

BOARD OF HEALTH

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Dumpster Regulation and the Removal and Transportation of Garbage, Rubbish, Offal or other Offensive Substances

The Board of Health of the Town of Wakefield, in accordance with, and under the authority granted by Sections 31 and 31B of Chapter 111 of the General Laws of the Commonwealth of Massachusetts, duly adopted the following rules and regulations at a meeting of the Board of Health on March 21, 2012.

Effective Date: These regulations shall take effect on April 1, 2012.

1. Definitions:

Board – The Board of Health or its agent or designee

Dumpster – Any container (other than a conventional trash can with lid) used for storage of garbage, rubbish or refuse of any sort.

- Dumpster must be located and placed in a manner approved by the Board of Health. A plan on an 8 ½ x 11 sheet prepared by the applicant shall be on file with the Board of Health showing the approved location of the dumpster, with distances to businesses serviced, noted on the plan.
- Location of dumpster is not to interfere with safety or health of abutters, residents or general public.
- Dumpster must be so located as to not cause an obstruction to traffic nor obstruct sight distances for both pedestrian and vehicular traffic.
- Dumpster is to be enclosed or screened, as required by Board of Health when deemed necessary.
- Dumpster is not to be filled between 11 PM and 6 AM.
- Dumpster is not to be emptied after 9 PM or before 6 AM, except in areas of the Town zoned for business, commercial or industrial use. The following Chapter 154 Peace and Good Order shall be enforced by police: *Section 154-4. Trash Collection. [Added 4-5-2001 ATM by Art. 26] - No person shall collect, or cause others to collect trash, rubbish, garbage, offal or other offensive substances (whether from dumpsters, barrels, or otherwise, and whether on*

the public way, a private way or any lot) after 9:00 PM and before 6:00 AM in any residential district of the Town within 100 yards of such a district as shown on the then current Zoning Map.

- Dumpster must have tight fitting lid and lid must be closed when dumpster is not in use. Roll-off dumpsters shall be covered when not in use. These covers are to be secured.
- Dumpster must be of sufficient size and capacity to eliminate overflowing, and the property owner or authorized agent of the premises utilizing the service must immediately empty contents when full.
- It shall be the responsibility of the property owner or agent to maintain the dumpster area free from odors, rodents, flies, insects, scattered debris, overflowing and all other nuisances.
- All dumpsters shall display the name and telephone number of the contractor. This shall be placed in a conspicuous location.
- The dumpster contractor shall have the dumpster deodorized, washed, and sanitized, as needed or as directed by the Board of Health.
- The contractor shall prevent spillage during the emptying process and also while transporting contents of the dumpster. If spillage occurs, it shall be the contractor's responsibility to clean such spillage immediately.
- All dumpsters must be covered when full and being moved.
- There shall be no collection of organics or liquids in dumpsters unless emptied everyday.
- No liquids or organics shall be collected in any dumpster located inside a structure.
- Dumpsters are not allowed on the public way. If a dumpster is on a private way, it shall be equipped with a reflective device to warn motorists that a dumpster is present. Police must be notified to the above.
- No dumpster shall be placed in Town without first obtaining a permit from the Board of Health.
- Each dumpster permit shall renew annually. Permits will be effective January 1 through December 31.
- All rubbish contractors must be permitted by the Board of Health as per MGL chapter 111 sections 31 A.
- Each container placed in the Town must be of good construction and watertight.
- A temporary dumpster is to be used for residential/commercial construction purposes that will occupy a specific location for 90 days or less.
- A permit must be obtained from the Board of Health for every temporary dumpster.

These regulations apply to all dumpsters, whether residential, commercial or municipal within the Town of Wakefield.

Enforcement

Any person who violates the term of these regulations shall be subject to a fine of \$50 for the first offense, \$100 for the second offense, \$150 for the third and each subsequent offense. Each day in violation will be considered a separate offense. The Health Director is authorized to enforce these regulations by all available means, including non-criminal disposition under MGL c.40, s.21D and Town of Wakefield By-Laws, Section 1-7.

Revised:

Public Hearing Notice: Wakefield Daily Item February 25, 2010

Public Hearing: Board of Health meeting March 2, 2010

Copy sent to DEP: March 23, 2010

Legal Notice in Wakefield Daily Item March 24, 2010

Effective: March 31, 2010

Revised:

Public Hearing Notice: Wakefield Daily Item March 5, 2012

Public Hearing: Board of Health meeting March 21, 2012

Copy sent to DEP: March 22, 2012

Legal Notice in Wakefield Daily Item March 26, 2012

Effective: April 1, 2012

