CITY OF CHELSEA, MASSACHUSETTS
BOARD OF HEALTH

SOLID WASTE REGULATIONS 2011

1.0 Citation

These regulations shall constitute and be designated as "The 2011 Solid Waste Regulations of the City of Chelsea Board of Health" and shall be so cited.

2.0 Definitions

Community wastes. The words "community wastes" shall mean all solid wastes generated by the noncommercial and nonindustrial activities of private individuals, including solid wastes from households, yards, streets, sidewalks and alleys.

Board of health. The words "board of health" shall mean the members of the City of Chelsea Board of Health, and their agent/secretary, the director of the division of health.

Department of inspectional services. The words "department of inspectional services" shall mean the director of municipal inspections and the inspectors of the department of inspectional services.

Hazardous waste. The words "hazardous waste" mean any solid waste that is dangerous or potentially harmful to our health or the environment. Hazardous wastes can be liquids, solids, gases, or sludge. They may be infectious, corrosive, flammable, poisonous, or radioactive, as per the definition of hazardous wastes in M.G.L. ch.21 §1. They can be discarded commercial products, like cleaning fluids or pesticides, or the by-products of manufacturing processes.

Household waste. The words "household waste" mean any solid waste generated by households, including single and multiple residences.

Municipal solid waste. The words "municipal solid waste" mean solid waste from household, community, commercial, and industrial sources, that does not contain hazardous wastes as defined in M.G.L. ch.21 §1.

Owner. The word "owner" applied to a building or parcel of land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, businesses, corporations, firms, partnerships, committees, unions, and bodies politic and

corporate as well as to individuals.

Prohibited waste. The words "prohibited waste" shall mean all material not suitable for disposal as part of the household waste collected for disposal under the auspices of the City of Chelsea, including but not limited to the following:

a. demolition debris
b. stumps, regardless of size, and limbs or branches exceeding six inches (6") in diameter or four feet (4') in length.
c.
f. tires
g. automobile parts, whole or in part
h. petroleum products and wastes
I. hazardous wastes
j. batteries
k. industrial wastes
l. chemical wastes
m. human wastes
n. other waste prohibited by municipal, state or federal law or regulation.
o. any waste prohibited for disposal under the City of Chelsea/RESCO Contract for Disposal of Solid Waste.

Recyclables. The word "recyclables" shall mean those items as laid out in rule 9.1 of these regulations.

Solid waste. The words "solid waste" shall mean garbage, swill, rubbish, trash, debris, refuse, and other discarded materials, which may be generated from the normal activities of residences, households, municipal buildings, institutions, industries, hospitals, organizations, schools and commercial enterprises.

Storage. The word "storage" shall mean the holding or containment of waste for a temporary period of time prior to the waste being disposed of and/or collected.

Tenant, occupant. The word "tenant" or "occupant", applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

3.0 Rules of Construction

In the construction of these regulations, the following rules of construction shall be observed, unless inconsistent with the manifest intent of the Board of Health or the context of the regulation clearly requires otherwise:

a. Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last calendar day, and if the last day is a Sunday or a legal holiday, that day shall not be counted in the computation.

b. Conflicting provisions. If any provisions of these regulations conflict with one another, accepted rules of statutory construction shall be applied to resolve the conflict.

c. Delegation of authority. Whenever a provision of these regulations appears requiring the head of a department or some other officer of the City of Chelsea to do some act or perform some duty, or granting some right to such official, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty, or it shall grant to them such right, unless the terms of the provisions designate otherwise.

d. Number. A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing.

e. Tense. Words used in the past or present tense shall include the future, as well as the past and present, unless the context clearly indicates otherwise.

f. Time. Words stating a time or hour of a day shall mean the official time of the city.

4.0 Minimum Standards

The storage and disposal of municipal solid waste shall be in accordance with the requirements of 105 CMR 410.000: The State Sanitary Code, Minimum Standards of Fitness for Human Habitation, which is hereby incorporated by reference.

5.0 Storage

5.1 Storage Receptacles

All municipal solid waste shall be stored entirely inside covered, watertight and rodent-proof receptacles. Such receptacles and covers shall be made of metal or other durable material.

5.2 Dumpsters

Dumpsters may be used to store municipal solid waste in accordance with zoning regulations and must be constructed of non-flammable material and must be covered at all times. Said covers may be constructed of fiberglass, but in no instance shall dumpster container bodies be constructed of fiberglass materials.

Municipal solid waste must be entirely contained within the dumpster and covered. Overflowing dumpsters or wasted placed outside of dumpsters shall be considered a violation.

6.0 Collection

6.1 Collection

All municipal solid waste to be collected by the City of Chelsea or by private haulers shall be placed inside receptacles designed for the collection of solid waste or dumpsters as regulated in section (5.0) of this document. Covers are not required for receptacles placed for waste collection, but garbage in receptacles shall be in bags. The receptacle should only contain bags to the height that would allow for a cover to be placed onto the receptacle. Such receptacles shall be made of metal or other durable material and may not exceed thirty (35) gallons in capacity and shall not contain more than fifty (50) pounds of waste for collection.

The department of public works may establish and maintain a program allowing the collection of solid waste that is contained entirely within specially designed bags in lieu of a metal or durable receptacle. Such bags must be of suitable durability and thickness to be watertight, rodent-proof and able to prevent small animals from gaining access to the contents thereof. Bags shall be clearly marked and readily identifiable as eligible for use in this program and must be used in accordance with the manufacturer instructions. Contents of such bag shall not exceed fifty (50) pounds. Bags may not be used in lieu of covered, metal or durable receptacles for commercial establishments or dwellings that contain more than three (3) units.

Municipal solid waste may not be placed out for collection earlier than 5:00 PM the day prior to scheduled collection.

Municipal solid waste placed out for collection may not impede the flow of pedestrian traffic on a sidewalk or pathway by narrowing the passage to less than three (3) feet in width.

6.2 Collection within the city limits; permit required for each vehicle

No person shall remove or transport through the streets of the City of Chelsea any solid waste or recyclable items, collected within the city limits, without a permit issued for each vehicle by the director of the inspectional services, and approved by the director of public works; except that the department of public works, its' authorized agents or the originator of the waste may remove or transport such materials without a permit,

provided they otherwise comply with the regulations, and ordinances of the City of Chelsea.

Application for a permit shall be made on forms provided by the director of inspectional services, shall contain such information as the director of inspectional services may require, and shall be accompanied by a fee of fifty dollars per vehicle. Permits shall expire at the end of the calendar year in which issued, but may be renewed annually on application as provided above. Permits may be suspended, modified or revoked, by the director of inspectional services for failure to comply with the requirements of this section. Persons aggrieved by a decision of the director of inspectional services made pursuant to this rule (6.2) may appeal within fourteen (14) days to the Board of Health.

6.3 Collection outside the city limits, registration required

No person shall transport through the streets of the City of Chelsea any solid waste or recyclables, not collected within the city, without first registering with the director of inspectional services, a copy of which the director of inspectional services shall forward to the director of public works. Transportation of such materials shall be in compliance with all regulations, and ordinances of the City of Chelsea.

Motor vehicles owned by, or under contract with the Commonwealth, or one of its political sub-divisions, or the originator of the waste may remove or transport such materials without registering with the director of inspectional services, provided they otherwise comply with the regulations, and ordinances of the City of Chelsea.

6.4 City Collection Routes

Municipal solid waste shall be collected in accordance with a schedule published by the department of public works.

6.5 City Collection Rules

The director of public works may make such rules as are necessary to provide for the safe and efficient operation of the municipal collection system. The director of public works or his/her designee may refuse to collect any material placed for collection in violation of these rules, or the ordinances of the City of Chelsea.

6.6 Collection by Permitted Hauler

a. Collection by permitted haulers shall be on a regular basis, no less than twice per month, unless protection of the public health requires more frequent collection.

b. Solid waste for collection by privately contracted and permitted haulers shall be placed in suitable containers on any sidewalk that is immediately contiguous to the property line of the owner or occupant, not later than 7:00 a.m. on the day of scheduled collection, and not earlier than 5:00 p.m. of the day preceding the day of scheduled collection. Owners or occupants may apply to the director of

inspectional services for an alternate location. Authorization for an alternate location shall be granted by the director of inspectional services if (i) sufficient reason is shown why the authorized location is hazardous to the public health or safety, or (ii) is impractical for collection purposes, as determined by the director of public works. No more than one petition for an alternate location shall be submitted within a single calendar year, except upon a showing of changed circumstances. Such containers shall not obstruct the flow of traffic on the sidewalk or roadways. Solid waste containers shall be removed from the sidewalk or roadway as soon as possible after collection but in no case later than 12:00 midnight of the day of scheduled collection. Persons aggrieved by a decision of the director of inspectional services made pursuant to this rule (6.6) may appeal within fourteen (14) days to the Board of Health.

6.7 Collection Lists

Permitted private haulers shall submit a list of their Chelsea clients, their names, addresses and the weekly schedule of collection (week day and approximate time) on a quarterly basis (being January 1st, April 1st, July 1st, and October 1st of each year) to the following city departments: department of inspectional services, the department of public works, and the treasurer's office. Such submission may be made by regular mail, addressed to each department at Chelsea City Hall, 500 Broadway, Chelsea, MA 02150.

7.0 Solid Waste

7.1 Tree waste

The owner or agent of any premises shall be responsible for the removal and disposal of all trees, tree trunks, and stumps originating thereon, as said waste will not be collected by the city.

7.2 Construction waste

The owner or agent of any premises shall be responsible for the removal of all construction waste originating thereon within seven (7) days of the completion of the construction work or within such shorter time as determined necessary by the department of inspectional services.

7.3 Landscaping Waste

The owner or agent of the premises shall be responsible for the removal and disposal of all excess materials resulting from landscaping operations. Until otherwise affected by state law or regulation, leaves and grass clippings shall not be construed to be prohibited waste. If and when leaves and grass clippings are collected under the auspices of the City of Chelsea, they shall be separately packaged for collection. No other material or debris shall be packaged with the leaves or grass clippings for such collection.

7.4 Manufacturing or trade wastes

The owner or operator of any establishment producing manufacturing or trade wastes shall be responsible for their removal and disposal.

7.5 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 hazardous (infectious) waste, as defined by M.G.L. ch.21 §1, and subject to further regulation by the Board of Health, will not be accepted by the City for collection or disposal. All such waste must be disposed of in a manner approved by the Massachusetts Department of Environmental Protection as outlined 310 CMR 30.000 is intended to protect public health, safety, and welfare, and the environment, by comprehensively regulating the generation, storage, collection, transport, treatment, disposal, use, reuse, and recycling of hazardous waste in Massachusetts. 310 CMR 30.000 should be read together with M.G.L. ch.21C and ch.21E, § 6 and by St. 1987, ch.584, § 47, each of which has many important substantive requirements not repeated in 310 CMR 30.000.

7.6 Littering or Dumping

No person shall throw or deposit or cause to be thrown or deposited any quantity of uncontainerized paper, metal, glass, plastic or miscellaneous solid waste which may be classified as trash, debris, rubbish, refuse, garbage or junk upon a street, park, or other public or private way, or upon any premises or vacant lot, or store or keep the same except in receptacles as authorized pursuant to regulation or ordinance of the City of Chelsea, or in an area approved for disposal by an inspector of the department of inspectional services.

Property owners, occupants of dwellings with fewer than 3 units, and commercial establishments must keep their property and adjacent sidewalks free of litter and improperly stored solid waste material. Accumulations of litter the presence of improperly stored solid waste will constitute a violation of these regulations.

7.7 Scavenging

No person, except for those person(s) engaged by the City of Chelsea, or City of Chelsea permitted private collectors in the business of solid waste collection, shall overhaul, pick over, sort or remove the contents of containers of waste set out for collection.

7.8 Removal of Waste

When ordered by the department of inspectional services, the owner, agent or occupant/tenant 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 department of inspectional services may deem necessary.

8.0 Private Collections

8.1 Transport

The transportation through the streets of the City of Chelsea of any solid waste which may be classified as garbage, trash, debris, refuse, rubbish, junk, or other offensive material shall be conducted, including every aspect of the collection process, in such a manner as not to create a public nuisance.

8.2 Vehicles

Permitted vehicles conveying waste shall be of such construction and, so operated, and waste so collected, that any contents will not spill, leak, fall or be blown from the vehicle, or otherwise create a public nuisance. Owners, and operators of such vehicles must comply with the noise ordinances of the City of Chelsea. Permitted vehicles used for conveying through Chelsea any solid waste which may be classified as garbage, grease, bones or other offensive materials shall be fully enclosed unless the material is transported in watertight containers equipped with tight-fitting covers. Each permitted vehicle must carry a broom. Each permitted vehicle must clearly display in letters not less than four inches the company name. The City of Chelsea approval decal shall be clearly displayed on the driver's side vent window.

9.0 Recycling

9.1 Recycling collection

All residents and commercial establishments utilizing the City's solid waste collection services are required to separate the following recyclables from all other waste:

a) glass bottles and jars,
b) plastic containers labeled 1-7
c) aluminum, tin and steel cans and lids
d) corrugated cardboard
e) aluminum foil
f) all newspapers
g) magazines, phonebooks, junk mail, paper bags, white or colored office paper, envelopes, cereal boxes, shoe boxes, etc.

The City reserves the right, with adequate notice to amend this list.

9.2 Paper collection

Paper products must be properly bundled in either plain brown paper shopping bags, placed in corrugated boxes or securely tied in flat and compact bundles so that they cannot be readily blown about or scattered, none of which shall be more than fifty (50) pounds in weight or one and one-half (1½) feet in maximum dimension.

9.3 Corrugated cardboard collection

Boxes and cartons shall be collapsed or broken up to reduce volume. Corrugated cardboard must be properly bundled in standard grocery or paper shopping bags, placed in corrugated boxes or securely tied in flat and compact bundles so that they cannot be readily blown about or scattered, none of which shall be more than fifty (50) pounds in weight or three (3) foot by three (3) feet in maximum dimension.

10.0 Enforcement

10.1 Action

Unless otherwise specified, these regulations shall be enforceable by members of the Board of Health; and agents of the Board of Health, the Director of Health and Human Services, and his or her agents; the inspectors of the Department of Inspectional services; and the director of Public Works, and his or her agents.

10.2 Penalty

a. Within any single one (1) year period, any person or entity found to be in violation of these regulations shall be subject to a fine of seventy-five dollars ($75) for the first offense, one hundred and seventy five dollars ($175) for the second offense, and thee hundred dollars ($300) for any third or subsequence offense. The one year period shall be calculated by counting backwards from the date of he most recent offences alleged.

b. Each day's offense shall constitute a separate4 violation of these regulations.

c. In accordance with the provisions of section 1-7 of the Revised Ordinances of the City of Chelsea, these regulations shall be enforceable in non-criminal proceedings according to M.G.L. ch.40 §21D.

d. Any person, permitted under these regulations, who is found, after a hearing held before the director of inspectional services, to have violated these regulations, shall be subject to disciplinary sanctions up to and including revocation of any and all licenses held under these regulations by the person. Notice thereof shall be given to the holder of the permit no less than seven days prior to the hearing. Notice of the hearing shall be in writing, shall specify the

grounds of complaint, the time and place of the hearing, and the possible sanctions.

e. Any person aggrieved by a decision of the director of inspectional services may appeal such decision to the Board of Health within fourteen (14) days from the date of the hearing.

11.0 Severability

It is hereby declared that the sections, paragraphs, sentences, clauses and phrases of these solid waste control regulations are severable; and if any phrase, clause, sentence, paragraph or section of these solid waste control regulations shall be declared unconstitutional, invalid or inoperative by valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of these solid waste control regulations.

12.0 Effective Date

These regulations effectively replace any previous regulations promulgated by the Board of Health as they relate to solid waste.

13.0 Recording and Preservation

These solid waste regulations shall be recorded legibly by the City Clerk without interlineation or erasure in a book to be kept for that purpose made of suitable paper with proper margins and index, which book shall be preserved in the office of the City Clerk, and open for public inspection during the business hours of city hall, and a copy of which to be available at the offices of the Board of Health.

Regulations approved: May 17, 2011.
Regulations effective: These regulations shall take effect immediately.

Christopher Miller, MS, MPA
Chairman

Dean Xerras, MD
Member

Catherine Maas MSW

Catherine Maas, MSW
Member

Madeleine Kangsen Scammell, D.Sc.
Member

ADMINISTRATIVE ORDER

WHEREAS, a serious public health hazard faces the City of Chelsea, caused by the improper and frequent illegal disposal of solid waste; and

WHEREAS, municipalities, acting through their boards of health, possesses authority to rectify such public health hazards under the authority of M.G.L. ch.111 §31A and M.G.L. ch.111 §31B; and

WHEREAS, pursuant to the 1996 Solid Waste Regulations of the City of Chelsea Board of Health; and,

WHEREAS, under the provisions of section 10.0 of Part III of the Administrative Code of the City of Chelsea, as amended in 2009, the Board of Health has been delegated the authority to regulate in this area; and

THEREFORE, we, the undersigned members of the Board of Health, hereby promulgate this amendment by the entirety to the 1996 Solid Waste Regulations of the City of Chelsea Board of Health, as previously promulgated by the Board of Health, hereafter to be known as the 2011 Solid Waste Regulations of the City of Chelsea Board of Health. Furthermore, we hereby order the publication of these amendments according to the provisions of M.G.L. ch.111 §31, and direct that these regulations be filed with the Department of Environmental Protection, also according to the provisions of M.G.L. ch.111 §31.

Order this date May 17, 2011

Christopher Miller, MS, MPA
Chairman

Dean Xerras, MD
Member

Catherine Maas, MSW
Member

Madeleine Kangsen Scammell, D.Sc.
Member