Board of Health
Town of Ashland, Massachusetts

Regulations for Storage, Removal and Transportation of Garbage

Anthony Kritikos, Chair
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Revision No.	**1**
Effective Date	**January 1, 2010**

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Town of Ashland, Massachusetts
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314-1. Purpose
The purpose of these regulations is to prevent the improper disposal of trash and garbage.

314-2. Authority
These regulations are adopted under authority of G.L. c. 111, §§ 31, 31A and 31B.

314-3. Definitions
As used in these Regulations, the following shall be defined as below:

CONTRACTOR or DUMPSTER CONTRACTOR means any person who, for compensation, supplies, maintains or services one or more dumpsters, or removes, transports or disposes of the contents thereof. Contractor shall also include any person who collects and transports rubbish and/or garbage within the Town of Ashland from any source.

DUMPSTER: Any receptacle of 75 gallons capacity or more intended for the collection, storage, or transportation of solid waste, refuse, rubbish, offal, or other offensive substance, for discard, disposal or recycling.

OWNER means any Person, including a lessee or mortgagee in possession, who alone or severally with others has lawful title to or possession, care, or control of any property on which a dumpster is located or proposed to be located. Owner also includes any authorized agent of such Person.

PERSON includes any individual, partnership, corporation, firm, association, or group.

314-4. Contractor Permit

A. No person shall do business as a Dumpster Contractor or otherwise collect and transport rubbish and/or garbage in the Town of Ashland without a Contractor Permit from the Board of Health.

B. Applications for Contractor permits may be made at the office of the Board of Health. Each application shall include the name, address and telephone number of the applicant, and such additional information as the Board of Health shall require. The fee for this permit shall be as established by Ashland Board of Health Regulations - Fee Schedule.

C. All permits issued under this section shall be issued annually and shall expire on December 31st of the year of issue.

D. Each dumpster owned, controlled or serviced by a Contractor shall be conspicuously marked with the name and telephone number of the Contractor. All other dumpsters shall be conspicuously marked with the name and telephone number of the Owner.

E. Such permit may be revoked by the Board of Health, upon receipt of evidence satisfactory to the Board that the licensee has not conformed with the requirements of these regulations or such further regulations as may be adopted relative to the collection and disposal of rubbish.

314-5. Placement of Dumpsters

A. All Dumpsters shall be placed in a location and manner that does not result in objectionable or unsanitary conditions or odors.

B. All Dumpsters must be placed on an impervious surface, such as concrete or asphalt, and must be enclosed on all sides by a suitable enclosure with a locking gate. If either of these requirements is not feasible due to site area or topography, written permission from the Board of Health must be obtained for the Dumpster placement.

314-6. Dumpster Permits

A. No Dumpster shall be used or kept in the Town of Ashland unless a Dumpster permit covering that dumpster has been issued to the Owner by the Board of Health.

B. Applications for Dumpster permits may be made at the office of the Board of Health. Each application shall include the name, address and telephone number of the applicant, and such additional information as the Board of Health shall require. The fee for this permit shall be as established by Ashland Board of Health Regulations - Fee Schedule for a Dumpster Permit.

C. All permits issued under this section shall be issued annually and shall expire on December 31st of the year of issue.

D. Temporary Dumpster permits may be issued to an Owner for a period not to exceed ninety (90) days. Such permits may be renewed for additional thirty (30) day periods upon application, provided that the temporary Dumpster has been properly maintained.

E. This section shall not take effect until January 1, 2010.

314-7. Maintenance of Dumpsters

A. Dumpsters shall be kept covered at all times when not in actual use. This section shall not apply to temporary, roll-off type, containers intended for construction or demolition waste if they are otherwise maintained in accordance with the next two provisions:

(1) Dumpsters must be emptied with sufficient frequency and in such a manner as to prevent spillage or the creation of objectionable conditions, such as odors, noise, vermin, or overflow.

(2) Dumpsters shall be cleaned and deodorized when emptied, or with sufficient frequency as to prevent the creation of objectionable conditions.

314-8. Severability

A. So far as the Board of Health may provide each section of these Rules and Regulations shall be construed as separate to the end that if any section, sentence, clause or phrase shall be held invalid for any reason, the remainder of the Rules and Regulations shall continue in full force.

314-9. Penalty

A. Criminal Complaint - Whoever violates any provision of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may

otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be $300.00 for each offense.

B. Non-Criminal Disposition - Whoever violates any provision of these rules and regulations may, in the discretion of the Health Agent, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of the Massachusetts General Laws, Chapter 40, Section 21D. For the purpose of this provision the penalty to apply in the event of a violation shall be as set forth in section 29-4 of the Town of Ashland By-law. Each day on which a violation exists shall be deemed to be a separate offense.

314-10. Enforcement

A. These Regulations will be strictly enforced by the Board of Health and/or its agents.

B. All fines listed herein shall be enforced under the authority granted under Chapter 40, Section 21D, of the Massachusetts General Laws.

These rules and regulations were adopted by unanimous vote of the Board of Health of the Town of Ashland on **November 17, 2009**, and are to be in full force and effect on and after **January 1, 2010**. A copy thereof shall be deposited in the office of the Town Clerk.

Ashland Board of Health

Chairperson Anthony Kritikos

Vice Chairperson Malcolm Smart

Clerk Leslie Githens

Dimitri, Karpouzis, Member

John Reap, M.D, Member