

TEWKSBURY BOARD OF HEALTH
REGULATIONS FOR THE REMOVAL, TRANSPORTATION
AND DISPOSAL OF OFFENSIVE MATERIALS

1.0. PURPOSE

The Tewksbury Board of Health is responsible for the protection of the public health and welfare in the Town of Tewksbury. In an effort to protect the health and safety of the public, the following regulations are promulgated.

2.0. AUTHORITY

These Rules and Regulations are adopted in accordance with the provisions of the Massachusetts General Laws Chapter 111, sections 31, 31A, 31B and 122, as well as 105 CMR 410.600, 410.601, and 410.602.

3.0. APPLICABILITY

- 3.1. These regulations shall apply to all persons and business entities involved in the removal, transportation, and disposal of any offensive material. This material shall include, but not be limited to, garbage, rubbish, septage, offal, and other materials dangerous to the public health.
- 3.2. These regulations shall supersede all previous regulations promulgated by the Tewksbury Board of Health concerning the removal, transportation, and disposal of any offensive material.
- 3.3. Any revisions to these regulations shall take effect upon publication of a legal notice in a local newspaper.

4.0. DEFINITIONS

BOARD shall mean the Tewksbury Board of Health.

GARBAGE shall mean the animal and vegetable or other organic waste resulting from the handling, preparation, cooking, and consumption of food.

OFFAL shall mean the waste or by-product of a process, usually that of slaughtering or butchering, including trimmings and viscera of the animal.

PERSON shall mean an individual, partnership, firm, company, corporation, association, or respective agents thereof.

RUBBISH shall mean combustible and non-combustible waste material, excluding garbage.

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SEPTAGE shall mean the material removed from an individual sewage disposal system.

SEWAGE shall mean any water-carried putrescible waste resulting from discharge of water closets, sinks, clothes washers, dishwashers, or any other source.

WHITE GOODS shall mean all large household appliances, white in color or otherwise, including but not limited to refrigerators, stoves, dishwashers, clothes washers, and dryers.

5.0. PERMIT

- 5.1. No person shall collect, transport, or dispose of sewage, septage, offal, garbage, rubbish, or any other offensive material within the Town of Tewksbury unless a permit to do so has been obtained from the Board.
- 5.2. No person shall transport sewage, septage, offal, garbage, rubbish, or any other offensive material through the town unless he has registered his intent to do so with the Board, and the Board has approved said registration.
- 5.3. Each applicant for a permit or registration issued under regulations 5.1. and 5.2. shall pay a fee as determined annually by the Board for said permit or registration.
- 5.4. Each permit and/or registration issued under these regulations shall expire on December 31 of the year in which it is issued.
- 5.5. The Board may place restrictions on said permit or registration when it finds that certain conditions warrant such restrictions.

6.0. STORAGE

- 6.1. All containers used to store substances regulated by this document shall be watertight and leak proof, and shall be kept in such a manner so as to prevent access by animals and rodents.
- 6.2. Household rubbish shall not be placed at curbside earlier than the day of collection.

7.0. REMOVAL

- 7.1. All substances regulated in this document shall be collected in such a way as to prevent the creation of a public health nuisance.
- 7.2. All hoses and pumps used to collect septage, sewage, and other liquids shall be tight and free of leaks.

- 7.3. Household rubbish shall be collected only during daylight hours, Monday through Saturday.
- 7.4. All persons engaged in the collection and removal of rubbish shall handle the recycling of glass (all colors), aluminum, paper, all other items recycled by the municipal collector, and any other substance as ordered by the Board.
- 7.5. All persons engaged in the collection and removal of household rubbish shall offer the disposal of white goods to their customers.
- 7.6. Wastes regulated by these regulations shall not be emptied in residential areas between the hours of 7:00 PM and 7:00 AM, unless required to prevent or abate a public health nuisance.

8.0. TRANSPORTATION

- 8.1. All vehicles used in the transportation of substances regulated in this document shall be watertight and leak proof, and shall be kept in good repair.
- 8.2. All vehicles used in the transportation of substances regulated in this document shall be cleaned as needed.
- 8.3. All substances regulated in this document shall be transported in such a way as to prevent the creation of a public health nuisance

9.0. DISPOSAL

- 9.1. Disposal of all substances regulated in this document shall be in accordance with all applicable federal, state, and local rules and regulations.
- 9.2. Disposal of sewage and septage shall occur only at facilities licensed to accept said wastes, and subject to the Board's approval.
- 9.3. Garbage and offal material shall be disposed of only at facilities holding a valid site assignment from the Board of Health holding jurisdiction over said facility. Disposal at said site shall be subject to the Board's approval.

10.0. SPILLS

- 10.1. Any spill of a solid or liquid material controlled by these regulations shall be contained immediately to prevent further spread of the material, and shall be cleaned up by the license, registration, or permit holder in a timely manner at his or her own expense.

10.2. Any significant spill of a material shall be reported to the Board. If conditions result that are dangerous to the public safety, the license, registration, or permit holder shall be responsible for reporting the incident immediately to the police or fire department.

10.3. Should a health, police, or fire official determine that an immediate public safety threat exists, said official shall have the authority to order any action necessary to maintain the public health and safety, with all costs being assumed by the license, registration, permit holder, or other person involved in the incident.

11.0. FEES

11.1. The Board shall set the cost of all licenses, permits, and registrations required by these regulations.

11.2. The Board may set a late fee for failing to renew any license, permit, or registration required by these regulations.

12.0. VARIANCE

12.1. Variance to any of these regulations may be requested in writing to the Board. When such a request is received, a hearing shall be scheduled and held in accordance with the requirements of Regulation 13.0.

12.2. Variance shall be granted only under the following conditions:

- A. Strict enforcement of these regulations will constitute manifest injustice, and
- B. The granting of the variance shall not in any way impair health and safety or damage the environment.

12.3. The Board may impose any conditions it deems appropriate to protect the health and safety and the environment.

13.0. HEARING

13.1. When requesting a variance to these regulations, a public hearing shall be required.

13.2. The applicant for a variance shall publish a legal advertisement in a paper published and distributed locally at least seven days prior to the hearing at his own expense.

13.3. Any person to whom any order pertaining to these regulations is served shall have the opportunity to request a hearing before the Board. The request shall be in writing and received in the Health Department office within seven days of the date it was served.

14.0. PENALTIES

- 14.1. Any person found in violation of these regulations shall be fined, upon conviction, not more than \$1,000.00 per violation. Each day of non-compliance shall constitute a separate and new offense.
- 14.2. Any person who is issued a permit, license, or registration by the Board and is found to be in violation of these or any other applicable rules and regulations may be subject to the immediate suspension or revocation of said permit, license, or registration.
- 14.3. These regulations may be enforced by the use of Non-Criminal Citations as provided in Massachusetts General Laws Chapter 40, section 21D.

15.0. SEVERABILITY

- 15.1. If any provision of these regulations is declared invalid or not enforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

ADOPTED: August 13, 1992 Public Hearing: 1/23/92

Amended: January 20, 2000 Public Hearing: 7/15/99

Edward Sheehan, Chairman

Susan Sullivan, Vice Chairman

Stephanie Wilkie, Clerk