TOWN OF NORTH ANDOVER DUMPSTER REGULATIONS FOR THE REMOVAL, TRANSPORTATION AND STORAGE OF GARBAGE, RUBBISH, OFFALOR OTHER OFFENSIVE SUBSTANCES

The Board of Health, Town of North Andover, Massachusetts in accordance with, and under the authority granted by Sections 31A and 31B of Chapter 111 of the General Laws of the Commonwealth of Massachusetts hereby adopted the following rules and regulations at the meeting of February 10, 1994.

This regulation shall take effect January 1, 1995.

SECTION 1.0 DEFINITIONS:

Dumpster: Any container other than a conventional trashcan with lid intended for the temporary outdoor storage of rubbish, garbage or refuse of any sort.

Temporary For purposes of this regulation, "temporary" shall mean for a period of no more than 90 days.

Person: Any individual, business firm, contractor, corporation, applicant, property owner or agent.

SECTION 2.0 PRE-INSTALLMENT REQUIREMENTS:

2.1 No person or property owner, authorized agent or corporate entity shall maintain or operate a trash or refuse dumpster, with a volume capacity greater than three (3) cubic yards, without first obtaining a permit from the Board of Health at least three (3) days prior to installation.

2.2 The permit fee shall be in accordance with the current Board of Health fee schedule, per establishment per calendar year. The appropriate fee shall be accompanied by a completed application on a form supplied by the Board of Health.

2.3 Dumpster permits may be suspended or revoked by the Board of Health for failure of the dumpster contractor or property owner/owner's agent to comply with the requirements of these regulations.

2.4 No contractor, firm or person shall supply a dumpster service in the Town of North Andover, for the purpose of storage, removal or transportation of garbage, rubbish, or other offensive substances without first obtaining a dumpster service license from the Board of Health. All licenses shall expire at the end of the calendar year in which they are issued, but may be renewed annually upon application as herein provided. There shall be a renewal fee according to the current fee schedule for said dumpster service license. The fee is per truck.

2.5 These regulations apply to dumpsters in the Town of North Andover. An inspection and sanitary survey of the dumpster and surrounding area may be conducted by an agent of the Board to verify compliance with Board of Health standards. Temporary Construction Dumpsters are excluded from these regulations but must comply with the Building and Fire Department codes. A temporary dumpster is intended for non-permanent use and remains at one site for no more than 90 days.

SECTION 3.0 CONTRACTOR'S RESPONSIBILITIES:

3.1 The contractor shall have the dumpster(s) deodorized, washed or sanitized as necessary at the time of emptying, or as directed by order of the Board of Health.

3.2 The emptying of the contents of the dumpster(s) by the contractor shall not commence before 7:00 A.M. and not continue after 9:00 P.M. The Board of Health may modify these hours, if, in its reasonable judgment, it is convinced that the public heath and safety or public welfare would be better served and a nuisance would not be created. The Board of Health shall be guided in this regard by the location, proximity to residential property, frequency of emptying, resulting noise and other factors deemed appropriate.

3.3 The contractor shall have his/her name and business telephone number conspicuously displayed on each dumpster.

3.4 No truck that hauls dumpster contents shall be used to transport hazardous or bio-materials or waste.

3.5 The Board of health may attach any conditions to the license of a removal contractor that it deems would serve the interest of the health, safety, welfare or quality of life of the citizens of the Town.

3.6 All dumpsters shall be rodent proof. For those dumpsters that have a hole located in the lower center of the rear wall of the container a permanent seal secured with sheet metal or wire mesh strong enough to prevent rodents from entering the dumpster is required. All holes in any dumpster shall be less than ¼" in diameter.

3.7 Failure to comply with these regulations may result in a fine of fifty dollars ($50) each day the violation continues, as well as suspension or revocation of permits as deemed necessary by the Board of Health.

SECTION 4.0 AUTHORIZED AGENT/PROPERTY OWNERS' RESPONSIBILITY

4.1 Each dumpster shall be located at an approved distance from the lot line so as not to interfere with the safety, convenience or health of an abutter. The location of the dumpster shall be approved by the Board of Health.

4.2 Each dumpster shall be located a minimum of twenty (20) feet from any industrial, commercial or residential building.

4.3 All permanent dumpsters shall be located on material impervious to water (asphalt, concrete, etc.) unless otherwise approved by the Board of Health.

4.4 Each dumpster shall be located a minimum of twenty (20) feet from any wetland resource area. The location in proximity to wetlands must also be approved by the North Andover Conservation Commission or agent thereof.

4.5 The Board of Health hereby requires all dumpster sites other than temporary sites to be enclosed or screened with permanent, solid fencing and locking gates. These gates are to be closed at all times except when the process of placing refuse in the dumpster is proceeding.

4.6 It shall be the responsibility of the owner or agent whose property is being serviced to maintain the dumpster area free from odors, scattered debris, overflow and all other nuisances including, but not limited to rodents.

4.7 It shall also be the responsibility of the owner or agent whose property is being serviced by the dumpster(s) to maintain the lid(s) in a closed condition at all times except when actually in the process of placing in or removing refuse from the dumpster(s).

4.8 Dumpsters are to be used only by those individuals who are authorized by the owner or agent whose property is being serviced. All unauthorized use shall be considered trespass of private property. The owner or agent may post a sign stating: "Unauthorized use is prohibited by order of the Board of Health."

4.9 No dumpster shall be used to dispose of hazardous or bio-materials or waste.

4.10 Dumpsters are not to be filled after 9:00 P.M. or before 7:00 A.M. for residential property or after the close of the business day for commercial property, at which time the lids are to be locked.

SECTION 5.0 ENFORCEMENT

5.1 Random inspections and sanitary surveys of in-place dumpsters and surrounding areas may be conducted by an agent of the Board to verify compliance with Board of Health standards.

5.2 All violations of State and Local Regulations shall be corrected in accordance with said regulations.

5.3 If corrective action as ordered by the Board of Health or its agent is not taken by the property owner or an authorized agent within the time limit set forth by such order, the Board shall take such legal action as necessary to correct the violation.

5.4 The Board of Health at its discretion may levy fines upon the authorized agent/property owner in accordance with M.G.L. Section 40 Chapter 21D. Fines will be fifty dollars ($50) per violation. Each day that the violation remains uncorrected constitutes a separate violation.

SECTION 6.0 SEVERABILITY

6.1 If any provision of this regulation is held to be unconstitutional or in violation of State Law, it shall not affect any other provision or the administration thereof.

SECTION 7.0 DATE OF EFFECT

These regulations were revised and adopted by the North Andover Board of Health on June 23, 2005 will take effect on July 15, 2005. These regulations shall supercede and replace all North Andover Board of Health Dumpster Regulations prior to June 23, 2005.

Rev. 1/94
Rev. 4/03
Rev. 5/22/03
Rev. 7/28/05 – Section 2.5; Prior Section 5.0 deleted re: temporary dumpsters

Thomas Trowbridge, D.D.S., M.D., Chairman — 7/28/05 *July 28, 2005*

Jonathan Markey, Member — 7/28/05 *July 28, 2005*

Cheryl Barczak, R.N., M.S.N., Clerk — 7.28.05 *July 28, 2005*