



TOWN OF RAYMOND

Proposed Residential Dumpster Ordinance  
&  
Associated Fee Table & Execution Strategy

June 24, 2019

## **Working Draft II**

**Merged Town and Solid Waste Committee Recommendations**

- a) SWC Changes noted in blue
- b) Further Discussion Points are noted in green
- c) Alteration made to capture SWA or DH intent noted in orange

## Residential Dumpster Ordinance:

1. No person shall place or store any refuse in any street or alley or other public place or upon any private property within the Town of Raymond unless such refuse is placed in proper containers/dumpsters and such containers/dumpsters are placed according to ordinance regulations
2. No commercial haulers or other service provider will be allowed to operate, disseminate or provide services for dumpsters services in the Town Raymond without a permit which is to be renewed annually.
3. No residential property owner may have for use on their property a dumpster in the Town Raymond without a permit which is to be renewed annually.
4. Residents will ensure services are only received from a permitted service provider
5. Providers will ensure residential dumpster services are only provided to a permitted property owner
6. Service providers or residents must discontinue services within 30 days if either party fails to possess a valid permit or [has their permit revoked](#)
7. Only one (1) Single dumpster will be allowed on [any single-family](#) residential premises

[SWC 1; unless it is a community/neighborhood approved dumpster](#)

Discussion 1: The Town does not recommend the allowance of community dumpsters without the establishment of a Homeowner's or Condo Association. This policy could allow the create an enforcement issue. Recommend:

*Communities who have established an official Homeowners Association in accordance with State statutes may apply for a community dumpster permit. Size and number of dumpsters allowed will the same restrictions as multi-family dwellings*

[SWC 2: Apartment buildings, duplex or multi-family, community/neighborhood, may need more than one to adequately address the volume of trash.](#)

Discussion 2: Without officially defining this perimeter this becomes more of a comment then policy and has no enforcement capability. Recommend:

*If not already defined by the Planning Board; multi-family dwellings, condos and homeowner associations may seek permit approval for increased dumpster or dumpster capacity for a community dumpster through the permitting process. Increase of capacity will be restricted to one cubic yard per dwelling unit (house, trailer, apartment, condo) and not to exceed 2 dumpsters over 4 cubic yards. All other portions of this ordinance will apply.*

8. Residential dumpsters serving one single family home will not exceed 2cu. yards

[SWC 3: or 4cu. Yards](#)

Discussion 3: Ambiguous; without officially defining the perimeter and placing “or” this becomes more of a comment than policy and loses its enforcement capability. Recommend either:

- a) Maintain 2 cu yard restriction on single family with the above allowance for community dumpsters (recommended)
- b) Simply alter this line to state “will not exceed 4 cu yards” (Not recommended)

9. Residential dumpsters will be emptied weekly

SWC 4: in summer / every other week in winter

Discussion 4: Concern, this creates too much potential for ordinance abuse because it is extremely hard to monitor and enforce. If this is the recommendation of the SWC and the BOS; recommend using defining policy language which clearly defines when this can occur, and you “may” when discussing winter bi-weekly dumping. Recommend either:

- a) Dumpsters must be emptied weekly from April 1<sup>st</sup> through October 31<sup>st</sup>; during November 1<sup>st</sup> to March 31<sup>st</sup> dumpsters may be emptied every other week as long as:
  - a. Property Permit is properly updated
  - b. Service Provider provides a list of all dumpsters on a bi-weekly pick-up
  - c. Refuse can be contained within the dumpster and there is no other violation of this ordinance

10. No household waste will be allowed to accumulate on the property and must be placed in the dumpster with the lid closed at all times.

SWC 5: No person shall place or store any refuse in any street or alley or other public place or upon any private property within the Town of Raymond unless such refuse is placed in proper containers/dumpsters and such containers/dumpsters are placed according to ordinance regulations

Discussion 5: Agree; however, this should be the first ordinance of this document.

11. Dumpsters will only be placed within the authorized locations of the permit and permits will be submitted with a sketch or photograph defining the location and screening to be approved

12. Dumpsters will not be placed within the public right-of-way

13. Property owners will provide screening either by well-maintained fencing or vegetation to ensure dumpsters are not visible from abutting properties or right-of-way

14. Dumpster will not be placed in a manner which results in spillage or runoff liquids from the dumpster within in 25 feet of rights of ways, storm drains, wetlands or abutters property

15. Dumpsters will be immediately removed, not to exceed 1 week after written or verbal notification, if dumpster is deemed a health hazard by the Town of Raymond Health Inspector or designee.

## SWC 6: Additions: Community/neighborhood shared dumpster(s)

A community or neighborhood shares a dumpster all ordinances apply, including per permit for each individual (s). The size of the dumpster will be determined by the number of houses in the neighborhood or community, up to 2 cu. yard per house maximum up to a certain size limit.

All dumpsters must have a cover or lid.

Discussion 6: Covered in discussion point 2 above

### Permit Requirements:

The following restrictions apply to the use of dumpsters in the Town of Raymond.

Service Provider: No commercial haulers or other service provider will be allowed to operate, disseminate or provide services for dumpsters services in the Town Raymond without a permit which is to be renewed annually. Under the permitting, providers will be required to agree and adhere to the following conditions:

- a. **Upon initial permitting;** the Service Provider will submit to the Town of Raymond a written summary of all dumpsters serviced in the Town, which will contain location of dumpster, size, type and date of last service.
  - b. **During the permitting period the Service Provider will submit to the** Town of Raymond of any new service contracts within the Town of Raymond within **10 business days**, including location, type, size, frequency of service and start date.
  - c. Agree to service dumpster in accordance with all relevant Town of Raymond Ordinances and Regulations.
  - d. Agree to only provide services to residents who possess a valid dumpster permit
  - e. Agree to discontinue services and remove dumpster if a resident does not possess a valid permit or whose permits have been revoked
  - f. Agree to only provide a single dumpster to single family residential client's property, **unless it is a community/neighborhood approved permit**
  - g. Agree to not providing any single-family residential dumpsters larger than 2cu.yards (~~or 4cu.yards~~), **unless it is a community/neighborhood approved permit**
- Discussion 7: See Discussion 3 above
- h. Agree to service residential dumpsters **in accordance with the Town of Raymond Ordinance**
  - i. Agree to place dumpsters within the authorized locations of the permit **based on approved sketch approved photograph**

Discussion 8: See Discussion 4 above

- j. Agree to not place dumpsters in a manner which will damage the road, [road shoulder](#), [drainage structure](#), or [onto abutters property](#) [during](#) servicing or placing the dumpster [and agree not to place the dumpster](#) within the public right-of-way
- k. Immediately remove, not to exceed [7 calendar days](#) after notification of any dumpsters which are deemed a health hazard by the Town of Raymond Health Inspector or designee or are deemed to be causing damage to the road, [road shoulder drainage infrastructure](#), or [are not within the guidelines for distance from abutters](#) by the Director of Public Works.
- l. [Restrict pick-up and delivery of dumpsters to 7am to 7pm Monday thru Friday](#)

Property Owner: No residential property owner may have for use on their property a dumpster in the Town of Raymond without a permit which is to be renewed annually, [and permit must be placed in a weatherproof, see through holder affixed to the exterior of the dumpster](#). If an individual other than the property owner wishes to secure dumpster services, they must provide written, notarized approval from the property owner prior to permit issuance. In these circumstances the property owner must acknowledge they will be responsible for any fees associated with noncompliance. Under the permitting, property owners will be required to agree and adhere to the following conditions:

- a. Agree to service dumpster in accordance with all relevant Town of Raymond Ordinances and Regulations
- b. Agree to only use services of a permitted service provider
- c. Agree to discontinue services with service provider if they do not possess a valid permit or whose permits have been revoked
- d. Single dumpster for a single-family residence on premises no greater than 2cu. yards ~~(or 4 cu. yards)~~ [unless it is a community/neighborhood approved permit](#)  
[Discussion 9: See Discussion 3 above](#)
- e. Agree to service residential dumpsters weekly
- f. Agree to provide a sketch [or photograph](#) of the proposed dumpster location which also depicts screening and access way improvements to protect the road infrastructure
- g. Agree to place dumpsters within the authorized locations of the permit based on an approved sketch [or photograph](#)
- h. Agree to not place dumpsters within the public right-of-way
- i. Agree to provide screening either by fencing or vegetation to ensure dumpsters are not visible from abutting properties or right-of-way
- j. Ensure placement of dumpster does not directly create water runoff from the dumpster within in 25 feet of, storm drains, wetlands or [onto abutters property](#)

- k. Immediately remove dumpster at owners' expense, by the Town of Raymond Health Inspector or designee. Not to exceed 7 calendar day after notification if dumpster is deemed a health hazard, or deemed to be causing damage to the road, road shoulder drainage infrastructure, or are not within the guidelines for distance from abutters by the Director of Public Work
- l. Owner or agent whose property is being serviced by the dumpster(s) to maintain the lid(s) in a closed condition at all times except when in the process of placing refuse in or removing refuse from the dumpster(s).

SWC 7: Dumpsters are to be used only by those individuals who are authorized by the owner or agent whose property is being serviced. All unauthorized use shall be considered trespass of private property. The owner or agent may post a sign stating: "Unauthorized use is prohibited, Police take notice".

Discussion 10: This would constitute illegal dumping which is already a violation of state statute. Recommend striking

Failure to Comply: The following outlines the procedures Any service provider, commercial haulers or property owners who are in violation of the permit requirement:

- a) First Violation: Receive a written notice for the first violation and required to provide proof of compliance within 30 calendar days. If acceptable proof of compliance is not provided within 30 calendar days, a daily fee will be assessed to the violator until compliance is achieved per the [Town of Raymond Residential Permit and Violation Fee Schedule](#). Failure to comply after 60 days of notice will result in 2-year denial of permits. Fees will continue to be assessed for each violation until compliance is achieved.
- b) Second Violation or Second Notice: Receive a written notice of violation and a daily fee will be assessed to the violator until compliance is achieved per the Town of Raymond Fee Table for each dumpster. Failure to comply after 60 days of notice will result in 2-year denial of permits. Fees will continue to be assessed for each violation until compliance is achieved.
- c) Third Violation or Third Notice: Receive a written notice of violation and a daily fee will be assessed to the violator until compliance is achieved per the Town of Raymond Fee Table for each dumpster and a 2-year denial of permits. Fees will continue to be assessed for each violation until compliance is achieved.

Late fee payments or Failure to pay fees:

- a. Interest for unpaid fees will be assessed at 6% after thirty (30) days
- b. Cost associated with securing payments will be covered by the party to which the fee was assessed.
- c. Property owners who fail to pay violations fee after (1) one year will be subject to a property lien

- d. Property owners who fail to pay a violation fee after (3) three years will be subject to property deeding
- e. Commercial providers who fail to pay assessed fees will be prohibited from conducting waste operations in the Town of Raymond, will be ineligible to compete or be excepted for any service contracts to the Town through the specific service provider or any associated subsidiaries.

**End of Ordinance Recommendations**

Fee Schedule: Below is a recommended Fee Schedule to create an enforcement capability for the Town of Raymond for non-compliance. It is recommended this fee table be an independent document which is validated annually by the Board of Selectmen and expand to encompass other enforcement activities.

This document would not be part of the Town Ordinance, however each ordinance where a fee could be assigned would refer to this document.

| Residential Permit and Violation Fee Schedule |   |          |                       |
|---|---|----------|-----------------------|
| Type of Fee                                   | Responsible Party   | Amount   | Frequency Assessed    |
| Permit  | Service Provider Permit   | \$100.00 | Annually              |
| Permit  | Residential Property Owner  | \$15.00  | Annually              |
| Violation                                     | 1 <sup>st</sup> Violation; Provider                                   | \$25.00  | Per Day, Per Dumpster |
| Violation                                     | 2 <sup>nd</sup> Violation; Provider                                   | \$75.00  | Per Day, Per Dumpster |
| Violation                                     | 3 <sup>rd</sup> Violation; Provider; & loss of permit for 2 years     | \$200.00 | Per Day, Per Dumpster |
| Violation                                     | 1 <sup>st</sup> Violation; Property Owner                             | \$10.00  | Per Day, Per Dumpster |
| Violation                                     | 2 <sup>nd</sup> Violation; Property Owner                             | \$25.00  | Per Day, Per Dumpster |
| Violation                                     | 3 <sup>rd</sup> Violation; Property Owner, loss of permit for 2 years | \$100.00 | Per Day, Per Dumpster |

**End of Fee Table Recommendations**

Execution Strategy: The execution strategy should be broken down into three phases; Policy Education and Adoption Phase, Vendor and Resident User Notification Phase and Implementation. In total, it is estimated this process could take up to 180 days to fully implement.

Policy Adoption Phase (Estimated 90 days from submission):

- ✓ Submit proposal to Solid Waste Committee for review and recommendations
- 1. Secure Board of Selectmen conditional approval of ordinance pending legal review
- 2. Obtain legal review, make appropriate adjustment
- 3. Present to Board of Selectmen for adoption approval
- 4. Implement Educational effort
- 5. Update in Town of Raymond Code Book

Vendor and Resident User Notification Phase (Estimated 90 days from policy approval):

- 1. Identify all know dumpster service providers in the Town and Send them a certified letter informing them of the policy change and their requirement to obtain a permit within 30 days of notification.
- 2. Request addresses and of all contracted residential dumpsters in Raymond from the provider and send them a certified letter notifying them of the requirement to obtain a permit within 30 days of notification

Implementation: After all notifications have been made and the 30-day compliance period has expired citations will be issued to any party in violation of the new ordinance.

DRAFT