

# CITY OF SALEM BOARD OF HEALTH

REGULATION No. 9

Adopted June 20, 1995

## RULES AND REGULATIONS FOR TRANSPORTING OFFENSIVE SUBSTANCES

### SECTION I - GENERAL

The Board of Health, City of Salem, Massachusetts, acting under the authority of Section 31B, Chapter 111, of the Massachusetts General Laws and amendments and additions thereto, and by any other power thereto enabling, has adopted the following rules and regulations in the interest of and for the preservation of the public health. The effective date shall be June 30, 1995.

### SECTION II - DEFINITIONS

2.0 BOARD OF HEALTH - the legally designated health authority of the City.

2.1 DEPARTMENT -The City of Salem Health Department.

2.2 FUME - any gasses or aerosol resulting from chemical reaction, distillation or sublimation.

2.3 HEALTH AGENT - the legally designated representative of the Board of Health.

2.4 ODOR - that property of gaseous liquid or solid materials that elicits a physiologic response by the human sense of smell.

2.5 OFFENSIVE SUBSTANCE - shall mean any substance(s) deemed by the Board of Health potentially affect the general public's health, welfare and or create a public health nuisance. Examples of such substances include, but are not limited to, offal, septic sewage, sewage sludge, or any by-products of its treatment.

2.6 PERSON - an individual, partnership, association, firm, syndicate, company, trust, corporation, city department, bureau, agency, or any other entity recognized by law as the subject of rights and duties.

2.7 NUISANCE - everything that endangers life or health, gives offense to senses, violates law of decency or obstructs reasonable or comfortable use of property.

2.8 VAPOR - the gaseous state of certain substances that can exist in equilibrium with their solid or liquid states under standard conditions.

2.9 VEHICLE - equipment for hauling, storing, moving or transporting offensive substances shall expire at the end of the calendar year in which it is issued defined in Section 2.5 herein.

### SECTION III - REGULATED CONDUCT

3.0 No person shall remove or transport any offensive substances (s) through or across any street of the City, to the extent possible under the General Laws of the Commonwealth of Massachusetts, without first obtaining a permit from the Board of Health or its Agent.

3.1 Application for a permit shall be made on form(s) provided by the Department.

3.2 The fee for such permit shall be \$105.00 per vehicle, except that the fee may be waived for vehicles owned by the City of Salem and for vehicles owned by third parties performing contract services for the City of Salem.

3.3 The permit shall expire at the end of the calendar year in which it is issue.

3.4 The Board of Health or its Agent may place reasonable restrictions, including route and scheduling of travel, upon any permit issued.

3.5 All persons obtaining a permit to remove or transport offensive substances shall use closed vehicles in good repair with adequate means of containment which prevent leakage and/or spillage of liquids, solids, vapors, odors, or fumes of any kind. Such containment means may include a pressure relief valve to enable the discharge of fumes generated therein. The vehicles and their containment areas shall be kept in a clean condition satisfactory to the Board of Health or its Agent.

3.6 Any person(s) transporting an offensive substance(s), within the City under such permit, shall have the permit in their possession for inspection by any Salem Health Department personnel or police officer.

#### SECTION IV - VARIANCES

4.0 The Board of Health or its authorized Agent may vary the application of any provision of these regulations with respect to any particular case, when, in its opinion, the enforcement thereof would do manifest injustices provided that the decision of the Board of Health is no in conflict with the spirit of these standards.

#### SECTIONS V - SEPARABILITY

5.0 Each part of these regulations is construed as separate to the end that if any section, item, sentence, clause or phrase is held invalid for any reason, the remainder of these regulations shall continue in full force and effect.

#### SECTION VI - PENALTY

6.0. Any person (s) who violates the regulation shall be punished by a fine of not more than \$300.00 (M.G.L., Chapter 111, Section 31B).

City of Salem  
Board of Health  
9 North Street  
Salem, MA 01970

Joanne Scott, Health Agent  
George H. Levesque, Chairman  
Martin Fair  
Own Meegan  
Irving Ingraham, MC  
Mary Madore  
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Peter Saindon

Barbara A. Sirois, Clerk of the Board

Published in the Salem Evening News on June 30, 1995

After a vote of the Board, \_\_6\_\_ affirmative, \_\_0\_\_ negative and \_\_\_\_ abstaining the following signature is authorized.

Signed,

George H. Levesque, Ch

TRANSPORTING OFFENSIVE SUBSTANCES

SECTION 1. No person, firm or corporation shall remove or transport garbage, offal or other substances through the streets of the City of Salem without a permit from the Board of Health of Salem, as provided for by Section 31A, Chapter 282, Acts of 1937, or any amendments thereto.

SECTION 2. The fee for such permit shall be \$2.00.

SECTION 3. The permit shall expire at the end of the calendar year in which it is issued.

SECTION 4. Application for a permit shall be made upon forms furnished by the Board of Health.

SECTION 5. All persons, firms or corporation obtaining a permit to remove or transport garbage, offal or other offensive substances through the streets of the City of Salem shall use vehicles in good repair with water-tight and tightly covered receptacles. The vehicles and receptacles shall be kept in cleanly condition, satisfactory to the Board of Health, and all such receptacles shall be kept covered except at such times as the garbage, offal or other offensive substances are being placed therein or removed therefrom.

SECTION 6. Removals and transporting of garbage, offal and other offensive substances by the licensee shall be at such hours and on such days as shall be satisfactory to the Board of Health or its agent.

SECTION 7. Before making a collection of garbage, offal or other offensive substances from any place, the permit holder shall state upon his application the owner, street and number where such collection is to be made. Upon discontinuance of collection at any place, the Board of Health must be notified immediately.

SECTION 8. Every vehicle approved of by the Board of Health to transport garbage, offal or other offensive substances shall have painted on each side the name, address and permit number of its owner with letters and numerals not less than two inches in height.