

CHAPTER 19

SOLID WASTE

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19.1 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter.

a) Acceptable Construction And Demolition Debris – Any material generated from minor renovation or demolition activities on Primary Personal Residences within the City. Debris generated at apartment or condominium units not used as Primary Personal Residence of the taxpayer shall not be accepted for free. Residents must bring any material to the drop off themselves. Letters of authorization on owner's behalf brought to the drop off by non-residents will not be accepted, unless approved by the City and Waste Management. Residents requesting approval must submit an application to the Code Enforcement Office

b) Bags – Specially marked bags (or stickers for bags up to 30 gallons in size) designed for refuse as approved by the City of Rochester Public Works Director. Bags (stickers) shall be sold by the City for waste that will not fit into the cart provided by Waste Management for residential solid waste.

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c) Bulky Waste – Shall mean any acceptable municipal solid waste that is not capable of being placed in an approved container. Said waste shall include such items as oversized furniture, carpeting, large metal items and appliances. Bulky wastes must be less than two hundred (200) pounds, capable of being collected by two (2) people and of a dimension no larger than six (6) feet by six (6) feet by four (4) feet. Bulk waste shall not include appliances that contain or once contained CFC'S.

d) Bundle - Bulky waste materials securely tied together forming an easily handled package not exceeding four (4) feet in length or fifty (50) pounds in weight.

e) CFC's - Chlorofluorocarbons. Refrigerants used in appliances such as dehumidifiers, water coolers, freezers, refrigerators, and air conditioners.

f) City - Refers to the City of Rochester, New Hampshire.

g) Contractor - The individual, firm, partnership, joint venture, corporation or association performing refuse collection and disposal under contract with the City.

h) Disposal Site - A refuse depository for the processing or final disposal of refuse, including but not limited to sanitary landfills, transfer stations, incinerators and waste processing separation centers, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction.

i) Dumpsters - A commercially designed large metal container for refuse that has a closable top lid(s) and/or side slide doors.

j) Food Wastes – Animal, vegetable or mineral matter derived from the preparation or packaging of foodstuffs.

k) Garbage - Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food and including food containers.

l) Hazardous Waste and Unacceptable Wastes - Wastes classified as hazardous under Federal, State or local law and/or waste, the acceptance of which in Waste Management's judgment would pose nuisance or threat to human health or the environment, and/or waste that cannot be accepted under the Company's waste acceptance policy (Waste Acceptance Policy) as amended from time to time.

m) Household Hazardous Waste – Hazardous waste generated from noncommercial usage by persons in their residence.

n) Multi-Family Dwelling – For the purposes of this ordinance, multi-family dwellings are any building or structure used and occupied for human habitation or intended to be so used which contains five or more suites of one or more rooms each suite having facilities for regular cooking. It also includes combinations of buildings upon a given property with five or more units.

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o) Normal Household Activities – Any activity occurring at a household located within the City that may generate material that requires disposal not including new home construction or demolition of Primary Personal Residences.

p) Primary Personal Residence – A unit that a Resident taxpayer claims as their residence for voting.

q) Public Street – Refers to all streets and highways maintained by the City or State. Class VI and private roads are specifically excluded.

r) Recyclable Materials – Any material including various glass, paper, cardboard, metal cans, plastics or other materials that can be processed or treated at the Waste Management Material Recovery Facility in order to produce reusable materials.

s) Refuse - Discarded waste materials in a solid or semi liquid state, consisting of garbage, rubbish or a combination thereof.

t) Residence - A dwelling unit such as a home, manufactured housing, or multifamily dwelling and condominium, but not including commercial establishments, businesses, hotels, motels or campgrounds, that is located within the City.

u) Residential Drop Off Center – Facility located at TREE for City of Rochester residents to bring acceptable waste from normal household activities. Hours for Residential Drop Off Center shall be publicized. Recycling is mandatory at the Residential Drop Off Center.

v) Residential Recycling Bin – Any reusable container that is labeled for recycling. Container shall be no larger than eighteen (18) gallons in size.

w) Residential Solid Waste – All non-hazardous garbage, food wastes, rubbish, and trash resulting from the Normal Household Activities.

x) Rubbish and Trash – Combustibles such as paper, wood, fabric etc., and non-combustibles such as metal, glass, stone, dirt, sawdust, etc.

y) Rubbish and Waste Receptacles – Shall be a specially designed container with wheels or “cart” distributed by Waste Management to be used for the storage of acceptable refuse in the automated collection process. No other receptacles will be permitted for collection by the City’s waste collection contractor.

z) TREE – Turnkey Recycling and Environmental Enterprises facility located on Rochester Neck Road in the City of Rochester.

aa) White Goods And Scrap Metal – Materials include the following:

- (1) Light Iron – a magnet will stick to it
- (2) White goods – stoves, washers, dryers, etc.
- (3) Aluminum

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(4) Metals with contaminants attached including, but not limited to, bicycles, small motors with fluids drained, small appliances that do not or have not contained cfc's.

(5) Metal strapping.

bb) Yard Waste - The City will operate semi-annual curbside collections of leaves, brush, grass clippings and other yard wastes. The Public Works Director will announce the collection schedules. Yard waste refers to any soft leaf, grass, brush or vegetable wastes generated from residences within the City of Rochester. Brush shall be properly bundled as defined above.

19.2 Placement of Rubbish for Collection. No person, firm or corporation shall place any rubbish, cans, iron, wood, special or hazardous wastes, including but not limited to flammables, toxic or rubber dust, liquid or fecal waste, sludge, demolition materials, animals and animal parts, yard waste and other waste material upon or near a city street or highway for collection except in accordance with the following provisions of this chapter.

19.3 Rubbish Collection. The City of Rochester shall only collect rubbish on public streets or highways. For those properties served by streets other than public streets or highways, including but not limited to, mobile home parks, condominiums, or streets not yet accepted by the City, rubbish shall not be placed within the public street for collection unless agreed to by the Public Works Director and Waste Management.

19.4 Unauthorized Placement of Rubbish on Private Property. No person, firm or corporation shall place or cause to be placed garbage, refuse or rubbish, yard waste, bulky waste or construction and demolition debris in or on private property unless authorized by the owner of the property and except in accordance with any applicable State law.

19.5 Collection Schedule; Restrictions. Rubbish collection will be made Monday through Friday of each week, except those weeks in which a holiday occurs, when a revised pickup schedule will be announced by the Public Works Director. Residents shall place their rubbish and recycling to be collected along the curbside or street side where normally the curbing would be no earlier than the evening before, or by 7:00 a.m. on their scheduled pickup day.

19.6 Rubbish and Waste Receptacles. All residential solid waste shall be placed in suitable receptacles, as defined under 19.1 (v). Common paper shopping bags are prohibited and wooden crates are not suitable rubbish containers. Residential Solid waste that does not fit in the cart shall not be collected unless such waste is recyclable materials as defined in section 19.1 (y) and placed at curbside as described in section 19.15.

19.7 Unapproved Containers. The contractor shall not be required to collect solid waste unless it is in approved containers, as described in 19.1 of this ordinance.

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19.8 Storage of Containers and Dumpsters. Except on the day scheduled for collection and during the time period provided in 19.6 of this chapter, no person shall place or store any refuse in any street, alley or other public place or upon any private property within the City of Rochester unless such refuse is placed in proper containers/dumpsters and such containers/dumpsters are stored in such a manner as to be adequately screened from view from any public way

19.9 Prohibited Activities. It is prohibited to bring materials from outside of Rochester into the City of Rochester for disposal or recycling by the City.

19.10 Removal of Empty Containers and Debris. Rubbish containers, once emptied, must be removed by the owner from the curbside within twenty-four (24) hours. Any debris strewn from this rubbish by animals, wind, etc. will be cleaned up by the owner within twenty-four hours. Rubbish collection crews will be responsible for any debris they drop or spill on the ground and will clean it up before moving on to the next stop.

19.11 Construction and Demolition Debris. Acceptable construction and demolition debris as defined in 19.1 may be brought to the Residential Drop-off Center at no cost. Debris generated at apartment or condominium units not used as the Primary Personal Residence of the taxpayer shall be charged such fees as any other commercial user.

19.12 Collection for Multi-Family Dwellings. The owners of any multi-family dwelling as defined in 19.1 of this ordinance shall supply a dumpster or CART sufficient to provide storage for all solid waste generated within the multi-family dwelling. The owner is responsible for cost of collection.

19.13 Bulky Waste Collection. Bulky waste, white goods and scrap metal as defined in Section 19.1 may be placed at curbside for collection by the Contractor. Schedule shall be as determined by Public Works and publicized.

19.14 Hazardous Waste and Unacceptable Wastes. Hazardous waste and unacceptable wastes, as defined in 19.1, the definition of "hazardous waste and unacceptable wastes," will not be accepted for pickup by the city.

19.15 Enforcement. This section shall be enforced by the Police Department, the Public Works Department or the Code Enforcement Department or their duly authorized agents.

19.16 Violations and Penalties. Any person, firm or corporation found to be in violation of any provision of this chapter shall be guilty of a violation punishable by a fine up to \$3,000.00.

19.17 Residential Curbside Recycling. Recyclable material will be collected from residences (as defined by Section 19.1 of the Rochester City Code) on the same day as rubbish collection. Recyclable material must be placed in Residential Recycling Bins (as defined by Section 19.1 of the Rochester City Code). Bins must be placed at the curb on the evening before or, by 7:00 a.m. on the scheduled pickup day. Unacceptable material found in the Residential Recycling Bins will not be collected.

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19.18 Residential Drop Off Center. Rochester residents may purchase City approved bags (stickers) for residential solid waste to be brought to the Residential Drop Off Center. Recycling is mandatory at the Residential Drop Off Center.

19.19 Yard Waste and Brush. Residential curbside collection of leaf and yard waste shall be scheduled in the spring and fall. Schedule shall be determined by the Public Works Department and shall be publicized. Such materials shall be placed in paper bags or bundled as defined in 19.1 of the Rochester City Ordinance.

19.20 Anti-scavenging. No person other than an agent of the City acting in the course of his/her employment shall collect or pick up or cause to be collected or picked up any recyclable material, as defined in 19.1 (o), placed at curbside.

19.21 Severability. Should any provision or section of this ordinance be held invalid for any reason, such holdings shall not be constructed as affecting the validity of the remaining provisions or sections.

19.22 Savings Clause. The repeal provided therein shall not abrogate or affect any offense or act committed or done or any penalty or forfeiture incurred, or any pending litigation or prosecution or any right established, or occurring prior to the effective date of this ordinance

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