

**TOWN OF MASHPEE
BOARD OF HEALTH**

REFUSE REGULATION

1. RATIONALE

The responsibility for the control of removal, transport, and disposal of solid wastes falls under the jurisdiction of local Boards of Health per M.G.L. c. 111, §§31A and 31B. Annual permits to transport refuse are issued by Boards of Health. Furthermore, these Sections grant local Boards of Health the authority to adopt and enforce local regulations regarding transport and disposal.

2. DEFINITIONS

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 Mashpee from any source.

DUMPSTER includes any receptacle or container 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.

REFUSE includes non-hazardous solid waste, which is the worthless or useless part of something, requiring collection and transport to a processing or disposal site. Refuse includes garbage, rubbish and trash. (M.G.L. c.111, §150A - "Refuse" means all solid or liquid waste material, including garbage and rubbish, sludge and residual waste, but not including sewage.)

1. Garbage is, but not limited to, decomposable food waste, household waste or yard waste.
2. Rubbish is, but not limited to, dry material such as glass, paper, cloth, wood or wasted construction material that does not readily decompose.
3. Trash is, but not limited to, rubbish that includes bulky items such as old refrigerators, couches, large tree stumps and electronic waste.

3. AUTHORITY

Therefore under the authority of M.G.L. c.111, §§31, 31A and 31B, the Board of Health of the Town of Mashpee hereby adopts the following amended regulation:

4. REGULATION

- A. All contractors must be licensed by the Board of Health, have a sticker affixed to each vehicle indicating the vehicle registration number and must comply with all local Board of Health regulations.
- B. All contractors licensed by the Board of Health in the Town of Mashpee must transport their refuse loads to a state licensed solid waste facility.
- C. No person shall do business as a contractor or otherwise collect and transport refuse in the Town of Mashpee without a Refuse Haulers license from the Board of Health.
- D. The annual Refuse Hauler's license fee shall be set according to the Board of Health fee schedule.
- E. All refuse hauling vehicles licensed by the Board of Health shall be inspected prior to permitting and are subject to inspection at any reasonable time by an agent or designated representative of the Board of Health to assure compliance with any provision of this regulation.
- F. 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 and shall be free from holes from the top down.
- G. Garbage, offal, refuse and other offensive substances shall be collected in residentially zoned areas between the hours of 7 AM and 10 PM. Any house or condominium (or preexisting nonconforming commercial use for that matter), if located in an R3 or R5 Zoning District, is considered residential.
- H. When not in use, all dumpsters must remain within the contractor's property until it relocates to its new contracted/rented location.

5. PENALTIES

Any violation of any provision of this regulation shall result in the following:

- A. First offense shall result in a fine of \$500, second offense \$1,000, third offense \$5,000. Any subsequent violation, in the same calendar year, shall result in revocation or suspension of the license to transport refuse in the Town of Mashpee as determined by the Board of Health. If the license is revoked, the Refuse Hauler may come to the Board to have their license reinstated the following calendar year.
- B. Imposition of all other applicable fines as defined in M.G.L. c.111, §31B.

6. SEVERABILITY

In the event any section of these regulations is judged invalid in a court of law, such section shall be severed from the remaining sections, which shall remain in full force and effect.

7. EFFECTIVENESS

This regulation becomes effective upon publication in a newspaper of general circulation.

Per Order Of,
Mashpee Board of Health

Ernest Virgilio, Chairman
John Livingston, Co-Chairman
Ed Raposa, Clerk

Adopted: April 11, 1991

Revised: March 23, 2011; November 6, 2014; October 3, 2023 (Adv 10/13/23)