

Solid Waste Ordinance

Warner, New Hampshire

Adopted: August 22, 1989

Effective Date: October 1, 1989

Amended: April 23, 2002

Amended: March 22, 2006

Introduction

The purpose of this ordinance is to govern the disposal of refuse in the Town of Warner. It applies to all classes of users, i.e., commercial, residential and industrial. The ordinance is divided into two articles, Article I: Authority lists both the state and town authorities which apply to the ordinance. Article II focuses on the operation of the Warner Transfer and Recycling Station, but also includes rules which apply to commercial haulers, fees and penalties.

Article I: Authority

Sec. 1

The Town of Warner accepts the provisions of RSA 149-M:17 to enable the Town of Warner, Board of Selectmen, to make by-laws (also known as rules) governing the separation and collection of refuse within the municipality, the regulation of haulers collecting or disposing of refuse within the town, to make rules for operating the Warner Transfer and Recycling Station and to establish rates.

Sec. 2

The Town of Warner voted at the annual Town Meeting in March, 1989 to establish a solid waste policy that requires the recycling of solid waste generated in Warner to the maximum extent practical. Prior to the commencement of transferring solid waste to the regional incinerator, a recycling and solid waste ordinance which implements that policy must be adopted.

Sec. 3

The Town of Warner has submitted to the State of New Hampshire a proposed management/operations plan for the Transfer and Recycling Station as required by State regulations. The ordinance herewith is consistent with the submitted plan.

Article II: Rules of Operation

Sec. 1: General Provisions

The Warner Transfer & Recycling Station (WTRS) will be open to Warner residents, nonresident property owners, commercial establishments, civic organizations or any other local institution and/or their designees (commercial haulers) for the disposal of solid waste which is generated in the Town of Warner.

The placement of refuse and recyclables shall be in accordance with these regulations. The Board of Selectmen, upon advice of community interest shall have the authority to designate what materials of the solid waste generated in Warner are recyclable.

The WTRS will be open during the published hours prescribed by the Warner Board of Selectmen.

Users of the WTRS shall obtain a permit sticker from the Town Clerk under the rules and procedures of the Board of Selectmen. Each user of the facility shall have the decal displayed on the passenger side, lower corner of the windshield. Two stickers will be issued free of charge to each household. Additional stickers may be purchased for \$5.00 each.

Upon special arrangements with the WTRS Supervisor, recyclables from other towns will be accepted at the discretion of the Board of Selectmen.

Sec. 2: Refusal; Waiver

The WTRS Supervisor or designee shall have the right to refuse access to the facilities of anyone who is misusing said facility. The Board of Selectmen, after receiving written request from any qualified WTRS user or class of users may at it's discretion, waive any provision of this ordinance on a case by case basis.

Sec. 3: Security

The gates will be locked at all times after hours. Anyone not authorized and apprehended inside the gates when it is locked will be considered trespassing and shall be prosecuted. Anyone depositing materials at any gate or depositing material in an improper way shall be prosecuted.

Sec. 4: Special Provisions for Using the WTRS

- a. Refuse and recyclables will be accepted only during hours as scheduled by the Board of Selectmen.
- b. All refuse and recyclables shall be placed in designated areas.
- c. All users of the facility shall observe posted rules and procedures.
- d. All users of the facility shall obey attendants and comply with their direction.
- e. All drivers shall obey the speed limits and traffic signs.
- f. All refuse and recyclables shall be transported and delivered in vehicles acceptable to the Town of Warner. Vehicles shall deposit loads safely and not to exceed design capacity of equipment or cause overflow in the disposal area. The maximum size of any one item may not exceed 6' 6" in any one direction.
- g. All vehicles shall cover their loads so the material is secure. Trash may be considered covered by the utilization of plastic bags or a similar cover.
- h. The owner or operator will be responsible for a cleanup charge for any vehicle losing material at the site in an area other than the designated areas whether it be by wind, unsecured load, or driver error.
- i. All vehicles and drivers entering the facility do so at their own risk and are liable for any and all damages they may cause the facility and/or personnel.
- j. All dumpster users, commercial or residential are responsible to pay all costs for disposal of their trash at the Concord Regional Cooperative.

Sec. 5: Reusables

There will be a designated area for a community exchange of reusable items such as books, magazines, games, clothes, and other items deemed appropriate by the WTRS Supervisor.

Sec. 6: Mandatory Recyclables

The recycling of the following materials is mandatory. They shall be placed in the recycling areas and shall not be placed in the transfer area. Recycled materials shall be dry and free of food waste and other garbage.

Glass: Shall mean empty glass containers, including all types of clear, brown and green glass. Window glass and incandescent bulbs are included. Labels do not have to be removed. Containers must be rinsed so as to be clean.

Ceramics: Shall mean any type of ceramic material such as plates, clay plant pots and chinaware. Also included are porcelain fixtures such as toilets, sinks and similar objects.

Aluminum Containers: Shall mean aluminum containers of a size one gallon or smaller. Containers such as soft drink and beer cans shall be disposed of separately from other aluminum containers such as pet food cans.

Leafs and Clippings: Shall mean all lawn clippings and dry garden waste (to be brought to compost pile)

Newspaper: Shall mean all clean, dry newspaper.

Corrugated Cardboard: Shall mean all clean, dry cardboard, corrugated paper and brown paper.

Grey Cardboard: Shall mean all non-waxed, clean, dry grey colored cardboard such as non-waxed food containers like cereal boxes, six-pack drink carriers and laundry detergent boxes.

Plastics: Shall mean all plastics numbered 1-7 on the uniform numbering code and includes green and clear soda bottles, milk, cider, water jugs, laundry detergent containers, Styrofoam packing beads, Styrofoam meat trays and many others. Special instructions for placement of each type/number of plastic shall be posted at the WTRS.

Mixed Paper: Shall mean all clean, dry junk mail, magazines and office/school paper. Mixed paper must be carbon free.

Metal Cans and Containers: Shall mean tin and steel of a size one gallon or smaller.

Sec. 7: Special Circumstances

If it is deemed by the Transfer Station Operator that an unreasonable danger exists, arrangements for special handling will be made for some types of unacceptable wastes, in order to minimize the risk to householder, the general public, the environment and the Town, with the cost to be charged to the resident. Identified procedures for the handling of unacceptable wastes include the following:

(a) Explosive, reactive or peroxide forming wastes:

These wastes which may present an imminent danger to the householder or other member of the public will not be removed from the site. Instead, the householder will be directed to a quarantine area and the Emergency Coordinator will take control, summoning the Warner Fire Rescue or the State Police Bomb Squad to the scene if necessary.

(b) Unacceptable pharmaceuticals, biological, and infectious wastes:

Householders presenting these wastes will be given instruction on how to properly dispose of them and the number of the appropriate Public Health agency to call for more specific information on these special wastes.

(c) Dioxin-forming wastes:

Not accepted unless an approved permanent disposal site for these wastes is available at the time of the collection. If a disposal site is not available, these wastes cannot be accepted for storage at the Facility however, the site manager will maintain a file of persons presenting these wastes and notify them when appropriate disposal is available.

(d) Asbestos:

Warner residents inquiring about asbestos disposal will be provided with contact information for proper disposal.

(e) Large quantities of wastes:

Large quantities of waste of household origin may be accepted at the discretion of the operator or the householder may be directed to dispose of the wastes through a commercial waste management firm.

Sec. 7a: Waste Items

The following items will be accepted at designated areas of the WTRS. NOTE: Fees are charged for certain items (see Sec. 10: User Fees). NOTE: Combined Waste is described in Sec. 7b.

Metal Objects. Shall mean scrap metal of all kinds (ie: automobile parts, pipe, wire, sheet metal, motors, tools, bed springs, etc.)

Large Appliances: Shall mean stoves, refrigerators, freezers, TVs, computers, computer monitors, water heaters, washing machines, dryers, microwaves, etc. Doors must be removed from refrigerators and freezers. Fee charged.

Tires: Shall mean automobile, pickup truck, motorcycle and bicycle tires removed from the wheel or rim. Also means large truck and tractor tires which must be cut into quarters. Fee charged.

Used Motor Oil: Shall mean used motor oil. Only quantities of 5 gallons or less will be accepted.

Tree Limbs and Brush: Shall mean all tree limbs and brush not exceeding 5 inches in diameter and 10 feet in length (to be deposited in brush pile).

Demolition Material--Clean Wood: Shall mean wooden construction or burnable refuse not exceeding 16 inches in width and height by 5 feet in length (to be deposited in burn pile).

Demolition Material--Hazardous Wood: Shall mean plywood and painted, stained, pressure treated, wooden construction refuse not exceeding 16 inches in width and height by 5 feet in length (to be deposited in demolition container). Fee charged.

Demolition Material--Non Wood: Shall mean non-wooden, non burnable construction or demolition refuse. Asphalt shingles and sheet rock shall be placed in the demolition container. Bricks, cement and old pavement all be placed in a pile as directed by the Supervisor. Fee charged.

Bulky Items/Furniture: Shall mean overstuffed couches, chairs, mattresses, carpet, carpet backing and other large non-metallic items. Fee charged.

Vehicle Batteries: Shall mean car and truck batteries. Fee charged.

Household Batteries: Shall mean flashlight batteries, camera batteries, lithium batteries, etc.

Wood Ash Non-toxic ash produced from burning in woodstoves.

Coal Ash Non-toxic coal ash produced from domestic heating stoves.

Fluorescent Tubes (not broken). Lighting elements used for general illumination. Fee charged.

LP/Propane Gas Cylinders. Domestic fuel containers. Fee charged.

Sec. 7b: Combined Waste

Combined waste. Shall mean all general waste and refuse generated within the Town of Warner, which is not reusable, recyclable or provided for or prohibited by other sections of this ordinance. Combined waste shall be disposed of in the compactor for transfer to the incinerator.

Sec. 8: Prohibited Materials

These materials shall not be disposed of at the WTRS. Anyone wanting to dispose of the materials listed below should seek guidance from the WTRS Supervisor, the Board of Selectmen, or the State Department of Environmental Services.

Sludge and septic waste.

- b. Household hazardous wastes including gasoline, transformer and cutting oil, oil-based paints, liquid asphalt, pesticides, herbicides, solvents or their products. Household hazardous wastes may be collected on specified days during the year with special arrangements.
- c. Trees, tree stumps and limbs greater than 10 feet in length or 5 inches in diameter.
- d. Large items of machinery and equipment including motor vehicles, boats, farm equipment, and parts thereof. (cars, trucks, motorcycles, tractors, busses, trailers etc.).
- e. Explosives such as dynamite and ammunition.
- f. Asbestos waste.
- g. Manure (animal waste).
- h. Infectious, pathological, contagious waste which includes but is not limited to hospital, nursing home, and veterinarian materials and waste. (this includes dead animals).
- i. All oils other than motor oil.
- j. Radioactive waste.
- k. Any material which in the opinion of the Town personnel constitutes a serious hazard to other users, to the property of the Town or to the employees or the operation of the WTRS
- l. Any hazardous waste material listed in the New Hampshire RSA's or the Solid Waste Division Administrative Rules.
- m. Any prohibited material listed on the Transfer Station operating permit issued by the State of New Hampshire.

Sec. 9: Commercial and Industrial Haulers/Vehicles

A commercial hauler/vehicle for the purpose of this ordinance, shall be defined as anyone that is hired to *dispose* of solid waste generated by otherwise qualified user(s) of the WTRS. Commercial haulers will be required to obtain an annual permit from the Town of Warner, Board of Selectmen, at a fee of \$50.00 and post a \$10,000.00 surety bond. A certificate of liability insurance is required.

All users, including their designated haulers shall furnish upon request of the Board of Selectmen credible evidence to prove that they are offering recycling services and/or encouraging recycling to their customers and that material being deposited at the WTRS or at the regional incinerator (see other restrictions below) originated in Warner. Upon applying for permit, commercial haulers must provide a list of customers and travel route. This list must be kept current at all times.

All commercial haulers shall abide by this ordinance as it concerns recyclables to the maximum extent practical.

All commercial haulers shall display permit sticker in such a way that it is easy for the attendant to see. Failure to display permit shall be subject to forfeiting of permit. If regulations of the WTRS, governing the size of vehicles or manner of solid waste discharge prevents the use of WTRS by a commercial hauler, or if for reasons of efficiency or logistical expedience it commercial hauler chooses not to use the WTRS, a commercial hauler may bring trash directly to the regional incinerator after receiving a permit and authorization to do such from the Town of Warner, Board of Selectmen. The Town of Warner will pay for the tipping fees charged by the regional incinerator, but not the hauling cost, on that portion of the commercial hauler's combined waste that originated in Warner.

Sec. 10: Users Fees

Users fees shall be established by the Board of Selectmen for the items listed below. Additional items may be added from time to time as experience dictates. Fees are also subject to change as cost of disposal changes. Fees shall be paid in cash or check to the Supervisor. A written receipt shall be issued for all fees collected.

Car and Truck Batteries \$5.00 each Car Tires (13-16.5 inches) \$1.00 each Truck/Tractor tires (above 16.5 inches) \$2.50 each Large Appliances (see Sec. 7) \$5.00 each

Large Appliances Containing Freon (refrigerators, freezers) \$10.00 each

Furniture/Bulky Items (see Sec. 7) \$5.00 each Demolition Material \$50.00 per cu yard

LP/Propane Cylinders--Gas Grill 10#, 20#, 30# capacity \$3.00 each

LP/Propane Cylinders B100# capacity \$20.00 each

Fluorescent Tubes \$0.50 per tube

Fees are subject to change. Current charges can be obtained from the WTRS Supervisor, the Board of Selectmen or Town Clerk.

Sec. 11: Penalties

Failure to operate within the provisions of this ordinance, failure to obey directions *from* the attendants, failure to pay the fees or failure to separate materials into their proper areas including recyclables intended for disposal

at the WTRS may subject the offender to penalties including forfeiture of permit for up to one (1) year and/or the following:

Sec. 12: Notice of violation: Penalty: summons to appear in court for a violation of this ordinance.

Any law enforcement officer or any designated Town employee may issue a notice of violation. Such notice may impose upon the person a forfeiture of \$10.00 (Ten Dollars) which must be paid to the Town Office within 10 (ten) days of the date and time notice is given. In the event such penalty is not paid to the Town within the time limitations specified, a summons may be issued for appearance in district court and any person found guilty of violating the provision of this article could be fined up to \$250.00 (Two Hundred Fifty Dollars).

Sec. 13: Miscellaneous Legal Provisions

If any provision herein shall be held to be invalid for any reason by a court, such holding shall not invalidate in any manner any other provision contained herein.