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Melrose Board of Health Rules and Regulations Concerning  
Dumpster Regulations/ Licensing of Dumpsters

**AUTHORITY**

These regulations shall be effective on and after the publication date and shall remain so until modified or amended by the City of Melrose Board of Health. They are enacted under authority which includes, but is not limited to, Massachusetts General Laws, Chapter 111, Section 31, and 31B, 310 CMR (Code of Massachusetts Regulations) 11.02, and 310 CMR 19.00 et seq. Boards of Health regulations are an exercise of power under which the various levels of government are responsible for protection of the public health, safety, welfare, and the environment.

**PURPOSE**

These regulations of the Board of Health have been enacted for the purpose of the protection of the City of Melrose residents and also the protection of the public health and the environment.

**DEFINITIONS**

**ABUTTER** means the owner of land sharing a common boundary or corner with the site of the proposed activity in any direction, including, but not limited to, land located directly across a street, way, creek, river, stream, brook or canal.

**ADJACENT AREA** means a parcel of land contiguous to a site or in close enough proximity to be directly impacted by water, air or soil borne pollutants, not exceeding a 10-foot radius from the site.

**ADVERSE IMPACT** means an injurious impact which is significant in relation to the public health, safety, or environmental interest being protected.

**BOARD OF HEALTH** means the legally designated health authority of the city, town or other legally constituted governmental unit within the Commonwealth having the usual powers and duties of the board of health of a city or town, or its authorized agent or representative; provided, that in any case in which a waste disposal facility extends into the geographic areas of two or more boards of health, said boards may coordinate activities in effecting compliance with 310 CMR 19.000 for the management of solid wastes.

**CONSTRUCTION AND DEMOLITION WASTE** means the waste building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings, pavements, roads or other structures. Construction and demolition waste includes but is not limited to, concrete, bricks, lumber, masonry, road paving materials, rebar and plaster. Waste may not have paint or be impregnated with any substance. The rubble shall not be mixed with or contaminated by any other wastes or debris.

CONTRACTOR means a hauler or business employed to remove solid waste material.

DUMPSTER means containers designed for receiving, transporting, and dumping waste materials.

FACILITY means an established site or works, and other appurtenances thereto, which is, has been or will be used for the handling, storage, transfer, processing, treatment or disposal of solid waste including all land, structures and improvements which are directly related to solid waste activities.

FOOD MATERIAL means source separated material produced from human food preparation and consumption activities at homes, restaurants, cafeterias, or dining halls which consists of fruits, vegetables and grains, fish and animal products and byproducts, and soiled paper unsuitable for recycling.

HAZARDOUS WASTE shall mean any waste that is defined and regulated under 310 CMR 30.00.

INFECTIOUS WASTE MEANS Infectious waste or physically dangerous medical or biological waste as defined in 105 CMR 480.000, Department of Public Health, State Sanitary Code and includes: blood and blood products; pathological waste; cultures and stocks of infectious agents and associated biologicals; contaminated animal carcasses, body parts and bedding; sharps; and biotechnological by-product effluents.

PERMIT HOLDER shall mean any person(s) or company, which has applied for and obtained the appropriate permit to collect and transport solid waste within the limits of the City of Melrose.

PERSON(S) means any individual, partnership, association, firm, company, corporation, department, agency, group, public body (including a city, town, district, county, authority, state, federal, or other governmental unit) or any other entity responsible in any way for an activity subject to 310 CMR 16.00, but not including an agency of the Commonwealth.

SOLID WASTE OR WASTES means useless, unwanted or discarded solid, liquid or contained gaseous material resulting from industrial, commercial, mining, agricultural, municipal or household activities that is abandoned by being disposed or incinerated or is stored, treated or transferred pending such disposal, incineration or other treatment, but does not include:

- (a) hazardous wastes as defined and regulated pursuant to 310 CMR 30.000;
- (b) sludge or septage which is land applied in compliance with 310 CMR 32.00;
- (c) waste-water treatment facility residuals and sludge ash from either publicly or privately owned waste-water treatment facilities that treat only sewage, which is treated and/or disposed at a site regulated pursuant to M.G.L. c. 83, §§ 6 & 7 and/or M.G.L. c. 21, §§ 26 through 53 and the regulations promulgated thereunder, unless the waste-water treatment residuals and/or sludge ash are co-disposed with solid waste;
- (d) septage and sewage as defined and regulated pursuant to 314 CMR 5.00, as may be amended, and regulated pursuant to either M.G.L. c. 21, §§ 26 through 53 or 310 CMR 15.00, as may be amended, provided that 310 CMR 16.00 does apply to solid waste management facilities which co-dispose septage and sewage with solid waste;
- (e) ash produced from the combustion of coal when reused as prescribed pursuant to M.G.L. c. 111, § 150A;
- (f) solid or dissolved materials in irrigation return flows;
- (g) source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended;
- (h) those materials and by-products generated from and reused within an original manufacturing process; and

- (i) compostable or recyclable materials when composted or recycled in an operation not required to be assigned pursuant to 310 CMR 16.05(2) through (6).

STORAGE means the temporary containment of solid waste or compostable or recyclable materials in a manner which does not constitute disposal.

TEMPORARY DUMPSTER means a dumpster used for construction and demolition waste or for any other temporary need. (Roll off or Gondola type). Owner's property placement is up to 60 days and on the street for 30 days or less. Both can be renewed for the same time intervals.

TRANSFER STATION means a handling facility where solid waste is brought, stored and transferred from one vehicle or container to another vehicle or container for transport off-site to a solid waste treatment, processing or disposal facility.

## GENERAL

All permanent dumpsters must be permitted by the Melrose Board of Health. (All temporary dumpsters must be permitted through inspectional services or Engineering). The Board has the right and authority to ensure that dumpster placement and management is neither a nuisance to abutters or a danger to public health. Any persons or firms engaged in the collection and transportation of solid waste shall be permitted by the Melrose Board of Health. The solid waste shall be removed to an approved location or facility in accordance with these rules and regulations, as well as all other applicable rules and regulations. Any commercial establishment, food establishment and any housing unit with four or more units must acquire a dumpster. Any persons who feel they should be exempt from such rule may apply for a variance. The Board of Health reserves the right to issue variances on a case by case basis.

## PERMITTING PROCEDURE

- a) All persons in the possession of a permanent dumpster shall obtain a permit from the Board of Health prior to placement of the dumpster.
- b) All persons in the possession of a temporary dumpster shall obtain a permit from the Melrose Building Department.
- c) At the time of application or as otherwise specified, the permit holder shall submit to the Board of Health the following information:
  - 1. A completed application form.
  - 2. A non-refundable application fee of \$100.00 for an annual permit must accompany the application.
  - 3. Exterior pest control must be in place and maintained up to date
    - a) Bait boxes must be sufficiently supplied at the dumpsters
    - b) Bait boxes should be labeled and secured to the ground
    - c) Pest Control frequency may be monthly or quarterly
    - d) The Melrose Board of Health reserves the right to enforce Pest control frequency.
  - 4. Plans or drawings of the property with the intended dumpster placement.
- d) The Permit Holder is allowed the right to appear before the City of Melrose Board of Health at a hearing to discuss its application by filing such hearing request in writing with the Board.
- e) Permits are not transferable.

- f) Transfer stations are not allowed in the City of Melrose without a permit from the Board of Health and permitting from the Commonwealth of Massachusetts. This includes full dumpsters awaiting transport to incinerators or landfills.

## FEES

The Melrose Board of Health sets the permit fee at their discretion. The non-refundable permit fee must accompany the application. The fee is \$100.00 for the first dumpster and \$50.00 for each additional dumpster on the same property.

Quarterly pro-rating will be applied for any new dumpster permit application submitted in the first year of business.

Pro-rated applications fees are received:

September 1<sup>st</sup> – November 30<sup>th</sup> (\$75.00) Seventy-Five Dollars for the first dumpster

December 1<sup>st</sup> – February 28<sup>th</sup> (\$50.00) Fifty Dollars for the first dumpster

March 1<sup>st</sup> – May 31<sup>st</sup> (\$25.00) Twenty-Five Dollars for the first dumpster

June 1<sup>st</sup> – August 31<sup>st</sup> is the regular permit fee of \$100.00

\*\*Additional dumpsters will be at the same \$50.00 additional dumpster rate

Renewal applications are due each year by May 31<sup>st</sup>. Any renewal applications received after the May 31<sup>st</sup> deadline will access a fee of \$50.00 per day in addition to the regular permit application fees stated above.

## OPERATIONAL PROCEDURES

- a) The annual permit will be valid for a period of no more than one (1) year, renewable annually on the first day of June, subject to review and approval by the Board of Health.
- b) Permit shall not be transferable.
- c) It is the responsibility of the permit holder, (commercial/industrial, municipal and residential) not the city, to dispose of recyclable materials currently not accepted as part of the city's recycling program.
- d) The Permit Holder shall take all reasonable care in the collection of refuse. Refuse shall not be scattered about the streets or onto private property. Refuse, which is spilled, shall be immediately picked up by the Permit Holder and removed with other wastes.
- e) The Board of Health reserves the right to inspect collection vehicles and loads at reasonable times in order to ensure that they comply with all applicable state and local laws, by-laws and regulations.
- f) Any violation of these regulations or any other applicable laws or regulations by the Permit Holder will be grounds for fine, modification, suspension, or revocation of said permit.
- g) The individuals empowered to enforce the provision of these regulations shall be the Agent of the Board of Health, any member of the Board of Health.

## DUMPSTER MANAGEMENT

- a) Dumpster Maintenance: All dumpsters must have lids that are in place, well maintained, without rodent gnaw marks or holes and close securely on the dumpster.
- b) Dumpster Identification: The associated permit number must be placed on dumpster and it must be legible.

- c) Inaccessible to Rodents: Dumpster lids must always be kept closed, drain holes must be either plugged with a solid plug or a firmly attached mesh screen.
- d) Dumpster Cleanliness: Dumpster area must routinely be swept and kept clear of trash and other debris
- e) Each dumpster must be located at a distance from the lot line as not to interfere with the safety, convenience or health of abutters or residents. Dumpster locations must be approved by the Board of Health.
- f) Each dumpster must be situated so as not to obstruct the flow of traffic.
- g) When deemed necessary by the Board of Health, it may be required that a dumpster site be enclosed or screened by the property owners or authorized agent.
- h) Dumpsters are not to be filled between the hours of 11:00 p.m. and 7:00 a.m. in residentially zoned areas or after the close of the business day for all types of business properties.
- i) Each dumpster must be of sufficient size and capacity to eliminate overflowing. Routine weekly scheduled pickups shall be mandatory for apartment buildings. Dumpster pickups may need to be increased depending on overflow.
- j) The property owners, tenant, occupant or authorized agent of the premises utilizing the services must notify the contractor at least twenty-four (24) hours in advance for an additional call-in for pickup which may be necessary to prevent overflowing.
- k) Whenever and for whatever reasons deemed necessary including repeated violations, the Board of Health may order dumpster capacity, size changes and/or additional pickups.
- l) The property owner, tenant, occupant or authorized agent utilizing a dumpster service must make known to the Board of Health the name and telephone number of person responsible for maintaining the dumpster and dumpster area and notifying contractor to empty contents when full. Any changes in name of person(s) shall be reported to the Board of Health, forthwith.
- m) It shall be the responsibility of the property owner, tenant, occupant or agent being serviced to maintain the dumpster and dumpster area free of all nuisances including but not limited to flies, insects, scattered debris and overflowing conditions.
- n) The property owner, tenant, occupant or other authorized agent responsible for maintaining the dumpster service is required to have a permit from the Board of Health for each dumpster per City of Melrose Board of Health Regulation 6.
- o) Contractor shall have his/her or its name and telephone number conspicuously displayed on the dumpster.
- p) No Contractor shall remove dumpster contents between the hours of 11:00pm and 7:00am.
- q) The dumpster Contractor shall have the dumpster deodorized when emptied or if necessary, washed, steamed or sanitized as directed by order of the Board of Health.
- r) The Contractor shall not cause nor allow spillage during removal or transportation of any garbage, rubbish or other offensive substance.

#### SUSPENSION, MODIFICATION OR REVOCATION OF PERMITS

- a) Any permit may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the Permit Holder has not conformed to the requirements of these regulations, or to any applicable state or federal statute, regulation, rule or order regarding the collection, transportation or disposal of solid waste. In the event the Board of Health, agents, servants, or employees deem that the health, safety or welfare of the occupants or residents of the City of Melrose is jeopardized and that any emergency exists, it may order all dumping terminated, and the dumpster removed, pending a hearing. The Permit Holder will receive three day's written notice, sent by certified, registered mail or constable service, to the last known address of the alleged violator, notifying them of permit suspension, revocation, or modification by the Board of Health, its agents, servants or employees for the failure of the

dumpster contractor, owner, tenant, occupant or agent to comply with the conditions and requirements of these regulations; and the dumpster may be ordered to be removed.

- b) Appeals of such suspensions, modification or revocations may be directed in writing to the Board of Health within ten (10) business days of said suspensions, modification, or revocations.

#### FINES and PENALTIES

- a) Any person whether contractor, owner, tenant, occupant or agent being serviced or other person or company who shall violate any provisions of these regulations, and upon written notification by the Board of Health does not comply with the order or causes or allows repeated violations shall be punished by a fine.

These regulations may be enforced by the Melrose Board of Health through Ticket Enforcement under M.G.L. c. 40 s 21D:

##### 1. Fine Schedule:

I. First offense, one hundred dollars (\$100.00);

II. Second offense, one hundred and fifty dollars (\$150.00);

III. Third and subsequent offenses, three hundred dollars (\$300.00).

- b) Each day's failure to comply with an order shall constitute a separate violation.

#### SEVERABILITY

- a) Each of these regulations shall be construed as separate to the end that, if any regulations, clause or phrase thereof, should be held invalid for any reason, the remainder of the regulations and all other regulations shall continue to be enforced.

Adopted by Board of Health at its meeting held on

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