

# Trash Hauler License Application

**Instructions:**

- ◇ Please complete this application, including the Special Section.
- ◇ Please attach copies of the following information:
  - Copy of your pick-up schedule.
  - Copy of your fee schedule.
  - Copy of certificate of liability coverage. Note that the minimum coverage required is **\$1,000,000**.

The application fee is \$170 for the first truck and \$25 for each additional truck. Please make the check payable to: "The Town of Spencer" and send to:

**Spencer Board of Health  
157 Main Street  
Spencer, MA 01562**

| <b>Company Information</b>  |                                      |                                     |
|---|--------------------------------------|-------------------------------------|
| Company Name  |                                      |                                     |
| Location Address  |                                      |                                     |
| City, State ZIP Code  |                                      |                                     |
| Mailing Address (if different)  |                                      |                                     |
| City, State, ZIP Code   |                                      |                                     |
| Emergency 24-hour Telephone #   |                                      |                                     |
| E-Mail Address  |                                      |                                     |
| Type of Service   | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial |
|   | <input type="checkbox"/> Roll-Off    |                                     |
| <b>Owner Information</b>  |                                      |                                     |
| Full Name   |                                      |                                     |
| Address   |                                      |                                     |
| City, State, ZIP Code   |                                      |                                     |
| Telephone #   |                                      |                                     |
| E-Mail Address  |                                      |                                     |
| <b>Truck Information (Use separate sheet to list additional trucks)</b> |                                      |                                     |
| Registration Number   | State                                | Capacity in Gallons                 |
|   |                                      |                                     |
|   |                                      |                                     |
|   |                                      |                                     |
|   |                                      |                                     |

| Disposal/Recycling Sites <i>(List the names and addresses of the disposal sites that will be used)</i> |
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### Special Section

**A. Additional Information**

- a. What types of containers have you given your residential customers for recycling?  
       \_\_\_\_\_ How many? \_\_\_\_\_
- b. What percentage of your residential customers are putting out recycling bins out each month? \_\_\_\_\_
- c. What percentage of commercial customers have bins or dumpsters for recycling?  
       \_\_\_\_\_
- d. Have you included the list of your customers with their service addresses?
- e. Have you included certificates of insurance for public liability and property insurance?
- f. How have you educated your residential and commercial customers about the Waste Ban law, include your educational flyer?

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Pursuant to M.G.L. Ch. 62C sec 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have files all state tax returns and paid all state taxes required under law.

Social Security # or Tax ID # \_\_\_\_\_

Signature of Individual or Corporate Name \_\_\_\_\_

Signature of Corporate Officer (if applicable) \_\_\_\_\_

| For Office Use |     |                      |                  |
|----------------|-----|----------------------|------------------|
| Date Submitted | Fee | Date Approved/Denied | Permit Number(s) |
|                |     |                      |                  |
|                |     |                      |                  |

**VEHICLE LIST**  
(ATTACH SEPARATE LIST IF NECESSARY)

1. Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Reg. No.: \_\_\_\_\_
2. Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Reg. No.: \_\_\_\_\_
3. Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Reg. No.: \_\_\_\_\_
4. Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Reg. No.: \_\_\_\_\_
5. Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Reg. No.: \_\_\_\_\_
6. Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Reg. No.: \_\_\_\_\_
7. Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Reg. No.: \_\_\_\_\_
8. Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Reg. No.: \_\_\_\_\_

\_\_\_\_\_  
(Authorized Signature)

\_\_\_\_\_  
(Print Name & Title)

\_\_\_\_\_  
(Date)

**Required Attachments:**

1. Customer List as per #4 in regulations.
2. List of any dumpsters as in B.1.a. of Dumpster Regulations.
3. Copy of signed "Commercial Refuse Hauler" & "Dumpster" Regulations.
4. Tax Compliance Certificate.
5. Workman's Compensation Insurance Affidavit.

\*\*\* Incomplete applications will not be processed \*\*\*

# Town of Spencer

## Solid Waste Disposal/ Recycling Haulers and Dumpsters

### Licensing and operations

### Regulations

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

The regulation shall take effect on January 1, 2016. All other local Board of Health regulations inconsistent with these regulations are repealed as of date of the public notification.

#### **Section 1: Purpose**

These regulations of the Health Department have been enacted for the purpose of the protection of the citizens of Spencer, the protection of the public health and the environment.

#### **Section 2: Permitting and Administration**

- 2.1 Every waste hauler collecting/ transporting trash or recycling in the Town of Spencer shall obtain a permit from the SPENCER Board of Health. Hauling permits shall be valid for one calendar year, renewable annually on 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 in the Board of Health regulations, shall be deemed incomplete and shall be denied. Any renewal application not received by the Board of Health by February first, will be subject to a twenty-five dollar (\$25.00) per week late fee.
- 2.2 As part of the application each applicant shall submit information detailing how the hauler will comply with the terms of these regulations. Such information shall include, at minimum, a list of residential, commercial or institutional customers served and frequency (weekly, bi-weekly), of collections, tonnages, updated customer lists, with complete address and including all dumpster accounts, and the names and locations of the approved facilities to which all trash and recyclables are brought
- 2.3 All permitted individuals, entities, and businesses 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 recyclable** collection. An exception could be giving to businesses, but this will be determined case by case.
- For the purposes of this regulation incineration of waste is *not* considered recycling. Composting of certain biodegradable elements of the waste stream *may be* acceptable as recycling.
- 2.4 Upon application for permit, the hauler shall indicate the means for ensuring that customers exclude all items banned from disposal at solid waste facilities as described in 310. CMR 19.017 (3), and how non-recyclables will be excluded from loads of recyclables. The hauler must also indicate how customers will be notified of improper recycling or trash disposal methods.

- 2.5 Each Permittee shall submit semi 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 Hauler's Permit. If routes are mixed from other towns please provide tonnage for the route and number of households that are picked up on that route; as well as the number of households that are for the town, the hauler will come up with the per household trash and recycling tonnage and multiply by the households in town
- 2.6 On January first and July first of each year, every Waste Hauling Permit holder shall submit an updated customer list with complete addresses, and shall update all information provided in the Waste Hauling Permit application.
- 2.7 The applicant for a Trash collection and disposal permit shall include payment of the permit fee of \$170.00 and proof of property/liability insurance with the application submittal.
- 2.8 Collection vehicles shall prominently display the Town of Spencer Trash Hauler Permit sticker on the front driver side.

### **Section 3: Insurance:**

- 3.1 Each applicant shall furnish the Health Department with certificates from an insurance company, licensed to do business in the Commonwealth of Massachusetts showing the applicant carries public liability and property insurance. Certificates of insurance shall be furnished each year upon the renewal of the license.
- 3.2 The applicant shall make certain that the above insurance policy is not cancelled prior to notification of the Health Department. This notification shall be not less than (30) days prior to the cancellation.

### **Section 4: Enforcement**

- 4.1 The individuals empowered to enforce the provisions of these regulations shall be the Agent of the Board of Health, any member of the Board of Health or any police officer of the Town of SPENCER.
- 4.2 The Board will consider reinstatement after review of such safety violations(s) by the Board or its designee.
- 4.3 No vehicle 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, shifting, 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 being blown upon the streets or highways. Failure to comply with the requirements of this regulation could result in the loss of the Trash hauler's permit and a complaint filed with the courts. Penalties are punishable by a fine and possible loss of driver's license, subject to MGL Ch. 270 Sec. 16.
- 4.5 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 issue an order to fix 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.

- 4.6 Enforcement of this regulation shall be by either criminal complaint in a court of jurisdiction or non-criminal procedures as set forth in MGL Chapter 111 Sections 31, 31A, 31B and 150A.
- 4.7 Improper disposal of waste may be cause for immediate revocation of the hauler's permit and prosecution to the fullest extent of the law. "Improper disposal" shall include *disposal of recyclable materials with trash*.
- 4.8 **Non-Criminal Disposition** Whoever violates any provision of this regulation may be penalized by a non-criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition by-law. If non-criminal disposition is elected, then any person who violates any provision of this by-law 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.

Whoever violates any provision of this by-law 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). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Board of Health may enforce these Regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

## **Section 5: Containment**

- 5.1 **TRASH:** Each residential subscriber deposit trash in a 96 gallon cart or less. Separation of recyclables from solid waste will take place at the source (i.e. individual residences, businesses or municipal facility will perform separation). Permittee must not accept a load with greater than 5% by volume of recyclable materials. No Permittee shall accept hazardous, liquid or banned waste or sewage, unless licensed and permitted to do so.
- A. Trash shall be stored in water-tight receptacles with tight-fitting covers. The receptacles shall be of metal or other durable material to prevent wildlife from entering the container. Plastic bags may be used to store mixed garbage and rubbish only if used as a liner in water-tight receptacles as required above or Plastic bags may be put curbside on the day of collection.
- 5.2 **RECYCLING SERVICE:** The Permittee shall provide trash and recycling at a bundled cost, meaning no additional cost for recycling. For residential subscribers the Permittee will provide a cart, 2+ set out containers or recycling bin stickers to all subscribers for recycling.
- 5.3 **BULKY WASTE/WHITE GOODS:** The Permittee shall offer a discounted rate or a monthly on call option for pick-up for bulky waste and White Goods or provide the town recycling center information.

## **Section 6: Collection**

- 6.1 The collection of 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 approval from the Board of Health.
- 6.2 The Permittee shall collect trash from all residential subscribers at least once a month. The Permittee shall collect trash from schools, municipal facilities and businesses by arrangements. Recycling shall be picked up at least twice a month.
- 6.3 Each driver of a vehicle employed by a hauler shall have an appropriate driver's license. A copy of the license for each driver shall be submitted by the hauler to the Board of health.
- 6.4 All solid waste shall be taken to a disposal facility licensed, permitted or approved by all Governmental bodies and agencies having jurisdiction.

## **Section 7: Education**

- 7.1 The Permittee shall distribute a yearly written notice of service to subscribers. This notice will detail what is acceptable waste, and specify how, what, and when to recycle. The Permittee shall also provide notices of collection schedule changes, and any other pertinent information to residents as required. The Permittee is responsible for the development and distribution of this material. A copy of these materials must be included with the permit.

## **Section 8: Performance**

- 8.1 For residential units: The permittee ensures that residential customers must have a lbs per unit that well below 2800 lbs per year of trash and minimum 250 lbs of recyclables per year. This will be enforced by June. After 3 warning to a permittee the penalties will start.
- 8.2 For commercial units: The permittee ensures that commercial customers have recycling access.

## **Section 9: Penalties**

- 9.1 Any Permittee who violates any provision of these regulations may be subject to a maximum fine of up to \$300.00 for each such violation.
- 9.2 Any person who violates Section 6.1 of these regulations may be subject to a fine of:
- a. Written warning for the first violation
  - b. \$50.00-100.00 for the second violation
  - c. \$100.00-300.00 for the third violation

## **Section 10: Dumpsters**

- 10.1 No person shall maintain a dumpster in the Town of Spencer without a permit from the Board of Health. At this time there will be no charge for dumpsters.
- 10.2 Annual Dumpster 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. Annual Dumpster Permits may be renewed annually on application. Renewal applications shall be submitted to the Board of Health no later than February first of the year proceeding the year for which renewal is sought.

10.3 The Board may also issue Temporary Dumpster Permits for such periods of time as requested by the applicant. Temporary Dumpster Permits shall automatically expire at the end of the requested term, unless previously revoked. Temporary Dumpster Permits may be renewed provided that a renewal application is submitted to the Board of Health at least two (2) weeks prior to expiration of said permit.

10.4 All Dumpster Permit applications shall be submitted on a form provided by the Board of Health.

**Section 11: Appeal**

Any party cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Town of (add community) 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.

**Section 12: Severability**

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

Date of Board of Health Vote: December 7, 2015

Amended: