

**TOWN OF BELMONT, NH
SOLID WASTE MANAGEMENT ORDINANCE**

Adopted: March 11, 2005

Whereas, the Town of Belmont has determined that it is in the best interest of its citizens to provide for the disposal of solid waste through a centralized solid waste, refuse-to-energy facility (Waste Plant); and

Whereas, the Town in 1989 entered into an Agreement for Formation of the Concord Regional Solid Waste/Resource Recovery Cooperative (Co-op) for the purpose of jointly exercising with the other Co-op members their power and authority for the disposal of solid waste; and

Whereas, pursuant to the terms of the Service Contract with the Co-op, the Co-op is required to deliver minimum quantities of Acceptable Waste (as defined herein) to the Waste Plant; and

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 minimum quantities of Acceptable Waste to the Waste Plant, and to empower the Board of Selectmen to adopt rules, regulations and fees in furtherance thereof.

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.

COMMERCIAL means commercial entities doing business in the Town of Belmont, including but not limited to, contractors, multi-family dwellings and/or manufactured housing parks of more than three (3) housing units, respectively and commercial establishments of any size such as, residential boarding and lodging homes, convalescent and nursing homes, churches, schools, ski areas, motels, inns, restaurants, lounges, retail sales, service businesses, professional offices, manufacturing, or automotive related businesses.

FACILITY means the waste plant or other sites or areas designated by the Board of Selectmen within or outside the borders of the Town for the delivery or disposal of solid waste collected within the borders of the Town pursuant to this ordinance.

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 prohibited for incineration by any local, state or federal agency with jurisdiction over the Waste Plant or Facility because of its toxic nature; (d) 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), (b) or (c) of this definition, or (e) containers which hold or which previously have held waste described under (a), (b) or (c) 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.

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.

RESIDENTIAL means all single-family dwellings and multi-family dwellings consisting of three (3) apartments or less.

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 Administrative. Rules, HE-P 1901.2.

UNACCEPTABLE WASTE means waste that is unacceptable at the Waste Plant 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 in excess in total of five (5) percent of the Town's Waste Plant waste load, foundry sands, tree stumps, liquid wastes and slurries, explosives (including ammunition and firearms) radioactive materials; (b) any item of waste exceeding six feet six inches in any one of its dimensions or being in whole or in part a solid mass, the solid portion of which has dimensions such that a sphere with a diameter of eight (8) inches could be contained within such solid portion; (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 Waste Plant; (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.

WASTE PLANT means the Concord Regional Solid Waste/Resource Recovery Cooperative (Co-op).

SECTION II - REGULATED ACTIVITY

(a) All Acceptable Waste originating or collected within the municipal boundaries of the Town shall be delivered to and deposited for disposal at the Waste Plant or the Facility as designated by the Board of Selectmen.

(b) No Person shall deliver or cause the delivery of any Solid Waste originating outside the municipal boundaries of the Town to the Waste Plant without the prior written consent of the Board of Selectmen. No Person shall deliver or cause the delivery of any Unacceptable Waste or Hazardous Waste to the Waste Plant. No Person shall deliver or cause the delivery of any Unacceptable Waste (excluding Other Solid Waste) or Hazardous Waste to the Facility. No Person shall cause or allow Solid Waste originating outside the Town which is delivered to the Waste Plant by such Person to be credited against the quantity of Acceptable Waste received or accepted at the Waste Plant for the account of the Town. Any person licensed by the Town of Belmont to deliver Acceptable Solid Waste to the Waste Plant or Facility shall haul only Acceptable Solid Waste resulting from within the Town borders. No Person shall deliver or cause the delivery of Acceptable Waste to the Waste Plant in any vehicle with a gross vehicle weight of less than 27,500 pounds.

(c) 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.

(d) The Town shall not bear the cost for pickup, transportation, or **tipping fee** of any Commercial Acceptable Solid Waste generated in the Town of Belmont.

SECTION III - LICENSING

(a) No Person shall collect, transport or deliver Solid Waste originating within the Town without obtaining a license from the Board of Selectmen.

(b) Any Person required by this Ordinance to obtain a license shall make application to the Board of Selectmen, providing the information required. Each application shall be accompanied by a 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, 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 for each applicant licensed. In the event the

Board of Selectmen denies a license application, 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 VI.

SECTION IV - 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 V - HEARINGS

(a) Any Person denied a license or whose license is proposed to be suspended or revoked pursuant to Section IV 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 VI - 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 the delivery of Acceptable Waste to the Waste Plant and Other Solid Waste to the Facility;

(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 VII - 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 shall be subject to a fine, payable to the Town, of not more than \$1,000.00 for each such violation.

SECTION VIII - 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 IX - AMENDMENT

This Ordinance may be amended by the Board of Selectmen subsequent to a Public Hearing, subject to the Town's continuing obligations under the Co-op Agreement and the Co-op's obligations under the Service Contract, as the same may be amended from time to time.

SECTION X - EFFECTIVE DATE

This Ordinance shall become effective upon adoption by Town Meeting. This document supercedes any other document or ordinance regarding Solid Waste management in Belmont, NH.

Approved: _____

_____ Belmont Board of Selectmen