

TOWN OF MARBLEHEAD BOARD OF HEALTH
CURBSIDE COLLECTION REGULATIONS

Adopted: April 27, 2026

Effective: July 1, 2026

Thomas Massaro, Chairman
Thomas R. McMahon
Amanda Ritvo

Andrew Petty, Director of Public Health

TOWN OF MARBLEHEAD BOARD OF HEALTH

Section 1. Purpose

The purpose of this regulation is to protect public health and safety, safeguard the environment, and ensure the proper and efficient storage, collection, and disposal of trash, recyclables, and other solid waste in the Town of Marblehead.

This regulation establishes a Curbside Collection program to:

1. Reduce disposal of municipal solid waste through landfilling and incineration while encouraging waste reduction, recycling, and organics recovery.

The regulation also aligns with applicable Massachusetts solid waste laws and supports the goals of the Massachusetts Department of Environmental Protection Solid Waste Master Plan.

Section 2. Authority

Pursuant to the authority granted to the Board of Health under Massachusetts General Laws Chapter 111, including but not limited to §§ 31, 31A, 31B, and 150A, as well as applicable provisions of the Town of Marblehead General Bylaws, including Chapters 156 and 217, the Board is authorized to adopt and enforce reasonable regulations necessary to protect public health and to control the storage, collection, transportation, and disposal of solid waste, and to set and collect fees to support municipal solid waste and recycling services.

Municipally contracted and private haulers shall only collect for disposal those items acceptable under these regulations and Marblehead General Bylaw Chapter 217. Materials banned from disposal under 310 CMR 19.017 shall not be included with solid waste.

Section 3. Definitions

For the purposes of these regulations, the following words and phrases shall have the meanings set forth below. Terms not defined herein shall be interpreted consistently with Town of Marblehead General Bylaw Chapter 217, Massachusetts General Laws, applicable MassDEP regulations, and other applicable laws.

Board of Health (Board): The duly elected Board of Health of the Town of Marblehead, or its authorized agent or designee.

Bulk Waste: Items of solid waste too large or heavy to be placed in Town-issued carts, including but not limited to furniture, mattresses, and appliances.

Curbside Collection: The collection of solid waste, recyclables, or other designated materials placed at the curb or other location approved by the Town for municipal pickup.

Designated Materials: Materials identified by the Board or the Town as requiring separate handling, including recyclables, yard waste, and materials subject to waste bans under MassDEP regulations.

Dwelling Unit: Any room or group of rooms forming a single habitable unit designed for occupancy by one family, with lawful sanitary facilities.

Eligible Property: Any residential property within the Town that meets the criteria established by the Board for participation in the municipal collection program.

Fee: Any charge, rate, or assessment established pursuant to these regulations or other lawful authority in connection with participation in municipal solid waste services, including service fees, cart fees, replacement fees, and charges for special collections.

Owner: Any person, firm, corporation, trust, or other legal entity holding legal title to a property, including agents, trustees, or representatives.

User: Any Owner or occupant of an Eligible Property participating in the municipal collection program.

Curbside Collection Program: The Town-administered system for collection, transportation, and disposal of solid waste and recyclables, including curbside pickup, yard waste collection, and related services.

Prohibited Materials: Materials not accepted for disposal through the municipal collection program, including hazardous waste and items banned by MassDEP. Waste Ban Materials, as defined by 310 CMR 19.017, are a subset of Prohibited Materials.

Recyclable Materials: Materials designated by the Town, MassDEP and Recycle SMART MA as recyclable, including paper, cardboard, glass containers, metal containers, and certain plastics, as updated from time to time.

Solid Waste: Any discarded or abandoned material, including garbage, refuse, and rubbish, consistent with Massachusetts law and MassDEP regulations, excluding materials specifically regulated separately.

Town-Issued Receptacle (Cart): A refuse or recycling container provided, approved, or designated by the Town for use in the municipal collection program, including all components and identification markings, which remain Town property unless otherwise specified.

Yard Waste: Leaves, grass clippings, and other organic landscape materials designated by the Town for separate collection or disposal.

Section 3. Eligibility

Eligible Properties: Participation in the municipal Curbside Collection program is available to residential and commercial properties within the Town of Marblehead that meet criteria established by the Board of Health. Eligible properties include single-family dwellings, two-family dwellings, and multi-family dwellings containing two, three, or four family residential,

some businesses and elected condominium units in the Town of Marblehead, provided that the owner or managing agent participates and complies with program requirements. To be eligible, a property must be located on a public or approved private way accessible to collection vehicles, be capable of safely accommodating curbside placement and collection of Town-issued receptacles, have the owner or occupant elect to participate in the Curbside Collection program in accordance with these regulations, and have all applicable fees paid and current. All fees and Curbside Collection requirements apply to each eligible unit.

Eligibility for and participation in curbside collection services shall continue provided that the user remains in compliance with these regulations. The Board may suspend or terminate service for noncompliance, including but not limited to nonpayment of fees, misuse of receptacles, or repeated violations.

Ineligible Properties: Properties that do not meet the eligibility criteria established by the Board of Health shall not be eligible for municipal curbside collection services unless specifically authorized by the Board. Ineligible properties include, food service businesses, industrial, or institutional properties, as well as multi-family residential properties that exceed four units determined by the Board. Properties with physical, logistical, or safety conditions that prevent efficient curbside collection, as determined by the Board or its authorized agent, are also ineligible. Additionally, any property not in compliance with these regulations, including failure to pay required fees or otherwise satisfy program requirements, shall be considered ineligible for municipal collection services. The Board retains discretion to approve exceptions on a case-by-case basis where it determines that collection can be provided safely, efficiently, and in accordance with program standards.

Notwithstanding their ineligible status for municipal collection, such properties shall continue to comply with the provisions of Chapter 217 of the Marblehead General Bylaws, including all requirements regarding the proper storage, handling, segregation, and disposal of solid waste, ordinary commercial waste, industrial waste, and other materials as set forth therein. The Board retains discretion to approve exceptions on a case-by-case basis where it determines that collection can be provided safely, efficiently, and in accordance with program standards.

Appeals and Determinations: The Board of Health, or its authorized agent, shall have the authority to make determinations regarding a property's eligibility for participation in the municipal Curbside Collection program, including determinations of ineligibility or termination of municipal collection services. Any owner or occupant aggrieved by such a determination may request a review by the Board.

Appeal requests must be submitted in writing to the Board within a time period specified by the Board, which shall be no less than 14 calendar days from the date of the determination. The request must clearly state the basis for the appeal and include any supporting documentation or evidence relevant to eligibility, compliance, or extraordinary circumstances.

Upon receipt of a timely appeal, the Board shall schedule a review, which may include a hearing or other opportunity for the appellant to present evidence and arguments. The Board may also

request additional information from the appellant, its staff, or other Town departments to inform its decision.

After review, the Board shall issue a written determination, including the reasons for its decision, and provide a copy to the appellant. The Board's decision on appeals shall be final, subject to any further remedies available under applicable Massachusetts law or Town bylaws. During the appeal process, the property owner or occupant remains responsible for compliance with all applicable Curbside Collection and recycling requirements.

The Board may establish detailed procedures and deadlines for appeals, including forms, submission methods, and hearing formats, which shall be made publicly available to ensure transparency and fairness.

Section 4. Town Issued Receptacles (Carts)

Every residential dwelling unit or commercial business eligible for inclusion in the Curbside Collection program will be issued an initial 65-Gallon Municipal Waste cart and a 95-Gallon Recycling cart in advance of the July 1, 2026 implementation date of these regulations, or by June 30, 2026. Issued carts are printed with a serial number and are assigned to the property, not the owner or resident, and shall remain with the property address. Town-issued carts remain the property of the Town. Any other container or cart, whether previously issued or personally purchased, shall not be used by those participating in the Curbside Collection program. The initial carts provided by the Town shall be issued at no additional charge; however, all Town-issued carts are subject to the minimum quarterly fee established under Section 9 of these regulations. Fees for replacement, additional, or other authorized carts are also set forth in Section 9.

Residents are responsible for ensuring that all waste placed in Town issued waste carts is properly separated from recyclables, yard waste, hazardous materials, and other prohibited or designated materials, consistent with Chapter 217 and these regulations. Bags placed within waste carts must be securely closed to prevent spillage, scattering, or exposure to the elements.

Use of waste carts does not exempt residents from mandatory recycling requirements, and recyclable materials must always be placed in the provided 95-gallon recycling cart or other approved containers. Recyclable materials shall not be disposed of in regular waste carts or otherwise discarded as solid waste.

Your property address number and unit number shall be placed in the upper right hand corner on the front of the cart using 2-4" block lettering making sure to not cover the serial number.

Section 6. Collection, Handling and Compliance

All solid waste and designated recyclable materials from eligible properties shall be collected by the Town or its authorized contractor according to the schedule established by the Board of Health, consistent with Chapter 217, §217-4(J-L). Containers must be placed at the outer edge of the sidewalk or other Town-approved location no earlier than 6:00 p.m. on the day preceding

collection and must be removed from the collection site by the end of the collection day. Collection will generally occur Monday through Friday, with adjustments made for recognized holidays in accordance with Chapter 217.

All waste must be properly contained in Town-approved 64-gallon waste carts, and all recyclable materials must be placed in the provided 95-gallon recycling cart. Containers must be maintained in good condition, securely closed to prevent spillage, and positioned so as not to obstruct pedestrian or vehicular traffic. Loose waste, improperly secured containers, or non-Town-issued waste or recycling carts will not be collected, and the owner or occupant will be responsible for immediate correction at their own expense, consistent with §217-4(G).

All solid waste or recycling material must be placed in the cart with the lid securely closed any material outside the cart will not be collected. Fines may be issued.

Bulk Items. Bulk and oversized items cannot be placed in standard waste and/or recycling carts. Bulk Items must be taken to the transfer station and paid for, in accordance with §217-4(I).

Mandatory Recycling. Mandatory recycling is required for all eligible properties. The Town shall follow the Massachusetts Department of Environmental Protection Waste Disposal Ban Regulation (310 CMR 19.017) which impose restrictions on the disposal or transfer for disposal of certain recyclable materials listed within the regulation. Recyclable materials must be separated from solid waste and placed in the recycling cart or other approved containers. Noncompliance, including commingling recyclables with trash, failure to use proper containers, or failure to follow placement rules, may result in refusal of collection, assessment of fees, or other enforcement actions authorized under M.G.L. c. 111, §§31, 31A, and 31B, as well as these regulations. Properties that are ineligible for municipal curbside collection, including commercial, industrial, institutional, and certain multi-family dwellings, shall continue to comply with Chapter 217 regarding storage, separation, and disposal of solid waste. These properties may use private collection services or deliver waste to the Town transfer station as authorized by the Board.

The Board retains discretion to adjust collection schedules, container requirements, or operational procedures in order to maintain safe, efficient, and effective solid waste and recycling management, provided such adjustments remain consistent with Chapter 217 and other applicable laws.

Section 7. Voluntary Opt-Out

Participation in the Town's Curbside Collection Program shall be voluntary. Any Owner of an Eligible Property may elect to opt out of Town-provided curbside collection services at their discretion, subject to the requirements of this section.

Effective July 1, 2026, all Eligible properties shall become part of the Marblehead Curbside Collection program unless the Owner(s) opt out of participating in writing. All Owners who opt out of the Curbside Collection Program shall remain subject to all applicable federal, state, and

local bylaws and regulations governing the storage, handling, recycling, and disposal of solid waste, including requirements for the use of properly permitted waste haulers where applicable.

Any Owner who elects to opt out shall submit to the Board of Health a completed Opt-Out Form, in a form prescribed by the Board, certifying under the pains and penalties of perjury that the property has secured alternative lawful arrangements for the collection and disposal of solid waste and recyclable materials. Such certification shall include, at a minimum: (a) The name and contact information of the private waste hauler or other service provider; or, (b) A description of the lawful method by which solid waste and recyclables will be transported and disposed of in compliance with applicable laws and regulations.

Opt-out status shall become effective upon approval by the Board or its authorized agent and may be subject to administrative procedures, including deadlines or billing cycles, as established by the Town. Fees for municipal collection services may continue to apply until such approval is granted and any Town-issued receptacles are returned in accordance with this regulation.

Upon receipt and approval by the Board of Health of the Owner's Opt-Out Form, the Town will collect any Waste and/or Recycling Carts already delivered to the Owner free of charge. The carts must be empty, clean and in reusable condition when returned to the Town.

An Owner who has opted out may subsequently re-enroll in the Town's Curbside Collection Program upon application to the Board or its authorized agent and payment of any applicable fees, subject to availability of service and compliance with these regulations. Owners can not opt out seasonally.

Section 9. Fees and Charges

Participation in the Town's Curbside Collection program requires payment of fees and charges established by the Board of Health to support the cost of collection, transportation, disposal of solid waste and processing recycling material. All fees collected shall be deposited into the Town's general fund.

Minimum Quarterly Cart Fee: The Board may establish a minimum quarterly fee for Town-issued refuse and recycling carts to cover the cost of collection, disposal of MSW, processing of recyclables, and cart maintenance. The fee shall apply only to properties that participate in the Curbside Collection program and receive Town-issued carts. Properties that have formally opted out of municipal collection pursuant to Section 7 of these regulations shall not be assessed the minimum fee.

The amount of the minimum quarterly fee shall be determined by the Board.

Low-Income Adjustments: The Board has established a reduced fee for residents with verified low income or other qualifying financial circumstances. Eligibility criteria, application procedures, and verification requirements shall be determined by the Board. The qualifying persons shall be those which qualify for a tax credit or reduced taxes under programs adopted and administered by the Board of Assessor. Eligible residents shall receive reduced fees for cart

usage and quarterly billing, but shall remain subject to all program requirements, including mandatory participation in recycling and compliance with all other applicable regulations. **Board Discretion:** The Board will review fees and charges annually to reflect changes in disposal costs, program operations, or policy objectives, subject to compliance with applicable laws and regulations. Current fees for all of the above are set forth on Exhibit A attached hereto and incorporated herein by reference.

Section 10. Violations/Enforcement

Any person who violates any provision of these regulations, or any order, permit condition, or directive issued by the Board of Health or its authorized agent pursuant to these regulations, shall be deemed in violation of the Board of Health's regulations adopted under the authority of Massachusetts General Laws c. 111, § 31.

Violations shall include, but are not limited to:

1. Failure to properly store, separate, or dispose of solid waste, recyclables, or designated materials;
2. Failure to use required Town-issued waste and/or recycling carts;
3. Disposal of prohibited materials, including waste ban materials under 310 CMR 19.017;
4. Improper placement or handling of waste in violation of these regulations or applicable provisions of Chapter 217 of the Town of Marblehead General Bylaws;
5. Noncompliance with any lawful order or directive of the Board or its authorized agent;
6. Any condition that constitutes a nuisance or threat to public health arising from improper waste management.

Enforcement. These regulations shall be enforced through the criminal process in accordance with Massachusetts General Laws c. 111, § 31. Any person who violates these regulations may, upon complaint in a court of competent jurisdiction, be subject to the penalties provided therein. Each day or portion thereof during which a violation continues shall constitute a separate and distinct offense.

Upon determination of a violation, the Board of Health or its authorized agent may issue a written notice of violation or order to correct. Failure to comply with such notice or order may result in prosecution in a court of competent jurisdiction, with each day of continued noncompliance treated as a separate violation. The Board or its authorized agent may also suspend, modify, or revoke any permit or service related to solid waste collection, as applicable, until the violation is corrected.

Section 11. Severability

If any provision, section, subsection, sentence, clause, or application of these regulations is held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of these regulations. The provisions of these regulations are hereby declared to be severable, and the remaining provisions shall continue in full force and effect.

Section 12. Effective Date

These regulations shall be effective upon publication.

Adopted: [DATE]

By the Board of Health, Town of Marblehead

Thomas Massaro, Chairman
Thomas R. MacMahon, Member
Amanda Ritvo, Member
Andrew Petty, Director of Public Health

EXHIBIT A
FEE SCHEDULE

Curbside Collection

Curbside Trash Collection	\$621,308.00
Curbside Recycling Collection	\$621,708.00
Curbside Trash Disposal	\$466,000.00
Curbside Recycling Processing	\$312,500.00
Curbside Collection of Leaf and Grass	\$96,000.00
Senior Clerk Curbside Collection	\$69,000.00
	\$2,186,516.00

Yearly Costs per Household
HHS

100%	8000	\$273.31
2%	7840	\$278.89
3%	7760	\$281.77
4%	7680	\$284.70
5%	7600	\$287.70
*6%	7520	\$290.76 Voted
Reduced Rate		\$145.00

Businesses Curbside Collection Trash and Recycling Monthly	\$80.00
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