



TOWN OF FALMOUTH

Town Manager & Selectmen Board Office
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320
Code of the Town of Falmouth Ch. 105

COLLECTION CONTAINER LICENSE APPLICATION PROCEDURE

1. Confirm container location meets the guidelines listed in Chapter 105-5, below.
2. If locating container on private property, provide a printed map showing the property in Business District 2 from the Town's Public Interactive GIS Site found at: <https://www.falmouthma.gov/199/Public-Interactive-GIS-Site>, *directions at the bottom of this page.*
3. Submit the following to the Select Board Office
 - Application For Collection Container License, fields in **red** are required
 - Business Structure Documents:
 - a. Copy of Articles of Organization *(if corporation)*
 - b. Copy of LLC Agreement *(if limited liability company)*
 - c. Copy of Partnership Agreement *(if partnership)*
 - d. Copy of Certificate of Doing Business *(if sole proprietorship)*
 - Attach the map obtained from the Town Planning Office
 - Provide complete contact information for property owner and collection container company including address, phone number, and email.
4. Submit filing fee of \$10.00 and license fee of \$75.00 per container
5. **CONTAINERS MAY NOT BE INSTALLED UNTIL THE NEW LICENSE IS ISSUED.** Upon approval the New License will be mailed to you and must be kept on file through the license period. The license period is the date of issue through April 30th of each year and must be renewed annually.

Public Interactive GIS: at the top right corner of the screen input the location address in the Property Quick Search field, select property from the list, click the Themes button, scroll down to "Other Local Regulatory" and click on Zoning. If located in Business District 2

Chapter 105 of the Code of Falmouth

[HISTORY: Adopted by the Town of Falmouth Special Town Meeting 4-14-2015, Art. 18, approved 7-16-2015. Amendments noted where applicable.]

GENERAL REFERENCES

Secondhand dealers and secondhand collectors - See Ch. 136.

Solid waste - See Ch. 191.

Streets and sidewalks See Ch. 199.

Zoning - See Ch. 240.

§ 105-1. Purpose.

The purpose of this chapter is to regulate the location, siting, and maintenance of collection containers for used clothing, shoes, books and other items as approved by the permitting authority to protect public health and safety, including preventing rodents, vermin and blight.

§ 105-2. Definitions.

CHARITABLE ORGANIZATION -A duly organized and existing legal entity which has received a formal designation under Section 501(c)(3) of the United State Internal Revenue Code and maintains an office or facility within the Town.

CHURCH/CHURCH PROPERTY

A duly established and generally recognized religious denomination and its active place of worship.

COLLECTION CONTAINERS

Any bin or other container where a member of the public may donate or otherwise dispose of used clothing, shoes, books or other items as approved by the permitting authority, including a trailer or mobile container used for such purposes.

UNCOLLECTIBLE GOODS OR ITEM

Any goods or item, the collection of which is not specifically authorized in this chapter.

§ 105-3. Types permitted; existing containers.

Collection containers for reusable clothing, shoes, household goods and books, only, are permitted within the Town of Falmouth and only in the locations specified in this chapter; collection containers for other goods or items or at other locations are prohibited.

A collection container shall be fully enclosed with a pull-down, self-closing door located on the front section. It shall have a footprint of no more than twenty-five (25) square feet and a height of no more than six (6) feet, measured from the bottom edge to the top edge of the front and rear sections. Dumpster-type containers are prohibited, regardless of dimensions.

Any existing collection container for uncollectible goods or items or which does not comply with specifications contained in this section shall be removed within thirty (30) days following the effective date of this chapter; any existing collection container located in a nonpermitted location or improperly sited shall be removed and/or relocated within ninety (90) days following the effective date of this chapter.

§ 105-4. Exclusions.

This chapter shall not apply to:

- A. Commercial trash or recycling dumpsters.
- B. Town of Falmouth trash and recycling receptacles or containers.

§ 105-5. Permitted locations.

Collection containers are permitted in the following locations:

- A. Private property located on an improved lot within a Business District 2, as defined in Chapter 240 of the Falmouth Town Code and designated on the Town's official Zoning Map; a collection container is not permitted on an unimproved or vacant lot and no more than four (4) containers are permitted on an improved lot.
- B. A church may place and maintain up to four (4) collection containers on church property for its own charitable work, provided they are screened from view from public ways.
- C. A charitable organization may place and maintain up to four (4) collection containers on its property for its own charitable work, provided they are screened from view from public ways.
- D. The Town Waste Management Facility, in the discretion of the Director of Public Works.
- E. Fire stations, at the permission of the Fire Chief.
- F. Schools, at the permission of the School Superintendent.

§ 105-6. Permit required.

Placement of a collection container pursuant to § 105-5 shall require written application to and issuance of a permit from the Town Manager; all existing collection containers which otherwise comply with this chapter shall comply with this section within thirty (30) days following the effective date of this chapter.

§ 105-7. Permit application contents.

The application pursuant to § 105-6 shall include:

- A. Legal name, principal business address and legal identification of applicant.
- B. Name, address, telephone number and email address for contact person.
- C. Written permission from property owner, including information for owner required of applicant in Subsections A and B.
- D. Description of collection container, including a sketch or photograph.
- E. Listing of collectible items.

- F. Pick-up, inspection, and maintenance schedules.
- G. Legal address of property where each collection is to be located, along with a sketch plan showing container location and compliance with the requirements of this chapter.

§ 105-8. Siting.

- A. Collection containers shall not be sited within the layout of any private or public way and shall be sited so as not to obstruct traffic sight lines or distances and not to otherwise impede the flow of traffic or pose a safety hazard to pedestrians.
- B. Collection containers shall not be sited within any setback or buffer required by Chapter 240, of the Falmouth Town Code.
- C. Collection containers shall be placed upon a concrete pad or asphalt paved surface.
- D. Collection containers shall not utilize or obstruct any parking space required for minimum zoning compliance or any space designated for trash dumpster placement or snow storage on an approved site plan.

§ 105-9. Maintenance.

- A. A collection container shall be kept clean and in good repair and its site shall be kept clean and free of debris at all times. Without limiting this requirement, no container overflow and no disposal of uncollectible goods or items shall be permitted.

§ 105-10. Penalties for noncompliance.

- A. Placement of a collection container 1) for uncollectible goods or items, or 2) which does not comply with conditions in the permit issued or 3) in a nonpermitted location: three hundred dollars (\$300); each day shall constitute a separate offense.
- B. Failure to obtain a permit for a collection container where one is required: one hundred dollars (\$100); each day shall constitute a separate offense.
- C. All other violations:
First offense: fifty dollars (\$50).
Second offense: one hundred dollars (\$100).
Third and subsequent offense: three hundred dollars (\$300).
In the case of continuing violations, each day shall constitute a separate offense.

The property owner and the collection container owner shall each be responsible for compliance with this chapter and shall be liable for any violation.

§ 105-11 . Enforcement.

In addition to the Falmouth Police Department, this chapter may be enforced by the Falmouth Building Commissioner and the Falmouth Board of Health Agent.