

Ordinance 93-1: Rollinsford Solid Waste and Mandatory Recycling Ordinance

Town of Rollinsford, New Hampshire

County of Strafford SS

Authority

The **Selectmen Board** for the Town of Rollinsford, New Hampshire have approved the following ordinance pertaining to the use and operation of the Town of Rollinsford's Transfer Station/Recycling Facility. It is proposed under authority of New Hampshire Revised Statutes Annotated Chapter 149-M Section 13 and Articles XV and XVI of the 1992 Town Meeting to become effective January 12, 1993.

Purpose

The Town of Rollinsford as required by RSA 149-A:13 operates its solid waste facility solely for the disposal of authorized solid waste that is generated within the geographic limits of the Town of Rollinsford and intends this ordinance to:

1. Reduce solid waste and conserve natural resources through recycling.
2. Prevent unauthorized access and use of the facility.
3. Control the disposal of authorized solid waste to facilitate compliance with operating standards, including but not limited to facility operation, disposal, and improvement of efficiency to maximize the life of the solid waste facility.
4. Establish certain user fees for the facility.

Section I. Definitions

For the purposes of this ordinance, the following words, terms, phrases and their derivations shall have their normal meaning except as defined below and except where the context otherwise requires. Singular words shall include the plural, and references to one gender shall apply and refer to both genders.

- A. "Attendant" means any employee, officer, or agent of the Town authorized to exercise supervision and control over the solid waste facility.
- B. "Dispose" means to discharge, deposit, inject, dump, spill, leak or place any solid waste into or onto the Town's solid waste facility, or elsewhere at the Town's expense.
- C. "Facility" means the Town's property designated for solid waste and recycling off Jessie Doe Road.
- D. "Private Hauler" means a person or business entity who collects commercial, industrial, or residential waste for a fee, or a person or business entity which hauls its own waste.
- E. "Notice of Violation" means a written notice of failure to comply with this ordinance.
- F. "Permit Sticker" means an adhesive decal which, when properly displayed on the windshield **or front bumper** of a motor vehicle, authorizes the lawful holder thereof to dispose of solid waste subject to the other provisions of this ordinance. No person may lawfully hold such a permit sticker except a resident of the Town, **or a non-resident who owns real property within the Town.**
- G. "Person" means any individual, partnership, corporation, firm, association, company or organization of any kind.
- H. "Proper Disposal" means, with respect to solid waste generally, the disposition of solid waste at the Facility in areas designated to receive that particular waste. With respect to recyclable materials, "proper disposal" means appropriate separation and preparation of items intended for disposal. Recyclables, as determined by the **Board of Selectmen Board**, must be separated and prepared as outlined on the Recycling Handout, which is available both at the Town Hall and the Solid Waste Facility.
- I. "Solid Waste" means any matter consisting of putrescible material, refuse, septage, and other discarded or abandoned material. It includes solid, liquid, semi-solid, or contained gaseous material **resulting from industrial, commercial, mining residences, and** agricultural operations, and from community activities. It shall NOT include "hazardous waste" as defined by RSA 147-A:2, VII or by New Hampshire Administrative Rules HE-P 1905.03.

Section II: General Use

The use of the Town of Rollinsford's Transfer/Recycling Facility is restricted solely to the Residents **and Businesses** of the Town of Rollinsford. **The required Permits** for all users must be obtained from the Town Clerk's office, **are not transferrable, Each permit must be and must be affixed attached to the designated** motor vehicle as directed, **and must be plainly visible to the attendant. Vehicle must be currently registered to a physical address in**

Rollinsford. There is a limit of two permits per household. Any contractor who wishes to bring waste material from a Rollinsford construction site must secure a temporary Permit from the **Board of Selectmen Board** prior to going to the Transfer Station.

Requests for one-day passes and other exceptions to the ordinance will be decided by the Town Administrator.

A. ACCEPTABLE MATERIALS

All acceptable materials will be deposited in the designated area. Anyone depositing materials in non-designated areas will be responsible for the cleanup of said materials and the applicable fine. All materials will be segregated into the following categories and will be deposited in the designated containers or locations as the attendant designates.

1. Recyclable Materials **shall be rinsed prior to disposal (containers only) and separated as follows:**
 - a. Glass shall mean clean, empty clear glass bottles and jars only - not window glass, light bulbs, drinking glasses, mirrors, safety glass, china, ceramics, or any type of glass other than what is defined above. Labels and rings do not have to be removed, but caps do.
 - i. Colorless (white) glass
 - ii. Green glass
 - iii. Brown glass
 - b. Paper shall include only the following two types:
 - i. Newspaper, **mail, brown paper bags, and office paper - neatly packed in paper bags or tied in bundles only.**
 - ii. **Brown corrugated paper and cardboard (boxes must be flattened, dry and clean) and brown paper bags**
 - c. **Corrugated cardboard (boxes must be flattened, dry and clean.)**
 - d. Plastic containers such as milk jugs, plastic soda containers, juice and water containers **must be rinsed**, emptied and lids/caps removed. **Numbers 1-7 are accepted. No styrofoam trays or black plastic. Only the following plastic containers will be accepted:**
 - i. **#1: Pete (Soda bottles)**
 - ii. **#2: Hdpe (Clear plastic: milk jugs, etc.)**
 - iii. **#2: Hdpe (Colored plastic bottles - recycled when market exists)**
 1. Check bottom of container for number to see if the plastic can be recycled.
 - e. Aluminum beverage cans shall mean only clean, empty beverage cans - not foil trays or other types of cans (i.e., soup cans, cat food cans).

- f. Tin cans, washed clean.
2. Other Acceptable Materials for Reprocessing
- a. Leaves and clippings shall mean all lawn clippings, green and dry garden waste, and agricultural manure - all of which shall be deposited on the mulch pile. Should any of the above items be brought to the Transfer/Recycling Facility in plastic bags, it is the responsibility of the citizen to make sure that only the contents of the bags are dumped into the pile.
 - b. Tree limbs and brush shall mean all tree limbs and brush not exceeding four (4) feet in length and five (5) inches in diameter - to be deposited where directed.
 - c. Tires shall mean automobile, motorcycle and tractor tires - large truck and tractor tires must be removed from the wheel or rim. The Transfer/Recycling attendant will maintain a log of all tires accepted.
 - d. Metal objects - (non-white goods) shall mean ferrous and non-ferrous metal of all kinds (i.e., automobile parts, auto batteries and radiators, small pipe appliances, sheet metal, tools, bed springs, etc.).
 - e. White goods (appliances, i.e., refrigerators, freezers, air conditioners, stoves, washers, dryers and water heaters) will be accepted. The Transfer/Recycling attendant will maintain a log of all items with freon that are accepted.
 - f. Building materials (non-contractor) shall mean refuse from renovated buildings. A Building Permit must be shown for any demolition materials brought to the Transfer/Recycling Facility. (The burnable shall be separated from the non-burnable materials).
3. Solid Waste Placed in the Compactor
- a. All household non-recyclable, non-hazardous waste will be placed in the compactor to be taken to Waste Management Turnkey Landfill in Rochester, NH.
 - b. **The disposal of animal waste shall be limited to domesticated, household pets and must be properly contained within a bag with other household waste. Waste that is not properly contained will not be accepted. Disposing of a singular container of animal waste, either capped or uncapped, will be considered a violation.**
4. Solid Waste Not Placed in Compactor
- a. Bulky items shall include large furniture items such as couches, sofas, mattresses, rugs, etc. Fees will be charged based on Town disposal cost.
 - b. **Building materials**

B. UNACCEPTABLE MATERIALS

1. Stumps, trees and limbs more than four (4) feet in length.
2. Hazardous/unacceptable waste for curbside pickup, as well as Transfer/Recycling delivery shall include the following materials and their container.

Solvents	Household Products
Kerosene	Lamp Oil
Charcoal Lighter	Furniture Polish
Turpentine	Oven Cleaners
Nail Polish Remover	Waxes and Cleaners
Thinners	Out-Dated Medicines
Spot Remover	Window Cleaner
Degreasers	Drain Cleaner

Automotive	Art and Hobby Supplies
Anti-Freeze	Old Chemistry Sets
Brake Fluid	Photographic Chemicals
Waste Oil	
Grease	
Home Maintenance	Pesticides
Oil-Based Paints	Mothballs and Flakes
Pool Chemicals	Insecticides
Varnishes	Fungicides
Furniture Refinishers	Herbicides
	Rodenticides (mouse baits)
Medical Waste	
Hospital, nursing home, veterinary clinic or any other medical waste.	

The United States Environmental Protection Agency (EPA) considers a substance to be hazardous if it is flammable, reactive or explosive when mixed with other substances, or if it is corrosive or toxic. In addition, EPA has designated 400 specific substances (such as battery acid) to be hazardous.

This definition includes many things you probably are storing right now in your garage, basement, bathroom or kitchen.

Note: There are collection sites in Dover and Rochester which periodically accept such items as listed above. For more information, call the New Hampshire Department of Environmental Services at (800)852-8236 (ext 4622) or the Strafford Regional Planning Commission at 742-2523.

3. Burning - no burning shall be allowed at the Facility except under the direction and supervision of the Town Fire Warden, done by the Road Agent or his designee after appropriate authorization.
4. Firearms in Transfer Station/Recycling area - the discharge of firearms is not permitted without prior authorization of the **Board of Selectmen Board**.
5. Origins of material disposed of at the Facility - only material collected within the limits of the Town of Rollinsford shall be disposed of at the Transfer Station/Recycling Facility, **except for aluminum cans**.

Section III: Operation

A. SUPERVISION

The **Board of Selectmen Board** and the Road Agent or his designee shall have the right to refuse or lodge a complaint with the Police against any person(s) or corporation who is misusing the Facility or who is in violation of the Ordinance. A valid Transfer/Recycling Permit must be displayed. The **dump** Attendants will have a list of all names, addresses and vehicle numbers for all authorized Permits.

B. SECURITY

Gates must be locked at all times when the Facility is not open to the public. Any person found dumping within the Transfer/Recycling area or at the perimeter of the Transfer/Recycling area when the Facility is not open, will be subject to all applicable fines.

C. HOURS OF OPERATION

Hours will be designated by the **Board of Selectmen Board** and posted in the Town Hall and at the Transfer Station/Recycling area gate.

D. USER FEES

On a payment of \$10 dollars for one year, a numbered Transfer/Recycling Permit will be issued, payable at the beginning of each calendar year. In consideration of the Town allowing the holder of the numbered Permit to use the Transfer/Recycling Facility, the registered holder of the Permit agrees to be liable to the Town of Rollinsford for all **Transfer/Recycling disposal** fees assessed against the respective Permit. Temporary Contractor Permits will be for 60 days at \$25. The Transfer/Recycling Attendant will maintain a log of all demolition and industrial waste material brought to the Transfer/Recycling facility including source by owner's name, address, kind of material and amount.

The attached fees are hereby established for the disposal of specific types of solid waste. Fees for the disposal of these specific types of solid waste must be paid prior to the disposal of such solid waste. All fees are to be paid directly to the Attendant at the solid waste facility unless otherwise noted.

E. FINES

Pursuant, but not limited to, the authority of RSA 149-M:13, II, any person, corporation, or institution convicted of violation of the above Ordinance shall be assessed a fine in a range to be determined by the **Board of Selectmen Board** for the Town of Rollinsford and which is posted at the Town Hall and at the Transfer/Recycling Facility for the following:

1. Violations

- a. Failure to separate material: \$10 to \$25
- b. Failure to follow Transfer Recycling Attendant's directions: \$25 to \$50
- c. Transferring Permit to another: \$250 to \$500
- d. Dumping material from other towns: \$500 to \$2,500
- e. Roadside/perimeter dumping: \$500 to \$2,500
- f. Dumping in undesignated areas (within the Transfer/Recycling area): \$50 to \$100
- g. Dumping of hazardous materials: \$300 to \$5,000
- h. Trespassing/dumping during unauthorized hours: \$1,000 to \$5,000
- i. Reward for information leading to a conviction for violation of Ordinances or vandalism to Transfer Station Facility including equipment: \$100

2. Enforcement Procedure

- a. The police will issue a notice of violation of the Ordinance to the offender, upon notification from the appropriate source. The fee for the first offense can be remitted to the Town of Rollinsford. For second and subsequent offenses, violations may be remanded to the Somersworth Dover District Court.
- b. Failure to pay fees to the Town of Rollinsford shall mean that a criminal complaint will be drawn and the person, corporation or institution will be summoned before the Somersworth Dover District Court in those cases where that Court has jurisdiction or to the Strafford county Superior Court in cases where that Court has jurisdiction.
- c. Nothing in this Ordinance shall preclude the prosecution of a person, corporation or institution for violations of any State of New Hampshire or United States Government statute, code, rule or other regulatory act.

Section IV: Private Hauler, Curbside Waste Pickup

Residents who do not wish to transport their solid waste and/or recyclable materials to the Transfer Station/Recycling Facility may contract with an approved private hauler to transport their materials.

A. RESIDENT RESPONSIBILITIES

All residents who elect to have private haulers pick up their solid waste and/or recyclables must separate their recyclables from their solid waste. Each contractor must obtain a signed statement from each of their customers in Rollinsford stating that they understand and will comply with the mandatory recycling requirements of the Town. A copy of this statement is to be submitted to the Town by the contracted hauler.

B. PRIVATE WASTE HAULER RESPONSIBILITIES AND REQUIREMENTS

1. collect solid waste/recyclables in the Town at curbside.
2. Pickup of solid waste and recyclables shall be in clear plastic bags to be provided by the hauler or the resident.
3. A certificate of liability insurance to the Board of Selectmen Board showing that liability insurance coverage is \$300,000 or more.
4. Provide information to his/her customers on waste disposal requirements in the Town.
5. Provide the Town with list of customers' names and addresses. Provide current updates as required by Selectmen Board.

6. Secure a written statement from each customer stating that he/she understands recycling requirements.
7. Private haulers that transfer solid waste to the Waste Management Turnkey Landfill in Rochester, NH must comply with Turnkey's regulations.
8. Private haulers will transport all recyclables to the Rollinsford Transfer Station/Recycling Facility. Haulers may request a waiver of this requirement from the **Board of Selectmen Board**. Recyclables not delivered to the Town facilities must be taken to an authorized recycling facility and scale slip for each load must be submitted to the Town.
9. Waste from more than 40 households must be delivered directly to Waste Management Turnkey Landfill in Rochester, NH.
10. Waste from less than 40 houses may be delivered to the Transfer Station only at the times designated by the **Board of Selectmen Board**; normally the last hour of the day that the Transfer Station is open to the public. However, if the compactor is near or at capacity, the hauler may be asked to divert his load directly to Waste Management Turnkey Facility in Rochester, NH.

C. PENALTY

Any private hauler who does not comply with the requirements in Section IV: A and B will lose his or her authorization to provide curbside pickup in the Town of Rollinsford.

Section V: Separability

- A. The invalidity of any provision of this ordinance shall not affect the validity of the ordinance as a whole.
- B. This ordinance shall automatically repeal in whole or in part any other ordinance that is in conflict with the provisions of this ordinance.
- C. The **Board of Selectmen Board** may amend the penalty/fee structure of this ordinance after posting the amendments two weeks prior to the weekly **Board of Selectmen's Board** meeting at which the amendments are to be voted on. The posting shall be in the Rollinsford Town Hall and the Rollinsford Post Office.

Public Hearing: December 29, 1992
Adopted: 1993
Revised: January 26, 1994
Revised: June 9, 2003
Revised: December 8, 2014 (fee schedule)
Revised: March 2, 2015
Revised: June 27, 2016
Revised: November 4, 2019

Given Revised under our hands this Monday, November 4, 2019:

Denise Knowles, Chair

Myles England

Jessica Welch