

MANDATORY RECYCLING BY-LAW
Adopted – Special Town Meeting February 8, 1993 (Article 10)
Amended – Special Town Meeting, May 16, 1994 (Article 13)

SECTION 1: PROGRAM ESTABLISHED

There is hereby established a program for the mandatory separation of certain recyclable material from garbage or rubbish by the residents of the **TOWN OF SOMERSET, MASSACHUSETTS**, (hereinafter referred to as **TOWN**) and the collection of the recyclables at the resident's curbside. The collection of separated recyclables shall be made on a scheduled basis under the supervision of the Public Works Department as authorized by the Board of Selectmen.

For curbside collection, mixed solid waste shall be placed in officially approved **Town of Somerset** plastic bags as defined in this by-law. Approved bags will be available for direct purchase from the Town or its authorized agents. Owners of residential property, the managers/owners of other property and businesses choosing not to have Town collect their rubbish may do so providing the Town has approved the terms of their contract with a licensed hauler.

The cost of approved plastic bags will be assessed at a rate that the Board of Health deems appropriate to cover the costs of operating the **trash collection, composting, and recycling programs** instituted now or in the future by the Town. The system shall be self-sufficient and organized pursuant to Mass. General Laws Chapter 44, Section 53E.

Annually, and not later than April 1, the Board of Health will review the cost of operating the entire waste collection and disposal system and shall establish the rate for the approved plastic bags.

SECTION 2: DEFINITIONS

Recyclables are the discarded materials described below which may be reclaimed and are considered saleable by the Town. For the purpose of this by-law, recyclables are defined in the following categories:

Aluminum: Shall mean empty cans made from aluminum, foil, wrappers and containers or trays used in the packaging, preparation or cooking of prepared dinners, pies, cakes or other foods.

Corrugated Paper: Shall mean all empty corrugated boxes, cardboard, cardboard cartons, paperboard and similar corrugated and kraft paper materials.

Ferrous Metal Cans: Shall mean all empty containers composed in whole of iron or steel and so called tin cans used for the packaging or storing of various food and non-food items, except containers which contain paint or petroleum based solvents and any pressurized aerosol cans.

Glass: Shall mean all empty jars and bottles or similar products made from silica or sand, soda ash and limestone, the product being transparent and being used for packing or bottling of various matter and other material commonly known as glass excluding:

- a. Blue and flat glass and glass commonly known as window glass; and
- b. Dishes pottery and crockery.

Newspapers: Shall mean clean and unsoiled newsprint, all newspaper advertisements, supplements, comics and enclosures. Newspaper shall be considered cleaned and uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling or composting purposes.

Paper: Shall mean general household paper products such as non-window envelopes, paper plate and paper cups, bags, mail correspondence, notebook paper and other common household materials.

Plastics: Shall mean all empty containers and wrapping products and bags made from any of the numerous organic, synthetic or processed materials that are mostly thermoplastic or thermosetting polymers.

White Goods: Shall mean major kitchen or laundry appliances, including, but not limited to stoves, washers, refrigerators and dryers which shall be collected at curbside by pre-appointment on a scheduled basis under the supervision of the Public Works Department as authorized by the Board of Selectmen.

Bulky Waste: Shall mean large pieces of furniture and other bulky materials which are collectible, but non-recyclable with weights and volumes greater than those allowed for approved plastic bags which shall be collected at curbside by pre-appointment on a scheduled basis under the supervision of the Public Works Department as authorized by the Board of Selectmen.

Hazardous Waste: Shall mean waste or materials, in any amount, which is defined, characterized or designated as hazardous by or pursuant to Federal or State laws, or waste or material, in any amount, which is so regulated under Federal or State laws. For purposes of this Bylaw, the term "Hazardous Waste" shall also include motor oil, gasoline, oil base paint, oil base paint cans, asbestos and ammunition.

Other: Any rubbish not within any of the above listed definitions (ex. Food waste, soiled paper products, window glass, dishware, aerosol cans, etc.) shall be considered non-

recyclable materials that may be discarded together generally in approved plastic bags by the homeowner for disposal by the Town in an approved fashion.

Approved Plastic Bags: Thirty-gallon plastic bags or such other bags as may be approved by vote of the Board of Health, the contents of which shall not exceed sixty (60) pounds.

Uncollectibles: Those materials which are not collected by the Town but rather are the responsibility of the owner of the materials to dispose of or otherwise have a private contractor dispose of.

(ex. Large demolition/construction debris, tires, automobile batteries, stumps, large scrap metal objects, industrial waste and hazardous waste).

SECTION 3: SEPARATION OF RECYCLABLES: PLACEMENT FOR REMOVAL

The resident shall use the recycling receptacle provided to each household and/or suitable commercially produced plastic or steel waste container for the purpose of collecting the recyclables and placing them for disposal.

The following procedure shall be the procedure for the separation of and placement for the removal of the recyclable material:

1. Recycling receptacles and/or suitable plastic or steel waste containers shall be placed on and removed from the curbside of the roadway.
2. Each homeowner shall sort individually and separate from non-recyclable rubbish or garbage all the recyclable materials as defined in this by-law. These recyclables should be washed, but not need be flattened or processed in any way. Styrofoam and other non-paper labels, lids, corks and neck rings must be removed.
3. Recyclable newspapers, corrugated paper and general paper products shall be packaged in a manner to prevent the scattering of the paper. Additionally:
 - a. Newspapers shall either be packed in standard grocery or paper shopping bags, placed in corrugated boxes or securely tied in flat bundles, none of which shall weigh more than fifty pounds (50 lbs.).
 - b. If not used for packing paper, any kind of paper recyclables, corrugated boxes and cardboard cartons shall be collapsed and tied in bundles not weighing more than fifty pounds (50 lbs.) and placed on top of or next to the recycling receptacles(s).
4. Recyclables shall not be placed in approved plastic bags for collection, removal or disposal. Recyclables shall not be placed in the same plastic bag or waste

container as or otherwise mixed with other forms of solid waste for collection, removal or disposal.

5. Whitegoods and bulky waste shall be collected at curbside by pre-appointment on a scheduled basis under the supervision of the Public Works Department as authorized by the Board of Selectmen.

SECTION 4: OWNERSHIP OF RECYCLABLES

From the time of actual collection of any recyclable materials at the curbside for collection by the Town, or its designated agent, pursuant to the program established hereby and the rules and regulations issued hereunder, such materials shall become the property of the Town or its designated agent. It shall be a violation of this article for any person other than the property owner, authorized employees or agents on behalf of the Town acting in the course of their employment, to collect or pick up or cause to be collected or picked up any recyclable materials.

The recyclable material collected by the Town, or its designated agent, shall be transported to and disposed of at a properly designated recycling facility.

SECTION 5: MANDATORY LEAF AND YARD WASTE COMPOSTING

There is hereby established a program for the mandatory separation of each compostable leaf and yard waste materials from any other recyclable or non-recyclable materials by the residents of the Town and the collection of these compostable leaf and yard waste materials at the resident's curbside. The collection of departed compostable leaf and yard waste materials shall be made on a scheduled basis under the supervision of the Public Works Department as authorized by the Board of Selectmen.

SECTION 6: DEFINITIONS

For the purposes of this section by the by-law, the following definitions apply:

APPROVED YARD WASTE CONTAINER: Shall mean a receptacle with a capacity of greater than 20 gallons, but less than 35 gallons, constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight fitting lid capable of preventing entrance into the container by vectors. The mouth of a container shall have a diameter greater than or equal to that of the base. The weight of the container and its contents shall not exceed sixty (60) pounds.

LEAVES: Tree and bush growth that seasonally reproduces and ultimately falls from the tree and bush limbs.

APPROVED PAPER BAGS: Thirty-gallon, multi-ply paper bags as specified by the Town whose contents shall not exceed sixty (60) pounds.

YARD WASTE: Grass and hedge clippings, weeds, garden waste, twigs and brush not longer than two (2) feet in length and one-half inch (1/2") in diameter.

SECTION 7: SEPARATION OF COMPOSTABLE LEAF AND YARD WASTE MATERIAL AND PLACEMENT FOR REMOVAL

For the collection of leaf and yard waste materials, residents shall place said materials into approved yard waste containers or paper bags as defined above. These yard waste containers and paper bags shall be placed on the curbside on those days scheduled for leaf and yard waste pick up as determined by the Public Works Department as authorized by the Board of Selectmen.

No material other than that specified within this portion of the by-law shall be placed in these yard waste containers and paper bags.

Compostable leaf and yard waste materials shall not be placed in plastic trash bags during the leaf and yard waste collection season. Leaves and yard waste shall not be placed in the same refuse container as or otherwise mixed with other forms of solid waste for collection, removal or disposal.

SECTION 8: OWNERSHIP OF COMPOSTABLE LEAF AND YARD WASTE SECTION

From the time of actual collection of any compostable leaf or yard waste material at the curbside for collection by the Town, or its designated agent, pursuant to the program established hereby and the rules and regulation issued hereunder, such materials shall become the property of the Town or its designated agent. It shall be a violation of this portion of the by-law for any person other than the property owner, authorized employees or agents on behalf of the Town, acting in the course of their employment, to collect or pick up or cause to be collected or picked up any such material described above.

SECTION 9: PENALTY

Any violation of this by-law relating to mandatory curbside recycling shall be punishable by a warning for a first offense, a fine of twenty-five dollars (\$25.00) for the second offense and fifty dollars (\$50.00) for each subsequent offense.

SECTION 10: AUTHORITY AND SEVERABILITY

This by-law shall supersede any existing by-law or departmental regulation. All by-laws and regulations or parts of by-laws and regulations previously approved or adopted by any town meeting of department that relate to the collection of trash or recycling are hereby repealed.

The Board of Health shall have the authority to adopt appropriate and reasonable rules and regulations to properly conduct the Mandatory Recycling and Mandatory Leaf and

Yard Waste Composting Programs as adopted or amended in the future.

This by-law and the various parts, sentences, sections and clauses thereof are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this by-law shall not be affected thereby.

A true copy attest:

Dolores Berge, Town Clerk