

**SOLID WASTE REGULATIONS  
REGULATIONS GOVERNING THE HANDLING, STORAGE,  
COLLECTION AND DISPOSAL OF WASTE  
TOWN OF BROOKLINE**

**Section:**

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**Authority:** This regulation is issued by the Director of Public Health pursuant to the authority under Chapter 111, Sections 31, 31A and 31B & 122 of the Massachusetts General Laws as reasonable and necessary for the protection of the health and welfare of the citizens of the Town of Brookline.

**Section I: Definitions. The following definitions shall apply for the purpose of these regulations.**

**(A) BULK ITEMS.** Waste items which, because of size or weight, are not collected as part of routine household refuse collection and have been designated by the local community through rules and regulations to require specific disposal procedures. Bulk items may include, but are not limited to, mattresses, large appliances, furniture, large auto parts, stumps, and trees, as well as large branches or brush that exceeds local size restrictions for yard waste collection.

**(B) COMMERCIAL WASTE.** Commercial waste is the garbage and rubbish material resulting from the operation of business enterprises. Manufacturing, construction and trade wastes are not included.

**(C) COMPOSTABLE MATERIALS.** Organic material, including animal, vegetable or other organic waste resulting from the handling, preparing, cooking or consumption of food, and certified compostable serviceware, excluding waste water residuals, intended to be composted and which is pre-sorted and is not contaminated by significant amounts of toxic substances as defined by the Department of Environmental Protection (310 CMR 19.00).

**(D) COMPOSTING.** A process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can safely be used, as those terms are or may be defined by 310 CMR 19.00: *Solid Waste Management*.

**(E) CONSTRUCTION WASTE.** Any materials generated from, but not limited to, the processes of construction, demolition, and renovation, including domestic home improvements.

**(F) CONTRACTOR.** Any person who, for compensation, in the Town of Brookline, supplies, maintains or services one or more dumpsters, or removes, transports, or disposes of the contents thereof. The Contractors licensed by the Town shall be known as Permitted Private Hauler.

**(G) DOMESTIC WASTE.** Domestic waste is the garbage and rubbish resulting from the usual routine of housekeeping.

**(H) DUMPSTER.** Any container, receptacle, compactor unit, trailer, roll-off, or similar unit with or without wheels that is used for temporary storage, containment, or transport of refuse, debris, trash, garbage, food waste, solid waste, recyclable material, or other discarded or like materials. "Dumpster" shall not include ordinary household trash cans of a volume of ninety-five gallons or less, recycling receptacles of ninety-five gallons or less, plastic bags storing these materials in compliance with the regulations of the Town, or solid waste disposal trucks operated by a company duly licensed by the Town or used or operated by the Town itself.

**(I) GARBAGE.** The animal, vegetable or other organic waste resulting from the handling, preparing, cooking, consumption or cultivation of food, and containers and cans which have contained food unless such containers and cans have been cleaned or prepared for recycling.

**(J) HAZARDOUS WASTE.** Any waste, solid or liquid, which poses a significant environmental or human health risk. This can include such items as pesticides, used motor oil and other products associated with automobiles, disinfectants, and miscellaneous art and hobby chemicals (Refer to 105 CMR 650.000 and DEP Guidelines).

**(K) INFECTIOUS WASTE.** Waste which because of its characteristics may cause or significantly contribute to an increase in mortality, morbidity or pose an environmental hazard when improperly treated, stored, transported, disposed of or otherwise managed. These include but are not limited to blood and blood products, pathological waste, sharps, contaminated animal carcasses, and biotechnological by-products (Refer to 105 CMR 480.000 for Department of Public Health standards).

**(L) LEAF AND YARD WASTE.** Leaves, grass clippings, shrub trimmings, plant cuttings, tree branches and vines not exceeding three (3) inches in diameter or three (3) feet in length, and other similar materials.

**(M) MANUFACTURING WASTE.** Any waste resulting from manufacturing processes.

**(N) MUNICIPAL WASTE.** Municipal waste is domestic waste and commercial waste.

**(O) OWNER.** Any person, including a lessee or mortgagee in possession alone or severally with others who has lawful title to or lawful possession, care or control of any property on which a dumpster is located or proposed to be located. "Owner" also includes any authorized agent of any such person or trustee of the association of unit owners of a condominium.

**(P) PERMITTED PRIVATE HAULER.** Any person or business that is duly permitted through the Town to collect refuse, compostable materials and recyclables within the Town of Brookline.

**(Q) PROPER GARBAGE/RUBBISH CONTAINER.** Watertight receptacle constructed of metal or other durable, rodent-proof material with tight-fitting cover and in compliance with all other Department of Public Works rules and regulations. Residents who subscribe to Town disposal service must use Town issued waste carts.

**(R) PUBLIC WAY.** The term "public way" as used herein shall include a public way, sidewalk, public alley, parkway, park road, highway, or other way open to public travel.

**(S) RECYCLABLE MATERIALS.** All materials banned from either burial at a landfill or incineration, as defined by the Department of Environmental Protection (DEP) Recycling Rules and which may be reclaimed and returned to the economy in the form of raw materials or products, including but not limited to paper (newspaper, magazines, phone books, mixed paper, beverage containers, , paperboard), cardboard, plastics, glass, and aluminum containers.

**(T) REFUSE.** Discarded solid material resulting from household activities. "Refuse" shall include, but not be limited to, garbage, rubbish, recyclable materials, bulk items, or yard waste. "Refuse" shall not include items designated as household hazardous waste which require separate disposal.

**(U) RUBBISH.** Waste materials, including, but not limited to, such material as paper, rags, cartons, boxes, wood, rubber, leather, tin cans, metals, machine or machine parts, mineral matter, glass, plastic bags and containers, crockery, dust, and the residue from the burning of wood, coal, coke and other combustible materials. "Rubbish" shall not include garbage, yard waste, recyclable material, or bulk items.

**(V) TOWN DISPOSAL SERVICE.** The curbside collection of municipal waste and recyclable materials by the Department of Public Works or its agent from those residents and commercial establishments who subscribe to the service through payment of an annual fee to the Town.

**(W) TRADE WASTE.** Excess material used in the process of shipping and/or receiving goods.

**(X) TREE & LANDSCAPING WASTE.** Tree stumps, trunks or limbs, three (3) inches or more in diameter or three (3) feet or more in length, soil, sand, manure, and wood chips. Tree and landscaping waste is not classified as municipal waste.

**(Y) WASTE BANS.** The Commonwealth of Massachusetts has promulgated Waste Bans which restrict the disposal of certain recyclable items at solid waste landfills, transfer stations and incinerators in Massachusetts (310 CMR 19.017).

## **Section II: Storage, Handling and Disposal of Domestic Waste**

**(A) REQUIREMENTS.** The storage and disposal of domestic waste shall be in accordance with the requirements of Chapter 2,105 CMR 410.000 of the State Sanitary Code, "Minimum Standards of Fitness for Human Habitation".

- (1) The owner of any residence that contains two or more dwelling units, the owner of any rooming house, homeless shelter, manufactured housing community, and the occupant of any residence containing one dwelling unit shall be responsible for and pay for the final collection and ultimate disposal of refuse.
- (2) Occupants of any residence shall follow the requirements established by the Town of Brookline for separation of recyclables, yard waste, food waste, and/or bulk-item materials from refuse.
- (3) Storage:
  - (a) Garbage or mixed garbage and rubbish shall be stored in watertight receptacles with tight-fitting covers. Receptacles and covers shall be durable, pest-resistant and deter access by wildlife.
  - (b) Plastic bags or biodegradable liners shall be used as a liner to store garbage or mixed garbage and rubbish in the required receptacles.
  - (c) Plastic bags may not be used on any Brookline street for municipal waste pick-up. Town purple overflow plastic bags are exempt from this regulation.
  - (d) Recyclables and garbage or mixed garbage and rubbish shall be stored in a manner that does not obstruct an egress, cause disease or health risk to humans or pets, or cause damage to property or the environment
- (4) Collection:
  - (a) The owner of any residence shall provide a sufficient number of receptacles

required for the storage of refuse and recyclables before final collection or ultimate disposal.

- (b) An owner who provides a dumpster or other suitable container, shall locate them on the property so as to be convenient to the occupant, so that no objectionable odors enter any residence, and in accordance with 527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code*. Dumpsters shall be covered, protected from leakage, and placed on an impervious material.
  - (c) The occupants of each residence shall be responsible for the proper placement of their refuse in the receptacles provided by the owner, in any dumpster or suitable container if provided by the owner.
- (5) Disposal may be by means of:
- (a) The regular municipal collection system;
  - (b) Any other collection system approved by the Director of Public Health ;
  - (c) When otherwise lawful, a garbage grinder which grinds garbage into the kitchen sink drain finely enough to ensure its free passage, and which is otherwise maintained in a sanitary condition;
  - (d) When otherwise lawful, by backyard composting of compostable material, provided that the composting operation does not attract pests and does not create a nuisance, and provided further that in the case of composting by an occupant, the occupant obtains the prior written permission of the owner; or
  - (e) Any other method of disposal which does not endanger any person and which is approved in writing by the Director Public Health.
- (6) The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean, safe, and sanitary condition and free from:
- (a) Refuse;
  - (b) Pests;
  - (c) Potential injury hazards;
  - (d) Conditions contributing to the accumulation of standing water; or
  - (e) Any other condition which affects the health, safety, or well-being of the occupants of any residence or of the general public.
- (7) The occupants of any residence shall be responsible for maintaining, in a sanitary condition and free of refuse or other filth or causes of sickness, that part of the residence which they exclusively occupy or control.

**(B) OWNER RESPONSIBILITIES.** Owners are responsible for informing all tenants of the rules and regulations governing the handling, storage, collection and disposal of solid waste annually, each change of tenancy, and more frequently as required by the Director of Health or his/her agents. Owner and/or Tenant may be held responsible for conditions that exist on the property and may be issued fines for violations.

**(C) FREQUENCY OF FINAL COLLECTION OR DISPOSAL.** The person responsible for arranging for the final collection or disposal shall arrange for such collection or disposal at sufficiently frequent intervals to prevent a nuisance, or as may be determined by the Director of Public Health.

**(D) CONSTRUCTION OF STORAGE FACILITIES.** The construction of any structures, fencing and screening associated with trash/rubbish storage must be approved by the Public Health, Planning, and Building Departments and must meet the requirements of all applicable zoning by-laws

**(E) COLLECTION.** Domestic waste placed for collection by the Town or by private collectors shall comply with all rules established by the Commissioner of Public Works under the authority of Section VI of these regulations, and by the Director of Public Health.

### **Section III: Storage, Handling and Disposal of Commercial Waste**

(A) **RESPONSIBILITY**. The owner of every business enterprise, shall, wherever wastes accumulate, provide, keep clean and in good repair, proper and sufficient containers for the storage of commercial waste. All refuse on said premises shall be stored in covered receptacles, such as dumpsters. The covered receptacles shall be constructed and maintained so that refuse is kept within the receptacle and is not blown or otherwise removed there from by wind, animals or other cause, other than for removal by authorized persons. All dumpsters shall comply with section IV Dumpsters. Such owner shall also provide for the collection and removal of such waste by the regular municipal collection system or his agent, at sufficiently frequent intervals to prevent a nuisance, or as may be determined by the Director of Public Health.

(B) **CONSTRUCTION OF STORAGE FACILITIES**. The construction of any structures, fencing and screening associated with trash/rubbish storage must be approved by the Planning and Building Departments and must meet the requirements of all applicable zoning by-laws.

(C) **COLLECTION**. Commercial waste to be collected by the Town, by private collectors, or by the owner or his agent, shall be stored, handled and placed for collection in accordance with the rules established by the Commissioner of Public Works of the Town of Brookline under authority of Section VI of these regulations.

### **Section IV: Dumpsters**

(A) **MAINTENANCE** All dumpsters shall:

- (1) be maintained pest free and in sanitary condition
- (2) have tight fitting lids, doors or covers constructed of metal or other material sufficiently heavy to stay securely closed
- (3) be kept covered when not in actual use
- (4) be locked between the hours of 11:00 pm and 7:00 am.

(B) **CONTACT INFORMATION** All dumpsters shall prominently display both the name, address and contact information of the owner and the name of the permitted private hauler that services the dumpster, including service company address, contact and telephone number. Said information shall be affixed to the dumpster by means of sticker, magnet, or clear and visible ink/paint.

(C) **LOCATION** Dumpsters shall be located at a sufficient distance from the lot line to avoid interference with the safety, convenience, or health of abutters and other residents.

(D) **ENCLOSED** The Department of Public Health may require that a dumpster site be enclosed and secure by the owner.

(E) **VIEW OF TRAFFIC** No dumpster shall be situated so as to obstruct the view of flowing traffic.

(F) **FREE OF NUISANCES** All dumpsters and dumpster areas shall be kept free of all nuisances including, but not limited to, rodents, and scattered debris.

(G) **SUFFICIENT SIZE/CAPACITY** Each dumpster shall be of sufficient size and capacity to eliminate overflowing.

(H) **ROUTINE PICKUP** Routine weekly scheduled pickups shall be mandatory for multi-unit residences. The Health Department or Department of Public Works may order dumpster capacity size changes or additional pick-ups as they find necessary.

- (I) **DUMPSTER IN PUBLIC WAY** No dumpster may be placed within the public way without first obtaining permission from the Department of Public Works.
- (J) **CONDITION** Dumpsters shall be maintained in good condition. Rust holes, uncovered drain caps, and other physical evidence of neglect that allows rodents and other animals access to the dumpster contents are not permitted. Routine service shall be provided to ensure all components are in good repair. Licensees who have a history of poor maintenance shall be required to work with their contractor and swap out the dumpster for one that meets these regulations.
- (K) **DUMPSTER PAD** Dumpsters shall be placed on concrete or asphalt that is smooth, durable and sloped to drain. Dumpsters shall not be placed on soil.
- (L) **NOISE AND ODOR** The Property owner shall ensure that the compactor complies with Article 8.15 of the Town's Bylaws, the Noise Control By-law of The Town of Brookline. Compactor shall be serviced regularly and shall contain odor controls

**Section V. Storage, Handling, and Disposal of Other Waste**

- (A) **DEAD ANIMALS**. All dead domestic animals will not be collected by the Town of Brookline. Owners must call a veterinary service for proper disposal. All road kill should be reported to the Highway and Sanitation Division of the Department of Public Works for proper disposal.
- (B) **TREE AND LANDSCAPING WASTE**. The owner or agent of any premises shall be responsible for the removal and disposal of all tree and landscaping wastes originating thereon.
- (C) **CONSTRUCTION WASTE**. The owner or agent of any premises shall be responsible for the removal of all construction waste originating thereon within seven days of the completion of the construction work or within such shorter time as the Director of Public Health may deem necessary in order to prevent a nuisance.
- (D) **MANUFACTURING OR TRADE WASTE**. The owner or operator of any establishment producing manufacturing or trade wastes shall be responsible for their removal and disposal.
- (E) **INCINERATOR WASTES**. Any residue from the operation of private incinerators shall be classified as rubbish and placed in disposable containers for collection.
- (F) **HOSPITAL, CONVALESCENT HOME, BOARDING HOUSE, ETC. WASTE**. All waste resulting from the usual routine of domestic housekeeping may be placed for collection on the regular collection day. All organic wastes, soiled dressings, syringes and other possible sources of infection shall be disposed of at the source or in a method approved by the Department of Public Health. Organic wastes, soiled dressings, syringes and other possible sources of infection will not be accepted by the Sanitation Division for collection or disposal.
- (G) **HAZARDOUS WASTE**. All products which are deemed as hazardous waste, either by state guidelines or by the Director of Public Health, cannot be given for curbside collection and must be removed either by a private certified removal company, or be disposed of during one of the designated Town Household Hazardous Waste Collection Days.
- (H) **INFECTIOUS WASTE**. Products deemed as infectious waste must be stored or disposed of in a manner which is consistent with the established state of Massachusetts guidelines and may not be placed for curbside collection without approval of the Director of Public Health. Such approval shall not be extended to locations deemed as "waste generators." (Refer to 105 CMR 480.200)

## **Section VI: Collection of Garbage & Rubbish**

**(A) RULES.** The Commissioner of Public Works may make such rules as are necessary to provide for the safe and efficient operation of the municipal and/or private collection systems. Such rules may relate to the time and place of collection, the size of containers and bundles, the construction of containers, the manner and time of placement at the place of collection, and the types and quantities of materials acceptable for municipal collection. All domestic waste to be collected by the Sanitation Division of the Department of Public Works or by private collectors shall be in accordance with the following requirements:

- (1) All garbage and rubbish to be collected, as defined in Section I of the Regulations, including placement at curb side for pickup, shall be placed in suitable, watertight plastic bags or biodegradable liners within securely covered Town of Brookline issued waste carts to prevent insect, rodent, odor or any other public health concerns as determined by the Director of Public Health, or authorized designee. Plastic bags shall not exceed thirty (30) gallons in capacity or weigh, including contents, more than seventy (70) pounds. A minimum single sheet thickness for plastic containers shall be three (3) millimeters. Paper sacks (compactor bags) may be used only when constructed of two (2) plies of fifty (50) pound wet-strength, refuse-grade paper which is tightly sealed or placed within a covered Town of Brookline issued waste cart. In areas which are deemed problematic by either the Director of Public Health or the Commissioner of Public Works, the specifications for garbage and rubbish collection may be amended (Refer to 105 CMR 410.560).
- (2) Boxes and cartons shall be collapsed or broken down to reduce volume and securely placed in a suitable waterproof container. Refer to the Regulations of Recyclable Materials for recycling requirements.
- (3) Yard waste shall be tied in standard bundles not to exceed seventy-five (75) pounds and/or three (3) feet in length. Leaves and grass clippings shall be stored in paper sacs or proper rubbish containers labeled “**YARD WASTE**”. “**YARD WASTE**” stickers are available from the Sanitation/Highway Department at Town Hall or the Highway Garage. All leaves and yard waste shall be placed for collection with rubbish.
- (4) Private dumpster collection may be mandated and curbside collection prohibited at those locations designated by the Director of Public Health and/or the Commissioner of Public Works due to excess volume, improper storage facilities, inappropriate storage conditions, inaccessibility to the site, existing or potential public health threats including rodent infestation, or multiple violations of these codes.

**(B) TIME AND PLACE OF COLLECTION.** The Commissioner of Public Works shall designate the day of collection. All rubbish and mixed waste will be collected at the curb-line immediately adjacent to the subscriber’s property, unless another location is specifically authorized or directed by the Commissioner of Public Works, in accordance with the following guidelines:

- (1) The owner of any residence that contains two or more dwelling units, the owner of any rooming house, homeless shelter, manufactured housing community, and the occupant of any residence containing one dwelling unit shall be responsible for placing containers for rubbish or garbage (or mixed waste) at the designated location prior to collection.
- (2) Recyclables and garbage or mixed garbage and rubbish shall be stored in a manner that does not obstruct an egress, cause disease or health risk to humans or pets, or cause damage to property or the environment

- (3) No person shall place or cause to be placed in any public way or upon any sidewalk of the town, any package, article, or anything whatsoever so as to obstruct a free passage for travelers, except that nothing herein contained shall be construed to prevent the use of streets and sidewalks for building purposes upon obtaining a permit as provided in Section 22 of Article XVIII of the town By-Laws.
- (4) No person shall throw or sweep on any sidewalk or public way of the town, any rubbish or filth of any kind, or any noxious or refuse liquid or solid matter or substance, and no person shall willfully tip over or upset the contents of any box or barrel containing ashes, house dirt, or rubbish of any kind upon any sidewalk or into any public way of the town.
- (5) The Commissioner of Public Works shall determine the time prior to collection that all solid waste shall be placed for collection but in no event shall it be placed before 3:30 P.M. of the day preceding the scheduled day for collection and no later than 7:00 A.M. on the day of scheduled collection.
- (6) All empty barrels, cans, rubbish containers, and recycling containers of any kind shall be removed from the area of collection by midnight of the collection day.
- (7) The Department of Public Works shall be notified a minimum of one week in advance when a resident requests permission to place bulk objects curb side for collection.

**(C) HOLIDAY COLLECTION.** Refuse will be picked up once per week on a regularly scheduled collection day except when collection is interrupted by a legal holiday. When this occurs, all residents shall place refuse out for collection one (1) day later of their usual collection day for the remainder of the week. Holidays recognized on a Monday will shift trash for the entire week, but holidays celebrated on a different day of the week will only shift collection for the balance of the days that week. Residents whose collection day is on Friday will place their refuse out for collection after 3:30 PM Friday, to be picked up Saturday.

**(D) LEGAL HOLIDAYS.**

- New Year's Day
- Martin Luther King's Birthday
- Washington's Birthday
- Patriot's Day
- Memorial Day
- Bunker Hill Day
- Emancipation Day (Juneteenth)
- Independence Day
- Labor Day
- Indigenous People's day
- Veterans Day
- Thanksgiving Day
- Christmas Day

**(E) REFUSAL TO COLLECT.** The Commissioner of Public Works or designee may refuse to collect any wastes placed for collection in violation of these rules including the refusal to collect bulk objects when the Department is not properly notified prior to collection or when the objects are of such size and weight that they cannot be conveniently handled. The Commissioner of Public Works or designee may also refuse to collect garden and lawn waste not properly stored and placed. So far as practicable, the Public Works Department shall attach a notice to the waste refused for collection and note the reason for refusal. All reusable containers placed for collection holding rubbish or mixed waste shall be collected as rubbish.

**(F) TERMINATION OF COLLECTION.** Multiple violations of the rules and regulations as established herein may be cause for the Commissioner of Public Works to terminate the provision

of the municipal collection service to any dwelling or commercial establishment. If municipal collection is terminated, owner of said dwelling or establishment shall be responsible for private waste removal.

**(G) COLLECTION OF IMPROPER CONTAINERS.** Containers holding garbage, rubbish or mixed waste that do not meet the requirements of a “Proper Garbage/Rubbish Container” as defined in section I(Q) shall be labeled as such. The Director of Public Health, or their authorized agents or the Commissioner of Public Works, or their authorized agents, shall attach a notice to improper containers. This notice shall inform the owner that the improper container may be collected as rubbish during the next scheduled pick-up.

### **Section VII: Contracts & Billing**

**(A) 30 DAY NOTICE.** Resident must provide the Department of Public Works a 30-Day notice, in writing, to cancel or to join Town Disposal Service.

**(B) CONTRACTS.** Residents who contract with a private disposal service must provide the Department of Public Works with a copy of the contract and all contract renewals.

**(C) BILLING.** Residents who fail to submit contracts or annual contract renewals with private disposal services to the Department of Public Works shall be billed for Town Disposal Service.

**(D) DISPOSAL SERVICES.** Private Disposal Service Companies shall be permitted by the Department of Public Health. (Refer to Section XI, “Private Collectors”).

**(E) COMMERCIAL PROPERTIES.** All commercial properties requesting Town Disposal Service must enter into a separate contract with the Department of Public Works.

### **Section VIII: Storage, Handling and Collection of Recyclable Materials**

**(A) AUTHORITY.** Pursuant to the authority of M.G.L. c.111, ss.31, 31A, 31B; 105 CMR 400; M.G.L. c.111, s.177A, and to comply with 310 CMR 19.017; M.G.L. c. 21A, ss.2 and 8, M.G.L. c.111, sec. 150A, the Town establishes a Recycling Program, the requirements of which are set out in these regulations and in Article 8.16 of the Town By-law.

**(B) PURPOSE.** The Town of Brookline participates in a municipally managed recycling program for households that subscribe to Town Disposal Service, and the Commonwealth of Massachusetts, Department of Environmental Protection, has promulgated Waste Bans which restrict the disposal of certain recyclable items at solid waste landfills, transfer stations and incinerators in Massachusetts (310 CMR 19.017). Compliance with the Waste Bans may be accomplished through reducing the amount of solid waste to the fullest; and promoting public support for recycling. The following requirements are hereby adopted for the efficient management of solid waste; for the promotion of health and welfare of its citizens; and for the protection of the environment.

**(C) ESTABLISHMENT OF PROGRAM.** There is hereby established in the Town of Brookline a program for the mandatory separation of recyclable materials from trash. The requirements of this program, which are contained in these regulations and in Article 8.16 of the Town By-law, shall apply to all owners and occupants of residential units whose waste is collected as a Town service or by a permitted hauler; property managers acting on behalf of owners or occupants of residential units; owners and occupants of commercial facilities whose waste is collected as a Town service; and permitted private haulers permitted by the Department of Public Health to collect waste and recyclables in the Town.

**(D) PROGRAM REQUIREMENTS**

- (1) Mandatory Separation of Recyclable Materials.** It shall be mandatory for all residents, both those who subscribe to Town Disposal Service and those who contract with permitted haulers for waste removal services, and for all commercial subscribers to Town Disposal Service, to separate all designated recyclable materials from other trash in accordance with the provisions in this section and in Article 8.16 of the Town By-law.
- (2) Removal of Recyclables.** For all residents and for all commercial subscribers to Town Disposal Service, all recyclables, which are required to be separated for municipal waste pursuant to section (1) above, shall either be delivered to a recycling center, or shall be collected by the Town or its agent pursuant to Town Disposal Service, or by permitted hauler operating under permit from the Director of Public Health as provided in Section XI of the Solid Waste Regulations.
- (3) Recycling Service Contract Requirement.** All owners or managers of residential buildings shall be responsible for contracting recycling services, either with the Town by subscription to Town Disposal Service, or with a permitted private hauler operating under permit from the Director of Public Health as provided in Section XI.
- (4) System for the Storage and Collection of Recyclable Materials.**

  - (a) For those residents who subscribe to Town Disposal Service for the collection of waste and recyclables, the Town of Brookline shall provide receptacles for the storage and collection of recyclable materials.
  - (b) For those buildings and residences that contract with a permitted private hauler for the collection of waste and recyclables, the owner(s) or manager(s) of such properties shall establish a convenient and practical system for the collection, storage, and removal of recyclable materials generated by the residents of these properties. Such systems shall not create a nuisance and shall comply with all storage, handling and disposal requirements laid out in these regulations.
- (5) Containers and Collection Areas**

  - (a) Containers used to collect recyclable materials shall be clearly labeled in English, and in other languages if appropriate, including indication of the materials to be placed in the container, and the word "Recycle" or "Recyclable" or the "Chasing Arrows" recycling symbol.
  - (b) Containers used to collect recyclable materials shall have adequate capacity and durability to function efficiently and meet the spatial constraints of the building. For those properties that contract with a permitted private hauler for their waste removal services, the type of containers used for collection of recyclable materials shall be established between the property owner or manager and the permitted private hauler. All containers supplied by a permitted private hauler shall be clearly labeled with the hauler's name and contact information.
  - (c) Containers located outdoors shall be covered or otherwise secured to prevent materials from blowing, leaking, or falling out and to protect the materials from the elements and vector populations. The property owner or manager shall maintain all recycling areas in a clean, sanitary and litter-free manner. Indoor common-area collection/storage areas shall be established in accordance with appropriate Town of Brookline fire and/or safety codes and shall not create a nuisance.
  - (d) Recycling containers at multi-family buildings and commercial businesses shall be placed in a location or locations at least as convenient to tenants as the trash receptacles, insofar as is practical.
- (6) Promotion and Education.** Property owners or managers are responsible for notifying and educating residents about the separation and collection of recyclable materials, by posting and distributing guidelines listing recyclable materials and the procedures for collection on the property. Property owners or managers shall deliver recycling guidelines to each unit contemporaneously with installation of his or her residency. Recycling guides

shall be posted in a clearly visible location as close as practical to the installed recycling collection system.

- (7) **Mandatory Clause in Lease or Other Agreement with Tenant.** The property owner or manager of every multi-family housing property shall require, by a clause in the lease or other enforceable rule or regulations that the tenants in such property comply with the requirements of the Recycling By-law and these regulations, governing separation and disposal or placement for removal of recyclable materials.
- (8) **Liability.** Property owners, building managers, landlords and their agents who comply with the aforementioned requirements relative to multi-family housing properties shall not be liable for the noncompliance of occupants of their building. The Town is not responsible for any problems, unauthorized collections, liabilities, or any other difficulties that arise between the property owner or building manager and the permitted haulers.
- (9) **Unseparated Materials.** If waste materials are not separated as described above or by regulation promulgated under this section, and the unseparated materials are left or put out for waste collection, the Town or its agent, or a permitted private hauler will not be required to pick up the unseparated materials. The owner of the property or the person who left or put out the waste must remove any such uncollected materials within a twelve hour period and shall be subject to a fine as established by Town By-laws.

#### **Section IX: Litter**

**(A) ILLEGAL DISPOSAL.** No person shall throw or deposit or cause to be thrown or deposited any garbage, rubbish, compost or other waste or offensive material upon a street, park or other public or private way, or upon any premises or vacant lot, except an approved disposal area, nor store or keep the same except in containers as required by these regulations.

**(B) SCAVENGING.** No person shall overhaul, pick over, sort or remove the contents of containers of waste stored or set out for collection. In addition, junk dealers and collectors shall not collect, receive, or purchase, directly or indirectly, junk, old metal, rags or any other related articles collected by the Highway and Sanitation Division or delivered to the Town Disposal Facility. Items intended to be free for collection by passersby must be placed on private property.

**(C) REMOVAL FROM PREMISES.** When ordered by the Director of Public Health, the owner, agent or occupant of a lot or premises shall remove any improper accumulation or storage of garbage, rubbish or other waste or offensive material, within such time as the Director of Public Health may deem reasonable.

#### **Section X: Private Dumps**

**(A) PERMIT REQUIRED.** No person shall use any public or private premises within the limits of the Town of Brookline as a place for the disposal of rubbish or other waste or offensive material (clean ashes of cinders excepted), without a permit from the Director of Public Health.

**(B) CONDITION OF PERMIT.** The Director of Public Health shall cause an inspection to be made of the proposed private dump and may, at his discretion, grant a permit, if, in the Director's opinion, the dump is not likely to become a nuisance, unsightly or a cause of a verified complaint, and does not violate any zoning by-law, and is not offensive to the surrounding area. The Director of Public Health may impose such conditions as deemed necessary to the proper exercise of such a permit.

**(C) REVOCATION**. The Director of Public Health may at any time revoke or suspend the permit for violation of the conditions of the permit.

**Section XI: Permitted Private Haulers**

**(A) PERMIT REQUIRED**. No person shall remove or transport through the streets of the Town of Brookline any garbage, rubbish, compost or other waste or offensive material collected within the Town without a permit from the Director of Public Health. Application for a permit shall be made on forms provided by the Director of Public Health, shall contain such information as the Director of Public Health may require, and shall be accompanied by a fee as determined by the Director of Public Health. Permits must be renewed annually on application as herein provided. Permits may be revoked or suspended by the Director of Public Health for failure to comply with the requirements of this section.

**(B) REGISTRATION REQUIRED**. No person shall transport through the streets of the Town of Brookline any garbage, rubbish, compost or other waste or offensive material, not collected within the Town, without first registering with the Director of Public Health. Transportation of such materials shall be in compliance with the requirements of this section.

**(C) PERMITTED PRIVATE HAULERS MUST OFFER RECYCLING SERVICES**. Every private hauler, as a precondition to receiving a permit to collect waste within the Town of Brookline, shall be required to provide its residential customers the service of removing recyclables from their properties and to comply with all regulations concerning Private Collectors as outlined in Section VII of the Solid Waste Regulations.

**(D) COMPLIANCE WITH SOLID WASTE BANS**. Permitted Private Collectors shall provide recycling services to allow compliance with the Commonwealth of Massachusetts, Department of Environmental Protection Solid Waste Bans and any other item deemed feasible by the Health Department.

**(E) LIST OF RECYCLABLE MATERIALS**. Permitted Private Collectors shall provide their customers (Residents, Property Owners/Building Managers) with an up-to-date list of acceptable types of recyclables to be collected, with a description of proper packaging or bundling methods where appropriate.

**(F) TRANSPORTATION**. The transportation of all garbage, rubbish, compost or other waste or offensive material through the streets of the Town shall be conducted in such manner as not to create a nuisance.

**(G) COLLECTION VEHICLES**. Vehicles conveying waste shall be of such construction and so operated that contents shall not spill, leak, fall or be blown upon the public street, or otherwise create a nuisance. Vehicles used for conveying garbage, rubbish or other waste or offensive material shall be fully enclosed unless the material is transported in watertight containers equipped with tight-fitting covers.

**(H) TIME OF COLLECTION**. The collection and transportation of any garbage, rubbish, compost or other waste or offensive material in any commercial or residential area shall be limited to the following hours:

	<b><i>From</i></b>	<b><i>To</i></b>
Weekdays	7:00 A.M.	11:00 P.M.
Saturdays	7:00 A.M.	11:00 P.M.
Sundays and Legal Holidays	10:00 A.M.	10:00 P.M.

**(I) COLLECTION SCHEDULE.** Private curbside collection, which includes the collection of recyclables, must be carried out on a schedule consistent with the Town's curbside collection service, with regard to the time and day of pick-up. Any exceptions to this must be approved by the Commissioner of Public Works and Director of Public Health.

**(J) PERMITTED PRIVATE HAULER RESPONSIBILITIES.** The permitted private hauler, or owner, shall ensure that: (i) garbage or rubbish container's contents are not spilled during removal or transportation; and (ii) each garbage/rubbish container or dumpster is washed or sanitized as necessary to maintain in a sanitary condition.

## **Section XII: Enforcement**

**(A) ACTION.** Unless otherwise specified, these regulations shall be enforced by the Director of Public Health, their authorized agents or the Commissioner of Public Works or their authorized agents, under the authority of the Director of Public Health.

### **(B) VIOLATIONS AND ENFORCEMENT.**

- (1) Whoever violates any provision of these regulations adopted under the authority of M.G.L. c.111, ss.31, 31A, 31B; 105 CMR 400; M.G.L. c.111, s.177A, and to comply with 310 CMR 19.017; M.G.L. c. 21A, ss.2 and 8, M.G.L. c.111, sec. 150A, the Town establishes a Recycling Program, the requirements of which are set out in these regulations and in Article 8.16 of the Town By-law, shall be punished by a fine as determined by the Director of Public Health and the Commissioner of Public Works as established by Town By-laws.
- (2) Any person who shall fail to comply with any order issued pursuant to the provisions of the regulations governing the handling, storage, collection and disposal of solid waste shall be fined as established by Town By-laws.
- (3) Any person in violation of these regulations shall correct the violation within twelve (12) hours of being notified of such violation or such other period as determined by the Director of Public Health or the Commissioner of Public Works.
- (4) If a person fails to perform a duty imposed by the provisions of these regulations, such duty may be performed by the Department of Public Works at the expense of the person liable for same at a rate of the actual costs of the Town, plus 1.5% monthly interest, compounded monthly, if not paid within thirty days of the Department's demand.
- (5) The Director of Public Health and the Commissioner of Public Works may suspend or revoke any dumpster license or permitted private hauler license upon a finding that the holder of such license has violated any of these regulations or has failed to comply with any lawful order of the Director of Public Health pursuant to these regulations. Additionally, and not by way of limitation, they may suspend or revoke any permitted private hauler license upon a finding that the contractor has repeatedly failed or neglected to sanitize, service or maintain dumpsters.
- (6) Any person who violates any of these regulations shall be punished by fines as stipulated in the Town's bylaws. The schedule of fines in no way diminishes the appointed authorities from taking other actions including elimination of service to remedy violations or hearings with more significant fines under the 105 CMR 410.000, as amended
- (7) Each day that a person fails to comply with an order shall constitute a separate violation.

- (8) These regulations shall apply to all containers, including dumpsters, in the Town whether for residential, commercial or industrial use.
- (9) These regulations may be enforced by the Department of Health and Human Services, and the Department of Public Works, or their designees.
- (10)The Town may inspect dumpsters for compliance with these regulations. Inspections may be unannounced. Inspectors shall conduct dumpster inspections at any time, carry Town of Brookline Identification, and have the right to enter the property of the licensee to inspect the dumpster.
- (11)If a failure to comply with an order requiring that any dwelling or its premises be properly cleaned or repaired results in a condition which endangers or materially impairs the health or well-being of the occupant or the public, the Department of Public Health and Human Services may cause such proper cleaning or repair and charge the responsible person or persons as hereinbefore provided with any and all expenses incurred. Any such charges by the Department of Public Health and Human Services shall not absolve the responsible person or persons from any penalty warranted by the failure to comply with the order and requirement to pay for all incurred costs

***These regulations were adopted by the Director of Public Health under the authority of Chapter 111 of the General Laws and Chapter 345 of the Acts of 1945.***

***These regulations were revised and adopted by the Director of Public Health on October 25, 2023.***

***These regulations were revised and adopted October 24, 2023 by the Commissioner of Public Works.***

***These regulations were revised and adopted on October 24,2023 by the Select Board.***

***To become effective January 1, 2024.***