

## **RULES AND REGULATIONS REGARDING LITTER, REFUSE AND RECYCLABLE MATERIALS**

The Board of Health, City of Haverhill, in accordance with and under the authority granted by Chapter 111, Section 31B of the Massachusetts General Laws (M.G.L.), promulgated and adopted the following rules and regulations at its meeting on August 11, 1998; and amended on October 15, 2002 to take effect March 1, 2003; and amended on July 13, 2010 and on August 24, 2010 to take effect October 13, 2010; and amended on March 29, 2016 to take effect on April 15, 2016:

### **Section 1: Purpose**

Rules and regulations relative to the control of Litter and the removal, transportation and disposal of Refuse and Recyclable Materials in the City of Haverhill.

### **Section 2: Applicability**

These rules and regulations apply to all residential and commercial properties in the City, except for those portions of the rules and regulations that specifically apply only to Owners and Allowed Businesses whose Solid Waste, Household Trash and/or Recyclable Materials are collected by the City.

### **Section 3: Definitions**

Unless this context specifically indicates otherwise, the meaning of terms used in these rules and regulations shall be as follows:

- **Allowed Business** – shall mean a business approved by the Board of Health to receive curbside Solid Waste removal and Recyclable Materials collection services by the City's waste hauler.
- **Bulky Item** – shall mean an individual item too large or too heavy for a City-Issued Cart of 64 gallons or 96 gallons when assembled and not broken down. Examples of Bulky Items are beds, mattresses, sofas, chairs, couches, tables, bureaus, and the like.
- **City-Issued Cart** – shall mean a receptacle constructed of plastic resin, equipped with handles, an attached lid and wheels to provide adequate strength for lifting and transporting of Solid Waste provided by the City to eligible Owners and Allowed Businesses. Such receptacles are intended for use with automated collection vehicles used by the City's waste hauler. The rules and regulations set forth herein by the City on proper use and placement of such carts must be properly followed for continued service.

- **Commercial Waste** – shall mean any Solid Waste, not including Household Trash, Industrial Waste or Construction and Demolition Debris, that accumulates on the premises of a commercial enterprise. Tires, mufflers, tailpipes, or other parts of any motor vehicle generated by vehicular repair shops are considered to be Commercial Wastes. Commercial Waste shall not be collected by the City.
- **Construction and Demolition Debris** – shall mean any Refuse which results from the construction, remodeling, pulling or tearing down of or destruction of any building or structure or portion thereof, including but not limited to destruction due to natural or human-made disaster.
- **Contaminant** – shall mean any material other than the Recyclable Material itself which could cause rejection of the Recyclable Material, for example, food particles, oils and grease.
- **Household** – shall mean a single residential dwelling unit within a single- or multi-family building.
- **Household Trash** – shall mean Solid Waste generated by a Household.
- **Industrial Waste** – shall mean Solid Waste materials, products or by-products from factories, processing plants and other manufacturing enterprises including any food processing wastes, highly flammable material or otherwise dangerous and/or hazardous wastes. Industrial Waste shall not be collected by the City.
- **Litter** – shall mean Refuse or any unwanted waste materials in any amount intended for disposal by any person or persons that is improperly placed or strewn about causing a condition of uncleanness and/or disorder. Litter may consist of animal or vegetable waste, paper, cellophane, rubber, glass, metal, plastic, cigarette filters, and other like materials.
- **Mercantile Area** – shall mean the area in the City specified on Figure 1, attached to and incorporated in these rules and regulations.
- **Overflow Bag** – shall mean plastic bags designed to store Solid Waste with sufficient wall strength to maintain physical integrity when lifted by the top. Overflow Bags shall be marked with the official City seal and must be purchased through approved vendors around the City.
- **Owner** – shall mean any person who alone or with others, jointly or severally (a) has legal title to any residential or commercial property or parcel of land, vacant or otherwise; or (b) has care, charge or control of any residential or commercial property or parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, administrator, trustee or guardian of the estate of the holder of legal title; or (c) mortgagee in possession; or (d) agent, trustee or other person appointed by the courts; or (e) any officer or trustee of the association of unit Owners of a condominium.

- **Prohibited Items** – shall mean Commercial Waste; Construction Demolition Debris; Industrial Waste; White Goods; Yard Waste; rocks; stones; turf; soil; wood; electronics; large quantities of farm waste; iron ranges; heating stoves; automobile bodies, engines or other heavy car parts; tires; or any other item banned by the Massachusetts Department of Environmental Protection in its regulations at 310 CMR 19.017, including without limitation, mercury containing products such as compact fluorescent light bulbs (CFLs), thermostats and thermometers; specialty batteries such as NiCad or lead-acid batteries; biological or medical waste including syringes; radioactive waste; and hazardous waste.
- **Recyclable Materials** – shall mean materials that have the potential to be recycled. At the current time, Recyclable Materials which are allowed by the Single Stream Recycling program are: white and colored paper; newspaper; catalogs; soft-cover books; mail, boxboard packaging; corrugated cardboard; paper bags; clear and colored glass bottles and jars; food and beverage containers; containers made from plastics ## 1-7 including bottles, jugs, blisterpaks, aluminum, steel, tin cans and foil. Items **NOT** accepted for Single Stream Recycling regardless of verification symbol and number are: paper plates, cups or napkins; dishes; window glass panes; ceramics; toys; plastic bags of any kind; wrappers; straws; styrofoam; scrap metal; and electronics.
- **Refuse** – shall mean ordinary Solid Waste which is unwanted, discarded, worthless materials or waste resulting from natural community activities, and consists of the following: (1) **Garbage** is the animal and vegetable waste resulting from the handling, preparation and cooking of food for human consumption; and (2) **Rubbish** is miscellaneous Refuse such as rags, wood, excelsior, rubber, leather, glass, crockery, and like materials.
- **Single Stream Recycling** – shall mean the process and methodology of separating Recyclable Materials and commingling them away from Household Trash and placing them curbside for collection by the City's waste hauler.
- **Solid Waste** – shall mean all materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the Owner at the time of such discard or rejection. Solid Waste does not include Recyclable Materials or Prohibited Items.
- **White Goods** – shall mean appliances, whether white or colored, employing electricity, oil, natural gas or liquefied petroleum gas to preserve or cook food; wash or dry clothing, cooking or kitchen utensils or related items. White Goods typically include refrigerators, freezers, dishwashers, clothes washers, clothes dryers, ovens, ranges, air conditioners and hot water heaters.
- **Yard Waste** – shall mean vegetation that includes grass clippings, leaves, twigs, branches, brush (including Christmas trees), weeds, and non-food related organic materials that can be composted, but not including railroad ties or other yard related material that has been treated with chemical preservatives.

#### **Section 4: Household Trash Collection – General**

- A. The Owner of any residential building that contains three or more Households, and the Owner of any rooming house, shall be responsible for providing as many receptacles for the storage of Household Trash as are sufficient to contain the accumulation before final collection and disposal and shall so locate them to be convenient to the tenant(s) and so that no objectionable odors enter the building, or abutting buildings.
- B. Household Trash containers kept outside shall be either galvanized metal or durable plastic with appropriate tight fitting covers, or any other containers approved by the Director of Health and Inspectional Services or his/her designee.
- C. Collection shall be conducted between 6:00 a.m. and 4:00 p.m. unless waived by the Director of Health and Inspectional Services or his/her designee for cause.
- D. Household Trash and/or Recyclable Materials must not be placed at the curb before 4:00 p.m. on the day before collection and must be on the curb by 6:00 a.m. on the scheduled collection day in order to be picked up.
- E. Household Trash containers must be returned to their proper storage area no later than 11:59 p.m. on the day of collection.
- F. The Owner is responsible for picking up loose trash from the sidewalk or curb after collection.
- G. The Director of Health and Inspectional Services or his/her designee has the authority to order a dumpster or private pick up, to be paid for by the Owner, if it is determined that a property is generating more Household Trash than is allowed under these rules and regulations.
- H. Household Trash and/or Recyclable Materials must be produced by the Household where the material is placed for collection. Household Trash and/or Recyclable Materials may not be transported from other areas of the City or be generated from outside the City.

#### **Section 5: Storage and Placement of Household Trash**

- A. Unless otherwise specified under these rules and regulations, all Household Trash prior to the placement for curbside collection, whether collected by the City or a private waste hauler, shall be stored in watertight receptacles with tight fitting lids. Storage receptacles that will be collected by a private waste hauler can be of metal or other durable, rodent-proof material. When placed curbside for municipal collection, Household Trash must be placed in City-Issued Carts or Overflow Bags (or other container approved by the Director of Health and Inspectional Services or his/her designee).
- B. When set out for collection, the lid of the City-Issued Cart must be completely shut and trash must not be overflowing from the top of the cart or placed on top of the lid. If the cart is overflowing or material is placed on top of the lid, the City's waste hauler will not

collect the City-Issued Cart or the overflowing material. City-Issued Carts must be placed curbside in front of the Household or Allowed Business where the trash is generated.

- C. The Director of Health and Inspectional Services or his/her designee reserves the right to sanction the storage location of City-Issued Carts in order to maintain an orderly and aesthetic appearance within the City and to prevent any unauthorized encroachment on any street, public property or private property.
- D. When placing Household Trash or Recyclable Materials out for municipal collection, residents must allow a 3-foot horizontal clearance around and an 8-foot vertical clearance above each City-Issued Cart. Carts must not be leaning up against or within 3-feet from a fire hydrant, utility pole, parked vehicle, mailbox or any other obstruction that could interfere with the automated collection arm from effectively collecting the City-Issued Cart.

## **Section 6: Eligibility for City Collection of Solid Waste and Recyclables**

- A. Eligible Households for City-Issued Cart collection shall be:
  - 1. those classified as constituting or being part of any of the following Assessors land use codes:
    - 101 – Single Family
    - 102 – Condominium (must be at least 60% Owner occupied)
    - 104 – Two Family
    - 105 – Three Family
    - 111 – Apartments 4-8
  - 2. such other properties approved by the Director of Health and Inspectional Services or his/her designee.
- B. Eligible businesses for City-Issued Cart collection shall be those qualifying under the definition of an Allowed Business or such other businesses approved by the Director of Health and Inspectional Services or his/her designee.

## **Section 7: Household Trash Collection – City-Issued Trash Carts**

- A. Each eligible Household shall be issued one (1) 64-gallon wheeled trash cart for the disposal of Household Trash unless otherwise determined by the Director of Health and Inspectional Services or his/her designee. The Director of Health and Inspectional Services or his/her designee reserves the right to order a condominium complex, private/public development, subdivision, or any other entity to use dumpsters or other means of collection, the cost of which is to be incurred by such entity, in order to best suit the needs of the Households and to maintain the functionality and feasibility of the municipal collection service.

- B. In the event a residential building or an Allowed Business has multiple lots, the City shall determine the number of carts provided by the number of Households or Allowed Businesses within the lots. For example: one (1) single-family home on five (5) lots of land is only allowed one (1) 64-gallon City-Issued Cart.
- C. The City's municipal collection service shall include the collection of Household Trash once per week and the collection of Recyclable Materials every other week.
- D. The City's waste hauler will collect Household Trash only from official City-Issued Carts and Overflow Bags (or other container approved by the Director of Health and Inspectional Services or his/her designee). Any Household Trash that is placed curbside for collection which is not in a City-Issued Cart or Overflow Bags (or other container approved by the Director of Health and Inspectional Services or his/her designee) shall not be collected by the City's waste hauler.
- E. The amount taken from each Household shall not exceed the capacity of one (1) 64-gallon wheeled trash cart unless the Owner utilizes Overflow Bags (or other container approved by the Director of Health and Inspectional Services or his/her designee).
- F. If a Household exceeds the trash limit of 64 gallons, the residual trash is considered overflow. All overflow trash must be contained in official City of Haverhill Overflow Bags or be disposed of using another container specified by the City, or the resident must rent an additional City-Issued Cart for additional trash produced, or pay for private disposal.
- G. The maximum amount to be collected from a residential building shall not exceed eight (8) 64-gallon wheeled trash carts unless the Owner(s) is(are) utilizing Overflow Bags (or other container approved by the Director of Health and Inspectional Services or his/her designee). Residences with more than the allowed amount will be required to provide private pick up or utilize Overflow Bags (or other container approved by the Director of Health and Inspectional Services or his/her designee).
- H. The City's waste hauler will **NOT** accept Prohibited Items.

#### **Section 8: Ownership of City-Issued Trash Carts**

- A. City-Issued Carts are the sole property of the City and shall remain at the designated property at all times.
- B. A City-Issued Cart shall remain at the property throughout the transfer of real estate, and the new Owner shall assume responsibility of the cart and its proper usage and placement.
- C. Owners shall not draw, paint, deface, tamper or damage any City-Issued Cart, e.g., removing wheels or lids, or painting them with other colors. Owners may, however, stencil their street name and number and/or unit number only on the City-Issued Cart.

Each letter and number shall not exceed eight (8) inches in height and shall be white in color. The letters and numbers shall not obstruct the cart serial number or the City seal.

### **Section 9: Mandatory Single Stream Recycling**

- A. Single Stream Recycling is mandatory in the City for Owners and Allowed Businesses utilizing curbside municipal collection.
- B. Recyclable Materials subject to Single Stream Recycling must be separated from Household Trash and set out on the designated recycling day, every other week. Residents can place their Recyclable Materials out for collection in open containers, boxes, bins or paper bags. Containers must be clearly marked with labels or text facing the street and free of Contaminants in order to be collected. The City reserves the right to reject collection of material that is contaminated or is not properly placed curbside.
- C. There is no limit to the amount of Recyclable Materials that may be placed at curbside for collection unless determined by the Director of Health and Inspectional Services or his/her designee to be a hazard or nuisance to the neighborhood.
- D. Recyclable Material that contained food items shall be rinsed and not be contaminated. Items such as greasy pizza boxes and bags are considered contaminated and shall be placed with regular Household Trash in City-Issued Carts.

### **Section 10: Leaf and Yard Waste**

- A. Yard Waste shall not be mixed with any Household Trash.
- B. Yard Waste shall not be set out with Household Trash for collection. It may be properly composted on the property on which it was generated or it may be transported to the City of Haverhill Composting and Recycling Center during open hours only.
- C. The City shall host an annual city-wide leaf collection day at the end of the fall season where residents may place their leaves curbside for collection. Leaves must be placed in biodegradable paper bags or open top containers which do not exceed 50 pounds. Leaves may not be placed in loose piles or on tarps in front of homes for collection. This service is limited to leaves only and excludes the collection of other Yard Waste.

### **Section 11: Bulky Item Collection**

- A. Owners and Allowed Businesses are allowed to place one (1) Bulky Item curbside free of charge per week, but must schedule a collection appointment by calling the City's waste hauler directly. A Bulky Item will not be collected if an appointment has not been scheduled and arrangements have not been made to pay applicable fees.
- B. Additional Bulky Items beyond the one (1) free Bulky Item may be disposed of curbside; however the Owner or Allowed Business MUST call the City's waste hauler and pay the

applicable fee(s) associated with the additional item(s) and place the items curbside on the day specified by the City's waste hauler.

- C. Owners and Allowed Businesses shall not break down a Bulky Item in an effort to try and fit pieces of it within their City-Issued Cart.

## **Section 12: Allowed Businesses**

- A. Only one (1) 64-gallon City-Issued Cart will be allowed for each Allowed Business for Solid Waste.
- B. If it is determined by the Director of Health and Inspectional Services or his/her designee that an Allowed Business in the Mercantile Area is generating more Solid Waste than fits into a 64-gallon City-Issued Cart, the Director of Health and Inspectional Services or his/her designee may permit the Allowed Business in the Mercantile Area to utilize one (1) 96-gallon City-Issued Cart.
- C. Only Allowed Businesses in the Mercantile Area may use a 96-gallon City-Issued Cart for Solid Waste.
- D. Solid Waste and Recyclable Materials will be collected once a week from Allowed Businesses in the Mercantile Area.
- E. City-Issued Carts shall be placed at the front of the property where Solid Waste and Recyclable Materials are generated for collection. Allowed Businesses generating more than the permitted amount of trash shall be responsible for providing dumpsters or private collection and disposal services for their Solid Waste.
- F. Solid Waste **WILL NOT** be collected from food establishments unless a variance is granted by the Board of Health.

## **Section 13: Scavenging of Trash**

- A. No person shall disturb, remove or collect any Solid Waste or Household Trash from any property without consent of the Owner thereof, nor any wastes placed out for collection, upon any sidewalk or way, except employees or agents of the City.
- B. No person shall interfere in any manner with the Recyclable Materials or the containers used for the accumulation of Recyclable Materials or remove any such container from the location where it shall have been placed by the Owner, nor shall any such person remove the contents from any such container or interfere in any way with said container.
- C. The intent of these rules and regulations is to prevent disturbance of the contents of trash containers (including City-Issued Carts) in order to maintain an orderly and aesthetic appearance within the City, but not to prohibit anyone from taking Bulky Items placed at the curb for collection. The City's waste hauler will not be required to refund any fee(s)



paid by an Owner for the removal of a Bulky Item when it has been taken by someone other than the City's waste hauler.

#### **Section 14: Litter**

- A. The Owner shall at all times maintain its premise free of Litter so that the same does not constitute a danger to public health, safety and welfare.
- B. No person shall throw or deposit Litter in or upon any street, sidewalk or other public place in the City.
- C. No person shall deposit Litter on any occupied private property within the City in such a manner that it tends to create a danger to public health, safety and welfare, whether owned by such person or not. The Owner may, however, maintain private receptacles for the collection of Litter.

#### **Section 15: Unlawful Use of Public Litter Receptacles**

- A. No person shall deposit Household Trash in public Litter receptacles.
- B. No person shall dispose of any Solid Waste in dumpsters located at municipal buildings that did not originate at the location where the dumpster is placed.
- C. No person shall dispose of any Solid Waste in dumpsters located at condominium developments or any other private development that did not originate at the location where the dumpster is placed.
- D. Construction and Demolition Debris as well as all other Prohibited Items are not to be placed in any public dumpster or public receptacle at any time.

#### **Section-16: Penalties**

- A. Any person who fails to comply with these rules and regulations shall be fined not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) for each offense. Each day's failure to comply with these rules and regulations shall constitute a separate offense.
- B. The City shall not be held responsible for the collection of Solid Waste or Recyclable Materials if there is a violation of any part of these rules and regulations or the circumstances are beyond the control of the City. Circumstances or violations include but are not limited to trash cart overload, improper loading or placement, contaminated material, blocked access or inaccessibility and dangerous situations.