

ASHBY BOARD OF HEALTH MUNICIPAL SOLID WASTE AND RECYCLABLES TRANSPORT PERMIT REGULATIONS

SECTION 1: DEFINITIONS

Board - The Ashby Board of Health

Agent - A duly appointed agent of the Board

Dumpster - Any container used for storage of waste materials which exceeds 0.75 cubic yards in volume.

MSW - Municipal Solid Waste, as defined at 310 CMR 19.006.

C&D - Construction and Demolition Debris, as defined at 310 CMR 19.006.

MSW Disposal Firm (MDF) - any individual, company or corporation which engages as a commercial enterprise in the Town of Ashby in the collection and/or transport of MSW that is not and has not been stored in dumpsters.

MSW Disposal Firm, Dumpster (MDFD) - - any individual, company or corporation which engages as a commercial enterprise in the Town of Ashby in the collection and/or transport of MSW that is or has been stored in dumpsters

Recyclable Material - Recyclable Materials shall be as defined in 310 CMR 19.006 and shall also include those materials for which Waste Specific Restrictions are in effect, as listed at 310 CMR 19.017(3); namely, materials which have been banned for disposal in solid waste landfills. This includes, but is not limited to, glass and metal containers, HDPE and PETE plastic containers, newsprint, cardboard, and mixed paper.

Commercial MSW Transport - Any activity that includes the collection and/or transport of MSW generated at Ashby addresses on roads in the Town of Ashby which is performed in exchange for payment.

Commercial MSW Dumpster Transport - Any activity that includes the collection and/or transport of MSW that is or has been stored in dumpsters in the Town of Ashby which is performed in exchange for payment.

Commercial Recyclables Transport - Any activity which includes the transport on roads in the Town of Ashby of recyclable materials generated at Ashby addresses.

SECTION 2: PETITIONS AND PERMITS

All petitions to this Board must be in writing, duly signed by an the proprietor or an officer of the corporation, and all permits granted by this Board must be in writing duly signed by at least a majority of the Board.

SECTION 3: MSW COLLECTION & TRANSPORT PERMIT

No MSW Disposal Firm shall collect MSW and/or Recyclable materials in the Town of Ashby without first obtaining a MSW Collection and Transport Permit from the Board. Permits must be current, in effect, and maintained by any firm engaging in Commercial MSW or Recyclable materials transport. An MSW Collection and Transport Permit authorizes the commercial transport and/or collection of MSW that is not and has not been stored in dumpsters. This Section does not apply to collection of MSW and/or Recyclables that is or has been stored and dumpsters.

ASHBY BOARD OF HEALTH MUNICIPAL SOLID WASTE AND RECYCLABLES TRANSPORT PERMIT REGULATIONS

- a) The Board shall determine the fee to be charged for such permits. The fee may be amended by the Board from time to time.
- b) An application must be completed, fee paid, and an inspection of all vehicles to be used for commercial collection completed prior to any permits being issued.
- c) Permits shall be issued, and must be renewed, annually and shall be valid from January 1 to December 31 of the year in which the permit is issued.
- d) Permits are non-transferable except with the approval of the Board.
- e) Permits for Commercial MSW Transport and Recyclables Transport shall be issued at the discretion of the Board. Among its considerations, the Board may inquire into the petitioner's insurance, past experiences, reliability, vehicle inspection results, and any such matters as the Board determines affect the public health, safety and welfare of the residents of the Town of Ashby.
- f) Each Permit holder shall maintain a minimum of \$500,000 in public liability insurance and \$500,000 in property damage insurance. Certificates of Insurance documenting this coverage shall be provided to the Board before a Permit is granted. Such coverage shall be maintained in effect by the Permit holder during all periods that the Permit holder performs Commercial MSW Transport services in Ashby.

SECTION 4 – MSW DUMPSTER COLLECTION AND TRANSPORT PERMIT

No MDFD shall collect MSW and/or Recyclable materials in the Town of Ashby that has been or is stored in a dumpster without first obtaining a MSW Dumpster Collection and Transport Permit from the Board. Permits must be current, in effect, and maintained by any firm engaging in Commercial MSW or Recyclable materials transport involving dumpsters. An MSW Dumpster Collection and Transport Permit authorizes the commercial transport and/or collection of MSW that is or has been stored in dumpsters, and authorizes the holder of the permit to lease, rent, or otherwise distribute MSW dumpsters in the Town of Ashby. The leasing, renting, or any other form of distribution of MSW dumpsters in the Town of Ashby is prohibited without a MSW Dumpster Collection and Transport Permit.

- a) The Board shall determine the fee to be charged for such permits. The fee may be amended by the Board from time to time.
- b) An application must be completed, fee paid, and an inspection of the vehicle to be used for commercial collection completed prior to any permits being issued.

ASHBY BOARD OF HEALTH MUNICIPAL SOLID WASTE AND RECYCLABLES TRANSPORT PERMIT REGULATIONS

- c) Permits shall be issued, and must be renewed, annually and shall be valid from January 1 to December 31 of the year in which the permit is issued.
- d) Permits are non-transferable except with the approval of the Board.
- e) MSW Dumpster Collection and Transport Transport Permits shall be issued at the discretion of the Board. Among its considerations, the Board may inquire into the petitioner's insurance, past experiences, reliability, vehicle inspection results, and any such matters as the Board determines affect the public health, safety and welfare of the residents of the Town of Ashby.
- f) Each Permit holder shall maintain a minimum of \$500,000 in public liability insurance and \$500,000 in property damage insurance. Certificates of Insurance documenting this coverage shall be provided to the Board before a Permit is granted. Such coverage shall be maintained in effect by the Permit holder during all periods that the Permit holder performs Commercial MSW Transport services in Ashby.

SECTION 5: RESIDENTIAL MSW AND RECYCLABLES COLLECTION

This section does not apply to MSW Dumpster Collection and Transport Transport Permits.

- a) Any Disposal Firm holding a MSW Collection and Transport Permit shall provide residential collection of recyclables listed in these regulations to their customers. Recycling shall be provided at no additional cost to the customer. Once collected, the recyclables will become the property and responsibility of the permit holder. Any and all monies made or costs incurred from the management and sale of the recyclables shall accrue to the permit holder.
- b) The MSW Collection and Transport Permit Permit holder must manage the materials listed in the attached Schedule A as recyclable materials. This list may be amended from time to time by the Board.
- c) The MSW Collection and Transport Permit holder must provide all of its customers in Ashby with a container for recyclable materials which is at least four cubic feet in size, contains perforations in its bottom for drainage, and contains clear markings indicating it is to be used for recyclable materials only.
- d) During the period it holds a Permit, the MSW Collection and Transport Permit holder shall provide to the Board written documentation before April 15 and October 15 of each year regarding MSW and recyclables materials management for the six-month periods ending March 1 and September 1 of the same year. The documentation shall verify that the MSW was disposed of properly at a State-approved disposal facility. This

ASHBY BOARD OF HEALTH MUNICIPAL SOLID WASTE AND RECYCLABLES TRANSPORT PERMIT REGULATIONS

verification shall include copies of weight slips and receipts, or other evidence approved by the Board, from disposal facilities. For recyclable materials, this verification shall include copies of weight slips or receipts from recycling facilities. The verification shall be accompanied by a signed statement from the proprietor or an officer of Disposal Firm that the MSW disposal documented by the weight slips and receipts includes Ashby's recyclable material. If the documentation includes information pertaining to waste/recyclables streams that combine Ashby's wastes and recyclables with those from other areas, the Disposal Firm shall provide an estimate of the weights derived from Ashby.

- e) Any holder of a MSW Collection and Transport Permit shall allow inspection by the Board or its Agents of the Permit holder's recycling management facilities at any time during normal business hours.
- f) No collection of MSW or recyclables shall occur on weekends or holidays observed by the Town. No collection of MSW shall occur before 8:00 a.m. or after 4:00 p.m.
- g) Commercial residential collection of MSW must occur no less frequently than twice per month. All agreements for Commercial MSW and Recyclables Transport in Ashby must stipulate a collection frequency of no less than twice per month. During each collection event, the MSW Collection and Transport Permit holder must also collect recyclable material.
- h) Each MSW Collection and Transport Permit holder shall schedule at least one bulky waste collection event per year for its customers, and shall provide its customers with written notification of this event at least two weeks in advance.

SECTION 6: RESIDENTIAL MSW AND RECYCLABLES COLLECTION FROM DUMPSTERS

This section does not apply to MSW Collection and Transport Permits.

- a) Any Disposal Firm holding a MSW Dumpster Collection and Transport Transport Permit permitted for the removal or transportation of residential MSW shall provide residential collection of recyclables listed in these regulations to their customers. Recycling shall be provided at no additional cost to the customer. Once collected, the recyclables will become the property and responsibility of the permit holder. Any and all monies made or costs incurred from the management and sale of the recyclables shall accrue to the permit holder.
- b) The MSW Dumpster Collection and Transport Transport Permit holder must manage the materials listed in the attached Schedule A as recyclable materials. This list may be amended from time to time by the Board.

ASHBY BOARD OF HEALTH MUNICIPAL SOLID WASTE AND RECYCLABLES TRANSPORT PERMIT REGULATIONS

- c) Any holder of a MSW Dumpster Collection and Transport Transport Permit shall allow inspection by the Board or its Agents of the Permit holder's recycling management facilities at any time during normal business hours.
- d) No collection of MSW or recyclables from dumpsters shall occur on weekends or holidays observed by the Town. No collection of MSW shall occur before 8:00 a.m. or after 4:00 p.m.
- e) Each holder of a MSW Dumpster Collection and Transport Transport Permit must empty every dumpster from all of its customers at least twice per month. All agreements for Commercial MSW and Recyclables Transport in Ashby must stipulate a collection frequency of no less than twice per month. During each collection event, the permit holder must also collect recyclable material.
- f) Each holder shall schedule at least one bulky waste collection event per year for its customers, and shall provide its customers with written notification of this event at least two weeks in advance.
- g) All dumpsters used for storage of MSW must be owned by a MSW Transport Permit holder. A sign indicating the identity of the dumpster owner must be posted on the exterior of each dumpster, with the identity of the dumpster owner clearly visible and indicated in letters not less than four inches in height.
- h) Dumpsters used for MSW storage must be located within 50 feet of the residence or business being served by the dumpster. Dumpsters must be located a minimum of 50 feet from the edge of a public roadway, unless driveway layout and proximity of the building to the roadway makes such location infeasible. For the purposes of these regulations, the "edge" shall mean the edge of the closest paved surface to the dumpster, or, for unpaved roads, the closest edge of the closest maintained travel lane.
- i) All dumpsters used for storage of MSW must be equipped with hinged covers mounted on the dumpster and must be kept covered.

The use of dumpsters for MSW storage under circumstances other than those described in this section is prohibited. This section does not prohibit the use of dumpsters for temporary storage of construction and demolition debris associated with construction, demolition or remodeling projects.

The responsibility for compliance with these regulations lies with the MSW Dumpster Collection and Transport Transport Permit holder, not with the resident. If a MDFD customer refuses to keep comply with the regulations, the MDFD shall remove its dumpster from the premises.

ASHBY BOARD OF HEALTH MUNICIPAL SOLID WASTE AND RECYCLABLES TRANSPORT PERMIT REGULATIONS

SECTION 7: REGULATIONS FOR TRANSPORTATION OF SOLID WASTE

All requirements in this subsection apply, without limitation, to vehicles used by holders of MSW Dumpster Collection and Transport Transport Permits and to holders of MSW Collection and Transport Permits.

1. Vehicles.

- a) All vehicles used for the Commercial MSW Transport or Commercial Recyclables Transport shall have all applicable local, state and federal registrations, permits and licenses. These registrations, permits and licenses shall be current and valid proof of such registrations, permits and licenses shall be maintained in or on the vehicles at all times. Permits to be maintained in the vehicle include but are not limited to the Ashby Board of Health MSW Transport Permit.
- b) All vehicles used for Commercial MSW Transport or Commercial Recyclables Transport shall be in good condition, and shall be constructed and maintained in good condition to prevent spills and leaks and to prevent material from blowing or falling out of the vehicles. The vehicles shall be deodorized and sanitized to prevent the vehicle from creating an odor nuisance. Any materials falling from the vehicles shall be immediately retrieved by the operator of the vehicle.
- c) All vehicles used for Commercial MSW Transport or Commercial Recyclables Transport shall have an enclosed disposal compartment or compartments, and all MSW and recyclables on the vehicle shall be contained within the enclosed compartments.
- d) All vehicles used for Commercial MSW Transport or Commercial Recyclables Transport shall carry the owner's and/or company's name and telephone number on the side of the vehicles in lettering at least four inches high.
- e) All vehicles used for Commercial MSW Transport or Commercial Recyclables Transport shall not use residential driveways, except the driveways of their customers during solid waste and recyclables pickup visits, for any purpose, including changing directions.
- f) Any vehicle used for Commercial MSW Transport or Commercial Recyclables Transport may be inspected by the Board or its Agent, at the Board's discretion, if the vehicle is used in Ashby. Continued use of a vehicle in Ashby that does not satisfactorily pass such inspection may be grounds for revocation of the permit.

SECTION 8: ENFORCEMENT

- a) The Board, their designated Agents, or any constable or police officer in the Town of Ashby shall enforce these regulations.

ASHBY BOARD OF HEALTH MUNICIPAL SOLID WASTE AND RECYCLABLES TRANSPORT PERMIT REGULATIONS

- b) The Board of Health , its designated Agents, and the Ashby Police may monitor collection vehicles, loads, and routes at reasonable times to ensure that all commercial MSW and Recyclables Transport services comply with all applicable state and local laws, by-laws and regulations.
- c) All Rules and Regulations or portions thereof contained in the Massachusetts General Laws, the Massachusetts Sanitary Code, or other applicable regulations, ordinances and statues which are not stated or referred to in the foregoing Rules and Regulations shall apply
- d) If any section, subsection, sentence, clause or phase of these regulations is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of these regulations shall not be affected thereby.

SECTION 9: VARIANCE

The Board may vary the application of any of these regulations with respect to any particular clause when, in its opinion, the enforcement thereof would do manifest injustice, provided that the decision of the Board shall not conflict with the spirit of these regulations or the minimum standards required by the laws of the Commonwealth of Massachusetts. Any variance request must be made to the Board in writing; must identify the section(s) of the regulations for which a variance is requested; must provide reason or reasons why each requested variance is needed and warranted; and must propose a time period for which the variance is requested. Upon receipt of a variance request, the Board shall schedule a hearing regarding the variance within a reasonable period. The applicant shall advertise the hearing, at the applicant's expense, in a newspaper of local circulation on at least one date between seven and fourteen days before the hearing. If the variance request is property-specific, all abutters shall be notified of the hearing by certified mail at least seven days before the hearing. The notification shall include, at a minimum, the date and time of the hearing and a narrative explanation of the variance(s) requested and the reason(s) for the request. The applicant shall provide the board proof of certified mail delivery at or before the time of the hearing. Any variance granted by the Board shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at reasonable hours in the office of the Board.

SECTION 10: SUSPENSION, MODIFICATION OR REVOCATION OF PERMITS

Any Permit issued under these regulations may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the Permit holder has not conformed to the requirements of these regulations or such further regulations as may be adopted, or to any applicable state or federal statute, regulation, rule or order regarding transportation and disposal of MSW and recyclable material. Appeals of such suspensions, modifications or revocations may be directed to the Board of Health within

**ASHBY BOARD OF HEALTH MUNICIPAL SOLID WASTE AND RECYCLABLES
TRANSPORT PERMIT REGULATIONS**

ten (10) business days of said suspensions, modifications or revocations. Commercial MSW Transport, including but not limited to MSW that is or has been stored in dumpsters, is prohibited if the Permit for that activity is suspended or revoked.

SECTION 11: INDEMNIFICATION

- a) The Permit holder shall take all responsibility for the work and take all reasonable precautions for preventing injuries to persons or damage to property; shall bear all losses resulting from or on account of the quantity or character of the work; shall assume the defense of and indemnify and hold harmless, the Town of Ashby, its officers, agents and servants from all claims relating to labor and materials furnished to the work, and for all injuries to any person or corporation received or sustained by or from the Permit holder and employees doing the work, in consequence of any improper materials, implements or labor used therein; and to any act omission or neglect of the Permit holder and its employees.
- b) The Permit holder agrees to indemnify the Town for any liability that may arise from the improper treatment, storage or disposal of hazardous wastes collected within the Town.

SECTION 12: PENALTIES

Whoever, himself or by his servant or agent, or as the servant or agent of any other person of any firm or corporation, violates these regulations, shall be punished by a fine of not more than \$500.00 (five hundred dollars) for each and every offense, and/or loss of license. Each day that a violation continues shall be considered to be a separate offense.

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