

Town of Southbridge

Board of Health

Code of Regulations

CHAPTER 2: STORAGE AND DISPOSAL OF SOLID WASTE

§1: PURPOSE

Whereas loose litter and uncontained trash in the Town of Southbridge is a public health nuisance in that it represents a significant contributor to conditions of blight within the Town, and the existence of such blight, contribute to the decline of town neighborhoods and property values, and;

Whereas poor practices in disposal are contributing to a negative impact to the environment by causing failure of the town to continue to improve on Massachusetts State Mandated recycling efforts, and;

Whereas complaints related to loose litter and improperly stored litter attracting rodents which may adversely affect public health, comfort of life, and cause general nuisance have been recorded in the Town of Southbridge,

The Board of Health of the Town of Southbridge hereby adopts the following regulations as the Town of Southbridge Board of Health Code of Regulations Chapter 2: Storage and Disposal of Solid Waste.

These regulations shall be effective on and after May 14, 2020, and so remain until modified or amended by the Board of Health.

§2: AUTHORITY

This Town of Southbridge Board of Health Code of Regulation Bylaw is hereby adopted under Authority granted to Boards of Health by Massachusetts General Law Chapter 111 §§ 31, 31B & 122 The Southbridge Board of Health hereby adopts these regulations in order to protect public health, to protect the environment, to improve comfort and convenience, and prevent public health nuisance.

§3: DEFINITIONS

Owner:

Any individual, business entity, voluntary association or nonprofit organization, which alone or jointly or severally with others:

1. Has legal title to any building, structure, and property, or
2. Has care, charge, or control of any such building, structure or property in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title, or
3. Is a lessee under a written agreement, or
4. Is an agent, trustee, or other person appointed by the courts and vested with possession or control of such building, structure or property.

Recyclable or Recyclable Material:

A material that has the potential to be redirected, remanufactured or used as an ingredient in another product. Recyclables for this regulation are:

Aluminum and metal containers,
Glass containers
Single polymer plastics, and
All grade recyclable paper

Special Wastes:

Any disposal that is classified as a hazardous waste, a regulated material or items banned from common disposal under 310 CMR 19.017

Tight fitting covers:

Covers that close completely over the trash containers as to prevent rodent access, prevent loose litter and exclude weather

Waste:

That portion of disposal that cannot be included in a reasonable recycling program. Waste in this Bylaw shall not include "Special Wastes"

§4: GENERAL

§4.1: Collection of Garbage and Rubbish

The owner of any commercial business, dwelling that contains three or more dwelling units, the owner of a rooming house, and the occupant of any other dwelling place shall be responsible for the final collection or ultimate disposal of rubbish by means of:

- (A) the regular municipal collection system; or
- (B) any other collection system approved by the Board of Health; or

(C) Any other method of disposal which does not endanger any person and which is approved in writing by the Board of Health.

§4.2: Prohibited Practices

§4.2.1: Improper Disposal

It shall be a violation of the Town of Southbridge Board of Health Code of Regulations Chapter 2 to dispose of any trash debris, waste or other refuse in a manner not consistent with this Code of Regulation, 105 CMR 310.19, or other legally accepted method.

§4.2.2: Littering

It shall be a violation of the Town of Southbridge Board of Health Code of Regulations Chapter 2 to dispose of any trash, debris, waste or other refuse by casting to public or private property or otherwise littering or dumping except in locations assigned to receive such deposits by Massachusetts Department of Environmental Protection and local Board of health.

Any person or entity causing a spill, or event resulting in any trash, debris, waste or other refuse being deposited to a location not approved shall be responsible for restoring the location to sanitary condition.

§4.2.3: Transportation

It shall be a violation of the Town of Southbridge Board of Health Code of Regulations Chapter 2 to transport into or within the Town of Southbridge any trash, debris, waste or other refuse with intent to cast to a public or private property or otherwise litter or dump except to locations assigned to receive such deposits by Massachusetts Department of Environmental Protection and local Board of Health.

§4.2.4: Penalties

Any person or entity found to be in violation of the Southbridge Board of Health Code of Regulations Chapter 2 §4: Prohibited Practices shall be subject to a fine of \$250.00.

§5: RESIDENTIAL CURBSIDE COLLECTION PROGRAM

5.1: General

5.1.1. The Town of Southbridge Residential Municipal Solid Waste Curbside Collection program shall be available for dwellings not exceeding 6 dwelling units.

5.1.2. Recycling and waste in storage and at curb for collection shall be contained in durable containers with tight fitting covers that exclude weather and prevent rodent access.
Loose waste or uncontained bags will not be collected.

- 5.1.3. Recycling and waste containers are to be stored inconspicuously on the property in a location that does not present a cause of harm, cause of sickness or present a public health nuisance; containers shall not be kept at curbside except for the day of scheduled collection.
- 5.1.4. Owners of dwelling units are responsible for supplying appropriate containers for the containment of waste and recycling in accordance with these regulations. Owners are responsible for maintenance and security of waste and recycling containers.
- 5.1.5. The occupants of each dwelling, dwelling unit, and rooming unit shall be responsible for the proper placement of his garbage and rubbish in the receptacles.
- 5.1.6. Occupants of any dwelling unit shall exercise reasonable care in the proper use and operation of waste and recycling containers.

5.2: Recycling

5.2.1. Mandatory Recycling

Recycling of paper, cardboard, glass bottles, cans and all single polymer plastics is mandatory.

5.2.2. Containers

- 5.2.2.1: Containers for recycling shall be clearly marked "Recycling".
- 5.2.2.2: No single recycling container shall have capacity greater than 96 gallons.
- 5.2.2.3: Additional containers may be used if recycling needs exceed 96 gallons.
- 5.2.2.4: Recycling containers shall be designed for lifting by a typical trash collection vehicle with a "Grab" bar located approximately 18 inches and an upper "Grab" bar located at approximately 33 inches off the ground when the container is seated level or other design as approved by the Board of Health in consultation with the hauler.
- 5.2.2.5: The "grab" bar shall be capable of supporting the weight of the container and any content.
- 5.2.2.6: Recycling containers shall have attached tight fitting covers that fully close.

5.2.3 : Collections

5.2.3.1: Municipally contracted recycling shall be collected on a schedule determined by the Southbridge Board of Health. Privately contracted recycling shall be collected on a schedule that prevents loose litter, prevents odors and rodent harborage and allows adequate capacity to contain the recycling.

5.2.3.2: Recycling must be placed at the curb prior to 7:00 a.m. of the day of collection but shall not be placed earlier than the day of collection

5.2.3.3: Recycling containers shall be placed at curbside in a location that is accessible without entering the property, that does not interfere with pedestrian traffic on public sidewalks, and that will not redirect vehicular traffic.

Exemption: if placement of containers in accordance with §5.3.2.3 is not possible, alternate location may be approved by written consent of the Southbridge Board of Health.

5.2.3.4: Recycling containers shall be removed from curbside no later than 12 hours following collection.

5.3: Waste

5.3.1 Containers

5.3.1.1: Containers shall meet the following standards

5.3.1.1.1: Containers shall have a capacity of no more than 64 gallons. No single container shall have capacity greater than 64 gallons

5.3.1.1.2: The total quantity of waste for any single collection period for an individual dwelling unit shall not exceed 64 gallons.

5.3.1.1.3: All waste must be contained in appropriate containers; Loose bags shall not be put out for collection, loose bags will not be picked up.

5.3.1.1.4: Waste containers shall be designed for lifting by a typical trash collection vehicle with a "Grab" bar located approximately 18 inches and an upper "Grab" bar located at approximately 33 inches off the ground when the container is seated level or other design as approved by the Board of Health in consultation with the hauler.

5.3.1.1.5: The "grab" bar shall be capable of supporting the weight of the container and any content.

5.3.1.1.6: Waste containers shall have attached tight fitting covers that fully close.

5.3.2 : Collections

5.3.2.1: Municipally contracted waste shall be collected on a schedule determined or approved by the Southbridge Board of Health. Privately contracted waste shall be collected on a schedule that prevents loose litter, prevents odors and rodent harborage and allows adequate capacity to completely contain the waste.

5.3.2.2: Waste must be placed at the curb prior to 7:00 a.m. of the day of collection but shall not be placed earlier than the day of collection.

5.3.2.3: Waste containers shall be placed at curbside in a location that is accessible without entering the property, that does not interfere with pedestrian traffic on public sidewalks, and that will not redirect vehicular traffic.

Exemption: if placement of containers in accordance with §5.3.2.3 is not possible, alternate location may be approved by written consent of the Southbridge Board of Health.

5.3.2.4: Waste containers shall be removed from curbside no later than 12 hours following collection.

5.4: inspections and Enforcement

5.4.1: Inspection

5.4.1.1: Any waste stored or placed at curb in violation of this code shall be subject to opening and inspection by any agent authorized to enforce this code.

5.4.2: Penalties

Any owner or occupant found to be in violation of the Southbridge Board of Health Code of Regulations chapter 2 §5: Residential Curbside Collection Program shall be subject to the following fines schedule

First violation	.....	\$50.00
Second violation	.....	\$100.00
Third and subsequent violation	.....	\$200.00

Each day offense violation exists shall be a separate violation.

§6: COMMERCIAL WASTE DISPOSAL AND STORAGE

6.1: General

6.1.1: Any business, commercial enterprise, charitable organization, multi-family dwelling exceeding 6 units, or other property use other than residential dwelling structures of six units or less shall be responsible for proper and legal storage and disposal of waste and recyclables.

6.1.2: Recycling of paper, cardboard, glass bottles, cans and all single polymer plastics is mandatory.

6.2: Containers and placement

6.2.1. Recycling and waste shall be contained in durable containers with properly fitting covers that exclude weather, prevent loose litter and inhibit rodent access.

6.2.2. Recycling and waste containers are to be stored on an impervious surface in a location that does not present a cause of harm, cause of sickness or present a public health nuisance. Locations established prior to adoption of this code with existing placement not in compliance with §5.2.3 may continue provided the containers effectively prevent leaking and do not contribute to contamination of the underlying soils.

6.2.3: Outside staging areas for recycling and waste containers shall be fenced as to contain loose litter. Locations established prior to adoption of this code with existing placement not in compliance with §6.2 may continue provided the site does not contribute to loose litter or other public nuisances.

6.3: Maintenance

6.3.1: Containers shall be maintained closed except for the immediate time required for depositing recycling or trash in them.

6.3.2: Owners of properties shall be responsible for ensuring that recycling and trash are removed on a schedule that prevents trash accumulation over the design capacity of the container or above a level that the container can be closed.

6.3.4: Owners of properties shall be responsible for maintaining the storage area (s) for trash and recycling containers in a clean and sanitary manner.

6.3.5: Owners of properties shall be responsible for ensuring proper repair of recycling and trash containers and covers.

6.4: Inspections and Enforcement

6.4.1: Inspection

6.4.1: Any waste stored or placed outside in violation of this code shall be subject to opening and inspection by any agent authorized to enforce this code.

6.4.2: Penalties

Any person found to be in violation of the Southbridge Board of Health Code of Regulations chapter 2 §5: Commercial Waste disposal and storage shall be subject to the following fines schedule

First violation	.....	\$100.00
Second violation	.....	\$200.00
Third and subsequent violations	.....	\$300.00

Each day any violation exists shall be a separate violation

§7: REGULATIONS FOR CONTRACTING AND HAULING OF WASTES, RECYCLABLES AND SPECIAL WASTES IN THE TOWN OF SOUTHBRIDGE

§7.1: Permits

§7.1.1 Permits Required

- a. Any person or entity either collecting waste and/ or recycling from any site in the Town of Southbridge or depositing waste, recycling or special wastes within the Town of Southbridge shall cause each truck intended for use in the Town to be permitted through the office of Inspection Services, Board of Health Division
- b. In cases of equipment failure, alternative vehicles may be used for collection of waste and/ or recyclables provided the vehicle to be used and the reason for use of an un-permitted vehicle are reported to the Office of the Board of Health prior to usage; A daily vehicle permit fee may apply.

§7.1.2: Permit Applications

- a. Applications for a Haulers Permit in the Town of Southbridge will be supplied by the Department of Inspection Services, Office of the Board of Health.
- b. Applications must be completed its entirety and submitted to the Department of Inspection Services, Office of the Board of Health along with any additional documentation required and a remittance of the permit fee (as voted and recorded in the Town of Southbridge Board of Health Code of Regulations Chapter 10: Fee Schedule)
- c. Applications must include the total tonnage of waste and recyclables collected in the Town of Southbridge during the previous year.

§7.1.3: Effective Dates and Status

- a. Hauler Permits become effective upon issuance and expire each December 31 of each year. The permit is for the calendar year, or remaining portion of the calendar year in which the registration was initially requested. Subsequent registration and fees are due on or prior to January 1st of each year.
- b. Permits are not transferable as to vehicle or owner.

§7.2: Services;

§7.2.1: Recycling

- a. Any person or entity contracting Solid Waste services to **Residential or Commercial Customers/Generators**, must *provide* bundled service providing customers with Solid Waste and Recyclables collection at a rate that reflects the cost of providing both services. For **Residential Customers/Generators**: Solid Waste and Recycling services must be provided by the same Permitted Hauler. For **Commercial Customers/Generators**: The Hauler must provide bundled Solid Waste and Recyclables collection to all Commercial Customers/Generators, *unless the customer can provide proof to the Hauler that separate recycling services are provided by another Permitted Hauler*.
- b. Any person or entity contracting to collect residential trash and recycling in the Town of Southbridge must arrange and enforce with their client a means to conveniently allow for full, separate containment throughout the collection process of waste and recycling.
- c. Any person or entity contracting to collect trash or waste in the Town of Southbridge must inform all generators (residential and/or commercial) at least once per year that recycling is mandatory.

§7.3: Prevention of Public Nuisances

§7.3.1: Equipment Maintenance

§7.3.1.1: Vehicles

- a. All vehicles intended for the collection of waste, recycling or special waste in the town of Southbridge shall be designed to provide full containment or effectively be covered to prevent the content from spilling from, blowing from or otherwise unintentionally escaping the vehicle.
- b. Any person or entity operating a vehicle to haul waste, recycling or special waste in the Town of Southbridge shall maintain that vehicle in a manner that does not create excessive noise, does not leak offensive fluids, is free of offensive odors, is capable of effectively containing the trash, recycling or other payload and otherwise is a competent vehicle meeting the requirements of Massachusetts Department of Transportation to operate on the State roads.

§7.3.1.2: Containers

Any person or entity offering containers for the containment or storage of waste, recycling or special waste in the Town of Southbridge shall maintain that container in proper repair so that, when properly used, it effectively prevents loose litter,

deters rodent and bird access, excludes weather and does not leak. A hauler shall promptly repair or replace any container determined not to be in proper repair.

§7.3.2: Events

The operator of any equipment utilized in containment or collection of waste, recycling or special waste who causes or whose equipment causes a spill or other public nuisance shall immediately clean the spill or otherwise correct the nuisance.

§7.4: Prohibited Practices

§7.4.1.: Collection of alternate wastes

Haulers shall only collect for disposal those items acceptable for disposal unless arrangements for special collections are contracted and the permit application indications that the hauler will be handling alternate wastes. Materials banned from disposal under 310 CMR 19.017 shall not be included with Solid Waste. It is the responsibility of the permitted Hauler to educate the customer about Waste Bans.

§7.4.2.: Compliance with the Laws

Haulers shall not transport items to be disposed in a manner not in compliance with this code or 310 CMR 19.000.

§7.4.3: Hours of Collection

§6.4.3.1 Vehicles intended for the collection or deposit of waste, recycling or special waste shall not operate in residential zones on the streets of Southbridge before 7:00 am nor after 4:00 pm on any day.

§6.4.3.1 Vehicles intended for the collection or deposit of waste, recycling or special waste shall not operate on the streets of Southbridge in residential zones before 9:00 a.m. nor after 5:00 pm on any Sunday or legal holiday.

§7.5: Inspections and Enforcement

§7.5.1: Inspection

Any hauler equipment including but not limited to containers and vehicles, upon reasonable suspicion of violation of this code shall be subject to inspection by any agent authorized to enforce this code.

§7.5.2: Penalties

Any person found to be in violation of the Southbridge Board of Health Code of Regulations Chapter 2 §7: Regulations for Contracting and Hauling of Wastes, Recyclables and Special Wastes in the Town of Southbridge shall be subject to the following fines or penalties.

First violation	\$100.00
Second violation within 2 years of first violation.....	\$200.00
Third and subsequent violations	
within 2 years of first violation.....	\$300.00 and 7 day
suspension of the haulers permit to operate in the Town of Southbridge	
Each day violation exists shall be a separate violation	

§ 8: ENFORCEMENT

§8.1: Enforcement Agent

This section shall be enforced by the Director of the Board of Health/Health Inspector, The Police Chief, and/or their designated agents.

§8.2: Procedures

- a. Any fines issued in any action to enforce this chapter shall be instituted and enforced in accordance with Massachusetts General Law (MGL) Ch.40 §21D and the Acts (2009) Chapter 115.
- b. Upon failure to comply with the requirements of this chapter, the Town may, in addition penalties and actions listed in various subsections of this Code, undertake any other actions legally applicable in enforcing any other laws, codes, regulations or By-laws. The imposition of any enforcement of any section of this Bylaw shall not be construed to prevent the enforcement of other laws upon the owner(s) and/or the premises and/ or any party deemed to conduct themselves in violation of this code or prevent the initiation of other enforcement measures or penalties.

§8.3 Right of the Town to Effect Repairs

§8.3.1: Failure to correct a Violation:

Whenever a person or entity fails, neglects, or refuses to make repairs or take other corrective actions specified in any order or written notice of violation, the Town of Southbridge Agent authorized to enforce this code may petition the Board of Health acting under authority of MGL Ch. 111 §125, to remove the nuisance, or undertake such corrections or actions the town official or enforcement officer determines is necessary to prevent public nuisance, prevent causes of blight, preserve the public comfort of life, and curtail potential causes of public harm or potential causes of sickness.

§8.3.2: Recovery of Costs

When the repairs are made or other corrective actions are taken by the Town of Southbridge, the cost of such repairs (which "costs" are understood to include all technical, administrative, and/or professional fees to accomplish these repairs and/or corrective actions) plus any and all court costs and attorney fees for administration, processing, and/or prosecution of the collection of these

costs shall constitute a debt in favor of the town against the owner(s) of the repaired property. In the event that the owner(s) fails, neglects or refuses to pay the Town the amount of the debt in accordance with the terms of the "demand" for such debt, the Town may place a lien on the property for such debt and/or may initiate a civil action against the owner in a court of competent jurisdiction to recover the debt, and/ or take whatever legal action is available to the Town to collect this debt.

§9: Appeals:

§9.1:Appeal of actions of the Enforcement Agent:

Any person aggrieved by an order or other action of any agent in enforcing this regulation may appeal in writing within seven days of receipt of such order (consecutive days) to the Board of Health.

§9.2:Appeal of a decision of the Board of Health:

Upon issuance of a determination of the Board of Health, any person aggrieved by such determination may seek relief there from in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

Section 10: Severability

If any provisions of these regulations are declared invalid or unenforceable, the remaining provisions shall not be affected thereby but shall continue in full force and effect.

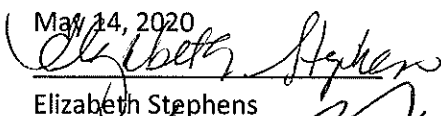
Section 11: Gender; singular; plural

Any reference to male gender shall constitute a reference to female gender, and vice versa, unless the context so prohibits this construction. Any reference to singular shall constitute a reference to plural, and vice versa, unless the context so prohibits this construction.

AS VOTED AND APPROVED

BY THE SOUTHBRIDGE BOARD OF HEALTH ON

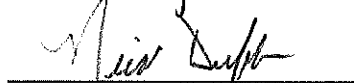
May 14, 2020


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