

For reference: existing bylaw: Chapter 270 Solid waste (generator requirements): [link](#).
(Adopted January 4, 2020 by Dalton BOH)

Article I Waste Collected Outside Town

§ 270-1 Deposit in Town disposal site prohibited.

No person, firm or corporation shall discharge, deposit, inject, dump, spill, leak, incinerate or place any type of waste, garbage, offal or other offensive substances which have been collected outside the Town of Dalton in any disposal site located within said Town.

§ 270-2 Violations and penalties.

Whoever, himself or by his agent or servant, or as the agent or servant of any other person, firm or corporation, violates this bylaw, shall be punished by a fine of not more than \$300 for each offense or be subject to noncriminal disposition of the offense pursuant to Chapter 1 and shall also be ordered to remove the substance so deposited. Each day of violation shall constitute a separate offense.

Article II: BOH Regulations: Recycling Requirements for Generators

§ 270-3 Purpose.

In order to protect the environment, promote recycling and be in compliance with Massachusetts Waste Ban regulations (310 CMR 19.017); the Town of Dalton Board of Health, pursuant to Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws, hereby adopts the following mandatory recycling regulation.

§ 270-4 Applicability.

The following regulations shall apply to all generators of refuse and recyclables in the Town of Dalton, including all owners as defined in Chapter 105, Section 410.020, of the CMR, property managers acting on behalf of owners, and tenants of all residential, commercial, and institutional properties in the Town of Dalton.

§ 270-5 Definitions.

ACCEPTABLE WASTES

Wastes normally generated by residential, commercial, and institutional properties. This excludes recyclables, Banned Materials hazardous waste and all other items restricted from disposal in Massachusetts, as defined by 310 CMR 19.017(3).

BANNED MATERIALS

All materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans, including: asphalt pavement, brick & concrete, cathode ray tubes, clean gypsum wallboard, commercial food waste, ferrous and non-ferrous metals, glass & metal containers, lead acid batteries, leaves and yard waste, recyclable paper, cardboard and paperboard, single resin narrow-necked plastics, treated and untreated wood and wood waste (banned from landfills only), white goods (large appliances), and whole tires (banned from landfills only).

GENERATORS

Any owners as defined in Chapter 105, Section 410.020, of the CMR, property managers acting on behalf of owners, and tenants of all residential, commercial, and institutional properties who generate refuse and/or recyclables in the Town of Dalton.

HAZARDOUS WASTES

Any waste that is defined and regulated under 310 CMR 30.000: *Hazardous Waste*.

NON-RECYCLABLE

Any material, which does not specifically meet the definition of "recyclables" as specified in this regulation.

OPERATOR

The vendor selected by the Town of Dalton to operate the transfer station, or the approved facility to which recyclables will be brought by the Permitted Hauler.

PERMITTED HAULER

Any person or company which has applied for and obtained the appropriate permit to collect and haul refuse or recyclables within the corporate limits of the Town of Dalton.

RECYCLABLE(S)

Discarded nonhazardous solid waste materials considered marketable by the Commonwealth and the operator. Such items shall include bimetal tin/steel cans including aerosol cans; glass jars and bottles; aluminum foil, cans and trays; plastic bottles, jars, trays and jugs; paper and multi-material cartons for juice, milk, and milk substitutes; paper products including newspaper, magazines, junk mail paperboard, corrugated cardboard, boxboard, paperback books, and telephone books. Mixed paper, cardboard, glass, metal, and plastic containers are priority materials of this regulation.

REFUSE

Solid waste material that is normally generated by residential, commercial, and institutional properties. This excludes recyclables, Banned Materials, yard waste, sewage, and hazardous waste.

TRANSFER STATION

Town-owned facility for recycling and refuse disposal located at Bridle Road off of Park Avenue in Dalton.

§ 270-6 Mandatory Separation and Recycling.

All generators in the Town of Dalton shall separate recyclables from non-recyclable refuse in one of the following manners:

1. Take recyclable materials to Town-owned transfer station.
2. Contract with a Permitted Hauler who provides recycling services.
3. Deposit recyclables in dedicated recycling receptacles provided by the owner or property manager.

Generators shall abide by instructions (as distributed by Permitted Hauler, as indicated by transfer station signage and personnel, or as indicated by property owner or manager) as to what constitutes acceptable wastes, Banned Materials, and recyclables.

The Town of Dalton will inform all generators at least once per year that recycling is mandatory.

§ 270-7 Enforcement; violations and penalties.

- A. **Enforcement:** The individuals empowered to enforce the provisions of these regulations shall be the following: agent of the Board of Health, any member of the Board of Health or any police officer of the Town of Dalton, or their designee. Enforcement will begin until a time to be determined by the Board of Health and both Haulers and Generators will receive at least 60-days' notice prior to the start of enforcement.
- B. **Penalties:** Whoever violates this regulation shall, upon conviction thereof, be fined not more than \$300 for each offense or be subject to by criminal complaint in a court of competent jurisdiction pursuant to G.L. c.111, §§31, 31B and 150A or noncriminal disposition of the offense pursuant to MGL c. 40, §21D and the Town's Noncriminal Disposition Bylaw, Chapter 1.
 - a) First offense: warning
 - b) Second offense \$50 fine
 - c) Third offense \$100 fine
 - d) Fourth offense \$250 fine
 - e) Fifth offense: \$300 fine
- C. **Appeal:** Any party cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Town of Dalton Board of Health within seven days, exclusive of Saturdays and Sundays and legal holidays, from the date of said citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Health.

§ 270-8 Effective date.

The regulations shall take effect on January 4, 2021.
