

ORDINANCE:

SOLID WASTE DISPOSAL:

SECTION I : PURPOSE:

The purpose of this Ordinance is to provide for the disposal of Municipal Solid Waste generated in the Town of Windham in a safe, economical, and environmentally sound manner with emphasis on **MANDATORY RECYCLING** to reduce the amount of material in the waste stream.

SECTION II : AUTHORITY:

This Ordinance has been enacted pursuant to the statutory authority granted to the Town of Windham by RSA 31:39 and RSA 149-M:17 (II), to govern the operation of its Solid Waste Disposal Facility.

SECTION III : DEFINITIONS:

- A) “Residential Waste”: That waste from the residences in the Town of Windham.
- B) “Commercial Waste”: That waste from Commercial and Industrial facilities in the Town of Windham.
- C) “Residential Demolition Waste”: That waste from minor repairs or alterations of a residential household in the Town of Windham.
- D) “Commercial Demolition Waste”: That waste from the repair, alteration, or destruction of any commercial/industrial structure in the Town of Windham.
- E) “Hazardous Waste”: That waste which is defined by RSA 147-A as hazardous waste.
- F) “Unacceptable Material”: That material which will not be accepted at the Transfer Station, such as, ledge, boulders, logs, stumps, brush, branches, or items not permitted by vote of the Selectmen, or State or Federal law, with the exception of Christmas trees during January. Offsite disposal of unacceptable materials may be available.
- G) “Commercial Hauler”: Any person, corporation, partnership, or other entity who charges a fee to haul waste for disposal at the Town of Windham Transfer Station.
- H) “Recyclable Material”: Designated material which would otherwise become municipal solid waste, which is separated, collected, processed and returned to the economic mainstream in the form of raw materials or products.
- I) “Recycling”: The separation and removal of recyclable material as designated by the Board of Selectmen, for the purpose of separate delivery to the Transfer Station.

SECTION IV : PERMITTED DISPOSAL:

The following categories of solid waste shall be accepted at the Town Solid Waste Transfer Station facility:

- A) Residential Waste.
- B) Commercial Waste: May be accepted at the Transfer Station for a fee to be determined by the Board of Selectmen. Recyclable wastes from the Town of Windham shall be accepted at no charge.
- C) Residential Demolition Waste: Is accepted if generated for the benefit or by an individual resident and if the material is transported by the resident, in their own vehicle, to the transfer station. Any demolition waste generated from a residential property which is transported to the Transfer Station by a commercial hauler will not be allowed.
- D) Any items on the list of Recyclable Materials as posted at the Transfer Station and approved by the Board of Selectmen.

SECTION V : PROHIBITED DISPOSAL:

The following categories of solid waste shall not be accepted at the Town Solid Waste Transfer Station facility:

- A) Hazardous Waste.
- B) Unacceptable Material as defined in Section III.
- C) Metals: No aluminum, cast iron, or heavy metals shall be accepted with dimensions greater than 18 inches by 48 inches. No light metals shall be accepted with a dimension greater than 36 inches by 72 inches.
- D) No contaminated glass or plastic (i.e they have not been cleaned out and have not had their lids removed as required under Section VIII)
- E) Any metal not properly cleaned shall not be accepted
- F) Any whole metal drums or tanks shall not be accepted, excluding propane tanks
- G) Engines and Motors with oil and / or antifreeze
- H) All commercial construction / demolition waste shall not be accepted

SECTION VI : PERMITS:

No person, company, or business shall be permitted to deposit any material at the Transfer Station unless a valid Transfer Station Permit has been issued and either posted on the vehicle or shown to a station attendant.

The permit fee, if any, shall be determined by the Board of Selectmen in accordance with RSA 41:9-a, with recommendation from the Transfer Station Manager.

- A) Residential Transfer Station Permit: Fee, if any, to be determined by the Board of Selectmen, for a vehicle sticker which shall be intended to serve as a permit.
- B) Commercial Transfer Station Permit: Fee, if any, to be determined by the Board of Selectmen. A permit is required for Commercial or Industrial facilities.
- C) Commercial Hauler Permit: A Commercial Hauler Permit is required for Commercial Haulers to deposit solid waste at the Transfer Station, as well as execution of a "Commercial Hauler Agreement" with the town. The permit fee, if any, shall be determined by the Board of Selectmen.
- D) Special Waste Permit: In accordance with RSA 41:9-a, special fees may be imposed by the Transfer Station Manager with the approval of the Board of Selectmen as the need arises.

SECTION VII: RECYCLING:

Recycling shall be **MANDATORY**. The Board of Selectmen shall approve and maintain a recycling brochure, which contains exact specifications for acceptable recyclable materials. When changes are made to the brochure, they will be advertised in a newspaper of general circulation in the Town of Windham and posted at the Transfer Station at least one (1) month prior to their implementation.

SECTION VIII : MATERIAL HANDLING REGULATIONS:

- A) Metals: All metals shall be reasonably clean before they will be accepted at the Transfer Station. All plastics, rubber, tires, padding, coverings, webbing, wood, etc. should be removed from the metal. .
- B) Pressurized and Non-Pressurized Metal Containers: Metal drums and tanks, gasoline tanks, and pressurized dispensers must be cut in half and wiped dry prior to transport to the Transfer Station, excluding propane tanks.
- C) Engines and Motors: Engines and motors, regardless of size, shall have all of the oil and anti-freeze removed, and have their oil-pans removed. Removal of oil-pans at the Transfer Station will not be allowed due to possible contamination of the site.
- D) Paper: Paper products of the appropriate specifications shall be deposited in designated areas.
- E) Glass: Glass shall be deposited in the designed area. The containers shall be rinsed clean, and the tops shall be removed. Plate glass, dishes and ceramics are not recyclable.
- F) Plastics: Plastic containers such as milk containers and detergent containers shall be rinsed before depositing at the Transfer Station. All containers shall have their tops removed. Only those containers listed in the official brochure shall be accepted with recyclables.

- G) Cans: Aluminum and tin cans shall be deposited in the designated area.
- H) Batteries: Lead-acid storage batteries and nickel cadmium batteries shall be deposited in the designated area.
- I) Motor Oil: Motor oil shall be deposited in the designated area. Gasoline, cooking oils, or other engine fluids are not acceptable.
- J) Clothing: Clothing shall be deposited in the designated area.
- K) Electronics: Computer CPUs, keyboards, printers, and other associated electronic components shall be deposited in the designated area. Monitors or televisions are not acceptable.

SECTION IX : ENFORCEMENT:

The Board of Selectmen are hereby charged to carry out the enforcement of the terms and provisions of this ordinance. The Board of Selectmen may delegate such power to one or more designees with the authority to bring actions to force compliance with this ordinance.

SECTION X : PENALTIES:

Any person (including natural persons, corporations, associations, etc.) who violates the provisions of this ordinance shall be subject to imposition of a civil penalty per the following schedule:

- A) First Offense: Written warning with a copy to the Board of Selectmen, if such warning is issued by the Selectmen's designee.
- B) Second Offense: Fine of \$100.00, to inure to the Town of Windham as it may direct.
- C) Third Offense: A fine of not less than \$100 and not to exceed \$250, to inure to the Town of Windham as it may direct. In addition, the violator may be subject to a suspension of Transfer Station privileges for such length of time as deemed appropriate by the Town Administrator. Such privileges shall not be reinstated until such time as the violating party has met with the Town Administrator and Transfer Station Manager to discuss violation and corrected measures expected by the Town.
- D) Fourth Offense: A fine of not less than \$250 and not to exceed \$3000, to inure to the Town of Windham as it may direct. In addition, the violator may be subject to a suspension of Transfer Station privileges for such length of time as deemed appropriate by the Town Administrator. Such privileges shall not be reinstated until such time as the violating party has met with the Town Administrator and Transfer Station Manager to discuss violation and corrected measures expected by the Town.

E) Fifth Offense: Any person who violates the provisions of this ordinance more than four (4) times shall be subject to permanent exclusion from the Transfer Station. The violating party may appeal, in writing, to the Board of Selectmen, who, after meeting with the respective party, may reinstate said privileges. The decision or judgment of the Board shall be final, conclusive, and binding.

In addition, the Board of Selectmen is authorized to seek injunctive relief to enforce the compliance with said ordinance.

SECTION XI : EFFECTIVE DATE/ENACTMENT:

The provisions of this ordinance shall take effect upon adoption by Town Meeting. Adoption of this ordinance is construed to include repeal of any prior ordinances governing solid waste disposal which are inconsistent with this ordinance.

Adopted at Town Meeting: March 11, 2003

Amended at Town Meeting: March 11, 2008