the



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Federal Poverty Level ; a copy of current federal tax return, letter of non-filing [IRS 1722] and/or transcript of income [IRS 4506T] are required as proof.

2. Property owners who qualified for a discount in prior fiscal years, excepting indigent individuals, are not required to re-apply for a discount.
3. Property owners who change residences must re-apply for a discount.
4. Discounts will only apply to the owner-occupied primary residence, and do not apply to other trash services, such as bulk item stickers or extra trash bags.
5. Property owners can apply for and receive only one type of discount, even if he or she might qualify for more than one discount listed, inclusive of any proration.
6. Approved applications for discounts not received within forty-five (45) days from the issuance date will be applied to the following fiscal year.
7. Not all persons previously eligible may be eligible for a discount in future fiscal years.

F. Exemptions

1. Municipal offices of the City of Springfield are exempt from the trash fee.
2. Recycling bins are exempt from the trash fee.

G. Opt-In

1. An eligible owner with a dwelling unit that does not currently receive the trash collection and disposal services from the City can elect to opt into the program. The annual fee is non-proratable, except as allowed under Section IV, Clause C, Item 8 of these regulations.
2. Allowed opt-in transactions include:
  - a. New construction of a dwelling unit that requires trash service;

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- b. Subdivision of an existing parcel, creating additional dwelling units that require trash service;
  - c. New construction of an additional dwelling unit on an existing parcel already containing dwelling units.
  - d. New ownership of a dwelling unit after a period of vacancy;
  - e. Return of the customer after having opted out of the program.
  - f. Any other situation considered an opt-in by the City.
3. The owner opting in shall be responsible for the amount billed per each trash container.
  4. If there are any outstanding fees, interest or charges associated with the property for which the trash service is sought, the owner who opts in shall be obligated to pay such outstanding balances before the service is provided by the City.
  5. The Trash Fee Change/Dispute Form provided by the City in print and on the City's website must be used to join the program.

H. Opt-Out

1. An eligible owner who currently receives the trash collection and disposal services from the City can elect to opt out of the program.
2. The owner who opts out of the City's program, but still requires trash services, must be in compliance with all relevant laws, statutes, regulations and ordinances regarding the collections and disposal of trash within the City. Violations of relevant laws, statutes, regulations, and ordinances may subject the owner to code violation fines.
3. Such an owner can elect to either retain the services of a private hauler, or deposit his trash at another location that is paid by him either with the City service or privately, or self-haul his trash to an approved disposal site as defined in Section III, A.
4. Since the annual fee is non-proratable except as allowed under Section IV, C, Item 7 of these regulations, any payments made

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during the fiscal year for which the person opts out are also non-proratable and non-refundable.

5. The Trash Fee Change/Dispute Form provided by the City in print and on the City's website must be used to leave the program.
6. Any outstanding fees, interest and charges remain the obligation of the owner of the property for which the opt-out was processed.

I. Trash Container Returns

1. Property owners must return unused bins to the City to avoid being charged the annual trash fee.
2. For trash container return requests received during the fiscal year, no credit or refund for the corresponding fee shall be awarded for return requests filed on or after January 1 of any year.
3. The initial purchase price, if any, for obtaining the additional container(s) from the City will not be refunded to the purchaser.
4. At least one trash container per dwelling unit must remain at the property if the owner elects to continue to receive the City's trash service.
5. The Trash Fee Change/Dispute Form provided by the City in print and on the City's website must be used to return additional trash containers.
6. Any outstanding fees, interest and charges remain the obligation of the owner of the property for which the returns were processed.

J. Additional Trash Container

1. Solid waste bins are not available for sale to property owners.
2. The City continues to provide and approve new requests for only one (1) trash container per dwelling unit.
3. Property owners who previously purchased additional trash containers will be charged the annual fee for each bin unless the bins are returned to the City.

4. The City will not refund the original purchase price of such additional container(s) upon return.

K. Replacement of Trash Containers

1. The City shall repair or replace, at its discretion, the trash containers in the following circumstances:

a. Missing containers:

- i A trash container is considered missing if the City's records indicate that such bin exists at the serviced property but it has been removed from the serviced property without notification to the City.
- ii A current or new property owner must immediately file a report with the Springfield Police Department when an assigned trash container is missing.
- iii The City will provide a replacement container at no additional charge to the owner, when presented with a copy of the police report. DPW will also provide confirmation from one of the City drivers that the missing containers are not visible at the property, prior to delivering a replacement container.

b. Destroyed containers:

- i A trash container is considered destroyed if the City's records indicate that such container exists at the serviced property; but the container has been damaged beyond repair.
- ii A current or new owner of such serviced property must inform the Springfield Police Department by filing a report that the assigned trash container has been destroyed.
- iii In instances where damage to the bins was caused by negligence or misuse, the property owners will be financially responsible for the replacement or repair of the bins. As such, the property owner will be billed from the City for the cost of replacement or repair of the bins.

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c. Damaged / Defective containers:

- i A trash container is considered damaged or defective if, at the sole determination of the City, its parts are not performing to the operational specifications.
  - ii In instances where damage to the bins was caused by negligence or misuse, the property owners will be financially responsible for the replacement or repair of the bins. As such, the property owner will be billed from the City for the cost of replacement or repair of the bins.
  - iii The decision to repair or replace a defective container will be made by the City at its sole discretion.
2. The Trash Fee Change/Dispute Form provided by the City in print and on the City's website must be used to obtain a replacement trash container.
3. Property owners must be in good standing (i.e. paid in full) in order to have their trash container replaced or repaired.
4. The City cannot guarantee that the same trash container will be delivered to the property where the service is resumed after the non-payment related interruption. The City will deliver a similar container from the existing container inventory, which may be new or used.

**V. Administration**

**A. Billing**

1. The City shall issue the bills for the trash fee annually, on a date determined by the Mayor.
2. The fee shall be issued independently of any other municipal taxes or charges via mailing to the property owners identified by the City Assessors, and based on the number of existing City-provided trash containers and corresponding exemptions at such properties identified by the City's staff.
3. Trash fee invoices shall be generated and committed to the City's financial software of record no later than July 1<sup>st</sup> of any given fiscal year. Generation of these invoices shall not be construed to be their issuance.
4. The City shall generate and commit additional trash fee invoices to the City's financial software of record on a monthly basis. Generation and commitment of these invoices shall not be construed to be their issuance.
5. The fee will be due and payable thirty (30) calendar days from the issuance date. If the thirtieth (30<sup>th</sup>) day following the issuance date falls on a Saturday, Sunday, or City-observed holiday, the bill will be due on the first subsequent business day.
6. The payer shall follow the payment instructions on the actual bill.
7. In case of billing discrepancy, such as an incorrect number of assigned trash containers or missing exemption or payments credit, the payer must complete the Trash Fee Change/Dispute Form provided by the City in print and on the City's website.
8. The City shall allow payments to be made by check or money order by mail; online via the Deputy Collector's website; or directly at the City Collector's office by means of cash, check or money order; or other means offered by the City.
9. The City shall provide the amount of outstanding balances for trash fee, interest and charges via a municipal lien certificate for the purposes of real estate transaction settlements, upon request from the closing agent, within the statutory time limits.

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10. A duplicate invoice shall be provided at no additional charge to the property owner by the Collector or his deputies.

B. Collection

1. Fees and any associated interest and charges shall be collected by City Collector or his/her designated deputies.
2. Payments received after thirty (30) calendar days from the issuance date are considered late by the City.
3. Twelve per cent (12%) per annum interest rate shall be applied to any outstanding amounts after the grace period of thirty (30) calendar days from the issuance date.
4. The City shall assess a late payment charge for any outstanding amounts after the grace period of sixty (60) calendar days from the issuance date. The amount of the fee shall be \$10.00.
5. The outstanding fees with associated interest and charges shall become a municipal lien against the property for whose benefit the City's service was provided as part of the next fiscal year's 3<sup>rd</sup> quarter tax bill for such a property.
6. In order to avoid a municipal lien against the property, all outstanding fees, interest and charges must be paid in full.
7. No dispute or appeal, including an application for a discounted fee, shall be a valid reason for non-payment. In order to avoid any additional charges, the owner shall pay any charges first, as they become due, and then resolve any dispute about the invoice with the City.

D. Administration

1. The City shall have the ongoing responsibility and authority to implement rules and regulations governing the administration and enforcement of the annual trash fee.
2. City Ordinance, Title 7, Chapter 7.16.042, section K, paragraph 11 authorizes the Mayor to adopt rules and regulations for the implementation and administration of the fee.

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3. The City Treasurer (or his designee) shall have sole authority to make determinations regarding the forgiveness of penalties, fees, and accrued interest within the confines of State Law.
4. The Solid Waste Exception Committee, under the direction of the Mayor and CAFO, will receive, review, recommend, process, and have the sole authority to approve or deny exemptions and discounts from the fee. This committee will consist of the Treasurer/Collector, Assistant Collector, Budget Director, the Financial Analyst assigned to the trash fee, a representative from 311, a representative from the DPW Solid Waste Division and a representative of the Mayor's Office.
5. The Finance Department shall be jointly responsible with the Department of Public Works for the budgeting and financial management of the fee and the Solid Waste Enterprise Fund.
6. All revenues and expenditures related to the trash collection and disposal services provided by the City will be accounted for through the Trash Fee Enterprise Fund ("Fund"), created by SFCB Executive Order # 11-27-10, pursuant to M.G.L. c.44 § 53F ½.
7. Pursuant to M.G.L. c.44 § 53F ½, the Fund's preliminary budget shall be filed with the City's Mayor and City Clerk at least one-hundred-twenty (120) days prior to the start of each fiscal year.
8. The Solid Waste Enterprise Fund Oversight Committee (Committee) shall monitor the operation of the Fund on an ongoing basis and meet as often as required. The Committee shall consist of the Mayor, the CAFO, the Director of Public Works, the CitiStat Director, the 3-1-1 Customer Service Center Director, the Treasurer/Collector, the Assistant City Collector, the Comptroller, the Finance Director, the Budget Director, the Financial Analyst assigned to the trash fee, or their respective designee(s).

E. Annual Timeline

1. In FY12, the following timeline shall apply.
  1. October 1 – Any bins returned on or after October 1 shall be charged a minimum of 50% of the annual trash fee.
  2. November 1 – Public notification is given to the general public



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regarding the upcoming liens.

3. January 1 – The oldest outstanding trash fee invoices are liened to the 3<sup>rd</sup> quarter (actual) property tax bills.
  4. January 1 – Any bins returned on or after January 1 shall be charged 100% of the annual trash fee.
  5. February 1 – Public notification is given to the general public regarding the printing and mailing of the annual trash fee.
  6. March 1 – Trash fee invoices are issued and mailed to property owners.
  7. March 31 – Trash fee invoices are due in full.
  8. April 1 – Interest begins to accrue on outstanding trash fee invoices.
  9. April 1 – Public notification is given regarding the due date of the trash fee being past and the upcoming assessment of late fees.
  10. May 1 – Late fees are assessed to each outstanding invoice.
2. If the date listed above falls on a Saturday, Sunday, or City-observed holiday, the effective date of the transaction listed shall be the next business day.
  3. The dates listed above are subject to change subject to thirty (30) days notice to the public.