



CITY OF LOWELL
BOARD OF HEALTH

DUMPSTER REGULATIONS

THE USE AND LICENSING OF TRASH DUMPSTERS

Whereas the Board of Health is empowered to make reasonable rules and regulations as specified in Chapter 171 Section 13 of the Code of Ordinance of the City of Lowell;

Whereas the City Council of the City of Lowell adopted regulations effective April 26, 1988, and amended August 26, 2003, for the Regulation and Licensing of Dumpsters;

The Lowell Board of Health finds that it is necessary to adopt the following reasonable regulations:

1. DEFINITIONS

- A. Dumpster shall mean any container, receptacle, compactor unit, trailer, roll-off, temporary plastic or woven bag capable of holding 500 gallons or more, donation box, or other similar unit with or without wheels that is used for the temporary storage, containment, or transport of refuse, garbage, donated material for charity or other reuse, or other discarded materials of household or commercial trash. Under Section ~~40-74~~171-13(a), such dumpster shall not mean a dumpster used for construction debris, which are regulated under section 115-2 of the Code. It shall not apply to the ordinary household trash can of a volume less than 50 gallons, to plastic bags storing these materials in compliance with the regulations of the City of Lowell, or to trash compactor trucks operated by a company duly licensed by the local Board of Health.
- B. User/Property Owner shall mean any individual, partnership, corporation, association, or other legal entity that contracts or request for the installation, maintenance, or servicing of a dumpster.
- C. Company/Corporation shall mean any individual, partnership, corporation, association or other legal entity that contracts with or responds to requests from users by providing for the installation, maintenance, or servicing of a dumpster.
- D. Donation Container shall mean any stand-alone container, receptacle, compactor, unit, trailer or roll-off, with or without wheels that is used for the temporary storage, containment or transport of household items given for donation or reuse.
- E. Person shall mean any individual, partnership, corporation, association, or other legal entity.
- F. Property Location shall mean any location where a company/contractor places a dumpster

- G. Owner's Permit shall mean any dumpster permit issued to a property owner on an annual basis.
- H. Owner's Temporary Permit shall mean any permit issued in connection with fairs, festivals, carnivals or other similar temporary needs. Such permit shall be issued for a 15-day time limit. Such permit may be reissued for an additional 15 days with proper application.

2. LICENSING OF DUMPSTER COMPANIES/CONTRACTORS

- A. No contractor shall supply ~~a~~ dumpster service or donation box service in the City for the purpose of storage, removal, or transportation of rubbish, garbage, offal, household goods, and other materials and substances without first obtaining a registration permit from Development Services.
- B. No company/contractor shall be issued a permit without proof of liability insurance in the amount of one hundred thousand dollars (\$100,000) or a twenty-five thousand (\$25,000) surety bond approved by the City Solicitor.
- C. An application and fee as set by the Board of Health shall be filed and approved by the Board of Health prior to the granting of the license.
- D. The annual fee for such Company/Contractor permit shall be one hundred dollars ~~(\$100.00)~~ annually.
- E. The company/contractor permit shall be valid for one year unless revoked or suspended and is renewable annually. Such permit will expire at the end of the calendar year of which it was issued but may be renewable upon application annually as herein provided. The name, address and telephone number of the owner and his/her designee shall be kept on file in Development Services.
- F. The company servicing dumpsters and/or donation boxes shall provide the Board of Health with a list of all their active service accounts and/or locations within the city limits. This list shall be amended annually by the company/contractor for clients or locations added or removed from service within the city limits. It is required that such service account and/or location lists are submitted by the company/ contractor to the Lowell Development Services with the permit application or renewal each year.
- G. No company/contractor shall provide a dumpster, temporary or annual, in the City without notifying Development Services prior to its placement. Failure to do so may result in the issuance of cease and desist orders, loss of all existing dumpster permits, and non-criminal or criminal penalties.
- H. The company/contractor supplying the dumpster shall have his or his firm's name and business telephone number conspicuously displayed on the dumpster.
- I. The dumpster company/contractor shall provide dumpsters in good working order at all times.

3. REGISTRATION OF DUMPSTER PROPERTY LOCATIONS

- A. Property owner shall be required to submit a plot plan indicating the location of the dumpster(s) and apply for a permit from Development Services for each dumpster in use upon his property. For permit renewals a plot plan and/or picture showing the location and enclosure will be required.
- B. All non-temporary permits shall expire one year from when they were issued, but may be renewed annually on application as herein provided.
- C. Temporary dumpster permits will be issued to an individual for a period of time not to exceed fifteen (15) days, in connection with fairs, carnivals, residential clean-outs, or for other similar temporary needs. Such permit may be renewed for an additional fifteen (15) days, as the need requires and upon proper application. The individual shall comply with all the provisions of this division which are applicable to the operation of the dumpster.
- D. The name and the address of the owner and his/her designee authorized to receive notices under these regulations shall be kept on file with Development Services.
- E. All Users/Property Owners not receiving trash service through the City of Lowell shall be required to provide to the Board of Health proof of trash disposal and pickup. Such disposal and pickup must be from a company/contractor which has registered with the Lowell Development Services.
- F. No property owner shall have, or maintain a dumpster on private property without obtaining the proper permits from Development Services, and all other necessary city agencies prior to its placement.
- G. No property owner shall have, or maintain a dumpster on public property without obtaining the proper authority from the City of Lowell, entering into an agreement for that property, and remaining current on applicable agreement conditions and requirements.
- H. It is the responsibility of the property owner to ensure that all other licenses, and permits required by the City have been obtained. The issuance of a dumpster permit shall under no circumstances be construed as a waiver from any other permit, or license required, nor any of the requirement, provisions, or regulations as may be applicable.
- I. Any temporary permit or annual permit for a dumpster for household trash required under the Code of Ordinances for the City of Lowell Section 171-13 shall be issued by the Board of Health. A fee of \$50.00 shall be paid upon application for all dumpster permits and a like fee paid annually for renewal of permit and to cover costs of inspections.

±J. Development Services is hereby designated as the enforcing agency of these Board of Health Regulations pursuant to its respective powers and duties.

4. DUMPSTER USE FOR ALL DUMPSTERS USED WITHIN THE CITY LIMITS

- A. All dumpsters shall display a clearly visible decal or stencil showing the name and business phone number of the company/contractor that owns and maintains it.

- B. Each dumpster must be located at a distance from the lot line, but not less than five (5') feet from the lot line, so as not to interfere with the safety, convenience, or health of abutters and residents and public.
- C. Each dumpster shall be placed as so not to interfere with the physical integrity of the curb and sidewalk.
- D. Each dumpster must be placed and replaced in the location indicated on the plot plan provided with the dumpster permit application. The location of dumpsters shall be subject to the approval of Development Services and the Fire Department.
- E. All dumpsters shall be located on a material impervious to water (asphalt, concrete, etc.), fully enclosed or screened on all sides, with a material approved by Development Services, as tall or taller than the dumpster and extending down to the existing ground grade, and secured with latching gates or other mechanism with/ or without a lock.
- F. Variances may be sought for Section 4.B and 4.E. A variance must be applied for through Development Services and approved by the Board of Health or designees.
- G. All enclosures and/or screening shall not impede vehicular access necessary for the emptying of dumpsters.
- H. All dumpsters must be deodorized by the company/contractor supplying such dumpster each time the unit is emptied. The company/contractor must additionally wash and/or sanitized when directed to do so by Development Services.
- I. Each dumpster shall be of sufficient size and capacity and have sufficient collection schedule, for its intended use and, to ensure it does not overflow or become full such that the lid(s) do not close. The Board of Health or its designee Development Services may require documentation of the collection schedule and/or require amendments to the schedule as necessary to avoid unhealthful or offensive odors, public health hazards and nuisances.
- J. The property owner, or his agent utilizing a dumpster service, must take appropriate action to immediately cause the dumpster to be emptied of its contents when full, including when its lid(s) are ajar, or when refuse, garbage, donated items, or other discarded materials are placed around the dumpster and/or its enclosure.
- K. The Development Services may refuse an annual permit or temporary permit, if in its discretion, the size or capacity of the dumpster does not fulfill the requirements of the City.
- L. It shall be the responsibility of the property owner to maintain the dumpster area free of odors, scattered debris, overflow, and all other nuisances. ~~If the property owner is notified that the dumpster upon his property is in violation of any of the foregoing offenses, the property owner shall within twelve (12) hours of notification cause the offense to be remedied or shall be in violation of this ordinance.~~
- M. All dumpsters shall be of such design and placement so as to prevent "tip-overs."

- N. Each dumpster shall be situated so as not to obstruct the view of flowing traffic. No dumpster shall be placed or parked in a public way.
- O. If in the opinion of Development Services, which is the primary department responsible for issuing permits, and the concurring approval of the following departments: Public Works, Police Department, and Fire Chief, that a condition constituting an emergency exists necessitating the temporary placement of a dumpster on a public way, then a temporary permit for such may be issued.
- P. If a temporary permit is issued for parking a dumpster on a public way, then such dumpster shall be clearly illuminated at night by lights or reflective materials. The Police Chief, or his designee, may require additional illumination.
- Q. The Police Chief or his designee, or the Deputy Director responsible for Development Services or his designee is hereby given authority to remove a dumpster from a public way that does not meet the requirements of this ordinance or presents a threat to public safety. The cost of removal and storage of the dumpster shall be paid by the property owner.
- R. No trash shall be deposited in the dumpsters between the hours of 11:00 PM and 6:00 AM, in or upon residential property.
- S. On commercial property, trash shall be deposited in the dumpster prior to the close of the Working day, ~~but no later than 8:00 PM.~~
- T. If special circumstances are shown to the enforcing agencies, then at their discretion an extension of time for deposit of trash may be granted by Development Services.
- U. All dumpsters must be covered and secured at all times, except during the filling thereof. The local Board of Health or the Fire Department may order a lock for the dumpster, or a locking enclosure.
- V. Dumpsters used for the collection of rubbish, trash, etc., shall not be collected, emptied or moved between the hours of 8:00 PM in the evening and 7:00 AM of the following morning Monday through Saturday. Sunday pickups may be made only upon specific approval of Development Services.

5. REGULATION APPLICATION, MODIFICATIONS, SUSPENSION, REVOCATION, AND WAIVERS.

- A. These regulations shall apply to all dumpsters used anywhere within the corporate limits of the city with the exclusion of dumpsters used for construction debris which are regulated under Section 115-2 of the City Code.
- B. Permits may be modified, suspended, revoked, or recalled by the Board of Health, acting through the Deputy Director responsible for Development Services, and after notice and a hearing, for failure of the company/contractor, and/or property owner to comply with the provisions of this ordinance.
- C. Development Services may issue amendments, or modifications to these regulations pertaining to dumpsters, as needed.

- D. Waivers and/or variances from any provisions of the City Code 171-13, and of any regulation established by the Board of Health pursuant thereof, shall, for good cause, be granted by the Board of Health, only after an advertised public hearing for such.

6. PENALTIES

- A. Upon a criminal complaint, a person who violates a provision of the City Code, Section 171-13, or of these regulations, shall be, if so found by the Court, guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$100.00
- B. Any person who violates any provision of the City Code, Section 171-13, or these regulations, may be penalized by a noncriminal disposition as provided for under Section 1-6 of the Code and Mass. General Laws Chapter 40, Section 21D as amended. These regulations shall be enforced by Development Services of the City of Lowell.

- i. The penalty for the first violation shall be fifty dollars (\$50.00) for each day or part of a day during which the violation is committed, continued, or permitted.
- ii. The penalty for the second violation shall be one hundred fifty dollars (\$150.00) for each day or part of a day during which the violation is committed, continued, or permitted.

7. SEVERABILITY

Severability is intended throughout and within the provisions of these regulations. If any provision, including, inter alia, any exception, part, phrase or term of the application to any person or circumstances is held to be invalid, other provisions or the application to other persons or circumstances shall not be affected thereby. It is intended that these regulations would not be applied where its application would be unconstitutional.

These Trash/Dumpster regulations were unanimously adopted by a vote of the Lowell Board of Health, after a public hearing on _____ and will become effective as of _____. For all existing valid dumpster permits at time of adoption, the permit holders shall have until December 31, 2013 to come into full compliance with or be granted variances for Sections 4.B and 4.E. All other sections of this regulation must be complied with as of the effective date.

ADOPTED _____

LOWELL BOARD OF HEALTH
