



**Needham Public
Health Division**
Prevent. Promote. Protect.

Board of Health

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ARTICLE 8

Regulation Requiring the Permitting, Maintenance, and Cleanliness of Dumpsters in Needham

SECTION 8.1 PURPOSE

The purpose of this regulation is to protect the residents, businesses, and environment in the Town of Needham from any nuisances caused by dumpsters including but not limited to the prevention of filth and odors and harborage of rodents and pests.

SECTION 8.2 AUTHORITY

These regulations are adopted by the Needham Board of Health, pursuant to its authority under Massachusetts General Laws, Chapter 111 Sections 122 and 150A. Also, 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 Needham hereby adopts the following rules and regulations relative to the use of dumpsters and containers for storage of solid waste, recyclables and/or compost.

SECTION 8.3 APPLICABILITY

These regulations shall apply to all commercial and residential dumpsters, including composting bins, within the Town of Needham, Massachusetts. All dumpsters utilized

by a permitted food establishments in the Town of Needham shall comply with the regulations outlined herein.

Temporary or construction-style dumpsters utilized in conjunction with building permits overseen by the Town of Needham Building Department shall not fall under the jurisdiction of these regulations, except in those circumstances where the temporary/construction dumpster has become a harborage area or a food source for pests.

SECTION 8.4 DEFINITIONS

Board: The Board of Health or its agent or designee of the Town of Needham, *including staff from the Needham Public Health Division*

Commercial Customers/Generators: shall mean all other property owners and occupants of any commercial, industrial, institutional, municipal, school, or mixed-use building within the Town.

Composting: A process of accelerated biodegradation and stabilization of organic material under controlled conditions yielding a product which can be safely used, as those terms are or may be defined by 310 CMR 19.00: Solid Waste Management.

Dumpster: Any container (other than a conventional trash can with lid) used for the outside storage of solid waste, recyclables, garbage, rubbish, organic matter, offal, scrap or refuse of any sort. This includes 75 gallon rolling toters supplied in lieu of a dumpster, as well as rolling toters used to collect and haul food waste and composting materials. This excludes temporary construction dumpsters overseen by the Town of Needham Building Department, except in those circumstance where the construction-related dumpster has attracted pests.

Dumpster Enclosure: A dumpster enclosure is a fenced-in area where the dumpster container or recycling bin resides, blocking visibility from the public.

Owner: means any person, including a lessee or mortgagee in possession, who alone or severally with others has lawful title to or possession, care, control of any property on

which dumpsters are located or proposed to be located. “Owner also includes any authorized agent of such person.

Recyclables: shall mean materials that are banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans that are routinely recyclable materials such as ferrous and non-ferrous metals, glass & metal containers, recyclable paper, cardboard and paperboard, and single resin narrow-necked plastics containers.

Residential Customers/Generators: shall mean property owners and occupants of single and multi-family dwellings, condominiums, public housing, and mobile homes within the Town.

Shared Dumpster: When multiple food establishments use the same dumpster and share the cost of servicing and maintenance.

Solid Waste: shall mean useless, unwanted or discarded non-recyclable solid wastes, excluding Waste Banned Materials, Prohibited Materials, and Hazardous Waste as defined herein. 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.

Town: shall mean the Town of Needham.

SECTION 8.5 DUMPSTER PERMITS

8.5.1 Any Commercial Customers/Generators desiring to secure a dumpster on their property shall obtain a Dumpster Permit from the Public Health Division. The application for these permits shall include the items specified herein.

8.5.2 The applicant shall submit a completed online permit application, link provided by the Public Health Division.

- 8.5.3 The applicant shall submit a non-refundable application fee according to the Board of Health fee schedule.
- 8.5.4 The applicant shall provide supporting documentation including a valid signed/dated permitted waste hauler contract stating the specific number and size dumpsters to be kept on site, i.e. recycling and/or solid waste, which also contains the frequency of service.
- 8.5.5 A site plan must also be uploaded to the online permit application, which shows the locations of the dumpsters, which includes the location of the dumpster enclosures, if applicable. The plan must also indicate whether a grease barrel and a bin used for composting is also located in the dumpster area.
- 8.5.6 Annual permits shall be valid for no more than one (1) year. They will be renewable annually, subject to review and approval by the Board.
- 8.5.7 This permit shall expire on March 31st annually.
- 8.5.8 No permit outlined in these regulations shall be transferable except with the written approval of the Board of Health or its designated agent.
- 8.5.9 Permits will not be renewed unless all fees, fines, and surcharges incurred have been fully paid, if applicable.
- 8.5.10 Agents and employees of the Board of Health reserve the right to reject applications or revoke permits based on inaccurate information, failure to comply with these regulations, or for any reason that would indicate that the Town of Needham's interests would not be served by the issuance of a permit.
- 8.5.11 Agents and employees of the Board of Health reserve the right to impose additional restrictions and conditions upon the permit, including, but not limited to: Change in permitted waste hauler, container size, location, frequency of pick up, mechanical operation, design and sanitary condition.

SECTION 8.6 DUMPSTER REQUIREMENTS

- 8.6.1 The owner of the dumpster shall ensure that each dumpster is located so as to not interfere with the health, safety, or wellbeing of any person.

Each dumpster shall be of sufficient capacity to contain the material accumulated without overflowing and shall be emptied when full.

- 8.6.2 If a dumpster enclosure is utilized, the enclosure doors shall be locked at all times when the dumpsters are not being accessed and appropriate warning signage shall be posted, in order to prevent illegal dumping. In other cases the Board reserves the right to require locks and for illegal dumping warning signage to be added at any time to the enclosure gates, especially if illegal dumping continues to occur.
- 8.6.3 It shall be the responsibility of the owner to maintain the dumpster and the dumpster area free of all nuisances including, but not limited to, flies, insects, rodents, other wildlife, odors, scattered debris, overflowing conditions, missing drain plugs, missing lids/doors, compromised lids/doors due to pests and leaking fluids.
- 8.6.4 The Board of Health and its agents can order the dumpster size changed, for the dumpster to be deodorized, washed and sanitized, additional dumpsters added, additional collections added per week and/or the dumpster removed and/or changed out by the waste hauler when nuisance conditions exist or for repeated violations of these regulations. The Board of Health and its agents can order dumpster locks and dumpster enclosure locks, as well as dumpster drain caps.
- 8.6.5 The Dumpster Permit holder shall have the dumpster and/or the dumpster area deodorized when emptied or if necessary, washed, steamed or sanitized within the time limit specified by the Board of Health or its agents.
- 8.6.6 No person shall do business as a Dumpster Contractor/Permitted Waste Hauler in the Town of Needham without a waste hauler permit from the Board.
- 8.6.7 Each dumpster owned, controlled or serviced by a Contractor/Waste Hauler shall be conspicuously marked with the name and telephone number of the Contractor/Waste Hauler. All other dumpsters shall be conspicuously marked with the name and telephone number of the Owner, along with the name and contact information of the person(s) responsible for maintaining the dumpster and/or that the issued permit or decal is by the dumpster.

- 8.6.8 The Dumpster Permit holder is responsible for ensuring that the dumpsters and the areas around the dumpsters, along with the Dumpster Enclosure areas, are routinely cleaned and maintained and are on a routine cleaning and maintenance schedule as to not pose as a public health nuisance hazard risk or risk attracting pests into the area.
- 8.6.9 Dumpsters must have tight fitting lids and drain plugs and ability to lock. Dumpsters shall be in good physical condition, not rusted through, or have missing, inoperable or damaged doors and be in such condition that the doors easily open and close.
- 8.6.10 Dumpsters must be placed on a smooth, non-porous and easily cleanable surface, such as concrete or asphalt.
- 8.6.11 Unused dumpsters must be picked up from properties within 72 hours after termination of the waste hauler service contract.

SECTION 8.7 INSPECTION

The Board of Health or its designee is authorized to inspect any dumpster in the Town at any time to inspect for compliance with this regulation. If it is found that any portion of these regulations have been violated and that the violation has not been corrected, it shall order the permit holder or persons responsible to correct such violation in a reasonable time period as determined by the Board of Health or its designee.

SECTION 8.8 ENFORCEMENT

Enforcement of this regulation shall be by administrative hearing before Public Health Division staff and in front of the Board of Health, if necessary, or if needed by criminal complaint in the district court and/or non-criminal disposition ticket per M.G.L. Chapter 40, § 21D. Agents of the Board of Health or its designee, the Police Department, and the DPW shall have the power to enforce the provisions of this regulation.

SECTION 8.9 PENALTIES

8.9.1 In the event that a dumpster permit holder fails to follow these regulations, the Board of Health, its designated agents, or other designated Town Dept. staff (i.e. Needham Police, Fire, Building and/or DPW) reserves the right to impose reasonable fines or revoke the permit due to noncompliance, subject to the Appeal Provisions described below.

8.9.2 Violation of this ordinance may also be enforced in the manner provided under Massachusetts General Laws Chapter 40, Section 21D and shall be punishable as follows:

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| a. First offense | Warning |
| b. Second offense | \$100 fine |
| c. Third offense | \$200 fine |
| d. Subsequent offenses | \$300.00 fine |
| e. Each twenty-four-hour period during which a violation exists shall constitute a separate offense, and a separate and additional fine shall be imposed. | |

8.9.3 Dumpster permits may be suspended, revised, or revoked by the Agents and employees of the Board of Health upon receipt of evidence satisfactory to the Board that the permittee has not conformed with the requirements of these regulations.

SECTION 8.10 APPEAL PROVISIONS

Any Dumpster permit holder cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Board of Health within seven (7) days, exclusive of Saturdays, Sundays and legal holidays, from the date of said citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two (2) weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Health.

SECTION 8.11 LEGAL PROVISIONS and SEVERABILITY

8.11.1 If any provision, clause, sentence, paragraph or word of this Article or the application thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provisions or application and to this end the provisions of this Article are declared severable.

8.11.2 All decisions rendered by the Board shall be made in writing and shall be kept on file in the office of the Board of Health.

8.11.3 If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

SECTION 8.12 EFFECTIVE DATE

This regulation was approved by a unanimous vote of the Board of Health on December 13, 2024 and the regulation will take effect on February 1, 2025 such that all dumpster permits will be on the same permit renewal cycle as the Trash/Waste Hauler Permits. Adoption of this regulation occurred following discussion at open meetings on October 8, 2024. Public hearings about this regulation occurred on November 22 and December 13, 2024.

This newly adopted Article #8 replaces the Needham Board of Health's original Article #8 which regulated the practice of massage and massage establishments. That article was adopted in October 1970 and amended in 1988, 1995, and 2002. Needham's Board of Health regulation was rendered obsolete in June 2006 (and later rescinded) when legislation was adopted by the General Court assigning regulation and licensure responsibilities to a newly created state body.