

## **Regulation of the Winthrop Board of Health Regarding Dumpsters**

### **Section 1. Statement of Purpose.**

As the Winthrop Board of Health is responsible for the protection of the public health, this regulation is promulgated to protect the health and safety of the public in the Town of Winthrop. The Board may impose any conditions it deems appropriate to protect the public and the environment.

### **Section 2. Authority.**

This regulation is promulgated pursuant to the authority granted to the Winthrop Board of Health by Massachusetts General Laws Chapter 111, Section 31 that “Boards of Health may make reasonable health regulations”.

### **Section 3. Applicability.**

The provisions set out in this regulation apply to all dumpsters in the town, or similar units, whether for residential, commercial, industrial, or municipal use.

### **Section 4. Permit—Fee—Renewal—Regulation for municipal agents.**

- A. The property owner or authorized agent responsible for maintaining a dumpster service is required to have a permit from the Board of Health or their designee by making application at the Inspectional Services Department, and the information shall include the owner's address and telephone number. The dumpster service must be provided by a hauler that is registered with the Town of Winthrop. The property owner or authorized agent must contact the Department of Public Works prior to having the dumpster placed on the property and they must obtain a surety bond for five thousand dollars (\$5,000.00) to cover any potential damage to the sidewalk, etc. It is also necessary for the registered hauling company to see the property owner's permit before they place a dumpster anywhere in the town. The fee for an annual permit, (not transferable) will be one hundred twenty dollars (\$120.00). The fee for a temporary permit will be one hundred dollars (\$100.00). Annual permits are renewable on January 1st of each year. The fine set for violating any part of this regulation is three hundred dollars (\$300.00) for the first violation. Violation after the first offense will result in the suspension of the hauler's permit to conduct business in the town.
- B. All municipal authorized agents must comply with this section and Sections 7 through 12. When an application is submitted, a permit will be granted with no charge.

**Section 5. Regulation for contractors supplying service—Permit—Fee.**

- A. All contractors supplying a dumpster service must be registered with the Town of Winthrop, and will make application for a permit to remove, transport or dispose of garbage, offal, or other offensive substances, as well as rubbish, trash, debris and other materials, including scrap. Such permit shall expire at the end of each fiscal year in which it is issued but may be renewable annually on application as provided in this section. The hauling fee in the town will be one hundred fifty dollars (\$150.00) annually.
  
- B. The contractor shall state on his or her application the following:
  - 1. Home address;
  - 2. Business address;
  - 3. Phone number under which the business is operated;
  - 4. Phone number and name of the owner/agent of the property being serviced;
  - 5. Name of hauling company; and
  - 6. Name of owner of hauling company.
  
- C. The application shall be signed by the person filing the application.
  
- D. The contractors shall have their name and phone number conspicuously displayed on all of their dumpsters.
  
- E. The emptying of the dumpster contents by the contractor shall not commence before seven a.m.
  
- F. The fee for the permit for the contractor to transport for compensation shall be one hundred fifty dollars (\$150.00).
  
- G. The dumpster contractor shall have the dumpster deodorized when emptied or, if necessary, washed and sanitized as directed by the order of the Board of Health. The contractor shall supply a tarp or protective cover for all dumpsters left in the boundaries of the town. The cover is for the purpose of containing the content of the dumpster whenever it is not in use.
  
- H. The contractor shall remove the contents as not to cause spillage during removal and transportation.

**Section 6. Revocation of permit—Suspension of services—Removal of dumpster.**

- A. The Board of Health or their designee may revoke a contractor's permit for unsatisfactory service of a property at any time and order services to be suspended.
  
- B. Whenever a dumpster remains overflowing or an overflowing condition is continuously being repeated, the Board of Health or their designee may order the contractor, in writing, to immediately remove the dumpster and contents from the premises being serviced.

**Section 7. Location—Plan to be kept on file.**

The dumpster must be located and placed in a manner approved by the Board of Health and the fire prevention officer. A plan on eight and one-half (8 ½) inch by eleven (11) inch paper, prepared by the applicant, shall be on file with the Inspectional Services Department, showing the approved location of the dumpster in relation to the business serviced.

**Section 8. Enclosing or screening.**

The dumpster is to be enclosed or screened as required by the Board of Health or their designee when deemed necessary (after several complaints of an open dumpster).

**Section 9. Filling—Lids—Exceptions.**

The dumpster is not to be filled between eleven p.m. and seven a.m., at which times the lids are to be locked. The lids must be closed when the dumpster is not in use during all times. Extenuating circumstances will be determined by the Board of Health or their designee on an individual basis, and exceptions will be made in the best interest for the public health of the community. Anyone filing for an exemption must do so in writing and state their reasons.

**Section 10. Size—Emptying contents.**

All dumpsters must be of sufficient size and capacity to eliminate overflowing, and the property owner or authorized agent of the premises utilizing service must immediately empty the contents when full.

**Section 11. Obstruction of traffic.**

The dumpster must be situated as not to obstruct the view of flowing traffic.

**Section 12. Dumpster area to be kept free of nuisances.**

It shall be the responsibility of the property owner or agent being serviced to maintain the dumpster area free of odors, rodents, flies, insects, scattered debris, overflowing and all other nuisances.

**Section 13. Annual Inspections.**

The Inspectional Services Department shall perform annual inspections of all dumpsters in the town, or similar units, whether for residential, commercial, industrial, or municipal use.

**Section 14. Violation—Penalty.**

- A. Violations of Sections 7 through 12, after notification by an inspector of the Board of Health or their designee or the fire department and notification by certified mail, may result in a penalty of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00). Each day's violation, not corrected, shall constitute a separate violation.
- B. Violation of this regulation relating to the contents of dumpsters shall be punishable as set out in subsection (A).

**Section 15. Severability.**

If any provision of this regulation is declared invalid or unenforceable the other provisions shall not be affected thereby.

**Section 16. Effective Date.**

This regulation shall take effect on July 1, 2023

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Bill Schmidt, Chair

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Jeanne Holgerson, Vice Chair

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Marianne Dalton, Member

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