



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers M.C. E.M.C.

Town Clerk

Justice of the Peace

Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 23 of the Warrant for the Annual Town Meeting held on May 6, 2024:

ARTICLE 23 - General Bylaw Amendment Relative to Solid Waste

The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote declared by the Moderator using electronic voting (**201-YES;14-NO**) to approve certain amendments to General Bylaw Chapter 342 [Solid Waste] to regulate the use, location and maintenance of temporary construction dumpsters at non-residential and multi-family residential properties, as follows, or take any other action in relation thereto:

- 1) Amend Chapter 342 [Solid Waste] to read as follows:

Chapter 342. Solid Waste

Article I. Litter and Refuse Disposal

§ 342-1. Litter and refuse.

No person shall litter or dispose of any refuse on or in any public land, way, sidewalk, pond, stream, brook, watercourse or on any private land except with the consent of the owner thereof.

§ 342-2. Waste and/or recycling containers regulated.

For the purpose of controlling the maintenance and operation of dumpsters to protect and promote public health, safety, environmental conservation, and general welfare, no person or entity shall operate, keep, store, use or maintain a waste and/or recycling container associated with a non-residential or multi-family residential property, including without limitation a dumpster, compactor or other container intended or used for trash or recycling materials, including temporary construction dumpsters, except in accordance with this Section.

§ 342-3. Dumpster covers and enclosures required.

Any waste and/or recycling container associated with a non-residential or multi-family residential property, shall have an impermeable lid or cover integral to the dumpster, compactor or container itself, and shall be located on an impervious surface designed to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water. All such containers shall be fully screened within a gated dumpster enclosure so as not to be visible at eye level from any point on an abutting parcel or within any public right-of-way. Dumpster enclosures shall be solidly constructed of wood, stone, brick or similar materials, and shall not include chain link fencing, with or without vinyl privacy slats. Dumpster enclosure gates shall be closed and fastened at all times other than during brief periods of active loading and/or unloading of trash and/or recycling materials. Notwithstanding the above, a temporary dumpster associated with a non-residential or multi-family residential property shall not require integral cover, enclosure or screening, but shall be covered by a securely fastened impermeable tarp or other means sufficient to prevent the discharge of contaminated run-off or leachate into the soil, groundwater, or surface water.

§ 342-4. Dumpster maintenance.

All waste and/or recycling containers, including temporary construction dumpsters associated with a non-residential or multi-family residential property, shall be in good condition free of damage caused by wear or misuse that would allow leaks or access by rodents. All such containers shall be deodorized and washed on a semi-annual basis to prevent persisting putrescence or the buildup of potentially harmful or dangerous residues. The Health Director or Sanitarian may require more frequent cleaning, if necessary. If rodent activity or other site hygiene issues are prevalent, the Health Director or Sanitarian may require additional design/containment requirements utilizing best available technology.

§ 342-5. Permitted hours for waste and/or recycling containers.

Waste and/or recycling containers shall not be filled more than one (1) hour before the start of business or one (1) hour after the close of business of an associated commercial establishment, nor between the hours of 12:00 a.m. and 6:00 a.m. at a multi-family residential property. Said containers shall not be emptied between the hours of 12:00 a.m. and 6:00 a.m.

§ 342-6. Fines.

Any persons violating the provisions of this bylaw shall be punished by a fine of \$100 for each offense. Each day that said violation continues shall be considered a separate and continuing offense.

§ 342-7. Waivers.

Strict compliance with this bylaw may be waived if the Select Board finds that the waiver is in the public interest and is consistent with the intent and purpose of this bylaw.

§ 342-7. Severability.

If any section or provision of this bylaw is held invalid, it shall not invalidate any other section or provision hereof. If the application of any provision of this bylaw to any person or circumstances is held invalid, it shall not invalidate the application of this bylaw to other persons and circumstances hereof.

Witness my hand and seal of the Town of Westwood this 7th day of May, 2024

Attest:



**Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk**

***Pending Attorney General Approval*