

Chapter 6

Health and Sanitation

State law reference -Public Health, generally, G.L. c. 111. State Sanitary Code: adoption, enforcement and jurisdiction, G.L. c. 111, sec. 127A. State Sanitary Code, 105 CMR 410, et seq. 105 CMR 590.000, et seq. Crimes against public health, G.L. c. 270. Solid waste disposal, G.L. c. 16, sec. 18.

Cross reference - Duties of town clerk with respect to vital statistics reports, Sec. 2-54. Animals and fowl generally, Ch. 3. Rules and regulations of the Board of Health, generally, Ch. 20. Code of Massachusetts Regulations, 105 CMR 410, et seq. (Sanitary Code, etc.), adopted, Sec. 20-2.

Section

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Sec. 6-1. Depositing of offensive or injurious substances—generally.

No person shall, without the license of the Board of Health, throw into or leave in or upon any street, court, square, lane, alley, public square, public enclosure, pond or body of water or vacant lot within the limits of the town, where it would be offensive or injurious to health, any dead animal, dirt, sawdust, soot, ashes, cinders, shavings, hair, shreds, manure, oyster, clam or lobster shells, waste water, rubbish or filth of any kind or any refuse animal or vegetable matter whatsoever. (1932 Bylaws, Art. 11, Sec. 13)

Sec. 6-2. Same—Deposit of substance subject to decomposition.

No person shall, except as hereafter provided, deposit upon any dump, upon streets or ways or upon any property, public or private, any garbage, food containers, decayed meats, fish, or fruit or vegetables or any substance which may decompose. If a place is desired for the deposit of such material the person desiring to make such disposal shall submit to the Board of Health in writing, the location where he desires to deposit such materials. Such location shall be

remote from streets or dwellings, and the Board of Health shall, upon approval thereof, as suitable for such purpose, issue a permit for such disposition. (1932 Bylaws, Art. 11, Sec. 14)

Sec. 6-3. Refuse and Recycling Collection.

Refuse and recycling collection will be made throughout the Town on a schedule established by the Town Administrator. No collections of any refuse will be made at any time, or services in connection with disposal rendered to any commercial enterprise or apartment house where the number of apartments exceeds six, except that the Town shall be obligated to provide refuse collection on a scheduled basis to residential condominium complexes. No refuse or recycling material shall be put onto a public way or private way including sidewalks for the purposes of collection prior to 5:00 P.M. the day before scheduled collection day. (10-14-70, Art. 1; 3-20-75, Art. 49; 5-14-90, Art. 21; 5-1-95, Art. 7; 10-26-98, Art. 28)

Sec. 6-3.1 Recycling.

(a) This section shall apply only to those residences governed by Section 6-3 above, except residential condominiums governed by that section, which condominiums shall be governed by Section 6-3.2 below as to recycling.

(b) No recyclable materials shall be included in rubbish or garbage collected pursuant to Section 6.3 above.

(c) Recyclable materials shall include all materials designated as “recyclable materials” by the Town Administrator.

(d) Effective July 1, 1994, recyclable materials shall be collected, if placed at curbside in a manner to prevent the scattering of said materials. If material placed in the recycling bin is not recyclable, it will be left in the bin and the resident shall remove the non-recyclable material.

(e) The Town will supply each residence on a one-time basis, at the time of the implementation of recycling, with a plastic bin for recyclable materials. Subsequently, additional or replacement recycling bins shall be available at the office of the Department of Public Works at cost.

(f) The Town Administrator shall have the authority, after a public hearing, to promulgate regulations to implement this bylaw regarding the separation and collection of recyclable materials and the enforcement thereof. Notice of this date, time and location of a public hearing and a description of the proposed regulation(s) shall be published at least seven (7) days prior to the scheduled hearing in a newspaper having general circulation in the Town.

(g) Failure to comply with this bylaw or the regulations promulgated pursuant hereto, shall result in a written warning. The warning shall indicate a method of correction.

(h) Any person who violates any provisions of this bylaw or a regulation promulgated pursuant hereto, after a written warning, shall be subject to enforcement pursuant to Section 1-4 of this Code or a fine pursuant to non-criminal disposition in accordance with Chapter 40, Section 21D of the General Laws. The penalty for each non-criminal violation shall be Twenty-five dollars (\$25). Each day a violation continues shall constitute a separate offense. The persons empowered to enforce pursuant to non-criminal disposition shall include police officers, the Board of Health or its agent(s), or the Town Administrator or his designee(s). (10-25-93, Art. 2)

Sec. 6.3.2 Recycling - Residential condominium complexes.

(a) Effective July 1, 1996, no recyclable materials shall be included in rubbish or garbage collected by the Town from residential condominium complexes.

(b) Recyclable materials shall include all materials designated as “recyclable materials” by the Town Administrator.

(c) Recyclable materials shall be collected, if placed at curbside or at locations on site subject to approval and scheduling by the Town Administrator)

(d) The condominium complex will be responsible for supplying and maintaining its own recycling containers. The containers shall be approved by the Town Administrator and placed in a manner to prevent the scattering of materials. If material placed in the recycling container is not recyclable it will be left and the complex shall remove the non-recyclable material.

(e) The Town Administrator shall have authority, after a public hearing, to promulgate regulations to implement this bylaw regarding the separation and collection of recyclable materials and the enforcement thereof. Notice of this date, time and location of a public hearing and a description of the proposed regulation(s) shall be published at least seven (7) days prior to the scheduled hearing in a newspaper having general circulation in the Town.

(f) Failure to comply with this bylaw or the regulations promulgated pursuant hereto, shall result in a written warning. The warning shall indicate a method of correction.

(g) Any person who violates any provisions of this bylaw or a regulation promulgated pursuant hereto, after a written warning, shall be subject to enforcement pursuant to Section 1-4 of this code or a fine pursuant to non-criminal disposition in accordance with Chapter 40, Section 21D of the General Laws. The penalty for each non-criminal violation shall be twenty-five Dollars (\$25). Each day a violation continues shall constitute a separate offense. The persons empowered to enforce pursuant to non-criminal disposition shall include police officers, the Board of Health or its agent(s), or the Town Administrator or his designee(s). (10-30-95, Art. 10)

Sec. 6.3.3 - Recycling -Services for apartments and condominiums.

(a) Effective July 1, 2001, the owner(s) of any condominium units or apartment units in the Town of Stoneham that are not recycling shall be responsible for establishing and maintaining a recycling program which is substantially identical, in the terms of the scope of material currently being recycled, which includes the following:

“PAPER”

newspaper and newspaper inserts, magazines, phonebooks, mixed paper, junk mail and cardboard (2' X 2" in size).

“CO-MINGLED”

tin cans and aluminum cans, glass bottles and jars, plastics (1 through 7), additional items or materials required to be recycled by law.

The recycling program shall be in compliance with the Commonwealth of Massachusetts Solid Waste Plan and D.E.P. regulations 310 CNR 19.017 (3) as amended and subject to all the applicable portions of section 6.3.2.

(b) A recycling plan shall be submitted to the Department of Public Works. This plan shall include the types of materials being collected as recyclable, a description of the type of recycling containers to be provided to condominium or apartment dwellers and the process by which the containers will be distributed, a description of the location(s) where the recycling material will be picked up by the hauler and the frequency of the collection. The Town will start public education about the program.

(c) The hauler shall provide documentation to the Public Works Director detailing the weight of recyclables collected and delivered to a vendor whose purpose it is to recycle the materials for reuse or to separate, repackage or otherwise process the material for shipment to recycling destinations. Such documentation shall be provided at (3) month intervals.(4-03-01, Art. 13)

Sec. 6-4. Sewer Use Ordinance.

State law reference—Sewer Assessments, G.L. c. 83, secs. 14-24.

"Sewer Use Ordinance" being the same as that which was the subject of a legal notice published in the Stoneham Shoppers News on October 17, 1983, affording those persons or entities to be affected by such ordinance the privilege of reviewing said document at the following locations:

Town Clerk's Office - Town Hall
Public Works Department - 16 Pine Street
Stoneham Public Library - 431 Main Street

Police Department - 47 Central Street
Council on Aging - 136 Elm Street (10-24-83, Art. 13)

A copy of this document is on file in the office of the Town Clerk and the Public Library.

Editor's Note– On October 27, 1997, Article 2 of the 1983 Annual Town Meeting was rescinded, and the following substituted:

The water and sewer review board is empowered to:

Hear water and sewer billing disputes; said board will render to any petitioner a binding decision as to the remedies, if any, in the dispute.

Review the assessments and costs associated with the operation, maintenance and capital requirements of both systems to ensure such costs are just and equitable and in proportion to the benefits of the users.

Holds an annual public hearing at least seven (7) days prior to the Annual Town Meeting to receive citizens input on the current year, the proposed budget and rates for the next fiscal year and any other information as may be requested concerning the water and sewer departments.

Said Board will be comprised of five (5) members; Three (3) designees of the Board of Selectmen and two (2) designees of the Finance and Advisory Board.

The members shall not be employees or officials of the Town and shall serve for a three year term. A designee of the Board of Selectmen and a designee of the Finance and Advisory Board shall be appointed for a three-year term; a designee of the Board of Selectmen and a designee of the Finance and Advisory Board shall be appointed for an initial two-year term and for three years thereafter; and a designee of the Board of Selectmen shall be appointed to a one-year term and for a three-year term.

And further, said water and sewer review board shall replace the hearing board established pursuant to the Town of Stoneham, Sewer Use Ordinance, Article VII Section 1, as adopted by Article #13 of the October 24, 1983 Special Town Meeting and shall have all powers and authority of said hearing board. (10-27-97, Art. 6)

On October 27, 1998, Article 30 of the Special Town Meeting amended Article 6 of the October, 1997 Town Meeting by deleting “[t]he members shall not be employees or officials of the Town and shall serve for a three-year period” and substituting the following: [t]he members shall not be employees of the Department of Public Works and shall serve for a three-year term. (10-29-98, Art. 30)