

Town of Westwood
Commonwealth of Massachusetts
BOARD OF HEALTH



Rules and Regulations Governing the Use of Dumpsters

In accordance with the authority granted by M.G.L. Chapter 111, Section 31A and 31B, the Westwood Board of Health hereby establishes the following rules and regulations relative to the use of Dumpsters for the storage, collection and transportation of garbage and/or rubbish.

1. Definitions:

- A. Dumpster-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.
- B. Owner-any person, including a lessee or mortgagee in possession, who alone, or severally with others, has lawful title to, possession, care, or control of any property on which dumpsters are located or proposed to be located. Owner also includes any authorized agent of such person.
- C. Contractor or Dumpster Contractor-person who, for compensation, supplies, maintains or services one or more dumpsters, or removes, transports or disposes of the contents of the dumpster
- D. Person-includes any individual, partnership, corporation, firm, association, or group.
- E. Board or Board of Health-the Board of Health of the Town of Westwood.

2. Placement of Dumpsters:

- A. The Owner shall ensure that each Dumpster is located so as not to interfere with the health, safety, or well being of any person.
- B. Dumpsters shall be placed at least twenty-five (25) feet from any public way unless written permission is obtained from the Board of Health or its agent.
- C. Dumpsters shall not obstruct the view of flowing traffic.
- D. Permanent dumpsters shall be enclosed or screened when deemed necessary by the Board of Health.

3. **Size and Construction of Dumpsters:**

- A. Dumpsters shall be of sufficient size and capacity to contain the garbage and/or rubbish accumulated between collections.
- B. Dumpsters shall be constructed of durable material, be leak-proof and vermin-proof.
- C. Dumpsters shall be provided with suitable, tight-fitting covers, which must remain closed when not in use.

4. **Maintenance of Dumpsters:**

- A. Dumpsters shall be emptied with sufficient frequency and in such a manner as to prevent overflowing, and shall be emptied when full.
- B. The Owner shall ensure that each Dumpster and the area immediately surrounding it are kept free of odors, insects, scattered debris, overflow, and all other nuisances.
- C. Dumpsters shall be kept closed at all times except when the Dumpster is being filled or emptied. Dumpsters shall not be filled between the hours of 11:00 P.M. and 7:00 A.M. Dumpsters shall not be emptied between the hours of 10:00 P.M. and 7:00 A.M., except for areas zoned for business, commercial, or industrial use.

5. **Dumpster Contractor Responsibilities:**

- A. No person shall do business as a Dumpster Contractor in the Town of Westwood without a Contractor's permit from the Board of Health.
- B. Applications for the Contractor's permits shall be made to the Board of Health. Each Contractor's permit shall expire at the end of the calendar year in which it was issued, but it may be renewed annually upon application as herein provided. The annual fee for a Contractor's permit shall be \$100.00.
- C. Each Dumpster shall be conspicuously marked with the name and telephone number of the Contractor and/or Owner.
- D. The Contractor, or, if none, the Owner shall ensure (1) that the dumpster contents are not spilled during removal or transportation; and (2) that each dumpster which it owns, controls or services is washed or sanitized as necessary.

6. **Enforcement and Penalties:**

- A. If the Board of Health finds that any of these regulations have been violated and that the violation has not been corrected, it shall order the person or persons responsible to correct such violation within twenty-four hours or such other period as the Board may allow.

- B. The Board of Health may suspend or revoke any Contractor's permit upon a finding that the holder of such permit has violated any of these regulations or has failed to comply with any lawful order of the Board pursuant to these regulations.
- C. Whoever violates any provision of these regulations shall be subject to a fine of \$100.00 for the first offense, \$200.00 for the second offense, and \$300.00 for any subsequent offenses in any calendar year pursuant to Chapter 1 of the General By-Law of the Town of Westwood and MGL Chapter 40, Section 21D.

7. **Variations:**

- A. Any Owner or Contractor may submit a written request to the Board of Health for a variance in the application of any provision of these regulations when the enforcement thereof would do manifest injustice and the applicant can prove that the proposed variance would afford the same degree of protection. The hearing to consider said variance shall commence within thirty (30) days receipt of the request.
- B. At the hearing, the petitioner shall be given an opportunity to be heard and to show why the variance should be granted. After the hearing, the Board of Health may approve, modify or deny the variance and shall inform the petitioner in writing of its decision within thirty (30) days.

8. **Severability:**

- A. If any section, paragraph, sentence, clause, phrase or word of these regulations shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect, and to this end so shall the provisions of these regulations.

These rules and regulations were adopted by the Board of Health of Westwood, Massachusetts at a meeting held on June 8, 1976 and amended on June 9, 1999, and shall become effective immediately upon publication of a summary of the regulation in a newspaper distributed in the Town of Westwood.

Christine E. Previtera, R.N., J.D., Chairperson
Barton P. Smith, M.D.
Barton L. Heller, M.D.

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