

Chapter 101

**SOLID WASTE**

[HISTORY: Adopted by the Town of Henniker as indicated in article histories. Amendments noted where applicable.]

**GENERAL REFERENCES**

Building construction fees -- See Ch. 25.

**ARTICLE I**

**Transfer Station/Recycling Center**

[Adopted February 1994, Revised May 4, 2004, Effective Date May 17, 2004  
Revised/Effective January 1, 2005, Revised/Effective October 1, 2018]

**~101-1. Purpose**

The purpose of this article is to direct the Town of Henniker in the provision for disposal of solid waste in an environmentally sound, safe and economic manner. In recognition of the fact that waste reduction and the recovery of resources from the waste stream, whether by reuse or recycling, conserves natural resources, reduces energy use, reduces pollution and saves tax dollars, the town shall provide facilities to accept pre-sorted recoverable articles to the greatest extent practicable. The town may provide facilities for the transfer of the materials which are not recoverable to proper disposal sites.

**~101-2. Authority**

Under the authority of RSA 31:39,I(f) and 149-M:13 and the NH Solid Waste Rules (He-P 1901) the Town of Henniker hereby adopts the following ordinance for the operation of its community solid waste facility to be known as the Henniker Transfer Station/Recycling Center.

**~101-3. Management/operations plan**

This article is consistent with the management/operations plan for the Henniker Transfer Station/Recycling Center which the Town of Henniker has submitted to the State of New Hampshire.

**~101-4. Regular users**

The Henniker Transfer Station/Recycling Center shall be open to qualified users. Qualified users shall be Henniker residents, nonresident property owners, Henniker establishments, civic organizations, institutions and the designees of any of the above groups. The Henniker Transfer

Station/Recycling Center will accept only waste which originated in Henniker, except as specified in '101-5 below.

**~101-5. Other users**

Users from other towns will be accepted, at the discretion of the Board of Selectmen, and after making any necessary special arrangements. A list of all authorized users and any updates to the list shall be given to the Superintendent.

**~101-6. Permit stickers**

Users of the Henniker Transfer Station/Recycling Center must obtain a numbered permit sticker from the Henniker Transfer Station/ Recycling Center Superintendent or his/her designees that will be placed in a location approved by the Superintendent for uniformity. The permits must be on the vehicles using the Henniker Transfer Station/Recycling Center unless the Board of Selectmen, the Superintendent or his/her designee, has made a special arrangement.

**~101-7. Refusal of access**

The Henniker Transfer Station/Recycling Center Superintendent and or his/her designee shall have the right to refuse access to the facilities to anyone who is misusing said facility or violating this article.

**~101-8. Security; trespass**

- A. Anyone entering the facility outside of posted hours of operation, and without authorization from town officials, shall be guilty of trespass.
- B. Anyone depositing materials at any gate or in an improper way shall be guilty of littering under authority of RSA 163-B.

**~101-9. General regulations for use**

- A. Waste and recoverables will be accepted only during the hours of operation.
- B. All waste and recoverables shall be placed in designated areas.
- C. All users of the facility shall observe posted rules and procedures.
- D. All users of the facility shall follow the instructions of and comply with the direction of the Superintendent and his/her designee in accordance with the provisions of this Article and the management and operations plan of the Henniker Transfer Station/Recycling Center.
- E. All users shall obey the speed limits and traffic signs.
- F. Loads shall be deposited safely, without spillage, onto surrounding areas, and without exceeding the design capacity of receptacles or equipment.

- G. The user shall be responsible for a cleanup charge if the load, or any part of the load, is lost or deposited in a location other than the designated areas, whether due to unsecured load, driver error or vehicle malfunction.
- H. All users and their vehicles enter the facility at their own risk and shall be liable for any and all damages they might cause to the facilities, personnel or other users.
- I. All users shall keep their pets in their vehicles at all times when on the grounds of the Transfer Station/Recycling Center.

**~101-10. Reusable items**

There will be a designated area for a community exchange of reusable items. No fees will be required. The Henniker Transfer Station/Recycling Center Superintendent has the authority to determine what shall remain in this area.

**~101-11. Materials that shall be separated**

- A. Recyclable materials The following materials shall be separated and placed in their designated locations in the manner and condition specified by the Superintendent of the Henniker Transfer Station/ Recycling Center or his/her designee:
  - a. Scrap metals, appliances, lead-acid batteries (motor vehicle batteries), and waste oil.
- B. Other materials
  - 1. Refuse, which is not presently being separated for recycling at the Henniker Transfer Station/Recycling Center and which is accepted at the incinerator in Penacook in accordance with the contract between the Town of Henniker and the Concord Regional Solid Waste/Resource Recovery Cooperative, shall be placed in the compactor hopper except as otherwise specified or as directed by the Henniker Transfer Station/ Recycling Center Superintendent or his/her designee. A list of the materials prohibited from the Penacook incinerator is available for review at the Henniker Transfer Station/ Recycling Center.
  - 2. Unpainted, untreated lumber, logs and other types of wood materials under 5 inches in diameter shall be placed in designated locations.
  - 3. Ashes shall be placed in the designated pile.
  - 4. Tires without rims and no larger than 16 inches shall be placed in the designated location.
  - 5. Other materials shall be placed in their designated locations as directed, by the Henniker Transfer Station/Recycling Center Superintendent or his/her designee.

**~101-12. Materials that may be separated**

- A. Recyclable materials The following materials may be separated and deposited for recycling at designated locations in the manner and condition specified by the

superintendent of the Henniker Transfer Station/Recycling Center or his/her designee: aluminum cans, steel "tin" cans, cardboard, glass, newspaper, magazines and junk mail and office paper, plastic milk, water and soap jugs with the #2 HDPE stamped on the bottom, plastic beverage bottles with the PET #1 stamped on the bottom such as soda, juice, some water bottles and other soft drinks, plastic PP #5 Bottles, Plastic Tubs and Lids, clean aluminum foil. See ~101-13 K for plastic exclusions.

- B. Other materials The Selectmen may add items or materials to this list. The Selectmen may delete items from this list if they can demonstrate that the market for the item has deteriorated and/or the cost of processing or storing the item has increased, such that the total cost of handling and storing the material greatly exceeds the benefit to the town.

### **~101-13. Prohibited materials**

The following materials are not accepted at the Henniker Transfer Station/Recycling Center, therefore, they shall not be brought to or deposited at the Henniker Transfer Station/ Recycling Center:

- A. Any quantities of gasoline, alcohol, tar, flammable or explosive gas or vapor or material or substance which 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 landfills.
- B. Poisons, pesticides, disinfectants or any other substance likely to generate poisonous substances that may interfere with, constitute a hazard to or are dangerous to humans, wildlife, animals or the environment.
- C. Any substance containing or labeled as radioactive wastes or explosive material.
- D. Pharmaceutical, pathological or medical wastes of any nature.
- E. Waste or wastewater from an industrial or commercial process containing toxic or objectionable substances.
- F. All asbestos materials.
- G. Any material, regardless of composition, that is listed as a toxic, hazardous or bio-hazardous waste by the State of New Hampshire or the United States government in any law, rule or regulation. If a government entity having jurisdiction shall determine that any substance not now considered harmful, dangerous or toxic is harmful, dangerous or toxic, such substance shall thereafter be prohibited from the Henniker Transfer Station/Recycling Center.
- H. Junked cars, trucks or other vehicles.
- I. Any containers 35 gallons or over must be cut in half or the end removed. All gas tanks must be cut in half for the safety of all employees.

- J. Yard Waste and leaves.
- K. Plastic exclusions: Containers that held Hazardous Products, Flower Pots, Black Plastic, Buckets, Bags, Wrap, Film Plastic, or foam.

**~101-14. Household hazardous waste**

- A. The town may provide the opportunity for the disposal of household hazardous waste. A list of such materials or items accepted at household hazardous waste collection is available at the Town Office or the Henniker Transfer Station/Recycling Center.
- B. Townspeople are encouraged to purchase products that do not contain hazardous wastes.

**~101-15. Firearms**

No person may discharge firearms at the Henniker Transfer Station/ Recycling Center without receiving authorization from the Board of Selectmen or the Henniker Transfer Station/ Recycling Center Superintendent.

**~101-16. User's fees**

- A. User fees may be established by the Board of Selectmen for items in accordance with RSA 41:9-A. As the cost of disposal of an item changes, the Selectmen may change the associated fee. This procedure shall include holding a public hearing on the proposed fee prior to its adoption.
- B. Users shall pay a special fee for the disposal of each tire without its rim, construction/ demolition debris, propane tanks up to 30 lbs.(over 30 lbs. not accepted) and appliances that utilize an ozone-depleting compound (such as most refrigerators, air conditioners, freezers, etc.).
- C. General principles for establishing fees. When the Board of Selectmen recognizes the need to institute a fee, the following principles shall be considered:
  - 1. Fees may be established only for items or materials that have a disposal cost per item.
  - 2. Fees shall reflect handling, disposal and administrative expenses.
  - 3. All fees will be posted at the Transfer Station/Recycling Station.

**~101-17. General Principals [Effective January 1, 2005]**

All commercial haulers will pay a fee for disposal at the Wheelabrator Incinerator (Penacook) or any other facility contracted by the Town of Henniker to dispose of trash.

Fee Schedule:

- A. Based on cost per ton at time of disposal.
- B. Monthly payments paid by contractors per statements issued by the town.
- C. Administrative cost of \$5 per month will be assessed to commercial haulers.

**~101-18. Violations and penalties**

- A. Any user (person or corporation) who fails to comply with the provisions of this Article or who fails to follow the instructions of the operator or attendants as specified in 101-9 above shall be guilty of a violation of this article.
- B. Any user found guilty of a violation of this Article shall be subject to a fine, payable to Town of Henniker, of not more than \$500 for each violation as enumerated in RSA 149-M17, II(b), and for any cost incurred by the town as a result of the violation.
- C. Persons authorized to enforce the ordinance are the Board of Selectmen and the Henniker Police Department.
- D. The Board of Selectmen and Henniker Transfer Station/Recycling Center Superintendent shall have the right to refuse access to the Henniker Transfer Station/Recycling Center to any person or corporation who is misusing this facility or violating the provisions of this Article.