

Section 4

Dumpsters and the Removal & Transportation of Garbage, Rubbish, Offal and other Substances.

In accordance with and under the authority granted by Chapter III,
Sections 31, 31A, & 31B and Chapter 40 Section 21D of the General Laws.

Reg #1: These regulations shall apply to all dumpsters in the City of Malden whether for residential, commercial or industrial use. These regulations may be enforced by the Board of Health, its agents, servants or employees.

Reg #2: All Dumpsters must have a Board of Health approved enclosure unless a variance is requested and granted by the Board of Health in accordance with Regulation 16 of this Section.

Reg #3: All Dumpsters with enclosures shall consist of a fence or approved screening that obscures the view of the Dumpster from all sides. The minimum height of these enclosures is six feet. The enclosure must have one vehicle gate and one pedestrian opening. All Dumpster enclosure gates are to be closed when Dumpster is not in use. All Dumpsters must be installed on a pad of concrete or asphalt, which is sloped to drain to a proper drain.

Reg #4: All aspects of the enclosure must be maintained in proper condition and working order.

Reg #5: If a Dumpster has been deemed a nuisance or has repeated fines under these regulations the Board of Health may: Order a Dumpster enclosed or screened, the Dumpster location changed, the Dumpster size changed, additional weekly pickups or that the Dumpster be removed.

Reg #6: Each Dumpster and its enclosure must be located at a distance from the lot line as not to interfere with the safety, convenience or health of abutters or residents. Dumpster and Dumpster enclosure locations must be approved by the Board of Health.

Reg #7: Each Dumpster must be situated so as not to obstruct the flow of pedestrian or vehicle traffic, must be at least 15 feet from a residential dwelling and must not pose a fire hazard as determined by the Malden Fire Department.

Reg #8: Dumpsters are not to be filled between the hours of 11:00 P.M. and 7:00 A.M. in residentially zoned areas. Dumpster on commercial property can not be filled after the close of the business.

Reg #9: It shall be the responsibility of the dumpster permit holder to maintain the dumpster and the dumpster area free of all nuisances including, but not limited to, flies, insects, scattered debris, overflowing conditions, missing lids / doors and leaking fluids.

Reg #10: Each Dumpster must be of sufficient size and capacity to eliminate overflowing. All Dumpster lids and enclosure gates are to be closed and locked when Dumpster is not in use. Routine weekly scheduled pickups shall be mandatory for all Dumpsters. The Board of Health its agents servants or employees can order the dumpster size changed, additional collections or the dumpster removed when nuisance conditions exist or for repeated violations of these regulations.

Reg #11: All Dumpster Contractors in the City of Malden must apply for and receive a Permit to Transfer & Transport Solid Waste. ***Use the attached form for Permit Application.***

Reg #12: All Dumpster Contractors must have each Dumpster marked with the name of the company and a company telephone number.

Reg #13: The Dumpster Contractor shall have the Dumpster deodorized when emptied or if necessary, washed, steamed or sanitized within the time limit specified by the Board of Health or its agents, servants and employees.

Reg #14: The Dumpster Contractor shall not cause nor allow spillage during removal or transportation of any garbage, rubbish, offal or other offensive substance on to the ground, streets or storm drains.

Reg #15: Dumpsters Contractors are not allowed service Dumpsters anywhere in the city prior to 7:00 A.M. Monday through Friday, 8:00A.M. on Saturdays and no later than 8: 00P.M. Monday through Saturday. No Dumpsters are to be serviced on Sunday or holidays

Reg #16: **VARIANCE**

All variance requests to the Board of Health must be in writing. The Board of Health may vary the application of any provision of Regulation #2 with respect to any particular case when, in its opinion, the enforcement would compromise or be detrimental to the public health, safety or welfare, be manifestly unjust or if in the Boards opinion a condition exists that precludes the proper application of the regulation.

Any variance granted by the Board of Health shall be in writing to the applicant and shall become public record to be placed on file at the Office of the City Clerk. Any variance granted shall also be subject to suspension, modification or revocation only after the holder is notified in writing and given an opportunity to be heard.

Forms for this hearing can be obtained in Room 517, Government Center within 7 days of receipt of the suspension, modification or revocation of the variance. Once the appeal is received by the clerk of the Board of Health all concerned parties will be notified in writing of the hearing date, location and time. The Board of Health shall schedule this hearing within 30 days of receipt of the request.

Reg #17: **ENFORCEMENT**

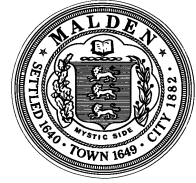
Agents and employees of the Board of Health have the power to enforce the provisions of this regulation. Violation of this ordinance may also be enforced in the manner provided under Massachusetts General Laws Chapter 40, Section 21D and shall punishable as follows:

- | | |
|-------------------------|--|
| (a) First offense | warning |
| (b) Second offense | \$ 50.00 fine |
| (c) Third offense | \$100.00 fine |
| (d) Subsequent offenses | not less than \$100.00 nor more than \$300.00. |

Each twenty-four hour period during which a violation exists shall constitute a separate offense, and a separate and additional fine shall be imposed.

Malden Government Center
200 Pleasant St., Rm. 517
Malden, Massachusetts 02148
(781) 397-7049
(781) 397-7350 (Fax)
BOH@CityofMalden.org

**City of Malden
Massachusetts
Board of Health**
www.cityofmalden.org



**City of Malden Board of Health
Application to Collect & Transport Solid Waste**

In accordance with Section 4, of the Malden Board of Health Rules & Regulations
Chapter 9 of the City Ordinances

Submit the \$75.00 Non-refundable Application Fee.

Permit Fee \$300.00

Date _____

Name of Organization: _____

Address: _____

Mailing Address (if different): _____

Phone #: _____ Fax #: _____

Email Address: _____

Name & Title of Applicant: _____

Name of Owner (if different from applicant): _____

If a corporation or partnership:

Name	Title	Home Address	Phone #
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SSN # or Federal Tax ID #: _____

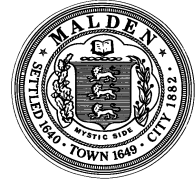
I certify under the penalties of perjury that all information furnished in this application is true to the best of my knowledge. I have read, understand and will comply with all provisions of Section 4 of the Malden Board of Health Rules and Regulations, the City of Malden Solid Waste Ordinance and all other pertinent local, state or federal law or regulation.

Signature of Applicant & Corporation Name

by _____
Signature of Corporate Officer (if applicable).

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**City of Malden Board of Health
Application for Dumpster Permit / Variance**

In accordance with the Solid Waste Ordinance, Section 9.28.B.1, Solid Waste Collection by Dumpster.

Submit the \$75.00 Non-refundable Application Fee.

Permit Number _____

Permit Fee: \$30.00

App. for Dumpster

App. For Variance

Business Name: _____

Address _____

Mailing Address (if different) _____

Phone #: _____ FAX #: _____

Email Address: _____

Contact Person: _____ Phone Number _____

Collection Company Name: _____ Size of Dumpster _____ yds.

Circle Days of Collection: Mon. Tues. Wed. Thurs. Fri. Sat.

Weekly Bi - Weekly

1. Attach a scaled drawing of the property and the location of the dumpster. Include the distance of the Dumpster from abutters, the property line and on site buildings.
2. If the Dumpster is enclosed, include a narrative of the enclosure type and design. See Regulation # 3 for the requirements.
3. If the Applicant is not in compliance with Section 4 in its entirety, check the Application for Variance block at the top of the form and include a narrative of the regulation/s in need of variance and the Applicant will be notified of the hearing date in accordance with Regulation # 16.

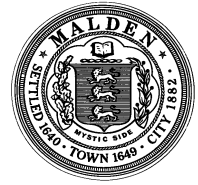
The undersigned has received, read and understands Section 4, of the Malden Board of Health Rules & Regulations and of the Solid Waste Ordinance and agrees to comply with these regulations in their entirety.

Applicants Signature _____

Date _____

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Public Notice

At the meeting of The Malden Board of Health on October 16, 2001 the Malden Board of Health amended Section 4, of the Malden Board of Health Rules and Regulations in accordance with and under the authority granted by Chapter 111, Sections 31 of the Massachusetts General Laws.

In summary, Section 4, Dumpsters and the Removal & Transportation of Garbage, Rubbish, Offal and other Substances, regulates the proper siting, installation, maintenance, use, permitting and collection of solid waste in Dumpsters by solid waste removal contractors and sets a schedule of fines to be levied for violation in accordance with Chapter 40, Section 21D of the Massachusetts General Laws.

Copies and Permit Applications are available at the Board of Health Office and the City Clerk, Government Center, 200 Pleasant Street, Malden.



DRAFT --Public Notice

On January 11, 2005 the Board of Health voted to implement Dumpster permitting as required of the City of Malden Solid Waste Ordinance, Section 9.28.B.1, Solid Waste Collection by Dumpster.

In summary, Section 9.28.B.1 requires all commercial properties to obtain a permit for Dumpsters serving that commercial property. Applications for this permit must be made with the Board of Health and will be issued to the applicant upon compliance with Board of Health Regulation, Section 4, Dumpsters and the Removal & Transportation of Garbage, Rubbish, Offal and other Substances. The fee for said permit shall be twenty five (\$25.00) dollars.

Applications for Dumpster permits are available at the Board of Health Office, Government Center, Room 517, 200 Pleasant St., Malden.

