

Town of DUNSTABLE

Solid Waste Disposal/ Recycling Haulers Licensing and operations Regulations

The Board of Health of the Town of Dunstable adopts these regulations under the provisions of Chapter 111 Sections 31, 31A, and 31B of the Massachusetts General Laws.

The regulations shall take effect on March 1, 2011.

Section 1: Purpose

- 1.1 These regulations of the Board of Health have been enacted for the purpose of the protection of the citizens of Dunstable, and the protection of public health and the environment.

Section 2: Permitting and Administration

- 2.1 Every waste hauler collecting/ transporting trash or recycling in the Town of Dunstable shall possess a hauling permit from the Dunstable Board of Health. Hauling permits shall be valid for one calendar year, renewable annually before the first day of January subject to review and approval by the Board of Health prior to that day. No permit shall be transferable except with the approval of the Board of Health. Any application, which fails to include all information requested herein shall be deemed incomplete and may be denied at the discretion of the Board. Any renewal application not received by the Board of Health by December 1st in any year will be subject to a late fee of \$50.00 and an additional \$50.00 for every subsequent 30 day period or portion thereof the application is in arrears.
- 2.2 As part of the application, each applicant shall submit in detail information in compliance with the terms of these regulations. Such information shall include, at minimum, the number of residential customers served and the frequency (weekly, bi-weekly, other) of collections; tonnages (both of trash and recyclables, annually updated customer lists; and the names and locations of the approved facilities to which all trash and recyclables are taken.
- 2.3 All permitted individuals or other legal business entities shall provide trash and recycling services in compliance with the Massachusetts Solid Waste Master Plan and Department of Environmental Protection Regulations. Trash collection and recyclable collection service shall be offered at a **single price** to customers or as part of an integrated waste management service that includes **both trash collection and recyclables** collection.
- 2.4 Each Permittee shall submit annual reports to the Board of Health listing the tonnages of trash and recyclables that have been collected. Failure to provide these reports in a timely fashion may be cause for revocation or suspension of the Hauler's Permit.
- 2.5 The applicant for a trash collection and disposal hauling permit shall include payment of the permit fee of **\$50.00** and proof of property/liability insurance in compliance with Section 3 with the application submittal.
- 2.6 Collection vehicles shall carry a copy of the Town of Dunstable Trash Hauling Permit issued to the particular hauler.

Section 3: Insurance:

- 3.1 Each applicant shall furnish the Board of Health with certificates of insurance from a company licensed to do business in the Commonwealth of Massachusetts showing that the applicant carries public liability and property insurance with minimum limits of one million (\$1,000,000) dollars personal injury and one hundred thousand (\$100,000) dollars property damage. Such certificates of insurance shall be furnished each year upon the renewal of the license.
- 3.2 The applicant shall arrange for the notification of the Dunstable Board of Health prior to the cancellation of any such insurance policy. This notification shall be received by the Board of Health not less than thirty (30) days prior to the cancellation.

Section 4: Enforcement

- 4.1 Persons authorized to enforce the provisions of these regulations shall include the Agent of the Board of Health assigned to Dunstable by the Nashoba Associated Boards of Health, any member of the Board of Health, and any police officer of the Town of Dunstable.
- 4.2 Following a public hearing called for such cause, subject to MGL Chapter 111, Section 127B, a Trash/recycling permit may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the hauler has not conformed with the requirements of these regulations. The Board of Health may make findings and issue an order to remedy the stated problem within a stated time frame. Appeals of such suspensions, modifications or revocations may be made pursuant to MGL Chapter 30A, Section 14.
- 4.3 In any case where there has been a suspension of the Hauler's Permit as part of the enforcement of these regulations, the Board of Health will upon written request of the hauler consider reinstatement for good cause after conducting a review of violation(s) by the permittee.
- 4.4 No vehicle used for collection and/or transport of trash or recyclables shall be driven or moved on any street or highway within the Town unless such vehicle is so constructed and so loaded as to prevent its contents from spilling, dropping, leaking or otherwise escaping. Vehicles loaded with any material, which may be blown about by the wind, shall be suitably covered to prevent the contents from littering the streets or highways of Dunstable or neighboring communities.
- 4.5 Non-Criminal Disposition: These regulations may be enforced, including the imposition of fines and penalties, through a non-criminal disposition process as provided in M G.L. c.40, §21D and the Town's non-criminal disposition by-law.

Section 5: Collection

- 5.1 Collections at residential homes shall be made between the hours of 7:00 AM to 6:00 PM. No pick ups outside this time frame will be allowed without prior specific approval from the Board of Health.
- 5.2 Each driver of a vehicle employed by a hauler operating in Dunstable shall have a valid

driver's license appropriate to the vehicle.

5.3 All solid waste shall be taken to a disposal facility licensed, permitted and approved by all necessary governmental bodies and agencies having jurisdiction.

5.4 All collected solid waste must be taken to the disposal facility on the day that it is collected.

Section 6: Penalties

6.1 Any Permittee who violates provisions Section 4.4, Section 5.3, or Section 5.4 may be subject to a fine according to the following schedule:

- a. \$ 50.00 for the first violation
- b. \$100.00 for the second violation
- c. \$300.00 for any subsequent violation

6.2 Any Permittee who violates any other provision of these regulations may be subject to a fine according to the following schedule:

- a. Written warning for the first violation;
- b. \$50.00 for the second violation;
- c. \$100.00 for any subsequent violation.

Section 7: Appeal

7.1 Any party cited for a violation of these regulations may obtain review of such citation by filing a written notice of appeal with the Town of Dunstable Board of Health within seven (7) days exclusive of Saturdays, Sundays and legal holidays, from the date of said citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Health. Following such hearing, the Board of Health may uphold, rescind or modify any such citation.

Section 8: Severability

8.1 If any provision, clause, sentence or paragraph of this regulation or the application thereof to any person or circumstance shall be held invalid or unenforceable, the other provisions shall **not be affected thereby, but shall continue in full force and effect.**

Maria Amodei
Chairperson

William Moeller

Robert Parkin

Date:_____

