

TOWN OF UPTON  
BOARD OF HEALTH

**DUMPSTER REGULATIONS**

Amended 6/27/11

*In accordance with the authority granted by the General Laws of the Commonwealth of Massachusetts, Chapter 111, Sections 31, and 31 B, the Board of Health of the Town of Upton hereby adopts the following rules and regulations relative to the use of dumpsters and containers for storage of garbage and/or rubbish.*

*Whereas the Board of Health is charged with the protection of public health and acts to prevent the harborage of rodents and causes of filth, the Board of Health finds it reasonable and necessary to adopt the following regulations:*

**Section 1: Definitions:**

**Dumpster** shall mean any container, receptacle, compactor unit, trailer, roll-off, or other similar unit with or without wheels that is used for the temporary storage, containment, or transport of refuse, garbage, demolition debris, or other discarded materials. It shall not apply to the ordinary household trash barrels with a volume less than 100 gallons, to plastic bags storing such household trash in compliance with the regulations of the Town of Upton or to trash compactor trucks operated by a company duly licensed by the Board of Health.

**User** shall mean any individual, partnership, corporation, association, or other legal entity that contracts or requests the installation, maintenance, or servicing of a Dumpster.

**Company/Contractor** shall mean any individual, partnership, corporation, association or other legal entity that contracts with or responds to requests from a User by providing for the installation, maintenance and/or servicing of a Dumpster.

**Section 2: Regulations:**

- A.** No Dumpster may be installed within the Town of Upton unless a proper permit has been granted to the User by the Board of Health, and the proper fees have been paid in accordance with these regulations.
- B.** The Board of Health shall issue a Dumpster permit to a User who meets the conditions for receiving a permit as set forth below.
- C.** A User shall provide evidence to the Board of Health that the User has a written agreement with a Company/Contractor regarding the installation, maintenance and /or the servicing of the Dumpster. If the Company/Contractor that installs the Dumpster is not the Company/Contractor that services or maintains the Dumpster, an agreement shall be provided from the service or maintenance Company/Contractor.

- D. A commercial Dumpster permit shall be valid for the calendar year in which the permit is issued. A residential Dumpster permit shall be valid for 90 days from the date of issuance. If the holder of a Dumpster permit applies to the Board of Health for an extension of the permit at least two weeks before the date that the permit would expire, the Board of Health may grant such an extension.
- E. All Dumpsters shall clearly display the Company/Contractors name, address and telephone number.
- F. All Dumpsters shall have sufficient pick-ups so as to prevent overflowing or nuisance conditions, including but not limited to odors or animal problems.
- G. The User shall maintain the area surrounding a Dumpster in a clean, odor-free and litter-free condition.
- H. A company/contractor in installing, maintaining, and/or servicing a dumpster, shall maintain the area surrounding a dumpster in a clean, odor-free and litter-free condition, unless the Board of Health determines upon investigation that unsanitary conditions were created by the leaser.
- I. All Dumpsters shall be of such design and placement so as to prevent “tip-over’s”.
- J. No Dumpster may be placed in such a way so as to block a public way or sidewalk.
- K. The Board of Health may order a lock, enclosure, screen or cover for the Dumpster if the Board of Health finds that such is reasonable to protect the public health and safety . In making such a determination, the Board of Health shall consider any recommendations of the Town of Upton Building Inspector, Fire Department and Police Department.
- L. Dumpsters are to be for the use of the User only. All unauthorized use shall be considered a violation by the User of the terms of the Dumpster permit.
- M. Permits for Dumpsters may be suspended or revoked by the Board of Health for failure to comply with any provision of these Regulations.
- N. Fees for Dumpster permits shall be as follows: **Commercial Dumpsters**: \$25.00 (twenty-five dollars) per year; **Residential dumpsters**: \$25.00 (twenty-five dollars) for the first 90 (ninety) days, \$50.00 (fifty dollars) for the next 90 (ninety) days and \$100.00 (one hundred dollars) for one additional 90 (ninety) day period. **Municipal departments**: no fee.

### **Section 3: Penalties:**

- A. Any person who violates any provision of these Regulations shall, upon conviction, be fined not more than \$300.00 (three hundred dollars) for each violation. Each day's violation shall constitute a separate offense.
- B. Any person who fails to comply with an order issued pursuant to the provisions of these regulations shall, upon conviction, be fined no more than \$300.00 (three hundred dollars) for each violation. Each day's failure to comply with an order shall constitute a separate offense.
- C. These regulations may also be enforced by the Board of Health in accordance with the Town of Upton General Bylaws, Chapter 19, Non-Criminal Disposition. If so enforced, the penalty shall be \$150.00 (one hundred and fifty dollars), with each day of violation constituting a separate offense.
- D. The Board of Health may revoke a Dumpster permit, after giving notice to the User and holding a public hearing, if the User or Company/Contractor fails to comply with any provision of these Regulations.

#### **Section 4: Severability**

- A.** Each portion of this Regulation shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be held invalid for any reason, then the remainder of the Regulations shall continue in full force.
- B.** This Regulation was unanimously adopted by a vote of the Upton Board of Health after a meeting held on 8/26/2010 and is effective 9/20/2010.

Upton Board of Health

Richard Desjardins

Al Holman

Sherry Berger