

Article 1302: SOLID WASTE AND LITTERING

(Adopted 06/12/2006)

1302.1 INTENT AND PURPOSE:

It is the intent of this section to ensure that solid waste and litter is handled in a manner as to protect the public health, safety and welfare of the community. (This regulation, upon its adoption, replaces Article 17.30 garbage and refuse disposal adopted 07/24/1995)

1302.2 DEFINITIONS:

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. Authorized private receptacle.** Litter storage and collection receptacle as required and authorized by this chapter.
- B. Container,** Garbage/rubbish containers must be of metal or plastic construction with handles for lifting and a cover to keep moisture out. The capacity of the container shall not be over 33 gallons and the weight, including contents, shall not be over 75 pounds. Plastic bags, sold commercially for garbage/rubbish, between 13 gallons (minimum size) and 33 gallons (maximum) size are acceptable containers when properly sealed at the top.
- C. Dumpster.** A large sturdy metal container, with a capacity exceeding two cubic yards, for the collection of rubbish or garbage, designed to be emptied or transported to a dump by a specially designed truck.
- D. Garbage.** All putrescible waste material including, but not limited to, wastes resulting from the handling, preparation, cooking and consumption of food. **Garbage** shall not include market, industrial, yard, hazardous, infectious, and/or radioactive waste.
- E. Health authority.** The Health Officer of the town or his designated representatives.
- F. Litter.** Garbage and rubbish as defined herein and all other waste material.

- G. Multi-family dwelling.** Any building or structure used and occupied for human habitation or intended to be so used which contains more than two suites of one or more rooms each suite having facilities for regular cooking.
- H. Park.** Any park, reservation, playground, beach, recreation center or other public area owned or used by the town and devoted to active or passive recreation.
- I. Private premises.** Any dwelling, house, building, or other structure designed or used, either wholly or in part, for private purposes and regardless of whether or not the premises are inhabited or temporarily or continuously vacant. Such premises shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant thereto.
- J. Public place.** Any public building, park, square, space, grounds, street, sidewalk, boulevard, alley or other public way.
- K. Rubbish.** All nonputrescible waste material including, but not limited to, paper, cigarettes, cardboard, cans, wood, glass, bedding, and crockery. **Rubbish** shall not include market, industrial, yard, hazardous, infectious, and/or radioactive waste.
- L. Vehicle.** Any device in, upon, or by which any person or property is or may be transported or drawn on a street or highway including devices used exclusively on stationary rails or tracks.
- M. Yard waste.** Leaves, grass clippings, garden debris, small or chipped branches (not exceeding three inches in diameter and three feet in length), and Christmas trees.

1302.3 CONTAINERS:

- A.** The owner(s) of multi-family dwellings shall supply sufficient containers/dumpsters to provide storage for all garbage and rubbish generated within the multi-family dwelling.
- B.** All commercial and industrial establishments shall have a sufficient number of containers/dumpsters to hold all the garbage and rubbish that is generated from its business.
- C.** Containers/dumpsters stored outside any establishment; compactors and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors or covers, and shall be kept covered

when not in use. In containers/dumpsters designed with drains, drain plugs shall be in place at all times, except during cleaning.

- D. Garbage and rubbish shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.
- E. Containers used by food service establishments in food preparation and utensil washing areas shall be kept covered after they are filled.
- F. Soiled containers/dumpsters shall be cleaned at a frequency to prevent insect and rodent attraction. For food service establishments each container/dumpster shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food-preparation areas. Suitable facilities, including hot water and detergent, or steam shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

1302.4 GARBAGE AND RUBBISH STORAGE:

- A. Garbage and rubbish on the premises shall be stored in a manner to make it inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or rubbish shall be prohibited. Cardboard or other packaging material not containing garbage or food wastes shall not be required to be stored in covered containers.
- B. Garbage or rubbish storage rooms, if used, shall be constructed of easily cleanable, non-absorbent, washable materials, shall be kept clean, shall be insect-proof and rodent-proof and shall be large enough to store the garbage and rubbish containers that accumulate.
- C. Outside storage areas or enclosure shall be large enough to store the garbage and rubbish containers that accumulate and shall be kept clean. Garbage and rubbish containers, dumpsters and compactor systems located outside shall be stored on or above a smooth surface of nonabsorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

1302.5 PLACEMENT OF GARBAGE, RUBBISH, OR YARD WASTE FOR COLLECTION:

- A. Garbage, rubbish, and/or yard waste will not be collected unless it

Solid Waste and Littering

has been properly prepared and placed in the right-of-way (at the curb or back street).

- B.** No garbage, rubbish, or yard waste shall be placed for collection prior to 4:00 p.m. of the day preceding the collection day that has been designated for that area of the town. Empty containers shall be removed from the right-of-way, and stored on the property to which they belong, no later than 6:00 p.m. on the day of collection. Garbage, rubbish, or yard waste that has not been collected because it has not been properly prepared or placed shall also be removed from the right-of-way, and properly stored or otherwise disposed of, no later than 6:00 p.m. on the day that it was to have been collected.

1302.6 PROHIBITED DEPOSITS:

- A.** No materials resulting from the construction or alteration of any structure shall be placed for collection. All such materials shall be properly disposed of by the property owner or contractor responsible for the construction or alteration.
- B.** No market, industrial, hazardous, infectious or radioactive waste, nor anything contaminated by any such waste, shall be placed for collection. All such waste shall be properly disposed of in accord with all applicable laws, ordinances, rules and regulations.

1302.7 DEPOSIT OF LITTER:

- A.** No one shall deposit in, or sweep into, any gutter, street, alley, sewer or other public place any accumulation of litter from any building, lot, public or private sidewalk, or driveway.
- B.** No one shall deposit, throw, or sweep any litter in any place or manner that would allow the elements to carry or move it to any street, sidewalk, alley, sewer or other public place or any occupied premises.
- C.** No litter shall be deposited or thrown upon any street, sidewalk, or other public place except in public receptacles, authorized private receptacles, or an official town waste disposal facility.
- D.** Litter placed in public receptacles or authorized private receptacles shall be deposited so as to prevent it from being moved by the

elements to any street, sidewalk, other public place or private property.

1302.8 DUTY TO MAINTAIN PREMISES FREE OF LITTER:

The owner or person in control of any private premises shall at all times, maintain the premises free of litter. This section shall not prohibit the storage, in approved containers, of litter awaiting placement for collection.

1302.9 LITTER ON VACANT PROPERTY:

No person shall deposit or throw litter on any vacant or open private property whether or not owned by that person.

1302.10 THROWING LITTER FROM VEHICLES PROHIBITED:

- A. No person in a vehicle shall throw or deposit litter on any street or other public place or private property.
- B. No vehicle shall be driven or moved anywhere within the town unless it is constructed or loaded to prevent any portion of the load or contents or any litter from being blown or deposited on any street, alley or other public place or private property. No vehicle shall be permitted to deposit any litter, mud, dirt, sticky substance, or foreign matter on any street, alley or other public place.

1302.11 LITTERING IN PARKS:

No litter shall be deposited on, or thrown to, the ground of any town park. All litter shall be properly disposed of in a receptacle provided for that purpose. Should there be no receptacle, or should all of the receptacles be full, the person responsible for the litter shall deposit it elsewhere.

1302.12 LITTERING BODIES OF WATER PROHIBITED:

No litter shall be deposited in any fountain, pond, lake, stream, marsh, or other body of water within the town.

1302.13 LITTER REMOVAL BY TOWN:

- A. **Notice to remove.** The Health Authority may require the owner of any vacant or open private property, or the agent of such owner, to properly dispose of any litter on the property which is dangerous to public health, safety, or welfare. Notice of any such requirement shall

be given in accordance with, and pursuant to the authority granted by RSA 147:4 and RSA 147:6 or their statutory successors.

- B. Action upon noncompliance.** Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter, the Health Authority may, in addition to any other remedy provided by law, cause the litter to be removed in accordance with, and pursuant to the authority granted by R.S.A. 147:7-b or its statutory successor.

1302.14 ENFORCEMENT; VIOLATIONS AND PENALTIES:

- A.** Any person who violates any provision of this regulation shall be subject to a fine of \$100.00 per day for each day the violation is found to exist.
- B.** Each day that a violation continues or exists shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense.

1302.15 SEVERABILITY:

Should any section or provision of this regulation be declared by a Court of appropriate jurisdiction to be invalid, such decision shall not invalidate any other section or provisions of this regulation.

Article 1302 of the rules and regulations of the Kingston Board of Health (Solid Waste and Littering) shall take effect after its adoption, approval, and publication in accordance with, and pursuant to the authority granted by RSA 147:1. (Formerly 17.30)