

Regulation Relative to the Storage and Collection/Removal of Trash, Recycling, and Solid Waste Disposal

Purpose:

It is the purpose and intention of the Winthrop Board of Health to protect the public health and safety, to safeguard the environment, and facilitate the proper and efficient storage and collection/removal of trash, recyclables and solid waste disposal in the Town of Winthrop by establishing this regulation.

Authority:

The Winthrop Board of Health shall have and exercise the power and authority and perform all the duties conferred by law or ordinance.

As provided by law, the board may make rules and regulations relative to the following:
The removal of garbage and other offensive substances, including solid wastes and recycling.

Notice of such regulations shall be given as required by law.

The Board of Health reserves the right to amend this regulation when, in its judgment, it is necessary to protect the public health and safety.

The Board of Health and the Department of Public Works and their designees are authorized to promulgate policies and procedures from time to time to aid in the implementation and enforcement of this regulation.

State Law reference— Health regulations, M.G.L.A. c. 111, § 31; permit for garbage removal; rules and regulations for removal of garbage, M.G.L.A. c. 111, §§ 31A, 31B; authority of board of health to regulate and control atmospheric pollution, M.G.L.A. c. 111, § 31C; authority to set and collect fees for solid waste collection services, M.G.L.A. 44, §28C(f).

Definitions:

The following words and phrases are defined as follows:

Appliances: See "White Goods"

Board of Health: The Town of Winthrop appointed members

Bulky Items: Bulky waste items are large items and include but are not limited to discarded broken furniture such as beds, box springs, bureaus, chairs, coffee tables, end tables, entertainment centers, gas grills (excluding a propane tank), large toys, lawn furniture, love seats, mirrors, sofas, shelving, tables, and any oversized items that do not fit conveniently in a standard, town-issued trash receptacle. Items at any time classified as Bulky Items are subject to change.

Commercial Trash: Any of the following: trash generated as a result of carrying out a business; trash generated by a residential building containing more than three residential units; lawn and garden clippings from normal maintenance of the foregoing premises; and trash produced by the customers of a commercial establishment.

Construction Debris: Items and waste produced and accumulated as a result of building construction, demolition, renovation, repairs, and or activities related to any of the foregoing, notwithstanding that such activity occurs at a residential property, and as such is not considered residential trash and not eligible to be collected at any time either during curbside collection. Construction debris includes, but is not limited to, sheet rock, blue board, lumber, sinks, toilets, cabinets, paneling, storm doors, storm windows, doors, wood, sliding doors, power equipment, and handheld equipment, rugs and carpeting.

Container: A bin used for the storage and collection of trash or recyclable materials. All receptacles must be lidded and made of metal or other durable, rodent-proof material.

Curbside Collection: The retrieval and removal, by a hauler under contract with the Town of Winthrop, of trash placed in trash containers furnished to all single-family residences and all residential buildings containing three or fewer dwelling units in accordance with the requirements of this regulation; curbside collection may be further regulated by the Board of Health and the Department of Public Works.

Department of Public Works: The Town of Winthrop Public Works.

Food Establishment: A business that stores, prepares, packages, serves or provides food for people to eat, and includes a restaurant, grocery market, convenience store, food stand or food truck, schools and other institutions, hotels, bakeries and vending machines.

Garbage: Waste material derived from animal or vegetable food waste, kitchen waste, or food scraps that will decompose or decay. To this regulation the term "garbage" may be interchanged with the words "trash" or "rubbish."

Hazardous Materials: Hazardous materials are toxic and volatile chemicals, gasoline, explosives, compressed gases, radioactive materials, and all other materials so deemed by the Board of Health to be hazardous.

Medical Waste: Any waste that is generated at health care facilities such as hospitals, clinics, physician's offices, dental practices, blood banks, veterinary facilities, and laboratories in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. Medical waste includes but is not limited to blood-soaked bandages, culture dishes and other glassware, discarded surgical gloves, discarded surgical instruments, discarded needles used to give shots or draw blood (e.g., medical sharps), cultures, stocks, swabs used to inoculate, cultures, removed body organs (e.g., tonsils, appendices, limbs) and discarded lancets.

Mercury Products: All products to which mercury has been intentionally added, such as thermometers with silver liquid, thermostats with silver liquid in a glass cylinder, button batteries, blood pressure cuffs, neon lamps, electrical switches, bilge pumps and sump pumps and items containing mercury; these are hazardous waste and shall not be discarded in regular waste disposal. Products to which mercury has been added are labeled by the manufacturer and require special handling at the end of useful life.

Overflow Trash: Trash that exceeds the capacity of a single Trash Receptacle.

Plastic: High density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics and other plastics as may be determined by the Director of the Department of Public Works.

Recyclable Material: Cardboard, glass bottles and jars rinsed clean, clean aluminum, plastic containers, metals, recyclable paper, and other such materials. Recyclable materials shall also include any such materials as covered by the Massachusetts Department of Environmental Protection (MDEP) or the Winthrop Department of Public Works. See 310 CMR 19.017 for MDEP waste bans.

Recyclable Paper: Paper that is clean, containing no stain, foreign substance, or food waste.

Recycling Container: A receptacle, blue with a yellow lid, issued by the Town of Winthrop to be used exclusively for the storage of recyclable materials and the placement thereof for curbside collection.

Restaurant: Within the context of this regulation, a restaurant is an establishment that provides service, food and beverages to customers at its regular and customary operation.

Rubbish: See "Trash"

Single Stream Recycling: The method where all recyclable materials including paper, glass, plastic, metal, aluminum, and corrugated cardboard are placed, co-mingled, not contained in a plastic bag, and not necessarily separated, in a recycling bin and collected in a curbside collection process that is separate from the curbside collection process for trash.

Specialty Items: Specialty items include generally, but are not limited to; anti-freeze, batteries, computer monitors, electronics, fluorescent light bulbs, mercury thermometers, nickel-cadmium batteries, paint cans (with original labels), propane tanks, televisions, tires (without rims), and waste oil. Items at any time classified as Specialty Items are subject to change. For disposal procedures, the Town of Winthrop shall provide specified fees and dates for recycling events.

Storage: The placement of trash in a proper receptacle at all times that such receptacle is not placed for curbside collection in accordance with the requirements of this Regulation. Storage refers, generally, to the days that trash is contained in a receptacle during the days that precede the day of curbside collection.

Trash: All household solid waste, including garbage, that is not defined as recyclable material. The meaning of the term "trash" incorporates the term "refuse" or "rubbish" and for the purpose of this regulation the word "trash" may be interchanged with the word "garbage" or "rubbish." The term "trash" does not include yard waste, recyclable material, household hazardous waste, construction debris, electronics, and metals, or specialty items as defined herein.

Trash Container: A receptacle, color blue, issued by the Town of Winthrop to all residential properties in the Town containing three or fewer residential units therein, to be used for the storage of trash and exclusively for the placement thereof for curbside collection of residential trash except as may be determined by the Director of Public Works.

Trash Stop: A property eligible for Curbside Collection.

Waste Ban: State prohibition on landfill and combustion of easy-to-recycle and toxic materials. See 312 CMR 19.017

White Goods: Household appliances, whether of the color white or otherwise, such as washing machines, clothes dryers, refrigerators, stoves, hot water tanks, freezers, air conditioners, window fans, freestanding fans, and dishwashers. Items at any time classified as White Goods are subject to change.

Yard Waste: Clippings of grass, weeds, hedges, shrubbery, plants or plant clippings, garden waste, leaves and brush. Further, the product of tree or shrubbery pruning no longer than four feet and greater than three inches in diameter; and any materials as further defined as "Yard Waste" or "Leaf" by the Massachusetts Department of Environmental Protection or the Director of the Department of Public Works. Items may be brought to the Town Yard Waste Drop-Off Facility.

Requirements for the Storage of Trash:

Receptacles used for the storage of trash shall be physically placed prior to the weekly curbside collection at a location as near to the rear yard or side yard of said residence and as far out of public view as practicable, and firmly secured from animal intrusion.

The owner of any dwelling, or the association of unit owners of any condominium building, shall be responsible to assure that proper receptacles are in place for the storage of trash, and the obligation to provide such storage receptacles is non-delegable by lease or other written arrangement.

The occupant and owner of each such dwelling where a Trash /Recycling Container is issued shall take all proper and necessary steps to protect the Trash /Recycling Container against misuse, loss, and damage and shall not deface or mark the Trash /Recycling Container. Defacing will not include markings to indicate address and unit number of residential units.

The Town may require any such resident to pay for the replacement of a Trash/Recycling Container which has incurred damage due to misuse or neglect by the resident.

Owners shall notify the Police Department and/or the Department of Public Works in the event of theft or loss of a Trash or Recycling Container.

Owners or Renters shall leave the Trash and Recycling Containers for use by the subsequent resident in the event they vacate the premises and relocate to a residence outside the Town of Winthrop.

The owner/renter shall at all times keep the Town-provided Trash and Recycling Containers at the assigned premises.

The placement on the ground of plastic or paper bags containing trash or recycling is prohibited. Violations will be subject to fines.

The owner and occupants of residences shall be responsible for removing trash strewn on the sidewalk or street as a result of torn or damaged containers.

It shall be the responsibility of the owner of any building containing more than three dwelling units to provide for the removal and disposal of trash and recycling weekly. This shall include lodging houses, rooming houses, hotels, motels and condos.

Town's Duties and Responsibilities:

The Town shall provide weekly municipal curbside solid waste and recycling collection to all owner-occupied residential units and non-owner-occupied rental units, limited to three or less unit buildings, serviced by the municipal collection contract at the time this regulation is adopted.

The Town shall provide one Trash Container, as defined herein, to every dwelling property containing three residential units or less and receiving municipal trash disposal service; one Trash and Recycling Container shall be issued per residential unit.

Every Trash and Recycling Container issued to any property obtained by a resident or property owner, shall be and remain the property of the Town of Winthrop.

Only trash and recycling containers issued by the Town of Winthrop shall be used for the placement of trash and recycling for curbside collection, except as otherwise allowed for overflow trash.

Time: Trash/Recycling collection time is from 7:00 a.m. – 5:00 p.m. Containers authorized for curbside collection shall be placed for curbside collection no earlier than 5:00 p.m. on the day before scheduled collection and no later than 6:45 a.m. on the day of collection.

The owner of any property where a Trash/Recycling Container is placed for curbside collection after the Trash Stop has been collected shall be in violation of this Regulation.

Receptacles placed for curbside collection shall be returned to the proper storage location no later than the end of the next day following the designated collection day.

Curbside collection shall take place according to a schedule established by the Town Manager in consultation with the Department of Public Works and viewable through the Town website.

Location and Method: Trash/Recycling Containers, and any receptacle used for curbside collection for overflow trash curbside collection shall be placed in front of and within the side boundaries of the property constituting the trash stop, positioned as near to the edge of the street as practicable. The receptacle so placed for curbside collection shall be covered by a fully closed lid.

Limitation on amount of trash: no more than the Town Containers per dwelling unit, apart from trash or recycling overflow in properly designated containers, approved by the Town.

The owner of any dwelling, or the association of unit owners of any condominium building, shall be responsible to assure that proper receptacles are used for the disposal and collection of trash and recycling and the obligation to comply with the provisions of this Regulation is non-delegable by lease or other written arrangement.

Overflow Trash, Holiday Curbside Collection: At the first curbside trash collection following the six respective holidays listed in this subsection, overflow trash may be placed for curbside collection without fee or overflow bags, provided however that it is contained within one proper receptacle.

The six designated weeks are the weeks of New Year's Day, Memorial Day, Independence Day (Fourth of July), Labor Day, Thanksgiving, and Christmas. The Director of the Department of Public Works may designate other days for curbside collection of overflow trash as deemed necessary.

Mandatory Recycling; Curbside Collection in Single Stream Recycling:

The procedures and requirements for the placement and disposal of Recyclable materials is mandatory for all properties in the Town unless otherwise specifically exempted by the Department of Public Works. The Town of Winthrop shall follow the MDEP regulations for recycling.

Massachusetts Code of Regulations, 310 CMR 19.017, the Massachusetts Department of Environmental Protection Waste Disposal Ban Regulation, imposes restrictions on the disposal or transfer for disposal of certain recyclable materials listed within the regulation. To ensure conformance with the regulation, any person who shall place solid waste and recycling in lidded designated containers curbside for collection by the Town of Winthrop or its designated solid waste hauler shall simultaneously place curbside a designated recycling receptacle(s) containing waste prohibited from disposal and suitable for recycling under the State and Town's recycling program.

The Town shall provide one Recycling Container, as defined, to every dwelling property containing three residential units or less and receiving municipal trash disposal service; one Recycling Container shall be issued per residential unit.

Recyclable materials must be placed in a Town-issued Recycling Container.

Recyclable materials must be placed for curbside collection in accordance with the requirements set forth in this Regulation. When materials that do not qualify as recyclable materials, or are not prepared in accordance with this section, are placed in a Recycling Container, no curbside collection of the Recycling Container will occur. Warnings and fines may be imposed upon the homeowner.

Procedures for the Placement of Recyclable Materials for Curbside Collection

Every household using the municipal trash collection services shall separate from regular trash all newsprint, recyclable paper, corrugated cardboard, aluminum, steel and tin cans, acceptable plastic containers, and glass containers made of clear, green, or brown glass for curbside recycling collection.

Materials as listed and so separated from ordinary trash shall be prepared in the following manner and placed directly into a Recycling Container to be placed at curbside in accordance with the collection schedule established by the Town Manager in consultation with the Department of Public Works. The materials need not be separated from each other and shall not be encased in a plastic bag.

Newspaper/Recyclable paper. Newspapers and recyclable paper may be placed in a paper (not plastic) bag or tied into a bundle.

Glass. All clear and colored glass bottles and jars, with or without lids replaced, must be rinsed before being placed into the Recycling Container.

Plastic Containers. All acceptable plastic containers, with or without lids replaced, must be rinsed clean of food residue before being placed in a Recycling Container.

Metal Containers. All steel and mixed metal cans, with or without lids replaced, must be rinsed clean with labels removed.

Aluminum Products. All aluminum cans, trays, pans, and foil must be rinsed clean.

Cardboard. Heavy cardboard, light cardboard such as food container boxes, paperboard, cardboard containers, non-soiled pizza boxes, broken into sheets no longer than two and one-half feet by three feet.

No plastic bags, food storage bags, bread bags, chip bags, and the like.

No items smaller than 3"x3".

Scavenging:

The practice of "scavenging" (i.e., removing recyclable materials placed for curbside collection), with the exception of recyclable cans and bottles with a deposit, without prior authorization from the Department of Public Works is prohibited. Whoever violates this provision shall be subject to a fine for each offense after a first warning has been given.

Commercial Trash:

It shall be the responsibility of the owner of any commercial establishment, business enterprise, manufacturing or trade establishment to provide for the removal and disposal of trash and recycling weekly.

Disposal of Bulky Items, White Goods, Yard Waste, and Specialty items; Hazardous Waste:

Bulky Items and White Goods. Curbside Collection of Bulky Items as defined may be placed for curbside collection on the property's regularly scheduled trash pickup day, following the purchase of a Bulky Item Sticker through the Department of Public Works.

Bulky Item Stickers are limited to buildings with three or less units, serviced by the municipal collection contract at the time this Regulation is adopted. Fraudulent use of Bulky Item Stickers may result in a violation and a fine.

Bulky Items such as furniture shall be collected with the purchase and placement of a sticker purchased at the Department of Public Works by the Town's solid waste collection contractor during the regular weekly curbside collection.

Yard Waste. Yard waste as defined may be dropped off at the Town's Yard Waste Drop-Off Facility. There shall be no curbside collection of yard waste, with the exception being two Saturday pickups in the fall for leaves only in a barrel or compostable bag, and two designated weeks in January for the pickup of Christmas trees. These specific pickups will be provided according to a schedule established by the Department of Public Works, which shall be provided on the Town website and otherwise publicized.

Specialty Items: Specialty items as defined shall not be placed at any time for curbside collection and may only be disposed of by delivery to the Department of Public Works at a time scheduled by the Department of Public Works.

Construction Debris. The owner of a property shall be solely responsible to arrange for and cause the removal and disposal of construction debris, as defined, from any location in the town. Construction debris is ineligible for municipal curbside collection. Construction and demolition debris including asphalt, bricks, concrete and other masonry materials, soil, rock, wall coverings, drywall, plumbing fixtures, insulation, roofing shingles, plate glass, metal, wood waste, electrical wires, or other such items, as may be determined by the Director of Public Works, shall not be collected by the Town. Residents shall be responsible for the proper disposal of such items.

Hazardous Materials and Mercury-added Products: All products to which mercury has been intentionally added, such as thermometers with silver liquid, thermostats with silver liquid in a glass cylinder, button batteries, blood pressure cuffs, neon lamps, electrical switches, bilge pumps and sump pumps and items containing mercury must be taken to a Mercury Collection Site or must be disposed of as Specialty Items. E-Waste, including computers and televisions, and appliances may be recycled at annual collection events scheduled by the Department of Public Works. A fee may be charged for the disposal of certain e-waste items.

No person shall keep, store or transport over Town streets or through any public place any hazardous substances as defined in MGL C. 21D, Section 2, or any sewage residue materials except when such materials are fully and completely contained in a sealed or tightly closed container so as to prevent leakage of vapors, fumes, or fluids or spillage of any kind. Such container is to be of material designed to withstand breakage, cracking, leakage, collision, dropping, fire and similar casualty or accident.

Fees associated with the disposal of Bulky Items, White Goods, Yard Waste, and Specialty Items, whether through curbside collection or drop-off, shall be established by the Director of the Department of Public Works or their representative.

Any person who arranges for a privately contracted hauler to remove any such Bulky Items, White Goods, Yard Waste, and Specialty Items from an address within the Town of Winthrop shall place the item for removal no more than 24 hours before such removal and shall notify the Department of Public Works of the address and scheduled time of removal. Failure to do so may result in a fine.

Fees:

The owner of each residential unit receiving curbside collection shall be charged an annual fee per unit for the collection of solid waste and recycling as determined by the Town Manager or their designee before the annual budget is presented to the Town Council by the Town Manager.

The Town Manager or their designee may at their discretion determine whether circumstances exist for a property owner that they shall not be required to pay an annual trash fee. Such circumstances might include an extended period of vacancy at a property where solid waste pickup is not necessary, a private solid waste pickup contract is in place between the property owner and a third party to pick up trash or other circumstances as they may arise.

Fees not collected shall be subject to all collection remedies as provided for real estate collection, including interest and demand fees. Any fee not paid thirty (30) days from the date of the electronic transmission or mailing of each bill may be liened to the property in the following fiscal year's real estate bill. Such liens shall remain valid to the extent allowed by law.

Complaints and disputes:

The Board of Health shall take such action as is necessary to provide proper collection of trash and recyclables from every eligible residence and to order such additional collections as may be advisable to maintain proper service. The Board of Health or its designees shall in cases of dispute, determine whether the quantity, type or condition of the trash is within the terms of this Regulation for collection.

Violations:

No person shall willfully and maliciously tip over and spill out the contents of any box, barrel, container or vessel containing ashes or rubbish set upon the sidewalk.

No person shall, without permission from the Board of Health, throw into or deposit in or upon any street, way, wharf, public place, vacant lot, or park or recreational area or throw into or deposit in any pond or body of water within the corporate limits any dead animal, dirt, sawdust, wastewater, rubbish, filth, automobiles or parts of automobiles, leaves or any refuse matter or substance whatever; nor shall any person throw into or deposit in or upon any dock, flat or tidewater within the jurisdiction of the Town any dead animal or any foul or offensive matter or any foul or offensive substance within the Town.

Whoever, either themselves or by their agent, violates this section shall remove all such substances from the place where they have been deposited within two hours after personal notice in writing to that effect given by the Board of Health or any of its designees. If such notice is not complied with, such removal shall be made under the direction of the Board of Health or its agent at the expense of the violator.

Any person violating this Regulation shall receive a written notice issued to the owner of the property outlining the requirement of this section after the first offense, a written warning shall be issued to the owner of the property following a second offense, and a \$50.00 fine shall be imposed upon the owner of the property. Subsequent offenses shall be fined and compounded based on cumulative offenses and shall not exceed \$300.00 per subsequent offense. The Board of Health, The Department of Inspectional Services and the Department of Public Works or their designees shall have the power to enforce this section.

Enforcement:

This Regulation shall be enforced by the Department of Public Works, Department of Inspectional Services and the Board of Health and/or their designee.

The owner of any dwelling, or the Association of unit owners of any Condominium building, or any Commercial interest that is in violation of this Regulation shall be subject to the penalties set forth in Noncriminal Dispositions of Violations--M. G.L. Ch. 40 Section 21 D.

Only items authorized or approved for curbside collection in accordance with this Regulation will be removed at curbside collection. Items left for curbside collection that are not placed for collection in compliance with this Regulation and do not otherwise comply with the provisions of this Regulation and are not removed shall subject the property owner to fines.

The placement for curbside collection of trash, recyclable materials, bulky items, white goods, or specialty items that are not eligible for curbside collection in accordance with this Regulation or that are improperly commingled with such items that are eligible for curbside collection, will not be removed by the municipal waste collection contractor, and such placement shall constitute a violation of this Regulation.

Fines may be imposed, and violations shall be made a public record.

Non-Criminal Disposition:

Whoever violates any provision of this Regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D.

Severability:

If any paragraph or provision of this Regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

Effective Date:

This Regulation, approved by the Winthrop Board of Health on November 4, 2021, shall be effective as of January 1, 2022.

Bill Schmitt

11/17/2021

Jeanne Adams

11/17/21

Marionne Dalton

11/17/21