

RECYCLING ORDINANCE

March 20, 1990

Revised October 11, 1991

AN ORDINANCE ESTABLISHING MANDATORY RECYCLING IN THE TOWN OF DERRY; ESTABLISHING THE RULES AND REGULATIONS FOR THE SEPARATION OF SPECIFIC MATERIALS FROM THE SOLID WASTE STREAM FOR THE PURPOSE OF RECYCLING; PROMULGATING RULES AND REGULATIONS FOR THE DISPOSAL OF SAID SPECIFIC MATERIALS AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the separation and removal of certain designated materials for the purpose of recycling, will serve the public interest by reducing solid waste, will protect the health and safety of Town of the residents, and conserve out material resources; and

WHEREAS, The Town of Derry has authority pursuant to RSA 31:39; RSA 149-M; and the Derry Town Charter to establish rules and regulation for the disposal of solid waste and to proscribe penalties for the violation thereof; and

WHEREAS, it is necessary to establish the rules and regulations for the separations, and disposal of said designated recyclable materials;

NOW, THEREFORE, BE IT ORDAINED by the Town of Derry, in the County of Rockingham and the State of New Hampshire, that a mandatory recycling program is hereby established requiring separation of certain recyclable materials from garbage or rubbish by the residents of the Town of Derry and regulating the disposal of these recyclables.

SECTION I: DEFINITIONS

1. "PAPER RECYCLING MATERIALS" the term paper-stock recycling materials as used herein shall be deemed to include newspaper, high-grade paper, mixed paper and corrugated cardboard. Newspapers include paper of any type commonly referred to as newsprint and distributed at stated intervals usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded, however, are all magazines or other periodicals, as well as, all other paper products of any nature whatsoever. High-grade paper includes office paper, high-grade paper, "junk mail" and advertisements. Corrugated cardboard includes cardboard containers used primarily for the packaging, boxing and/or transporting of products of any type.

2. GLASS – the term glass as used herein shall be deemed to include all bottles and jars made entirely of glass and used in the storage of food and beverages. Specifically excluded are blue glass and flat glass commonly known as window glass, light bulbs and fixtures.
3. ALUMINUM CANS – the term aluminum cans as used herein shall be deemed to include only those containers made entirely of aluminum and used solely for the packaging of beverages and food.
4. METAL CANS – the term metal cans as used herein shall be deemed to include all cans, other than aluminum, consisting entirely of steel, tin or bi-metal and used in the storage of food and beverages.
5. PLASTICS – the perm plastics as used herein shall be deemed to include all forms of soft and/or hard plastic used for containers.
6. SOLID WASTE – the term solid waste as used herein shall be deemed to include all garbage and rubbish that is collected for disposal and include but not limited to, metal, scrap metal, white goods (stoves, refrigerators, washers, dryers, sinks), magazines or other periodicals, and all non-recyclable waste streams. Hazardous wastes or medical waste containers are specifically excluded.
7. RECYCLABLE MATERIALS – the term recyclable materials as used herein shall be deemed to include all materials designated by the municipality to be source separated from the solid waste stream for the purpose of recycling, and includes paper-stock recycling materials, glass, plastic, aluminum cans and metal cans. Hazardous wastes or medical waste containers are specifically excluded.
8. CO-MINGLED RECYCLABLE MATERIALS – the term co-mingled recyclable materials as used herein shall be deemed to include of the paper-stock recycling materials in one container and another container containing other recyclable materials which includes glass, plastic, aluminum cans, and metal cans.
9. PUBLIC OR PRIVATE INSTITUTIONS – the term public or private institutions are used herein shall be deemed to include all municipal and state government facilities; all religious, educational and healthcare facilities; and any and all public and/or private civic organizations.

10. COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS-the term commercial and industrial establishments as used herein shall be deemed to include all public or private establishments including, but not limited to, those manufacturing, retailing and/or service establishments; food establishments in business for the purpose of consumption, on or off premises, as well as, food distribution and/or processing; and professional and/or corporate entities.
11. RECYCLING – the term recycling as used herein shall be deemed to mean the process by which designated materials, which would otherwise become solid waste, are separated, collected, processed and returned to be the economic mainstream in the form of raw materials or products.
12. DERRY RECYCLING CENTER – the term Derry Recycling Center as used herein shall be deemed to mean the area within the Town of Derry whose location and use is permitted by the State of New Hampshire, Department of Environmental Services.
13. COMMERCIAL SOLID WASTE HAULERS – the term commercial solid waste hauler as used herein shall be deemed to mean any private company who specifically is in the business of picking up, hauling, and delivering recyclable materials from any source within the Town of Derry to the Town of Derry Recycling Center.
14. SOLID WASTE STREAM – the term solid waste stream as used herein shall be deemed to mean the flow of material generated within the Town of Derry that would normally be disposed at the Town of Derry Transfer Station. This material includes but is not limited to newspapers, high-grade paper, mixed paper, corrugated cardboard, glass, aluminum cans, metal cans, plastics and other municipal solid waste.
15. RESIDENT:
- A. DWELLING OWNER: In the case of an owner occupied dwelling that person and or persons whose name(s) appear(s) on the tax records for said dwelling kept by the Town of Derry;
- B. RENTER: In the case of a rented dwelling that person and/or persons to whom the dwelling is rented by the dwelling owner or his representative.

SECTION II: REQUIREMENT FOR MANDATORY RECYCLING

ARTICLE 1. There is hereby established a mandatory program for the source separation of Recyclable Materials from the solid waste stream in the Town of Derry.

ARTICLE 2. All residents, all public or private institutions and all commercial and industrial establishments within the Town of Derry shall separate recyclable material from the solid waste stream they generate and deliver or cause to be delivered all recyclable material so generated to the Derry Recycling Center.

ARTICLE 3. It shall be a violation of this Ordinance for any person, public or private institution, commercial and industrial establishment or any commercial solid waste hauler not permitted by the municipality, to pick up or cause to be picked up, said recyclable materials as defined herein. Each such collection in violation hereof shall constitute a separate and distinct offense, punishable as hereinafter provided.

SECTION III: REQUIREMENTS FOR HANDLING RECYCLABLE MATERIALS

ARTICLE 1. PAPER-STOCK RECYCLING MATERIALS - Newspapers shall be tied securely in bundles with twine, rope, cord or such other bindings to facilitate handling and insure that they will not be windblown and kept dry. Paperstock Recycling Materials except corrugated cardboard, must be placed in plastic bags or closed containers to keep dry. Corrugated cardboard boxes must be flattened completely.

ARTICLE 2. CO-MINGLED RECYCLABLE MATERIALS - Glass used for the storage of food and/or beverages shall be reasonable clean of all residues and shall have all caps removed. Glass, aluminum cans, metal cans and plastic shall be placed in plastic bags or containers. No glass shall be deliberately broken for the purpose of filling any container or receptacle; however, accidentally broken glass will be accepted.

SECTION IV: PERMITTING PROCESS

ARTICLE 1. It shall be the responsibility of any resident, public or private institution, commercial or industrial establishment, or any commercial solid waste hauler who uses the Town of Derry Recycling Center, to obtain a valid permit from the Derry Department of Public Works. Derry residents who utilize private curbside collection do not require permits. Derry residents who reside in multi-family dwellings and dispose of their recyclable material in designated recycling dumpsters do not require permits.

ARTICLE 2. The Department of Public Works shall, upon receipt of a completed and approved application, issue permits to any Derry resident, Derry public or private institution, Derry commercial or industrial establishment, and any commercial solid waste hauler who is in the business of picking up and delivering recyclable materials generated within Derry to the Derry Recycling Center. This permit shall authorize the delivery of certain specific recyclable materials that originate within the Town of Derry to the Derry Recycling Center.

SECTION V: ENFORCEMENT

ARTICLE 1. The Code Enforcement Office is hereby authorized and directed to enforce this Ordinance and amendments thereto.

SECTION VI: PENALTY

ARTICLE 1. Any resident, public or private institution, commercial or industrial establishment and any commercial solid waste hauler, who violates or fails to comply with Section II, of this ordinance shall be guilty of a violation and may be fined up to \$50.00 for the first offense, \$100.00 for the second offense, and \$200.00 for the third offense and each subsequent offense. Penalties will not take effect until 60 days after the effective date of the ordinance.

SECTION VII:

ARTICLE 1. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION VIII:

ARTICLE 1. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IX:

ARTICLE 1. This Ordinance will take effect on March 20, 1990.