

**CHAPTER 113  
SOLID WASTE**

**ARTICLE I  
Control of Operations**

**113-1. Legislative authority; intent.**

This Article is adopted pursuant to RSA 31:39 and RSA 147:23 for the purpose of better regulating and promoting the general health and welfare of the public and toward more prudent operation of the town's facilities for waste disposal as well as better ordering the public's prudential affairs.

**113-2. Authority to adopt rules and regulations.**

- A. The Selectmen are authorized to establish and/or amend reasonable rules and regulations from time to time controlling the use, operation and public's convenience regarding waste disposal at the solid waste facilities now or hereafter operated by the Town for its citizens and the citizens of towns contracting with the Town of Conway. Such rules and regulations may encompass hours of operation, segregation of waste products to be dumped, fees for dumping waste, fines for violation of the rules and regulations of the solid waste facilities and all other reasonable rules and regulations necessary and/or appropriate toward the prudential management of said solid waste facilities.
- B. The Selectmen shall request the advice of the Lower Mount Washington Valley Solid Waste District regarding all changes to the rules and regulations; however, the Selectmen shall not be bound by said advice.

**113-3. Manner of adoption of rules and regulations; amendments.**

- A. The Selectmen may adopt and/or amend such rules and regulations from time to time, provided that at least two (2) public hearings shall be held, with each hearing having published notices therefore at least two (2) weeks prior to such hearing; after the second hearing, the Selectmen shall vote to adopt and/or amend such rules and regulations and record the rules and regulations so adopted and/or amended with the Town Clerk of Conway, and thereafter the same shall be valid and enforceable. In the notice of the second hearing, the entire proposed rules and regulations or amendments thereto shall be published, and only nonsubstantive changes may be made after the second hearing.
- B. Prior to the second public hearing the Selectmen shall request the advice of the Lower Mount Washington Valley Solid Waste District regarding all changes to the rules and regulations; however, the Selectmen shall not be bound by said advice.

**113-4. Violations and penalties.**

- A. Any violation of any provision of the Article or the rules and regulations promulgated hereunder shall be punished as follows:
- (1) Residential Accounts or Users:
    - (a) First offense: a fine of \$10.00
    - (b) Second Offense: a fine of \$50.00
    - (c) Third Offense: a fine of \$100.00 and revocation of transfer station permit.
    - (d) Permit may be reissued upon full payment of all outstanding fines.
  - (2) Commercial Accounts or Users
    - (a) First offense: a fine of \$100.00 per ton but not less than \$25.00
    - (b) Second Offense: a fine of \$250.00 per ton but not less than \$50.00
    - (c) Third Offense: a fine of \$250.00 per ton but not less than \$100.00 and revocation of facility permit for thirty (30) days). Permit will be reissued after the (30) thirty-day period provided all fines are paid.
- B. Once either commercial or residential users are fined a third time all future fines shall be in accordance with sections (1), (c) and (2), (c) above.
- C. Enforcement actions may be appealed to the Board of Selectmen.
- D. Should the town find it necessary to take court action regarding any violation of this article, the cost of court action shall be paid to the town upon conviction. The town may also enforce this Article and the rules and regulations promulgated hereunder by injunction, restraining order or other appropriate action where such remedy is appropriate.

**113-5. Amendments by Town Meeting and by Selectmen.**

- A. This Article or any rules and regulations promulgated by the Selectmen may be amended by majority vote of the town at any Town Meeting, the warrant for

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which gives notice of the proposed change. This shall not be deemed to limit the authority of the Selectmen to adopt and/or amend rules and regulations consistent

with the powers and procedure hereunder established or as may be amended at any such town meeting.

- B. The Selectmen shall request the advice of the Lower Mount Washington Valley Solid Waste District regarding all changes to the rules and regulations; however, neither the Selectmen nor the town meeting shall be bound by said advice.

**113-6. Applicability; when effective.**

This Article shall apply to all users of the solid waste facilities now or hereafter operated by the town and shall take effect when adopted either at any duly warned Town Meeting or upon the affirmative vote of the Selectmen.

**ARTICLE II  
Use Regulations**

**113-7. Legislative intent.**

The recycling of solid waste products is not only deemed energy efficient, but is also necessary as a means of preserving landfill space, easing the tax burden of the member towns and is an environmentally conscientious action. These regulations on the use and disposal of solid waste are a means of accomplishing these goals.

**113-8. Definitions.**

- A. As used in this Article, the following terms shall have the meanings indicated:

**COMMERCIAL HAULER** -- Any user, either individual or company, which hauls materials to the solid waste facility for either a fee or for business use.

**RECYCLABLE CONSTRUCTION/DEMOLITION DEBRIS** - Building materials including wood, asphalt roofing, painted lumber, masonry, plumbing fixtures, gypsum.

**NON-RECYCLABLE CONSTRUCTION/DEMOLITION DEBRIS** - building materials including insulation, carpet, vinyl/tile flooring, vinyl siding and rubber roofing.

**DESIGNATED AREAS** -- Sites or containers, either marked by signs or specified by the solid waste facility attendant, for the deposit of specified materials.

**MANDATORY RECYCLING or MANDATORY SEPARATION** -- Requires users to deposit specified materials in designated areas. Violators shall be subject to penalties provided under 113-4 herein.

**RECYCLING** -- The separation of materials by the facility user in a manner that will allow these materials to be processed for sale in a reasonably feasible commercial manner.

**RESIDENTIALLY GENERATED SOLID WASTE** -- The solid waste generated from dwelling units which provide living quarters for persons, excluding hotels, motels and similar commercial-type operations, and any construction/demolition debris.

**SEPARATION** -- The sorting of specified materials in a prescribed manner by category for disposal in designated areas at the solid waste facility site.

**SOLID WASTE FACILITY ATTENDANTS** -- The Selectmen of the Town of Conway, or the town employees or agents authorized by said Selectmen to act in their stead at the solid waste facility site.

**USER FEE, TIPPING** -- A fee charged for disposal of waste at the solid waste facility to be paid to the town as per the payment policies of the Town of Conway.

- B. In these rules and regulations, the words and phrases shall, as appropriate, be deemed to have the same meanings as set forth in RSA 149-M: a, unless otherwise specifically defined hereunder.

**113-9. Mandatory recycling and separation.**

- A. Corrugated cardboard shall be separated, kept clean and dry, cut to a size as required by the town and flattened for deposit at the designated area.
- (1) Staples, nylon tape, string or other foreign materials shall be removed, insofar as is reasonably possible.
  - (2) Waxed or treated cardboard and all paperboard shall not be separated for deposit under this section.
  - (3) Commercial haulers shall provide their customers with separate containers marked exclusively for use with card board and deliver corrugated cardboard in the manner prescribed above and on days and at times designated by the Town of Conway.

- B. Aluminum cans shall be separated and rinsed for deposit at the designated area. Crushing will provide additional space for the user and is encouraged. Such items as aluminum foil and plates are not accepted at the current time.
- C. Glass shall be deposited in a designated area. Material shall be rinsed and caps removed. Such items as windshields, painted glass, light bulbs, etc., are not accepted at the current time.
- D. Newsprint and magazines shall be kept clean, dry and free of junk mail for deposit in the designated areas.
- E. Burnable material, such as tree limbs under five (5) inches in diameter, and brush, shall be separated and deposited in the area designated for controlled burning. Scrap wood, painted wood, pressure-treated wood, stained wood, etc., shall not be accepted in this area and shall be classified as demolition material.
- F. Construction/demolition debris shall be separated for deposit in designated, approved areas.
- G. Tires and tubes shall be separated and deposited in a designed area. Tires > 24 inches will not be accepted.
- H. Metal (appliances, pipe, wire, springs, auto parts, miscellaneous scrap metal) shall be separated and deposited in a designated area. All hazardous capacitors shall be removed from appliances prior to disposal at site.
- I. Propane tanks shall be separated and deposited in a designated area.
- J. Car batteries shall be separated and deposited in a designated area.
- K. Motor Oil shall be poured into the container provided by the Town.
- L. High-density polyethylene plastic, HDPE and Polyethylene terphthalate plastic, PET, shall be rinsed and the caps removed and shall be deposited in the designated area.
- M. Not Used.
- N. Other materials may be designated for voluntary recycling in the future by the Town of Conway.

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O. Mixed paper shall consist of all paper and paperboard excluding newsprint and magazines and shall be deposited in the designated area.

P. Leaves and grass clippings shall be placed on the compost pile.

**113-10. Not Used.**

**113-11. Hazardous waste disposal.**

A. Inasmuch as the Conway solid waste facility does not meet the criteria for the disposal of hazardous waste as found in RSA 147:50, I (a), no hazardous waste as listed under RSA 147:50, I (e) shall be taken into the solid waste facility except as allowed by Chapter 105 of the Code of the Town of Conway.

B. The exception to this section is the household hazardous waste day, which is a yearly event at which households may dispose of hazardous waste.

**113-12. Additional regulations regarding hazardous waste.**

The disposal of hazardous materials shall be subject to Chapter 105 of the Code of the Town of Conway.

**113-13. Solid waste facility system.**

A. Propane tanks shall be tipped at \$5.00 each.

B. Mattresses, box springs and upholstered furniture shall be tipped at \$5.00 each.

C. Tires. The disposal of all tires will be tipped at current market prices.

D. Solid Waste. The disposal of all commercially generated solid waste will be tipped at eighty-five dollars (\$85) per ton of waste or any fraction thereof. Disposal of residentially generated and commercially hauled solid waste shall be tipped at forty-two dollars & fifty cents (\$42.50) per ton.

E. The disposal of construction/demolition debris will be permitted when accompanied by a valid building permit. Recyclable construction/demolition debris will be tipped at \$.04 per lb. (\$80 per ton). Minimum charge shall be \$3.00. This fee may be adjusted to \$35 per ton over the Town's cost for disposal at a recycling facility.

Non-recyclable construction/demolition debris shall be tipped at \$85/ton. Minimum charge will be \$3.00.

F. Monitoring hauler activity.

- (1) All commercial haulers of solid waste seeking to access the solid waste facility with solid waste must obtain a written permit from the town to be issued by the office of the Town Manager.
- (2) A commercial hauler of solid waste to the town's solid waste facility shall present to the solid waste attendant a manifest containing the following information: the name, address and telephone number of the accounts whose waste is being hauled and the driver's signature.

G. Payment of fees.

- (1) The town will send monthly statements for the preceding months disposal. Payment shall be due within thirty (30) days from the date of the statement. This shall not preclude other collection procedures including prepayment or fines (Section 113-4). Accounts which are more than thirty (30) days past due will be in violation resulting in suspension of the solid waste permit. A permit which is revoked or suspended may, on re-issue or reinstatement, have special conditions on manner and time of payment.

H. Appliances containing refrigerants shall be tipped at \$5.00 each.

**113-14. Hours of operation.**

The solid waste facilities of the town shall be kept open for public use on days and times authorized by the Conway Selectmen from time to time and posted at the entrance of the solid waste facility. Changes of days and/or hours solid waste facilities are to be open shall likewise be posted at the facility and advertised in the media.

**113-15. Wastes to be deposited as directed at facility.**

All users of Conway's solid waste facilities shall deposit solid waste at sites designated by posting at Conway's solid waste facilities or as reasonably directed by the solid waste attendants present and operating the solid waste facility.

**113-16. Vehicle sticker permits.**

All user vehicles shall display permits. Such sticker permits shall be issued only to residents and taxpayers of the Town of Conway and those towns contracting with the Town of Conway for the use of Conway's solid waste facility. Absolutely no vehicle which does not have a permit shall be allowed to enter Conway's solid waste facility.

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Temporary permits may be obtained through the office of the Public Works Director if shown demonstrated need.

**113-17. Vehicles to be covered.**

All vehicles entering Conway's solid waste facility shall be covered in a manner to prevent solid waste from being blown there from at all times prior to dumping. Similarly, all vehicles with a destination of the Conway solid waste facility shall be covered in a like manner.

**113-18. Dump Store.**

The purpose for this facility is to dispose of materials, which are useable to the general public, thus avoiding Landfilling these items. Tipping fees shall not be avoided by placing materials in the dump store. Attendants shall have the authority to determine if item(s) are unacceptable to be left at the dump store. Materials may be picked up on a first come first serve basis. No materials shall be saved or stored for an individual.

**113-19. Scavenging of recycled materials.**

- A. It shall be unlawful to scavenge any material which has been set out to be recycled whether it be located in designated areas at the solid waste facility or set out for pick up by a commercial hauler.

**113-20. Unaccepted materials; special authorization.**

- A. The following items shall not be accepted at the Conway solid water facility: stumps and large tree limbs (greater than five-inch diameter), hot ashes, sludge, hazardous waste, wire/cable in lengths greater than five (5) feet, re-enforced concrete and other items which may be determined in the future. Should other items be deemed unacceptable, they will be posted at the solid waste facility as such.
- B. Some of the items listed in this section may be accepted under special conditions, such as hazardous waste being accepted on a hazardous waste day. Also, as the town's ability to deal with these items in a lawful manner is addressed, the items may be accepted. Inquiries as to acceptable and unacceptable materials should be addressed to the office of the Public Works Director.

**113-21. Supervision of facilities; appeals.**

- A. The Public Works Director is the Solid Waste Facility Operator. As such, all functions regarding the operation and maintenance of the facility are the

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responsibility of the Public Works Director, who may delegate portions of this responsibility as he sees fit.

- B. Any person who feels aggrieved by a decision of an employee at the solid waste facility regarding the enforcement and/or interpretation of this Article may appeal to the Public Works Director. Similarly, subsequent appeals may be filed with the Town Manager and finally with the Selectmen should a person continue to feel aggrieved.

**113.22. Origin of materials.**

- A. Solid waste shall be accepted from valid permit holders delivering solid waste generated in Conway, Albany and Eaton.
- B. Recyclable materials shall be accepted from valid permit holders delivering recyclable materials generated in Conway, Albany and Eaton.

**113-23. Unlawful dumping.**

It shall be unlawful to dump any waste in an unapproved location. Dumping along the side of the road, in the woods, in a business' dumpster, etc., is illegal and punishable under this Article.

**113-24. Liability waiver.**

All persons and vehicles entering the premises of the Conway solid waste facility do so at their own risk and inherently hold the Town of Conway harmless from injury, disease or damage, as it is apparent that there is a risk of any and all of these at any facility such as said facility.