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BOARD OF HEALTH

Solid Waste Hauler Licensing and Operating Regulations Adopted July 12, 2018

Section 1: EFFECTIVE DATE:

This regulation shall take effect on the date of publication and shall remain so until modified or amended by the Great Barrington Board of Health. They are enacted under the authority which includes, but is not limited to, Massachusetts General Laws Chapter 111, Section 31 and 31B, and 310 CMR (Code of Massachusetts Regulations) 11.02, and 310 CMR 19.00. The Board of Health regulations are an exercise of power under which the various levels of government are responsible for protection of the public health, safety, welfare, and the environment.

Section 2: PURPOSE

These regulations of the Board of Health have been enacted for the purpose of protection of the citizens of Great Barrington, the protection of the public health, environment, the integrity of residential neighborhoods, and our public roads. The purpose of these regulations is to provide rules for the permitting of Solid Waste Haulers and to ensure compliance of proper transporting and disposal of refuse and hazardous materials.

Section 3: AUTHORITY

The Great Barrington Board of Health, Berkshire County, Massachusetts, in accordance with the authority granted under M.G.L Chapter 111, §31 and §31B, hereby adopts the following regulations at the public meeting on July 12, 2018.

Section 4: DEFINITIONS

For the Purposes of these regulations the following words and phrases shall have the definitions as outlined in this section.

- A. **Board**: Great Barrington Board of Health
- B. **Collector/ Hauler**: Any permitted waste company that transports residential and commercial solid waste through the town of Great Barrington to a designated dumping location.
- C. **Dwelling**: Every building or shelter including but not limited to rooming houses and temporary housing used or intended for human habitation.
- D. **Hazardous Waste**: Material that is defined and regulated under 310 CMR 30.000
- E. **Permit**: A license issued annually by the Board of Health to include a sticker that is to be placed on the exterior of the vehicle, to transport and collect solid waste over the Great Barrington roadways.
- F. **Solid Waste**: Refuse, trash, or products without inherent value.
- G. **Transporter**: A permitted Solid Waste Hauler in the Town of Great Barrington
- H. **Waste Collection Vehicle**: Permitted and inspected vehicles used for the commercial collection, transportation, and delivery of solid wastes or recyclables throughout the Town of Great Barrington.

Section 5: GENERAL

- A. Pursuant to 105 CMR 410.600(C) property owners of dwellings with three or more habitable units, the owner of any rooming house, or the occupant of any other dwelling are responsible for providing as many waste receptacles for the storage of waste as are sufficient to contain the accumulated refuse before the final collection or disposal.
- B. All garbage and recyclable containers or other refuse materials to be placed curbside shall not be left out for collection any longer than 24 hours prior to the collection date and time.

- C. Pursuant to M.G.L Chapter 111, Section 122 the Great Barrington Board of Health retains the right to define and determine “nuisance” conditions.

Section 6: OPERATION PROCEDURES

- A. The licensed hauler shall take all reasonable care in the collection of waste. Waste shall not be scattered about the streets or onto private property. Waste, which has been spilled or scattered in the process of collection shall be immediately picked up by the hauler.
- B. No Waste Hauling vehicle(s) shall be driven or moved on any street or highway within the Town unless the vehicle(s) is so constructed and loaded as to prevent the contents from spilling, leaking, or otherwise escaping into the environment.
- C. Solid Waste Haulers must collect trash and recyclables from all institutional and commercial customers a minimum of two collections per month.
- D. Waste Haulers shall not idle vehicles in residential zones, outside schools, child care facilities, hospitals, nursing homes, rehabilitation facilities, or any other location in which the Board, by a majority vote deems appropriate to restrict lengthened time idling.

Section 7: PERMITTING PROCEDURE

- A. Any persons or companies must obtain a permit from the Great Barrington Board of Health prior to engaging in any commercial collection of solid waste.
- B. All permits are valid for one calendar year, beginning January 1st expiring on December 31st of each year.
- C. Solid Waste Hauler Permits are not to be transferred. Any transfer of ownership requires a new permit to be filed with the Health Department a minimum of thirty days (30) prior to intended operation date.
- D. Any permit application which fails to include all of the requested information shall be deemed incomplete. Incomplete permit applications will not be processed. All applications must include; **a.** A fee that corresponds to Solid Waste Hauler application/ license fee in the most recent edition of the fee schedule set forth by the Board of Health, **b.** a description of the collection vehicle(s) including the make, model, year, size of compactor, company logo or decal on the vehicle, and license number. **c.** The Worker’s Compensation affidavit and liability cover page. **d.** A list of residential, commercial, or institutional customers of Great Barrington. **e.** Provide the location of disposal for solid waste and recyclable materials.

- E. All permit applications shall be submitted to the Health Department a minimum of 14 business days prior to the December 31st expiration date. All applications, including applications that remain incomplete that are submitted after this deadline will incur late a fee of \$25.00 per week.
- F. The Board of Health reserves the right to require all collection vehicles, which are to operate within the Town of Great Barrington, to prominently display a notice which authorizes the vehicle to collect and transport solid waste.
- G. A copy of a valid license must be kept in each collection vehicle(s) at all time while operating in the Town of Great Barrington.

Section 8: INSPECTIONS

- A. The Board of Health reserves the right to inspect any or all Waste Collection Vehicles operating commercially within the Town of Great Barrington to ensure compliance with all applicable State and local laws, by-laws, and regulations.

Section 9: ENFORCEMENT

- A. All elected Board of Health officials and Agents thereof, or any Great Barrington Police Officer shall be empowered to enforce the provisions of these regulations.
- B. Any violation(s) of these Operation and Licensing Regulations or violations of vehicle safety may result in fines, suspension, modification, or revocation of the Hauler's License by the Board of Health. The Great Barrington Police Department shall issue ticket/ violation notices to the violator with a copy sent to the Board of Health which is to include a description of the violation.
- C. Any person or persons identified as empowered to enforce in Section 9A of these regulations may issue non-criminal tickets for any violating offense. Any non-criminal, written warning issued to a Solid Waste Hauler may have an associated fine of no more than \$500.00 per day. All payments shall be made by the offender to the Town Clerk's office within 21 days of the violation(s). Prior to the expiration of the 21 day period, a non-criminal hearing before a Clerk-Magistrate may be requested by the violator. This request must be in writing. Failure to either pay the fine to the Great Barrington Town Clerk within 21 days or to abide by the findings of the non-criminal hearing may result in a criminal complaint.

Section 10: APPEALS

- A. Any hauler or persons aggrieved by any order issued under the authority of these regulations may appeal to the Board of Health by filing a written petition for a hearing to the Board, which must be submitted within ten days after the order was received.
- B. Appeal hearings shall commence no later than 14 days after receipt of the petition.
- C. At the hearing the petitioner and any other affected parties shall be given an opportunity to be heard, to present witnesses, or documentary evidence, and to show why the issued order should be modified or withdrawn. Failure to hold a hearing within the specified time frame shall not affect the validity of any order.
- D. The Board of Health shall sustain, modify, or withdraw an order with a majority vote and shall inform the petitioner in writing within 14 days after the hearing.
- E. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

Section 11: SEVERABILITY

In the event that any provision, section, or sentence of these regulations shall be deemed invalid, unreasonable, or unenforceable it shall be stricken from these regulations or amended. The remaining provisions and sections of these regulations shall continue in full force and effect and remain binding upon solid waste haulers. Further, should these regulations omit any statutory or regulatory requirements which would otherwise render these regulations illegal, the Solid Waste Hauler Licensing and Operating Regulations shall be deemed amended to the minimum extent necessary to comply with statutes and regulations.

Section 12: EFFECTIVE DATE

The Solid Waste Hauler Licensing and Operating Regulations as outlined in this document are to take effect immediately as of August 1, 2018.