



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

HEALTH DEPARTMENT

BOARD OF HEALTH

KIMBERLY A. GRIFFITH, PSY.D.
ELIZABETH M. BLANCHARD, M.D., FASCO

DIRECTOR OF HEALTH
DAMON O. CHAPLIN

To: Business Owner

From: Joseph Carvalho

Re: Sec. 12-38 Trash Ordinance

Date: November 16, 2022

Please be informed that the New Bedford Health Department will be strictly enforcing the Ordinance: Sec.12-38 (B) – Owner to maintain premises free of litter (see below), relative to fast food restaurants and donut shops with drive-thru services have the mandatory two trash receptacles and trash tunnel scoops, one at the beginning and at the end of the drive thru.

Effective December 1, 2022, the City will offer a 30 day grace period for businesses to comply with this Ordinance and starting January 1, 2023, appropriate action will be taken for not complying with this Ordinance.

Joseph Carvalho

Sec. 12-38. - Owner to maintain premises free of litter.

(a)

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized receptacles for collection.

(b)

Any commercial or business establishment in the city that distributes food or beverages from a drive-thru or drive-up window, so called, shall provide trash receptacles at or before the speaker or area where the customer is expected to order and at or after the window or place where the customer is expected to pickup order. Said receptacles shall be strategically placed so that vehicle drivers under usual circumstances are able to reach trash receptacles through the vehicle driver's window. Receptacles shall have a chute or device attached sufficiently thereto in order to the aid in accurately placing trash and litter into the receptacle.

Should any establishment required to provide trash receptacles under this section be unable to conform to the requirements due to circumstances relating to the layout of the drive-thru or some other reasonable logistical problem, they shall notify the health department, in writing, of the name and address of the establishment and detail the problem which prevents conformity and the establishment shall offer a reasonable alternative, if possible, as a good faith effort to meet the general purpose of this paragraph.

The health department shall have the authority to order an establishment to cease operating the drive-thru or drive-up window, so-called, when the provisions of this section are violated until such time as the establishment conforms to the provisions of this section to the satisfaction of the health department.