



BOARD OF HEALTH
TOWN OF MONTAGUE
ONE AVENUE A
TURNERS FALLS, MASSACHUSETTS 01376

ADOPTED - SEPTEMBER 11, 1989

ARTICLE I. BOARD OF HEALTH REGULATION FOR THE STORAGE AND REMOVAL OF GARBAGE AND RUBBISH.

Sec. 1.1 PURPOSE

The purpose of this regulation is to ensure the proper storage and removal of garbage for rooming house, commercial businesses, schools and industries.

Sec. 1.2 AUTHORITY

Mass. General Laws, Chapter 111, Section 31, and 31B, "Boards of Health may make reasonable health regulations, and Boards of Health shall from time to time, make rules and regulations for the control of the removal, transportation or disposal of garbage, offal or other offensive substances." The Board of Health is responsible for litter, waste and garbage under nuisance conditions, Chapter 270, Sec. 16, 16A, Solid Wastes, Chapter 111, Sec. 150A 310 CMR 16.00, 18.00, 19.00 and housing unit, 105 CMR 410.600, 410.601 and 410.602.

Sec. 1.3 DEFINITIONS

- a) BOARD OF HEALTH - so used shall refer to the Board of Health or its authorized agent.
- b) GARBAGE - means the animal, vegetable or other waste resulting from the handling, preparing, cooking, consumption or cultivation of food and beverages, and containers and cans which have contained food, unless such containers and cans have been cleaned and prepared for recycling.
- c) OWNER - means every person who alone or severally with others has:
 - 1) Legal title to a property
 - 2) Has care, charge or control of a property
 - 3) Mortgage in possession
 - 4) Agent, trustee or other person appointed by the courts
 - 5) Officer or trustee of the association of unit owners of a condominium.

Each person is bound to comply with the provision of these minimum standards as if he or she were the owner.

- d) ROOMING HOUSE - as described by 105 CMR 410.039 and having 3 or more units.



BOARD OF HEALTH
TOWN OF MONTAGUE
ONE AVENUE A
TURNERS FALLS, MASSACHUSETTS 01376

- 2 -

- e) RUBBISH - means combustible and non-combustible waste materials except garbage and includes but is not limited to such material as paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard wastes, grass clippings, tin cans, metals, mineral matter, glass, crockery, dust and the residue from the burning of wood, coal, coke and other combustible materials. The exception to rubbish are those materials that have been properly prepared for recycling.
- f) VIOLATIONS - means any condition which fails to meet any provision of this regulation.

Sec. 1.4 APPLICATION OF REGULATION

This regulation shall apply to rooming houses, commercial businesses, schools and industries within the Town of Montague.

Sec. 1.5 STORAGE OF GARBAGE AND RUBBISH

All storage of garbage and rubbish in the Town of Montague for those establishments listed in Sec. 1.4, shall be in covered, easily cleanable, watertight storage containers known as "dumpsters". In those areas where dumpsters are not practical, the Board of Health may vary this provision after public hearing to allow "other suitable containers", that are acceptable to the Board of Health.

Sec. 1.6 LOCATION OF CONTAINERS

Containers shall be located so as not to create offensive odors to building occupants or neighboring properties.

Sec. 1.7 NUMBER OF CONTAINERS

The owner shall be responsible for providing as many receptacles for the storage of garbage and rubbish as are sufficient to contain the accumulation before final collection or ultimate disposal.

Sec. 1.8 REMOVAL OF GARBAGE AND RUBBISH

The owner shall be responsible for the final collection, removal, and ultimate disposal of the garbage and rubbish at his premises by private hauler or any other collection system approved by the Board of Health.



BOARD OF HEALTH
TOWN OF MONTAGUE
ONE AVENUE A
TURNERS FALLS, MASSACHUSETTS 01376

- 3 -

Sec. 1.9 MAINTENANCE OF AREAS FREE FROM GARBAGE AND RUBBISH

The owner shall be responsible for maintaining a clean and sanitary condition free of garbage and rubbish on land under the control of the owner, dwelling units, and any common areas.

Sec. 1.10 CONTAINTMENT OF SERVICE - PROHIBITED

No owner shall cause any service, facility or equipment which is required by this regulation or the Board of Health to be removed from the owners premises except for such temporary period which may be necessary during actual repairs or alterations and where reasonable notice has been given to tenants and the Board of Health or during emergency conditions when curtailment of service is approved by the Board of Health. If service becomes curtailed, the owner shall take immediate steps to cause its restoration within 48 hours.

Sec. 1.11 PENALTY

Whosoever violates any of these rules and regulations shall upon conviction be fined not less than ten dollars (\$10) nor more than five hundred dollars (\$500) except when otherwise provided by law.

Sec. 1.12 SEVERABILITY

If any article, regulation, paragraph, sentence, clause, phrase or word of the rules and regulations adopted by the Board of Health shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of said regulations which shall remain in full force and effect and to this end provisions and rules and regulations of the Board of Health, are hereby declared severable.

Sec. 1.13 AMENDMENTS

These regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board, with notice as provided by law, on its own motion or by petitions.

Sec. 1.14 INVALIDATION BY STATE LAW

Any part of these rules and regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulation.



BOARD OF HEALTH
TOWN OF MONTAGUE
ONE AVENUE A
TURNERS FALLS, MASSACHUSETTS 01376

- 4 -

Sec. 1.15 VARIANCE

1. The Board of Health may vary the application of any provision of these regulations with respect to any particular case when, in the Board's opinion, both of the following conditions are fulfilled:
 - a. The enforcement thereof would do manifest injustices.
 - b. The applicant has proven that the same degree of environmental protection, and protection of the public health, safety and welfare can be achieved without strict application of the particular provision. The alternative means of protection shall be detailed and documented by the applicant to the satisfaction of the Board.
2. Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore.
3. Any variance granted by the Board shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for denial.
4. Any variance may be subject to such qualification, revocation, suspension, condition, or expiration as is provided in these regulations or as the Board expresses in its grant of variance. A variance may otherwise be revoked, modified or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard, in conformity with the requirements of Title I of the State Environmental Code (CMR 310.11.00) for orders and hearings.

MONTAGUE BOARD OF HEALTH

Lloyd E. May, Chairman
Bruce Reipold
Phyllis Margozi