

6. To see if the Town will vote to adopt the Solid Waste Ordinance pursuant to RSA 149-M as proposed by the Board of Selectmen as follows:

Authority

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 149-M:17 and Chapter 31:39, authorizing the Town of Newton to enact ordinances, this Solid Waste Ordinance is adopted by the Town of Newton in an Annual Town Meeting.

Purpose

It is the declared purpose of the Town of Newton, through the adoption of this Ordinance, to protect health, safety and welfare of the residents, property owners and visitors to the Town of Newton. It is also intended to preserve the natural environment and to conserve precious and dwindling natural resources through the proper recycling, reuse, disposal and integrated management of the community's solid wastes.

Section 1. Definitions

- A. *Compactor* – a machine which crushes and reduces volume of household waste.
- B. *Compostable Materials* – means all lawn clippings, leaves and garden waste.
- C. *Logs and Brush* – means limbs and trunks not to exceed 10” in diameter and 4 feet in length.
- D. *NH State Licensed hauler* - – means any person or company, licensed within the State of NH, for hire, who collects and transports solid waste.
- E. *Selectmen's List of Recyclable Materials* – means a list drafted and approved by the Board of Selectmen that includes materials that can be used to produce marketable goods, including but not limited to clear and colored glass, aluminum, plastics, corrugated cardboard, batteries, paper and other designated products.
- F. *Solid Waste Transfer Station and Recycling Center* – means a location, system or physical structure for the collection, separation, storage, transfer, processing, treatment or disposal of solid waste.
- G. *Solid Wastes* – means the entire waste stream which includes both recyclable and non-recyclable materials.

Section 2. Use of Solid Waste Facility Restricted

Access to the Town of Newton Solid Waste Transfer Station and Recycling Center is restricted to use by the residents and property owners, town organizations and departments in the Town of Newton, New Hampshire or other entities as approved by the Board of Selectmen per the Transfer Station Policy.

Section 3. Operation

A. *In General.* The operation of the Town of Newton Solid Waste Transfer Station and Recycling Center will be in accordance with the Town of Newton Ordinance and by such additional rules, regulations, policies and procedures as may be adopted by the Board of Selectmen, the State of New Hampshire and / or the United States of America.

B. *Placement of Materials.* Acceptable solid wastes shall be placed at the Solid Waste Transfer Station/Recycling Center in accordance with these regulations, the directions from personnel employed by the Town and the posted signage providing directions for the disposal of selected materials in designated areas.

C. *Operational Authority.* The operation and supervision of the Solid Waste Transfer Station / Recycling Center is under the Board of Selectmen and its designated and authorized representatives. The operation and supervision include, but are not limited to, the exclusive right to inspect loads brought to the facility and the individuals and vehicles transporting the same to determine compliance with this Ordinance and the laws of the State of New Hampshire and the United States of America.

D. *Hours of Operation.* The hours of operation shall be established by the Board of Selectmen. Use of the Solid Waste Transfer Station/Recycling Center, except during the established hours of operation, is strictly prohibited. The Board of Selectmen reserves the right to change the days and hours of operation. Additionally, the Board of Selectmen has the right to temporarily close the facility, with or without notice, in cases of emergency.

E. *Video Surveillance Cameras.* The Solid Waste Transfer Station/Recycling Center is monitored 24 hours a day, 7 days a week with video cameras. This is to insure the safety of the town employees, residents and other authorized facility users.

Section 4. Utilization of Facility / General Use

A. Solid Waste

1. *Acceptable Materials.* Acceptable solid wastes are derived from the normal operations of households within the Town of Newton or per Selectmen's Transfer Station Policy. These must be acceptable at the Solid Waste Landfill or Co-Generation Facility contracted by the Town for solid waste disposal.
2. *Fees for Solid Wastes.* A schedule of fees to be known as the "Transfer Station Fees" shall be established and amended as needed by the Board of Selectmen.
3. *Unacceptable Materials* include but are not limited to: hazardous wastes, radioactive materials; explosives; ammunition for fire arms or weapons of any kind; items regulated by State or Federal law and requiring the issuance of special permits for its disposal; any item with a temperature beyond its burning point; paints; regulated chemicals; dead animals or animal parts; wastes which when in contact with acceptable materials deposited at the facility may cause damage to the facility or injury to the persons using or employed at the facility. For more information see the Transfer Station attendants.
4. The disposal of any type of waste materials, outside the fenced area or in areas other than the designated location within the disposal area is illegal and unlawful.
5. Persons using the Solid Waste Transfer Station/Recycling Center shall separate and deposit all materials in the designated areas for such disposal.
6. Each person placing waste into the compactor shall be responsible for picking up all materials that do not properly enter the unit.

7. *Commercial/Industrial businesses* are required to obtain rubbish pick-up service by a New Hampshire State licensed hauler. Such solid waste shall not be deposited at the Solid Waste Transfer Station/Recycling Center.
8. *Town Departments.* Town Departments may deposit refuse generated by such department at the Solid Waste Transfer Station/Recycling Center without charge, and in accordance with all regulations.

B. Recycling

At this time, recycling in the Town of Newton is on a volunteer basis, but strongly encouraged not only because of its impact on our environment, but because it can save the Town money in disposal costs.

1. *Materials to be Recycled.* The Town shall provide for the recycling of glass containers, aluminum containers; aluminum foils; steel containers; plastics; newspapers; magazines; paperboard containers; cardboard; yards wastes; clean wood; wood chips; leaves and other materials that may be designated by the Town. For a complete list see Selectmen's List of Recyclable Materials.
2. *No Charge for Recycled Material.* Recycled materials will be accepted at the Solid Waste Transfer Station/Recycling Center without cost to any resident or property owner provided such materials are presented for recycling in accordance with the preparation requirements for recycled materials.

C. Yard Wastes

1. *Compostable Wastes Accepted.* Compostable materials derived from the annual or regular maintenance of real property will be accepted at the Solid Waste Transfer Station/Recycling Center at no charge provided the materials are separated in accordance with posted instructions.
2. *Logs / Brush.* Such materials removed from Newton residential property may be deposited at the Solid Waste Transfer Station/Recycling Center. Logs and brush will be deposited in a designated area and the materials so deposited may be taken free of charge by any resident or property owner for their personal use on a first come basis. Tree stumps will not be accepted at the Solid Waste Transfer Station/Recycling Center.

Section 5. Permits

A. *Issuance.* The Town issues permit stickers to facilitate the entrance and use of the Solid Waste Transfer Station/Recycling Center.

B. *Permit Sticker Use.*

- a. Use of the Solid Waste Transfer Station/Recycling Center shall be by permit only.

b. The use permit sticker issued shall be permanently affixed to the inside, lower left-hand corner of the vehicle's windshield or as authorized by the Board of Selectmen, before entrance and disposal will be allowed. **“No Sticker = No Entrance or Disposal.”**

C. *Loss of Permit Sticker.* There is a replacement fee for lost stickers.

D. Permit Sticker shall be removed when a car is sold or no longer registered.

E. Permit Stickers will be issued without charge on presentation of: “Proof of residency and a vehicle registration showing proof of State of New Hampshire, Town of Newton registered motor vehicles”. – EXCEPTION – Proof of residency to the Town Clerk's Office will allow for a sticker for an out of town car and a list of these exceptions will be posted with the Solid Waste Transfer Station/Recycling Center Attendants.

F. *Non-resident property owners* will be issued a temporary permit without charge, from the Selectmen's Office, upon presentation of a property tax receipt..

G. *Special temporary permits* may be issued by the Selectmen under such circumstances and conditions as they may deem necessary for the health, safety and welfare of the town.

H. *Revocation of Permit Sticker.* The Board of Selectmen may revoke stickers issued for use and entrance to the Solid Waste Transfer Station/Recycling Center for infractions of this Ordinance. Such revocation may be for a temporary period or may be permanent depending upon the infraction and its seriousness.

I. *Appeal of Permit Sticker Revocations.* Any holder of a permit that is revoked may appeal the revocation to the Board of Selectmen who shall hold a public hearing concerning the revocation. The Board may uphold the revocation or may overturn the revocation and restore the permit to the original permit holder.

J. *Permit Stickers Not Transferable.* Stickers issued by the Town for the use of the Solid Waste Transfer Station/Recycling Center are not transferable. Such stickers shall not be loaned to others and are for the exclusive use of the resident or property owner to whom the permit is issued. Violation of this section of the Ordinance may cancel the issued permit.

K. *Permit Sticker Fees Not Returnable or Refundable.* If a fee has been charged for the issuance of a sticker under this Ordinance and the sticker is subsequently revoked or suspended for violation of this Ordinance, the permit holder is not entitled to a refund of any of the permit fee.

Section 6. Penalties

In accordance with the provisions of RSA 149-M:17, II, (b) any person who violates the provisions of this Ordinance shall be subject to a fine of up to \$3000 to be issued in the form of a summons and notice of fine as provided in RSA 502-A: 19-b. Such summons shall be issued by the Police Department as the enforcing officers for the Board of Selectmen.

Section 7. Severability

If any provision, word, clause, section, paragraph, phrase or sentence of this Ordinance is found by a Court of competent jurisdiction to be unconstitutional, unlawful or unenforceable such unconstitutionality, unlawfulness or unenforceability shall not affect the other provisions of this Ordinance, provided that the purposes of this Ordinance can still be achieved in the absence of the invalid provisions.

Section 8. Effective

This Ordinance shall become effective when adopted by the Annual Town Meeting and shall repeal all other Ordinances or portions of Ordinances that may be in conflict with the provisions herein enacted.

THE BOARD OF SELECTMEN DOES RECOMMEND THIS ARTICLE 2-0