

Town of Auburn Board of Health Recycling Regulation

The Auburn Board of Health hereby adopts the following regulations under the Provisions of Chapter 111, Section 31 of the Massachusetts General Laws, as amended. Except as may be otherwise noted, these regulations shall take effect upon the date of their first publication.

Section I. Scope of Authority

The Auburn Board of Health adopts the following regulation pursuant to authorization granted by MGL Ch. 111 Sec. 31. The regulation shall apply, as specified, herein, to all residents, within the Town of Auburn.

Section II. Purpose of the Regulation

These regulations are intended to preserve the public health and environment and are designed to keep banned recyclable materials and certain restricted materials out of the solid waste stream. As a result, they also prohibit certain toxic materials that may adversely affect the environment when landfilled or incinerated. These regulations are also intended to support the state Waste Ban Regulations set forth at 310 CMR 19.017, which prohibit the disposal of certain hazardous, recyclable, or compostable items.

Section III. Applicability

These regulations shall apply throughout the Town of Auburn.

Section IV. Definitions

For the purpose of this regulation, the following words or phrases shall have the following meanings:

DEP – The Massachusetts Department of Environmental Protection.

Recyclables- Set by the DEP: Clean Glass Containers, Aluminum, Metal Containers, Single Polymer Plastics numbered #1- #7, and Clean Paper. Glass containers as defined shall be made of clear, brown or green glass, and shall exclude window glass, dishes, pottery and crockery. Aluminum as defined shall include cans, but exclude all pressurized cans and cans which have ferrous material (iron or steel) and may exclude all pressurized cans which have contained hazardous materials. Paper, cardboard and paperboard products including newspaper as defined shall mean unsoiled newsprint, including newspaper advertisements, supplements, comics, enclosures, magazines, catalogs, and telephone books.

Trash – Refuse including rubbish, waste and/or garbage and shall not include Recyclables or Restricted Materials.

Restricted Materials – Materials that are not allowed to be placed in the trash for disposal. In addition to Recyclables, the following items shall not be placed into the trash: construction materials/demolition debris including wood, asphalt, brick and concrete; appliances and white goods; cathode ray tubes

(CRTs); household hazardous waste; lead batteries; items containing mercury; tires; leaves and yard waste.

Section V. Regulation

- A. Each owner, resident or agent is required to obtain trash and recycling hauling services from either the Town of Auburn municipal hauler or any Board of Health licensed trash hauler.
- B. Residential trash collected by the Town of Auburn municipal hauler, or any Board of Health licensed trash hauler shall not contain recyclables or restricted materials.
- C. Each owner, resident or agent shall separate recyclables from trash as defined, into separate marked containers for disposal.
- D. If separation of recyclables does not take place, the Town of Auburn has the right to refuse collection of trash.
- E. Recyclables shall **not** be placed in plastic bags for collection, removal or disposal.
- F. Each owner, resident or agent shall be responsible for the removal of all trash and recyclables placed curbside for collection that are not picked up by the hauler or left in the container, which does not comply with the rules and regulations of the Board of Health. Failure to remove the materials within 24 hours may result in a fine.
- G. No person shall willfully or maliciously disturb/handle the contents of, or tip over, any containers placed for the collection of trash and/or recyclables.

Section VI. Enforcement

Enforcement of this regulation shall be by non-criminal disposition ticket and/or criminal complaint in the district court in accordance with MGL Ch. 40, Sec. 21D. The Solid Waste Enforcement Coordinator and any Board of Health agent shall have the power to enforce the provisions of this regulation. The Town of Auburn shall also have the option of seeking equitable relief to enjoin violations of the rules and regulations of the Auburn Board of Health.

Section VII. Penalties

Violations of these regulations shall be enforced by fines as follows:

- (a) First offense: written notice identifying violation (door tag/sticker)
- (b) Second offense: written warning identifying non-compliance
- (c) Third offense: \$25 fine
- (d) Subsequent offense: \$50 fine

Each day of failure to comply with the regulations shall constitute a separate violation. Fining structure will be based on violations that occur within a calendar year.

Section VIII. Severability

If any provision contained in this regulation is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

Effective Date:

These rules and regulations were adopted by the Auburn Board of Health on April 13, 2017.

A summary of the regulations adopted shall be published in the newspaper as required by Chapter 111, Section 31, of the General laws of the Commonwealth. These regulations shall also be filed with the Department of Environmental protection in accordance with MGL, Ch. 111, Sec . 31.

