

Chapter 217. HEALTH AND SANITATION

Article II. Solid Waste

§ 217-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

Building or construction wastes: discarded materials resulting from or nonusable in the construction, alteration, or repair of structures, and consist of plaster, brick, stones, excavated earth, concrete, lathing, roofing materials, lumber, structural members and like materials.

Bulky waste: consists of discarded washing machines, stoves, water heaters, overstuffed furniture and like materials.

Extraordinary commercial wastes: materials defined and set forth in the definition of "ordinary commercial wastes" which are in excess of three standard size barrels per week.

Garbage: the animal and vegetable waste resulting from the handling, preparation and cooking of food for human consumption, and may be residential or commercial.

Garden and lawn waste: consists of grass, leaves, brush and tree, vine or shrub trimmings.

Industrial wastes: the waste materials from factories, processing plants, or other manufacturing enterprises.

Ordinary commercial wastes: the general and usual wastes that accumulate in the premises of any grocery, market, store, restaurant or any commercial enterprise operating for profit, not exceeding two barrels no larger than 35 gallons per week. Each container and its contents may weigh no more than 50 lbs. A single barrel or toter up to 70 gallons (50 lbs) may be substituted for two 35 gallon barrels.

Residential waste: results from ordinary housekeeping activities and may include garbage, not exceeding two barrels no larger than 35 gallons per week. Each container and its contents may weigh no more than 50 lbs. A single barrel or toter up to 70 gallons (50 lbs) may be substituted for two 35 gallon barrels.

Solid waste: unwanted, discarded, worthless materials or waste resulting from normal community activities.

Tree wastes: trunks and limbs must be brought to the transfer station for disposal.

§ 217-3. Responsibilities of owners and occupants.

- A. Residential. The occupant or occupants of every single- or two-family dwelling and the owner or agent of every dwelling housing more than two families shall, wherever wastes accumulate, provide and keep clean and in good repair proper and sufficient containers for the storage of solid waste in accordance with the requirements of this article.
- B. Commercial. The owner of every business enterprise shall, wherever wastes accumulate, provide and keep clean and in good repair proper and sufficient containers for the storage of solid waste. Such owner shall also provide for the collection and removal of such refuse by a private collector, or by himself or his agent, at sufficiently frequent intervals to prevent a nuisance as may be determined by the Health Department.

§ 217-4. Conditions for collection.

- A. Garbage shall be drained of liquid, secured in plastic or other suitable container and placed in barrels with other solid waste for collection.
- B. Residential and ordinary commercial waste shall be placed by the owner, agent or occupant in standard size barrels with tight fitting lids or other suitable containers, weighing not more than 50 pounds when full, for collection.
- C. Cardboard cartons, boxes and crates shall be collapsed and tied in bundles weighing not more than 50 pounds and measuring not more than 36 inches by 36 inches in any direction.
- D. During leaf collection periods all lawn and leaf material must be contained in paper yard waste bags or barrels. Tree trimmings and brush is not accepted during curbside collection. Loose materials shall not be placed for collection.
- E. No person shall place any barrel or container of rubbish or ordinary commercial wastes upon any sidewalk or way for collection by the Health Department or its employees or agents unless the same shall be so covered or otherwise secured as to prevent the contents thereof from blowing or otherwise escaping therefrom into or upon any street or way or part thereof.
- F. No person shall place any garbage, rubbish and/or ordinary commercial wastes in any barrel unless the latter is of standard (as in Subsection **H** below) size and in good condition, or unless the container thereof is suitable and holds the contents thereof without spilling or wasting of the same.
- G. The Health Department, its employees or agents may refuse to remove any refuse not separated, placed and stored as provided in this article, and the owner or occupant of the premises shall forthwith remove the same at his own expense.
- H. Standard size barrels as employed in this article shall mean barrels not exceeding 35 gallons weighing not more than 50 pounds when filled or 65 gallon wheeled toter weighing not more than 50 pounds when filled.
- I. Bulky waste. The Health Department reserves the right to refuse this material when such waste is considered excessive as to amount, size or weight. The Health Department may further order the removal of such waste from the sidewalk or way forthwith. Bulky waste brought to the transfer station will be charged at a rate of \$150.00 per ton.

- J. Containers or bundles of household and ordinary commercial waste. These shall be placed at the outer edge of the sidewalk appurtenant to the premises of the owner not later than 7:00 a.m. on the day of collection and not before 6:00 p.m. on the day preceding the day of collection and shall be removed from the sidewalk on the same day as emptied. No person, firm or corporation shall place or cause to be placed more than three barrels or other containers of ordinary commercial or residential upon any sidewalk or way for disposal.
- K. Collection days will be Monday through Friday except as in Subsection **L** below.
- L. Holiday. When a recognized holiday falls on a working day, collection will be the following day with the rest of the week one day late.
- M. Materials acceptable for collection by the Health Department or its agent. Solid waste materials acceptable for collection subject to the conditions outlined above:
- (1) Garbage: Subsection **A**.
 - (2) Residential waste: Subsection **B**.
 - (3) Cartons, boxes and crates: Subsection **C**.
 - (4) Tree trimmings and brush: Subsection **D**.
 - (5) Bulky waste: Subsection **I**.
 - (6) Garden and lawn waste: Subsection **D**.
 - (7) Ordinary commercial waste: Subsection **J**.
- N. Materials unacceptable for collection by the Health Department or its agents. Solid waste materials not acceptable for collection as defined and described in § **217-2**:
- (1) Extraordinary commercial waste.
 - (2) Industrial waste.
 - (3) Building and construction waste.
 - (4) Tree waste.
 - (5) Bulky waste (Subsection **I**).
- O. Private collections. Private persons, firms, or corporations may collect ordinary commercial and/or extraordinary commercial and industrial wastes, provided that such collections shall be made only when said wastes are enclosed in containers which shall be leakproof, and the vehicle in which wastes are carried, including garbage and ordinary waste, shall be subject to the supervision of the Board of Health and licensed in accordance with statute.

§ 217-5. Disposal; use of transfer station.

- A. Building or construction wastes, industrial waste, and tree wastes shall be disposed of by the owner. Such wastes shall not be accepted at the Town transfer station except upon presentation of a permit by a producer or owner from the Health Department of the Town of Marblehead.
- B. No person, firm or corporation shall deliver or cause to be delivered to the Town transfer station site any animal or fowl or other material or waste of a highly inflammable nature or otherwise dangerous or hazardous.
- C. No person, firm or corporation may engage in scavenging operations at the Town transfer station without the direct authorization in writing of the Board of Health.

- D. Disposal privileges at the transfer station and/or disposal area are limited to Marblehead residents. Employees of the Health Department may require the presentation of valid identification at any time.
- E. Special permits for the use of the transfer station and/or disposal area may be issued by the Board of Health by a nonresident trucking concern hauling waste from an individual, firm, or corporation.
- F. Hours for disposal at the transfer station and disposal area will be set by the Board of Health.
- G. Solid waste materials will be received at the transfer station and disposal area at times set by the Board of Health.
- H. A disposal charge may be made for all waste delivered to the Town transfer station by private collectors or by the originator of solid wastes. Disposal of such wastes shall be at rates determined by the Board of Health and based upon the contract price for disposal of waste to the Town.

§ 217-6. Materials placed for collection.

- A. No person shall disturb, remove or collect any solid waste or ordinary garbage from any premises, without the consent of the owner thereof, or any ordinary commercial wastes placed out for collection upon any sidewalk or way, except employees or agents of the Town of Marblehead.
- B. No person, firm or corporation shall place or keep any box, barrel, crate, bag or other receptacle containing junk, debris, wastepaper or other waste matter on any sidewalk in the Town of Marblehead except for removal or collection thereof by the Health Department and its employees or agents, and the same shall be placed on the outer curb of the sidewalk appurtenant to the place such person, firm or corporation resides or has its place of business.
- C. No person shall disturb, remove or collect any ashes, debris, wastepaper or other waste matter from any box, barrel, crate, bag, or other container or box, bag or container itself which has been placed upon any sidewalk in accordance with this article, except employees or agents of the Town of Marblehead.
- D. All residential and ordinary commercial waste must be placed in leak proof standard size barrels with tight fitting lids.

§ 217-7. Enforcement; violations and penalties.

- A. Unless otherwise specified, the provisions of these regulations shall be enforced by the Board of Health, its agents or employees.
- B. Whoever violates any provisions of these regulations shall be subject to the penalty outlined in Chapter **156** of the bylaws of the Town of Marblehead, the Refuse Bylaw.

§ 217-8. Severability; effective date.

- A. Each one of these regulations shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force.

- B. These rules and regulations adopted by the Board of Health are effective August 8, 1977, as amended shall become effective upon passage. Updated October 30, 2013. Updated November 14, 2017, effective January 1, 2018.

§ 217-9. Recycling.

[Added March 1984]

- A. Refuse of any type or description which is collected or accepted by the Board of Health, its agents, employees or authorized contractors shall be set out for collection or deposited in the Town transfer station in accordance with regulations promulgated by the Board from time to time. Such regulations may require that any type or types of refuse be segregated and set out for collection separately or deposited in the Town transfer station in order to facilitate any recycling program which the Board may adopt from time to time; provided, however, that no regulation shall be promulgated under this section except after a public hearing, notice of which shall be published in a newspaper having a circulation in the Town at least seven days prior to the date of the hearing.
- B. Notwithstanding the foregoing, the Board may make such emergency orders and regulations as may, in the opinion of the Board, be in the best interest of the Town.