

Rules & Regulations  
For  
Residential Refuse & Recycling Collection  
Permitting and Operation  
  
Oxford, Massachusetts

**Authority**

The Board of Health of the Town of Oxford, MA, acting under the authority of M.G.L. c. 111, Sections 31, 31A, 31B, 122, 143, and 150A and 310 CMR Section 19.000 et. seq., establishes and adopts the following revised regulations concerning the management and disposal of residential solid waste in the Town of Oxford (the "Regulations"). The Regulations are hereby approved and adopted by the Oxford Board of Health at its meeting of \_\_\_\_\_ 2017 and so remain until modified or amended by the Board.

The Regulations supersede the "Rules & Regulations for Residential Refuse Collection Licensing and Operation" of the Board of Health dated as received by the Town Clerk's office on November 17, 1987 as amended.

**Purpose**

The purpose of the Regulations is to protect the public health and the environment by uniformly establishing minimum requirements for the systematic collection of Refuse and Recyclables to promote waste reduction, promote recycling, and comply with State mandated waste bans (310 CMR 19.017).

**1. Definitions**

In addition to the definitions included in 310 CMR 19.006 ("Solid Waste Management"), as may be amended from time to time, the following definitions shall apply to the Regulations. When used in the Regulations or in communications, notices, orders, or other references relative thereto, the following words and phrases shall have the meanings ascribed to them below and shall apply in the interpretation and enforcement of the Regulations.

Board means the Board of Health of the Town of Oxford, Massachusetts.

Dumpster means a large exterior solid waste receptacle made of steel or other sturdy materials designed to hold at least 100 gallons of solid waste and be emptied into garbage trucks or carried away by other vehicles.

Temporary Dumpster means a dumpster used for temporary collection of solid wastes such as those used for construction or demolition wastes for up to 30 consecutive days.

Permanent Dumpster means a dumpster that is not considered a temporary dumpster as defined under these regulations.

One to Three Family Properties means all inhabited one family residences up to and including all three family residences under a common roof which are not part of a residential complex or currently served with solid waste collection through a homeowner's association, condominium association, or the like.

Infectious Waste means "Infectious Waste or Physically Dangerous Medical or Biological Waste" as defined in 105 CMR 480.000.

Leaf and Yard Waste means the deciduous and coniferous seasonal deposition, grass clippings, garden material and brush, including unwanted house plants and Christmas trees.

Multifamily Properties means four or more dwelling units under one common roof.

Residential Complex means a purposely built group of residences which receive some services through a means of organization or governance typically in the form of homeowner's associations or condominium associations.

Solid Waste Hauler or Hauler means all companies who have applied and obtained appropriate permit(s) to collect refuse and recyclables within the Town of Oxford.

Town means the Town of Oxford, Massachusetts

Transfer Station means the handling facility where solid waste is brought, stored and transferred from one vehicle to another or contained for transport off-site to a solid waste treatment, processing or disposal facility.

## 2. Solid Waste Collection

All refuse shall be collected curbside from one to three family properties on either a weekly or bi-weekly basis (every other week) by Solid Waste Haulers utilizing wheeled residential Solid Waste containers with a capacity up to 6496-gallons that include lids. ~~Solid Waste containers currently in service at One to Three Family Properties that are larger than 64-gallons capacity are hereby "grandfathered" but shall be taken out of service at the time of service termination or at the end of their useful life. Any new service startup or refuse container replacement shall have a capacity up to 64-gallons.~~ Quarterly summary reports with separate weight slips for all collected refuse material ~~must~~ shall be submitted by the waste hauler to the Board or its designee. Instances of overflow, odor, and other nuisance problems or complaints shall be reviewed by the Board or its designee on a case by case basis.

All refuse shall be collected from Multifamily Properties and Residential Complexes on a frequent basis to prevent overflow, odor, and other nuisance problems or complaints but the service interval shall not exceed two weeks. Quarterly summary reports with separate weight slips for all collected refuse material must be submitted by the waste hauler to the Board or its designee.

All solid waste in the Town shall be disposed of in accordance with 310 CMR19.000: SOLID WASTE MANAGEMENT REGULATIONS.

**3. Recyclable Material Collection**

As of the effective date of this permit any One to Three Family property, Multifamily property, or Residential complex starting up new solid waste service or changing Solid Waste Hauler shall be provided with recycling collection and disposal service as a bundled package with refuse collection and disposal service as identified in this section of the Regulations. For property owners not wishing to accept recycling service, Solid Waste Haulers shall submit a "Recycling Opt-Out" form to the Board from each property owner not wishing to participate in recycling. The form shall be furnished by the Board.

All Recyclable Material shall be collected curbside from One to Three Family Properties on either a weekly or on a bi-weekly basis (every-other week) ~~basis~~ by Solid Waste Haulers utilizing wheeled recycling containers of at least 96-gallons in size that include lids. Recyclables shall be collected in the recycling container as known as commingled, mixed recycling, single stream recycling. ~~Wheeled recycling containers shall be distributed with wheeled refuse containers as a unit for every one to three family home.~~ The bi-weekly pickup day shall coincide with the day refuse is collected. Quarterly summary reports with separate weight slips for all collected recycled materials ~~must shall~~ be submitted by the waste hauler to the Board or its designee. Instances of overflow, odor, and other nuisance problems or complaints shall be reviewed by the Board or its designee on a case by case basis.

Recycling collection service shall be provided to all Multifamily and Residential complexes in the Town by Solid Waste Haulers utilizing dumpsters or other containers approved by the Board. All recyclable material shall be collected on a frequent basis to prevent overflow, odor, and other nuisance problems or complaints but the service interval shall not exceed two weeks. Quarterly summary reports with separate weight slips for all collected recycled materials must be submitted to the Board or its designee.

The Town has set a minimum recycling rate of 25% by weight for haulers collecting curbside refuse and recyclables by 2022\*. ~~Failure to meet the minimum recycling rate may result in permit revocation.~~ Recycling rate goals by year are as follows:

<u>2019</u>	<u>-</u>	<u>10%</u>
<u>2020</u>	<u>-</u>	<u>15%</u>
<u>2021</u>	<u>-</u>	<u>20%</u>
<u>2022</u>	<u>-</u>	<u>25%</u>

\*As of the effective date of this permit the existing recycling rate is unknown. The Board reserves the right to adjust the yearly recycling rate goals after the 2018 recycling rate is determined.

#### 4. Permitting of Solid Waste Haulers

Any Solid Waste Hauler doing business within the Town shall first obtain an annual permit issued by the Board before collection services can begin. Upon submission of a completed application form and application fee to the Board, a Solid Waste Hauler Permit may be issued. Permits shall be issued for a period of not more than one year and shall be renewed annually. Permits are issued on first day of January. Applications shall be received no later than December 1.

At the time of application, the Hauler shall submit to the Board the following information:

- a. a proposed schedule of those areas to be collected.
- b. a map of the proposed routes.
- c. a list of customers serviced by route.
- ~~e.~~ d. a description of the collection vehicle(s) to be used including year, make, model, and license plate number.
- e. a list of hauler at-fault accidents involving trucks registered to the hauler.
- f. an OSHA recordable incident log.
- f.g. a copy of company safety program.
- ~~g.~~ h. a certificate of insurance from an insurance company permitted to do business in the Commonwealth of Massachusetts, in an amount not less than (amounts subject to change periodically)
  - i. General Liability: Bodily injury liability, including death, \$2,000,000 per occurrence, \$2,000,000 on account of one accident, and \$2,000,000 general aggregate general liability
  - ii. Property Damage Liability: \$2,000,000 on account of any one accident, and \$2,000,000 in the aggregate.
  - iii. Contingent coverage for subcontractors on the above two items.
  - iv. Automobiles and Trucks including Hired Vehicles: Bodily injury liability, including death; \$2,000,000 on account of one person; and \$2,000,000 on account of any one accident
  - v. Property Damage Liability: \$2,000,000.
  - vi. Excess Umbrella Liability Coverage: ~~\$~~52,000,000
- ~~h.~~ i. evidence of workers compensation insurance shall be provided in accordance with Massachusetts General Laws.

Each Hauler permitted under these regulations shall affix a sticker provided by the Town on the lower portion of the windshield on the driver's side for each vehicle used for solid waste collection, transportation, or Disposal within the Town.

The annual fee for each permit issued under these regulations shall be established by the Board and is subject to change periodically.

The Board may impose additional restrictions on any Hauler permit when it deems necessary.

## 5. Responsibility of Permittee

Permittees may enter into arrangements for the collection of refuse and recyclables with individual residents, the municipality, and/or commercial/industrial customers of the Town, in which the Permittee will be paid directly by the customer.

By issuing said permit, neither the Board of Health nor the Town or its officers, employees, department and the like assume any responsibility or liability for the actions or inactions of the Permittee and the Town shall have no liability for payment to the Permittee for any residential or commercial/industrial collection and disposal work that is not included in a contract duly executed with the Town in accordance with the laws of the Commonwealth.

As a condition of holding a Solid Waste Hauler Permit, the Permittee shall take all responsibility for the work and take all reasonable precautions for preventing injuries to persons or damage to property; shall bear all losses resulting to the Solid Waste hauling company on account of the quantity or character of the work; shall assume the defense of and indemnify and hold harmless the Town, its officers, agents and servants from all claims relating to labor and materials furnished for the work, and for all injuries to any person or corporation received or sustained by or from the Permittee and employees doing the work, in consequence or any improper materials, implements or labor used therein; and to any act, omission or neglect by the Permittee and its employees, contractors or agents to the extent permitted by the laws of the Commonwealth.

The Permittee agrees, as a condition of said permit, to indemnify the Town for any liability that may arise from the improper treatment, storage or disposal of any Solid Waste, Recyclable Materials or hazardous wastes collected within the Town.

## 6. Permitting of Permanent Residential Dumpsters

No Permanent Dumpster shall be used or kept in the Town after ~~\_\_\_\_\_~~ 2017 January 1, 2018 unless a Dumpster Permit has been issued by the Board to the owner of the property where the dumpster is located.

Each Permanent Dumpster Permit issued under these regulations shall run from January 1<sup>st</sup> to December 31<sup>st</sup> of the following year.

The fees for Permanent Dumpster Permits issued under these regulations shall be established by the Board and is subject to change periodically.

The property owner of each dumpster that is issued a permit under these regulations shall be responsible for the placement and maintenance of the dumpster. Each dumpster shall be positioned in a location that does not affect vehicular traffic and is in compliance with Massachusetts Board of Fire Prevention Regulations. Dumpsters shall not be placed within ten feet of the Right of Way without prior approval of the Board.

Permanent Dumpsters will not be allowed for properties with three or fewer residential units unless approved by ~~The the~~ Board. ~~Multifamily Properties are required to have at least one permanent dumpster.~~

All dumpsters shall have tight fitting lids and be properly covered at all times except when being filled, cleaned or emptied, with the exception that temporary dumpsters may be required to be covered as the Board or its agent deems necessary.

Each dumpster shall be of sufficient size and capacity to contain all accumulated material without overflowing, and shall be emptied regularly or when full. The property owner of each dumpster that is issued a permit under these regulations shall be responsible for maintaining the dumpster area to be free of odors, scattered debris, overflow and all other nuisances, and any condition that may be considered an attraction for rodents and/or other pests.

When deemed necessary, the Board may require that the area around a dumpster be enclosed or screened by the property owner where the dumpster is located. The enclosure, if required by the Board under these regulations, shall comply with relevant State Building Code and Town of Oxford Zoning Bylaws.

Chronic violators (3 violations within one calendar year) of these provisions shall be required to fence in dumpster area as directed by the Board.

Dumpster Permittees must comply with the Board's Dumpster Regulations for the Removal and Transportation of Garbage, Rubbish Offal and Other Offensive Substances, effective as of January 8, 2002.

## 7. Operations

The Hauler shall be required to deliver all Refuse collected within the Town of Oxford to either a properly licensed Transfer Station, a properly licensed waste to energy incinerator, or other properly licensed facility .

The Hauler shall be required to deliver all Recyclables collected within the Town of Oxford to a licensed Recyclables processing facility.

- A. Each load shall be weighed by an authorized weighing facility capable of producing electronic weight tickets.

- B. Haulers shall operate on routes approved by the Board.
- C. Haulers shall collect solid waste from eligible households provided that the solid waste is contained in accordance with Sections 2 and 3 of these regulations. The Solid Waste Hauler may refuse to collect solid waste if it is not properly contained. The Solid Waste Hauler shall notify its customer for the reason(s) for refusal of collecting the waste.
- D. The Solid Waste Hauler shall take reasonable care in collecting solid waste. Solid Waste shall not be scattered about the streets or onto private property. Solid Waste which is accidentally spilled shall be cleaned up by the Solid Waste Hauler within 24 hours of reporting.
- E. The Solid Waste Hauler shall allow agents from the Town to inspect his/her vehicle(s) and any load if there is due cause of suspicion of any violations of any applicable law or regulation.
- F. All trucks operating under this permitting procedure shall display the permit sticker provided by the Town of Oxford at all times.

## 8. Special Wastes

In the course of collecting Solid Waste, Haulers may choose to collect Special Waste. Haulers shall follow all Massachusetts General Laws and any regulations or codes promulgated thereunder, including but not limited to 310 CMR 19.061, in the collection and Disposal of such Special Waste. Haulers are required to submit to the Board of Health records of any Special Waste collected within the Town and the facility where such waste was taken.

## 9. Penalties

- A. The Regulations may be enforced by any ~~Town police officers or~~ agent or designees of the Town's Board of Health. Whoever violates any provision of the Regulation may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition by-law. If noncriminal disposition is elected, then any person who violates any provision of the Regulations shall be subject to a penalty in the amount of three hundred dollars (\$300.00) per day for each day of violation, commencing ten days following the day of receipt of written notice from the Board of Health. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- B. Whoever violates any provision of the Regulations may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a

separate offense. If more than one, each condition violated shall constitute a separate offense.

- C. The Board of Health may enforce the Regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

#### 10. Severability

If any section, paragraph, sentence, clause or phrase of the Regulations is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate and distinct provision and such decision shall not affect the validity of the remaining portions of these regulations which shall remain in force and effect; and to this end, the provisions of the Regulations are hereby declared severable.

#### 11. Suspension or Revocation of Permit

Any Solid Waste Hauler permit may be suspended or revoked by the Board upon receipt of evidence satisfactory to the Board that the permittee has not conformed with the requirements of the Regulations or such further regulations as may be adopted by the Board.

#### 12. Appeals

Any person to whom an order has been served pursuant to the Regulations may request a hearing before the Board of Health by filing a written petition within 7 days. Upon receipt of such petition, the Board of Health shall schedule a hearing within 30 days. Anyone aggrieved by the decision of the Board of Health may seek relief therefrom within a court of competent jurisdiction.

#### 13. Effective Date

These revised Regulations shall take effect on January 1, 2017~~2018~~, upon deposit in the Town Clerk's Office, Town Hall, 325 Main Street, Oxford, MA 01540 in conformance with approval of the Board of Health on \_\_\_\_\_.

By Order of The Oxford Board of Health

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Kerrie Singer, Chairman

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~~Robert Boulay~~David Escobar, Vice Chairman



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