

TOWN OF CHELMSFORD
GENERAL PROVISIONS, CHAPTER 201
BOARD OF HEALTH
ARTICLE XI

RESIDENTIAL - COMMERCIAL REFUSE COLLECTION

(Added 6-11-90; amended 12-10-90, 12-9-91, 9-13-21, 11-1-21, 2-6-23)

§201.49 AUTHORITY

In accordance with the authority vested in the Town of Chelmsford Board of Health, these regulations are hereby established.

§201.50 DEFINITIONS

As used in this article, the following terms shall have the meanings indicated:

Acceptable Waste: All household garbage, trash, rubbish, refuse and combustible agricultural waste normally generated and disposed of by or on behalf of the Town, but excluding

- A. Explosives and ordnance materials, oil, sludges, highly flammable substances, cesspool or other human wastes, human and animal remains, motor vehicles, farm or other large machinery, non-burnable construction materials and demolition debris and hazardous refuse of any type or kind, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used to filter cleaning fluid and refuse of similar nature.
- B. Any item of waste exceeding six feet in any one of its dimensions or being in whole or in part of a solid mass, the solid mass portion of which has dimensions such that a sphere with a diameter of eight inches could be contained within such solid mass portion, and
- C. All other items of waste which would be likely to pose a threat to health or safety, or the acceptance and disposal of which may cause damage to waste disposal facilities, or be in violation of any judicial decision, order or action of any Federal, State or Local governmental or any agency thereof, or any other regulatory or applicable law or regulations.

Licensed Refuse Collector: Those persons or companies who have applied for and obtained the appropriate license(s) to collect refuse within the corporate limits of Chelmsford, Massachusetts.

Recyclable Materials: Those materials placed in a "Chelmsford Recycles" blue or maroon recycling bin or other container designated for recycling purposes, which shall include but not be limited to: clear glass, brown glass, green glass, tin cans, aluminum cans, HDPE plastics (milk and water containers), PET plastics (soda bottles) and newspapers in paper bags. Refuse haulers shall not collect recyclable materials unless they are contracted by the Town of Chelmsford to do so.

Refuse Collection Vehicle: All vehicles used for deliveries of residential acceptable waste to the solid waste disposal facility, which must be in safe, clean condition, and in good repair.

Residential Acceptable Waste: That acceptable waste generated within the Town of Chelmsford as is collected on behalf of the Town or disposed of by its residents, the sources of which are residential households or municipal buildings located in the Town.

Residential Households: All inhabited dwellings up to and including three (3) family dwellings.

The Board: The Chelmsford Board of Health, the town department responsible for overseeing the licensing and regulation of residential refuse collection.

Tipping Fee: The cost per ton for disposing of quantities of Residential Acceptable Waste at waste disposal facilities.

Ton: A “short ton” of 2,000 pounds.

Trash Container: Any container used for containing trash at the curb for pickup, for example, metal or plastic trash cans, cardboard boxes, etc.

§201.51 LICENSING REQUIREMENTS

- A. Collection and Removal of Refuse: Persons and companies engaged in the collection of solid waste shall collect household rubbish, paper, cardboard cartons, garbage, and other waste materials from residential households in the Town of Chelmsford and shall remove said rubbish, paper, cardboard cartons, garbage and other waste materials to a location or facility outside the limits of the Town of Chelmsford in accordance with these rules and regulations as well as all other applicable laws and regulations.
- B. Permit: All refuse collection companies will be required to obtain a permit from the Town of Chelmsford Board of Health prior to commencing with the collection of solid waste. The permit is to be renewed annually. The fee for the annual permit shall be set by the Board of Health fee schedule.
- C. Application and Renewal: At the time of the initial application and subsequent renewals, the refuse collection company shall submit to the Board the following information:
 - (1) A list of references including but not limited to large commercial customers and municipal buildings.
 - (2) The names of all towns where residential trash is or has been collected from.
 - (3) A description of the collection vehicle(s) to be used, and proof of registration and insurance for each separate vehicle.
 - (4) A description of the method of collecting payment from customers, and samples of any stickers used, and the contract signed by residents.
 - (5) The name of the waste disposal site (s) to which Chelmsford’s refuse will be taken. The Refuse Collector will supply documentation that all disposal sites meet all Federal, State and Local regulations.

(6) Upon request, Refuse Collectors shall produce documentary proof that they are entitled to dispose of trash in a licensed waste disposal site.

D. Bond: Prior to the issuance of a license, the Refuse Collector will post with the Town a bond for faithful performance in the amount of \$10,000 issued by a company licensed to do business in the Commonwealth of Massachusetts.

E. Insurance:

(1) The Refuse Collector shall furnish the Town with certificates from an insurance company licensed to do business in the Commonwealth of Massachusetts. The Licensee shall maintain during the period of licensing the following insurance with companies and in forms acceptable to the Town and in adequate amounts. This shall protect him performing work covered under the license and the Town and its employees, agents and officials from all claims and liability for damages for bodily injury, including accidental death, and for property damage, which may arise from operations under licensing.

(2) The amounts of such insurance shall be for each policy, not less than:

(a) Workmen's compensation: as required by the Laws of Massachusetts.

(b) Bodily injury liability, including death: \$1,000,000 on account of any one person and \$1,000,000 aggregate limit.

(c) Property damage liability: \$1,000,000 on account of any one accident and \$1,000,000 aggregate.

(d) Contingent coverage for subcontractors for (b) and (c) above.

(e) Automobiles and trucks, including hired vehicles: Bodily injury liability, including death: \$1,000,000 on account of any one person and \$1,000,000 on account of any one accident.

(3) All policies shall be so written that the Town of Chelmsford will be notified of cancellation or restrictive amendment at least fifteen (15) days prior to the effective date of such cancellation or amendment.

F. Indemnity: The Licensed Refuse Collector will take all responsibility for the work and take all precautions for preventing injuries to persons or property; shall bear all losses resulting to him on account of the amount 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

(1) Labor and materials furnished to the work.

(2) The invention, patent rights used in doing the work.

(3) Injuries to any person or corporation received or sustained by or from the Licensed Refuse Collector and his employees doing the work, in consequence of any improper materials, implements, or labor used therein.

(4) Any act, omission or neglect of the Collector and his employees therein

G. Federal and State Licenses: The Licensee shall submit copies of all applicable Federal and State Licenses.

- H. License Period: The license issued will be valid for a period of not more than one year. The Licensee must submit an annual application for renewal.

§201-52. REPORTS

The following reports are to be submitted to the following Town Boards as required after collection begins.

- A. Tonnage: Reports on the tonnage of residential solid waste removed from the Town of Chelmsford shall be submitted to the Board of Health and the Board of Selectmen twice yearly on January 1st and July 1st.
- B. Customer Lists: Revised residential customer lists shall be submitted to the Board of Health and the Board of Selectmen twice yearly January 1st and July 1st and shall indicate any changes in the customers served. All new customers shall be indicated as well as those customers who have terminated their agreements with the Licensed Refuse Collector.
- C. Termination of Service: Within seven (7) days of termination of service by a residential Customer, the Board of Selectmen must be notified

201-53 OPERATIONAL PROCEDURES

- a. Time of Collection: Solid waste shall be collected between the hours of 6:30 a.m. and 6:30 p.m. (prevailing time) Monday through Friday inclusive, with the exception of holidays observed by the Town of Chelmsford.
- b. Holidays: Whenever a scheduled collection falls on a legal holiday, that day's collection and the remaining collections for the week, if any, shall be the following day. The holidays observed by the Town are: New Year's Day, Martin Luther King's Birthday, President's Day, Patriot's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day.
- c. Routes: Licensed Refuse Collectors shall have established routes which have been approved by the Board of Health and should take appropriate steps to operate according to the approved routes. Trash shall be collected from each street on the same day as the Town provided trash collection service.
- d. Town Contracted Refuse Collectors: Any Refuse Collector who is contracted by the Town of Chelmsford to collect residential and/or municipal trash are not allowed to comingle trash collected under the Town of Chelmsford's contract with any other trash from any other source.
- e. Acceptable Waste: The Licensed Refuse Collector shall collect acceptable wastes from their residential customers in Chelmsford provided that the residential acceptable waste is contained in barrels, plastic bags or tied bundles.
- f. Unacceptable Waste: The Licensed Refuse Collector may refuse to collect any residential waste if there is any indication that the material is not an acceptable waste or if it is not properly containerized. The Licensed Refuse Collector will notify his customer of the reason(s) for refusal of collecting the waste.

- g. Spilled Waste: The Licensed Refuse Collector shall take reasonable care in collecting refuse. Refuse shall not be scattered about the streets or into private property. Refuse which is accidentally spilled shall be immediately picked up by the collector and removed together with other wastes.
- h. Stickers: Any stickers used must not appear to be similar in design, color or general appearance to those provided by the Town.
- i. Recyclables: The Licensed Refuse Collector shall not collect recyclable materials in the “Chelmsford Recycles” recycling bin or other container designated for recycling purposes, unless they are contracted by the Town of Chelmsford to do so.
- j. Inspection: The Licensed Refuse Collector shall allow Board of Health agents and/or other agents of the Town to inspect his/her vehicle and any load if there is a due cause of suspicion of any violations of any applicable laws, rules or regulations.

§201.54 RESPONSIBILITIES OF PROPERTY OWNER

- A. Weekly Trash Pickup: Trash must be disposed of on a weekly basis.
- B. Time at Curb: Trash and recyclables must be at the curb by 6:30 a.m. but no sooner than 6:30 p.m. the day before. All trash containers must be removed from the curbside within 12 hours of collection.
- C. Trash Container Size: Trash containers must be no larger than 32 gallons and weigh no more than 80 pounds total (including trash and container), and must be able to be easily picked up by one person. Bags must be no larger than 39 gallons and weigh no more than 40 pounds. Brush must be bundled.
- D. Fullness of Trash Container: Trash containers must not be filled more than 3 inches above the top edge of the container.
- E. Lids: All trash containers must have lids.

§201-55 VIOLATIONS AND PENALTIES

- A. Suspension of Licenses: Any refuse collection license may be suspended or revised by the Board of Health upon receipt of evidence satisfactory to the Board that the Licensee has not conformed with the requirements of these regulations, or such further regulations as may be adopted for the collection and disposal of refuse or upon recommendation of the Board of Health.
- B. Residential Violations: Violations of Section VI of these regulations shall be punishable by a fine of \$25.00 per violation.

§201-56 SEVERABILITY

Each of these regulations shall be construed as separate to the end that if any regulation or sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in force.

§ 201.56.1 Effective Date

These rules and regulations shall be effective as of June 11, 1990. This regulation has been amended, voted on, and unanimously approved at a regularly scheduled Board of Health meeting on December 12, 1990, and shall be effective as of December 12, 1990. This regulation has been amended, voted on, and unanimously approved at a regularly scheduled Board of Health meeting on December 9, 1991, and shall be effective as of December 9, 1991.

This regulation has been amended, voted on, and unanimously approved at a regularly scheduled Board of Health meeting on September 13, 2021. The changes approved at the Board of Health's September 13, 2021, meeting consisted of administrative re-numbering, no substantive changes to the regulation were made at this meeting.

This regulation has been amended, voted on, and unanimously approved at a regularly scheduled Board of Health meeting on November 1, 2021, and shall be effective as of November 1, 2021

This regulation has been amended, voted on, and unanimously approved at a regularly scheduled Board of Health meeting on February 6, 2023, and shall be effective as of February 6, 2023.