

**Town of New Durham**  
**Solid Waste Facility**  
T0.03.014

**SOLID WASTE FACILITY & MANDATORY RECYCLING**  
**ORDINANCE**

- 1.0 **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:
- 1:01 **Short Title.** This Ordinance shall be known and may be cited as the "New Durham Dump Ordinance".
- 1.02 **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) "Attendant" means any employee, officer or agent of the town authorized to exercise supervision and control over the operation of the solid waste facility.
  - (b) "Dispose" means to discharge, inject, dump, spill, leak or place any solid waste into or onto the town's solid waste facility.
  - (c) "Facility" or "solid waste facility" means the Town of New Durham's solid waste facility and recycling center located off Old Route 11.
  - (d) "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.
  - (e) "Permit sticker" means an adhesive decal which, when properly displayed on the driver's side of a motor vehicle, authorizes the lawful holder thereof to dispose of solid waste, subject to all 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, or a commercial trash hauler who has a permit with the town following submission of New Durham customer listing.

- (f) "Person" means any individual, partnership, corporation, firm, association, company or organization of any kind.
- (g) "Recyclable materials" means separated clear, green and brown glass, aluminum cans, tin cans, cardboard, newspaper, aluminum, ferrous, and nonferrous metals, motor vehicle batteries, used motor oil, tires from wheeled vehicles, recyclable plastics and white goods.
- (h) "Refuse" means and includes 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, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or 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, offal, animal excreta or the carcasses of animals, brick, plaster, or other waste matter resulting from the demolition, alteration or construction of buildings or structures, or accumulated waste material, cans, containers, tires, used motor oil, junk, or other such substances which may become a nuisance.
- (i) "Solid waste" means any matter consisting of putrescible material, refuse and other discarded or abandoned material. It includes 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 Admin.Rules, He-P 1905.03.
- (j) "Town" means the Town of New Durham.
- (k) "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.

- 1.03 **Permit Required.** 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 driver's 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 1.10 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 provisions of section 1.10 of this ordinance.

- 1.04 **Hours of Operation.** No person shall dispose of any solid waste at the facility except during the facility's normal operating hours.
- 1.05 **Source of Solid Waste.** No person shall dispose of any solid waste, which arises from the activities conducted outside the boundaries of the Town.
- 1.06 **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.
- 1.07 **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 1.12 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.
- 1.08 **Posted Rules & Directions of Attendant.** Every person using the solid waste facility shall obey all posted rules, which are incorporated herein by reference and shall obey any reasonable directions given by the attendant. In the event of

any conflict between a posted rule and any direction given by the attendant, the latter shall control.

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

- (a) Explosives
- (b) Gasoline, turpentine, paint, stain, pesticides, herbicides, and liquid asphalt
- (c) Stumps, dry trees greater than 5 inches in diameter, lumber yard butt ends, shavings or sawdust
- (d) Highly volatile substances
- (e) Motor vehicles, including cars, trucks, motorcycles, and buses
- (f) Boats, or parts thereof
- (g) Asbestos
- (h) Batteries, other than motor vehicle batteries
- (i) Hazardous waste as defined by RSA 147-A: 2, VII or by NH Admin. Rules, He-P 1905-03
- (j) Medical waste arising from the care and treatment of human beings or animals
- (k) Any material or substance not within the definition of solid waste contained in section 1.02 of this Ordinance.

1.10 **Disposal and Permit Fees.** The following fees are hereby established for the disposal of the respective types of solid waste and for the issuance of permit stickers and guest cards ~ see enclosed fee schedule. Fees for the issuance of permit stickers, and guest cards may be paid to the Solid Waste Manager by check only at the on-site facility or his/her designee or at the Town Clerks Office, during regular business hours prior to disposing 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 obtainable from the town clerk's office.

<u>TYPE OF SOLID WASTE</u>	<u>FEE</u>
(i) White Goods, each piece	\$ 5.00
(ii) Microwaves	\$10.00
(iii) Any Item containing freon i.e. refrigerators, air conditioners	\$10.00
(iv) Tires, each (Note: Tires on Rims not accepted)	\$ 2.00
(v) Tires over 16 inches	\$ 5.00
(vi) Furniture ~ Couches, sofa's, mattresses, each	\$ 5.00
(vii) Furniture ~ Chairs, tables, other , each	\$ 3.00

- (viii) Construction, Demolition Debris, per cubic feet \$ 1.00
- (ix) Sheetrock & Shingles Debris, per cubic feet \$ 2.00

**PERMIT FEES**

- Permit Sticker ..... \$ 2.00
- Guest Card, each period of 30 consecutive days ..... \$ 5.00
- Commercial Trash Hauler (Yearly annual fee) ..... \$60.00

*NOTE: Fee Schedule is subject to change per market conditions and Board of Selectmen's approval, and may be adjusted prior to public hearing to amend fees.*

Town Office hours during which Permit Stickers and Guest cards may be obtained:

- Weekdays: 9am - 4pm
- Saturdays: 9am - Noon

- 1.11 **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.
- 1.12 **Penalties.** Pursuant to the authority of RSA 149-M: 13,II, 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 determined by the Board of Selectmen. ( See Civil Forfeiture List Below)

**CIVIL FORFEITURE LIST ~ UNAUTHORIZED OR NO POSSESSION OF PERMIT**

- 1<sup>ST</sup> Offense ..... Verbal Warning
- 2<sup>nd</sup> Offense ..... \$25.00
- 3<sup>rd</sup> Offense ..... \$50.00
- 4<sup>th</sup> Offense ..... Must appear, 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.

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

1.14 **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.

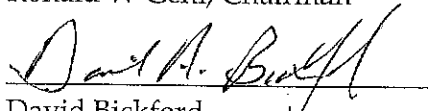
1.15 **Effective date.** This Ordinance was initially effective July 1, 1991.

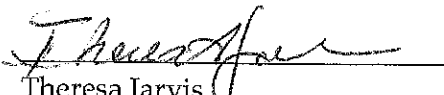
This Ordinance has subsequently been amended by the Board of Selectmen on the following dates:~

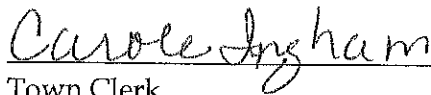
- January 1, 1995.
- May 26, 1999
- March 5, 2003.
- March 5, 2007
- August 3<sup>rd</sup>, 2009
- November 2<sup>nd</sup>, 2009

New Durham Board of Selectmen

  
\_\_\_\_\_  
Ronald W Gehl, Chairman

  
\_\_\_\_\_  
David Bickford

  
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Theresa Jarvis

  
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Town Clerk

## **DEMOLITION CHARGES**

**SUMMARY:** This policy is designed to make charges for demolition brought to the facility more equitable by estimating volume of material, rather than charging by vehicle size.

**DESCRIPTION:** Demo includes those items, which cannot be recycled or incinerated. In general it includes sheetrock, asphalt shingles, electronic items and dirt contaminated with metal, but no hazardous materials. A good rule of thumb is no burnables, no recyclables and no mixed wastes.

**CHARGE:** One cubic yard contains 27 cubic feet of material. Cubic feet shall be estimated according to the method below:

$$\text{Length} * \text{Width} * \text{Height} = \text{Cubic Feet}$$

### **Examples**

$$3 \text{ feet long} * 3 \text{ feet wide} * 3 \text{ feet high} = 27 \text{ cubic feet}$$

$$8.5 \text{ feet long} * 4.25 \text{ feet wide} * 2.75 \text{ feet high} = 99.36 \text{ cubic feet}$$

As most loads will not be perfectly level but rounded, it is important to take an average measurement of height.

### **METHOD OF DETERMINING CHARGE FOR MATERIAL:**

The charge is determined by multiplying cubic feet by \$1.00 for regular demolition materials; \$2:00 for sheetrock and shingles.