TOWN OF HOPKINTON, NEW HAMPSHIRE
TOWN OF WEBSTER, NEW HAMPSHIRE

RULES & REGULATIONS – REFUSE DISPOSAL ORDINANCE
ORDINANCE NO: 05-06

An ordinance regulating the use of the Hopkinton-Webster Refuse Disposal Facility and providing penalties for violations thereof in the Town of Hopkinton, County of Merrimack, and State of New Hampshire.

Pursuant to RSA 31:39, 47:17, 149-M: and within the Hopkinton-Webster Refuse Disposal Agreement and the Hopkinton-Webster Solid Waste Management Planning District Agreement, the Boards of Selectmen of Hopkinton and Webster in cooperation with the Hopkinton-Webster Refuse Disposal Committee do hereby enact the following ordinance.

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Article I. Definitions

Disposal Area: Designated areas where waste materials, including garbage and recyclables, are placed for disposal.

MSW Facility: The area established as the Hopkinton-Webster disposal area for solid and septic wastes, including the Transfer Station (hereinafter called "Facility").

Hopkinton-Webster Refuse Disposal Agreement: Duly enacted agreement between the Towns of Hopkinton, NH and Webster, NH to jointly operate and regulate a waste disposal area (hereinafter called "Agreement").

Hopkinton-Webster Refuse Disposal Committee: Duly appointed committee pursuant to the Hopkinton-Webster Refuse Disposal Agreement (hereinafter called "Committee").

Operator: Duly authorized agent running the day-to-day operation of the Facility.

Permit Stickers: Duly issued permit to allow access and use of the Facility.

Boards of Selectmen: The Selectboards of Webster and Hopkinton, acting in concert, or their jointly authorized representative(s) (hereinafter called "Boards").

Re-Use: The use of an item of waste more than once, to include conventional re-use where the item is used again for the same function, and new-life re-use where it is used for a new function.

Article II. Use of the Facility

Section 1 Permitted Use

Use of the Facility is exclusively limited:

1. to the disposal of waste materials originating within the corporate boundaries of Hopkinton and/or Webster, and
2. for all persons, firms, corporations, or their agents whose residence (including seasonal) or place of business is within the corporate boundaries of Hopkinton and/or Webster.

The Committee may make exceptions for other government units on a case-by-case basis.

Town of Hopkinton residents must also comply with the Town of Hopkinton Pay By Bag Ordinance.

Town departments of Hopkinton or Webster may dispose of town materials without charge.

Loitering, drinking of alcoholic beverages, or the discharge of firearms, including air rifles, is strictly prohibited anywhere within the Facility's property.

The towns of Hopkinton and Webster reserve the right to reject any materials which it considers to be detrimental to the operation of the disposal areas.

Section 2 Hours of Operation

The Facility shall be open to authorized individuals and vehicles displaying a valid Permit Sticker from 8:00 AM to 5:00 PM on Monday; 8:00 AM to 5:00 PM on Wednesday; 1:00 PM to 5:00 PM on Friday; and 8:00 AM to 5:00 PM on Saturday. In the event that a holiday shall fall on a normal day of operation, the Facility shall be closed on that day, and open on the next regular work day following the holiday. Hours of operation may be modified by the Committee. Holidays shall be posted on the Town of Hopkinton and Webster web site.

Public use of the Facility is limited to the published hours of operation. After-hour use shall be only as authorized and supervised by the Facility supervisor or his/her designee on a case-by-case basis.

Access to posted areas of the Facility shall be granted through the gate entrance. All other entry to posted areas of the Facility shall be considered trespassing. The Facility supervisor shall provide a written report of off-hour use to the Committee at the regularly scheduled meeting.

Section 3 Facility Rules

All persons, businesses, or their agents authorized to use the Facility shall comply with all regulations and/or instructions or orders of Facility personnel, and all posted signs and notices.

Any operator of a vehicle transporting solid waste for disposal at the Facility shall answer any reasonable questions and/or present evidence concerning the disposal material's place of origin.

Section 4 Vehicles

1. All vehicles entering the disposal areas (regardless of size) require identification, including the name of the driver, vehicle registration, and the name and address of the supplier(s) of waste materials. If requested by the Operator, the vehicle shall be weighed prior to disposing its load and after disposing its load. Any failure on the part of the owner or his operator to comply with these rules and regulations, or the instructions and directives of the Operator, will be reported immediately to the Superintendent of Public Works.

2. All vehicles engaged in the collection of waste materials, regardless of the number of customers, are required to display any and all Permit Stickers required by the towns of Hopkinton and Webster, State of New Hampshire, or the United States government.

3. All open trucks and trailers must be equipped with the required tarpaulin, and the load must be fully covered.

4. Vehicles entering the Facility's disposal areas may be checked for out-of-town waste materials by an operator. The disposal of out-of-town waste materials at the Facility is strictly prohibited.

Section 5 Disposal Locations

All disposal shall be in areas designated by the authorized officials operating the Facility supervisor.

Section 6 Re-Use and Recovery

Disposal of all materials left at the Facility shall be at the direction of the Facility.

Under the direction and approval of the Facility supervisor or his/her designee, residents or employees of Hopkinton or Webster may take materials for personal re-use. Removal of objects for sale or profit is not considered personal re-use.

Owners, agents, or representatives of any business are prohibited from removing materials from the Facility for re-sale except by written permission of the Committee.

The Towns of Hopkinton and Webster make no representations about the condition of any materials taken for personal re-use, and assume no liability or responsibility for any damage or injury to persons or property from such re-use.

Section 7 Disposable Materials

1. Areas are provided at the Facility for the disposal of materials from the normal operation of households or businesses. Household waste of a usual nature is defined as materials which, by themselves, can be contained within a 32-gallon waste container, or in accordance with the Hopkinton pay by bag ordinance. All other non-combustible waste materials of unusual nature or size, and not listed in Section 9, Prohibited Materials, shall be deposited at designated locations.

2. Waste materials from single-residence remodeling may be disposed only after non-combustible materials are separated from combustibles, and all materials are cut to lengths that allow for handling. See Article V for fees.

3. All stumps, from any source, shall be deposited only in designated areas. See Article V for fees.

4. Logs or brush larger than five inches (5") in diameter are considered stumps, which are subject to appropriate fees, and shall be deposited in a designated area. Hardwood logs shall be separated and deposited in a designated area for recycling as firewood.

5. All lumber shall be cleaned of waste materials and deposited in either the designated burn pile or in the wood recycling area.

6. Wood that is pressure treated and/or treated for rot resistance shall be deposited only in an area designated by the Operator. It shall not be burned.

Section 8 Prohibited Materials

Disposal of items on the following list is strictly prohibited at the Facility. Facility attendants shall provide information on proper disposal policy, and a list shall also be maintained on the Hopkinton website at http://www.hopkinton-nh.gov/Pages/HopkintonNH_Transfer/index.

1. Any substance or object likely to damage, injure, destroy or obstruct the usefulness or operation of the disposal areas.

2. Any substance which may attack, damage, or alter by any means the equipment, employees, or citizens engaged in the use and operation of the disposal areas.

3. Any quantities of gasoline, kerosene, alcohol, tar, flammable, or explosive gas or vapor, or any material or substance which may generate or form a flammable, explosive, or combustible substance, fluid, gas, vapor, or mixture when combined with air, water, or other substances commonly found in disposal areas.

4. Any substance at a temperature above 100 degrees Fahrenheit, or its burning point, or substance which, upon coming into contact with water, waste materials, or air, will generate steam, vapor, fire, smoke, or toxic fumes.

5. Poisons or any other substance likely to generate poisonous substances that may interfere with, constitute a hazard to, or be dangerous to humans, wild life, animals, or the environment.

6. Any wastes containing animal guts, tissues, entrails, offal, blood, or other types of pathological wastes.

7. Any substance containing or labeled as radioactive wastes or explosive material.

8. Any solid wastes likely to cause damage, injury, or loss to other persons, or to the property of other persons who use the disposal areas, or to any person or equipment engaged in the treatment or disposal of waste materials for the towns of Hopkinton or Webster.

9. Pharmaceutical or medical wastes of any nature.

10. Any cyanide, disinfectants, formaldehyde, toxic, or poisonous substances of any kind.

11. Any waters or wastes containing strong acid or iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

12. Any waste or waste water which is strongly acid, and which, when tested in the usual manner, has a "pH" less than 5.5, or which is strongly alkaline and has a "pH" more than 9.0.

13. Any waste or waste water from an industrial or commercial process containing any amount of toxic or objectionable metals, non-metals, and/or solids, included but not limited to the following:

Arsenic	Chlorides	Manganese	Silver
Barium	Copper	Mercury	Sulphides
Cadmium	Cyanides	Nickel	Zinc
Chromium	Lead	Phenols	

14. Any material, regardless of composition, that is listed as a toxic or hazardous waste by the State of New Hampshire or the United States Government.

15. All electronics are banned from all disposal areas. The Operator will collect all electronics for recycling and proper disposal. There will be no charge to residents for this service. Commercial enterprises will be charged at cost with no markup (see Article V for fees).

16. All persons and operations at the Facility will comply with RSA 149-M:58, which bans the disposal of all products containing intentionally added mercury in landfills, transfer stations, and incinerators, regardless of the amount of mercury they contain.

Section 9 Materials Requiring Special Handling

The Boards or Facility employees, may determine which materials or substances require special handling. Such material or substances shall require a special permit for disposal.

Article III. Permit Stickers

Section 1 Obtaining Permit Stickers

Permit Stickers may be obtained from the town clerks of Hopkinton or Webster. Permit Stickers shall be issued to any person or business eligible to use the Facility as defined herein. Proper identification of residency may be required at issuance of the Permit Sticker by the respective town clerks.

Any person or business entitled to a Permit Sticker may, upon request and showing of need, be issued additional Permit Stickers. If the issuing town clerk is not satisfied that the individual or business has shown a need, the clerk may request an investigation by the respective police agency in the town where the resident or business is located to determine whether such person or business is entitled to additional stickers.

Section 2 Cost of Sticker

The town clerks may charge $1.00 for each Permit Sticker issued.

Section 3 Maintenance of Active Stickers Issued

The town clerks of Hopkinton and Webster shall maintain an accurate and numerical list of stickers issued in proper sequence showing (1) the date of issuance; (2) the person(s), firm, or corporation name said sticker was issued to, and (3) the license plate of the vehicle to which it was issued. Upon request, a list of Permit Stickers issued shall be forwarded to the police chiefs of Hopkinton and Webster by the respective town clerks.

Section 4 Sticker Display

Valid Permit Stickers shall be attached to each vehicle entering the Facility area. Upon request of the Facility Operator or police officials, proper identification must be shown that documents the Permit Sticker is authorized for that individual and vehicle. The Permit Sticker shall be attached to the left-hand (driver's) side of the vehicle on the lower corner of the windshield. No vehicle shall enter the Facility unless the Permit Sticker is displayed.

Article IV. Septic Wastes

Section 1 Use of Facility

Only septic wastes which originate from the towns of Hopkinton and Webster shall be accepted at the Facility. The septic waste hauler must be registered as a legal hauler as defined by state law.

Section 2 Disposal at the Facility

The driver shall report to the Facility Operator prior to disposing of a septic waste load, and comply with all Facility Operator instructions for disposal.

Section 3 Cost of Disposal

Each load of septic waste disposed at the Facility shall be charged at the rate of $50.00 per 1,000 gallons.

Article V. Tipping Fee

All waste materials brought to the Facility for disposal shall be assessed a tipping fee based on the entire weight of materials, except for Webster or Hopkinton residents disposing of 400 pounds or less per week in one vehicle at the same time. Tipping fees shall include, but not be limited to, construction and demolition materials, stumps, and other commercial and industrial wastes.

Article VI. Large Volume and Miscellaneous Waste

Without an appropriate form of payment, the use of the Facility shall be denied by the Operator unless a request to be invoiced has been received and approved by the Town of Hopkinton Finance Director.

Section 1 Other Fees

1. No charge for brush and other burnable materials.
2. All residential and commercial waste materials shall be $7.00 per 200 lb. increment:

0 to 200 lbs.	$7.00
201 to 400 lbs.	$14.00
401 to 600 lbs.	$21.00
601 to 800 lbs.	$28.00

Etc.

3. Fees for the disposal of metals, if any, shall be posted at the Facility and on the web site.

4. All construction wastes, demolition debris, and stumps shall be $10.00 for each 200 lb. increment:

0 to 200 lbs	$10.00
201 to 400 lbs	$20.00
401 to 600 lbs	$30.00
601 to 800 lbs	$40.00

Etc.

5. For all construction and demolition debris wastes that are separated according to the Operator's direction shall be $7.50 for each 200 lb. increment:

0 to 200 lbs	$7.50
201 to 400 lbs	$15.00
401 to 600 lbs	$22.50
601 to 800 lbs	$30.00

Etc.

Section 2 Miscellaneous Fees

The list of items in this section shall be assessed the following tipping fees, regardless of how they are delivered to the Facility:

Item	Cost
White goods that do not contain fluids that must be removed (hot water heaters, furnaces, stoves, etc.)	$5.00/unit
White goods that do contain fluids that must be removed (refrigerators, air conditioners, etc.)	$10.00/unit
Tires (16" or less, unmounted)	$2.00/each
Tires (16" or less, mounted)	$10.00/each
Tires (greater than 16", unmounted)	$10.00/each
Tires (greater than 16", mounted)	$20.00/each
NOTE: No tires will be accepted from commercial tire companies or garages.	

Section 3 Separation of Wastes

All haulers shall adhere to a strict separation of wastes as directed by the Operator. No loads shall be accepted which are not properly separated.

Section 4 Waivers

The Boards may waive any of the tipping fees within this Ordinance when the material can and is disposed of in a designated recycling area.

Section 5 Special Conditions

The Boards may establish tipping fees for wastes not covered within this Ordinance that are unique in nature.

Section 6 Off-Hour Emergencies

Septic Haulers approved for using the Facility during non-public hours shall be charged a $60.00 fee to cover overtime expenses. This fee shall also apply to any other commercial emergency.

Section 7 Commercial Rates for Electronics Disposal

Commercial enterprises can dispose of items at a per unit cost if they have less than 10 items. More than 10 items can be disposed at $0.15 per pound.

Large TV	$15.00		Medium TV	$10.00
Large console	$20.00		Small TV	$ 5.00
Computer (complete)	$10.00		VCR, DVD, stereos, speakers, radios, scanners, camcorders, microwaves, small appliances, etc.	$ 2.00
Monitor (15")	$ 6.00			
Monitor (>15")	$ 8.00			
CPU	$ 2.00			

Article VII. Penalties

Section 1 Compliance

Failure to comply with these regulations or provide creditable evidence when requested shall be sufficient cause for the Boards of Selectmen or their authorized representative to cancel, revoke, suspend, or modify a license, Permit Sticker, or privileges for the use of the Facility, and/or to enforce or impose any other penalties as provided by these regulations.

The suspension, revocation, or modification of an existing permit or privilege shall not entitle the person holding such a permit to a refund of all or a portion of any fee collected for the issuance of such permit or privilege.

Section 2 Fines

Any person or business violating the provisions of this Ordinance shall be subject to a fine not to exceed $200.00. Upon a second conviction within a period of twelve months, the person or business may be denied the right to use said Facility area for a period not to exceed twelve months, in addition to any other fine imposed.

Section 3 Liability

Any person or business violating the provisions of this Ordinance shall be liable for any expense, loss, or damage resulting from such violation.

Article VIII. Validity and Ordinance in Force

Section 1 Previous Ordinances

All previous ordinances relative to the Facility are hereby repealed.

Section 2 Invalidity

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 3 Adoption

These rules and regulations are adopted to comply with the rules and regulations of the State of New Hampshire, Department of Health and Welfare, Division of Public Health Services, Bureau of Solid Waste Management, the United States Environmental Protection Agency, and the United States Army Corps of Engineers.

Section 4 Ordinance in Force

This ordinance shall be in full force and effect beginning January 31, 1990.
This ordinance was amended on November 7, 2005.
This ordinance will be in full force and effect beginning January 1, 2006.
This ordinance will be in full force and effect July 1, 2008.
This ordinance was amended on August 30, 2010.

TOWN OF HOPKINTON, NEW HAMPSHIRE

James O'Brien, Chairman

Tom Congoran, Selectman

George Langwasser, Selectman

Denis Goddard, Selectman

Bryan Pellerin, Selectman

Date: 1/30/12

A true copy, attest:

Sue B. Strickford, Town Clerk
Town of Hopkinton

Date: 1/30/12

TOWN OF WEBSTER, NEW HAMPSHIRE

George Cummings, Chairman

George Hashem, Selectman

Bruce Johnson, Selectman

Date: January 10, 2012

A true copy, attest:

Michele St. Jacques, Town Clerk
Town of Webster

Date: January 10, 2012

TOWN OF WEBSTER, NEW HAMPSHIRE
Office of the Selectmen
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February 6, 2012

CERTIFICATE OF ADOPTION
OF
RULES & REGULATIONS – REFUSE DISPOSAL ORDINANCE
ORDINANCE NO: 05-06
FOR THE TOWNS OF HOPKINTON AND WEBSTER, NEW HAMPSHRE

Please accept for your files the above listed ordinance approved by the Joint Boards Meeting on January 3, 2012.

REFUSE DISPOSAL ORDINANCE NO: 05-06

DATE

Judy Jones

2/6/12

WEBSTER TOWN CLERK

DATE

Michele St Jacques

2/6/12