



Tyngsborough Board of Health

Town Hall

25 Bryants Lane

Tyngsborough, MA 01879

Office: (978) 649-2300 Ext 118

Fax: (978) 649-2301

Office Hours, Monday – Thursday, 8:00 A.M. – 4:00 P.M.

Friday, 8:30 A.M. – 12:30 P.M.

Email Address: JoanF@Tyngsboroughmass.com

Virginia Day, Chairman

Carol Devanney

Nanci Dowling-Meehan

Sheila Perrault

Carol Ryan

Mandatory Recycling By Law

Section 1 Purpose

In order to protect the environment, promote recycling and be in compliance with Massachusetts mandated waste bans; the Town of Tyngsborough (the Town) hereby establishes a program for mandatory separation of recyclable and *compostable yard waste* from the solid waste stream. This program applies to all owners, tenants, *occupants*, and property managers of residential, multifamily, commercial, municipal, and institutional structures and properties in the Town. Massachusetts General Laws Chapter 40 Section 8H authorizes this program.

Section 2 Applicability

The following regulations shall apply to owners, tenants, and property managers acting on behalf of owners or tenants of all residential, multifamily, commercial, municipal, and

institutional structures in the Town and to any and all waste haulers duly licensed by the Town's Board of Health (the Board).

Section 3 Definitions

Agent/Assignee: Person, business, or Town board designated and authorized by the Board to act in its behalf.

Barrel: A 50-gallon or less refuse receptacle not to exceed 50 lbs. when full.

Bulky Items: Items that cannot be placed into a barrel, but not including items precluded by the Code of Massachusetts Regulations (*310 CMR 19.017*) nor considered hazardous waste materials or prohibited by any other state or federal law or regulation from burial or incineration. Bulky items are, including but not limited to, sofas, chairs, mattresses, carpets that are cut and tied into rolls not to exceed 10" (inches) in diameter and 4' (feet) in length (three rolls equal one bulky item).

Commercial/Business: Any building or property, including but not limited to, those used for retail, wholesale, industrial, manufacturing, dining, offices, professional services, automobile service, hotels, motels, lodging, restaurants, amusement or commercial recreation facilities, or shipping and receiving areas.

Compostable Yard Waste: Any organic material from yards that has the potential to be composted, such as leaves, grass, hedge and shrub clippings, weeds, garden waste, and small twigs less than 4' (feet) in length and 2" (inches) in diameter and tied into bundles weighing less than 50 lbs.

Hazardous Waste: Any waste or material, in any amount, which is defined, characterized or regulated as hazardous by or pursuant to federal or state laws. For purposes of this By-Law, the term "Hazardous Waste" shall also include, but not be limited to, motor oil, gasoline, oil based paint, asbestos, Cathode Ray Tubes (CRT's), televisions, computer monitors, lead batteries, florescent bulbs, and ammunition.

Institutional: An establishment dedicated to public service or culture, including but not limited to, educational, religious, and health care functions.

Multifamily: All dwelling units served by waste management systems other than the Town's curbside collection of recyclables and/or trash collection.

Municipal: Any building or property owned by the Town.

Owner: Person(s), corporation(s), partnership(s) or other legal entity (entities) who hold legal title to or have control of any premises and who shall be ultimately responsible for compliance with this By-Law.

Recyclable Materials: Any type of refuse designated by the State of Massachusetts pursuant to the Code of Massachusetts Regulations (310 CMR 19.017), including but not limited to, metal and glass containers, plastic bottles numbered 1-7, plastic products, tires, white goods, aluminum containers, recyclable paper (newspapers, junk mail, 3'x3' (feet) corrugated cardboard, and catalogs).

Recycling Receptacles: Durable containers up to 95 gallons weighing less than 50 lbs., when full, and paper bags to contain recyclable paper.

Residential: All dwelling units participating in municipal curbside collection of recyclables and/or served by trash collection.

Residential Refuse: All solid waste and bulky goods generated by households within the Town including lumber that is cut to four feet or less and tied into bundles weighing less than 50 lbs. Excluded materials include, but are not limited to, auto parts, building materials or building demolition material (cement, plaster, lumber, and the like, when such items are the result of construction work), earth, stones, tree trunks, tree stumps or large tree limbs, recyclable materials, yard waste, or compostable yard waste.

Solid Waste: Any useless, unwanted, or discarded material that is abandoned by being disposed of or is stored, treated or transferred pending such disposal, not including any hazardous waste, or *compostable yard waste*.

Tenant: Person(s), corporation(s), partnership(s) or other legal entity (entities) having occupancy and possession of any premises whether under written agreement, tenancy at will, tenancy at sufferance, or otherwise.

Waste Hauler: Any person, business, other legal entity, or Town Department who is duly licensed by the Board to collect refuse or recycling within the Town.

White Goods: Appliances, including but not limited to, refrigerators, freezers, ranges, washers, dryers, air conditioners, water tanks, compactors.

Section 4 Waste Haulers

- 4.1 Every waste hauler must be duly licensed by the Board on an annual basis to operate within the Town.
- 4.2 Every waste hauler shall provide an integrated waste management service whereby collection of recyclables is provided to all trash collection customers.
- 4.3 Every non-municipal waste hauler shall, upon request, provide the Town with an updated customer list, which includes the names and addresses of customers within the Town, the degree of service, and pick-up schedule. Upon request by

- the Board, every waste hauler shall also provide educational material to customers.
- 4.4 Waste haulers may not accept a load of refuse with greater than 5%, by volume, recyclables or compostable yard waste. In addition, every waste hauler shall report, in writing, violations of this provision to the Board or its agent(s).
- 4.5 Waste haulers may not accept *compostable yard waste, except on designated dates established by the Board.*
- 4.6 Waste haulers shall allow for unannounced inspections of Residential Refuse or Residential Recyclables trucks by the Board or its designated agent(s) where the driver is required to open the rear gate to demonstrate satisfactory collection procedures.

Section 5: Property Owners, Tenants, Occupants, or Property Managers

- 5.1 It shall be mandatory for each occupant of land in the Town to separate all designated recyclable materials and compostable yard waste from other refuse.
- 5.2 Every residential owner, tenant, *occupant*, or property manager (acting on behalf of an owner, tenant, or occupant) shall place a suitable durable, labeled, recycling container for glass, plastic, and metal at the curb or designated pick up location, at designated collection times. Paper shall be collected in paper bags, tied securely, or placed in suitable containers (excluding plastic bags) and placed at the curb at designated collection times. Compostable yard waste shall be placed in suitable containers, and twigs shall be tied.
- 5.3 Every owner, tenant, occupant, property manager (acting on behalf of an owner, tenant, or occupant), or the person in control of the land shall be responsible for the proper disposal of recyclables, including the set up on site of recycling collection areas for owners, tenants, *occupants*, and property managers and for the proper disposal of recyclable materials and compostable yard waste.

Section 6: Ownership of Recyclables

- 6.1 Once recyclable materials or compostable yard waste are placed at the curbside or designated collection area these materials shall become property of the Town. No person, business, or other legal entity other than licensed waste hauler and/or

authorized agent(s) of the Town, acting in the course of their employment, may collect or pick up any recyclable materials so placed.

Section 7 Severability

- 7.1 If any section of this By-Law is declared invalid or unenforceable for any reason, said decision shall not affect any other section of this By-Law, which shall remain in full force and effect.