

TOWN OF SOUTHAMPTON

Trash Hauler and Recycling Licensing and Operational Regulations

The Board of Health of the Town of Southampton 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 January 31, 2017.

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 Southampton; and the protection of public health and the environment.

SECTION 2: PERMITTING AND ADMINISTRATION

2.1

Every trash hauler collecting/ transporting trash or recycling in the Town of Southampton shall possess a hauling permit from the Southampton 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. 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.

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 and commercial customers served and the frequency (weekly, biweekly, 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 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 permitted Hauler shall submit annual reports to the Board of Health listing the tonnages of trash and recyclables that have been collected. The report shall be due on or before December 1st annually. 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 an annual payment of the permit fee of \$200 per waste hauler, and \$50.00 for each truck operating in the Town of Southamptton and proof of property/liability insurance in compliance with the application submittal.

2.6

Collection vehicles shall carry a copy of the Town of Southamptton Trash Hauler and Recycling Permit issued to the particular hauler. Each truck collecting trash and/or recyclables shall prominently display the Town of Southamptton Trash Hauling and Recycling Permit sticker on the front bumper, driver side, of the truck.

2.7

The name of the company must be clearly displayed on the vehicle.

2.8

Each vehicle must meet all of the Department of Transportation safety requirements at all times.

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 Southampton 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

No Solid Waste or Recyclables collection vehicle shall be driven on the streets of Southampton without a valid permit. Comingling of Solid Waste and Recyclables shall be considered a violation of these regulations subject to loss of the Hauler Permit.

In the event that a Hauler fails to follow these regulations, the Board of Health reserves the right to impose reasonable fines or take other action in accordance with State and local regulations. Failure to comply with the requirements of these regulations could result in the loss of the Hauler's permit.

Persons authorized to enforce the provisions of these regulations shall include the Highway Superintendent Public Health Director, the Agent of the Board of Health, any member of the Board of Health, and any police officer of the Town of Southampton.

4.2

Following a public hearing called for such cause, subject to MGL Chapter 111, Section 127B, 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 is not in compliance 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

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 after conducting a review of violation(s) by the permitted Hauler.

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, that may be blown about by the wind, shall be suitably covered to prevent the contents from littering the streets or highways of

Southampton 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 MGL Ch. 40 Sec. 21D and the Town of Southampton's non-criminal disposition bylaw.

4.6

The Town of Southampton reserves the right to exchange information and coordinate enforcement activity with the State of Massachusetts Department of Environmental Protection's waste ban inspectors in order to enforce the provisions of these regulations and State law.

SECTION 5: COLLECTION

5.1

Collections shall be made between the hours of 7:00 AM to 3:00 PM. No pickups outside this time frame will be allowed without prior specific approval from the Board of Health.

The Board of Health and its agents reserve the right to monitor collection vehicles, loads, litter and/or nuisance conditions and routes at reasonable times in order to ensure that all hauler services comply with all applicable State and local laws, by-laws and regulations. The Board of Health retains the right to define and determine "nuisance" conditions.

5.2

Each driver of a vehicle employed by a hauler operating in the Town of Southampton shall have a valid Massachusetts's driver's license appropriate to the vehicle. All trucks operating in the Town of Southampton must be labeled as to their use for collection of recycling and refuse.

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.

5.5

The permitted Hauler must provide a container for recycling and a container for refuse. The recycling containers must be equal to or greater than the volume of the standard refuse container provided.

5.6

Recycling containers provided by the Hauler must be colored royal or medium blue OR have a royal or medium blue universal recycling symbol (*three chasing arrows*) label on all containers used for recyclables collection.



5.7

All rolling carts, dumpsters and roll-off containers provided shall be clearly labeled as the property of the Hauler and shall be in good repair at all times.

SECTION 6: PENALTIES

6.1

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

- a. First offense - \$ 50.00
- b. Second offense -\$100.00
- c. Third offense -\$300.00

6.2

Any permitted hauler 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 Southampton 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

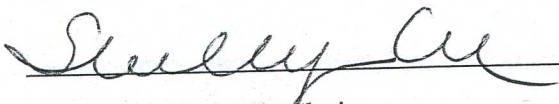
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Town of Southampton

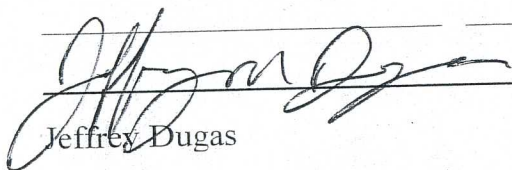
Health. Following such hearing, the Board of Health may uphold, rescind or modify any such citation.


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.

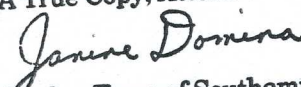

Shelley O'Connell, Chairman


Jeffrey Dugas


Benjamin Hogan

1/11/17
Date

A True Copy, Attest:


Clerk - Town of Southampton