

TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS
76.00 – SOLID WASTE HAULERS REGULATIONS

Purpose

The within regulations are enacted so as to establish a procedure for the orderly administration of the collection of solid waste in the Town of Nantucket.

Authority

These regulations are adopted pursuant to the authority granted to local of Health under Massachusetts General Laws, Chapter 111, sections 31A and 31B.

76.01: Waste hauler permits

- a. No person shall remove or transport garbage, offal, or other offensive substances, including recyclables and construction and demolition debris (“C&D”) (hereinafter collectively referred to as “Solid Waste”), collected through the streets of the Town without first obtaining a permit from the Board of Health.
- b. For purposes of this Regulation, the term “person” shall mean any natural person, firm, corporation, partnership or entity engaged in the business of solid waste collection or who is hired to transport solid waste for a fee, except that the Town’s Department of Public Works and/or its authorized agents may remove and transport garbage, offal or other offensive substance without a permit.
- c. Waste Hauling Permits shall be effective beginning on January first in the year of issue, and shall expire, unless previously revoked, on December thirty-first in the year of issue.
- d. No Waste Hauling permit maybe transferred without the prior expressed written approval of the Board of Health.

76.02: Waste Hauling permit Applications

- a. All Waste Hauling Permit applications shall be submitted on a form provided by the Board of Health and shall be signed on oath under the pains and penalties of perjury.
- b. Waste Hauling permits may be renewed annually on application. Renewal applications shall be submitted to the Board of Health no later than November first of the year proceeding the year for which renewal is sought.
- c. Any application for a Waste Hauling Permit, or for renewal of a Waste Hauling Permit shall be accompanied by the following:
 1. a fee in the amount of one hundred dollars (\$100.00);
 2. the certificate of insurance required under Section 5 of this Regulation.
- d. Any incomplete application for a Waste Hauling Permit, or for renewal of a Waste Hauling Permit will be rejected.

76.03 Requirements

- a. Each vehicle collecting Solid Waste shall carry a copy of the Permit at all times.
- b. All Waste Hauling Permit holders shall agree to abide by all rules and regulations set forth by the Board of Health, and shall abide by all other local, state and federal laws and regulations, including Massachusetts Solid Waste Ban (310 CMR 19.017).
- c. Each applicant shall furnish to the Board of Health, certificates from an insurance company licensed to do business in the Commonwealth of Massachusetts showing the applicant carries Public Liability Insurance in an amount not less than one million dollars (\$1,000,000) for the injury or death of one or more persons, and one million dollars (\$1,000,000) for damage of property. Certificated of Insurance shall be furnished

each year upon renewal of permit. The applicant shall notify the Board of Health at least 30 days prior to any cancellation or alteration in insurance policies.

- d. Vehicles shall have current state inspection stickers and be in safe and clean condition.
- e. Each driver of a vehicle employed by a hauler shall have a valid and appropriate driver's license.
- f. Each vehicle employed by the hauler shall prominently display the name and phone number of the hauler.
- g. Each vehicle employed by the hauler shall utilize a weatherproof covering for all loads.
- h. All vehicles used to transport and collect Solid Waste within the Town of Nantucket may be subject to inspection by the Board of Health or its authorized agent on or about May first and October first each year.
- i. Hazardous Materials shall not be collected. For purposes of this Regulation, the term "Hazardous Materials" shall mean any waste or material, in any amount, which is defined, characterized or regulated as hazardous by or pursuant to 310 CMR 30.000 and other federal or state laws.
- j. All Solid Waste collected shall be taken to a transfer, processing and/or disposal facility licensed, permitted or approved by all government bodies and agencies having jurisdiction.

76.04 Reporting and inspections

- a. Every Waste Hauling Permit holder shall submit to the Board of Health semi-annual Reports for each calendar year. Said reports shall include the following information for the previous six months
 - 1. The total tonnage of solid waste collected; and
 - 2. A breakdown of the total tonnage of each type of Solid Waste collected, broken down according to residential, commercial, C&D and recyclables.

76.05 Enforcement

- a. The Board of Health may suspend or revoke any permit issued pursuant to these Regulations for any violation of these Regulations, or any other applicable General Law, Regulation or by-law. Such revocation or suspension may take place after a hearing held by the Board of Health of which the permit holder is given seven (7) days written notice. Such notice shall be deemed given upon mailing same, certified mail, return receipt requested, to the address listed on the permit application.
- b. This Regulation may be enforced by any Town police officer or agents of the Town's Board of Health. Whoever violated any provision of this Regulation may be penalized by a non criminal disposition process as provided in G.L. c.40 subsection 21D and the Town's non-criminal disposition by-law. If noncriminal disposition is elected then any person who violates any provision of this bylaw shall be subject to a penalty in the amount of three hundred dollars (\$300.00) per day for each day of violation, commencing ten days following day of receipt of written notice from the Board of Health. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- c. Whoever violates any provision of this Regulation may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000.00). Each day or portion thereof shall constitute a separate offense.
- d. The Board of Health may enforce these Regulations or enjoin violations thereof through any lawful process, one remedy by the Board of Health shall not preclude enforcement through any other lawful means.