



Town of Reading Massachusetts

**Public Safety
Public Health**

Health Regulations

Section 04 - Dumpster

SECTION 04 DUMPSTERS

In accordance with and under the authority granted by Sections 31-31B, and 122 of Chapter 111 of the General Laws of the Commonwealth of Massachusetts, 105 CMR 410.000 State Sanitary Code II: Minimum Standards of Fitness for Human Habitation, and the Town of Reading General Bylaw Article 1 Section 8.11: General Provisions, the Reading Board of Health hereby adopts the following regulation. All other regulations of the Board of Health inconsistent with this regulation are repealed.

This regulation shall apply to all dumpsters in the Town of Reading whether for residential, commercial, or industrial use. This regulation may be enforced by the Board of Health and its agent(s) and is necessary to prevent the harborage of rodents and causes of filth.

DUMPSTER REGULATION AND FOR THE REMOVAL, TRANSPORTATION, AND STORAGE OF GARBAGE, RUBBISH, OFFAL, OR OTHER OFFENSIVE SUBSTANCES.

4.1 DEFINITIONS

- Annual Dumpster: a Dumpster located on a site year-round for the disposal of rubbish, garbage, offal, or other offensive substances.
- Board: The Reading Board of Health
- Dumpster: any receptacle of 75-gallon capacity or more which is used for the collection, storage or transportation of trash, rubbish, garbage, offal, construction and demolition material, scrap or other materials for discard or disposal.
- Owner: any person, including a lessee or mortgagee in possession, who alone or severally with others has lawful title to or lawful 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.
- Temporary Dumpster: a Dumpster that will occupy a specific location for ninety (90) days or less.

4.2 PERMIT PROCESS AND REQUIREMENTS

- 4.2.1** The Owner is required to obtain a permit from the Board for each Dumpster on its property. The Board has the right and authority to ensure that all Dumpster placement and management is neither a nuisance to any abutting property or a health hazard to the general public. No person or property owner, authorized agent, charitable organization, or corporate entity shall maintain or operate a Dumpster without the approval from the Board.
- 4.2.2** Each permit application shall include a plan showing the location of the Dumpster, its enclosure, and all businesses or buildings on the site. The plan shall show if any grease barrels or composting is to be located on site. The plan shall include a written agreement with the property owner (if not the applicant) indicating permission to locate the Dumpster(s) at the property and clearly define who is responsible for Dumpster maintenance and collection. All applicants must have the proposed location of the dumpster approved by the Fire Department.
- 4.2.3** All permits for Annual Dumpsters shall expire on December 31 in the year they are issued, but they may be renewed annually on application. All permits for Temporary Dumpsters shall be valid for no more than ninety ((90) days. The permit fee shall be in accordance with the current Reading Health Department fee schedule. All permit fees are non-refundable.
- 4.2.4** A permit shall be obtained no less than five (5) business days prior to the installation of a Dumpster.
- 4.2.5** No permit outlined in this regulation shall be transferable except with the written approval of the Board.
- 4.2.6** Inaccurate information in the permit application shall be grounds for denial of the permit.

4.3 DUMPSTER REQUIREMENTS

Dumpsters shall be operated and maintained in accordance with the following conditions.

- 4.3.1** Annual Dumpsters shall be enclosed or screened in such a manner as to not be visible from public ways unless a variance is requested and granted by the Board in accordance with Section 4.8. All screening shall be approved by the Reading Health Department. Temporary Dumpsters do not need an enclosure or screening; however, it is recommended.
- 4.3.2** Dumpsters located in a residential zoned area shall not be emptied between the hours of 9 PM and 6:30 AM, unless in the case of an emergency and with prior notice to the Board or its agents.
- 4.3.3** Each Dumpster must be located at a distance from the lot line so as not to interfere with the safety, convenience, or health of any business or neighbor. Dumpsters must be situated so as not to obstruct the view of flowing traffic. Dumpsters shall be placed on a smooth, nonporous and easily cleanable surface, such as concrete or asphalt.
- 4.3.4** Each Dumpster must be of sufficient size and capacity to eliminate overflow. Dumpsters must have tight fitting lids/doors, drain plugs, and the ability to be locked. They shall be in good physical condition, not rusted through, or have missing, inoperable or damaged doors and be in such a condition that the doors easily open and close.
- 4.3.5** Signage shall be posted to prevent the risk of illegal dumping. All Dumpster lids and enclosure gates are to be closed when the Dumpster is not in use and at the end of each business day. Lids and enclosure gates are to be locked on any day when the business is not open. The Board and its agents may require the enclosure to be locked during the business day if ongoing documented illegal dumping is occurring. Construction Dumpsters are exempt from the lid requirement.
- 4.3.6** Dumpsters shall be kept free of odors, rodents, flies, insects, other wildlife, scattered debris, overflowing conditions, missing drain plugs, missing lids/doors, damaged lids/doors due to pests and leaking fluids, and all other nuisances. The Dumpster and the areas surrounding the Dumpster, including the enclosure areas, shall be cleaned and maintained on a routine schedule. Dumpsters shall be deodorized, washed, and sanitized as needed, or as directed by the Reading Health Department.
- 4.3.7** The Dumpster hauler's name or company logo and telephone number, and unique identification number shall be conspicuously displayed on the Dumpster. Routine weekly scheduled pickups shall be mandatory for all Dumpsters. There shall be no spillage of the Dumpster's contents during the emptying process or while transporting the Dumpster's contents in Reading. In the case of spillage, it is the responsibility of the Owner to ensure the area is properly cleaned.
- 4.3.8** An unused Dumpster must be removed from the property within 72 hours after termination of service. A Dumpster subject to an expired or revoked permit must be removed from the property within 72 hours of such expiration or revocation.

4.4 ENFORCEMENT

- 4.4.1** The Board and its agents shall have the power to enforce this regulation.
- 4.4.2** Upon notice and an opportunity for a hearing, the Board may modify, suspend, or revoke a permit if the permit holder fails to comply with this regulation or the Dumpster has been deemed to be nuisance. Modifications to the permit may include, but are not limited to, the following: requiring additional or modified enclosures or screening, changing the location or size of the Dumpster, ordering additional cleaning processes (deodorized/washed/sanitized) or waste removal pickups, if it determines such modification is necessary for the public health, to prevent the harborage of rodents and causes of filth, or otherwise prevent a public nuisance. The Board and its agents may also impose fines as described in Section 4.5.
- 4.4.3** The Board may order that a Dumpster or other suitable refuse container to be required on a residential or commercial property. This determination will be based on the results of an investigation into complaints and/or reports of nuisances, and a determination that the Board deems such action to be necessary for the public health, to prevent the harborage of rodents and causes of filth or otherwise prevent a public nuisance.

4.4.4 Agents of the Reading Health Department shall investigate complaints or concerns regarding matters governed by this regulation and shall and issue citations to Owners as deemed necessary to correct the violation. Agents may enter commercial property during normal business hours to inspect Dumpsters and ensure compliance with this regulation.

4.5 PENALTIES

Pursuant to Town of Reading General Bylaw Article 1 Section 1.8, failure to comply with this regulation may result in a fine of \$50 First Offense, \$100 Second Offense, and \$150 for Additional Offenses. Each day that the offense continues shall constitute a separate offense.

4.6 APPEAL PROVISIONS

Any permit holder cited for a violation of this regulation may appeal such violation by filing a written notice of appeal with the Board within seven (7) business days from the date of the violation citation. A hearing will be held within sixty (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.

4.7 SEVERABILITY

If any word, clause, phrase, sentence, or section of this regulation shall be declared invalid for any reason, that portion shall be severed, and all other provisions shall remain in full force and effect.

4.8 VARIANCE

4.8.1 Any person may apply to the Board, in writing, for a variance from this regulation.

4.8.2 The Board may vary the application of any provision of this regulation with respect to any particular case when, in its opinion, the enforcement would compromise or be detrimental to the public's health, safety or welfare, be manifestly unjust, or if in the Board's opinion, a condition exists that precludes the full application of the regulation.

4.8.3 Any variance granted by the Board shall be in writing to the applicant and shall become public record to be placed on file at the Office of the Town 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 in accordance with Section 4.4.2.

4.9 Effective

Effective date: 9/11/2025