

**Town of Belmont  
BOARD OF HEALTH**

**Regulation Regarding the Use of Dumpsters and Rubbish Hauling**

**Section 1: Authority**

The Board of Health, Town of Belmont, Massachusetts, acting under the authority of G.L. c. 111, sections 31A and 31B of the General Laws and amendments and additions thereto, and by any other power thereto enabling, has duly made and adopted the following Regulation. This regulation was first adopted on June 29, 1983, amended on February 15, 1989, August 29, 1990 and the current regulation will become effective January 1, 2007.

**Section 2: Purpose**

The purpose of these regulations is to reduce the possibility of nuisance and health risks associated with the use of dumpsters for rubbish and garbage disposal.

**Section 3: Applicability**

This regulation shall apply to all businesses, residents, and contractors using dumpsters for garbage and rubbish disposal within the Town, and licensed rubbish haulers.

**Section 4: Definitions**

- 1) Board of Health means the appropriate and legally designated health authority of the Town.
- 2) Contractor or Rubbish Contractor means any person who, for compensation, supplies, maintains or services one or more dumpsters, or removes, transports or disposes of the contents thereof.
- 3) Dumpster means any receptacle of 75 gallon capacity or more which is used for the collection, storage or transportation of trash, rubbish, garbage, offal, scrap, or other material for discard, disposal or recycling.
- 4) Owner means any person, including a lessee or mortgagee in possession, who alone or severally with others has lawful title to or lawful possession, care or control of any property on which a dumpster is located or proposed to be located. Owner also includes any authorized agent of such person.
- 5) Person includes any individual, partnership, corporation, firm, association, or group.
- 6) Temporary Dumpster is one used for construction purposes that will occupy a specific location usually for six months or less. It can be located at a commercial or residential location.
- 7) Annual Dumpster means a dumpster located on a site year round for the disposal of rubbish and garbage.

- 8) Rubbish shall mean all solid waste, excluding food waste or hazardous materials.
- 9) Garbage shall mean all food waste, both dry and wet, excluding hazardous materials.

**Section 5: Dumpsters – Annual**

- 1) No dumpster shall be used or kept in the Town of Belmont unless a dumpster permit has been issued. The application for a dumpster permit shall be provided by the Board of Health.
- 2) Annual Dumpster permits shall expire on December 31st in the year they are issued, and must be renewed on an annual basis, no later than the 10<sup>th</sup> day of January.
- 3) A fee, set by the Board of Health, must accompany the original and renewal permit application.
- 4) The Owner shall ensure that each dumpster is so located as to not interfere with the health, safety, or well-being of any business or neighbor.
- 5) Each dumpster shall be of sufficient capacity to contain all accumulated material without overflowing, and shall be emptied on a regular basis or when the amount of garbage and rubbish is level with the top of the container. All dumpsters being used for the disposal of garbage or other odor-causing material must be emptied no less than once per week.
- 6) All dumpsters must have a tight-fitting lid or cover, which shall be kept closed at all times except when being filled, cleaned or emptied. Said lid shall be kept locked at all times that the permitted business is closed. Each dumpster shall be constructed in such a way as to be leak-proof. If drain plugs are provided, they must be tight-fitting so as to prevent the leakage of liquid.
- 7) All rubbish and garbage must be put in tightly closed plastic bags before being put in the dumpster, with the exception of cardboard boxes.
- 8) Dumpsters are to be located on a concrete, asphalt or other impervious surface. The Owner shall ensure that each dumpster and the area immediately surrounding it is kept free of obnoxious odors, flies, other insects, debris, overflow and all other nuisances.
- 9) In order to comply with current Fire Department regulations, all dumpsters adjacent to buildings shall not be placed so that the top of the dumpster is less than five feet vertically and horizontally away from any window or other opening, or be placed in or under any structure, unless otherwise approved by the head of the Fire Department or designee.

- 10) All applicants must have the proposed location of a dumpster approved by the Health and Fire Departments and the Police Department and the Department of Public Works if applicable. The granting of a dumpster permit is not intended to grant permission to use property that is not owned and/or controlled by the permit holder, and all necessary approvals must be obtained by the applicant before placing a dumpster on the property of another.
- 11) Dumpsters may only be emptied by a Rubbish Contractor with a Rubbish Contractor permit issued in accordance with Section 7 of this Regulation.

#### **Section 6:     Dumpsters - Temporary**

- 1) A permit must be obtained from the Health Department for each temporary dumpster located in the Town.
- 2) A fee, set by the Board of Health, must accompany the permit application.
- 3) A Temporary Dumpster permit will be effective for three months and can be renewed for an additional three month period for no fee. If additional time is necessary after that renewal, a new temporary dumpster permit must be obtained.
- 4) Permission from the Traffic Division of the Belmont Police Department must be obtained if the dumpster is to be located on a public street or sidewalk or on a private way. Temporary dumpsters placed on a public or private way shall be equipped with reflective devices to warn motorists that a dumpster is present.
- 5) No dumpsters may be located on a public or private way from December 1<sup>st</sup> through April 1<sup>st</sup>. Dumpsters with a permit expiration date within that time frame must be moved off of the public or private way or consider the permit null and void.
- 6) Temporary dumpsters must be covered when being removed from their location and transported through the Town. No food waste may be disposed of in a temporary dumpster. The granting of a dumpster permit is not intended to grant permission to use property that is not owned and/or controlled by the permit holder, and all necessary approvals must be obtained by the applicant before placing a dumpster on the property of another.
- 7) Temporary dumpsters must also comply with current Fire Department regulations. All temporary dumpsters adjacent to buildings, commercial or residential, must not be placed so the top of the dumpster is less than five feet vertically and horizontally below any window or other opening, unless otherwise approved by the head of the Fire Department.
- 8) Temporary dumpster permit holders will be assessed by the Town of Belmont's Department of Public Works for damages to public ways caused by the placement of a temporary dumpster.

- 9) All dumpster applicants must have the proposed location of the dumpster approved by the Health and Fire Departments, and the Police Department and the Department of Public Works, when applicable.

#### **Section 7: Rubbish Contractor**

- 1) No Person shall do business as a Rubbish Contractor in the Town of Belmont after December 31, 1983 without first obtaining a permit from the Board of Health on an application approved by same.
- 2) A fee, set by the Board of Health, must accompany the permit application.
- 3) Rubbish Contractor permits shall expire on December 31st in the year they are issued, and must be renewed on an annual basis, or prior to bringing additional dumpsters into Town. Dumpsters may only be emptied by a Rubbish Contractor with a Rubbish Contractor permit.
- 4) Each dumpster owned, controlled or serviced by a Rubbish Contractor shall be conspicuously marked with the name and telephone number of said contractor.
- 5) No Contractor or employee of a Contractor or person acting under a contract with a Contractor shall: (1) allow the contents of a dumpster to be spilled when it is emptied, removed, or transported, (2) allow a dumpster to be delivered, emptied, exchanged, or removed between the hours of 10 pm and 6 am in an area not zoned for business, commercial or industrial use, (3) or allow a dumpster to be cleaned or sanitized on site. Where an employee of a contractor or other person acting under a contract with a Contractor violates the provisions of this section, the Contractor shall be held responsible whether or not the employee or other person acting under contract is also prosecuted for the violation.

#### **Section 8: Enforcement**

- 1) Permit Suspension or Revocation: The Board of Health may suspend or revoke any permit issued pursuant to these regulations for any violation of these regulations, or any other applicable General law, regulation or by-law. If an annual or temporary dumpster permit is suspended or revoked, any dumpsters kept in accordance with said permit must be removed by a Rubbish contractor within 24 hours of receipt of notice of said suspension or revocation.
- 2) Non-Criminal Disposition: This regulation may be enforced by any Town Police officers or agents of the Town's Board of Health.

Whoever violates any provision of this regulation may be penalized by a non-criminal disposition process as provided in G.L. c. 40, section 21D and the Town's non-criminal disposition by-law. If non-criminal disposition is elected, then any person who violates any provision of this regulation shall be subject to a penalty in the amount of up to three hundred dollars (\$300.00) per day

for each day of violation, commencing ten days following day of receipt of written notice from the Board of Health. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

- 3) Other: Whoever violates any provision of this regulation may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Board of Health may enforce these Regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

#### **Section 9: Severability**

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

This regulation becomes effective January 1, 2007.

BY ITS **BOARD OF HEALTH**

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David B. Alper, D.P.M.

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Donna S. David, R.N., M.N.

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Robert M. Eisendrath, M.D.

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In Belmont Citizen-Herald: December 14, 2006

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