

ARTICLE 3
**Regulations for Dumpsters and for the Removal and Transportation of Garbage,
Rubbish, and other Offensive Substances**
[Effective May 5,1985] Amended January 18, 2023; Amended April 24, 2024

§ 300-3.1. STATEMENT OF PURPOSE

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.

§ 300-3.2. AUTHORITY

In accordance with the authority granted by the General Laws of the Commonwealth of Massachusetts, Chapter 111, Sections 31, and 31B, which states “Boards of Health may make reasonable health regulations.” The Board of Health of the Town of Sharon hereby adopts the following rules and regulations relative to the use of dumpsters and containers for storage of garbage and/or rubbish.

DEFINITIONS:

For the purpose of this regulation, the following words shall have the following meanings:

Commercial Waste: Nonhazardous solid waste generated by businesses, such as office buildings, retail and wholesale establishments, and restaurants.

Construction and Demolition (C&D) Material: Materials for disposal resulting from the alternation, construction, destruction, rehabilitation or repair of a home, building, industrial or commercial facilities. Type of waste includes, but is not limited to steel, wood products, drywall, plaster, brick, clay tile, asphalt shingles, concrete and asphalt concrete.

Dumpster: any receptacle of 75-gallon capacity or more which is used for the collection, storage or transportation of trash, rubbish, garbage, offal, C&D material, recyclables, scrap or other materials for discard, disposal, or recycling

Garbage: Means the animal, vegetable or other organic waste resulting from the handling, preparing, cooking, consumption or cultivation of food, and containers and cans which have contained food unless such containers and cans have been cleaned or prepared for recycling.

Recyclable Material: Recyclable materials shall be defined as materials that have the potential to be recycled and which are not commingled with solid waste or construction and demolition debris.

Rubbish: all solid waste, excluding food waste or hazardous materials

Solid Waste: All rubbish, trash, garbage, or refuse normally generated, excluding explosives, oil, sludges, highly flammable substances, cesspool or other human wastes, human or animal remains, construction materials, demolition debris, and hazardous refuse of any kind such as crankcase oils, cutting fluids, paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used as filter media, cleaning fluids, and refuse of similar nature. Recyclable materials, as defined in these regulations, are specifically excluded from solid waste.

§ 300-3.3. General Requirements

1. All new construction sites shall be required to have a dumpster of sufficient size to contain all construction debris.
2. The Board, when deemed necessary, may require that a dumpster site be enclosed or screened by the property owner or authorized agent(s).

§ 300-3.4. Permit required for removal and transport.

1. Any individual, entity or business contracted to pick up and dispose of garbage, offal, rubbish, solid waste, recyclable materials, and/or construction and demolition debris in the Town of Sharon shall obtain a hauler (Transport of Offal/Solid Waste) permit from the Board prior to commencing with collection.

§ 300-3.5. Permit required for dumpster service.

1. Any individual, entity or business providing dumpster service in the Town of Sharon for the purpose of storing, emptying, removing, and/or transporting garbage, rubbish, offal, or other offensive substances must first obtain a dumpster permit from the Board of Health.
2. Any individual, entity or business who supplies dumpster services solely for the purpose of the collection of construction, demolition, and remodeling waste shall obtain a Construction & Demolition dumpster permit.

§ 300-3.6. Disposal.

All garbage, rubbish, solid waste, offal, **(C&D) Material** or other offensive substances shall only be disposed of in sanitary landfills located outside the geographical limits of the Town of Sharon.

§ 300-3.7. Permit application

Each applicant shall provide, to the satisfaction of the Sharon Board of Health, a collection program that provides garbage/rubbish and recycling services in compliance with the Massachusetts Solid Waste Master Plan and Department of Environmental Protection Regulations. The collection program shall be submitted in writing accompanying the permit application. The applicant may be asked to explain their collection program to the Board of Health at a public meeting, as part of the permit application review and approval process.

The collection plan should include the date and time frequency of collection, an estimate of

tons of solid waste to be collected daily and an estimate of recyclables to be collected daily. A written process for serving complaints, disputes or permit violations shall be submitted with the application.

§ 300-3.8. Permit Fees: Permit fees shall be found in the Schedule of Fees

All permits shall be valid for up to one calendar year, or at the latest, December 31st of each year, unless revoked sooner by the Board of Health. The initial permit application and all future permit applications are subject to review and approval by the Board of Health.

§ 300-3.9. Permits not transferable.

No permit shall be transferred except with the written approval of the Board of Health.

§ 300-3.10. Dumpster identification; covers.

- A. Each dumpster must have the name, address, and telephone number of the person providing the dumpster service conspicuously displayed on the dumpster.
- B. All dumpsters must be secure, free from tipping, in good working order, and shall be capable of being closed.
- C. Each dumpster shall have a cover capable of being secured. All commercial, semi-permanent dumpsters must have a tight-fitting lid or cover, which shall be kept closed at all times except when being filled, cleaned or emptied. Said lid shall be kept locked at all times that the permitted business is closed.
- D. Dumpsters shall be constructed in such a way as to be leak-proof and vermin proof.
- E. Dumpsters shall be in good physical condition, not rusted through, or have inoperable or damaged doors, or in such a condition that doors do not open or close easily or doors that are not capable of closing completely. Drain plugs shall be in place (if the container is so designed that a drain is provided). The contractor shall prevent spillage during the emptying process, and during the transporting of dumpster contents.
- F. Dumpsters shall be cleaned and deodorized with sufficient frequency as to prevent objectionable conditions and odors. The Health Department may at any time require cleaning or deodorizing or relocation to prevent objectionable odors.

* Construction and demolition dumpsters shall be exempt from having a secured lid.

§ 300-3.11. Dumpster location.

- A. Each dumpster must be located at such a distance from each lot line as not to interfere with the safety, convenience, or health of abutters or the public.
- B. The Board of Health may specify the location of the dumpster. Dumpsters are to be located on concrete, asphalt, or another impervious surface.

- C. The Board of Health may require, whenever public convenience warrants, that a dumpster be enclosed or suitably screened by the owner of the lot on which the dumpster is situated.

* Construction and demolition dumpsters shall be exempt from **§ 300-3.8 B-C**

§ 300-3.12. Nuisances.

The property owner shall ensure that each dumpster and the area immediately surrounding it is kept free of obnoxious odors, flies, other insects, debris, overflow, and all other nuisances.

§ 300-3.13. Collection times.

Except in districts zoned for business, commercial, or industrial use, garbage, rubbish, offal, **(C&D) Material** or other offensive substances shall not be collected before 7:00 a.m. or after 7:00 p.m.

§ 300-3.14. Dumpster maintenance.

- A. Any dumpster shall be deodorized, washed or sanitized by the person providing the dumpster service when and as required by the Board of Health.
- B. Each dumpster shall be of sufficient capacity to contain all accumulated material without overflowing and shall be emptied on a regular basis or when the amount of garbage and rubbish is level with the top of the container.
- C. All dumpsters being used for disposal of garbage or other odor-causing material must be emptied no less than once per week.

§ 300-3.15. Suspension or revocation of permit.

Upon notice and an opportunity for a hearing, any permit may, for cause, be suspended or revoked by the Board of Health.

§ 300-3.16. Enforcement, Inspection, Violations and penalties.

Both the owner/agent of the property on which the dumpster is located and the company providing the dumpster shall be responsible for meeting the requirements of this Regulation.

Health Department Inspectors shall investigate dumpster complaints or concerns and issue notices to property owners and/or company providing the dumpsters, as deemed necessary to correct the violation cited.

Any person that violates any provision of this Regulation may be punished, under Chapter 111 Section 31 of the Massachusetts General Laws as a criminal offense or Chapter 40 section 21D of the Massachusetts General Laws as a noncriminal offense, by a fine of \$50 dollars, or by criminal complaint in the appropriate venue.

Each day or portion thereof during which a violation continues shall constitute a separate offense. Failure by any company and/or contractor providing dumpsters, to correct a violation

of any provision of this Regulation, may result in the suspension or revocation of their dumpster permit and Transport of Offal/Solid Waste Permit within the Town of Sharon.

§ 300-3.17. Severability

If any word, clause, phrase, sentence, paragraph, or section of this Regulation shall be declared invalid for any reason whatsoever, that portion shall be severed, and all other provisions of the Regulation shall remain in full force and effect.

§ 300-3.18. Effective Date:

This regulation shall take effect on: April 24, 2024