



CITY OF WALTHAM  
MASSACHUSETTS

IN THE CITY COUNCIL

IN THE YEAR TWO THOUSAND TWENTY-FIVE

**Ordinance No. 36541**

AN ORDINANCE AMENDING CHAPTER 7 OF THE GENERAL ORDINANCES OF THE CITY OF WALTHAM ENTITLED "GARBAGE, TRASH AND REFUSE" AS FOLLOWS:

Be it Ordained that Chapter 7 of the General Ordinances of the City of Waltham, entitled "Garbage, Trash and Refuse," as most recently amended, is hereby further amended by adding a new Article III as follows:

**ARTICLE III**

**Private Collection Service**

Section 7-20. Definitions.

In the context of this article, the following words and phrases shall have the following meanings unless the context requires otherwise:

CITY - The City of Waltham.

DUMPSTER — Any container, receptacle, compactor unit, trailer, roll-off, or similar unit with or without wheels that is used for temporary storage, containment, or transport of refuse, debris, trash, garbage, food waste, solid waste, recyclable material, incidental demolition debris, or other discarded or like materials. It shall not apply to ordinary household trash cans of a volume of ninety-six gallons or less, recycling receptacles of ninety-six gallons or less, to plastic bags storing these materials in compliance with the ordinances and regulations of the City, or to solid waste disposal trucks operated by a company duly licensed by the City or used or operated by the City.

TEMPORARY DUMPSTER - Any dumpster(s) placed on any lot and used for any purpose for a limited duration of time, not to exceed six (6) consecutive months or six (6) total months in a calendar year.

HAULER — Any person or corporation licensed by the Department of Public Health to remove or transport garbage, offal or other offensive substances, including FOG (fats, oils, grease), through the streets of the City under the provisions of M.G.L. Chapter 111, 31A.

LOT — A parcel of land in identical ownership throughout, bounded by other lots or by streets, which is designated by its owner to be used, developed or built upon as a unit, to which a dumpster serves for waste disposal.

DUMPSTER LICENSE — Dumpster license (also referred to hereafter as "license") shall mean the license required by M.G.L. Chapter 111, 31A and this Article and issued by the Health Department upon satisfactory review of the dumpster license application and the dumpster plan.

DUMPSTER MAINTENANCE PLAN — An operational and maintenance plan for each dumpster governed by this Article, including frequency of servicing, washing, and deodorizing.

RESPONSIBLE PARTY — The owner or other person using the dumpster with an interest in any part or parts of the lot upon which the dumpster is used, maintained or stored, any tenant upon the lot, the property manager for the lot, and/or any other users of a dumpster on the lot.

#### Section 7-21. Applicability.

This Article shall apply to all existing and future dumpsters located within the City. Operators of all existing dumpsters shall be required to file a License Application no later than July 1, 2025.

#### Section 7-22. Dumpster license.

- (a) License Required. No person or corporation licensed by the Department of Public Health under the provisions of M.G.L. Chapter 111, 31A and this Article to remove or transport garbage, offal or other offensive substances, shall place or cause to be placed on any lot in the City any dumpster, except a temporary dumpster, without first obtaining a license from the Director of Public Health. If the Director of Public Health determines that a submitted dumpster license application is accurate and adequate to protect the public health, safety, and environment, the Director of Public Health may issue a license for the transport and placement of the dumpster. The license shall be jointly issued to the Hauler and named Responsible Party, and both individuals/entities shall be responsible for compliance with their respective obligations under the Ordinance, as specified herein.
- (b) Contents of License Application. A complete application (also referred to hereafter as "application") consists of a completed application form and a Dumpster Maintenance

Plan. The dumpster license application form shall be in a form approved by the Director of Public Health.

- (c) Dumpster License Application. A Dumpster License Application shall be filed by the Hauler. A Dumpster License Application shall include the following information, or other information as required by the Health Department:
- (1) The address of the lot on which the dumpster is located;
  - (2) The name, address, and telephone number of the owner of the lot;
  - (3) The name, address, and telephone number of the tenant operator(s) of the establishment(s) or Management Company responsible for the lot which will use the dumpster;
  - (4) The name of the owner of the lot or Responsible Party or designee responsible for overseeing the cleaning and maintenance of the lot;
  - (5) The name, address, contact name, and telephone number of the waste hauling company responsible for servicing the establishment or dumpster; and the name, address, contact name, and telephone number of the person or entity signing the contract with the waste hauling company;
  - (6) The name, address, and phone number of the pest control company servicing the establishment or property, if applicable;
  - (7) A Dumpster Maintenance Plan specifying the proposed regular schedule for servicing, washing, and deodorizing the dumpster; and
  - (8) Any other information required by the Health Department to ensure that the lot is maintained in a sanitary condition free of debris, refuse, trash, solid waste or like material that is injurious to the public health, safety, and the environment.

#### Section 7-23. Dumpster license fee.

In addition to an annual license fee for the "Transportation of Garbage" required by M.G.L. Chapter 111, 31A, there shall be such fee for an annual dumpster license as may be established by ordinance.

#### Section 7-24. Dumpster license term.

The term of each license shall be one year and shall be renewed annually on a date set by the Director of Public Health or their designee. A license renewal shall require payment of any annual fee and updated contact information for the Hauler and Responsible Parties, if applicable.

In the event of a change of ownership of the Property or change in the Hauler servicing the locus, a Dumpster Licenses for a particular locus may be transferred prior to the renewal date at the request of the Hauler or Responsible Party, without the payment of a new fee.

#### Section 7-25. Location requirements.

All dumpsters shall be located at a distance from the lot line, as approved by the Health Department, so as not to interfere with the safety, convenience, or health of abutters, residents, and the public. All dumpsters shall be placed so that any liquid or runoff from the dumpster shall not enter any catch basins or storm drains. All dumpsters shall be placed so as not to interfere with the physical integrity of the curb, sidewalk, and public parking. If a dumpster is to be located upon a public way, then a permit from the Director of Public Works must also be obtained. No dumpster shall be placed within ten feet (10') of any fire hydrant or fire standpipe or within any fire lane.

The Hauler shall be responsible for compliance with this section.

#### Section 7-26. Container requirements.

All dumpsters shall be in new or good condition free of damage caused by wear or misuse that would allow leaks or access by rodents. If the Director of Public Health or their designee determines that the weephole(s) on any dumpster are large enough to allow rodents access into the dumpster, they may require that the weephole be modified by the insertion of a plug or other acceptable device. The Hauler shall be responsible for compliance with this section.

All dumpsters shall be covered and secured at all times except while being filled or emptied. Covers and doors are to be maintained in good working condition, and kept closed at all times except while being filled or emptied. Temporary dumpsters shall be covered when not in use (including overnight) at a minimum with a tight-fitting tarp. All dumpsters shall be deodorized and washed on a regular schedule, and a pest control program shall be implemented for each dumpster. The Director of Public Health, or their designee, may require more frequent cleaning, if necessary. If rodent activity or other site hygiene issues are prevalent, the Director of Public Health may require additional design/containment requirements and/or rodent control measures utilizing best available technology. Any dumpster which is no longer in good condition free of damage caused by wear or misuse that would allow leaks or access by rodents shall be replaced. The property owner or other Responsible Party shall be responsible for compliance with this section.

#### Section 7-27. Screening/fencing requirements.

The Board of Health may require that dumpsters governed by this Article, other than temporary dumpsters, be screened or fenced off from view from public ways, sidewalks, and adjoining properties.

#### Section 7-28. Identification requirements.

All dumpsters shall display a clearly visible decal or stencil showing the name and telephone number of the company/contractor servicing the dumpster. The Hauler shall be responsible for compliance with this section.

#### Section 7-29. Other requirements.

It is the responsibility of the owner of the lot and/or Responsible Party to ensure that all other approvals, licenses and permits required by the City and Commonwealth of Massachusetts have been obtained. It is the responsibility of the owner of the lot and/or Responsible Party to notify the Hauler when the dumpster is filled. The Hauler shall take appropriate action to cause the dumpster to be timely emptied of its contents when full. The Director of Public Health or their designee may require more frequent emptying of a dumpster if they deem it necessary. It is the responsibility of the owner of the lot and/or Responsible Party to maintain the area free of odors, debris, litter, overflow, and all other nuisances including pests.

#### Section 7-30. Inspections.

- (A) Authority. In order to properly carry out their respective responsibilities under this Article, and to ensure that the public health, safety and environment are protected from the hazards posed by unsanitary and unhealthy conditions, the Health Department is authorized to examine and/or survey at any reasonable time all establishments and dumpsters licensed hereunder.
- (B) Systematic Area Inspections. The Health Department is authorized to develop and adopt plans and regulations for systematic, periodic area-wide inspections of dumpsters and establishments required to obtain a license.
- (C) Interference with Inspection. If any owner, occupant, or other person refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to the lot, operation, or premises where inspection is authorized by this Article, the Health Department may seek in a court of competent jurisdiction an inspection warrant that allows for the inspection of the lot and appraises the owner of the lot and/or Responsible Party concerning the nature of the inspection, the scope of the inspection, and justification for it and may seek the assistance of the Police Department in presenting said warrant.

#### Section 7-31. Severability.

If any section provided for under this Article shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of this Article, which shall remain in full force and effect; and to this end the provisions of this Article are hereby declared severable.

First Reading: March 10, 2025

Second Reading: April 14, 2025

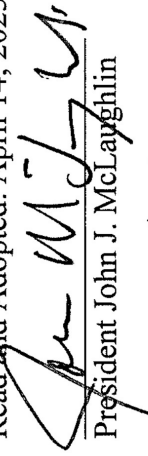
Third and Final Reading: April 14, 2025

Approved:

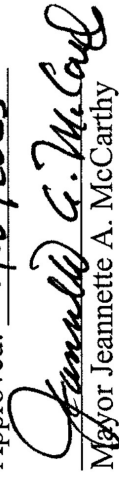
**Order # 36541**

**In the City Council**  
Dumpster License Ordinance

Read and Adopted: April 14, 2025

  
President John J. McLoughlin

Approved: 4/15/2025

  
Mayor Jeannette A. McCarthy

RECEIVED

APR 15 2025

Mayor's Office

**Waltham City Council 2025  
Roll Call**

Item: Ch. 7 of Gen. Ord. entitled "Garbage, Trash & Refuse" Amendment

Date: 4/14/2025

	Yea	Nay	Abstained	Absent
Colleen Bradley-MacArthur	✓			
Paul J. Brasco		✓		
Caren Dunn	✓			
Sean T. Durkee	✓			
William A. Hanley	✓			
Cathyann Harris	✓			
Paul S. Katz	✓			
Joseph P. LaCava	NA	✓		
Anthony LaFauci	✓			
Randy J. LeBlanc	✓			
Robert G. Logan	✓			
Kathleen B. McMenimen	✓			
Thomas M. Stanley	✓			
Carlos A. Vidal	✓			
John J. McLaughlin, President				
<b><u>Totals</u></b>	<u>12</u>	<u>2</u>		