

Introduced: 4/15/13
Second Read/Public Hearing: 5/06/13
Adopted: 05/06/13

ORDINANCE 2013-03
AN AMENDMENT TO THE MUNICIPAL CODE,
TITLE IV, CHAPTER V, SOLID WASTE RECYCLING

WHEREAS the Londonderry Town Council authorized the signing of a new solid waste collection contract which encourages recycling, better manages the waste stream, and saves tax dollars; and,

WHEREAS some residents may have extenuating circumstances which require obtaining additional capacity to dispose of their solid waste; and,

WHEREAS the added cost of granting additional capacity should be borne by the users generating said additional capacity rather than through the general property tax; and,

WHEREAS RSA 41:9-a requires that a public hearing be held prior to changes to the addition of fees in the system;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title IV – Public Health, Safety and Welfare, Chapter V, Streets and Sanitation – Solid Waste/Recycling, is hereby amended by the clarification of the handling procedures for brush, logs and stumps; adding clarification to the definition of large electronic items; and adding a fee for the collection, handling and recycling of propane tanks.

John Farrell - Chairman
Town Council

Meg Seymour
Town Clerk

(TOWN SEAL)

A TRUE COPY ATTEST:
05/06/2013

CHAPTER V - STREETS AND SANITATION - SOLID WASTE/RECYCLING

SECTION I STREET MAP, OFFICIAL STREET SIGNS

- A. The Town Council shall have the authority to adopt and enforce the design criteria and construction specifications and regulate Town streets and highways.
- B. The Town Council shall post in their office a list of official streets and traffic control signs and devices which may be amended by them in conformance with RSA 49.

SECTION II SIDEWALKS AND SEWERS

- A. The Town has adopted by reference RSA 252 entitled "Sidewalks and Sewers" and any amendment thereto, so that the provisions of this Ordinance and any amendments thereto may be in force in the Town. (Article 17 TM 1963).

SECTION III TRANSPORTATION OF RUBBISH

- A. To prevent littering of roadways in order to retain the scenic beauty of the Town, the following regulations shall be in effect:
 - 1. Rubbish of any kind being carried in open vehicles over public roads in the Town shall be completely covered by canvas or other suitable material to prevent spillage on or near the highways and rights-of-way.
 - 2. Failure to abide by this Ordinance may subject the operator and/or owner of the vehicle to be liable to the Town for any damage done by the spillage. The operator and/or owner of the vehicle will also be liable for clean up of any spillage that occurs. Damages to be incurred are as follows:
 - Failure to clean up spilled or blown matter \$50 each instance.
 - Failure to settle property damage claims by the Town or residents -\$100 in addition to the property damage claim for each instance.

SECTION IV TRANSFER STATION

- A. To provide for the orderly, sanitary and reasonable provisions for the disposal of yard waste, construction and demolition debris and recyclable materials in the Town of Londonderry, the Collection/Storage/Transfer Station, known as the Londonderry Drop Off Center, located on Dan Hill Road shall accept only those materials as listed by the Solid Waste Department.

CHAPTER V - STREETS AND SANITATION - SOLID WASTE/RECYCLING (Cont'd.)

SECTION IV TRANSFER STATION (Cont'd.)

B. Definitions as used in this section:

1. “Acceptable Yard Waste, Brush, and Stumps” shall mean yard waste such as, leaves, grass clippings and plant debris, brush such as tree limbs, branches and logs not to exceed 6" in diameter, and stumps such as tree roots along with tree trunks.
2. “Construction and Demolition Debris” means non-putrescible waste building materials and rubble which is solid waste resulting from the construction, demolition, remodeling or repair of structures.
3. “Solid Waste” shall mean solid waste as defined by RSA 149-M:4 22, any matter consisting of putrescible material, refuse or residue and other discarded and abandoned material. It does not include hazardous materials.
4. “Recyclable Materials” shall mean materials that can be used to produce marketable goods, including but not limited to compost, scrap metal, televisions, textiles, corrugated cardboard, and tires from motor vehicles.
5. “Refuse” shall mean any putrescible waste product which is composed wholly or partly of such materials as garbage, swill, sweepings, trash, rubbish, litter, all combustible rubbish, ashes and ordinary commercial wastes. Recyclable materials, construction and demolition debris, stumps, brush and yard waste are not included as refuse.
6. “Septage and Sludge” shall mean solid or semi-solid material produced by wastewater treatment processes, including sludge which is disposed at solid waste facilities permitted by the department of environmental services.
7. “Infectious Waste” shall mean any waste which 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.
8. “Solid Waste Operator”, the person designated by the Town to direct the operation and placement of materials at the Drop Off Center.

CHAPTER V - STREETS AND SANITATION - SOLID WASTE/RECYCLING (Cont'd.)

SECTION IV TRANSFER STATION (Cont'd.)

C. Acceptable Waste

1. Acceptable brush, stumps and yard waste as defined in section B, generated by residential development, will be allowed at this site.
2. Construction and Demolition Debris, as defined in section B, will be accepted generated from the addition to or remodeling of existing individual residential homes, it does not include commercial waste.
3. Recyclable Materials, as defined in section B, generated by residents of the Town, it does not include commercial wastes.

D. Unacceptable Waste:

1. Refuse, as defined in section B.
2. Explosive materials or other materials readily susceptible to self-combustion
3. Septage and sludge, as defined in section B.
4. Infectious Waste, as defined in Section B

E Operating Plan for Disposal Area - this facility is to be operated for the sole use of citizens of the Town to dispose of brush, stumps, and yard waste, construction and demolition debris, and recyclable materials as outlined above.

F. Operating Procedure

1. When the facility is opened, the Solid Waste Operator, will direct operation and placement of materials. At all other times, the facility shall be secured to deny entrance by unauthorized persons.
2. Residents will take direction from the Operator of the facility.

CHAPTER V - STREETS AND SANITATION - SOLID WASTE/RECYCLING (Cont'd.)

SECTION IV TRANSFER STATION (Cont'd.)

- F. Operating Procedure (Cont'd.)
 - 3. All logs less than six inches (6") in diameter along with brush will be removed from site to an approved facility.
 - 4. Stumps and other logs greater than six inches (6") will not be accepted.
 - 5. Materials shall be dumped only during hours which the Drop Off Center is open.
- G. Special Permit Use - The Town Council may, at their discretion, authorize use of this property at other than specified days, if the public good shall be served.
- H. Days of Operation - Saturday only (in season)
- I. Hours of Operation - 8:00 AM to 4:00 PM.
- J. Authorization Request - Any person, firm corporation or entity, i.e. "Contractor", who does not qualify as a resident of the Town may be issued an "Authorization Request Permit" subject to the following provisions and requirements:
 - 1. The person listed on the Authorization Request shall own, rent or lease real estate situated within the Town.
 - 2. The Contractor is providing the service for the person listed on the Authorization Request.
 - 3. Such permit is conditional and may be revoked by order of the Town Council for any reason they may deem sufficient.
 - 4. Only materials originating within the Town shall be dumped or deposited at the facility. The transition from a useful material to an Acceptable Waste must occur within the Town.

CHAPTER V - STREETS AND SANITATION - SOLID WASTE/RECYCLING (Cont'd.)

SECTION IV TRANSFER STATION (Cont'd.)

K. Permits

1. Any resident of the Town, upon presentation of proper identification shall be allowed use of this facility.
2. No commercial use of this facility shall be allowed.
3. A Contractor has admission to the facility if they conspicuously display their Authorization Request on their person or motor vehicle upon entering the area, or who produce such permit upon request by any officer of the town or any designated agent of the Town.

L. Fees: DROP OFF CENTER FEE SCHEDULE FY 2013/14

Scrap Metal (max. load 8ft.bed pickup).....	\$5.00 per load
Construction/Demolition Debris (Per Cubic Yd)	24.00
55 Gallon Barrel.....	7.00
Small Load (6 ft. bed pickup)	36.00
Large Load (8 ft. bed pickup)	48.00
Furniture and Carpet- Small Item (ex: chair, table, twin mattress or box spring)	7.00
Large Item (ex: sofa, dining table, full mattress or box spring)	14.00
Carpet (per cubic yard)	24.00
Tires - With Rim	3.00
Without Rim.....	2.00
Electronics - (all other electronic items)	7.00
Large Item (commercial sized fax machines, copiers, and TV's or monitors Greater than 20").....	14.00
Computer Items (mice, keyboards, wiring, cell phones)	No Charge
Propane Tanks – 20 lb.....	4.00
Greater than 20 lbs.	10.00
Less than 20 lbs.	No Charge

CHAPTER V - STREETS AND SANITATION - SOLID WASTE/RECYCLING (Cont'd.)

SECTION V PRIVATE DUMPS

- A. No private dump or junk yard as defined by Statute or the provisions in this Ordinance, whichever is more restrictive, shall be maintained within the Town except by license issued by the Town Council, after a public hearing at which time, good cause and sufficient reasons shall be shown justifying, in the opinion of the Town Council, the issuance of such license.

SECTION VI COMMERCIAL HAULERS

1. Any individual, corporations, partnerships or entity which hauls, removes and disposes of rubbish, refuse, garbage or waste commercially shall be regulated by the following provisions:
1. An application shall be filed with the Department of Public Works in a manner prescribed by the Town Council
 2. A permit shall be issued, revocable for any cause that the Department of Public Works may deem just and proper.
 3. A permit fee shall be paid for each truck that is employed by the commercial hauler. The rate will be adjusted and adopted by the Town Council.
 4. All commercial haulers shall file their routes with the Police Department before their permits shall be issued.

SECTION VII LICENSES AND PERMITS

- A. All licenses and permits shall expire at midnight April 30, annually. Applications for renewal licenses and permits may be made between April 1 and April 30.

SECTION VIII COLLECTION, REMOVAL OR DISPOSAL OF REFUSE

- A. The Town Council is hereby authorized, on behalf of the Town, to enact ordinances concerning the supervision and regulation of the collection, transportation, delivery and disposition of all or part of any solid waste generated within the Town so that the same is delivered to a designated resource recovery facility or such other facility as may be designated by the Town for processing or

CHAPTER V - STREETS AND SANITATION - SOLID WASTE/RECYCLING (Cont'd.)

SECTION VIII COLLECTION, REMOVAL OR DISPOSAL OF REFUSE (Cont'd.)

for processing or for other disposition or handling.

- B. The Town Council is hereby directed to appoint a Solid Waste Advisory Committee to assist the Council on municipal solid waste issues and to establish and maintain a municipal recycling program.
- C. From the time of placement of any recyclables at the curb of any residence, ownership of such materials shall thereafter vest in the Town of Londonderry.
- D. It shall be unlawful for any person or persons, firms or corporations to collect, remove or dispose of recyclables which are the property of the town.
- E. Each such collection, removal or disposal in violation hereof from one or more residences shall constitute a separate and different offense.
- F. Residents may request overflow bags, additional waste container(s) and/or request a different container size, beyond the one container provided by the Town, upon payment of the following fee(s):

Overflow Bag -	\$3.00 per bag
Additional 32 Gallon Container -	\$150 for the initial year the container is issued to a resident
	\$105 for each subsequent twelve month period
Additional 65Gallon Container -	\$200 for the initial year the container is issued to a resident
	\$150 for each subsequent twelve month period
Downgrade – 32 Gallon Container –	No charge

- G. Waiver of Fee – The fee for an additional waste container shall be waived for household units that have six (6) or more occupants, and may be waived by the Department of Public Works for households that have less than six (6) occupants, but have family members such as older adults or individual with special needs that have personal care items to dispose of that cannot be reduced and add greatly to the overall volume of household waste.

CHAPTER V - STREETS AND SANITATION - SOLID WASTE/RECYCLING (Cont'd)

SECTION IX RECYCLING - MULTI FAMILY COMPLEXES

- A. This ordinance is adopted under RSA 149-M:13 and RSA 31:39 to ensure that resident of multi-family dwellings can participate in the Town of Londonderry Recycling Program.

SECTION IX RECYCLING - MULTI FAMILY COMPLEXES (Cont'd)

- B. The owners or responsible managers of all multi-family dwelling complexes of more than four (4) family units shall provide a dumpster or other adequate means or facilities for their residents to participate in the Town's recycling program as part of the removal of solid waste from the property.
- C. Failure to comply with this Ordinance shall subject the multi-family complex to termination of collection and disposal services provided by the Town.

SECTION X PENALTIES FOR OFFENSE

- A. A person or persons, firm or corporation convicted of violating any provisions of this Ordinance shall be guilty of a violation which is punishable according to State Statute (RSA 31:39 III).

SECTION XI SEVERABILITY

- A. The invalidity of any provision of this ordinance shall not affect the validity of any other provision nor the validity of the Ordinance as a whole.

~~End of Section~~