

REGULATIONS FOR DUMPSTERS – REMOVAL, TRANSPORTATION, STORAGE OF GARBAGE, RUBBISH, OFFAL OR OTHER OFFENSIVE SUBSTANCES

CITY OF METHUEN DUMPSTER REGULATIONS FOR THE REMOVAL, TRANSPORTATION AND STORAGE OF GARBAGE, RUBBISH, OFFAL OR OTHER OFFENSIVE SUBSTANCES

The Board of Health, City of Methuen, Massachusetts in accordance with, and under the authority granted by Section 31A and 31B of Chapter 111 of the General Laws of the Commonwealth of Massachusetts hereby adopted the following rules and regulations at the meeting of:

April 1, 2018 (original adoption)
October 15, 2020 (modifications as noted)

This regulation shall take effect October 31, 2020.

SECTION 1.0 DEFINITIONS:

Authorized agent: Party that has expressed (oral or written) or apparent authority to act for the owner to enter into contractual relationships with other partners.

Board of Health: The Board of Health of the City of Methuen, also known as the Methuen Board of Health (*added October 15, 2020*)

BOH Agent: A person authorized by the Board of Health to inspect and enforce Methuen Board of Health and associated city, state, and federal regulations and laws (*amended October 15, 2020*)

Charitable Organization: An organization that is exempt from taxation pursuant to Section 501(c)(3) of the United States Internal Revenue Code.

Collection Bin: Any container (other than a traditional trash barrel), with a lid and/or door, that is used for storage, soliciting and collecting of clothing, shoes, textiles, books, household items, and other salvageable personal property. This includes portable storage units (*updated October 15, 2020*).

Contractor: Individual, organization, property owner, or business that is responsible for the maintenance and care of a dumpster or collection bin.

Dumpster: Any container (other than a conventional trash barrel) with a lid intended for the storage of rubbish, garbage, or refuse of any sort.

For-Profit Company: A corporation that is intended to operate a business which will return profits to the owner.

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

Property Owner: The person or entity having legal title to real property and/or the person shown as the owner of the property on the current assessment rolls of the City.

Temporary Dumpster: Any container (other than a conventional trash barrel) intended for the temporary storage of rubbish, garbage, or refuse of any sort for a defined period of time.

SECTION 2.0 PRE-INSTALLATION REQUIREMENTS:

- 2.1 No Person or Property Owner, Authorized Agent, Charitable Organization, or corporate entity shall maintain or operate a trash or refuse Dumpster with a volume of six (6) cubic yards or greater, or Collection Bin, without first obtaining a permit from the Board of Health (*updated October 15, 2020*).
- 2.1.1 Said permit shall be obtained no less than three (3) business days prior to the installation of said Dumpster and/or Collection Bin (*updated October 15, 2020*).
- 2.1.2 Said permit is not required for Dumpsters and Collection Bins under the care and/or control of the City of Methuen and its political subdivisions (*updated October 15, 2020*).
- 2.2 The permit fee shall be in accordance with the current Board of Health fee schedule, per establishment based on a one-time fee paid with the initial completed application. The completed application shall be on a form supplied by the Board of Health and renewed annually. Any change in use, name, or change in ownership shall require a new application and fee submitted to the Board of Health.
- 2.3 Dumpster and Collection Bin permits may be suspended or revoked by the Board of Health for failure of the Dumpster or Collection Bin Contractor or Property Owner / Authorized Agent to comply with the requirements of these regulations.
- 2.4 These regulations apply to all dumpsters and collection bins in the City of Methuen; whether for residential, commercial, or industrial use (*updated October 15, 2020*).
- 2.5 All organizations and Person(s) having a Collection Bin located at a property must have a written agreement with the Property Owner / Authorized Agent indicating permission to

locate the Collection Bin(s) at the property and clearly define who is responsible for all aspects of the Collection Bin.

SECTION 3.0 CONTRACTORS' RESPONSIBILITIES

- 3.1 The Contractor shall have the Dumpster(s) or Collection Bin(s) deodorized, washed, or sanitized as necessary at the time of emptying, on a routine basis or as directed an order by an the Board of Health or a BOH Agent.
- 3.2 The emptying of contents of Dumpster(s) and Collection Bin(s) by the Contractor shall not commence before 7:00 AM and not exceed beyond 9:00 PM. The Board of Health may modify these hours if, in its reasonable judgement, it 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 and other factors deemed appropriate.
- 3.3 The Contractor shall have it's name and business telephone number conspicuously displayed on each Dumpster / Collection Bin (*updated October 15, 2020*).
- 3.4 No truck that hauls Dumpster or Collection Bin contents shall be used to transport hazardous or biological materials or waste.
- 3.5 The Board of Health may attach any condition(s) to the license of a Contractor that it deems would serve the best interest of the health, safety, welfare, and quality of life of the citizens of Methuen (*updated October 15, 2020*).
- 3.6 All Dumpsters and Collection Bins shall be rodent-proof (*updated October 15, 2020*).
 - 3.6.1 Any holes, other than an existing and operational drain plug, must be addressed by either installation of a drain plug or installation of a permanent seal with sheet metal or wire mesh that is strong enough to prevent rodents from entering the Dumpster or Collection Bin (*updated October 15, 2020*).
 - 3.6.2 All holes in any Dumpster or Collection Bin shall be more than 0.25" (6.35 mm) in diameter (*updated October 15, 2020*).

SECTION 4.0 AUTHORIZED AGENT / PROPERTY OWNER'S RESPONSIBILITIES

- 4.1 The Property Owner / Authorized Agent shall be responsible to maintain the dumpster area free from odors, scattered debris, overflow and all other nuisances; including, but not limited to: odors, insects, rodents, and graffiti (*updated October 15, 2020*).

- 4.2 The Property Owner, Authorized Agent, or organization listed in the Collection Bin agreement shall be responsible for maintenance of the Collection Bin free from odors, scattered debris, overflow, and all other nuisances (*updated October 15, 2020*).
- 4.3 The Property Owner / Authorized Agent shall be responsible for maintenance of the Dumpster(s) on a site. This shall include maintaining the lid(s) in a closed position at all times except when in the process of place refuse or removing refuse from the Dumpster.
- 4.4 The Property Owner / Authorized Agent shall affix a visible sign on the Dumpster enclosure stating: "Unauthorized use is prohibited by order of the Methuen Board of Health" (*updated October 15, 2020*).
 - 4.4.1 Said sign shall be in contrasting colors and letters shall be no less than two (2) inches tall (*updated October 15, 2020*).
- 4.5 The Property Owner / Authorized Agent shall affix a visible sign on the Dumpster enclosure stating: "Disposal of hazardous, infectious, medical, or bio-material waste is prohibited by order of the Methuen Board of Health" (*updated October 15, 2020*).
 - 4.5.1 Said sign shall be in contrasting colors and letters shall be no less than two (2) inches tall (*updated October 15, 2020*).

SECTION 5.0

SITE / LOCATION REQUIREMENTS

(entire section created October 15, 2020)

- 5.1 Each Dumpster or Collection Bin shall be located at an approved location at an approved distance from the lot line, so as to not interfere with the safety, convenience, or health of an abutter (*updated October 15, 2020*).
 - 5.1.1 The location shall be approved by the Board of Health or the BOH Agent.
 - 5.1.2 Should a Dumpster or Collection Bin be proposed to be placed on a public way, or right-of-way, the Board of Health shall obtain prior approval from the Methuen Police Department, Methuen Fire Department, and Methuen Department of Public Works.
- 5.2 Each Dumpster or Collection Bin shall be located as follows:
 - 5.2.1 A minimum of twenty (20) feet from any industrial, commercial, or residential building.
 - 5.2.2 A minimum of ten (10) feet from any lot line, right-of-way, sidewalk, and easement.

- 5.2.3 A minimum of twenty (20) feet from any wetland resource area. The proximity to wetlands must be approved by the Methuen Conservation Commission, or agent thereof, prior to application for a permit from the Board of Health.
- 5.3 All permanent Dumpsters and/or Collection Bins shall be located on impervious material, unless otherwise approved by the Board of Health.
- 5.4 No more than two (2) Collection Bins will be permitted at any location.
- 5.5 All Dumpsters, other than Temporary Dumpster(s), must be enclosed or screened with permanent, solid fencing and locking gates. These gates are to be closed at all times except when in the process of placing refuse in the dumpster or when the contractor is emptying its contents.
- 5.6 Dumpsters are not to be filled before 7:00 AM or after 9:00 PM for residential property, or after the close of business for commercial property.
- 5.7 Dumpster lids shall be locked outside of the hours permitted by Section 5.6 (*updated October 15, 2020*).

SECTION 6.0

TEMPORARY DUMPSTERS AND COLLECTION BINS

- 6.1 No Person or Property Owner, Authorized Agent, or Corporation shall maintain or operate a Temporary Dumpster (gondola or roll-off type) or Collection Bin without first obtaining a thirty (30) day permit from the Board of Health at least three (3) days prior to installation. Said permit may be renewed for an additional thirty (30) days upon re-application (*updated October 15, 2020*).
- 6.2 The Property Owner or Authorized Agent shall comply with all of the provisions of these regulations which are applicable to the operation of a Dumpster or Collection Bin for on-site use by construction, renovation, or repair firms.
- 6.3 The fee for each Temporary Dumpster permit shall be set by the Board of Health on the approved fee schedule.

SECTION 7.0

ENFORCEMENT

- 7.1 An inspection and sanitary survey of the Dumpster or Collection Bin, enclosure area, and surrounding area will be conducted by a BOH Agent to verify compliance with these regulations (*updated October 15, 2020*).

- 7.2 Random inspections and sanitary surveys of in-place Dumpsters, Collection Bins, enclosures, Temporary Dumpsters, and surrounding areas may be conducted by a BOH Agent to verify compliance with these regulations.
- 7.3 All violations of state and local regulations shall be corrected in accordance with said regulations.
- 7.4 If corrective action is ordered by the Board of Health or a BOH Agent is not taken by the Property Owner or Authorized Agent within the lime limit set forth by such order, the Board of Health shall take such legal action as necessary to correct the violation.
- 7.5 Failure to comply with these regulations may result in a fine of up to three hundred dollars (\$300) each day or portion thereof that the violation continues, as well as suspension or revocation of permits as deemed necessary by the Board of Health.
- 7.6 The Board of Health, at its discretion, may levy fines upon the Authorized Agent / Property Owner / Contractor in accordance with M.G.L. Chapter 40, Section 21D and the Methuen Non-Criminal Disposition Ordinance. Fines shall be three hundred dollars (\$300) per violation. Each day that the violation remains uncorrected constitutes a separate violation.
- 7.7 Any Person has a right to appeal any violation to the Board of Health.

SECTION 8.0 **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 or administration thereof.

SECTION 9.0 **VARIANCE**

- 9.1 Any Person may apply to the Board of Health, in writing, for a variance from these regulations.

SECTION 10.0 **DATE OF EFFECT**

- 10.1 The Methuen Board of Health adopted these regulations on October 15, 2020 to take effect on October 31, 2020. These regulations shall supersede any replace all Methuen Dumpster Regulations prior to October 31, 2020.