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## **9.20.010 DECLARATION OF POLICY**

- A. It is in the public interest that the accumulation, preparation, storage, collection, transportation, recycling and disposal of Solid Waste be handled in such a manner as to protect the public safety, health and welfare and to enhance the environment of the people of the city.
- B. Therefore, the city shall cause acceptable solid waste to be collected from single family residences up to and including six (6) family residences and shall provide for proper disposal of such waste.
1. The owner or owner's agents, servants, employees, occupant or occupants shall provide and keep clean and in good repair, proper and sufficient containers for the storage and removal of solid waste and shall remove waste from residential property at sufficiently frequent intervals to prevent a nuisance as determined by the city or its designees.
  2. The owner or owner's agents, servants, employees, occupant or occupants of commercial property shall provide and keep clean and in good repair, proper and sufficient containers for the storage and removal of solid waste. The owner or the owner's agents, servants, employee's occupant or occupants of any business enterprise shall provide for the removal of waste from commercial property at sufficiently frequent intervals to prevent a nuisance as determined by the city or its designees.
  3. The owner or owner's agents, servants, employees, occupant or occupants of any property shall place trash to be collected only on the sidewalk appurtenant to his property, unless otherwise directed by the Director of Public Works or the Director of Public Health.

## **9.20.020 DEFINITIONS - SOLID WASTE MANAGEMENT**

In the interpretation and application of this ordinance, the following definitions shall apply, unless another meaning is clearly indicated by the context:

**City Collector:** The solid waste disposal company who has contracted with the City of Malden to remove waste. All vehicles shall display signs indicating that they are engaged in city residential collection.

**Commercial Waste:** The general and usual waste accumulating on residential premises of 7 dwelling units or more or any business enterprise. For purposes of this ordinance, commercial waste shall include all waste generated by properties comprised in whole or in part of any business enterprise.

**Director:** The Director of the Board of Health or the Director of the Department of Public Works, as the context may require.

**Garbage:** All matter incidental to the use, preparation and storage of food, including meat, poultry, fish, fowl, fruit or vegetable matter.

**Garden/Lawn Waste:** Grass, leaves, brush, tree trimmings and vine or shrub trimmings; provided that this shall not include tree waste, heavy logs, tree stumps or tree limbs three (3) feet or more in length or four (4) inches or more in diameter

**Hazardous Waste:** All materials included in the Department of Environmental Protection Hazardous Waste Regulation 310 CMR 30.00., including but is not limited to, paint, gasoline, oil, car batteries, and tires.

**Non-Acceptable Waste:** All waste not collected by the city collector, including but not limited to the following:

- A. Tree waste, heavy logs, tree stumps or tree limbs three (3) feet or more in length or four (4) inches) or more in diameter or any other item which in whole or in part is a solid mass in which a sphere with a diameter of four (4) inches could be contained;
- B. Motor vehicles, motor vehicle parts and large machinery, including but not limited to, tires, auto hulks, engine blocks, fenders, transmission blocks, heavy machinery, skimobiles, motor cycles, rider lawn mowers, tractors
- C. Manufacturing wastes
- D. Hazardous materials.
- E. Human and animal remains.
- F. Demolition debris, including, but not limited to discarded or non-usable materials resulting from construction, alteration, fire or other catastrophe, or repair of structures, including but not limited to stones, plaster, brick, excavated earth, concrete, plaster, drywall, roofing materials, siding materials and structural members.
- G. Explosives.
- H. Furnaces and boilers.

**Receptacles:** Trash barrels and recycling barrels. Barrels in which trash bags are placed must be water tight, have tight fitting covers, be rust resistant, be structurally strong and easily filled, emptied and cleaned. Cardboard barrels, wheelbarrows, lawn carts, 55 gallon oil drums, paper bags, cardboard cartons, wood crates, and all baskets and boxes that are open and cannot be adequately secured are not appropriate receptacles within the meaning of this ordinance.

**Recyclable Waste:** Materials included in the Department of Environmental Protection Solid Waste Ban, including glass, paper, cardboard, number 1 through number 7 plastics, cardboard, aluminum, and tin.

**Residential Waste:** Waste, including carpet provided that it has been cut into lengths of 3 feet or less, rolled and tied in bundles of no more than 50 pounds, normally originating in a residential properties of six dwelling units or fewer. For purposes of this ordinance, residential waste shall not include any waste generated by properties comprised in whole or in part of a business enterprise.

**Rubbish:** Waste resulting from housekeeping including cartons, paper, tin cans, bottles, metals, and similar materials.

**Solid Waste:** Rubbish, garbage, and other discarded materials with insufficient liquid content to be free flowing. As used herein, Solid Waste does not include solids or dissolved materials in domestic sewage or other water pollutants.

**White Goods:** Appliances, including washers, dryers, stoves, dishwashers, refrigerators, air conditioner units and water heaters.

### **9.20.025 CITY OF MALDEN ISSUED TRASH AND RECYCLING CONTAINERS**

- A. Each qualifying household shall be provided with one City of Malden issued covered Trash Barrel and one City of Malden issued covered Recycling Barrel.**
- B. Additional barrels may be purchased through the Office of the City Treasurer or the Department of Public Works.**
- C. Damaged barrels can be repaired or replaced by bringing them to the Department of Public Works, provided that such damage isn't caused by resident misuse.**
- D. Residents shall report stolen barrels to the Malden Police Department, and may provide such proof of filing to the Department of Public Works for barrel replacement.**

### **9.20.030 STANDARDS AND REGULATIONS FOR RESIDENTIAL WASTE**

- A. The owner of every dwelling unit shall be responsible for the proper handling of garbage and rubbish generated by occupants of the dwelling unit prior to its final collection or ultimate disposal and shall be responsible for proper handling and disposal of all waste, acceptable or unacceptable, placed at the outer edge of the sidewalk appurtenant to his property.
- B. The City of Malden shall collect such solid waste as is placed at the outer edge of the sidewalk appurtenant to a residential premises in accordance with a schedule published by the Department of Public Works; provided that residents of private ways shall provide the city collector with access to all properties appurtenant to said way. Failure to provide said access will relieve the city collector and the city of responsibility for collection.
- C. The city collector may refuse to collect waste if it is not handled, stored or placed for collection in accordance with this ordinance. So far as practicable, a notice shall be attached to the waste or left at the premises or building noting the location and reason for refusal.
- D. Solid waste shall be placed in one of the following manners, and shall not exceed thirty-five pounds (35) in weight.
  - 1.) In a City of Malden approved trash bag in a covered receptacle
  - 2.) In a City of Malden issued trash barrel, affixed with an approved City of Malden Trash Tag, provided that all trash within the barrel shall be contained within a bag
- E. Solid waste shall be prepared and stored as follows:
  - 1. garbage shall be drained of all liquid;
  - 2. drained garbage and manure from domestic pets shall be enclosed in no less than three (3) thicknesses of newspaper or similar wrapping material or an approved scrap bag;
  - 3. boxes and cartons and like materials shall be collapsed or broken up and secured in compact units not to exceed four (4) feet at their maximum measurement and fifty (50) pounds in total weight.
  - 4. waste shall be deposited in an approved container;
  - 5. printed and photographic material shall be enclosed so as to be concealed from the view of casual observers.
- F. No white goods of any kind shall be placed at the curb without a collection sticker attached and all doors removed.
- G. Recyclable waste shall be placed in covered recycling barrels provided for that purpose and

placed at the curb for collection or delivered to the Department of Public Works during regular business hours or on Saturdays from 9:00 a.m. to noon.

H. Hazardous materials shall not be placed in approved trash bags, in City of Malden barrels affixed with a trash tag, or recycling barrels for collection. In accordance with Department of Environmental Protection guidelines, hazardous materials include but are not limited to the following:

1. Tires
2. Automotive Batteries
3. Nickel Cadmium Batteries
4. Any oil based product, including paint, gasoline, kerosene and motor oil
5. Cathode Ray Tubes, including televisions and computer monitors
6. VCRs and tape decks

## 7. Florescent light bulbs

Hazardous materials must be properly disposed of by the person or party in possession, and may be properly disposed of on a Hazardous Recycling Day at the Department of Public Works.

- I. Non-hazardous debris resulting from home renovations for which no building permit is required shall be removed by the city collector provided that, prior to collection, the homeowner has consulted with an agent or employee of the Department of Public Works relative to the acceptability of the materials for collection and incineration or deposit in a landfill in accordance with Environmental Protection Agency guidelines.
- J. The city will provide for collection of garden/lawn waste on a schedule to be determined by the Public Works Commission; provided that said schedule include at a minimum weekly curbside pick-up from the beginning of April through the end of November, and such additional weeks as are deemed practicable by the Commission. Small branches shall be cut to lengths not exceeding four (4) feet.

### **9.20.040 STANDARDS AND REGULATIONS FOR COMMERCIAL WASTE**

- A. The owner of every commercial property shall provide proper and sufficient receptacles for accumulation of waste and shall make provisions for removal of waste, no less than once a week, through a private licensed collector.
- B. The owner of every commercial property shall make provisions for waste recycling with their waste collection contractor. Said provisions shall comply with the Massachusetts Department of Environmental Protection Solid Waste Plan.
- C. Solid waste collection shall be by one of the following means:
  1. Solid Waste Collection by Dumpster:
    - a. For purposes of commercial waste, proper receptacles shall include dumpsters; provided that the owner of commercial property has obtained a permit for said dumpster from the Board of Health. The Board of Health shall promulgate rules and regulations relative to the use, maintenance and placement of dumpsters.
    - b. Application for a dumpster permit shall be accompanied by a \$25.00 fee and a site plan, showing the proposed location of the dumpster, the distance to the closest abutter and the type enclosure or screen, if any.
    - c. Dumpster permits shall be granted upon such terms and conditions as deemed appropriate by the Director of Public Health and shall be renewable annually on December 31. The Director of Public Health may order a dumpster enclosed, screened, removed, dumpster capacity size changed and /or additional scheduled pickups.
    - d. No waste shall be deposited in dumpsters between the hours of 11:00 P.M. and 7:00 A.M. Dumpster waste shall be collected between the 7 a.m. and 8 p.m., Monday through Friday or 8 a.m. and 6 p.m. on Saturday. No dumpster waste shall be collected on Sunday or holidays.
  2. Solid Waste Collection by City Collector:
    - a. Upon the approval of the Director of Public Works, the City collector may collect no more than fourteen (14) bags of rubbish and/or garbage in 33 gallon capacity plastic bags of at least 1.5 millimeters in tensile strength, tightly sealed, properly tied or secured, weighing no more than 35 pounds; provided that every said bag

has a collection sticker attached thereto, and provided further that a number in excess of 14 bags of waste, properly stickered, may be collected by the city collector, when in the judgement of the Director of Public Works, public health and convenience so warrants.

b. The City collector shall provide recycling services free of charge to all commercial properties from which it collects solid waste.

D. Solid Waste Collection by Other Means: Subject to the approval of the Director of Public Works and the Director of Public Health, the owner of any commercial property may make alternate provisions for solid waste removal; provided that such arrangements include provisions for recycling services in compliance with the Massachusetts Department of Environmental Protection Solid Waste Plan and MCC 9.20.060. The Director may approve any suitable device for storage, handling and disposal of Waste provided that the device meets the intent of the standards and requirements otherwise set forth in these regulations.

**9.20.050 PROVISIONS APPLICABLE TO ALL WASTE**

A. Fees: Fees for collection of residential and commercial waste by the city shall be as follows:

Approved 35 Gallon trash bag	\$2.00 ea.
Approved 15 Gallon trash bag	\$1.00
Approved 8 Gallon trash bag	\$.50
Annual Trash Tag	\$75 (prorated)
White Goods (residential customers only)	\$20.00
35 Gallon Recycling/Trash Toter	At City's Cost

Any increase or decrease in the cost of approved trash bags as described in this chapter shall not take effect until approved by referendum on the ballot at the next municipal general election.

B. Purchase of Approved Trash Bags and Annual Trash Tags: Approved trash bags and Annual Trash Tags shall be made available through the Office of the City Treasurer and the Department of Public Works Office during regular business hours. Approved trash bags shall also be made available for resale to the public at retail and commercial establishments as determined by the Director of Public Works, provided that no retail or commercial establishment shall charge more than \$2.00 for each approved trash bag.

Subject to annual funding, the Mayor shall work with local anti-poverty agencies to provide approved trash bags to qualified residents for the disposal of residential solid waste as outlined in this paragraph, provided that said resident is not receiving assistance towards such costs from any other source.

C. Storage of Waste: No solid waste shall be stored or packaged for disposal unless properly secured so as to prevent it from being affected by wind or weather conditions.

D. Scavenging: No person, other than the city collector or an authorized representative of a private waste contractor, shall scavenge or remove waste which has been placed at the curb for collection.

E. Order to Remove Waste from Premises: The Director of Public Health, the Director of Public Works, the Building Commissioner, Compliance Officers and their agents or designees may

issue a warning, in the manner prescribed in Mass. Gen. Laws ch 40 § 21D, to the owner, agent, or occupant of a premises for the improper accumulation or storage of waste, offensive material or discarded mechanical or electronic equipment.

Failure to comply with any removal order made by an authorized agent of the City of Malden may result in removal of said waste by the City at the expense of the owner.

F. Limitation on Placement of Solid Waste at Curb:

1. No person, firm, or corporation shall place or keep any box, barrel, container, crate, bag or other receptacle containing junk, debris, waste, rubbish or garbage on any sidewalk in the City of Malden, except for removal or collection by a private collection agent. Placement of any of such items upon a sidewalk other than that adjacent to the premises owned or occupied by such person, firm or corporation shall be a violation of this ordinance.
2. No waste shall be placed at the curb prior to 9 p.m. on the day before collection. Non-disposable receptacles shall be returned to their storage space by owners no later than midnight on the day of collection.

**9.20.060 PROVISIONS APPLICABLE TO PRIVATE COLLECTORS**

- A. Vehicles conveying waste shall be of such construction and so operated that contents shall not be exposed to public view nor create a nuisance and shall be sanitized and deodorized daily. All vehicles engaged in private collection shall display a sign indicating that they are engaged in private commercial collections.
- B. All persons collecting trash and recyclables in the City of Malden shall obtain a non-transferable Trash Hauling Permit from the Board of Health. Application for a Trash Hauling Permit shall be accompanied by a \$200 application fee, an accounting of available recycling services, a complaint resolution plan, and a list of customers served in the City of Malden, including the day and time of said service and an estimate of the volume of solid waste and recyclables collected. Trash Hauling Permits shall be renewable annually in December 31. Failure to provide all information required by the application shall be grounds for denial of a permit.
- C. Every private collector shall provide recycling services in compliance with the State of Massachusetts Solid Waste Plan and DEP regulations.
- D. Every private collector shall submit a monthly report as required by the Board of Health. Said reports shall be submitted to the Department of Public Works and shall provide, at a minimum, a record of the tonnage of refuse and recyclables collected, the customers served, including the day and times of collections and shall include weight slips or vendor receipts to document tonnage figures on waste and recyclables.
- E. Failure to submit reports in a timely fashion may result in modification, suspension or revocation of the permit.

**9.20.070 PENALTIES FOR VIOLATION**

- A. Agents and employees of the Board of Health, the Compliance Bureau, the Department of Public Works, the Fire Department, and the Police Department shall have the power to enforce the provisions of this ordinance. in the manner provided under Mass. Gen. Laws ch 40 § 21D in accordance with the following schedule of fines:

1st offense	warning, plus item collection fee, if applicable
2nd offense	\$50.00 fine plus item collection fee, if applicable
third offense	\$100.00 fine plus item collection fee, if applicable
subsequent offenses	\$300.00 fine plus item collection fee, if applicable

- B. Each twenty-four hour period during which a violation shall exist shall constitute a separate offense for which an additional fine may be imposed.