Town of New Durham

Solid Waste Ordinance

TO.03.014

I. **Authority**: Pursuant to the authority of RSA 149-M:17 as conveyed to the Board of Selectmen by passage of Article 9 of the Warrant for the 1989 annual town meeting and Article 18 of the Warrant for the 1991 town meeting, the Board of Selectmen of the Town of New Durham hereby ordain as follows:

At the Board of Selectmen Meeting of November 18, 1998, a vote was taken "to eliminate the salvage rights of all persons at the Solid Waste Facility and Transfer Station. No exceptions."

II. **Definitions**: For the purposes of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular, and words used in the singular include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Construction and Demolition Debris"- also known as C & D- means non-putrescible waste building materials and rubble which is solid waste resulting from the construction, remodeling or demolition of structures and furniture which includes: chairs, tables, couches, mattresses and box springs, sleep sofas etc. and does not include asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquid such as fluorescent light ballasts or transformers, appliances, tires or plumbing materials.

(b) "Dispose" means to discharge, inject, dump, spill, leak or place any solid waste into or onto the town's solid waste facility.

(c) "Electronic Waste"- also referred to as E-Waste – includes but not be limited to computer monitors containing a cathode ray tube, laptop computers, liquid crystal display (LCD) computer monitors, plasma and LCD televisions, printers, cell phones, copiers, fax machines and video display media recorders/players, and thousands of other devices commonly used in offices, homes, and by people on the go.

(d) "Facility" or "Solid Waste Facility" means the Town of New Durham's Solid Waste Facility and Recycling Center located off Tash Road.

(e) "Guest card" means a non-adhesive card, which, when properly displayed or exhibited to the attendant, authorizes the holder thereof to dispose of solid waste, subject to all other provisions of this Ordinance.

(f) "Household Generated Sharps"- means hypodermic needles and syringes and lancets used typically in the house for insulin injections or administering other medication.

(g) "Infectious waste" any waste that, because of its infectious nature, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(h) "Permit sticker" means an adhesive decal which, when properly displayed on the left side of a motor vehicle, authorizes the lawful holder thereof to dispose of solid waste, subject to all other provisions of this Ordinance.

(i) "Person" means any individual, partnership, corporation, firm, association, company or organization of any kind.

(j) "Recyclable materials" means materials that can be used to produce marketable goods, including but not limited to glass, aluminum, ferrous and nonferrous metals, plastics, corrugated cardboard, motor vehicle batteries, tires from motor vehicles, electronic waste, tin cans, fluorescent light bulbs, plastics and paper, waste motor oil and propane tanks.

(k) "Refuse" means any waste product, solid or having the character of a solid rather than a liquid in that it will not flow readily without additional liquid, and which is composed wholly or partly of such materials as garbage, sweepings, cleanings, trash, rubbish, litter, domestic solid wastes, organic wastes or residue of animals sold as meat, fruit or other vegetable or animal matter from kitchens, dining rooms, markets, food establishments or any place dealing in or handling meat, fowl, fruits, grain or vegetables or other waste matter resulting from the demolition , alteration or construction of buildings or structures, or accumulated waste material, tin cans, containers, tires, used motor oil, or other such substances which may become a nuisance.

(l) "Solid waste" means any matter consisting of putrescible material, refuse and other discarded or abandoned material including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities. It shall not include "hazardous waste" as defined by RSA 147-A: 2, VII or by NH Administrative Rules, ENV HW 101.62 and ENV HW 400

(m) "Staff" as used in this ordinance means Solid Waste Facility and Transfer Station Manager, Solid Waste Facility and Transfer Station Foreman and Solid Waste Facility and Transfer Station Attendant(s) who are authorized to exercise supervision and control over the operation of the Solid Waste Facility and Transfer Station.

(n) "Town" means the Town of New Durham.

(o) "White goods" means major household or commercial appliances, regardless of color, including but not limited to refrigerators, stoves, clothes washing machines, clothes dryers and dishwashers.

III. **Permit Required**: No person may lawfully hold a permit sticker except a resident of the town, a non-resident who owns real property within the town, or a commercial trash hauler who has obtained a Trash Hauler's Permit from the town. No person shall dispose of any solid waste at the facility unless such person has first obtained a current permit sticker, which shall be permanently affixed to the left side of the motor vehicle. Permit stickers are not transferable to another vehicle or household. Permit stickers issued prior to, on, or after the effective date of this Ordinance shall be valid until further order of the Board of Selectmen.

Notwithstanding the foregoing, upon payment of the fee required under Section X of this ordinance, a person owing or occupying real property in New Durham which is made available to renters or guests in absence of the owner or occupier shall be issued a guest card for the use of such renters or guests during their period of occupancy. Such a guest card shall temporarily

authorize the renter or guest to use the solid waste facility in accordance with the provisions of this Ordinance.

The issuance of a permit sticker or a guest card shall not relieve the holder thereof of the obligation to pay the fees required for the disposal of certain types of solid waste in accordance with the fee schedule of this ordinance.

IV. **Prohibited Disposal**: No person shall dispose of any solid waste at the facility except during the facility's normal operating hours. No person shall dispose of any solid waste, which arises from the activities conducted outside the boundaries of the Town. New Durham does not accept as C & D the following items as defined in RSA 149M: 4:

(a) Asphalt pavement.

(b) Bricks, concrete and other masonry materials;

(c) Drums and containers;

(d) Fuel tanks; and

(e) Solid waste resulting from the construction, remodeling, repair or demolition of roads;

V. **Household generated Sharps**: Disposal of household generated sharps shall be disposed of in the solid waste provided:

(a) Sharps are enclosed inside rigid, puncture resistant containers; and

(b) Containers encasing sharps are sealed and labeled "Sharps Not For Recycling."

VI. **Mandatory Recycling**: No person shall dispose of any recyclable materials at the facility unless such materials are properly prepared, separated by category and placed in the areas or receptacles designed to receive that category of recyclable material. Roofing shingles shall be separated from all other C & D materials as defined in this ordinance.

VII. **Proper Disposal**: No person shall dispose of any solid waste at the facility except in areas designated to receive that particular waste. In addition to the penalties provided in section XIII of this Ordinance, any person guilty of violating this section shall be liable for all costs and expenses reasonably incurred by the Town to properly dispose of such solid waste.

VIII. **Posted Rules & Directions of Staff**: Every person using the Solid Waste Facility and Transfer Station shall obey all posted rules, which are incorporated herein by reference and shall obey any reasonable directions given by the staff. In the event of any conflict between a posted rule and any direction given by the staff, the latter shall control.

IX. **Prohibited Materials**: Notwithstanding any other provision of this ordinance, no person shall dispose of the following materials at the facility:

(a) Asbestos

(b) Explosives

(c) Gasoline, turpentine, paint, stain, pesticides, herbicides, and liquid asphalt

(d) Highly volatile substances

(e) Hazardous waste as defined by RSA 147-A: 2, VII or by NH Admin. Rules, ENV Hw Chapter 400

(f) Infectious waste arising from the care and treatment of human beings or animals, exception will be made for Household Generated Sharps per ENV SW 904.01(b)(3).

(g) Motor vehicles, including cars, trucks, motorcycles, and buses

(h) Stumps

(i) Any material or substance not within the definition of solid waste contained in this Ordinance.

X. **Disposal Permit Fees**: The fees are established for the disposal of the respective types of solid waste and for the issuance of permit stickers and guest cards. Fees for the issuance of permit stickers, and guest cards must be paid at the Town Clerks Office, during regular business hours prior to disposing of any solid waste. Fees for the disposal of specific types of solid waste must be paid to the Solid Waste Manager or his/her designee at the Solid Waste Facility prior to disposing of such solid waste. **No cash is accepted at the Solid Waste facility** ~ only checks or redeemable coupons, which may be obtainable from the town clerk's office, will be accepted. All fees are for a single item. See Addendum I for Fee Schedule.

Please contact the Town Hall or visit the Town of New Durham website at www.newdurhamnh.us for Hours of Operations at the Transfer Station.

XI. **Enforcement**: The Board of Selectmen and any official, board or employee authorized by the Board of Selectmen shall be responsible for the enforcement of this Ordinance.

XII. **Right to Inspect**: The Town reserves the right to inspect disposed items, at its discretion, to verify compliance with this ordinance.

XIII. **Penalties**: Pursuant to the authority of RSA 149-M: 17 II (b), any person convicted of violating any provision of this Ordinance shall be subject to a civil penalty not to exceed $3,000 for each such violation.

Any alleged violator may avoid the issuance of a summons by the voluntary payment of a Civil Forfeiture in the amount listed below.

CIVIL FORFEITURE LIST

Individual Permit Holder:
1st Offense ..... Verbal or written Warning
2nd Offense ..... $ 50.00
3rd Offense ..... $ 100.00
4th Offense ..... Must appear in Court

Commercial Haulers w/ Town Hauler Permit:
1st Offense ..... Verbal or written Warning
2nd Offense ..... $ 100.00
3rd Offense ..... $ 200.00 (or lose permit for a period of time)
4th Offense .....Must appear in Court

In addition to any other penalty, any person violating any provision of this Ordinance may have their right to use the facility suspended or revoked after notice and hearing before the Board of Selectmen.

XIV. **Repeal**: All other Ordinances, bylaws or regulations governing the solid waste facility are hereby repealed.

XV. **Separability**: If any portion of this Ordinance shall be declared invalid or unconstitutional for any reason by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Effective date: This Ordinance was initially effective July 1, 1991.
This Ordinance has subsequently been amended by the Board of Selectmen on the following dates:

- January 1, 1995.
- May 26, 1999
- March 5, 2003.
- March 5, 2007
- August 3rd, 2009
- November 2nd, 2009
- June 6th, 2011

New Durham Board of Selectmen

Theresa Jarvis, Chairman

David Bickford

Jeffrey Kratovil

Town Clerk