



TOWN OF WESTPORT
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OFFICE OF BOARD OF HEALTH
856 MAIN ROAD

DUMPSTER/ROLL-OFF REGULATION

(Amended 1/1/2019)

SECTION 1: AUTHORITY AND PURPOSE

This regulation is enacted under authority, which includes but is not limited to, Massachusetts General Laws, Chapter 111, Section 31, 31A and 31B and 310 CMR (Code of Massachusetts Regulations) 11.02 and 310 CMR 19.00 et seq. Board 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. This regulation replaces a regulation of the same title dated June 17, 1993.

The purpose of this regulation is to efficiently license and permit the collection, storage and transportation of solid waste, construction materials and yard waste in the Town of Westport and to assure that the such activities are conducted in a manner to protect the public, ensure safety and prevent the occurrence of nuisances and other unsanitary conditions.

SECTION 2: DEFINITIONS

Board of Health - the Board of Health of the Town of Westport.

Construction and Demolition Waste (C&D) - 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, asphalt pavement, masonry, plaster, gypsum wallboard, metal, lumber and wood.

Contractor - the legal owner and/or operator of a dumpster or roll-off, or his/her authorized agent.

Dumpster - any container greater than 1.5 cubic yards used to contain solid waste that is not defined as a roll-off.

Person(s) - 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 this regulation.

Property Owner or Authorized Agent - the person using a dumpster or roll-off, whether it is owned, rented or leased.

Roll-Off - any stationary container that is used to contain and/or haul solid waste and is capable of being hauled on the back of a truck, tractor or trailer and is 2.5 cubic yards or larger.

Solid Waste or Waste - useless, unwanted or discarded solid, liquid or contained gaseous material including, without limitation, residential and commercial garbage and refuse, construction and demolition debris, yard waste, tires, oil, batteries, offal, agricultural and aqua-cultural waste and the residue from burning combustible materials.

Town - the Town of Westport, Massachusetts.

Yard Waste - deciduous and coniferous seasonal deposition (e.g., leaves), grass clippings, weeds, hedge clippings, garden materials and brush.

SECTION 3: PERMITTING AND LICENSING

- 3a No contractor shall conduct solid waste removal or transport activities in the Town without a valid license issued by the Board. All licenses shall expire at the end of the calendar year in which they are issued, but may be renewed annually upon filing an application and paying the applicable fee. The contractor is the person required to obtain a license. It is a violation of the regulations to operate in the Town without a license.
- 3b No contractor shall provide a dumpster or roll-off container for the collection or storage of solid waste without a valid permit issued by the Board for the placement of the dumpster or roll-off at a specific property in Town. The contractor is the person required to obtain the property specific permit. It is a violation of the regulations to locate or use a dumpster or roll-off in the Town without a permit.
- 3c The contractor is responsible to file an application and obtain the removal/transport license and collection/storage permits. The contractor shall pay the license and permit fee established by the Board under separate regulation. Permits and licenses may be obtained by filing an application and paying the applicable fee at the office of the Board of Health. The application shall include: the name, address and telephone number of at least one owner of the property where the dumpster/roll-off is to be located, the name, address and telephone number of the contractor providing the dumpster/roll-off, the name, address and telephone number of the contractor servicing the dumpster/roll-off, if not the providing contractor and such other information as the Board may require.
- 3d The contractor shall file with the Board on a monthly basis a list of its active collection/storage permits in accordance with a format established by the Board. The list will identify the property owner, address, container size and number, and such other information as the Board may require.

SECTION 4: OPERATING RULES

- 4a. The contractor shall have its name, current business address and current business telephone number conspicuously displayed on each dumpster or roll-off. All dumpsters and roll-offs must be numbered.
- 4b. Each dumpster or roll-off must be situated so as not to obstruct the view of flowing traffic.
- 4c. Each roll-off or dumpster must be located at a distance of not less than twenty (20) feet from lot lines and no closer than twenty (20) feet from a roadway or at the sole discretion of the Board.

- 4d. Dumpster and roll-offs are not to be filled between the hours of 11:00 p.m. and 7:00 a.m. for residential property. The emptying of the dumpster or roll-off contents shall not commence before 7:00 a.m. and shall not continue after 11:00 p.m.
- 4e. All dumpsters shall have lids and shall be closed when not in use and be able to be locked to prevent unauthorized access. Dumpster lids on commercial properties shall be locked at the close of the business day.
- 4f. Each dumpster or roll-off shall be of sufficient capacity and be maintained to eliminate over flowing, odors, scattered debris or other nuisance conditions. The property owner or authorized agent using the dumpster or roll-off must take appropriate action to promptly empty the contents of the dumpster or roll-off when full.
- 4g. When deemed necessary, the Board may require a dumpster or roll-off site be enclosed or screened by the property owner or authorized agent.

SECTION 5: ENFORCEMENT AND PENALTIES

- 5a. The Board may suspend or revoke any contractor license or owner/agent permit and order that further use of the dumpster/roll-off cease and desist. Further, the Board may order the dumpster/roll-off be removed from its location or otherwise brought into compliance upon a finding that the license or permit holder had violated any of these regulations or has failed to comply with any lawful order of the Board pursuant to these regulations.
- 5b. Non-Criminal/Criminal Disposition. The Board or its authorized agent(s) shall enforce the regulation, license and permit and may pursue all civil and criminal remedies of violations. Violations may be enforced by criminal complaint in accordance with M.G.L. c. 111, §. 31. Violations of the regulations may also be enforced as set forth in M.G.L. c. 40, §. 21D and the Town By-laws.
- 5c. Penalties
 - (1) Violations of section 3(a) are punishable by a penalty of \$300 for each offense. Each day that a violation occurs will constitute a separate offense.
 - (2) Violations of section 3(b) are punishable by a penalty of \$150 for each offense. Each day that a violation occurs will constitute a separate offense.
 - (3) Violations of any other provision or an order of the Board shall be punishable by a fine of \$50. Each day that a violation occurs shall constitute a separate offense.
- 5d. Nothing in this regulation is intended to limit or restrict the Board of Health or other board, commission or officer of the Town to act in accordance with federal, state and local laws within their jurisdiction, including without limitation the authority of the Board to abate nuisances in accordance with M.G.L., c. 111, Sections 122-125.

SECTION 6: HEARING

Persons accused of violating this regulation or requesting an exception to the provisions herein may request a hearing before the Board of Health in writing within ten (10) days, excluding weekends and holidays of being notified of a violation.

SECTION 7: SEVERABILITY

This regulation is severable. If any provision of this regulation is held invalid, such invalidity shall not affect other provisions of the regulation and the application thereof.

SECTION 8: EFFECTIVE DATE

This regulation shall be effective as of **January 01, 2019**.

TOWN OF WESTPORT BOARD OF HEALTH

William M. Harkins, Chairman

Date

Maurice E. May, Vice-Chairman

Philip M. Weinberg, Secretary