



POLICY AND PROCEDURE

NO.486

Law Concerning Refuse on Highways

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It has come to the attention of this Department that trucks hauling refuse in the City of Worcester are NOT complying with the Statutory Provisions and City Ordinances regarding the covering, sifting and leaking of refuse while in transit.

Quoted below are the appropriate Statutory Provisions and City Ordinances controlling the transportation of refuse.

CHAPTER 85, SECTION 36, MASSACHUSETTS GENERAL LAW:

No person shall drive or move a vehicle on any way as defined in Section One of Chapter Ninety, nor shall the owner of any vehicle require or permit the same to be driven or moved so as to prevent any of its load from dropping, sifting, leaking or otherwise escaping there from, and, if it is loaded with sand or gravel, unless its load is fully and adequately covered. This section shall not prohibit the dropping of sand for the purpose of securing traction, or the sprinkling of water or other substance on such a way in cleaning or maintaining the same. Whoever violates the provisions of this section shall be punished by neither a fine of not less than ten nor more than one- hundred dollars.

The revised Ordinances of the City of Worcester, 1974 also provide for the licensing of vehicles engaged in transporting rubbish, etc. as follows:

Chapter 13, Section 22: License Required: Conditions of Issuance

The License Board may from time to time grant licenses to such persons and upon such terms as it may deem expedient, to employ or use any truck, wagon or other vehicle, which may be necessary for conveyance from place to place, for hire, of any goods, wares, furniture, merchandise or rubbish, and the Board may designate the public stand or stands which such or stands which such vehicles may occupy, and no no person shall use any of the vehicles mentioned in this section for the purposes herein specified without a license for each vehicle. (R.O.1951, Sec.8, October 2, 1951).

Further, that person so licensed must adhere to the following:

Chapter 13, Section 23; Identifying Marking:

Every person licensed under the provisions of Section 22 of this Chapter shall have placed upon the outside and upon each side of the vehicle he may use, the name of the owner and the number of the license, in plain legible letters and figures not less than one- and- a-half inches in size, so that the same may be distinctly seen. (R.O.1951, Sec.11. October 2, 1951).

Chapter 1, Section 8; General Penalty for Violations of Ordinances:

Any person violating the provisions of any section of these re-revised Ordinances or of any Ordinance of the City, the prohibitions or mandates of which pertain to all or any part of the general public, where no specific penalty is stated shall, upon conviction, be fined not less than five dollars nor more than two-hundred dollars for each offense.

Compliance with the provisions of the law as stated above must be strictly adhered to.

Note:

In violation of provisions of Chapter 85, Section 36 of the Massachusetts General Laws, a Citation may be issued as in the case of other moving violations. In the cases of violations of City Ordinances a Summons must be issued. There is no power of arrest for violations of these sections.

Per:

Edward P. Gardella
Chief of Police
EPG:mr