

TOWN OF BELMONT, NH
SOLID WASTE MANAGEMENT ORDINANCE

Adopted: March 11, 2005

Whereas it is desirable and in the interests 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 delivery of Acceptable Waste to the Town's Contracted Hauler, and to empower the Board of Selectmen to adopt rules, regulations and fees in furtherance thereof.

This is a mandatory program for the source separation of recyclables from solid waste generated within the Town of Belmont, for the purpose of recycling. Those for whom the Town is obliged to provide refuse service shall separate recyclable materials from solid waste and shall recycle these materials. Currently any recyclable materials that can be removed from the waste stream at the curb and recycled, will help in waste and cost avoidance. The reason for the separation is to help 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 list of acceptable materials will be available on the Town's website at www.belmontnh.gov.

Now therefore, the Town adopts the following ordinance, to be known as the Town of Belmont, New Hampshire Solid Waste Management Ordinance.

SECTION I – DEFINITIONS:

ACCEPTABLE WASTE means (a) household garbage, trash, rubbish, and refuse, originating within the boundaries of the Town, normally collected or disposed of, as a result of residential pickups or deliveries; and (b) such types of agricultural, commercial and light industrial waste originating within the boundaries of the Town as are normally collected or disposed of, but excluding Hazardous Waste, Unacceptable Waste, and Other Waste as defined.

AUTOMATED COLLECTION- Shall mean a method of collecting refuse and recycling through the use of mechanical collection equipment and special carts issued for the storage and collection of bagged rubbish and loose recyclables.

AUTOMATED COLLECTION CART- Shall mean a specially designed cart with wheels, issued by the Town of Belmont, to be used for the storage of acceptable refuse or recyclables in the automated collection operation. Automated collection carts shall mean 65 or 95-gallon containers supplied by the Town of Belmont for removal of solid waste or recycling at the curb by the Hauler's Automated Collection Truck.

COMMERCIAL- Shall mean any and all nonresidential activities. Commercial entities doing business in the Town of Belmont, including but not limited to, contractors, manufactured housing parks of more than three (3) housing units, any lots of record containing more than three (3) dwelling units in any configuration, and commercial establishments of any size, such as residential boarding and lodging homes, convalescent and nursing homes, churches, daycares, schools, ski areas, motels, inns, restaurants, lounges, retail sales, service businesses,

professional offices, manufacturing, or automotive related businesses.

COMMERCIAL WASTE- Solid waste generated from commercial facilities within the Town of Belmont.

CONSTRUCTION DEBRIS- Waste from building materials and rubble generated from construction renovation or demolition activities. Construction debris and demolition waste also includes building components such as doors, windows, and plumbing debris.

CURBSIDE TRASH COLLECTION covers the placement of solid waste at the curbside. Unacceptable Waste such as yard waste, white goods, mattresses, etc., shall not be left roadside nor visible from the road. Unacceptable Waste items visible from the road shall be considered a violation.

DESIGNATED COLLECTION POINT- Shall mean the place where the automated cart shall be placed for service, as determined by Hauler.

HAZARDOUS WASTE means (a) waste containing explosive, toxic or pathological substances; (b) waste defined or classified as hazardous waste at any time under federal, state or local law, or any regulation there under or waste defined by any applicable federal, state or local law as low level or high level radioactive waste; (c) waste (other than Acceptable Waste of the character referred to in clause (a) of the definition of "Acceptable Waste") the processing of which would result in Hazardous Waste under (a) or (b) of this definition, or (e) containers which hold or which previously have held waste described under (a) or (b) above. If any governmental entity having jurisdiction shall determine that any substances which are not, as of the date of this Ordinance, considered harmful or of a toxic nature or dangerous, are harmful, toxic, or dangerous, such substances shall thereafter be deemed Hazardous Waste.

MULTI-FAMILY RESIDENTIAL PROPERTY- Shall mean more than one (1) but not more than (3) dwelling units on a lot.

OTHER SOLID WASTE means residential white metal goods, household appliances, tires, street sweepings, tree stumps and residential demolition debris.

PERSON means any natural person, partnership, corporation, association, or other legal entity.

RECYCLABLE means any material that is collected and handled by the Town's Hauler for reuse. Recyclable materials mean materials that can be used to produce marketable goods, including but not limited to, single stream materials such as clear and colored glass, aluminum, ferrous and nonferrous metals, plastics, corrugated cardboard, and paper.

RESIDENTIAL means all lots of record containing 3 or fewer dwelling units in any configuration.

RESIDENTIAL CURBSIDE SERVICE means the solid waste collection and disposal service, and recycling collection service, provided by the Town to single-family residences and multi-family residences with three (3) or fewer units.

SOLID WASTE shall have the meaning prescribed by the Division of Solid Waste Management of the New Hampshire Department of Environmental Services as set forth in NH Code of Administrative Rules, Env.-SW 104.36.

UNACCEPTABLE WASTE means waste that is unacceptable as defined by the Hauler such as (a) pathological and biological waste, oil sludge, cesspool or other human waste, human remains, street sweepings, large items of machinery and equipment such as automobile and vehicular parts, tires, trailers, agricultural equipment, marine vessels, or similar items, farm and other large machinery, wire and cable from industrial sources, plastics from industrial sources, foundry sands, tree stumps, liquid wastes and slurries, explosives (including ammunition and firearms) radioactive materials; (c) animal remains, dirt, concrete and other non-burnable construction material and demolition debris; and chemicals from industrial and commercial sources such as cleaning fluids, petroleum products, paints, acids, caustics, pesticides, insecticides, poisons, drugs or other materials the processing of which would pose a threat to health or safety or the processing of which may cause damage to the Haulers facility; (d) any waste which if processed, would violate or cause the violation of any judicial decision, order or action of any federal, state, or local government or any agency thereof or applicable law; and (e) Hazardous Waste.

SECTION II- CURBSIDE AUTOMATED COLLECTION:

All rubbish placed at the roadside shall be contained in a Cart that has been provided by Hauler. Town of Belmont residents shall be required to clean and keep clean the area where their carts are placed for collection. Carts shall be ready for collection by 7:00 am on the designated collection day. Carts shall not be placed curbside for collection earlier than the evening before scheduled collection. Carts shall be removed from the roadside no later than the evening of the collection day. In the event carts are not emptied by the Town's designated Hauler because they contain unacceptable waste, they shall be removed immediately from the curbside by the property owner or occupant of the property.

- a. The Town will provide curbside collection of residential solid waste from municipal buildings, single family dwellings, detached dwellings, and lots with multi-family dwellings of 3 units or less.
- b. Two automated collection carts; one for trash, one for recycling, and instructions for use will be distributed to residents who receive collection services from Hauler.
- c. It will be the residents' responsibility to assure that automated collection carts are placed in the appropriate location designated by Hauler, by 7:00 am on collection day. The Hauler or his/her designee shall have the authority to review and approve or disapprove placement of the collection carts. Alternative sites may be necessary to safeguard public safety and minimize risk of damage to public or private property during collection process.
- d. It is the residents' responsibility to remove automated carts from the curb line by the end of the collection day.

- e. It is prohibited to overload automated carts in a manner that is likely to cause damage to the collection vehicle, the automated carts or to create a litter condition or to impede collection. It shall be an infraction to place or deposit any trash around an automated cart.
- f. Hauler and the Town shall not be responsible for collection if there are any infractions of any section of the policy, or if there are any circumstances that are beyond the control of the Town or Hauler. Infractions or circumstances include, but are not limited to, automated cart overload, unacceptable materials, improperly loaded automated carts, blocked access, automated cart inaccessibility, improper carts, or dangerous situations.
- g. Infractions shall be corrected by the next collection date or solid waste and recycling service will not be provided to the property until infractions are corrected.
- h. AUTOMATED CARTS:
 - 1. All automated carts are owned by the Hauler and are not to be removed from the property even in the event of a change in ownership or resident status. All automated carts will be assigned to a street address and have an imprinted number for identification purposes. One cart shall be used for bagged trash and one cart for mixed loose recyclables.
 - 2. Any repairs/replacement to the automated carts will be performed by Hauler. The property owner/customer shall contact the Town Hall offices to report damage and request a repair/replacement. Automated carts damaged beyond repair will be replaced by the Hauler. If the automated carts are subject to neglect or other preventable damage as determined by the Hauler, the Hauler will require a charge for the replacement. The property owners are ultimately responsible for all damages or automated carts removed by tenants. The owner shall pay the cost of \$55.00 for any replacement of automated carts. The owner should work to educate the household members on the proper use and maintenance of the carts.
 - 3. All trash and recyclables shall be placed into the appropriate automated carts so that the lid can be securely shut. No trash placed on the ground or in any unapproved automated carts shall be picked up by Hauler. The automated carts shall not be overfilled or arranged in any manner that will prevent the lid from remaining closed at all times, to prevent water from filling the automated cart, and access by animals. In the event of overflow, residents must wait until the next scheduled collection day.
 - 4. 1 Additional cart for trash and 1 additional cart for recycling may be purchased at the expense of the property owner. Each additional cart will cost \$150.00 annually (per calendar year). Cash or Checks made payable to the Town of Belmont for additional carts shall be received by the Town Administrator's office between December 19th and December 30th. If payment is not received by December 30th, the Town's Contracted Hauler will be notified and service for trash/recycling collection of the additional cart/carts shall cease until payment is made. No refunds or prorations shall be made for additional carts.

Criteria for additional Carts and smaller Alternative Carts: To maintain fairness the Board of Selectmen have established the following criteria for special cart requests:

Additional 95 Gallon Trash or Recycling Cart:

- Household count greater than 4
- Other exceptions require Board of Selectmen Approval

Note: Contracted Hauler will charge the Town of Belmont \$150.00 annually for each additional trash cart distributed.

Alternative Cart Size (65 Gallon Trash or Recycling):

- Resident is 65 years or older
- Resident is disabled
- Resident driveway exceeds 200 feet
- Other exceptions require Board of Selectmen Approval

i. PLACEMENT OF CARTS- It shall be the duty of each customer to place the carts as follows:

1. Keep carts on a hard level surface clear of snow and other landscaping debris and no more than six (6) feet from the edge of the curb.
2. Please allow carts a three (3) feet perimeter of clearance from obstructions such as parked cars, trees, mailboxes, and utility poles. There must also be a fifteen (15) feet overhead clearance from any low hanging tree branches or power lines, etc.
3. If you have more than one cart placed at the curb, please set them side by side with at least three (3) feet of clearance between the containers.
4. Do not block a sidewalk.
5. All household trash must be bagged before placing into automated trash cart for the automated curbside collection.
6. All household recycling must be loose and not bagged.
7. Alternate cart locations (or indemnification) may be required for some private roads as Hauler will not be liable for travel on private roads. Coordination with Hauler and DPW may be necessary to ensure proper municipal services such as snow removal.

SECTION III - COMMERCIAL SOLID WASTE & RECYCLING COLLECTION

Non-residential solid waste and recycling collection includes all lots of record containing more than 3 dwelling units in any configuration and commercial establishments of any size (refer to Section I Definitions).

Property owners of all such lots shall provide solid waste disposal services as necessary to serve the site. All such facilities shall be screened from sight, from on-site and abutting properties and streets, by means of a fenced or landscaped (hedges) enclosure. Dumpsters shall be located on a solid cleanable surface such as concrete, shall be kept closed, and be of sufficient size to contain all materials. In all cases, facilities shall be operated to prevent contamination and minimize windblown litter problems.

SECTION IV - REGULATED ACTIVITY:

- a. All items defined as Unacceptable Waste, Hazardous Waste, and Other Solid Waste shall be the responsibility of the owner or waste generator and shall be disposed at the owner's or waste generator's expense.
- b. The Town shall **not** bear the cost for pickup, transportation, or **tipping fee** of any Acceptable Solid Waste generated in the Town of Belmont by a Commercial property.

SECTION V – LICENSING:

- a. No Person shall collect, transport or deliver Solid Waste originating within the Town of Belmont without obtaining a license from the Board of Selectmen.
- b. Any Person required by this Ordinance to obtain a license shall make a new initial application to the Board of Selectmen, providing the information required. Each new application shall be accompanied by a one-time, non-refundable application fee of \$25.00.
- c. The application shall contain all information required by the Board of Selectmen, including but not limited to a description of the activities engaged in, e.g. collection, transportation or delivery of Acceptable Waste; list of commercial customers and size and location of containers/dumpsters, etc., pick up route, designated day and time of pick up, type and amount of waste handled; certificate of insurance with limits of coverage as determined by the Board of Selectmen; 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.
- d. Licenses shall be renewed annually, and all information provided in the initial application shall be revised upon application for license renewal. If the Board of Selectmen shall determine the application is incomplete, they shall notify the applicant in writing of the specific information necessary to complete it. The Board of Selectmen shall be informed immediately in writing of any changes in or additions to the information required on the application.
- e. Licenses issued hereunder shall not be transferable.
- f. All licenses shall expire one year from the date of issue unless otherwise stated on the license or revoked or suspended sooner in accordance with the provision of this Ordinance.

- g. The annual license fee shall be \$100.00 for each applicant licensed. In the event the Board of Selectmen denies a license application, the fee will be returned and they shall notify the applicant in writing and shall state the reasons for the denial. Upon such notice, the applicant may request a hearing in accordance with the procedures in Section VII.

SECTION VI - SUSPENSION AND REVOCATION:

- a. Any license issued under this Ordinance may be suspended or revoked by order of the Board of Selectmen after the Board of Selectmen shall have notified the licensee in writing of the intent to suspend or revoke including the reasons therefore, the licensee will have an opportunity for a hearing in accordance with the procedures in Section V.
- b. A license may be suspended or revoked for the following causes: (i) violation of this Ordinance; (ii) violation of any provision of any state or local law, or regulation relating to this Ordinance, including but not limited to NH RSA 149-M or any environmental law; (iii) violation of any license condition or (iv) falsehoods, misrepresentations, or omissions in the license application.

SECTION VII – HEARINGS:

- a. Any Person denied a license or whose license is proposed to be suspended or revoked pursuant to Section V (g) or Section VI shall be entitled to a hearing before the Board of Selectmen, if such request is made in writing within 15 days of the licensee's receipt of the notice of denial or proposed suspension or revocation.
- b. A hearing authorized by this Ordinance shall be held within 30 days after receipt by the Board of Selectmen of the written request for a hearing.
- c. The licensee or applicant shall be notified in writing as to the time and place of the hearing at least 10 days prior to the hearing date. The applicant or licensee has the right to be represented by counsel, to offer evidence and to cross-examine witnesses.
- d. A determination shall be made by the Board of Selectmen within 20 days after the conclusion of the hearing and a notice of the decision shall be served upon the applicant or licensee by certified mail, return receipt requested.
- e. A final determination relative to the denial, suspension or revocation of a license and the period of suspension or revocation shall take effect as provided in the notice but no later than 10 days after the date notice of such final determination has been mailed by certified mail, return receipt requested to the licensee or applicant. Such final determination shall be conclusive. Notice of the final determination shall set forth the reasons for the denial, suspension or revocation and the effective dates thereof, together with a statement that such decision may be appealed as provided in the Ordinance.
- f. Any claim arising out of or relating to a final determination shall be reviewed as provided by the laws of the State of New Hampshire.

SECTION VIII– ADMINISTRATION:

This ordinance shall be administered by the Board of Selectmen whose powers and duties are as follows:

- a. To adopt reasonable rules, regulations, fees and fines as needed to enforce this Ordinance including without limitation, rules and regulations governing solid waste.
- b. To consider all license applications and to grant or deny each application within 15 days after receipt of a completed application at the Town Offices or within such other time as the Board of Selectmen deems reasonable in light of the surrounding circumstances.
- c. To review any alleged violations of this Ordinance, and to impose appropriate penalties therefore after notice and hearing as required by this Ordinance; and
- d. To institute necessary proceedings either legal or equitable to enforce this Ordinance.

SECTION IX - ENFORCEMENT AND PENALTIES:

- a. Any Person who violates this Ordinance shall be guilty of a violation for each such violation.
- b. Any Person who violates this Ordinance, upon determination by the Board of Selectmen, may be subject to a fine, payable to the Town, of not more than \$250.00 for each such violation.

SECTION X - CONFLICT AND SEVERABILITY:

- a. The provisions of the Ordinance shall supersede all other local laws, ordinances, resolutions, rules, or regulations contrary hereto or in conflict herewith.
- b. The provisions of this Ordinance shall be severable and if any phrase, clause or sentence or provision or the application thereof to any person or circumstance shall be held invalid, the remainder of this Ordinance and the application thereof shall not be affected thereby.

SECTION XI - AMENDMENT

This Ordinance may be amended by the Board of Selectmen subsequent to a Public Hearing.

SECTION XII - EFFECTIVE DATE

This Ordinance shall become effective upon adoption by Town Meeting, March 11, 2005, and may be amended in accordance with Section IX above. This document supersedes any other document or ordinance regarding Solid Waste management in Belmont, NH.

Amended: November 6, 2017
Amended: December 19, 2022

Ruth P. Mooney, Chairman
Jon Pike, Vice Chairman
Claude Patten, Jr., Selectman
Belmont Board of Selectmen

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