



TOWN OF ABINGTON BOARD OF HEALTH
DUMPSTER REGULATIONS

The Dumpster Regulations shall take effect on January 1, 2015. These regulations apply to all dumpsters in the Town of Abington, whether for residential, commercial or industrial uses.

STATEMENT OF PURPOSE

The Board of Health for the Town of Abington, Massachusetts, in accordance with and under the authority granted by **Sections 30, 31A and 31B of Chapter 111 of the General Laws of the Commonwealth of Massachusetts**, hereby adopted at the meeting of **June 2, 2014**, the following rules and regulations for the removal, transportation and storage of garbage, rubbish, offal or other offensive substances excluding hazardous or bio-materials or waste as determined by local State and Federal Regulations.

As set forth below, Abington Board of Health and/or an agent thereof, shall enforce these regulations and/or any violations thereof on any container and/or dumpster if it is deemed by the Board to be a public health hazard or a nuisance.

SECTION 1.0 — DEFINITIONS

Dumpster

Any container other than a conventional trash can with lid intended for the temporary outdoor storage of rubbish, garbage, recyclable materials, putrescible solid waste or refuse of any sort.

Self-contained/enclosed Dumpster

Any dumpster and/or compactor with no visible opening, whose access is by means of a shute-type apparatus connected directly to the building being served, other than a conventional trash can with lid intended for the temporary outdoor storage of rubbish, garbage, recyclable materials, putrescible solid waste or refuse of any sort.

Board

The Abington Board of Health.

Person

Any individual, business, firm, contractor, corporation, applicant, property owner or agent.

DSC

The Disposal Service Contractor who owns and/or provides the dumpster.

SECTION 2.0 — PRE-INSTALLATION REQUIREMENTS

2.1 No **Person** shall maintain or operate a **Dumpster** with a volume capacity greater than three (3) cubic yards without first obtaining a dumpster permit from the Abington Board of Health at least three (3) days prior to installation.

- 2.2** No **DSC** shall provide or service a dumpster to a **Person** from the Town of Abington for the purpose of storage, removal or transportation of garbage, rubbish, or other offensive substances without first making sure the **Person** has obtained a dumpster permit from the Board of Health. All permits shall expire at the end of the calendar year in which they are issued, but may be renewed annually upon receipt of a written application and renewal fee.
- 2.3** The permit fee shall be in accordance with the current Board of Health fee schedule, for each dumpster per calendar year.
- 2.4** Permits shall be issued based on site specific criteria, including the submittal of photos/sketches and any other pertinent information required by the Board for Board approval. The approval criteria shall be incorporated into any permit and a violation of those criteria shall be a violation of the permit and these regulations.
- 2.5** If a dumpster is to be placed on Town property, the owner of said property must obtain an Obstruction Permit from the Highway Department, in addition to a Dumpster Permit from the Board of Health. Obstruction Permits are required when any person or entity intends to block any portion of city property. In addition to the above, the Department of Public Works requires a certificate of liability to be presented in order to process the permit. Furthermore, no permit shall issue except upon the condition that temporary walkways be constructed to allow residents to pass through when a side walk is being blocked. There is no fee for an Obstruction Permit.
- 2.6** The Board of Health may attach any condition to the permit of the **Person** whose property the dumpster is on to assure the health, safety, welfare or quality of life of the citizens of the Town of Abington.
- 2.7** The dumpster shall be rodent proof. For those dumpsters that have a hole located in the lower area of the dumpster near the rear wall of the container, a permanent seal secured with sheet metal strong enough to prevent rodents from entering the dumpster is required. All holes in any dumpster shall be less than $\frac{1}{4}$ " in diameter with the exception of those designed by the manufacturer with a drain flange not more than $1\frac{1}{2}$ " in diameter. Holes built into the dumpster for the purpose of applying fire fighting water shall be capped, but not permanently secured as to render them inoperable.
- 2.8** **Exceptions to Permitting Requirement:**
- a. Containers and/or dumpsters with less than a three (3) cubic yard capacity.
 - b. Containers and/or dumpsters that are for the sole purpose of containing post-process recyclable materials as defined under the Town of Abington Recycling Program unless it is associated with, or within close proximity to, a food establishment, restaurant or any other use that requires a Food Service Permit.

- c. Temporary containers and/or dumpsters as defined in **Section 5.**
- d. Self-contained / enclosed dumpsters approved by the Board of Health.

SECTION 3.0 — CONTRACTOR'S RESPONSIBILITIES

- 3.1** The **DSC** shall have the dumpster(s) deodorized, washed or sanitized as necessary at the time of emptying or as directed by order of the Board of Health.
- 3.2** The emptying of the contents of the dumpster(s) by the **DSC** shall not commence before 7:00 a.m. and cannot continue after 7:00 p.m. The Board of Health may modify these hours if in reasonable judgment the Board is convinced that the public health and safety or public welfare would be better served and a nuisance would not be created. The Board of Health shall be guided in this regard by the location, proximity to residential property, frequency of emptying, resulting noise, receipt of complaint and/or other factors deemed appropriate.
- 3.3** The **DSC** shall have the name of the business and telephone number of the business conspicuously displayed on each dumpster.
- 3.4** No truck that hauls dumpster contents shall be used to transport hazardous or bio-materials or waste.

SECTION 4.0 — AUTHORIZED AGENT / PROPERTY OWNER'S RESPONSIBILITY

- 4.1** Each dumpster shall be located at a Board of Health approved distance from the lot line so as not to interfere with the safety, convenience or health of an abutter. The location of the dumpster shall be approved by the Board of Health.
- 4.2** Each dumpster shall be located a minimum of fifteen feet (15') from any industrial, commercial or residential building.
- 4.3** All permanent dumpsters shall be located on a surface of materials impervious to water (asphalt, concrete) unless otherwise approved by the Board of Health.
- 4.4** Each dumpster shall be located a minimum of twenty feet (20') sloped away from any wetland resource area.
The location in proximity to wetlands must also be approved by the Abington Conservation Commission or Agent thereof.
- 4.5** The Board of Health may require all dumpster sites other than temporary sites to be fully enclosed or screened with permanent, solid fencing being as tall or taller than the dumpster and extending down to the existing ground grade. Each enclosure shall be provided with latching gates and are to be closed at all times except when the process of placing refuses in the dumpster is proceeding. This also includes all food establishments.*

**"Food establishment" means an operation that stores, prepares, packages, serves,*

vends, or otherwise provides food for human consumption.

- 4.6** It shall be the responsibility of the **Person** whose property is being serviced to maintain the dumpster area free from odors, scattered or windblown debris, overflow and all other nuisances including, but not limited to, rodents.
- 4.7** It shall also be the responsibility of the **Person** whose property is being serviced by the dumpster(s) to maintain the lid(s) in a closed condition at all times except when actually in the process of placing in or removing refuse from the dumpster(s).
- 4.8** Dumpsters are to be used only by those individuals who are authorized by the **Person** whose property is being serviced.
- 4.9** No dumpster shall be used to dispose of hazardous or bio-materials or waste as defined by local, State and Federal Regulations.
- 4.10** Dumpsters are not to be filled after 9:00 p.m. or before 7:00 a.m., or after the close of the business day for commercial property & industrial uses.

SECTION 5.0 — TEMPORARY DUMPSTERS/EMERGENCY WAIVERS

- 5.1** No **Person** shall maintain or operate a temporary dumpster (gondola or roll-off type) without first obtaining a thirty (30) day Temporary Dumpster Permit from the Board of Health at least three (3) days prior to installation. Said permit may be renewed for an addition thirty (30) days upon receipt of a written re-application. The **Person** shall comply with all the provisions of these regulations which are applicable to the operation of a dumpster including all temporary dumpsters for on-site use by construction, renovation or repair firms.
- 5.2** The fee for each temporary dumpster permit shall be set by the Board of Health on the approved fee schedule.
- 5.3** An Emergency Waiver will be issued for the immediate placement of a dumpster on any given property, in a safe and reasonable location, for the purpose of mitigating the effects following a fire, water leak, flood (basement, etc.), or other emergent issue which would require the immediate disposal of items or materials within a building or property for the purposes of general safety, health or structural stability. A permit for a dumpster may then be obtained within a reasonable time in light of the nature of the emergency.

SECTION 6.0 — ENFORCEMENT

- 6.1** Subject to the laws of the Commonwealth, random inspections and sanitary surveys of in-place dumpsters / temporary dumpsters and surrounding areas may be conducted by an agent of the Board of Health to verify compliance with the dumpster regulations.
- 6.2** All violations of local and State Regulations shall be corrected in accordance with said regulations and within the time frame as determined by the Board of Health and/or its agent(s).

6.3 The Board of Health may levy fines upon any **Person and/or DSC**, found in violation of these regulations in accordance with M.G.L.

Ch. 40, Section 21D. Fines will be fifty dollars (\$50.00) per violation. Each day that the violation remains uncorrected constitutes a separate violation.

6.4 If corrective action as ordered by the Board of Health or agent is not taken by the **Person** whose property is being serviced, or the **DSC** within the time limit set forth by such order, the Board may suspend or revoke the dumpster permit or take such legal action as necessary to correct the violation.

SECTION 7.0 — SEVERABILITY

7.1 If any provision of this regulation is held to be unconstitutional or in violation of State Law, it shall not affect any other provision of the administration thereof.

SECTION 8.0 — WAIVERS

8.1 The Board may, in its sole discretion, grant a waiver and/or add conditions to a dumpster permit, or to an existing dumpster permit currently in effect. Waivers shall be granted only when, in the opinion of the Board:

- a.** The Person requesting a waiver has established that enforcement of the regulations from which a waiver is sought would be manifestly unjust, considering all the relevant facts and circumstances of the individual case; **AND**
- b.** The Person requesting a waiver has established that a level of environmental protection, public health hazard and nuisance control is at least equivalent to that provided within the dumpster regulations.

8.2 New construction projects, as determined by the Board, will NOT be granted a waiver to the dumpster regulations.

SECTION 9.0 — REQUESTING A WAIVER

9.1 Every request for a waiver shall be in writing accompanied by any sketches, pictures or any other information for the Board's consideration.

9.2 The Applicant shall make reference to the specific section of the dumpster regulations for which a waiver is sought, and a statement in compliance with Section 8.1.

9.3 No application for a waiver shall be complete until the Applicant has notified all abutters by certified mail at his/her own expense at least ten (10) days prior to the Board of Health meeting at which the waiver request will be on the agenda. The notification shall reference the specific section(s) of the dumpster regulations from which a waiver is sought, a statement of the standards set forth in the dumpster regulations and the date, time and place where the application will be

discussed.

- 9.4 Any waiver granted by the Board of Health shall be in writing. Any denial of a waiver shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of each waiver shall be available to the public at all reasonable hours in the Board of Health office.

SECTION 10.0 — DATE OF EFFECT

These regulations were adopted by the Abington Board of Health on June 2, 2014, to take effect on January 1, 2015.

1. Theresa May
Chairwoman

2. Anna Hoffman
Vice Chairwoman

3. Rabul May

4. Linda Riley

5. Susan Ene