

Chapter 170
SOLID WASTE

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[HISTORY: Adopted by the Town of Raymond as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sanitary landfill — See Ch. 266.

Solid waste — See Ch. 276.

ARTICLE I
Collection and Disposal
[Adopted 3-17-1984 ATM by Art. 26¹]

§ 170-1. Purpose.

For the purpose of providing or assuring access to an approved solid waste facility for its residents as required by RSA 149-M and pursuant to the authority of RSA 31:39, the Town will adopt the following article for collection and disposal of solid waste.

1. Editor's Note: This article was enacted by the Board of Selectmen before the Town Meeting. See also Chapter 71, Selectmen, Board of, Article V.

§ 170-2. Collection to be by commercial contractor.

All residential solid waste and municipal institutional solid waste shall be collected, transported and disposed of by a commercial contractor under written contract with the Town. Collection shall be at curbside, road shoulder or from a dumpster, as the case may be.

§ 170-3. Nonresidential waste.

All solid waste that is not residential shall be disposed of by the generator of such waste.

§ 170-4. Landfill.

The Town's landfill shall be closed retroactive to March 10, 1984; provided, however, that it shall remain open for the disposal of landfill items as defined by regulations adopted by the Board of Selectmen, generated in Raymond by residents or industrial or business establishments located in the Town.

§ 170-5. Board of Selectmen to enter contracts.

The Board of Selectmen is directed to enter into contracts with commercial waste collectors as needed to carry out the intent of this article. The contract dated January 30, 1984, between the Board of Selectmen and SCA Disposal Services of New England, Inc., is hereby ratified as are all other acts taken to date by the Selectmen in regard to the residential solid waste contract, collection program and landfill.

§ 170-6. Regulations; violations and penalties.

The Board of Selectmen is hereby authorized and empowered to make reasonable regulations necessary to carry out the article, including but not limited to the setting of dates and times for collection; defining the types of waste collectible; defining the containers to be used; regulating use of the landfill, including distinguishing between residential and industrial or business use of the landfill and establishing reasonable fees designed to recover the expense of any secondary disposal required for landfill items, e.g., tires; providing for penalties for violation of this article or any regulations promulgated hereunder; and setting such other regulations as may be necessary to implement and carry out the management and collection of solid waste in the Town. Said regulations, including any penalties for their violation not exceeding those provided in RSA 31:39 (penalty of \$1,000), shall have the same force and effect as if enacted by the Town Meeting duly warned and assembled. Any such regulations or modifications thereto shall be adopted after public hearing noticed as provided in RSA 675:7 (Supp. 1983).

§ 170-7. When effective.

This article shall take effect upon passage at the annual Town Meeting on March 17, 1984.

ARTICLE II

**Tri-County Solid Waste Management Cooperative
[Adopted 3-15-1986 ATM by Art. 16]****§ 170-8. Establishment.**

The Town votes to authorize the Board of Selectmen, on behalf of the Town, to enter into a cooperative agreement, pursuant to RSA 53-A, for the purpose of joining together towns in a joint and cooperative effort for the disposal of solid waste in a manner which will meet federal and state regulations. The cooperative to be formed under the cooperative agreement will be designated the "Tri-County Solid Waste Management Cooperative."

§ 170-9. Agreement.

A copy of the current draft of the proposed cooperative agreement is posted with the Warrant and is available at the Town offices during normal business hours. The Board of Selectmen is specifically authorized on behalf of the Town to execute and deliver the agreement (with such changes therein from the posted agreements as the Board of Selectmen shall approve, such approval to be conclusively evidenced by the Board of Selectmen's execution thereof) and such other instruments, documents and agreements as the Board of Selectmen, in cooperation with the Town Counsel, may deem necessary or desirable in furtherance of the purposes of this agreement, including but not limited to instruments, documents and agreements with private parties for the collection, transportation, delivery and disposition of all or part of any solid waste generated within the Town to designated resource-recovery facilities or such other facilities as may be designated by the Town for processing or for other disposition or handling; to cause to be performed all obligations which may from time to time be required pursuant to the terms of the cooperative agreement; and to take action thereto.

ARTICLE III

**Authority of Board of Selectmen
[Adopted 3-15-1986 ATM by Art. 17]****§ 170-10. Enactment of ordinances.**

The Town votes to authorize the Board of Selectmen, on behalf of the Town, to enact ordinances concerning the supervision and regulation of the collection, transportation, delivery and disposition of all or part of any solid waste generated within the Town so that the same is delivered to a designated resource facility or such other facilities as may be designated by the Town for processing or for other disposition or handling.

ARTICLE IV

Disposition and Handling**[Adopted 9-20-2005 Second Session by Art. I]****§ 170-11. Statutory authority.**

The following article is adopted pursuant to RSA 31:39 et seq. and RSA 147-M:1 et seq.²

§ 170-12. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL SOLID WASTE (MSW) — Residential solid waste or municipal institutional solid waste comprised of garbage and rubbish normally originating in residential households and shall not include items not able to be placed in a thirty-three-gallon trash bag.

RECYCLABLES — Products intended for reuse generated by residential households.

RESIDENTIAL DUMPSTER — All containers up to but not greater than two cubic yards in volume.

RESIDENTIAL HOUSEHOLDS — A dwelling unit in a single-family, duplex or multifamily structure or development with no more than four units located within such structure or development.

TOWN — Town of Raymond, New Hampshire.

§ 170-13. License required; collection regulations.

No person, firm, business or corporation shall haul, carry or collect MSW unless contracted with the Town or issued a license in accordance with this article.

- A. The licensed hauler shall collect MSW at least once a week from every residential customer. Additional service shall be provided as directed by the Town, at the homeowner's expense, for those residential customers where offensive odors, excessive waste, or visible waste accumulates.
- B. The licensed hauler shall provide contact information for emergency purposes to the Town and to their customers.
- C. Collection of MSW shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. In weeks where a holiday falls within the pickup schedule, Saturday collection will be allowed.
- D. MSW may be disposed of in dumpsters or other containers meeting the terms of this article. All residential dumpsters shall be no larger than two cubic yards. Said dumpster or other suitable container shall be collected weekly, at the owner's expense, by a licensed hauler. Additional service shall be provided, at the owner's expense, as

2. Editor's Note: See RSA 149-M:1 et seq.

directed by the Town for those residential dumpsters or containers where offensive odors, excessive waste, or visible waste accumulates.

- E. All licensed haulers will provide the Town with a valid T.R.E.E. number for the disposal of waste in the Turnkey or other state-approved landfill facility.

§ 170-14. Licensing procedures.

The Board of Selectmen shall establish an administrative process for the issuance of MSW disposal licenses to eligible contractors who are able to satisfy the requirements of the Town to perform the required duties in a safe and timely manner related to hauling MSW and recyclables generated and collected within the boundaries of the Town. The process shall be implemented by the Town Manager.

- A. The Board of Selectmen shall collect a twenty-five-dollar licensing fee for the administration of the permitting process and shall include provisions requiring sufficient information to determine the capability of the licensee to meet the standards required by the Town in this article and all other applicable ordinances.
- B. The Board of Selectmen shall require that licensed haulers who haul MSW to provide for and collect all household waste, including recyclables whether they are separated or not. The Town will not provide collection of residential trash or recyclables for customers of licensed haulers.
- C. The Board of Selectmen shall require that all MSW be picked up and transported in an enclosed, leakproof truck, specifically designed to haul garbage.
- D. The Board of Selectmen shall require, as part of any license, the filing of reports with the Town on a monthly basis indicating the estimated tonnages of trash and recyclables, if separated, the number of customers, and the names and addresses of residences served. The Town requires this information for state filing requirements and to prevent redundant contracted municipal solid waste services.
- E. The Board of Selectmen shall require that the licensed hauler be required to insure that in the event the homeowner chooses to place their trash in a barrel, that it be clearly marked with the name of the hauler or some other identifying feature.
- F. The Board of Selectmen shall require that licensed haulers to provide a one-thousand-dollar bond or surety, in a form acceptable to the Board, for damage to road edges as a result of dumpster pickup.

§ 170-15. Violations and penalties.

For violations of the requirements of this article and any license issued hereunder, the Board of Selectmen shall issue a written notice of violation for a first offense, a fine up to \$1,000 per offense for subsequent offenses, as determined by the Board of Selectmen, and may suspend or revoke a license to haul, carry, or collect waste in the Town for repeated offenses.

§ 170-16. Amendment.

The Board of Selectmen is authorized to amend this article.

§ 170-17. Severability.

The invalidity of any provision of this article shall not affect the validity of any other provision or the validity of this article as a whole.

§ 170-18. Repealer.

This article shall automatically repeal all other ordinances of the Town that relate to the collection of municipal solid waste which are in conflict with the provisions of this article.