

METROWEST DAILY NEWS

Public Notices

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BOH/Regulations of Commercial/Residential Dumpster Use

LEGAL NOTICE

*****NOTICE OF A

PUBLIC HEARING*****

Town of Mendon

The Mendon Board of Health hereby gives notice that it will hold a Public Hearing on Tuesday, November 29, 2022 at 7:15 pm in the Town Hall upper meeting room, 20 Main Street, Mendon, MA 01756 to consider the Regulations of Commercial/Residential Dumpster Use under M.G.L. Chapter 111 § 31 and § 31B. All interested parties will be given an opportunity to be heard. Remote participation will be available. A copy of the proposed draft regulations can be obtained on the Mendon Board of Health Webpage.

#8079268

DN 11/21/22



TOWN OF MENDON

BOARD OF HEALTH

18 Main Street | Mendon, MA 01756

PH: (508) 634-2656 | Email: BOH@MendonMA.Gov

Alan Greenberg | *Chairman*

Tom Fichtner | *Vice-Chairman*

Joyce Gilmore | *Member*

Commercial/Residential Dumpster Regulations

A. STATEMENT OF PURPOSE

Whereas the Board of Health is charged with the protection of public health and acts to prevent the harborage of rodents and causes of filth, the Board of Health finds it reasonable and necessary to adopt the following regulations.

B. AUTHORITY

In accordance with the authority granted by the General Laws of the Commonwealth of Massachusetts, Chapter 111, Sections 31, and 31B, which states "Boards of Health may make reasonable health regulations." The Board of Health of the Town of Mendon hereby adopts the following rules and regulations relative to the use of dumpsters and containers for storage of garbage and/or rubbish.

C. DEFINITIONS

For the purposes of this regulation, the following words shall have the following meanings:

Applicant – Any person(s) or company which has applied for the appropriate permit(s) to collect refuse or provide dumpsters within the corporate limits of the Town of Mendon.

Board -- The Board of Health of the Town of Mendon or its appointed agent(s).

Commercial Waste – Nonhazardous solid waste generated by businesses, such as office buildings, retail and wholesale establishments, and restaurants.

Construction and Demolition (C & D) Dumpster -- Any container used solely for the collection of construction, demolition, and remodeling waste.

Contractor -- The company or firm which is the owner of the dumpster.

Dumpster -- Any container used for the collection of garbage, offal, or other offensive substances with a minimum capacity of 2 cubic yards.

Household Waste – Nonhazardous solid waste generated by a residential property and/or household.

Permittee – Any person(s) or company which has applied for and obtained the appropriate permit(s) to collect refuse or provide dumpsters within the corporate limits of the Town of Mendon.

Recyclable Materials – Those items listed in Section G of these regulations.

Solid Waste – All rubbish, trash, garbage, or refuse normally generated, excluding explosives, oil, sludges, highly flammable substances, cesspool or other human wastes, human or animal remains, construction materials, demolition debris, and hazardous refuse of any kind such as crankcase oils, cutting fluids, paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used as filter media, cleaning fluids, and refuse of similar nature. Recyclable materials, as defined in these regulations, are specifically excluded from solid waste.

Temporary -- A period of time no greater than 60 days.

D. GENERAL

1. There shall be no commingling of solid waste, recyclable materials, excluded materials listed in the definition for solid waste, and construction and debris materials.
2. Any person engaged in the collection of solid waste and/or recyclable materials in the Town of Mendon shall remove the same to an approved location or facility in accordance with these rules and regulations, as well as other applicable rules and regulations.
3. The permittee shall at no time dispose of recyclable materials by landfilling or incineration without written permission by the Board.
4. The permittee shall provide recycling service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Solid Waste Bans and any other items deemed feasible by the Board. Items required to be recycled are set forth in Section G below, and are subject to amendment by the Board.
5. Separation of recyclable materials from solid waste will take place at the source (i.e. property or business owners or their authorized agent[s] will perform separation).
6. In the event that there is a conflict between these regulations and the contents of a contract held between the permittee and the Town of Mendon, the more stringent requirements will apply.

E. PERMITTING

1. All persons contracted to pick up and dispose of solid waste, recyclable materials, and/or construction and demolition debris in the Town of Mendon shall obtain a trash hauler permit from the Board prior to commencing with collection.
2. Any contractor that operates and/or supplies a dumpster and/or trash collection service shall likewise be required to obtain a trash hauler permit from the Board in accordance with Section E1 of these regulations and Massachusetts General Law Chapter 111, Section 31A. Contractors who supply dumpster services solely for the purpose of the collection of construction, demolition, and remodeling waste shall instead obtain a C & D dumpster permit from the Board.
3. At the time of the application or as otherwise specified, the applicant shall submit to the Board the following:
 - a. A nonrefundable permit fee as outline in Section E6 dependent on the type of permit requested.
 - b. A schedule of customer fees to be charged for residential, commercial, and industrial pickup of solid waste and recyclable materials.
 - c. An application document that lists the name, physical address, mailing address (if different from physical address), email, and phone number of the company with which the applicant is affiliated, as well as the names and titles of partners and officers of the organization, and the name, email, and phone number of the applicant or authorized officer.
 - d. Name and address of the property owner on which the dumpster will be kept, location of the dumpster on said property, and the name, address, and phone number of the owner of the dumpster.
 - e. Certificates of insurance as specified in Section E5
 - f. A Revenue Enforcement and Protection (REAP) Attestation form.
 - g. Name, location, and phone number of approved facility at which solid waste and recyclable materials were incinerated, deposited, and/or recycled.
 - h. Types of waste receptables offered by the trash hauler.
4. For applicants of a C & D Dumpster permit, in lieu of the requirements of Section 3, the applicant shall instead submit the following:
 - a. A non-refundable permit fee as outlined in Section E6, dependent on the type of permit requested. Temporary C & D Permits may be renewed for an additional 30 days upon the review and approval from the Board of Health.
 - b. Name and address of the property owner on which the dumpster will be kept, location of the dumpster on said property, and the name, address, and phone number of the owner of the dumpster.

5. The applicant shall provide a certificate of insurance as evidence of having comprehensive general liability insurance, and of worker's compensation insurance, both naming the Town of Mendon Board of Health as an additional insured. The comprehensive general liability policy shall be an amount not less than \$1,000,000 combined single limit for bodily injury and property damage. The applicant must also provide a Worker's Compensation Insurance Affidavit.
6. Fees for dumpster permits are determined by the Board dependent on type of permit requested.
7. Annual permits (whether for trash haulers or C & D annual dumpsters) shall be valid for no more than one (1) year. They will be renewable annually on [insert proposed date of renewal], subject to review and approval by the Board.
8. No permit outlined in these regulations shall be transferable except with the written approval of the Board.
9. These regulations apply to all dumpsters in the Town of Mendon whether for residential, commercial, or industrial use.
10. Permits will not be renewed unless all additional fees incurred as outlined in Section J have been fully paid, if applicable.
11. The Board reserves the right to reject applications or revoke permits based on inaccurate information, failure to comply with these regulations, or for any reason that would indicate that the Town of Mendon's interests would not be served by the issuance of a permit. these regulations. The Board shall be the final authority with regard to container size, location, frequency of pick up, mechanical operation, design and sanitary condition.
12. The Board reserves the right to impose additional restrictions and conditions upon the permit.

F. OPERATIONS

1. The permittee shall offer collection of solid waste on a weekly basis.
2. The permittee shall offer collection of recyclable materials (where applicable) a minimum of once every other week or on a schedule approved by the Board.
3. Permittees (regardless of permit type) shall provide a list of acceptable waste types and recyclable materials, with a list or description of proper packaging or bundling methods of same. Additionally, permittees must inform customers of Section D1 and provide a description to customers of what type of waste is acceptable for the type of dumpster and/or other applicable receptacle provided by the permittee.
4. The permittee shall collect solid waste and recyclable materials, as well as construction and demolition debris as applicable, from its customers in the Town of Mendon.
5. Recyclable materials shall be placed curbside or at another approved location, on specified days, in their own approved reusable containers as outlined in Section H.
6. The permittee must refuse to collect any commercial, industrial, municipal, or residential solid waste, recyclable material, and or construction or demolition debris if there is an indication that the material is not solid waste as defined in these regulations, recyclable materials that have not been properly packaged or bundled, or properly disposed of construction and demolition debris placed in a C & D Dumpster. The permittee shall notify such customers of the reason(s) for refusal to collect. The permittee must notify the Board of any customer who continues with repeated offenses.
7. The permittee shall take all reasonable care in the collection of solid waste, recyclable materials, and/or construction and demolition debris. The aforementioned wastes shall not be scattered about the streets or onto private property. Those wastes that are spilled shall be immediately picked up by the permittee and removed.
8. All vehicles and other equipment used by the permittee shall be kept in good repair, appearance, in a sanitary condition, and in compliance with all applicable local, state, and federal laws, bylaws, and regulations.
9. Vehicles shall be appropriately marked to identify the owner's and/or company's name in lettering large enough to be seen from a distance of 100 feet and shall clearly display all local, state, and federal registrations, permits, and licenses.
10. The Board or its authorized agent(s) reserves the right to inspect collection vehicles and loads at reasonable times in order to ensure compliance with applicable state and local laws, bylaws, and regulations.
11. The permittee shall provide for the collection of bulk items such as, but not limited to, couches, chairs, mattresses, white goods, etc.

G. RECYCLABLE MATERIALS

1. This section is subject to amendment and revision by the Board and the Commonwealth of Massachusetts as additional rules and regulations may be promulgated. The Board may amend this section upon written notice to all permittees following public hearing and after reasonable notice to all permittees.
2. Recyclable materials shall be defined as materials that have the potential to be recycled and which are not commingled with solid waste or construction and demolition debris.
3. The following shall be deemed recyclable materials:
 - a. Paper products (tied in bundles or placed in brown paper bags):
 - i. Newspaper and glossy inserts.
 - ii. Magazines.
 - iii. Phone books.
 - iv. Junk mail and other mail.
 - v. Cereal boxes, packaging, toy boxes, etc.
 - vi. White, colored, and computer paper.
 - vii. Corrugated cardboard.
 - b. Glass (empty, rinsed, and dry whole bottles and jars. Labels, caps, and neck rings may remain on bottles):
 - i. Clear, brown, or green food and beverage containers only.
 - c. Metal (empty, rinsed, and dry. Labels may remain and lids may be attached or placed inside the can; webbing must be removed from aluminum furniture; empty aerosol cans will be accepted):
 - i. All metal cans, tins, steel, aluminum, etc.
 - ii. Aluminum foil and food trays.
 - d. Plastics (empty, rinsed, and dry. Labels, caps, and neck rings may remain):
 - i. Plastic milk, juice, and water jugs.
 - ii. Soda bottles.
 - iii. Detergent bottles.
 - iv. Plastics #1 through #7.

H. DUMPSTERS

1. The contractor shall have their name and telephone number conspicuously displayed on the dumpster.
2. Each dumpster must be located on the property so as not to interfere with the safety, convenience, or health of abutters or residents. The dumpster is to be situated so as not to cause a visual obstruction of traffic.
3. The property owner or authorized agent of the premises utilizing the collection service shall assure that each dumpster is of sufficient size and capacity to prevent overflowing.
4. All dumpsters must be secure, free from tipping, in good working order, and shall be capable of being closed. C & D Dumpsters may have open tops.
5. The lids must be closed when the dumpster is not in use (except for C & D Dumpsters). The property owner and/or authorized agent of the business utilizing the service is responsible for ensuring that the dumpster and dumpster area is kept free from odors, rodents, flies, insects, scattered debris, and all other nuisances.
6. The dumpster is not to be filled or emptied between 10 PM and 7 AM while within a residential zone. Extenuating circumstances will be determined on a case-by-case basis by the Board. The business or private resident filing for an exemption must do so in writing and receive approval before the fact. In the event that Section H7 of these

regulations is in conflict with any other local law, bylaw, state law or regulation, the more stringent regulation shall be upheld.

7. The dumpster contractor shall have the dumpster deodorized, washed, and sanitized as needed, or as directed by the Board of Health.
8. Dumpsters shall be in good physical condition, not rusted through, or have inoperable or damaged doors, or in such a condition that doors do not open or close easily or doors that are not capable of closing completely. Drain plugs shall be in place (if the container is so designed that a drain is provided). The contractor shall prevent spillage during the emptying process, and also during the transporting of dumpster contents.
9. The Board, when deemed necessary, may require that a dumpster site be enclosed or screened by the property owner or authorized agent(s).
10. A contractor shall not leave an uncontracted dumpster or container at a property. Said container must be removed within 72 hours after termination of service.
11. Any other waste receptacles used for trash or recycling service shall be leak-proof, rodent proof, capable of being properly secured, and in good repair.
12. These regulations shall apply to all dumpsters and similar units in the Town of Mendon, whether for residential, commercial, industrial, or municipal use.
13. A dumpster within a residential zone cannot remain onsite for a period greater than 90 days without prior approval from the Board.

I. INDEMNIFICATION

1. Permittees shall enter into arrangements for the collection of solid waste, recyclable materials, and construction and demolition debris with individual residents, the municipality, commercial, and industrial customers of the Town of Mendon, in which the permittee will be paid directly by the customer.
2. The permittee agrees to indemnify the Town of Mendon from any loss that may arise from the improper treatments, storage, or disposal of hazardous wastes collected within the Town of Mendon.

J. VIOLATIONS

1. Agents and employees of the Board of Health have the power to enforce the provisions of this regulation.
2. Violation of this ordinance may also be enforced in the manner provided under Massachusetts General Laws Chapter 40, Section 21D and shall be punishable as follows:
 - (a) First Offense \$25.00;
 - (b) Second Offense \$50.00 fine;
 - (c) Third Offense \$75.00 fine;
 - (d) Subsequent offenses not less than \$100.00 nor more than \$300.00; and
 - (e) Each twenty-four-hour period during which a violation exists shall constitute a separate offense, and a separate and additional fine shall be imposed.
3. Any trash haulers or dumpster permit may be suspended, revised, or revoked by the Board upon receipt of evidence satisfactory to the Board that the permittee has not conformed with the requirements of these regulations or such further regulations as may be adopted or to any applicable state or federal statute, regulation, rule, or order regarding transportation or disposal of rubbish.
4. Any Person may appeal any violation to the Board of Health within ten (10) business days of said enforcement measure.

K. VARIANCE

1. Any request for variance from these regulations must be submitted in writing to the Board.
2. The Board shall within 21 days of receipt of a request for variance hold a public hearing, at which time the applicant shall demonstrate to the Board, by clear and convincing evidence, that there will be no adverse effect to the environment of the public health and safety by the granting of the variance request. All fees associated by the public hearing shall be paid by the applicant.

3. All decisions rendered by the Board shall be made in writing and shall be kept on file in the office of the Board of Health.

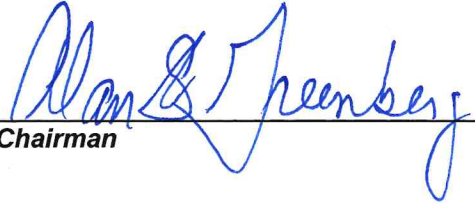
L. SEVERABILITY

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

M. EFFECTIVE DATE

This regulation shall take effect on January 1, 2023.

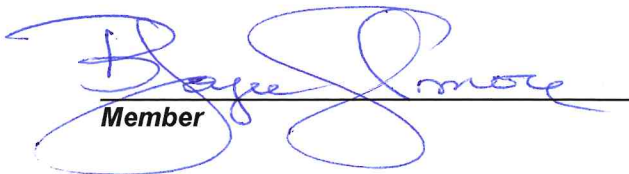
MENDON BOARD OF HEALTH


Chairman

11-29-22
Date


Vice-Chairman

11/29/22
Date


Member

11/29/22
Date