

Town of Stoughton Public Health Regulations

“DUMPSTER REGULATIONS for RESIDENTS and BUSINESSES within the TOWN of STOUGHTON”

Section I: Authority

The Stoughton Board of Health adopts the following regulations pursuant to statutory and regulatory authorization which includes but is not limited to M.G.L. chapter 111, section 31, 31A and 31B, and Massachusetts Regulations 527 CMR ch.19, 310 CMR 11.02 and 19.000.

Section II: Statement of Purpose

These regulations are intended to protect and preserve the health and welfare of Stoughton citizens, visitors and local environment by regulating the use of residential, commercial, and construction disposal dumpsters used to store or transport waste.

Section III: Applicability

These regulations shall apply to all applicable town-owned municipal buildings/facilities, residents and businesses, existing and new, within the Town of Stoughton. Facilities and property owned and operated by the Commonwealth of Massachusetts or the United States Federal Government are exempt from these regulations.

Section IV: Definitions

Dumpster: means any container, receptacle, compactor unit, trailer, roll-off, or other similar unit with or without wheels of four (4) cubic yards or more that is used for the storage, containment or transport of refuse, garbage or other materials of household, commercial or industrial rubbish.

Rubbish: means any trash, solid waste or discarded refuse generated through the normal course of domestic or business activities.

Restricted Materials: means material that has the potential to cause environmental or physical harm or personal injury. For the purpose of these regulations, the following words and phrases are examples of restricted material:

- (1) **Asbestos:** any asbestos materials of any kind or percentage of asbestos content, including asbestos-containing floor tiles, automotive brake linings, building siding, boilers, pipe insulation, roofing shingles, and plaster asbestos products.
- (2) **Biohazards:** any animal guts, tissues, entrails, offal, blood, or other types of pathological wastes.
- (3) **Concrete:** any bricks, mortar, paving materials, and concrete of any size.
- (4) **Excavation Bulk:** any tree stumps, fill, boulders, paving materials, concrete, bricks, mortar, and masonry.

- (5) Flammables: any quantities of gasoline, kerosene, flammable or explosive gas or vapor, including any material or substance which may generate or form a flammable, explosive or combustible substance, fluid, gas, vapor or mixture when combined with air, water or other substances.
- (6) Identified Hazards: any substance deemed hazardous or toxic specifically identified by the Massachusetts General Laws, the Code of Massachusetts Regulations or any federal law or regulation, including the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA).
- (7) Poisons: any substance likely to generate toxins that may interfere with or constitute a hazard to humans, wildlife or the environment.
- (8) Radioactive: any substance containing radioactive material or labeled as radioactive.
- (9) Super Heated: any substance at a temperature above one hundred (100) degrees Fahrenheit, or at its burning point or substance which upon contact with water, refuse or air will generate steam, vapor, fire, smoke or toxic fumes.
- (10) Trees: any logs, wood, solid wood, or tree material greater than five (5) inches in diameter or thirty (30) inches in length.

Recyclables: means material that can be collected and treated which has potential value for resale, savings or reuse, and typically designated in the Commonwealth as a ‘Waste Ban’ item that must be removed from the waste stream. For the purpose of these regulations, the following words and phrases are examples of recyclable material and shall not be construed as limiting or expanding upon this definition.

- (1) Batteries: lead acid batteries used in motor vehicles or stationary applications, rechargeable batteries and household batteries excluding common non-rechargeable consumer batteries deemed ‘disposable’.
- (2) Brush – Commercial Haulers/Landscapers: wood, tree and landscape material that has been processed through a wood chipper.
- (3) Brush – Residential: wood, tree and landscape material no more than thirty (30) inches in length or five (5) inches in diameter.
- (4) Cast Iron: heavy items containing cast iron such as sinks, bathtubs, pipes, and radiators.
- (5) Cathode Ray Tubes: any intact, broken, or processed glass or cathode ray tube used to provide visual display in older style televisions or computer monitors, and certain scientific instruments such as oscilloscopes.
- (6) Clothing: all clean fabrics, clothing, textiles, shoes, belts, purses, stuffed animals, sheets, towels and drapes, regardless of condition.
- (7) Deposit/Redeemable Cans and Plastic Bottles: all deposit or redeemable plastic bottles and aluminum cans.
- (8) Electronics and Computers: any devise containing electronic circuit boards such as flat-screen style televisions or computer monitors, computers, and computer-related peripherals.
- (9) Fluorescent Fixtures: fluorescent tubes, compact fluorescent lights (CFL's), ballasts, as well as other mercury containing items such as thermometers & thermostats.

- (10) Glass Containers: clear or colored glass bottles or containers but specifically excluding incandescent light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields, and ceramics.
- (11) Leaves and Grass Clippings: leaves and grass clippings with any plastic bags removed.
- (12) Metal Containers: any aluminum, steel or bi-metal beverage and food container except those carrying toxic materials such as paint, petroleum products or other substances prohibited within these regulations.
- (13) Metals: items containing a significant quantity of copper, aluminum, iron (other than Cast Iron) and steel excluding mufflers, tailpipes or drums/tanks having contained petroleum products.
- (14) Oil – Residential: motor oil from vehicle and mechanical equipment oil changes.
- (15) Paper: all types of paper, newspaper, magazines, books, cardboard and paperboard products excluding tissue paper, toweling, paper plates and cups, wax-coated cardboard, paper used to wrap food products, or paper contaminated by paint, oil or other substances.
- (16) Plastic Containers: plastic containers and packaging type #1 through #7.
- (17) Propane Gas Containers: metal containers used to store compressed propane gas.
- (18) Tires – Residential: automotive, motorcycle, tractor or other similar vulcanized tire.
- (19) White Goods: appliances employing electricity, oil or natural gas or liquefied petroleum gas to preserve or cook food, to wash or dry clothing, or to cool or heat air or water, such as refrigerators, freezers, dishwashers, residential trash compactors, clothes washers, clothes dryers, gas or electric ovens and ranges, and hot water heaters.
- (20) Wood: lumber, plywood, wooden boards, or other treated or untreated wood or wood waste.

Section V: Rubbish Haulers

- (A) All commercial rubbish haulers conducting business within the Town of Stoughton shall have a valid permit **to remove, transport and dispose of garbage, rubbish, offal or other offensive substances** issued by the Stoughton Board of Health.
- (B) A commercial rubbish hauler shall employ reasonable care in collecting or transporting rubbish and/or recyclables within the Town of Stoughton. Accordingly, any person or hauler is responsible to promptly pick up, remove, and remedy any spilled rubbish and/or recyclables relating to their activities or actions.

Section VI: Dumpster Standards

- (A) A dumpster is for the exclusive use of the owner or agent whose property or business is being serviced. The discarding of material that does not originate from or is related to the property or business that a dumpster is assigned or services is prohibited.
- (B) It shall be the responsibility of the owner or agent whose property or business is being serviced to maintain the area around a dumpster free of odors, scattered debris, overflow, and other nuisances.
- (C) Each dumpster shall be of sufficient size and capacity to avoid overflow. It shall be the responsibility of the owner or agent whose property or business is being serviced to have

the contents of a dumpster nearing capacity emptied within a reasonable period and on a regular basis.

- (D) Each dumpster shall be stored on a concrete pad. The concrete pad shall extend a minimum of eighteen (18) inches beyond the dumpster unit. All dumpsters must comply by 2020. All new dumpster applications shall be required to be placed on a concrete base sufficient in size to contain any loose debris that may fall from the dumpster to the ground beneath the dumpster.
- (E) In conjunction with Section 6.4.5 of the Town of Stoughton Zoning By-Laws, objectionable features (such as dumpsters, trash compactors, grease traps, containerized storage and utility boxes) on site shall be screened from neighboring properties, and, if applicable, roadways. Any proposed fencing shall comply with the requirements of the Building Department and the Planning Board. All new construction dumpsters and dumpsters licensed after the effective date of these regulations shall meet this requirement.
- (F) It shall be the responsibility of the owner or agent whose property or business is being serviced to keep the dumpster's cover closed and tightly secured and able to be locked at all times except when the dumpster is being filled or emptied.
- (G) A dumpster shall not be collected, emptied or moved between the hours of 8:00PM and 7:00AM Monday through Saturday. Sunday collections may only be made under specific approval of the Stoughton Board of Health.
- (H) A dumpster shall display a visible decal or stencil showing the name and phone number in clear and conspicuous font of the person that owns and maintains it.
- (I) A dumpster used to collect recyclables shall be appropriately identified by the 'triangle' recycling symbol and customary blue color or other identifying characteristics acceptable to the Stoughton Board of Health.
- (J) Placement of a dumpster on a property shall not be in a location to obstruct the safe line of vision of vehicular traffic or impede upon a sidewalk or public egress or interfere with the safety, convenience or health of abutters or others.
- (K) Placement of a dumpster on a property shall not be less than fifteen (15) feet from a lot line and not less than five (5) feet vertically and horizontally below any window or other building opening. The Stoughton Board of Health may delegate authority to the Stoughton Health Official to grant a variance from fifteen (15) feet to ten (10) feet from a lot line. Any variance requests for a dumpster to be located less than fifteen (15) feet from a lot line and not on a concrete pad would require review and approval from the Stoughton Board of Health. For requests of less than ten (10) feet from a lot line, the Stoughton Board of Health may require the petitioner to have a Massachusetts licensed land surveyor verify lot lines and dumpster setback distances. Petitioners for a dumpster setback variance to a lot line of less than 10 feet must obtain written permission from any affected abutters prior to the Stoughton Board of Health decision.
- (L) No dumpster shall be placed on a public way without the express approval of the Stoughton Police Department, Stoughton Fire Department and Stoughton Public Works Department.

(M) The disposal of any hazardous substance or restricted material shall adhere to all appropriate safeguards as well as all applicable local, state and federal regulatory requirements.

Section VII: Dumpster Permits

(A) A Dumpster Permit is required if the aggregate volume from all dumpsters located on a single property exceeds four (4) cubic yards, regardless of the size or number of individual dumpsters. Individual dumpsters greater than six (6) cubic yards require an additional review and approval from the head of the Stoughton Fire Department per 527 CMR Table 1.12.8.5 PERMITS REQUIRED.

(B) A Dumpster Permit is not required if a Dumpster is delivered to a location and removed in the course of a single business day. However, a property owner and their agent where said Dumpster is located shall comply with all of the requirements and standards of these regulations, and shall be liable for any fines and penalties duly assessed.

(C) A Dumpster Permit may be coupled with a valid Food Establishment License issued by the Stoughton Board of Health. A Food Establishment applicant or holder, seeking a dumpster to service this business, shall complete all applications and obtain all required authorizations. The Dumpster Permit allowance would end upon the expiration, suspension or revocation of said Food Establishment License.

(D) A Dumpster Permit may be coupled with a valid Demolition Permit or Building Permit issued by the Stoughton Building Department. A Demolition or Building Permit applicant or holder, seeking a dumpster to service this location, shall complete all applications and obtain all required authorizations. The Dumpster Permit allowance shall end upon the expiration, suspension or revocation of said Demolition or Building Permit, or within ten (10) days of the issuance of a certificate of occupancy.

(E) The Stoughton Board of Health may require a Dumpster Permit for any proposed or existing dumpster, including those less than four (4) cubic yards, whether onsite for one (1) day or portion thereof; or uncouple the allowance for a dumpster Permit with a Food Establishment License, Demolition or Construction permit; if, in the opinion of said Board, said dumpster constitutes a potential health hazard, public nuisance or other undesirable circumstance.

(F) No person, contractor or company shall supply a dumpster to a location within the Town of Stoughton for the purpose of storage, removal or transporting of recyclables, rubbish, garbage, demolition and/or construction materials, offal or other offensive substances without a valid dumpster Permit from the Stoughton Board of Health.

(G) A Dumpster Permit application shall request information about the applicant; the dumpster's owner; the dumpster's intended purpose; its size; location; the expected duration and anticipated collection frequency; and proposed visual screening.

Section VIII. Enforcement

Enforcement of these regulations may be by criminal complaint in Massachusetts District Court and/or non-criminal disposition ticket M.G.L. Chapter 40, Section 21D. The issuance of a fine or penalty shall not preclude the Town of Stoughton from seeking or obtaining any

or all other legal and equitable remedies to prevent or remove a violation of this section. The Stoughton Department of Public Works, Stoughton Police Department, Stoughton Fire Department or Stoughton Board of Health shall have the power to enforce the provisions of these regulations.

Section IX. Penalties

(A) Violations of these regulations shall be punished by fines and penalties as follows:

- i) First offense: Warning
- ii) Second offense: \$50.00
- iii) Third offense: \$200.00
- iv) Subsequent offenses: Up to \$500.00

Each day of failure to comply with these regulations may constitute a separate violation.

- (B) Violations involving hazardous substances or Restricted Materials may result in the doubling of fines in addition to any clean-up costs described elsewhere in these regulations.
- (C) The Stoughton Board of Health may deny, suspend, revoke, or refuse to renew a rubbish haulers (RTDP) permit for failure to comply with any provision of these regulations.
- (D) The Stoughton Board of Health may deny, suspend, revoke, or refuse to renew a Dumpster Permit for failure to comply with any provision of these regulations.
- (E) Dumpsters obtaining a variance from either the Stoughton Board of Health or authorized Agent that receive two (2) documented violations within the allotted permitted dates will require the property owner where the dumpster is located to appear at a hearing before the Stoughton Board of Health.

Section X. Right to a Hearing

Any person or persons aggrieved by a Stoughton Board of Health order that has been served pursuant to any section of these regulations may request a hearing before the Stoughton Board of Health by filing a written petition to the Stoughton Board of Health within seven (7) days upon receipt of said order.

Section XI. Variance

The Stoughton Board of Health may grant a variance from any provision of these regulations when, in its opinion, said variance would not compromise public health or the environment, or conflict with the stated purpose of these regulations, or violate any pertinent state or federal statute or regulation. The Stoughton Board of Health may delegate authority to the Stoughton Health Official to grant certain variances from these dumpster standards, as listed in aforementioned provisions in these regulations.

Section XII. Severability

Each provision of these regulations shall be considered as separate to the extent that if any section, item, sentence, clause, or phrase is determined to be invalid for any reason, the remainder of these regulations shall continue in full force and effect.

Section XIII. Adoption and Effect

The dumpster regulations shall become effective 60 days after the adoption of these rules. Dumpster permit applications shall be completed and submitted to the Board of Health within this timeframe. The applicant shall be deemed to be compliant, on an interim basis until such time as the application review and permit process has been completed.

Dumpster Regulations Public Hearing Date: October 22, 2013

Board of Health approved and adopted: October 22, 2013