

## GOFFSTOWN SOLID WASTE MANAGEMENT ORDINANCES

### ARTICLE I - INTRODUCTION

#### A. AUTHORITY

Pursuant to the Authority of RSA 31:39 and RSA 149-M the Town of Goffstown hereby adopts the following Ordinance for the operation of Goffstown Solid Waste Facility and the collection and handling of solid waste and recyclables.

#### B. TITLE

This Ordinance shall be known as and may be cited as the Solid Waste Management Ordinance of Goffstown, New Hampshire.

#### C. PURPOSE

The Goffstown Solid Waste Facility (hereafter referred to as GSWF) is operated solely for the disposal of authorized solid waste generated within the geographic limits of the Town of Goffstown as required by RSA 149-M:13. Accordingly, this ordinance is intended to:

- (1) Prevent unauthorized entrance and use of the GSWF.
- (2) Prohibit the deposit of illegal and unacceptable waste.
- (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.
- (4) Establish charges (fees) for the use of the GSWF.
- (5) Establish regulations for the curbside collection of solid waste and recyclables.

#### D. OPERATION

The GSWF is operated under the authority and oversight of the Goffstown Public Works Department; as directed by the Goffstown Board of Selectmen.

### ARTICLE II - DEFINITIONS

#### A. GENERAL DEFINITIONS

Except as specifically designated herein, all words used in this ordinance shall carry their customary dictionary meanings.

#### B. ADDITIONAL DEFINITIONS

(1) Agricultural Waste - Shall include manure, prunings, spoilage, crop residue and dead animals.

(2) Aluminum Cans - The term aluminum cans as used herein shall be deemed to include only those containers and parts of containers made entirely of aluminum of a size of one gallon or smaller, (including beverage and food cans).

(3) Attendants - Shall mean those persons employed or designated by the Town of Goffstown at the GSWF who shall have the authority to enforce the terms of this Ordinance and require compliance with any other rules and regulations pertaining to the GSWF.

(4) Batteries

Automotive Batteries - Shall mean batteries from automobiles, trucks, tractors and other similar vehicles.

Household Batteries - Shall mean dry cell batteries, either disposable or rechargeable.

(5) Commercial Waste - Shall mean that solid waste generated by, commercial facilities including but not limited to retail, restaurants, and recreational facilities.

(6) Compostable Materials - Shall mean all lawn clippings, leaves, and garden waste.

(7) Containers

Designated Refuse Container (DRC) –65 or 95 gallon containers supplied by the Town of Goffstown for the removal of MSW at the curb by the Goffstown automated collection truck.

Recycling Container (RC) - 65 or 95 gallon containers supplied by the Town of Goffstown for the removal of recyclables at the curb by the Goffstown automated collection truck.

(8) Construction and Demolition Debris - Shall mean non-putrescible waste, building materials and rubble, which is solid waste resulting from the construction, remodeling, repair or demolition of structures or roads. Such waste includes, but is not limited to, bricks, concrete, other masonry materials, wood, wall coverings, plaster, drywall, plumbing, fixtures, non-asbestos insulation or roofing shingles, asphalt pavement, non-recyclable glass, plastics that are not sealed in a manner that conceals other wastes, electrical wiring and components containing no hazardous liquid or metals that are incidental to any of the above. Solid waste that is not construction and demolition debris, even if resulting from the construction, remodeling, repair and demolition of structures, roads and land clearing includes, but is not limited to, asbestos waste, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, carpeting, furniture, appliances, tires, drums, containers and fuel tanks.

(9) Freon Bearing Appliances (FBA's) – Any appliance containing freon such as a refrigerator, air conditioner, etc.

(10) Glass Containers - The term glass as used herein shall be deemed to include all bottles and jars made entirely of glass and used in the storage of food and beverage. Specifically excluded are items such as ceramics, Pyrex, temper and flat glass commonly known as window glass, light bulbs, and fixtures.

(11) "Hazardous waste" means "hazardous waste" as defined in RSA 147-A:2, VII, namely "a solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes:

a. Which, because of either quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

2. Pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged; or

b. Which has been identified as a hazardous waste by the NH DES using the criteria established under RSA 147-A:3, I or as listed under RSA 147-A:3, II. Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are regulated by the Atomic Energy Act of 1954, as amended";

(12) Industrial Waste - Shall mean that solid waste generated by industrial processes and manufacturing operations.

(13) 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; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(14) Institutional Wastes - Shall mean that solid waste generated by institutions, e.g. schools, hospitals, churches, prison and nursing homes.

(15) Large Metal Objects - Shall mean scrap metal of all kinds, e.g. pipe, wire, appliances (non-FBA), sheet metal, motors, tools, bed springs, etc.

(16) Municipal Solid Waste (MSW)- Shall mean solid waste generated at residences, commercial or industrial establishments, and institutions, but excluding construction and demolition debris, automotive scrap, motor vehicle waste, infectious waste and asbestos. For the purposes of this Ordinance, it does not include hazardous waste as defined in RSA 147A:2, infectious waste as defined in this Ordinance, solid or dissolved materials and irrigation return flows, or municipal and industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended: or sources, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended.

(17) Oversized Bulk Waste (OBW) - Shall mean couches, construction and demolition debris and other large non-metallic items weighing over 20 pounds.

(18) Paper:

a. Newspapers – Shall include paper of any type commonly referred to as newsprint and distributed at stated intervals usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly

excluded, however, are all magazines or other periodicals, as well as all other paper products of any nature whatsoever.

b. Corrugated Cardboard (OCC)- Shall mean three layers or multiples of alternating layers of stiff, thick paper whose center layer is bent and folded into a series of parallel groves and ridges.

c. Mixed Paper – Junk mail, mixed office paper, classroom paper, magazines, telephone books, kraft bags, boxboard, newspaper, thermofax paper, gift wrapping paper, OCC, post-it notes, six pack carriers, chipboard containers (i.e. cereal boxes).

(19) Plastic

a. PETE (#1)- Polyethylene Terephtalate - Shall mean that plastic which is lightweight, rigid, and transparent, resistant to chemicals and moisture, with gas-barrier qualities, e.g. soft drink bottles.

b. HDPE (#2)- High Density Polyethylene - Shall mean that flexible plastic which maintains some rigidity, e.g. milk jugs, water jugs, and non-food jugs, such as those used for antifreeze, dish detergent and vegetable oil.

c. V (#3)- Polyvinyl Chloride (PVC/Vinyl) - Shall mean that plastic which can be rigid or flexible, resistant to chemicals and weather, e.g. pipes, fittings, film and sheet, cassette trays

d. LDPE (#4)- Low Density Polyethylene – Shall mean that plastic which can be used for its strength and ease of sealing, e.g. frozen food bags, envelopes, package liners, squeeze bottles

e. PP (#5)- Polypropylene – Shall mean that plastic which can be tough, and resistant to chemicals, heat and moisture, e.g. catsup bottles, yogurt containers, margarine tubes and medicine bottles

f. PS (#6) - Polystyrene - Shall mean those plastics consisting of foamed polystyrene, clear plastic cups, deli containers, coffee cups, packing material, fast-food clamshells.

g. Other (#7) – Other Plastic – Shall mean plastics consisting of resins other than the six listed above, e.g. beverage bottles, plastic lumber.

(20) Recyclable Materials - Shall mean all materials designated by the Selectmen to be recycled by users of the GSWF.

(21) Recycling Means the separation, collection, storage, processing and redistribution of solid waste so as to return material to the marketplace.

(22) Residential Solid Waste - Shall mean that solid waste generated solely by a residential household, which includes putrescible material, recyclable materials and non-recyclable materials.

(23) Single-family Dwelling – is defined, for the purpose of this ordinance, as any residential development with not more than two dwelling units, regardless of the number of separate structures.

(24) Steel/Tin Cans - The term steel/tin cans as used herein shall be deemed to include only those containers and parts of containers made entirely of steel and tin, e.g. empty air dried paint cans, empty aerosol containers, metal lids and bi-metal cans.

(25) Tires - Shall mean all rubber tires, e.g. automobile, motorcycle, wheelbarrow and bicycle tires.

(26) Tree Limbs and Brush - Shall mean all tree limbs and brush not exceeding 5" in diameter.

(27) Used Motor Oil - Shall mean crank case motor oil.

## ARTICLE III – GENERAL PROVISIONS

### A. ADMISSION

The GSWF will be open for use by Town residents and non-resident property owners. Commercial use is permitted only to the extent that the material disposed of originates in the Town of Goffstown. Admission to the GSWF for disposal of residential solid waste will only be by numbered permit issued under the direction of the Board of Selectmen. Admission to the GSWF for commercial disposal will only be permitted under the direction of the Board of Selectmen.

### B. PERMITS

To use the GSWF, a person must have a permit. Permits, evidenced by stickers, shall be affixed to the motor vehicle in a conspicuous place. All permits must be attached to a motor vehicle and be plainly visible to the scale operator on the driver's side of the vehicle. All permits remain the property of the Town.

- (1) Residential - A residential permit shall be a sticker issued to a person who is a resident of the Town of Goffstown and who uses the GSWF area with a non-commercial motor vehicle.
- (2) Non-Resident Residential Property Owner - A non-resident residential property permit shall be issued to a person who owns a single-family dwelling in Town but is not a resident.
- (3) Commercial - Permit to dispose of commercial solid waste shall be issued under the direction of the Board of Selectman.

### C. ORIGIN OF MATERIAL DISPOSED OF AT GSWF

Only material collected within the limits of the Town shall be disposed of at the GSWF.

### D. REGULATION OF GSWF USE

- (1) Solid waste and recyclable material will be accepted only during scheduled hours. The Selectmen shall designate the days and hours for operation of and access to the GSWF.
- (2) All solid waste and recyclable material shall be placed in designated areas.
- (3) Everyone using the GSWF shall observe posted rules and procedures.
- (4) All vehicles entering the GSWF shall drive across the scales. Everyone using the GSWF shall obey attendants and comply with their direction.

(5) All drivers shall obey the speed limits and traffic signs.

(6) All vehicles shall cover their loads so the materials are secure. Trash may be considered covered by utilization of plastic bags or similar cover. Scrap metal, brush, construction and demolition debris shall be tied down or secured, if necessary, to prevent spillage.

(7) The owner of any vehicle unloading or losing material at the GSWF in an area other than the designated areas whether it be by wind, unsecured load vehicle or driver error, will be responsible for a cleanup charge, be assessed by the Board of Selectmen and shall be subject to permit revocation and refused permission to utilize the GSWF.

(8) All vehicles and individuals entering the GSWF do so at their own risk and are liable for any and all damages they may cause at the GSWF.

#### E. MATERIAL DISPOSAL AT THE GSWF

All material brought to the GSWF for disposal shall be separated into the following categories to be deposited in designated containers or locations at the GSWF.

(1) **Recyclable Material:** The recycling of the following materials is mandatory for everyone including but not limited to residential, multi-family, commercial haulers, commercial firms and industrial users of the GSWF:

- a. Newspapers, mixed paper, magazines, aseptic packaging, Glass Containers, Aluminum, steel and tin cans, Corrugated cardboard, PETE and HDPE plastics and other plastic containers and packaging stamped with a plastics recycling symbol # 1-7
- b. Automobile batteries
- c. Used motor oil (5 gallons per visit limit)
- d. Tires
- e. Scrap metal, large metal objects and white goods
- f. Compostable material
- g. Fluorescent light bulbs
- h. Obsolete electronic equipment

They shall be placed in the proper disposal area as directed by attendant. Recycling materials shall be dry and free of food waste and other garbage. They shall not be disposed of with putrescible and non-recyclable materials.

(2) **Non-Recyclable Household Solid Waste:** This material shall be accepted at the general disposal area as directed by the attendant.

(3) **Scrap Metal:** Materials accepted at the scrap metal area include:

- a. Light Iron - a magnet will stick to it and it is free of rubber, wood, plastic or other contaminants.
- b. White Goods - Stoves, washers, dryers, etc.
- c. Aluminum

d. Metals with contaminants such as wood, plastic or rubber attached.

e. Metal strapping.

No item shall be disposed in a bulky form. Swing sets, for example, shall be dismantled and cut up if sections do not fit in the container.

(4) Brush, and Clean Wood - Brush of 5" diameter or less and clean wood is acceptable as directed by the attendant. No stumps will be accepted.

(5) Construction and Demolition Debris – Construction and Demolition Debris is accepted based on the following conditions:

a. Meets the definition as provided in this ordinance.

b. Generated in the Town of Goffstown.

## F. PROHIBITED MATERIALS

The GSWF will not accept the following materials (some of the materials will be accepted on Household Hazardous Waste Day):

(1) Explosives, such as dynamite and ammunition.

(2) Gas, turpentine, oil or lead based paints, liquid asphalt, pesticides, capacitors containing PCB's, herbicides or their products.

(3) Any material being recycled in the mandatory program.

(4) Highly volatile products.

(5) Motor vehicles, boats and parts thereof (cars, trucks motorcycles, busses, trailers, etc.)

(6) Asbestos waste.

(7) Metal shavings and machine chips.

(8) Harmful, hazardous, or toxic waste.

(9) Infectious Waste - Any material, which in the opinion of the attendant constitutes a serious hazard to other users, to the property of the Town or its employees will not be accepted.

(10) Hospital, nursing home and veterinarian materials and waste, which are considered hazardous and contagious waste. These materials will not be received unless prior permission and arrangements have been made.

(11) Any material, which in the opinion of the attendant constitutes a serious hazard to other users, to the property of the Town or its employees.

(12) Manure

## G. TRESPASS

The GSWF will be open during days and hours set by the Board of Selectmen. At all other times, gates will be locked and access strictly prohibited. Unauthorized individuals found on the premises at other than set hours shall be in violation of the Solid Waste Management Ordinance.

#### H. PILFERING

No person, firm or corporation or their agent shall, except by permission of the Board of Selectmen, remove any article or object which has been deposited or dumped and left in the GSWF.

#### I. SUPERVISION

The Selectmen or their designees, including attendants, shall have the right to refuse the use of the GSWF to any person, corporation, or other user who is misusing the GSWF, or is violating this Ordinance, or who does not have the proper permit. Any such act shall be guilty of a violation of this Ordinance.

#### J. BURNING

No burning shall be allowed at the GSWF except at the direction and supervision of the Town Fire Chief.

#### K. FIREARMS

The unauthorized discharge of firearms is prohibited at the GSWF.

#### L. FEE COLLECTION

Fees for disposal and assessed fines shall be collected under the direction of the Board of Selectmen.

### ARTICLE IV – CURBSIDE COLLECTION

#### A. MUNICIPAL SOLID WASTE

The Town will provide curbside collection of residential solid waste from public schools, municipal buildings and single-family dwellings; provided, however, that such uses of land front on a Class V Town road and the solid waste is placed within the public right of way in an approved manner as detailed below. Repeated offenses of this section, of any nature, will be reported for further action, which may include loss of curbside collection services. The provisions of Article V may also be invoked.

To be acceptable for collection, all solid waste shall be placed in DRCs. Such DRCs shall be placed on the curbside, or within five feet of the traveled surface of the Class V Town road in a manner, which does not obstruct or otherwise interfere with either pedestrian or vehicular traffic. The Public Works Director or his designee shall have the authority to review and approve or disapprove all such placement of solid waste containers subject to the general requirements set forth herein.

Notwithstanding the foregoing, the Director of Public Works shall have the authority to require one or more alternative collection sites in the case of dead-end Class V Town roads where the Director determines that such alternative sites are reasonably necessary to safeguard public safety and minimize risk of damage to public or private property during the collection process.

DRCs are to be placed at curbside for collection only on the scheduled day(s) of collection or the evening before collection and shall not block sidewalks, driveways, or create obstacles on the street that would hinder safe passage by any person or conveyance. Upon collection, the container(s) are to be removed to an appropriate location for the address and not left at the collection point. The property owner shall be responsible for the cleanup and removal of any roadside waste materials along their road frontage whether it be from overloading of the DRC, by wind, or other reasons.

## B. RECYCLABLES

### 1) PROGRAM DESCRIPTION

There is a mandatory program for the source separation of recyclables from the solid waste generated within the Town of Goffstown, for the purpose of recycling. Those for whom the Town is obliged to provide refuse service shall separate recyclable materials from the Municipal Solid Waste, and shall recycle these materials. All materials can be placed loose inside the recycling container, including:

- Newspapers, mixed paper, magazines, aseptic packaging
- Glass Containers, Aluminum, steel and tin cans. Containers shall be rinsed and have all caps and/or rings removed.
- Corrugated cardboard
- PETE and HDPE plastics and other plastic containers and packaging stamped with a plastics recycling symbol # 1 through 7

The Town will provide curbside collection of residential recyclables from public schools, municipal buildings and single-family dwellings; provided, however, that such uses of land front on a Class V Town road and the solid waste is placed within the public right of way in an approved manner as detailed below. Repeated offenses of this section, of any nature, will be reported for further action, which may include loss of curbside collection services. The provisions of Article V may also be invoked.

To be acceptable for collection, all recyclables shall be placed in RCs. On the day/days which have been established, such RCs shall be placed on the curbside, or within five feet of the traveled surface of the Class V Town road in a manner, which does not obstruct or otherwise interfere with either pedestrian or vehicular traffic. The Public Works Director or his designee shall have the authority to review and approve or disapprove all such placement of recycling containers subject to the general requirements set forth herein.

Notwithstanding the foregoing, the Director of Public Works shall have the authority to require one or more alternative collection sites in the case of dead-end Class V Town roads where the Director determines that such alternative sites are reasonably necessary to safeguard public safety and minimize risk of damage to public or private property during the collection process.

RCs are to be placed at curbside for collection only on the scheduled day(s) of collection or the evening before collection and shall not block sidewalks, driveways, or create obstacles on the street that would hinder safe passage by any person or conveyance. Upon collection, the container(s) are to be removed to an appropriate location for the address and not left at the collection point. The property owner shall be responsible for the cleanup and removal of any roadside waste materials along their road frontage whether it be from overloading of the RC, by wind, or other reasons.

The Town may pick up recyclables on private roads or condominium complexes upon the receipt of a waiver of liability signed by the parties on such roads. The waiver will include minimum condition standards private

roads must meet prior to the Town entering the road. The minimum standards shall include, but not be limited to; NFPA criteria and Department of Public Works standard policies and procedures (i.e. snow removal policy, etc). These standards and policies must be accepted and maintained by the property owner to be eligible for regular collection. Collection service will be suspended should the condition of the private road fall below the minimum standards outlined in the waiver. Service will resume once the deficiency is corrected to the satisfaction of the Director of public Works or his designee. Additionally the parties and Director of Public Works or his designee must be able to implement a mutually acceptable procedure for collecting recyclables from these locations.

## 2) COLLECTION BY UNAUTHORIZED PERSONS PROHIBITED

Recyclable material as defined herein shall be the property of the Town of Goffstown once placed at the designated collection or pickup sites authorized by the municipality. It shall be a violation of the Ordinance for any person, unauthorized by the Selectman, to pick up or cause to be picked up, said recyclable materials as defined herein. Failure to abide by the ordinance shall constitute a violation and be subject to the fines and penalties in Article V. Each such violation of the ordinance shall constitute a separate and distinct offense.

## ARTICLE V - ENFORCEMENT AND ADMINISTRATION

### A. PENALTIES

It shall be a violation of this Ordinance for any property owner, person, or corporation to fail to operate within the provisions of this Ordinance, fail to obey directions from the attendants, fail to pay fees or fail to separate materials into their proper areas, including recyclables, subjecting the violator to a suspension and/or revocation of the disposal permit at GSWF up to one year and/or civil penalties as follows:

(1) Notice of violation: Any law enforcement officer or the Board of Selectmen designee may serve a Notice of Violation to a violator which shall set out as applicable: the name of the property owner, permit holder, the name of the owner of the vehicle, the name of the operator of the vehicle, the nature of violation and the date. Such notice shall result in the suspension of a permit for a period of thirty (30) days.

(2) Complaint and Summons to Appear in Court: Any law enforcement officer or the Board of Selectmen designee may serve a Complaint and Summons to appear in the Goffstown District Court upon any property owner, person, or corporation alleged to be in violation of this Ordinance. The Complaint and Summons shall, as applicable, set out clearly the name of the property owner, permit holder, the name of the owner of the vehicle, the name of the operator of the vehicle, the date of the violation, the nature of the violation and a date for the appearance in court to answer the complaint. If the person or corporation is found to have violated this ordinance, the court may revoke the permit for a period of up to one year and/or assess a civil penalty (maximum allowed by statute) for each violation to inure to such uses as the Town may direct, or both. In addition, the court may award to the Town of Goffstown its costs and reasonable attorney's fees actually expended in pursuing legal action, and assess said costs and fees against the defendant providing the Town is found to be the prevailing party in the action.

(3) Responsibility for payment of civil penalties, costs and attorney fees shall be with the property owner, owner of the vehicle and the permit holder and the hauler and the originating source of the refuse, jointly and severally.

#### B. EXEMPTION

In Special circumstances, determined according to the facts of each instance, the fees may be modified or waived by the Board of Selectmen.

#### C. GRIEVANCE

Any person aggrieved by a regulation and/or fee shall have the right to appeal to the Board of Selectmen who shall have the authority to waive-and/or modify application of the Ordinance in a particular circumstance.

#### D. SEPARABILITY

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. Additionally, it can be instituted in whole or in part

#### E. AUTOMATIC REPEAL

This Ordinance shall automatically repeal previous solid waste ordinances at the time of its passage.

#### F. EFFECTIVE DATE

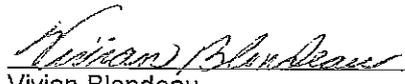
This ordinance shall become effective upon approval of Board of Selectmen.

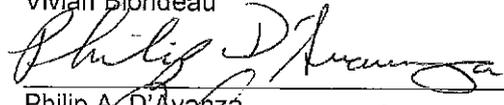
Adopted: June 1, 1998

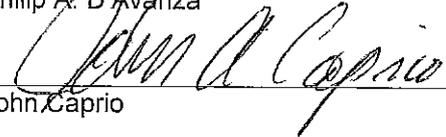
**Board of Selectmen:**

\_\_\_\_\_  
Nick Campasano, Chair

  
\_\_\_\_\_  
Scott Gross, Vice Chairman

  
\_\_\_\_\_  
Vivian Blondeau

  
\_\_\_\_\_  
Philip A. D'Avanza

  
\_\_\_\_\_  
John Caprio

Revised 10/01/01: Article III.M. Changed (6) from \$10 to \$13; added (8) & (9)

Revised 7/29/02: Article III.M. Added (3a) & (4a)

Revised 5/10/04: Article II.B. 7, 18; Article III.E. 1-(a,g,h); Article IV. A&B, Article V A(1)&(2)

Revised 6/30/05: Article I, C:4; Article III, F,M removed

Adopted 09/22/08 / Effective Date 10/1/08: Added Article I, Section D; Added Article II, Section B (11) Hazardous Waste; Article III Section A - removed "annually" from permit requirements; Article IV, Sections A and C, moved and revised enforcement language, added language re roadside cleanup, reordered wording.