

In the Year of our Lord two thousand and twenty

AN ORDINANCE AMENDING CHAPTER 194 SOLID WASTE ARTICLE I REFUSE AND HOUSEHOLD WASTE COLLECTION

The City of Laconia ordains:

That the Ordinances of the City of Laconia, as amended, be and are further amended in Chapter 194, as follows:

Strikethrough denotes deletion, bold denotes additions.

Chapter 194 Solid Waste Article I Refuse and Household Waste Collection
[Adopted 12-29-1975 as Ch. 35 of the Public Ordinances of 1975]

§ 194-1: Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter:

ASHES

The residue of any household fuel after such fuel has been consumed by fire.

BULKY ITEM

Furniture or select metal items that cannot be handled by normal solid waste collection, therefore requiring a special collection.

[Added 9-8-2014 by Ord. No. 04.2014.04]

CITY

The City of Laconia.

COMMERCIAL

Business enterprises or activities in business with a profit motive, included are apartment buildings and condominiums containing more than three dwelling units.

[Added 3-31-1980 by Ord. No. 35-80.4]

CONTRACTOR

The grantee of rights under contract to the City of Laconia.

DIRECTOR OF PUBLIC WORKS

The Director of Public Works for the City of Laconia or his representative.

GARBAGE

All rejected, abandoned or discarded household waste/organic materials, either animal or vegetable.

[Amended 5-14-2012 by Ord. No. 07.2012.07; 6-10-2013 by Ord. No. 02.2013.02]

HEALTH OFFICER

The Health Officer for the City of Laconia.

HOUSEHOLDER

Any owner, occupant, tenant, or any person having, use, occupation and/or charge of any dwelling, apartment house, office building or public institution within the City of Laconia.

NONCOLLECTIBLE WASTE

Any waste or matter other than ashes, garbage and residential household rubbish and shall include the following:

- A. Manufacturer's waste.
- B. Any explosive or highly combustible material of any nature whatsoever.
- C. Broken plaster, lumber or other waste or residue resulting from construction, alterations, repairs, demolition or removal of any building or structure.
- D. Sawdust and/or shavings from commercial and/or industrial establishments.
- E. Organic matter not properly drained or wrapped.
- F. Liquid wastes.
- G. Hay, straw and manure.
- H. The carcass of any animal.
- I. Live animals or birds.
- J. (Reserved)[1]
- K. The stock of any wholesaler.
- L. All material which has become frozen to the container and cannot be removed by shaking.
- M. Discarded motor vehicles or any other motor-propelled vehicles or parts and accessories from automotive service stations or similar establishments; and damaged or scrapped refrigerators, washing machines, dryers and/or similar commercial or household appliances.
- N. All vehicle and equipment tires (except bicycle tires or small tires from residential equipment, such as lawn mowers or snowblowers).

[Added 12-28-1981 by Ord. No. 60-81.14]

O. Ashes.

[Added 5-14-2012 by Ord. No. 07.2012.07; amended 6-10-2013 by Ord. No. 02.2013.02]

P. Lawn, garden rakings, fallen leaves, except as allowed on specifically designated collection weeks in Spring and Fall, as approved by the Department of Public Works. All yard waste materials must be contained in paper/compostable bags.

[Added 5-14-2012 by Ord. No. 07.2012.07; amended 6-10-2013 by Ord. No. 02.2013.02]

RESIDENTIAL

A dwelling unit, such as a home, mobile home and/or trailer, or multifamily dwelling, or three or less units (single-family, duplex, triplex), not including hotels, motels, apartment buildings or condominiums.

[Added 3-31-1980 by Ord. No. 35-80.4]

RESIDENTIAL HOUSEHOLD RUBBISH

Includes household wastes such as food wastes/organic materials.

[Amended 5-14-2012 by Ord. No. 07.2012.07; 6-10-2013 by Ord. No. 02.2013.02]

STREET

Any public highway, road, street, lane, alley, square, place, thoroughfare, or way within the City of Laconia.

[1]

Editor's Note: Former Subsection J, discarded furniture, was repealed 9-8-2014 by Ord. No. 04.2014.04.

§ 194-2 Refuse containers.

A. For household garbage and rubbish. Every householder shall provide and maintain in proper order for the purpose of sorting and putting out for collection of garbage a sufficient number of tightly sealed containers having a capacity of not more than 30 gallons each. No container shall have a height greater than 36 inches or less than 18 inches or shall have a diameter larger than 20 inches or smaller than 15 inches, and no container shall weigh more than 50 pounds, including contents. The contractor shall not be responsible for damage to plastic containers. ~~Incinerator cans made of wire or with holes or any containers that have ragged or sharp edges or other defects liable to injure the person collecting the contents hereof shall be replaced.~~ The contractor shall have the authority to refuse collection service for failure to comply herewith. ~~Nonreturnable plastic or waterproof kraft paper bags of maximum capacity of 2.75 cubic feet and having a two foot per mil impact strength and capable of lifting 50 pounds of contents may also be used as a container for household garbage.~~

[Amended 5-14-2012 by Ord. No. 07.2012.07]

~~B. For the purpose of disposing of ashes, a concrete containment area is available at the Laconia Transfer Station free of charge to Laconia resident. Stop at the scale house for proper disposal procedure. Household ashes are accepted for disposal only at the appropriate containment area at the Laconia Transfer Station. All ashes must be transported in proper containers and must be cold when disposed of at the facility.~~

[Amended 3-31-1980 by Ord. No. 35-80.4; 5-14-2012 by Ord. No. 07.2012.07]

~~§B.~~ For waste material. All other containers which do not conform to Subsections A and B shall be considered waste material and may be collected and disposed of by the City or by the contractor.

~~§C.~~ City-owned containers. The City will place containers at various locations within the City. These containers are for the use of the general public. The use of these containers for the disposal of waste from residential or commercial buildings is prohibited.

[Added 3-31-1980 by Ord. No. 35-80.4]

§ 194-3 Preparation for collection.

[Amended 5-14-2012 by Ord. No. 07.2012.07; 6-10-2013 by Ord. No. 02.2013.02]

A. Householders shall deposit in one or more containers all material defined as garbage, and residential household rubbish.

B. Garbage shall be drained of all liquids and be securely wrapped and then placed in the prescribed containers.

~~C. Newspapers, magazines and any other paper in the form of sheets shall be included in recycling materials or securely tied in bundles of less than 50 pounds in weight or may be placed in residential household recycling containers.~~

~~D. Cardboard cartons, crates, barrels and other containers shall be included in recycling materials.~~

~~E. Clippings from trees, brush and shrubs shall be compacted and securely tied in bundles of less than 60 pounds in weight, and no dimensions of any such bundle shall exceed three feet.~~

§ 194-4 Placement of containers and bundles.

A. Containers ~~and bundles~~ set out for collection shall be placed as close to the street curb as possible without obstructing the roadway or sidewalk, and, in any case, the Director of Public Works shall have the power to designate the precise point at which containers ~~and/or bundles~~ shall be placed for collection.

B. No garbage collection vehicle, under contract to or owned by the City of Laconia, shall enter a privately owned driveway, roadway or lane for the purpose of collection of garbage or residential household rubbish from privately owned property.

[Amended 5-14-2012 by Ord. No. 07.2012.07]

C. Containers ~~and bundles~~ shall be set out for collection by 6:00 a.m., local time, on the day of pickup.

[Amended 5-14-2012 by Ord. No. 07.2012.07]

D. No containers ~~or bundles~~ shall be set out for collection before 7:00 p.m., local time on the day prior to such collection, and all containers shall be removed from the street by 7:00 p.m., local time, on the day established for collection.

E. In order to reduce litter in periods of emergency or bad weather, the Director of Public Works is authorized to make changes in collection hours, collection routes and the setting out of trash.

[Added 3-27-1978 by Ord. No. 14-78.2]

§ 194-5 Maximum quantity of collectible waste.

[Amended 3-31-1980 by Ord. No. 35-80.4; 5-14-2012 by Ord. No. 07.2012.07; 6-10-2013 by Ord. No. 02.2013.02]

A. Residential. The number of containers or bundles put out for collection from any single-family or duplex dwelling is limited to two per family.

B. Commercial/multifamily dwellings. The number of containers and bundles placed for collection from any other premises shall not exceed seven for each collection.

C. Maximum quantity. Under circumstances where both Subsections A and B above apply, the maximum number of containers that may be put out for collection shall not exceed nine containers.

D. Recyclables. Mandatory recycling is hereby established as a program for the separation of certain recyclable materials from garbage or rubbish effective July 1, 2013. The separation and removal of certain designated materials for the purpose of recycling will serve the public interest by reducing solid waste and conserving our material resources.

E. Residents on curbside collection routes must participate in mandatory recycling in order to be eligible for collection of trash. ~~Materials need not be sorted (aka can be comingled) and include the following items: glass bottles/jars (all colors), steel/aluminum cans, plastics Nos. 1 through 7 [(except No. 6 styrofoam and No. 4 plastic bags (of any kind)], and cardboard, paperboard, newspaper, catalogues, office paper, old mail, magazines, including shiny inserts, paper of all colors and types.~~

F. Residents are invited to use the remote recycling drop-off facility at the Laconia Transfer Station. ~~behind the old City Garage at 257 Messer Street, behind the Lakeport Fire Station, at the Weirs Community Center Parking Lot and on Lindsay Court across from the Memorial Park Club House.~~

Individuals exclusively using remote recycling drop-off centers are encouraged to procure from the Department of Public Works a "remote recycler" identification sticker, available at no cost. This will be necessary to identify the location as participating in recycling in order to be eligible for curbside collection of trash.

G. Recycling containers. Recycling material must be contained in the following manner:

[Amended 9-8-2014 by Ord. No. 04.2014.04]

(1) Eighteen-gallon recycling bins, available for purchase for the current market price at the Department of Public Works, City Clerk or Tax Collector's office; or

(2) Sixty-four-gallon commercial-grade, wheeled toters, when available, may be purchased for the current market price at the Department of Public Works; or

(3) Any rigid container of your choice clearly marked "Recycling"; Department of Public Works has recycling stickers available free of charge.

H. Bulky items.

[Added 9-8-2014 by Ord. No. 04.2014.04]

(1) Larger items such as furniture, mattresses, box springs, carpet bundled in manageable sizes, toilets, sinks and other nonmetal items will be collected curbside on regular trash collection days if the item is affixed with a bulky item sticker purchased from the City.

(2) Qualifying metal items such as appliances (no TVs, computers, monitors or freon-containing items) can also be picked up by calling the Department of Public Works and finding out when the next metal item pickup day is scheduled and providing your street address. Metal items also require a bulky item sticker.

(3) Bulky item stickers are available for purchase from the Tax Collector, City Clerk or Department of Public Works for \$6.

I. Curbside collection of excess residential solid waste.

(1) Single family residences may place excess trash in trash bags a container. The top trash bag in the excess container must have an excess trash sticker on it. The sticker may also be a fixed to the solid waste container in such a manner that emptying the container destroys the sticker.

(2) A commercial enterprise may use the excess item stickers on a limited basis with the approval of the City Manager or the Director of Public Works.

(3) Excess trash can stickers are available for purchase from the Tax Collector, City Clerk or Department of Public Works. The price for 5 stickers is \$15.00.

§ 194-6. Unlawful acts.

A. No person shall suffer or permit within the City the accumulation or deposit upon his premises or upon lands occupied by him or under his control any garbage, animal or vegetable matter, offal, household waste or any other matter or thing which may be injurious to public health.

B. No person shall sweep, throw, cast, lay or deposit or suffer any agent or employee to sweep, throw, cast, lay or deposit any ashes, offal, garbage, fruit skins, cinders, straw, excelsior, store sweepings, shavings, paper, dirt, lawn raking's, broken glassware, handbills, crockery, bottles, the carcass of any animal or rubbish of any kind whatsoever in any land, alley, street or other public place; nor shall any person throw or deposit any refuse in any stream or other body of water within the City.

§ 194-7. Disposal of non-collectible waste. [Amended 12-23-1981 by Ord. No. 60-81.14]

A. Non-collectible wastes, except live animals and live birds, may be disposed of at such locations as determined by the Director of Public Works.

B. Before receiving any non-collectible wastes at any site, the Director of Public Works shall set fees for the receipt of such waste. Such fees shall be payable in advance of receipt of such waste and shall include all costs for handling, treatment, packaging, transportation and disposal of such wastes in accordance with the latest recommended state and federal standards for disposal.

§ 194-8. Waste not collected by the City. [Amended 5-14-2012 by Ord. No. 07.2012.07]

Garbage and residential household rubbish in excess of that set out in § 194-5 hereof shall be prepared for collection and shall be disposed of by and at the expense of the householder by causing the same to be delivered to the municipal incinerator or the municipal transfer station site, as directed by the Director of Public Works.

§ 194-9. Transporting waste material and refuse.

No person shall haul, convey or transport through or upon any street within the City limits any ashes, garbage, rubbish or other refuse or any non-collectible waste, except in properly covered containers or vehicles totally enclosed or covered with canvas or tarpaulins, so fastened down around the edges as to prevent any of the contents from falling upon the streets and to protect the same from flies and to prevent the escape of any offensive odors therefrom.

§ 194-10. Collectors not to enter premises.

No collector shall be required to enter any house, apartment house or other building or ascend or descend any stairway or enter any elevator, hoist or loading platform for the purpose of collecting or removing any ashes, garbage or residential household rubbish.

§ 194-11 Enforcement.

[Amended 6-10-2013 by Ord. No. 02.2013.02]

A. It shall be the duty of the Director of Public Works and/or the Director of Code Enforcement to enforce the observance of the provisions of this chapter.

B. ~~Upon July 1, 2013,~~ mandatory recycling will be enforced to the fullest extent. ~~to include the following:~~

~~(1) Week No. 1 of mandatory recycling (July 1 to July 6, 2013). Curbside collection stops found in violation of the recycling requirement, or in violation of the maximum number of containers, or uncontained trash will be ticketed, noting the specific violation, and trash will be collected.~~

~~(2) Week No. 2 of mandatory recycling (July 8 to July 12) and going forward. Curbside collection stops found in violation of the recycling requirement, or in violation of the maximum number of containers, or presenting uncontained trash will be ticketed, noting the specific violation, and trash will not be collected. Appropriate disposal will be the responsibility of the property owner.~~

C. The Department of Public Works will not be responsible for removal of trash which is placed out for collection and found to be over the allowable limit or found to be uncontained, therefore deemed ineligible for collection by the contractor.

D. Violations will be subject to appropriate penalties as noted in § 194-12 below.

E. Illegal dumping of trash. Anyone found to be in violation by illegally dumping trash on public ways, in commercial or private dumpsters, and/or in or adjacent to City remote recycling drop-off containers shall be guilty of a violation penalty of \$250. Such person shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this article is committed, continued or permitted by such person and shall be punishable therefor as provided therein.

This Ordinance amendment shall take effect upon its passage.

Andrew Hosmer, Mayor

Passed and approved this _____ day of _____ 2020.

Cheryl Hebert, City Clerk