

## TOWN OF NORTHUMBERLAND SOLID WASTE ORDINANCE

### Article A: Authority

Pursuant to the provisions of New Hampshire RSA 31:39(f), RSA 149-M:17,II(a), RSA 149-M:23, RSA 149-M:24, and RSA 149-M:27, the Town of Northumberland hereby adopts the following ordinance to govern the management of solid waste within the municipality. The Transfer Station is operated under a license issued by the New Hampshire Department of Environmental Services, Solid Waste Management Division.

### Article B: Purpose

The purpose of this ordinance is the establishment of appropriate parameters for the collection, disposal and recycling of solid waste generated within the Town of Northumberland. This ordinance provides for the processing of both residential and commercial solid waste in a safe, economical, and environmentally sound manner. The ordinance provides for both curbside collection and drop-off at the Transfer Station. Finally, the ordinance establishes a **MANDATORY RECYCLING PROGRAM** which is created to reduce the amount of material deposited directly into the waste stream and the resulting costs of processing that waste.

### Article C: Definitions

1	Batteries - Wet Cell	Refers to positive and negative posted style batteries from any vehicle or consumer device and are recyclable.
2	Batteries - Rechargeable / Hazardous	Refers to batteries from any cordless tool or device. Includes cell phones, lithium batteries, button batteries, and any recycled marked battery - these <u>have</u> to be given to the ATTENDANT to be shipped out.
3	Batteries - Dry Cell	Refers to Alkaline batteries made after 1996 which no longer contain mercury. All alkaline batteries can be disposed of in the regular trash. (This information is provided in the AVRROD Hazardous Waste Brochure).  IMPORTANT NOTE: To prevent the risk of fire it is strongly recommended that the positive and negative ends of the battery should be taped before disposing.
4	Bulky Items	Refers to couches, mattresses, bulky plastics, and other large non-metallic items.
5	Cans - Aluminum	Refers to empty, rinsed aluminum cans.
6	Cans - Metal	Refers to empty, rinsed tin or steel cans, one gallon or smaller, with or without labels.
7	Concrete	Refers to any building block cement base product.
8	Commercial Hauler	Any person, corporation, partnership or other entity which hauls the refuse of another person, corporation, partnership or other entity in return for a fee or other consideration.
9	Commercial Waste	Waste from commercial or industrial facilities in the Town of Northumberland.
10	Compactor	Transfer Station equipment consisting of a large-pit hopper (into which refuse is deposited) and a hydraulic ram (which compresses refuse into a special container) which is utilized to transport the refuse into an end disposal site.
11	Computer Paper	At this time the facility is not prepared to accept this as a recyclable item. Please dispose of this in your regular household trash. This is defined as high grade computer / printing paper, writing paper and JUNK MAIL.

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Updated: Article D - 8/23/2005

Updated Article H - 1/26/08, 2/9/09

12	Construction and Demolition Debris (C&D)	Acceptable waste of building materials, roofing materials and rubble resulting from the construction, remodeling, repair, alteration or destruction of any structure in the Town of Northumberland.
13	Building / Construction Contractor	Any person in the business of building any type of structure out of wood, metal, concrete and future developing building material. PERMIT FEE REQUIRED.
14	Corrugated Cardboard / Box Board  MUST BE BROKEN DOWN per AVRRDD	Cardboard and Box board with all packing material removed, other than shipping tape all other types of tape must be removed. Staples DO NOT have to be removed, ie. shoe, beer, soda, cereal boxes, pizza boxes (PLEASE take out the greasy liner before recycling), and all other merchandise boxes, including white boxes. NO Plastic Window Boxes or WAX board ie. spaghetti boxes, frozen vegetable boxes and milk or juice cartons. Dispose of boxes that have paint or motor oil on them in the regular trash.
15	Clean Wood	Refers to sawed dimension lumber and pallets free from paint, stain or any other building materials that are attached. Nails are OK.
16	Disposal Facility	Any facility contracted by the Town of Northumberland that shall serve as the final disposal site for refuse processed through the Transfer Station.
17	Electronic Waste	Refers to any device producing a picture - ie. Televisions, DVDs, VCRs, Laptop computers, monitors, towers, and any other electronic device that qualifies. SEE ATTENDANT.
18	Glass - Brown	Refers to empty, rinsed brown glass containers, with or without labels and includes ceramics.
19	Glass - Clear	Refers to empty, rinsed clear glass containers, with or without labels, and includes ceramics.
20	Glass - Green	Refers to empty, rinsed green or blue glass containers, with or without labels, and include ceramics.
21	Hazardous Waste	Waste defined by NH RSA 147-A as hazardous waste.
22	Household Hazardous Waste	Refers to items that are unacceptable at the Transfer Station. These items shall be stored at the resident's property until a provided special drop off disposal date is established and sponsored through AVRRDD, the district Transfer Station. An informational brochure of the listed Hazardous Waste is available on the Transfer Station web site and at the Transfer Station office. Any person disposing of hazardous waste is subject to prosecution per RSA STATE LAW.
23	Landfill	The area is located off Brown Road which formerly served as the site for refuse disposal in Northumberland, but is now limited to disposal of yard waste and wood chips. The attendant relocates this material from the Transfer Station.
24	Latex Paint	Refers only to water based paints listed as a Household Hazardous Waste in the AVRRDD brochure. The Transfer Station Attendant may accept latex paint for disposal, using the planned Best Management Procedure (BMP).
25	Mercury filled Devices / AKA Universal Waste	This includes any item that has mercury in it. Some examples include, thermometers, relays, thermostats, switches, fluorescent bulbs, and light ballasts that contain PCBs SEE ATTENDANT for guidance.

26	Metal - Ferrous	Magnetic metal with a certain percentage of foreign matter such as wood, rubber, plastic, fabric and other contaminants removed. SEE ATTENDANT for guidance.
27	Metal - Non Ferrous	Non-magnetic metal with a certain percentage of foreign matter such as wood, rubber, plastic, fabric and other contaminants removed. SEE ATTENDANT for guidance.
28	Newspaper / Magazines / Hard and Paperback cover books	Refers to newspaper and magazines these can be disposed of together in grocery bags for process convenience. Paperback and Hardcover books can be put in a box or bag and placed on the floor in the designated shed for reuse. Please DO NOT tie it with tape.
29	Plastic - # 2 HDPE  Look for # 2 on bottom of container	Refers to rinsed, cloudy and solid colored plastic milk jugs, cleaning solution bottles, dish and laundry soap containers, shampoo bottles, etc. NO AUTOMOBILE BASE CONTAINERS ie. motor oil, antifreeze, dry gas, brake fluid, etc - these types of containers can go into your regular trash.
30	Plastic - # 1 PET: Look for # 1 on bottom of container	Refers to rinsed, clear and semi transparent colored plastic soda bottles, water bottles, food containers, liquor bottles, etc.
31	Recyclable Material	Designated material which would otherwise become solid waste, which is separated, collected, processed, and returned to the economic mainstream in the form of raw materials or products. Refer to the Transfer Station brochure. Any questions SEE ATTENDANT.
32	Refuse	Refers to all acceptable materials processed for disposal by the Town of Northumberland, including, but not limited to, all residential waste, commercial waste, bulky items, C & D, metals, recyclables, tires, and white goods.
33	Residential Waste	Waste from residences / households in the Town of Northumberland.
34	Roofing	Any asphalt or fiberglass based roofing material such as shingles or rolled roofing.
35	Stumps	Defined as an unacceptable item at the Northumberland Transfer Station.
36	Textiles	Refers to ONLY clean and good conditioned wearable clothes for other persons. Drop off box located in the Newspaper / Magazine shed.
37	Tires	Refers to all rubber tires removed from metal rims.
38	Transfer Station	The area located off Brown Road that serves as the processing facility for all residential waste, commercial waste, bulky items, recyclables, etc. It is equipped with a compactor and several open-top containers which are used for processing refuse. NOTE: this term may also refer to any successor location, operated for a like purpose, that may be established by the Town in the future.
39	Tree Limbs or "Brush"	Refers to tree cutting limbs and brush not larger than 4 inches in diameter.
40	Unacceptable Waste	Waste that will not be accepted at a Disposal Facility - such as asbestos (or asbestos containing items such as siding or insulation), infectious waste (such as, pathology wastes, animal carcasses), Household Hazardous Waste.
41	Used Motor Oil	Refers to used crankcase oil containing no contaminants such as water, antifreeze, sludge, diesel or any other foreign substance.

42	Universal Waste	Refers to still being hazardous waste but managed under easier NHDES BMP / rules.  Examples: Batteries, Cathode ray tubes, Fluorescent bulbs, Mercury - containing devices, and some Pesticides.  ANTIFREEZE - Due to the numerous requests from residents, the Transfer Station will now be accepting ANTIFREEZE for recycling. Home owners <u>only</u> . NO large quantities.
43	White Goods (containing freon)  Immediate Recycled White Goods / Appliances	Refrigerators, air conditioning units, dehumidifiers, and any other freon containing appliances. Please SEE ATTENDANT for disposal guidance and fee information.  Microwaves, dishwashers, washing machines, and dryers. Small appliances ie. toasters, irons, pots and pans, can openers, silverware, etc.  All of these appliances can be thrown directly in the metal can at NO CHARGE.
44	White Paper	Refers to letterhead, copier paper, lined paper, and envelopes. At this time we are not recycling this material.
45	Wood Ash	Refers to remnants of residential wood burning heating equipment.
46	Yard Waste	Refers to lawn clippings, leaves, and green and dry garden waste.

#### **Article D: Disposal Facility**

1. Authority to Enter Into Disposal Agreements:

The Board of Selectmen is hereby authorized to enter into contracts with one or more Disposal Facilities for the purpose of securing a final destination for refuse generated within the Town of Northumberland, to the extent that these contracts:

- shall meet with the requirements of Federal and State law, and local ordinances, and
- are, in the opinion of the Board, in the best interest of the taxpayers of the Town of Northumberland.

2. Authority to Enter Into Hauling Agreements:

The Board of Selectmen is hereby authorized to enter into contracts with one or more contractors for the purpose of hauling all refuse generated within the Town of Northumberland to a final destination, to the extent that these contracts:

- shall meet with the requirements of Federal and State law, and local ordinances, and
- are, in the opinion of the Board, in the best interest of the taxpayers of the Town of Northumberland.

3. Commercial Waste:

All food services that have their own demo can must have the can emptied twice a week during the months of May through September. Also, when the can is emptied it needs to be treated to keep odor to a minimum. The reason for this is due to high temperatures and humidity and the odors are unendurable for their neighbors. If not followed, this could also encompass a health issue.

#### **Article E: Curbside Collection**

1. Authority to Enter Into Collection Agreements:

The Board of Selectmen is hereby authorized to enter into contracts with one or more contractors for the following purposes:

- collection, at the curbside, of any refuse left for collection by residents and businesses of the Town of Northumberland, and
- transportation of said refuse to a Disposal Facility contracted by the Town as provided for in Article D, Section 1, above.

This authorization is predicated upon the contracts:

- meeting with the requirements of Federal and State law, and local ordinances, and
- being, in the opinion of the Board, in the best interest of the taxpayers of the Town of Northumberland.

## 2. Curbside Collection - MANDATORY RECYCLING

Bagged refuse cannot be accepted at the curbside unless recycled items are placed along with the bagged refuse at the curbside. This is a requirement of State law, as well as the solid waste district and the AVRDD landfill in Berlin. (NOTE: additionally, recycling saves taxpayers money). Town officials request full resident cooperation in the matter as enforcement of this regulation is firm and cannot be relaxed.

With regard to curbside collection, residents are required to set recyclables at the curbside along with bags of non-recyclable solid waste.

- a. Recyclable items must be placed at the curbside in a single HARD bin container (which may be purchased at the Transfer Station, or an acceptable equivalent). MORE than one container is necessary, appropriate and expected. One bin is acceptable for #1, #2, tin and aluminum cans.
  - b. Newspapers must be separate from other recyclables tied with rope (NO TAPE) or in plastic / paper bags and placed conveniently at the curbside.
  - c. Corrugated cardboard / boxboard must be separate from other recyclables and conveniently broken down flat and placed at the curbside.
  - d. Other than shipping tape all other types of tape must be removed (ie. duct tape, blacktape, etc.) Staples are okay.
  - e. Glass MUST be in a separate container with NO other recyclables.
  - f. A weight limit of a bag of household trash is approximately 35 lbs and will be enforced by the curbside service. Any excessively heavy bags will not be picked up.
  - g. NO LOOSE trash in trash cans will be picked up by the curbside service. ALL CURBSIDE HOUSEHOLD TRASH MUST BE IN TRASH BAGS AND THE BAGS MUST BE TIED.
  - h. Bulky Items or Construction Debris that are in bags and / or placed at the curbside will NOT be picked up.
  - i. Residents are responsible to dispose of such waste at the proper designated locations at the Transfer Station.
  - j. NO saturated water, oil, or painted cardboard. Dispose as regular trash.
  - k. NO containers that contain maggots or any other repulsive material will be picked up. PLEASE be considerate of the curbside company employees.
- As a Town we ALL should respect and appreciate this TAXPAYING service.

The following items will not be accepted at the curbside for pickup and must be brought directly to the Town's Transfer Station facility or disposed of properly elsewhere:

- a. metal, including white appliances,
  - b. tires,
  - c. yard waste,
  - d. tree limbs and brush,
  - e. bulky items,
  - f. wet cell batteries,
  - g. household hazardous waste, and
  - h. universal waste.
- CURBSIDE SERVICE - The pick up schedule may be found on the Town Transfer Station website or by calling the Transfer Station office at 1-603-636-2456.

## Article F: Disposal at the Transfer Station

1. Bagged refuse cannot be accepted at the Disposal Facility unless recycled items accompany the bagged refuse when delivered to the Disposal Facility. This is a requirement of State law, as well as AVRDD facilities in Berlin. (NOTE: Additionally, recycling saves taxpayers money). Town officials request full resident cooperation in this matter as enforcement of this regulation is firm and cannot be relaxed.
2. When delivering solid waste directly to the disposal facility, all bagged garbage, demolition debris, tires, metal and other recyclable items must be placed in their proper disposal locations as shown by signs or as directed by the

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facility operator. The operator has the right to refuse the use of the facility to anyone who does not comply with the rules for the use of the facility.

#### **Article G: Refuse Disposal**

##### **1. Permitted Disposal**

The following categories of materials may be deposited at the Northumberland Disposal Facility:

- a. Residential waste, except for items defined as "unacceptable";
- b. Commercial waste, except for items defined as "unacceptable";
- c. Demolition waste, except for items defined as "unacceptable";
- d. Any item on the list of Recyclable Materials as posted at the Disposal Facility.
- e. Universal waste
- f. Oil / Antifreeze

##### **2. Prohibited Disposal**

The following categories of materials are not permitted to be deposited or left for disposal at the Northumberland Solid Waste Disposal Facility:

- a. Solid waste that did not originate in the Town of Northumberland;
- b. Any waste that is the direct product of an industrial operation;
- c. Any unacceptable waste as defined in Article C, Section 33";
- d. Any item larger than prescribed dimensions;
- e. Tires on rims;
- f. Animals or any items not prepared for disposal as prescribed;
- g. Any item of whatever nature that is not otherwise listed as permitted in Article G. Section 1;
- h. Automobiles or parts without oil and antifreeze removed;
- i. Automobiles;
- j. Stumps;
- k. Limbs greater than 4" around;
- l. Sludge or septic waste;
- m. Solid waste that contains items that must be recycled; and
- n. Any material which, in the opinion of the Facility, constitutes a serious hazard to other users of the facility, to the property of the Town, or to the operation of the Facility.

#### **HAZARDOUS WASTE**

The AVRDD district Transfer Station located at 100 West Milan Road in Berlin, NH sponsors a household hazardous waste collection day once a year, usually in June, for all the partnering towns where residents are responsible to dispose of their household hazardous waste at this facility. The brochure which lists what is considered as Hazardous waste may be found at the Northumberland Transfer Station office and the Town's website. The exact date for the year will be posted at the Transfer Station and posted online when such date is decided. NOTE: The refusal of HAZARDOUS WASTE will be strictly ENFORCED. Residents are asked to be aware of what constitutes hazardous waste.

##### **3. Recyclables:**

All parties using this facility share equal responsibility with those generating solid waste to recycle according to regulations. Commercial haulers shall lose the privilege of using the facility if recycling regulations are not followed.

The following items shall be recycled:

- a. Batteries - wet cell vehicle type;
- b. Cans - tin, steel and aluminum;
- c. Corrugated cardboard and box board;
- d. Glass - clear, green and brown without caps;
- e. Metal - ferrous and non-ferrous, including white goods;
- f. Newspapers, Magazines, Hardcover books, and Paperback books;
- g. Plastics - soda / water bottle type and milk jug / detergent bottle type;

- h. Tires without rims;
  - i. Used Waste Oil - containing no contaminants ;
  - j. Yard waste including brush; and
  - k. Other items as identified at the Transfer Station, or otherwise.
- Changing market conditions may cause items to be added or taken away from the recyclable list. The Town will follow the prescribed notification procedure to the public when these changes occur.

#### Article H: Transfer Station Operation

##### 1. Supervision:

The Transfer Station Attendant, at the direction of the Board of Selectmen, shall have the right to refuse the use of the facility to any person who is misusing the facility.

##### 2. Security:

The gates to the facility will be closed and locked at all times when the facility is not open to the public. Anyone who is not authorized to be within the facility, and who is apprehended inside the gates when it is locked, will be considered trespassing and shall be prosecuted. Anyone depositing materials at any gate or resident material in an improper manner shall be prosecuted.

From time to time, conditions beyond the control of the Town or of the Transfer Station Attendant may cause the facility to close during posted open hours. The facility will accept no waste during those periods.

#### **NOTIFICATION TO THE PUBLIC:**

The Transfer Station Facility is equipped with 24/7 camera video recording surveillance.

##### 3. Use Permit Stickers and Temporary Passes

- a. All vehicles admitted to the Transfer Station shall display a non-transferable USE PERMIT sticker - to be attached to the driver's side window in an appropriate location. The following types of stickers shall be available at a fee and shall be sold at the Transfer Station.
  - i. Residential
  - ii. Commercial
- b. Replacement stickers shall be issued to residents or commercial establishments, at no cost, on the condition that the resident / commercial establishment shall be required to return the majority of the prior sticker to the Town Office when requesting issuance of the replacement sticker.
- c. In certain circumstances, the Selectmen's Office will issue a "temporary pass" allowing access to the Transfer Station for up to thirty (30) days. Temporary passes are issued on a case-by-case basis.

##### 4. Permit and Disposal Fees

The following fee schedule is hereby established for the issuance of permit stickers and for the disposal of certain types of refuse:

#### **PLEASE REFER TO THE TRANSFER STATION WEBSITE OR OFFICE FOR FEE CHARGES INFORMATION**

##### a. Permit Fees

All use permits are valid for one year, unless revoked under Article XIII

- i. Resident Property Owners
- ii. Non-Resident Property Owners
- iii. Commercial Haulers (doing business within the Town limits) per discretion of attendant

b. Disposal Fees

Fees for the disposal of specific types of solid waste must be paid at the Town office, on Main Street, or at the Transfer Station during regular business hours, prior to disposing of such solid waste. At times when the Town Office is closed but the solid waste facility is open, disposal fees must be paid in advance.

Type of Solid Waste	Description	Fee
Construction and Demolition Material  House and Yard Clean outs Charges may apply at Attendant discretion	Yardage	All fees must be paid BEFORE Disposing  Please see the attendant
	Commercial enterprises and contractors	\$ /cubic yard
Construction and Demolition Material  House and Yard Clean outs Charges may apply	Property owners and non-commercial haulers	\$ /cubic yard
Mattresses	Twin / Futon	\$ /ea
	Full /Queen	\$ /ea
	King	\$ /ea
Roofing	Yardage/Volume	
	Commercial Haulers and Contractors	\$ /square Surcharge may apply
	Property owners	\$ /square
Tires	Automobile: 13"-20" diameter/ ATV/Trailer Lawn Tractor Tires with rims per attendant acceptance	\$ /ea \$ /ea \$ /ea
	Heavy Truck	\$ /ea
	Heavy Equipment	\$ /ea
White Goods	Refrigerators, Freezers, Air Conditioners, Dehumidifiers and Water Coolers.  Stoves, Washer/Dryer, Dishwasher	\$ /ea  NO CHARGE
Laptop Computer and Towers, VCR, DVD,		\$ /ea
TVs up to 20" & Computer Monitors		\$ /ea
TVs over 20"		\$ /ea
TV over 40" Console TVs any size		\$ /ea



Miscellaneous E - WASTE charges		\$ per discretion of attendant
FURNITURE		\$ /ea
Recliner/Sofa Chair		\$ /ea
Regular Couch/Love Seat		\$ /ea
Sectional / Sofa Bed Couch		
Miscellaneous Bulky Items		\$ per discretion of attendant
Charges may apply per attendants discretion		

The fee schedule may be updated by the Board of Selectmen, as they deem appropriate and in the best interest of the Town, without seeking authorization to amend the fee schedule from the legislative body. The Town will notify the public of any adjustment(s) to the fee schedule through the Town's website and public posting at the Town Office & Transfer Station.

#### 5. Special Material Handling Regulations

Special material handling regulations will be posted or distributed at the Facility as the need arises.

#### 6. Burning

Burning of the brush and clean wood shall be allowed at the Transfer Station by the Attendant when necessary. A legal Fire Permit will be obtained and posted before such activity.

#### 7. Rules and Regulations

The Board of Selectmen shall be empowered to set all other rules and regulations for the governance of the Transfer Station Facility, including hours of operation, as they deem appropriate and in the best interest of the Town.

### Article I: Penalties

Any persons, corporations, associations, etc., who violates the provisions of this ordinance shall be subject to the imposition of a civil penalty according to the following schedule:

#### First Offense:

A written warning will be issued, a copy forwarded to the Town Office and Police Department (a suspension of the use permit may be issued for serious violations).

#### Subsequent Offenses:

A fine of not less than \$250 nor more than \$3,000, will be imposed by the Town of Northumberland for each violation of this ordinance. Repeat offenders may be suspended or banned from the Transfer Station Facility for a period of time to be determined by the Board of Selectmen.

Any person or commercial business depositing hazardous materials in the Transfer Station or dump, which may result in fines or penalties against the Town of Northumberland, will be subject to legal action (for recovery of fines, as well as all costs associated with defending the Town and asserting our legal claim against the perpetrator).

There will be NO PICKING in the metal cans to subsidize one's private efforts for generating personal income through recycling metal. Violators will be prosecuted and banned from the Transfer Station.

Once any and all materials are present at the Transfer Station, it has legally become the Town's Property and responsibility for disposal. A warrant article is presented and voted on annually at the Town meeting for all the sales of the metal collected for that year, and it is to go into the Transfer Station Capital Reserve Fund.

If any resident needs a specific metal item for a legitimate personal project the attendants' permission and assistance is required.

### NO HOARDING of disposed items will be allowed. (per discretion of the attendant)

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#### **Article J: Recision**

This Ordinance shall automatically repeal any other ordinances that are in conflict with this Ordinance and, in particular, shall render null and void any previous Town Ordinance regarding solid waste.

#### **Article K : Separability**

Should any court of competent jurisdiction render any provision of this Ordinance to be invalid and not legally binding, said finding shall not affect the validity, or legal application of any other provision nor the validity of the Ordinance. The remaining provisions of this Ordinance shall remain in full force and effect until:

- a. rendered invalid or not legally binding by a court of competent jurisdiction (either in whole or in part), or
- b. repealed by action of the legislative body of the Town of Northumberland.

#### **Article L: Adoption and Effective Date**

This solid waste ordinance replaces and supersedes any previously adopted policies. The Board of Selectmen adopted this ordinance at a public hearing held on March 21, 2022 and is effective on March 22, 2022.