

Chapter 174

SOLID WASTE

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

GENERAL REFERENCES

Outdoor burning — See Ch. 38.

ARTICLE I

Waste From Demolished Buildings

[Adopted 7-14-1971 STM by Art. 3]

- § 174-1. Transport into Town without permit prohibited.**

No person shall carry or transport into the Town of Plaistow wastes or remains of any demolished buildings for the purpose of placing, depositing, or dumping said wastes or remains

in the Town of Plaistow, with the exception of solid materials such as concrete, steel, brick and other noncompressable and noninflammable materials, without a permit from the Board of Selectmen. "Person" shall mean and include any individual, firm, corporation, association, or partnership.

§ 174-2. Violations and penalties. [Amended 3-11-1986 ATM by Art. 44]

Any person violating the provisions of this article shall be fined not more than \$100 for each offense.

ARTICLE II
Landfill Regulations
[Adopted 11-22-1988 by the Board of Selectmen]

§ 174-3. Scope.

This article is intended to govern the use of the landfill provided by the Town of Plaistow, and littering on Town properties or public ways or private property, and the disposal of waste materials of any kind at approved or unapproved dumping sites. This article is designed to interact with RSA 147, 149¹ and 31:39 relative to sanitation and all other Revised Statutes Annotated governing public health and landfill disposal sites.

§ 174-4. Definitions.

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

ATTENDANT — The Town employee or representative placed in charge of the landfill facility.

HAZARDOUS — A solid, semisolid, liquid or contained gaseous waste, or any combination of these wastes, which because of either quantity, concentration, or physical, chemical or infectious characteristics may cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness or pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged.

HOURS OF OPERATION — The approved time period during which the landfill facility will be opened to the general public (town residents only) for disposing refuse.

LANDFILL — A site designated by the Town in compliance with RSA 147:25² designed for the depositing of refuse of any nature.

PERMIT — The document issued by the Selectmen or Public Works Department allowing the applicant to use the landfill facility. The permit must be displayed to the attendant when entering the facility.

¹ Editor's Note: Chapter 149 was repealed by 1989, 339:35, IV. See now Chapter 485-A.

² Editor's Note: Section 147:25 was repealed by 1981, 566:9. See now RSA 149-M:10.

PROHIBITED MATERIALS — Materials listed in this article forbidden to be entered in the landfill.

REFUSE — Any waste product, solid or having the character of solid rather than liquid in that it will not flow readily without any additional liquid, which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter,

(Cont'd on page 17403)

industrial solid wastes or domestic solid wastes; organic wastes or other residue of animals solid 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, grain, or vegetables; offal, animal excreta, or the carcasses of animals; tree or shrub trimmings, grass clippings, brick, plaster, or other waste matter resulting from the demolition, alteration, or construction of buildings or structures; accumulated waste material, cans, containers, tires, junk, or other such substances which may become a nuisance.

TRASH — Worthless refuse; rubbish.

§ 174-5. Permits issued to residents only.

Only Plaistow residents disposing of material from within the geographical limits of the Town of Plaistow can qualify for a permit.

§ 174-6. Prohibited materials.

The following materials are prohibited:

- A. Acids and alkalis.
- B. Animal carcasses, manure and meats.
- C. Drums with liquid contents.
- D. Tires.
- E. Chlorine cleaners and swimming pool disinfectants.
- F. Flammable liquids.
- G. Mercury vapor lamps.
- H. Pesticides.
- I. Roofing cement.
- J. Septage.
- K. Large sections of wood and slash over five inches in diameter.
- L. Solvents, oils, thinners, gasoline, and antifreeze.
- M. Textile waste.
- N. Nuclear or atomic waste.
- O. Asbestos materials.
- P. Hazardous waste as defined by state and federal agencies.
- Q. Ammunition and explosives.
- R. Demolition debris.
- S. Ashes and cinders.

- T. Any other material not included on the list of allowable items.
- U. Any waste deemed to be inappropriate by the Highway Department or the Board of Selectmen.

§ 174-7. Allowable materials.

- A. The following materials are allowable:
 - (1) Brush and leaves, to be placed in area designated by a member of the Town Highway Department.
 - (2) Clean metal, which must be placed in metal pile under direction of a Highway Department member; a special container shall be supplied for batteries.
 - (3) Untreated wood and dimensional lumber with an end cross-sectional area of 24 inches or less, to be placed in designated area.
- B. Furniture and large appliances and other bulky items that cannot be picked up by disposal company will be disposed of during the spring and fall cleanup at the disposal site. Containers will be placed at the landfill by the contractor.
- C. Stumps may be deposited at the site under the direction of the Highway Department Supervisor. Commercial stump dumping will be charged a fee of \$300 per truckload.

§ 174-8. Permit required.

Whosoever shall make use of the landfill facility shall have in his/her possession whenever entering the facility a valid Town of Plaistow permit. Failure to have the same may result in canceling of dumping privileges until the permit is displayed.

§ 174-9. Issuance of permit; restrictions.

A permit for persons who reside in the geographical limits of the Town of Plaistow entitles the applicant to dispose of allowed materials in the landfill. The permit is nontransferable and shall expire upon termination of residency.

- A. Issuance. The Selectmen shall issue resident dump permits biennially for vehicles rated as less than a one-ton capacity.
- B. Display. The permit shall be permanently affixed to the windshield, on the inside lower left corner, on each resident's vehicle utilizing the landfill.
- C. Proof of residence. Permits shall be issued to those persons showing proof of residence by documentation such as New Hampshire Division of Motor Vehicle registration certificate and Plaistow resident tax form.
- D. Replacement permit. Residents who replace one or more vehicles may apply for a replacement sticker provided they present to the Town Clerk a substantial portion of the prior sticker. Permits issued on a biennium shall replace the expired sticker.

- E. New residents. Persons establishing residence in the town shall show reasonable proof of their residence, such as utility contract, housing sale agreement, etc. Upon display of such identification, a permit shall be issued.
- F. Temporary permit. Persons who are residents but do not own a vehicle may apply for a temporary permit to allow members of their family, or persons not for hire, to remove items from their property to the dump. The permit shall be for a specific person, vehicle, and date, and a nonresident disposal permit will be made available by the Town of Plaistow.
- G. All material disposed of in the landfill shall be only that material which is generated in locations within the geographical boundaries of the Town of Plaistow.
- H. Resident permits are available at the office of the Selectmen.

§ 174-10. Dump regulations.

- A. Any person using the landfill facility shall follow the directives of the attendant on duty.
- B. The attendant on duty is authorized to order any person, firm or corporation to leave the facility if there is a violation of any rule, regulation, or directive of the attendant. Failure to leave the facility if so ordered may be deemed trespassing and can result in court action.

§ 174-11. Soliciting.

To ensure the health, safety and welfare and to prevent injury to the people of the Town of Plaistow, there shall be no soliciting of any kind at the town landfill.

§ 174-12. Use of landfill restricted to permit holders.

Only those persons having a valid permit as defined in this article may dump in the landfill facility.

§ 174-13. Littering.

No person, firm or corporation shall put or place, or cause to be put or placed, in or upon any highway, highway right-of-way, street, square, land, alley, public bathing place, or the approaches thereto, or on any public or private property without the permission of the owner, any bottles, glass, crockery, cans, scrap metal, junk, garbage, old automobiles or parts thereof, or refuse of any nature whatsoever or any noxious thing.

§ 174-14. Discarded refrigerators.

No person, firm or corporation who or which owns, controls or has in his or its custody a container originally used for refrigeration purposes shall discard the same before the lid or door or doors have been removed.

§ 174-15. Suspension of permit.

Any person found to be in violation of any section of this article may have his or her permit suspended for a period not to exceed 30 days.

§ 174-16. Revocation of permit.

Any person who habitually violates one or more sections of this article may have his or her permit revoked for continued violations.

§ 174-17. Appeals.

Any person who has been cited under § 174-15, Suspension of permit, or § 174-16, Revocation of permit, may, within five days, appeal such action to the Board of Selectmen. Upon receipt of an appeal, the Board shall conduct a hearing on the merits of the incidents and uphold or overrule the action.

§ 174-18. Violations and penalties.

Any person violating any provision of this article or any requirements, rules, regulations or procedures that may from time to time be promulgated by the Board of Selectmen of Plaistow shall be guilty of a violation and fined not in excess of \$500. A separate offense shall be deemed committed upon each day, or part thereof, during which a violation occurs or continues.

ARTICLE III**Dumpsters and Offensive Matter**

[Adopted 12-20-1994 by the Board of Selectmen]

§ 174-19. Dumpster doors to remain closed.

All dumpster doors must be kept closed at all times except for receiving garbage or trash. Open dumpsters attract wild animals who may be infected with the rabies virus and therefore are a threat to humans and pets who inadvertently come in contact with them. Rodents may be carriers of serious viral infections that are sometimes fatal to humans who come in contact with rodent droppings.

§ 174-20. Offensive matter.

- A. State of New Hampshire RSA 147:13, Offensive Matter, states: "If a person shall place, leave, or cause to be placed or left, in or near a highway, street, alley, public place, or wharf or on a private disposal site except as provided in RSA 147:30-d³ or shall allow to be exposed, unburied, any animal or other substance liable to become putrid or offensive or injurious to the public health or deposits garbage or refuse on premises not designated as

³ Editor's Note: Section 147:30-d was repealed by 1981, 566:9.

public dumping facilities in accordance with the provisions of RSA 149-M, he shall be guilty of a violation, and the Health Officer shall remove or cause to have removed the same."

- B. Any person willfully violating RSA 147:13 may be prosecuted in a court of law and fined a sum of money determined by the prosecutor.

ARTICLE IV

Recycling of Cathode-Ray Tubes

[Adopted 8-26-2002 by the Board of Selectmen]

§ 174-21. Legislative intent and purpose.

It is the Town's intent to implement a program for the collection of cathode-ray tubes in accordance with the State of New Hampshire's Hazardous Waste Rules ENV-WM 1101, "Universal Wastes." The purpose of this article is designed to promote and encourage the collection and recycling of cathode-ray tubes in a manner that is to protect human health and the environment. For the purposes of this article, cathode-ray tubes shall be considered a recyclable material and shall be handled in accordance with all federal and state regulations.

§ 174-22. Definitions.

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

CATHODE-RAY TUBE(S) — Any glass tube used to provide the visual display in televisions and computer monitors.

§ 174-23. Placement of cathode-ray tubes for collection.

- A. No person, firm or corporation shall place any cathode-ray tubes on or near a Town street or highway for collection by the Town of Plaistow except in accordance with the following provisions of this article.
- B. At no time shall any person, firm or corporation willingly place cathode-ray tubes out for regular municipal solid waste collection under the Town's contract for collection.

§ 174-24. Collection schedule; restrictions.

- A. Cathode-ray tube collection by the Town will be available to qualified residents on a schedule to be determined by the Town Manager. Residents will place their cathode-ray tubes to be collected along the curbside, or street side where normally the curbing would be by 7:00 a.m. on the scheduled collection day.
- B. No cathode-ray tubes will be collected that is not preapproved for collection by the Town's collection contractor.
- C. Requests to participate in the cathode-ray tube collection program will be approved if the following conditions are met:

- (1) Residents must call the Town's collection contractor prior to the scheduled collection to be placed on a list to be serviced.
- (2) Prepayment to the Town's collection contractor to have the cathode-ray tube collected is a requirement.