

Revised
1/20/14
#39
198

TOWN OF ALTON

SOLID WASTE ORDINANCE

The Alton Board of Selectmen, acting under the authority of New Hampshire RSA 31:39 and RSA 149-M:13; and, in accordance with a vote on Article 4 of the Town meeting held on March 9, 1988, hereby declares the following regulations and policies to be in effect immediately, unless otherwise so written:

Section 1. Repeal of Previous Ordinances

This Ordinance shall supersede and replace all previous ordinances pertaining to this subject matter which have heretofore been adopted.

Section 2. Definitions

2.1 Unless otherwise described below, all word meanings shall correspond with the definition of terms as contained in the NH Department of Environmental Services, Waste Management Division, Solid Waste Rules, Part Env-Wm 102 and Part Env-Wm 103.

2.2 *Businesses* shall mean any person, agent, employee or corporation who represents a commercial or industrial establishment that is assessed property taxes by the Town of Alton.

2.3 *Commercial Hauler* shall mean any person who engages in the removal of solid waste or construction and demolition materials on behalf of residents or Alton located businesses for a fee.

2.4 *Construction & Demolition Materials* shall mean the following items only: sheet rock, shingles, manufactured lumber or wood products, building materials, plaster, porcelain plumbing fixtures, siding, electrical wiring components, insulation or other similar substances and materials.

2.5 *Resident* shall mean any person who resides in the Town of Alton, whether a property owner or rental tenant, including persons who reside in a vacation rental for a very brief period of time. Any person who is not a registered voter or taxpayer in the Town of Alton must furnish a letter of proof signed by the property owner or a real estate agent which indicates residency status.

2.6 *Solid Waste Center* shall refer to all the Town owned facilities located off of Hurd Hill Road and also described as property located at Tax Map 15, Lot 87.

Section 3. Mandatory Recycling (Free)

3.1 Recycling is mandatory and free for all residents, businesses and commercial haulers who dispose of waste products under the terms of this Ordinance. A Town permit is required.

3.2 The following products shall be accepted for disposal, provided they are placed in designated containers in the Recycle Center Building at the Solid Waste Center in accordance with the procedures described below:

- A. aluminum cans - must be rinsed clean
- B. aerosol cans - must be empty with nozzles removed
- C. corrugated cardboard - must be clean with no paper lines

- D. newspaper - must be clean and free of garbage and also mixed paper
- E. glass bottles - must be rinsed clean with caps removed
- F. plastic milk jugs - must be rinsed clean with caps removed
- G. plastic soda bottles - must be rinsed clean with caps removed
- H. plastic containers (laundry, food, juice, etc) - must be rinsed clean with covers removed
- I. metal cans - must be rinsed clean
- J. cooking oil
- K. All Plastics 1 through 7 – must be rinsed clean with caps removed

3.3 Materials which are determined by Solid Waste Center employees to be unclean or otherwise unsuitable for recycled use shall not be accepted for disposal.

Section 4. Composting of Yard Wastes (Free)

4.1 Residents, businesses and commercial haulers with a Town permit may drop-off the following types of yards waste products as composting materials at designated locations at the Solid Waste Center for free: leaves, lawn mulch, hay, straw, plant clippings, wood chips, flowers, weeds, virgin sawdust. No other materials will be accepted.

4.2 Residents and businesses with a Town permit may pickup composted yard waste materials from designated areas at the Solid Waste Center for personal, commercial or industrial use in such quantities as may be permitted by the Director of Solid Waste Operations. There shall be no charge for these materials, but any person receiving composted waste materials does so at his or her own risk.

Section 5. Brush Pile Materials

5.1 The following materials are prohibited from the brush pile:

- A. logs with a diameter in excess of twelve (12”) inches
- B. logs with a length in excess of five (5’) feet
- C. all manufactured lumber or wood products which have been painted, stained, varnished, etc.
- D. all items covered under Sections 3,4,6,7,8, 9 & 11
- E. stumps

Section 6. Waste Oil Disposal (Free)

6.1 Residents may drop-off waste oil at the Solid Waste Center in designated containers at no charge provided they have a Town permit and the oil is a product manufactured for use in motor vehicles only and contains no water, anti-freeze or other contaminants.

6.2 All commercial haulers of waste oil and any residents or businesses that have waste oil in quantities of more than five (5) gallons, are required to contact the Highway Department to arrange for the oil to be accepted at the Highway Garage at no charge. Each shipment shall contain a signed statement as follows:

- A. "This used oil is destined to be recycled and is subject to regulations by the New Hampshire Dept of Environmental Services under Env-Wm 807. I certify that this used oil is not hazardous waste fuel as defined in Env-Wm 807.04 and that they have not mixed this used oil with water or any other hazardous wastes identified in Env-Wm 400 or any used oil classified as hazardous waste fuel under Env-Wm 807.04." or
- B. "This used oil shipment has been analyzed and certified as being within the parameters as specified in Env-Wm 807.03(a)(3)."

Section 7. Construction & Demolition Materials

7.1 Commercial and demolition debris shall not include any recyclable products, burn pile items, trash, yard waste or stumps.

7.2 Residents, business and commercial haulers who have a Town permit shall be allowed to drop-off C&D materials in designated locations at the Solid Waste Center. All C&D loads shall be subject to a charge of twenty (\$20.00) dollars per cubic yard, as may be determined by the actual load size when measured by Solid Waste Center employees. [see also the attached Fee Structure Chart]

7.3 The Town will not accept any load of demolition debris that has been mechanically compacted, as may be determined by Solid Waste Center employees.

Section 8. Bulk Wastes

8.1 Residents, businesses and commercial haulers who have a Town permit shall be allowed to drop-off the following types of bulk waste items, provided they are placed in designated areas at the Solid Waste Center in accordance with the fees and procedures described below:

A.	Electronics – Televisions & Monitors	\$5.00 each (up to 19")
B.	Television Sets	\$10.00 each (over 19")
C.	Toilets	\$2.00 each
D.	Air Conditioners	\$15.00 each
E.	Refrigerators	\$15.00 each
F.	Carpets & Rugs	\$5.00 and up
G.	Dryers and Washing Machines	\$5.00 each
H.	Ovens and Stoves	\$5.00 each
I.	Couches and Chairs	\$4.00 each
J.	Sleep Couches and Chairs	\$6.00 each
K.	Mattress and Box Springs	\$4.00 each
L.	Propane Tanks	\$5.00 each
M.	Fuel Tanks	\$5.00 each (empty tanks only)
N.	Hot Water Tanks	\$5.00 each
O.	TIRES 16" or Less	\$2.00 each (on rim...\$5.00)
P.	TIRES 17" – 20"	\$9.00 each (on rim...\$14.00)

8.2 Any major parts or components of bulk items listed above, upon determination by Solid Waste Center employees, shall be considered to be a single whole unit and the full fee shall be charged.

Section 9. Solid Waste Disposal

- 9.1 Solid waste shall not include any recyclable products, demolition debris, yard waste.
- 9.2 Residents and businesses who have a Town permit shall be allowed to drop-off household trash and other solid waste products into designated areas at the Solid Waste Center at no charge.
- 9.3 Commercial haulers who have a Town permit or are eligible to use the facility upon payment of a daily entrance fee shall be allowed to deposit solid waste products into designated areas at the Solid Waste Center at no charge.
- 9.4 Notwithstanding any other provisions of this Ordinance, the Town shall assess a penalty fee for any load of trash that is disposed of at a Town facility if found to contain in excess of five (5%) percent of mandatory recycled products or other unacceptable wastes, as may be determined by Solid Waste Center employees. The penalty fee charged for an excessive amount of unacceptable trash shall be the equivalent of fifteen (\$15.00) dollars per cubic yard and shall be applied to the entire load size. However, the penalty fee charged for an excessive amount of unacceptable trash, when that load has been compacted, shall be applied to the entire load size. [see also the attached Fee Structure Chart .
- 9.5 Any person or commercial hauler who repeatedly violates the trash disposal policy as it relates to recyclables, shall be subject to having their disposal privileges at the Alton Solid Waste Center revoked under orders by the Board of Selectmen, for a period not to exceed one (1) year, in addition to being required to pay the penalty fees described above. And any person or commercial hauler who has been the subject of a penalty fee being assessed, shall automatically have all disposal privileges temporarily revoked until such time as the penalty fees have been paid in full.

Section 10. Mixed Loads

- 10.1 Mixed Loads (demolition debris or bulk pile materials and other items) must be properly sorted and disposed of as directed by the facility staff.

Section 11. Prohibitions

- 11.1 The following materials are prohibited from being disposed of at the Solid Waste Center or at Town expense by a commercial hauler:

- A. hazardous waste, including, but not limited to any substance which is reactive, toxic, corrosive, ignitable, infectious or capable of posing a threat to human health
- B. motor vehicle engine or body parts that contain oils or fluids
- C. soils that contain contaminants or any other waste products
- D. wood products that contain lead paint
- E. any material which in the opinion of the Transfer Station Supervisor is likely to pose a serious threat to human safety, the property of the Town or to the operation of the Town waste facilities

- 11.2 The Town accepts no liability or responsibility for any expenses associated with the disposal of any of the above listed materials (see Section 11.1). In the event any person, business or commercial hauler disposes of such materials in a manner that violates this Ordinance, they shall be held liable and responsible for any expenses associated with said materials, to include fines, claims, damages, proper disposal expenses, etc.

11.3 It shall be illegal to discharge a firearm while on any Town property covered under this Ordinance, except for duly authorized Law Enforcement Officials.

11.4 It shall be unlawful for any person to enter upon Town property covered under this Ordinance at other than posted times or for reasons inconsistent with the purposes for which these facilities are made available. Notwithstanding any other provisions of this Ordinance, any person who climbs over a fence, dumps trash in non-designated areas or damages Town property shall be prosecuted to the fullest extent of the law.

Section 12. General Rules

12.1 Only waste products, which have been generated within the limits of the Town of Alton, shall be afforded disposal privileges at Town facilities or at Town expense.

12.2 The Town of Alton reserves the right to subject all loads and containers to an inspection by duly authorized Town employees as a means of ensuring compliance with all of the provisions in this Ordinance. Any person who refuses to allow an inspection shall immediately have all use privileges permanently revoked and shall also be subject to any fines and penalties as applicable under Section 14.

12.3 Visitors interested in acquiring disposed items must request assistance from Solid Waste Center employees who may provide assistance only if they are readily available, otherwise an item may be retrieved at a later date as time may permit. The Town of Alton assumes no responsibility for damages or claims associated with these articles. There is no charge, however, for removing of disposed items.

12.4 All residents, businesses and local commercial haulers must have a Town approved permit on display in their vehicle to use the Solid Waste Center. The sticker must be affixed to the left corner driver's side of the windshield, in plain view. The fee for this sticker permit shall be \$1.00. The permit shall be purchased and recorded at the Alton Waste Center. The permit shall only be purchased after proof of residency and vehicle ownership can be shown. The permit shall be assigned to one vehicle only per sticker and that the purchase of additional stickers per family shall be limited to two (2). All permits are non-transferable and shall expire at the end of every odd numbered year.

12.5 Solid Waste Center permits are not available for non-residents, however, non-resident commercial haulers may use the facility upon proof that the waste materials have originated in Alton and payment of a one (\$1.00) dollar entry fee per visit.

12.6 Any person using the facilities covered under this Ordinance must obey all posted rules and regulations, speed limits, traffic signs, and the directions of Town employees.

12.7 All persons using these facilities do so at their own risk.

12.8 All loads must be covered. The driver of every load shall be responsible for the clean-up of any lost materials.

12.9 The Selectmen reserve the right to waive any fees or rules for just cause, charitable institutions or upon a declared emergency.

12.10 Any person found to be disposing of waste within the Town of Alton in a manner not permitted under this Ordinance or in such a way as to not be in compliance with the Laws of the State of New Hampshire shall be guilty of a violation and subject to the maximum fine under Section 15.2 and a minimum five (5) year suspension of Solid Waste Center and Rines Road Pit disposal privileges.

12.11 All fees paid are non-refundable.

12.12 All commercial haulers using Town of Alton waste disposal facilities are required to enforce the provisions of this Ordinance with their customers. Towards this end, the Town requests that it be furnished with copies of written correspondence, flyers, brochures, rules, etc. that are distributed to customers. Copies may be given to the Director of Solid Waste Operations.

12.13 The Director of Solid Waste Center Operations may waive disposal fees, using his sole discretion, in cases where residents have valid claims that waste products constitute litter which was illegally disposed of within the borders of the Town by unknown persons. Claims of litter may be considered authentic upon being reported to the Police Department.

Section 13. Hours of Operation

13.1 Effective January 1, 1996, the Solid Waste Center shall be open to the public during the following items:

Sunday:	7:00am - 4:45pm
Monday:	7:00am - 4:45pm
Tuesday:	Closed
Wednesday:	Closed
Thursday:	Closed
Friday:	7:00am - 4:45pm
Saturday:	7:00am - 4:45pm

13.2 The Selectmen reserve the right to change these hours as needed.

13.3 Waste products will be accepted only during posted times of operations.

13.4 The facilities will be closed on the following holidays:

New Years Day	Independence Day
Presidents Day	Labor Day
Easter Sunday	Veterans Day
Memorial Day	Christmas

Section 14. Enforcement and Penalties

14.1 The Town of Alton reserves the right to deny waste disposal privileges at any time to prevent violations of this Ordinance. The Director of Solid Waste Operations and employees of the Solid Waste Center shall have the authority to enforce all rules and regulations pertaining to the disposal of materials governed under this Ordinance, including the right to refuse the use of Town facilities for violations. Any resident may appeal decisions of the Solid Waste Center staff first to the Director, second to the Town Administrator and third to the Board of Selectmen. The decisions of the Board of Selectmen shall be final.

14.2 The penalty for any willful breach or infraction of this Ordinance shall be a fine of not more than three thousand (\$3,000) dollars per incident and a permanent ban from using Town waste facilities.

14.3 The penalty for specific violations of this Ordinance shall be a fine designated in the Prohibited Fine Schedule listed below:

<u>Violation/Infraction</u>	<u>Section</u>	<u>Fine</u>
Failure to dispose of recycled materials properly	3	\$25.00
Failure to dispose of hazardous waste properly	11.1-a	\$100.00
Failure to dispose of asphalt products properly	11.1-b	\$50.00
Failure to separate/dispose properly of demolition materials	7	\$100.00
Failure to dispose of oil/petroleum products properly	6	\$100.00
Failure to properly display permit sticker	12.4	\$5.00

14.4 The Waste Center Director, or his designated Acting Agent for the Solid Waste Center shall for the purposes of enforcement of this Town Ordinance have the authority and license to act on behalf of the Board of Selectmen for the Town of Alton, to issue a Violation Complaint with an assessed fine attached to any person in violation of this Ordinance.

14.4a Any fine so imposed through the issuance of the Violation Complaint shall be given in hand. The fine for each incident shall be paid within thirty (30) days from the date of issue. Each fine shall be recorded and paid directly to the Alton Town Clerk. Any person delinquent in payment of a fine within thirty (30) days prescribed under this Ordinance, the Town Clerk shall, in writing, notify the Solid Waste Center Director of the delinquency in payment. The Solid Waste Director will then take appropriate action as directed under the authority of this Ordinance to secure payment, or impose any other prescribed penalty so imposed in accordance with the Town of Alton's Ordinance for Solid Waste and the Laws of the State of New Hampshire.

14.4b The Director for the Solid Waste Center, an/or designee shall have the right and authority to suspended any person's privilege to use the Waste Facility Center for the purposes of disposing of waste materials for a period not to exceed six (6) months. This section of the Ordinance may only be imposed, when the Director has reason to believe that the person being suspended has habitually violated the provisions of this Ordinance. Habitual shall mean the issuance of three (3) or more Ordinance Violation Complaints within a three hundred and sixty-five (365) day period starting from the last one on record. In addition, a suspension shall be imposed by the Director for a person failing to pay a fine imposed under this Ordinance within the prescribed time limits set forth in Section.

14.4c The Director and/or his designee must bring before the Board of Selectmen the necessary information and proof needed to justify any suspension or revocation of privilege to use the Waste Center Facilities that will extend beyond a six (6) month period. The Board of Selectmen may waive and dismiss any suspension, or fine imposed under this Ordinance, if there is found 'cause' for relief that is considered to be reasonable and to the benefit of the Town.

14.4d The Director of the Solid Waste Center and/or his designee are authorized by the Board of Selectmen to enforce the provisions of this Ordinance Sections 1-17 by means of issuance of a Summons or Complaint for infractions thereof, and they may also attach fines to said complaints as prescribed in Section 15.3. The failure of any person, or business entity to comply with the provisions of this Ordinance, the Board of Selectmen do hereby authorize the Director of the Solid

Waste Center to solicit through the Alton Police Dept by means of a criminal investigation and Solid Waste Ordinance complaint for the purpose of enforcing said conditions set forth in this Town Ordinance to be heard in the Laconia District Court, in consideration before that all reasonable attempts to secure payment of delinquent fines have been exhausted.

Section 15. Annual Review of Fees

15.1 The Board of Selectmen shall annually review all fees contained in this Ordinance and revise as needed. Said review shall be conducted on or before June 1st of every year.

Section 16. Effective Date

16.1 This Ordinance, as amended, shall take effect March 1, 2002 and shall be in effect until such time as it may be repealed, revoked, revised or amended by the Selectmen, at their sole discretion; or upon some other form of legal action. However, in the event a portion of this Ordinance is declared invalid or held to be contrary to Law by the Courts, State Statutes or regulation, or as a result of a lawful Town Meeting vote, nothing shall prevent the remaining portions of this Ordinance from being in full force and effect.

16.2 This Ordinance, as amended, shall take effect June 1, 2012 and shall be in effect until such time as it may be repealed, revoked, revised or amended by the Selectmen, at their sole discretion; or upon some other form of legal action. However, in the event a portion of this Ordinance is declared invalid or held to be contrary to Law by the Courts, State Statutes or regulation, or as a result of a lawful Town Meeting vote, nothing shall prevent the remaining portions of this Ordinance from being in full force and effect.

IN WITNESS WHEREOF, the Alton Board of Selectmen has adopted and approved this Solid Waste Ordinance on this 20th of January, 2014.

Under the Seal of the Town of Alton, a true copy ATTEST:

Lisa Mayer
Office of the Town Clerk

**Town of Alton – Public Health/Solid Waste Ordinance Policy
For Construction Job Sites**

1. All job sites will have Portable Toilets when there is no on site facility available to workers. They shall be placed on the site or close to within walking distance of 10 feet, before any work is started.
2. All new construction will have a roll-off dumpster or container on the site for demolition and scrap materials; until substantial completion of said job. All material to be disposed at an approved out-of-town facility as the Alton Transfer Station will not accept this material.
3. All jobs such as Additions, Renovations and Repairs will have a container or roll-dumpster on site when estimated waste and demolition **is more than FOUR (4)** cubic yards disposal shall be at an out-of-town facility. There will be a fee of \$20.00 per yard for construction and demolition and shingles will be \$35.00 per yard for all in-town disposals under four (4) yards and a building permit may be required based on existing Town Zoning regulations.
4. Placement of the containers, roll-off dumpsters and portable toilets will not be placed in the roadway right-of-way without the written permission of the Highway Agent with a copy of the Highway Agent's written permission to be filed with the building permits application, Building Department.
5. No Portable Toilet, Roll-off Dumpster or Demolition Container will be placed with fifty feet (50') of waterways or wetlands. If setback cannot be achieved, the Health Officer or Designee may waive distance to achieve a safe distance after visiting the job site.
6. All information of proposed locations shown on plot plan and letters of waivers will be presented to the Health Officer or Designee and is to be submitted with the Building Permit Application.
7. The Building Inspector and the Director of Solid Waste will use their best judgment when enforcing this ordinance.
8. Fines and Penalty: Failure to comply with the Policy for Construction Job Sites shall be found in violation and subject to fines as set forth in RSA 676:17.
9. Repeal: The adoption of these guidelines shall operate as a repeal of any other statement of policy adopted by previous Boards of Selectmen.
10. Definition: For the purposes of this policy a "container" is defined as a commercial container or any similar vessel that is utilized to hold materials for disposal at a construction site.

BY ALTON BOARD OF SELECTMEN:

On this the 20th day of January, 2014:



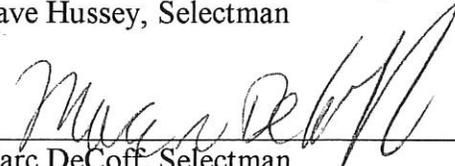
Loring Carr, Chairman



Cydney Johnson, Vice-Chairman



Dave Hussey, Selectman



Marc DeCoff, Selectman

Robert Daniels, Selectman