

THE TOWN OF ALLENSTOWN

Solid Waste Ordinance

Code of Municipal Ordinances: Chapter 215

215:1 Purpose.

- A. The purpose of this chapter is to describe the procedures and requirements for the management, handling, and disposal of solid waste generated in the Town of Allenstown (hereinafter, the “Town”). These provisions shall apply, but not be limited, to all activities at the Allenstown transfer station; commercial collection and storage; recycling; curbside collection; and all phases of enforcement. The proper management of solid waste is necessary in order to protect the health, safety and welfare of the citizens, property owners and visitors to the Town.
- B. This revised Solid Waste Ordinance is intended to address operational changes to the transfer station and the implementation and operation of the collection system for trash which includes the collection of a range of recyclable materials. This Ordinance does not raise or appropriate money.
- C. This Ordinance is adopted by the Select Board pursuant to its authority under RSA 149-M:17, II (a) and (b) and RSA 31:39

215:2 Definitions.

The following words, as used in this chapter, shall mean and be defined as outlined below. Any other word not outlined below and used in this chapter shall have its commonly used and understood definition.

- A. *Accepted Way*: a street or road which has been formally accepted and approved by the Town or the State of New Hampshire for public use, and which is maintained by the Town.
- B. *Base Level Service*: The collection service provided by the Town to eligible properties, as defined in this chapter, for the collection and disposal of trash and recyclable materials.
- C. *Commercial Hauler*: A private company, corporation or other individual who operates within the Town for the collection of solid waste for hire;

provided, however, that a mobile home or manufactured housing park or cooperative, regardless of the number of units, who collects solid waste generated solely by its own residents shall not be a commercial hauler for the purposes of this Ordinance.

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D. *Commercial Unit/Use:*

1. A property containing a business entity or similar use; the unit may be an individual and stand-alone use or it may be a mixed use with multiple business activities.
2. In this chapter, a commercial use shall include the following:

a. any multi-family dwelling that contains more than ~~three~~ six ~~(6)~~ 3 units; and,

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b. any mobile home or manufactured housing park or cooperative, regardless of the number of units.

E. *Concord Regional Solid Waste and Resource Recovery Cooperative:* The cooperative of which the Town is a participating member where certain solid waste may be disposed of for incineration and/or final disposal; referenced as "CRSWRRC" in this chapter.

F. *Courtesy Notice:* A notice, issued by the Road Agent, under the Enforcement provision outlined below, to inform a resident or property owners that they are not in compliance with one or more provisions of this chapter. This notice may be used as the first step in the overall enforcement process and is intended to be an education and informational reminder for the proper handling and management of solid waste by the property owner.

G. *Customer:* The individual property owner, tenant, lessee, or other party who is receiving the base level collection service provided by the Town or who utilizes the transfer station.

H. *Formal Notice of Noncompliance:* A notice, issued by the Road Agent under the enforcement provision outlined below, to inform a resident or property owners that they are not in compliance with one or more provisions of this chapter. This notice may be used as the first or second step in the

overall enforcement process, and the issuance of multiple formal notices can result in loss of service, penalties, or enforcement actions as outlined in this chapter.

I. ~~*Gross Annual Tonnage:* The amount of solid waste that the Town is committed to send to the CRSWRRC on a yearly basis. This amount is calculated by the Town every fall and may change yearly as the rates of solid waste disposal change due to the various factors, including population growth, increases in the amount of recycling, or general economic and market conditions.~~

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J. *Highway Department:* The department of the Town that is responsible for the collection, handling and transport of all solid waste, trash and recyclable materials.

K. *Policies:* Procedures and guidelines prepared by either the Road Agent or the Select Board for the proper implementation and operation of the provisions of this chapter.

L. *Private Firm:* A private firm is any commercial enterprise that collects solid waste within the Town of Allentown.

L. *Recyclable Materials:* All of the materials accepted by the Town for recycling issued by the Road Agent, which may change due to market and economic conditions. There are two types of recyclable materials:

1. The recyclables collected, and put out by the homeowner, resident, or property owner for collection at the curbside.
2. The recyclables that can be disposed of at the transfer station. This category includes all materials that are eligible for the curbside collection program, as well as other items (metals, clothing, batteries, etc.) included by the Road Agent on the list of allowed items.

M. *Residential Unit:* A dwelling, used for human habitation, consisting of either a single-family home or a multi-family building with three (3) ~~six (6)~~ units or less. For the purpose of this definition, a “unit” shall mean a living

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space that contains at least one (1) kitchen, one (1) bathroom and one (1) bedroom.

- N. *Road Agent*: The officer of the Town who is in charge of the Highway Department, or the Road Agent's designee.
- O. *Scavenging*: The removal of, or the rummaging through, any form of solid waste (any recyclable or non-recyclable material) from any container that has been placed at the curbside for collection by the Town or deposited at the transfer station.
- P. *Select Board*: The governing body of the Town.
- Q. *Separation of Solid Waste*: The separation of the accepted and approved recyclable items from the regular trash and the placement of all of the materials in the appropriate and approved containers for pickup or disposal at the transfer station.
- R. *Single Stream Recycling*: The type of recycling program used by the Town which allows for the mixing of all types of recyclable materials, with this mixing being carried out by the resident or property owner.
- S. *Solid Waste*: This is the entire waste stream which includes both recyclable and non-recyclable materials; also sometimes referred to as the "solid waste stream."
- T. *State or Federal Statute*: Any state or federal statute, law, regulation or policy intended to address any issue related to the collection or disposal of any solid waste material or any unacceptable or prohibited material.
- U. *Transfer Station*: The facility operated by the Town and located on Granite Street, or at any other place designated by the Select Board, where eligible residents and persons may deposit trash, recyclables, and various yard and construction waste materials. Please refer to ~~Chapter 205~~ [Section 215:22](#) of this chapter for a more detailed discussion of the transfer station.
- V. *Trash*: The general non-recyclable waste that is generated by a residential dwelling unit.

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W. *Unacceptable Waste*: Waste designated as ineligible for curbside collection or disposal at the transfer station by this chapter or any other Town ordinance, any state or federal statute or law, or by any firms with which the Town contracts to handle and dispose of the collected solid waste.

215:3 Administration.

The Road Agent and the Highway Department shall have responsibility for the administration of this chapter subject to the direction and control of the Select Board. As deemed appropriate by the Road Agent, certain responsibilities may be delegated to appropriate staff of the Department. The Road Agent shall have the full authority to make and enforce certain policies and procedures to effectuate the purpose of this chapter.

215:4 Mandatory recycling and separation.

- A. By and through this chapter, it is a requirement in the Town of Allenstown that all designated recyclable materials be separated from the solid waste stream, residential and commercial, and disposed of in separate recycling containers, either at the curbside or at the transfer station.
- B. The mixing of recyclable and non-recyclable materials is a violation of this chapter and subject to the appropriate enforcement mechanisms as outlined herein.
- C. The reason for mandatory separation is to help contain and control the costs associated with the disposal and management of solid waste by diverting as many recyclables from the solid waste stream as possible. The listing of designated recyclable materials shall be prepared by the Road Agent and will be available in the Town Hall, the transfer station, on the Town's website, and at the highway department office. The list will also be made available to civic and business organizations for use in their events and programs.

215:5 Findings and Education.

The Select Board recognizes and finds that the most efficient way to handle and dispose of solid waste, and the most cost effective way to design and implement a solid waste program, is to educate the residents of the Town on ways to reduce, re-use, and recycle as much solid waste as possible. The strong potential exists that the costs associated with the disposal of trash will continue to rise, and one method of reducing the overall costs to the Town is to recycle as many materials as possible. While the markets for recyclables are always fluctuating, the costs of

disposing of recyclables are generally lower than the costs of disposing of non-recyclables. Thus, the Town, along with interested individuals, the schools, and civic organizations, will work to educate, inform, and encourage the residents and business owners on all recycling efforts. To further education efforts, the Select Board may authorize, from time to time, that educational outreach programs and information be made available on the Town's website, through the schools, at community events, through cooperative efforts with local businesses, and in the local media.

215:6 Unlawful disposal; Out-of-town refuse; unacceptable materials.

- A. It shall be a violation of this chapter for any individual, business, property owner, or other person or entity to unlawfully dispose of any solid waste in a manner not in accordance with the provisions of this chapter, any policy or regulation established hereunder, or any applicable state statute or regulation.
- B. The dumping or disposal of any solid waste generated from any location outside of the boundaries of the Town shall also be considered a violation of this chapter.
- C. Certain materials are not accepted, and are prohibited for disposal, through either the curbside collection program or the transfer station. These materials may be banned by state or federal statutes or regulations, by the owner/operator of the incinerator where Town trash is burned or any future final disposal location, or by Town ordinance or regulation. No individual shall dispose of any unacceptable materials in the Town. The Highway Department office shall provide a list of such materials or direction to on-line materials outlining such materials.
- D. The penalties for any violation of this chapter will be as outlined below.

215:7 Obligation of property owner.

- A. The Town assumes no obligation under this chapter to remove trash, recyclables, garbage, rubbish, or other solid waste that is not managed and properly placed in containers by the property owner in conformance with this chapter.
- B. It shall be the duty of any person owning, or having under his or her control, any property in the Town to keep the same free from paper, rubbish, and

garbage that may be a fire hazard, or obnoxious or dangerous to the general health, safety or welfare of the public. If the Fire Chief, the Health Officer, the Code Enforcement Officer, Road Agent, or the Select Board make a determination that said material constitutes such a hazard or danger, then the owner or the responsible party shall remove said materials if ordered to do so by the appropriate Town official, at the owner's or responsible party's expense.

215:8 Use of receptacles.

- A. Any resident, property owner or other person entitled to base level service shall ensure that all solid waste is placed in an appropriate ~~receptacle~~ container, as designated by the Road Agent or the Select Board.
- B. No unauthorized person shall place or dispose of any solid waste in another's ~~receptacle~~ container, and any such placement or disposal shall be considered a violation of this chapter and subject to the enforcement provisions herein.
- C. No ~~receptacle~~ container shall weigh more than forty (40) pounds.
- D. Any resident, property owner or other person entitled to base level service shall ensure that any ~~receptacle~~ container into which solid waste is placed is covered, ~~tied or otherwise secure from the elements~~. The purpose of this requirement is: (1) to ensure that solid waste is not blown or otherwise allowed to collect on public or private property; and (2) to ensure that water does not mix with any solid waste, increasing its weight and thus increasing the cost of its disposal.

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215:9 Scavenging prohibited.

All solid waste and recyclable materials that have been placed on the curbside for collection, or brought to the transfer station are considered to be the property of the Town of Allentown, and no scavenging of the materials is permitted. This section notwithstanding, the proper management of the materials placed on the curbside for collection is the responsibility of the property owner, directly or through any tenant or lessee.

215:10 Policies and procedures.

The Road Agent shall have the authority to create and modify as needed policies and procedures necessary and appropriate for the effective implementation of the provisions of this chapter. These policies or procedures are intended to address specific sections of this chapter outlined below, or the general management and disposal of the overall solid waste stream, and shall apply to the curbside pickup program, the operation of the transfer station, and any private commercial collection systems. This authority is deemed necessary by the Select Board due to the variety of factors, including, but not limited to, economic conditions, any changes to applicable state or federal law or regulation that affects the disposal of solid waste and recyclables, or the availability of markets and/or disposal sites for either solid waste or recyclable materials. The Road Agent shall make or revise any policy or procedure for approval by the Select Board, with the provision that if and when the solid waste market conditions or forces require an immediate change in the types materials (for example, recyclable, construction debris, residential refuse, etc.) that are picked up at the curb or disposed at the transfer station, then the Road Agent shall have the authority to implement emergency policies or procedures that will be reviewed by Select Board at the next regularly scheduled meeting.

215:11     Enforcement.

- A.    The violation of any provision of this chapter shall be considered a violation of the codes of the Town of Allenstown and may result in the issue of notices, fines, penalties, or prosecution through the appropriate court of jurisdiction.
- B.    The Road Agent, or any member of the department, is hereby authorized to issue notices, and recommend prosecution of violations hereof.
- C.    The Road Agent, in the Road Agent’s discretion, may issue courtesy notices intended to inform the property owner that certain materials are not authorized for pickup or disposal.
  - 1.    If two (2) courtesy notices are issued to an individual property within the previous six (6) months, then the Road Agent shall issue a formal notice of noncompliance upon the next violation.
  - 2.    Subsection 1 notwithstanding, the Road Agent is authorized to issue formal notices at any point in time if deemed as an appropriate enforcement action. Following the issuance of any

formal notice of noncompliance, the Road Agent is authorized to order a discontinuance of the curbside pickup for the subject property or to prohibit the offending individual from utilizing the transfer station. If such an order is issued, no curbside collection service or privileges for the transfer station shall be restored until the offender meets with the Road Agent or the Road Agent's designee to discuss the violations and establish a mechanism to restore necessary compliance, and the Road Agent is satisfied that a workable solution is achieved.

- D. The Chief of Police, or the Chief's designee, is authorized to prosecute violations of this chapter in any appropriate court of jurisdiction upon referral of said violation by the Road Agent.
- E. Each violation shall be considered a separate offense, and each day a violation exists shall be a separate violation.
- F. The Town may seek compensation from the violator for the costs of any prosecution associated with the enforcement of this chapter.
- G. Any fine for any violation of this chapter shall not exceed \$1,000.

215:12 Complaints.

Any complaints brought by any property owner, tenant, lessee, or other affected party shall be made in writing to the Town Administrator.

215:13 Eligibility for Curbside Collection

- A. *Purpose:* The purpose of the curbside collection program is to provide an efficient and effective means of solid waste collection and recycling for Town residents.
- B. *Base level of service:* The Select Board, by the enactment of this chapter, establishes a base level of service that is available to properties identified below. Properties not covered under the base level of service shall rely on individually contracted commercial services. The base level service will be carried out utilizing appropriate containers to be provided by the customer.

C. *Properties eligible for base level curbside collection:* The following types of properties, all of which must be located on an accepted way, are eligible for base level curbside collection services provided by the Town:

1. Single-family homes;
2. Multifamily residential buildings with ~~three, six (6)~~ (3) units or fewer; and,
3. Municipal buildings and schools.

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D. *Ineligible Properties:* The following properties are not eligible for the base level curbside collection service:

1. Condominium/apartment buildings or complexes, or multifamily buildings, with more than ~~three, six (6)~~ (3) individual residential units; and,
2. Commercial properties; and,
3. Mobile home and manufactured housing parks.

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215:14 Containers for base level service; sizing; maximum weekly pickup; maintenance.

A. *Approved Containers:* Only containers approved by the Road Agent shall be used by the eligible properties for curbside pickup.

B. *Maximum Amount for Trash:* ~~The maximum amount of trash in any bag to be picked up at the curb by the Town is twenty (20) pounds.~~ The maximum amount of trash in allowed is that which can be placed in the container provided by the town.

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C. *Maximum Amount for Recyclables:* There is no limit on the amount of recyclables that will be collected curbside; provided, however, that recyclables must be placed in an approved container provided by the town separate from trash and said container may not weigh more than twenty (20) pounds.

D. Any spillage, such as that resulting from animals, weather conditions, etc., from any containers placed for curbside pickup shall be the responsibility of

the owner/customer. ~~The~~ Town ~~staff~~ will not pickup or cleanup such spillage. The Town strongly recommends that all residents take care to protect the containers against spillage, wind-blown litter or vandalism by animals.

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E. All trash must ~~be bagged~~. ~~Bags may~~ be placed into covered receptacles provided by the town, ~~or directly~~ at curbside for collection in a manner consistent with this Ordinance.

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F. Recyclables shall not be bagged. Recyclables shall be placed loose in a container provided by the town. Recyclable materials, such as cereal boxes, cans, plastic jugs and bottles, should be flattened so that the recycling container does not become overfilled too quickly during a given collection week. All recyclables items shall be emptied and cleaned prior to placing into the container.

G. It is a violation of this chapter to place recyclable materials mixed with trash, or trash with the recyclable materials for disposal at the Transfer Station or for pickup at curbside. All materials must be separated and placed into an appropriate container for curbside collection.

#### 215:15 Collection schedule; holiday schedule.

A. *Curbside Schedule:* The collection schedule for pickup shall be prepared by the Road Agent, and the schedule will be available at the transfer station.

B. *Holiday Schedule:* The holiday schedule will be determined by the Road Agent, and a complete holiday collection schedule will be posted in January of each year at the transfer station.

C. *Schedule Suspension:* The Road Agent may suspend ordinary curbside or holiday collection because of inclement weather or for any other reasonable purpose.

#### 215:16 Placement of containers.

A. For the curbside collection program, containers shall be placed at the curb, between any sidewalk and the edge of the roadway, at the end of the driveway, or at another appropriate location, so that it is accessible to trucks ~~and Town staff~~ used for the pickup. In selected cases, the Road Agent may designate a specific location for the placement of the containers. The

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containers shall be placed at least three (3) feet away from objects such as fences, mailboxes and utility poles, and shall be clear of overhanging wires or vegetation.

- B. ~~Bags or~~ receptacles shall be in place ready for collection by 7:00 a.m. on the designated collection day. ~~Bags~~ Containers may not be placed at curbside prior to the collection day. ~~Receptacles~~ Containers may be placed on the day before collection, provided that the ~~receptacle~~ container is covered and secure from animals; and, in no event shall any ~~receptacle~~ container be placed out for collection before 5:00 p.m. on day before collection.
- C. No containers shall be placed within the traveled way. ~~Town staff~~ The collection personnel will not cross over private property to pickup solid waste materials, unless approved by the Road Agent.
- D. The empty containers shall be removed from the collection point by the end of the collection day and properly stored on the owners' property.

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215:17 Prohibited and unacceptable materials; hazardous waste.

- A. Certain materials will not be collected by the Town at the curbside. These items include, but are not limited to, the following:
  - 1. sand, stone, or brick products;
  - 2. construction or demolition materials;
  - 3. electronics or white-good appliances;
  - 4. auto parts;
  - 5. waste oil;
  - 6. paint;
  - 7. furniture;
  - 8. yard waste or tree limbs/roots;
  - 9. ashes;

10. propane tanks; or
  11. pressurized containers.
- B. If any resident has a question on whether or not an item is accepted or prohibited, he/she can contact the highway department office for more information.
- C. The Road Agent is authorized to make a final determination as what constitutes prohibited and unacceptable materials. Many of the items listed above are accepted at the transfer station for recycling or general disposal. There may be a fee for disposing of the items.
- D. No hazardous materials or waste are permitted to be placed out for curbside pickup. All hazardous materials shall be disposed of at a Town-run or -sanctioned hazardous waste collection day or at a regional collection facility authorized to accept hazardous materials.

215:18 Town's right to refuse pickup.

If the Road Agent determines that materials being placed out for curbside pickup are unacceptable material, or if the materials are not properly placed in containers or managed as required the provisions of this chapter, then the Town reserves the right to not pickup said materials. The property owner or resident will then be responsible for removing the materials from the curb or other location and properly disposing of the materials at the transfer station or other appropriate disposal facility.

215:19 Policies and procedures.

The Road Agent has the authority to create and modify policies and procedures for the operation of the curbside collection program.

215:20 Notification of noncompliance.

The Road Agent and other Town staff identified in this chapter are authorized to issue notices of noncompliance when it is determined that a property is in violation of the provisions of this chapter. The issuance of two notices of noncompliance may result in the loss of service for curbside pickup, until and unless the property

owner/customer meets with the Road Agent to discuss the violations and establish a mechanism to bring the property into compliance.

215:21 Enforcement.

In addition to the enforcement provision discussed above, the Town reserves the right to conduct trash audits for the purpose of reviewing rates of recycling and whether or not individual properties are in compliance with the mandatory separation requirements. Initial trash audits will be used to determine if courtesy notices need to be issued. If a property is regularly and continually in noncompliance as far as mandatory separation, then the information gathered through the trash audit may be used to issue penalties or an order to stop curbside pickup.

215:22 Transfer Station.

- A. *Purpose:* The Allenstown transfer station provides an alternative method to Town residents ~~and private firms that are not commercial haulers~~ for the disposal of solid waste and recyclable materials, leaves and yard waste, and other materials which are generated within the boundaries of the Town of Allenstown. The disposal of certain waste products (for example, appliances, electronics, construction and demolition debris, or certain light bulbs) require a handling fee due to the disposal charges paid for by the Town for these items.
- B. *Hours of operation:* The Road Agent shall establish hours of operation for the transfer station. The hours will be posted at the transfer station and on the Town's website, available in the Town Hall, and outlined in the educational and information packages for solid waste management prepared by the Town. Any change to the hours shall be discussed and approved by the Select Board.
- C. *Authority of staff; enforcement:* The staff of the transfer station reserve the right to not accept any solid waste materials that fail to conform to the policies and disposal procedures as established through this chapter or by the Road Agent. The enforcement provisions of this chapter shall apply.
- D. *Stickers required:* All vehicles being received at the transfer station shall have a sticker permanently attached to the vehicle. The stickers shall be available from the staff at the Town Hall. If the sticker is not attached to the

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vehicle, transfer station staff may request additional proof of residency and may refuse to admit or allow any person to remain in the Transfer Station who fails to provide such additional proof.

- E. *Commercial Haulers:* All commercial haulers/packers are prohibited from using the transfer station, ~~and their materials must be taken directly to the facility operated by the firm or agency with which the Town has a contract for the disposal of solid waste. The Town shall issue an invoice for the cost of said disposal at the prevailing market rate, plus an administrative fee not to exceed five dollars (\$5.00) per ton.~~
- F. *Use by nonresidents and contractors:* Nonresidents and contractors needing to dispose of solid waste and/or recyclables generated within the boundaries of the Town of Allentown may obtain an authorization permit from the Road Agent. Proper documentation of the source of the materials (such as a tax bill, letter of authorization, contract between property owner and contractor) must be provided when requesting a permit. All applicable disposal policies, regulations and fees will be in effect for the issuance of the permit.
- G. *Scavenging prohibited:* All solid waste deposited at the transfer station is considered to be the property of the Town.
- H. *Recyclables:* No fee or limit will be placed on the amount of recyclable materials that may be brought to the transfer station by any resident. The transfer station has specific containers for the disposal of the recyclables. The policies and regulations issued by the Road Agent shall identify the complete list of all recyclable materials that are accepted by the Town.
- I. *Disposal of items not eligible for pickups:* The transfer station provides for the disposal of certain other items that are outside of the normal waste stream and are not eligible to be picked up through the curbside collection program, and some of these materials may ultimately be recyclable or reusable. A complete list of all accepted materials will be issued by the Road Agent and will be available at the transfer station, on the Town website, at the Town Hall, and in the various educational and information materials. A disposal fee may be required for certain items, and Road Agent is authorized to issue regulations and guidelines outlining the items and the applicable fees. In addition the Road Agent is authorized to implement emergency fees when so required by changes in state or federal waste disposal statutes or

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laws, or if the disposal fee of any outside vendor changes. Any such emergency fees shall be submitted to the Select Board at its next available meeting for review and approval or modification as deemed appropriate by the Board.

- J. *Covering of materials being transported:* All vehicles, including cars, trucks, and other haulers, etc., shall properly cover and contain any and all materials being transported to the transfer station so as to prevent the spillage and blowing of materials onto the public roadway system. Failure to provide for such covering, and the spilling and blowing of any materials onto the roadway, shall be considered a violation of this chapter and the violator may be subject to the enforcement provisions hereof. The provisions of RSA 266:72, which contains similar provisions and these state requirements for the proper transport and handling of all materials, shall also apply.

215:23      Commercial Collection and Storage

- A. *Purpose:* The purpose of this section is to outline the required operational and handling procedures for the collection and disposal of solid waste that is collected by private firms. These requirements are necessary in order to protect the health, safety, and welfare of the general public, as well as the residents, businesses, and tenants using the properties served by private disposal firms.

- B. *Registration requirements:* All private firms that collect solid waste within the Town of Allenstown shall register with the Highway Department on a form approved by the Road Agent. At the time of registration, the firm/individual shall demonstrate that it/he/she have the necessary permits/approvals from the firm operating the disposal site to utilize its facility.

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- ~~C. *Disposal of waste under Town's gross annual tonnage:*~~

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~~1. Mobile home or manufactured housing parks or cooperatives, regardless of the number of units, may dispose of solid waste either at the Transfer Station or at the regional incinerator facility under the gross annual tonnage allotment established yearly for the Town.~~

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~~a. Mobile home or manufactured housing parks or cooperatives shall not be subject to fees associated with said disposal since the residents of said parks or cooperatives have been taxed for that purpose.~~

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~~b. Transportation of solid waste from mobile home or manufactured housing parks or cooperatives shall be the sole responsibility of either the park or cooperative, or the resident if the park or cooperative does not offer collection as part of its service.~~

~~2. The commercial haulers who pick up materials in the Town of Allenstown are eligible to dispose of these materials at the regional incinerator facility under the gross annual tonnage allotment established yearly for the Town. This financial benefit may be subject to change based on the contract, and any modifications to said contract, between the Town and the firm or agency, for the final disposal of certain components of the solid waste stream. The individual haulers are billed by the Town for the tonnage of the disposed materials. All commercial haulers/packers shall be registered with the appropriate firm, agency, or final disposal facility, and the vehicles shall contain the proper sticker which permits disposal at the facility.~~

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D. ~~Out of town refuse: Only trash and solid waste materials generated within the boundaries of the Town of Allenstown may be disposed of at the regional incinerator or other final disposal facility utilizing the Town's gross annual tonnage allotment.~~

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E. *Prohibited wastes:* Any firm with which the Town, or the appropriate regional agency, has a contract to dispose of solid waste is authorized to prohibit or ban certain materials from disposal at its facility. No banned or prohibited materials are to be placed or disposed of in any can, dumpster, or other receptacle within the Town. It is the obligation of all licensed haulers to be informed of the listed of banned and prohibited materials and adhere to all requirements of the firm or agency.

F. *Permitted hours for collection and transport:* All commercial haulers/packers shall operate between the hours of 5:00 a.m. and 7:00 p.m., Monday through Saturday. No collections are to be made outside of these hours.

G. *Termination of registration; reinstatement process:* The Road Agent reserves the right to terminate a registration of a firm or individual upon a determination that the provisions of this chapter and any policy or procedure issued by the Road Agent have been violated. A letter of warning may be issued, but is not required, prior to any termination, and upon the receipt of a

warning letter, the firm or individual is encouraged to meet with the Road Agent to review the violations and create a process and mechanism to resolve the violations. If the Road Agent determines that the proper corrective actions are not being taken or additional violations occur, then the registration may be terminated. If a registration is terminated, then prior to reinstatement of the registration, the property owner and the collection firm shall be required to meet with the Road Agent to review the violations and the necessary corrective actions. All other provisions of the enforcement paragraphs hereof shall apply.

H. *Solid waste containers and site maintenance:* For the purposes of protecting the health, safety, and welfare of the general public and specifically the residents and businesses of properties utilizing private collection services, all containers and solid waste disposal areas used for private collection shall be operated and maintained in conformance with the following standards:

1. The solid waste disposal areas shall be kept clean and free of trash, debris, wind-blown litter, furniture, and any other solid waste. All materials shall be placed within the appropriate containers and shall not be placed on the ground adjacent to the containers. For items such as furniture, mattresses, or other large items that cannot be placed in the containers or dumpster, the property owner or other responsible party is obligated to make arrangement with his/her collection firm to collect these items. These types of items shall not be left in the open air for longer than 24 hours before a collection is made.
2. All containers shall have a lid or other protective cover which shall be closed at all times, except when materials are being deposited in and/or removed from said containers. The containers shall not be overfilled so the lid or cover are not closed or closable, or otherwise not effective in preventing spillage, blowing, or other dispersal of the waste materials.
3. All containers shall be solid in design, such as metal or heavy plastic cans or the standard dumpster. Bags may be used if the disposal area is contained within a fenced and gated enclosure. This provision notwithstanding, if the Road Agent or the Code Enforcement Officer determines that the bags are being repeatedly subject to ripping and damage from animals or the

waste materials become a health hazard then the Town reserves the right to order that proper and appropriate containers are used.

- I. *Service frequency:* All containers shall be regularly emptied so that the lids or covers for the containers can be closed and so that the containers do not overflow. If inspections by the Road Agent or other Town staff result in a determination that the frequency of the collection service is not sufficient for the compliance with all of these requirements, then the Town reserves the right to terminate the registration as provided for in this Chapter.
- J. *Enforcement; violations and penalties:* Failure to conform to any such provision of this article will be a violation of this chapter and the enforcement and penalty provisions hereof shall apply.

215:24      Effective Date.

The effective date of this Ordinance is ~~December 1, 2011.~~ April 2014.

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DONE, in the Town of Allenstown, on the 24<sup>th</sup>-day of ~~October, 2011~~.

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JASON TARDIFF, Chair

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JEFFREY GRYVAL, Member

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SANDRA MCKENNEY, Member

A true copy: Attest:

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DIANE DEMERS, Town Clerk

Revised: November 8, 2011

Deleted: October 24