

SOLID WASTE REGULATIONS

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

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

(A) 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.

(B) COMPOSTABLE MATERIALS. Organic material, excluding waste water residuals, which have the potential 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).

(C) COMPOSTING. A process of accelerated bio-degradation and stabilization of organic material under controlled conditions yielding a product that can safely be used for fertilizing and conditioning the land.

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

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

(F) GARBAGE. Garbage is the animal, vegetable, or other organic waste resulting from the handling, preparing, cooking, or consumption of food. This includes a mixture of garbage and rubbish.

(G) 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).

(H) 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).

(I) 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.

(J) MANUFACTURING WASTE. Any waste resulting from manufacturing processes.

(K) MUNICIPAL WASTE. Municipal waste is domestic waste and commercial waste.

(L) 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.

(M) RECYCLABLE MATERIALS. Materials which may be reclaimed and returned to the economy in the form of raw materials or products, including paper, plastics, glass, and aluminum containers (Refer to Article XIX, Section 40 of the town by-laws for regulations regarding the recycling of waste materials.)

(N) RUBBISH. Rubbish is combustible and non-combustible waste material, except garbage, and includes but is not limited to such material as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, leaf and yard waste, metals, mineral matter, crockery, dust, and the residue from the burning of wood, coal, coke and other combustible materials. This does not include tree waste or recyclable materials.

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

(P) 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.

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 410.600 - 410.602 of the State Sanitary Code, "Minimum Standards of Fitness for Human Habitation".

GARBAGE AND RUBBISH STORAGE AND DISPOSAL.

Responsibilities of Owners and Occupants: Cleanliness of Premises

(1) Garbage or mixed garbage and rubbish shall be stored in watertight receptacles with tight-fitting covers. Said receptacles and covers shall be of metal or other durable, rodent-proof material. Rubbish shall be stored in receptacles of metal or other durable, rodent-proof material.

(2) The owner of any dwelling that contains three or more dwelling units, the owner of any rooming house, and the occupant of any other dwelling place shall be responsible for providing as many receptacles for the storage of garbage and rubbish as are sufficient to contain the accumulation before final collection or ultimate disposal, and shall so locate them that no objectionable odors enter any dwelling.

(3) The occupant of each dwelling, dwelling unit, and rooming unit shall be responsible for the proper storage of his/her garbage and rubbish in the receptacles required in Section II(A)(2) before final collection or ultimate disposal.

(4) The owner of any dwelling that contains three (3) or more dwelling units, the owner of any rooming house, and the occupant of any other dwelling place shall be responsible for the final collection or ultimate disposal or incineration of garbage and rubbish by means of:

- (a) the regular municipal collection system; or
- (b) any other collection system approved by the Director of Public Health; or
- (c) when otherwise lawful, a garbage grinder which grinds garbage into the sink drain finely enough to ensure its free passage and is otherwise maintained in a sanitary condition;

or

- (d) when otherwise lawful, a garbage or rubbish incinerator located within the dwelling which is properly installed and which is maintained so as not to create a safety or health hazard; or
- (e) any other method of disposal which does not endanger any person and which is approved in writing by the Director of Public Health.

(5) The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean and sanitary condition and free from garbage, rubbish or other refuse. The owner of such parcel of land shall correct any condition caused by or on such parcel or its appurtenance which affects the health, comfort, safety, or convenience of the occupants of any dwelling or of the general public.

(6) The occupant of any dwelling unit shall be responsible for maintaining in a clean and sanitary condition and free of garbage, rubbish, other filth or other causes of sickness that part of the dwelling which he exclusively occupies or controls.

(7) In a dwelling that contains less than three (3) dwelling units, the occupant shall be responsible for maintaining in a clean and sanitary condition, free of garbage, rubbish, other filth or other causes of sickness the stairs of stairways leading to his dwelling unit and the landing adjacent to his dwelling if the stairs, stairways or landing are not used by another occupant.

(8) In any dwelling, the owner shall be responsible for maintaining in a clean and sanitary condition free of garbage, rubbish, other filth or other causes of sickness that part of the dwelling which is used in common by the occupants and which is not occupied or controlled by one occupant exclusively.

(9) The owner of any dwelling abutting a private passageway or right-of-way owned or used in common with other dwellings or which the owner or occupants under his control have the right to use or are in fact using shall be responsible for maintaining in a clean and sanitary condition free of garbage, rubbish, other filth or other causes of sickness that part of the passageway or right-of-way which abuts his property and which he or the occupants under their control have the right to use, or are in fact using, or which he owns.

(B) OWNER RESPONSIBILITIES. Owners are reminded that they 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 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 authority of Section V of these regulations.

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 therefrom by wind, animals or other cause, other than for removal by authorized persons. 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 V of these regulations.

Section IV: 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 roadkill should be reported to the Sanitation/Highway Department 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 V: Collection of Garbage & Rubbish

(A) RULES. The Commissioner of Public Works may (subject to the approval of the Director of Public Health) 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 rubbish to be collected, as defined in Section I of the Regulations, shall be placed in suitable, watertight plastic bags or within securely covered rubbish barrels to prevent insect, rodent, odor or any other public health concerns as determined by the Director of Public Health, or his agents. Plastic bags shall not exceed thirty (30) gallons in capacity nor 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 rubbish barrel. 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 410.600B).

(2) Boxes and cartons shall be collapsed or broken up to reduce volume and securely tied in compact bundles so that they cannot be readily blown about or scattered. Refer to the Regulations of Recyclable Materials for recycling requirements. Standard bundles of rubbish shall not exceed seventy-five (75) pounds in weight or three (3) feet in maximum dimension.

(3) Yard waste shall be tied in standard bundles not to exceed 75 pounds and/or three (3) feet in length. Leaves and grass clippings shall be stored in paper sacks 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) Garbage may be placed in disposable containers (plastic bags) with rubbish or may be stored in underground containers. Garbage shall be drained of all free liquid and properly wrapped to prevent leaking of residual noxious or putrefying liquids. But there will not be, under any conditions, separate garbage collection from underground containers. All garbage shall be placed for collection in sealed disposable containers (plastic bags), except in those places where such practice is prohibited by local rule or ordinance or except in those cases where the Department of Public Health determines that such practice constitutes a health problem. For purposes of the preceding sentence, in making its determination the Department

shall consider, among other things, evidence of strewn garbage, torn garbage bags, or evidence of rodents.

(5) 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 dwelling that contains three (3) or more dwelling units, the owner of any rooming house, and the occupant of any other dwelling place shall be responsible for placing containers for rubbish or garbage (or mixed waste) at the designated location prior to collection.

(2) No person shall place or cause to be placed in any public way or upon any sidewalk of the town, any lumber, coal, iron, trunk, bale, box, crate, cask, package, article, or anything whatsoever so as to obstruct a free passage for travelers, nor allow any of the same to remain more than one hour after being notified by a police officer, health official, Department of Public Works official, and/or building official to remove it, 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.

(3) 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.

(4) The Commissioner of Public Works shall determine the time prior to collection that 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.

(5) 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.

(6) The Sanitation Division of the Department of Public Works shall be notified one week in advance when bulky objects which cannot be readily broken down to less than three (3) feet in maximum dimensions are to be placed 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 entire 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

- **Independence Day**
- **Labor Day**
- **Columbus Day**
- **Veterans Day**
- **Thanksgiving Day**
- **Christmas Day**

(E) REFUSAL TO COLLECT. The Director of the Sanitation Division of the Department of Public Works may refuse to collect any wastes placed for collection in violation of these rules. The Director of the Sanitation Division may refuse to collect bulky objects when the Sanitation Division is not properly notified one week prior to collection or when the objects are of such size and weight that they cannot be conveniently handled. The Director of the Sanitation Division may also refuse to collect garden and lawn waste not properly stored and placed or in excess of three (3) standard bundles or containers at any one collection. So far as practicable, the Sanitation Division 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 establishments.

(G) COLLECTION OF IMPROPER CONTAINERS. Containers holding rubbish or mixed waste that do not meet the requirements of a "Proper Container" as defined in section I (L) shall be labeled as such. The Director of Public Health, his authorized agents, the Commissioner of Public Works, his authorized agents, and members of the Sanitation Division 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 VI: 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 IX, "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 VII: Litter

(A) DEPOSITING. No person shall throw or deposit or cause to be thrown or deposited any garbage, rubbish 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 Sanitation Division or delivered to the Town Disposal Facility.

(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 VIII: 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 garbage, 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 his 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 he deems 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 IX: Private Collectors

(A) PERMIT REQUIRED. No person shall remove or transport through the streets of the Town of Brookline any garbage, grease or bones, rubbish 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 shall expire at the end of the calendar year in which issued, but may 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, grease or bones, rubbish, 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) TRANSPORTATION. The transportation of all garbage, grease or bones, rubbish or other waste or offensive material through the streets of the Town shall be conducted in such manner as not to create a nuisance.

(D) 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 or grease and bones shall be fully enclosed unless the material is transported in watertight containers equipped with tight-fitting covers.

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

From To

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.

(F) COLLECTION SCHEDULE. Private curbside collection 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.

Section X: Enforcement

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

(B) PENALTY

(1) Whoever violates any provision of these regulations adopted under the authority of Chapter 111, Section 31, General laws, shall be punished by a fine as determined by the Director of Public Health and the Commissioner of Public Works but not to exceed fifty (50) dollars.

(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 not more than fifty (50) dollars. Each day's failure to comply with an order shall constitute a separate violation.

(C) CORRECTION OF VIOLATIONS BY DEPARTMENT OF PUBLIC HEALTH; EXPENSES

(1) 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 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 shall not absolve the responsible person or persons from any penalty warranted by the failure to comply with the order.

(2) The Department of Public Health may also act in an emergency under the provisions of 105 CMR 400.200(B) to clean or repair any dwelling which so fails to comply with the provisions of 105 CMR 410.000 as to endanger or materially impair the health or safety, and well-being of the occupant or the public, and to charge the responsible person or persons with any and all expenses incurred.

