



Town of Milton New Hampshire

Solid Waste Facility and

Mandatory Recycling Ordinance

Effective: October 1, 1992
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INTRODUCTION

WHEREAS, The Town of Milton (hereinafter referred to as “TOWN”) has determined that it is the best interest of its citizens to provide for the disposal of solid waste through recycling of reusable items, and

WHEREAS, The Town desires to designate a solid waste facility and a recycling center to which all acceptable solid waste collected within the TOWN will be delivered prior to transportation from the Town site or to recycling markets by the TOWN, and

WHEREAS, it is desirable and in the best interest of the public health, safety, and welfare of the citizens of the TOWN for the TOWN to exercise its authority to control the collection, transportation, and disposal of solid waste generated within its borders to ensure the proper disposal of solid waste,

NOW, THEREFORE, Pursuant to the authority granted in New Hampshire Revised Statutes annotated (RSA) 149-M:13; 31:39 & 47:18, The TOWN, hereby adopts the following ordinance to be known as the **TOWN OF MILTON SOLID WASTE FACILITY & MANDATORY RECYCLING ORDINANCE**.

TOWN OF MILTON SOLID WASTE FACILITY and MANDATORY RECYCLING
ORDINANCE

Section 1: Authority

1.01 Authority. Pursuant to the authority of the RSA 149-M:13, as conveyed to the Board of Selectmen by the passage of Article 19 of the Warrant for the 1992 Annual Town Meeting, the Board of Selectmen of the Town of Milton hereby ordain as follows:

1.02 Short Title. The ordinance shall be known and may be cited as the Solid Waste Facility and Mandatory Recycling Ordinance.

Section 2: Definitions

2.01 Definitions. For the purpose of this Ordinance, the following terms, phrases, words and their derivations, shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the singular and words used in the singular include the plural number. The word “shall” is always mandatory and not merely directory.

(a) “Attendant” means any employee, officer or agent, of the TOWN, authorized to exercises supervision and control over the operation of the Solid Waste Facility.

(b) “Dispose” means to discharge, deposit inject, dump, spill, leak, or place any solid waste into or onto the TOWN’s Solid Waste Facility.

(c) “Facility” or “Solid Waste Facility” means the TOWN OF MILTON Solid Waste Facility & Recycling Center located at 803 White Mountain Highway, Milton, NH.

(d) “Temporary Permit” means a non-adhesive card, which, when properly displayed or exhibited to the attendant, authorizes the lawful holder hereof to dispose of solid waste, subject to all other provisions of this ordinance.

(e) “Permit Stickers” means an adhesive decal which, when properly displayed on the driver’s side, left lower corner of the windshield of a motor vehicle, authorizes the lawful holder thereof to dispose of solid waste, subject to all other provisions of this Ordinance. No person may lawfully hold such a permit sticker, except a resident of the TOWN, or a non-resident who owns real property within the TOWN.

(f) “Person” means any individual, partnership, corporation, firm, association, company, or organization of any kind.

(g) “Recyclable Materials” means separated clear, green, and brown glass, aluminum cans, tin cans, cardboard, newspaper, plastics, aluminum, ferrous, and on

ferrous metals, motor vehicle batteries, used motor oils, tires, from wheeled vehicles, and white goods.

(h) "Refuse" means and includes any waste product, solid or having the character of a solid rather than a liquid, in that it will not flow readily without additional liquid, and which is composed wholly or partially of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes, organic wastes or residue of animals sold as meat; fruit or other vegetable or animal matter from kitchens, dining rooms, markets, food establishments, or any places dealing in or handling meat, fowl, fruits, grains or vegetables; offal, animal excreta, or the demolition, alteration or construction of buildings or structures; or accumulated waste material, cans, container, tires, used motor oil, junk, or other such substances which may become a nuisance.

(i) "Solid Waste" means any matter consisting of putrefied material; refuse; and other discarded or abandoned material. It includes solid, liquid, semifluid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. It shall not include "hazardous waste" as defined by RSA 147-A:2, VII or by New Hampshire Administrative Rules, He-P 1905.03.

(j) "TOWN" means the Town of Milton.

(k) "White Goods" means major household or commercial appliances regardless of color, including but not limited to refrigerators, stoves, clothes washing machines, clothes dryers, and dishwashers.

(l) "Yard Waste" means any leaves, grass clippings, trees and limbs under four inches (4") in diameter, shredded brush, and manure.

Section 3: Licensing and Permitting

3:01 Permit Required. No person shall dispose of any solid waste at the facility, unless such person has first obtained a current permit sticker which shall be permanently affixed to the driver's side of the motor vehicle windshield. Permit stickers are not transferable to another vehicle or household. Permit stickers are issued starting January 1st of each year, and the years prior stickers shall be expired after March of the current year.

Notwithstanding the foregoing, upon payment of the fee required under Section 8 of this ordinance, a person owning or occupying real property in Milton which is made available to renters or guests in the absence of the owner or occupier shall be issued a temporary permit for the use of such renters or guests during their period of occupancy. Such a permit shall temporarily authorize the renter of guest to use the Solid Waste facility in accordance with the provisions of this Ordinance.

The issuance of a permit sticker or temporary permit shall not relieve the holder thereof of the obligation to pay the fees required for the disposal of certain types of solid waste in accordance with the provisions of Section 8 of this Ordinance.

3:02 Licenses Required. No person, firm or corporation shall accumulate, collect, store, transport or dispose of acceptable waste generated within the Town, without obtaining a license from the Board of Selectmen, except that a person, firm, or corporation that accumulates, collects stores, transports, or disposes of its own waste shall not be required by this section to obtain such license.

Any person, firm, or corporation required by this Ordinance to obtain a license, shall make an application to the Board of Selectmen through the Director of Public Works. Each applicant shall provide the required information and shall pay a non-refundable application fee of \$50.00.

The license application shall contain all information required by the Selectmen, including but not limited to, a description of the activities engaged in (e.g. collection, transportation, or disposal of acceptable waste; type and amount of waste handled; a description of the facilities operated and used; and an equipment inventory, including a description of the make, model, and year of each vehicle used for the collection or transportation of solid waste).

Licenses shall be renewed annually and all information provided in the initial application, shall be revised up application for license renewal. If the Selectmen shall determine the application is incomplete, they shall notify the applicant in writing of the specific information necessary to complete the application. The Town shall be informed immediately, in writing, of any changes in or additions to the equipment, including vehicles.

Licenses or permits shall not be transferable.

All Licenses shall expire on December 31st in the year of issuance. The renewal license fee shall be \$10.00 for each vehicle. In the event the selectmen deny a license application, they shall notify the applicant in writing and state the reasons for the denial.

Section 4: Administration

4.01 Hours of Operation. No person shall dispose of any solid waste at the facility except during the facilities normal operating hours or authorized exceptions.

4.02 Source of Solid waste. No person shall dispose of any solid waste which arises from activities conducted outside the boundaries of the TOWN.

4.03 Proper Disposal. No person shall dispose of any solid waste at the facility except in areas designated to receive that particular waste. In addition to the penalties proved in Section 9.02 of the Ordinance, any person guilty of violating this section shall

be liable for all costs and expenses reasonable incurred by the TOWN to properly dispose of such solid waste.

4.04 Posted Rules and Direction of Attendant. Every person using the solid waste facility shall obey all posted rules, which are incorporated herein by reference, and shall obey any reasonable directions given by the attendant. In the event of any conflict between a posted rule and any direction given by the attendant, the latter shall control.

4.05 "No Bare feet Allowed". In order to ensure the health, safety and welfare of all individuals utilizing the Town of Milton solid waste disposal and recycling facilities. No individual shall be allowed on the property with bare feet.

4.06 Material distribution. No individual or organization may distribute any information at the Solid Waste Facility, unless it is official Town business or has expressed written approval from the Board of Selectmen

Section 5: Prohibited Materials

5.01 Prohibited Materials. Notwithstanding any other provisions of the Ordinance, no person shall dispose of the following materials at the facility.

- (a) Explosives
- (b) Gasoline, turpentine, paint, stain, pesticides, herbicides, liquid asphalt, and diesel
- (c) Stumps, trees greater than five (5") inches in diameter, lumber yard butt ends, shavings, or sawdust
- (d) Highly volatile substances
- (e) Motor vehicles, including cars, trucks motorcycles and buses
- (f) Boats or parts thereof
- (g) Asbestos
- (h) Batteries, other than motor vehicle batteries
- (i) Hazardous waste as defined by RSA 147-A:2, VII or by the New Hampshire Administrative Rules, Ne-P 1905.03.
- (j) Medical waste arising from the care and treatment of human beings or animals
- (k) Any material or substance not within the definition of solid waste contained n Section 2.01 (j) of this Ordinance.

Section 6: Mandatory Recycling

6.01 Mandatory Recycling. No person shall dispose of any recyclable materials at the facility unless such materials are properly prepared separated by category and placed in the areas of receptacles designated to receive that category of recyclable material.

6.02 Clear Plastic Bags. Effective January 1, 1994, it shall be mandatory that residents disposing of non-recyclable materials utilize clear plastic bags for the disposal of those items.

Section 7: Yard Waste

7.01 Yard Waste. Effective July 1, 1993, no leaf or yard waste shall be disposed in the Town of Milton Solid Waste facility except in designated composting areas. Any generator or transporter who violates this section, shall be subject to the penalties and enforcement provisions of RSA 149-M:12.

Section 8: Disposal and Permit Fees

8.01 Disposal and Permit Fees. The following fees are hereby established for the disposal of the respective types of solid waste, and for the issuance of permit stickers and temporary permits. Fees for disposal of specific types of solid waste must be paid at the Transfer Station during regular business hours, prior to disposing of such solid waste.

FEE SCHEDULE

(Fees subject to change without notice)

- Permit Sticker...\$5.00
- Scale Fees: \$.08/lb. A load in its entirety
- TV under 27"....\$5.00
- TV 28-45".....\$10.00
- TV 46" and up....\$20.00
- Monitor, CPU....\$5.00
- Small Electronics i.e. VCR, DVD, Stereo, etc....\$2.00
- Refrigerator, Freezer, Air Conditioner, Dehumidifier...\$10.00
- Tires:
 - Under 13" ...\$1.00
 - 14-17"\$2.00
 - Tractor tires...\$10.00

- Propane tanks:
 - 1-20lb.....\$2.00
 - 30-100lb.....\$20.00

NOTE: No fees for residential trash or recyclables.

8.02 Permit Fees. There shall be a charge of \$5.00 for a permit sticker or a temporary permit.

Section 9: Enforcement, Penalties, and Repeal

9.01 Enforcement. The Board of Selectmen and any official, board or employee authorized by the Board of Selectmen, shall be responsible for the enforcement of this Ordinance.

9.02 Penalties. Pursuant to the authority of RSA 149-M:13, II, any person convicted of violating any provision of this Ordinance, shall be subject to a civil penalty not to exceed \$3,000.00 for each such violation. Any alleged violator may avoid the issuance of a summons and complaint by the voluntary payment of a fine in an amount determined by the Board of Selectmen. The following is a list of authoritative penalties:

First violation of the Ordinance shall result in a written warning;

Second violation of the Ordinance shall result in a fine of \$5.00;

Third violation of the Ordinance shall result in a fine of \$50.00;

Fourth violation of the Ordinance shall result in a fine of \$500.00

Fifth violation of the Ordinance shall result in the maximum fine of \$3,000.00

In addition to any other penalty, any person violating any provisions of the Ordinance, may have their right to use the facility, suspended or revoked after a notice and hearing before the Board of Selectmen.

9.03 Repeal. All other Ordinances, bylaws or regulations governing the solid waste facility, are hereby repealed.

Section 10: Conflict and Severability

10.01 Conflict and Severability. If any portion of this Ordinance shall be declared invalid or unconstitutional for any reason by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 11: Amendment

11.01 Amendment. This Ordinance may be amended in the same manner as any other Ordinance of the TOWN, by a majority vote of the Board of Selectmen at a properly posted and noticed meeting of the Board for that purpose.