

TOWN OF CANAAN

TRANSFER AND RECYCLING STATION ORDINANCE

(REVISED AUGUST 19, 2008 and Amended December 15, 2020 and July 19, 2023)

I. TITLE AND AUTHORITY

This ordinance shall be referred to as the "Town of Canaan Transfer and Recycling Station Ordinance." It is adopted pursuant to the authority conferred upon the Town by RSA 149-M:17, II. Further authority for this ordinance is based upon RSA 41:11-a, and also upon the approval of Article 22 of the Warrant for the Town of Canaan 1993 Annual Town Meeting providing the Canaan Board of Selectmen with authority to adopt an ordinance regulating the use of the Town of Canaan Transfer and Recycling Station (hereafter referred to as the "Station").

II. SCOPE AND LOCATION

This ordinance establishes rules and regulations cover the collection, separation and disposal of all solid waste and refuse in the Town of Canaan and establishes a fee system for the disposal of selected solid wastes at the Station.

III. PURPOSE

The purpose of this ordinance is to:

1. Ensure efficient and economical disposal of solid waste generated in the Town of Canaan.
2. Ensure compliance with all environmental laws.
3. Minimize refuse and solid waste that must be transferred or disposed of at an approved facility by maximizing recycling and reuse of selected solid wastes.

NOW, THEREFORE, BE IT ORDAINED by the Town of Canaan, in the County of Grafton and the State of New Hampshire, the following rules are hereby established regarding the disposal of solid waste in the Town of Canaan.

IV. DEFINITIONS:

For purposes of this Ordinance the words and terms below shall be defined as follows:

- A. **ALUMINUM CANS** – shall mean only those containers made entirely of aluminum and used solely for the packaging of beverages.

- B. CLEAN WOOD – shall mean untreated wood as defined in ENV-A 101.286, namely any timber board or sawn dimensional lumber which has not been treated, preserved, coated or painted, and not including any manufactured building material such as plywood or waferboard.
- C. COMMERCIAL HAULERS – shall mean any individual, business association, or public or private institution that regularly picks up, hauls, transfers, delivers, or disposes of Solid Waste, Refuse except Recyclable Materials.
- D. COMMERCIAL WASTE - shall mean all Solid Waste, Refuse except Recyclable Materials belonging to, generated by, or collected by or on behalf of any individual, business association, commercial establishment, or public or private institution, including but not limited to, those engaged in manufacturing, retailing wholesaling, construction, professional services and property management or rental.
- E. GLASS RECYCLING MATERIALS – shall mean all containers made entirely of glass and used in the storage or packaging of food and beverages, glass windows (excluding the frames and panes), and glass tableware. Specifically excluded are light bulbs and fixtures.
- F. HAZARDOUS WASTE - shall have the same meaning as defined in RSA 149-M:4
- G. MEDICAL WASTE - shall have the same meaning as defined in RSA 149-M:4.
- H. METAL CANS – shall mean all cans, other than aluminum, consisting entirely of steel, tin or bi-metal and used in the storage or packaging of food and beverages.
- I. PAPER RECYCLING MATERIALS - shall mean all newspaper, high-grade paper, mixed paper, catalogs, phone books, paper bags, and corrugated cardboard.
- J. PLASTIC RECYCLING MATERIALS – shall mean PET or Poly Ethylene Terephthalate plastic, commonly designated as Plastic # 1, and Density Poly Ethylene plastic commonly designated as Plastic # 2.
- K. RECYCLABLE MATERIALS – shall mean all materials separated from the solid waste stream for the purpose of recycling, and shall include, but not be limited to separated clear and colored glass, aluminum, ferrous and nonferrous metals, plastics, corrugated cardboard, motor vehicle batteries, tires from motor vehicles, and paper. Hazardous waste and Medical waste are specifically excluded.
- L. RECYCLING – shall mean the process by which designated materials, which would otherwise become solid waste, are separated, collected, processed for material recovery or re-processing.

21 August 2008

- M. REFUSE - shall have the same meaning as defined in RSA 149-M:4, and shall mean and include any waste product, solid or having the character of a solid rather than a liquid in that it will not flow readily without additional liquid, and which is composed wholly or partly of such materials as garbage, trash, rubbish, litter, industrial or domestic solid wastes; organic wastes or residue of animals sold as meat; fruit, vegetable or animal matter from kitchens, dining rooms, markets, food establishments or any places dealing in or handling meat, fowl, fruits, grain or vegetables; animal excreta, or the carcasses of animals; brick, plaster or other waste matter resulting from the demolition, alteration, or construction of buildings or structures; or accumulated waste material, cans, containers, tires, junk, or other such substances which may become a nuisance.
- N. RESIDENT: shall include and mean
- (a). DWELLING OWNER: In the case of an owner occupied dwelling that person whose name appears on the tax records kept by the Town of Canaan for said dwelling;
and
- (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/her representative.
- O. SEPARATED WASTES shall mean those items that are separated from the waste stream and disposed of for a fee at the Station. A schedule detailing the type of waste to be separated and the fee for its disposal is set forth in Article VI (B)(4).
- P. SOLID WASTE - shall have the same meaning as defined in RSA 149-M:4, and shall mean all garbage and refuse that is collected for disposal and include but not be 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, as those terms are defined in RSA Chapter 149-M, are specifically excluded.
- Q. STATION – shall mean the Canaan Transfer and Recycling Station located off of the Orange Road in the Town of Canaan.

V. **STATION RULES OF OPERATION**: Any person, business association, or public or private institution that is not in compliance, intentionally or negligently, with the Station Rules of Operation set forth hereunder is in violation of this Ordinance and shall be prosecuted according to the provisions of Article VIII below.

A. **Hours of Operation**

- (1) See appendix A for current operating hours.
- (2) No person, business association, or public or private institution shall place or cause to be placed solid waste or refuse in the station during any time when the station is not open. Only persons with Station Permits shall be allowed entry to dispose of selected Solid Wastes at the Station.
- (3) No person shall enter the station when it is closed to the public.

B. **Station Permits**

- (1) All vehicles entering the Station are required to display a valid Permit.
- (2) Station Permits can be obtained at the Town of Canaan Town Office. **The Canaan Board of Selectmen may establish a sticker fee for each sticker.**
- (3) Station Permits shall be issued only to Residents and /or taxpayers of the Town of Canaan upon presentation of current and valid identification such as a Canaan tax bill or automobile registration. Residents of the Town of Orange may be issued special **Solid Waste and** Recyclable Materials permits, which shall allow such residents entry to the Station to dispose of Solid Waste and Recyclable Materials. No permits shall be issued to Commercial Haulers.
- (4) The Station Permit shall be displayed on the lower right hand corner of the windshield **or lower right hand side of the front of the vehicle** as to be visible at all times.
- (5) Renters shall show proof of residency from their landlord in order to obtain a permit.

C **Station Safety Rules**: Disposing of solid waste can be dangerous. Splinters from wood, broken glass, rusting scrap metal, sharp objects, etc. are potentially dangerous and shall be handled with care.

- (1) All persons using the Station shall follow the instructions and requests of the Station manager and Station attendants.

- (2) All persons shall wear appropriate footwear while at the Station. Bare footed persons are not allowed entry to the Station.
- (3) All persons under the age of 16 years shall be accompanied by an adult.
- (4) No person is permitted to enter any prohibited, restricted or closed area, or climb onto any drop off container or wall in the Station.
- (5) Vehicles within the Station shall be limited to a maximum speed of 10 miles per hour.
- (6) Removal of items from the Station or "dump picking" is prohibited until such time as an area for a swap shop is designated.
- (7) All persons entering the Station do so at their own risk.

VI STATION RULES OF DISPOSAL: Disposal of any item at the Station except in accordance with the Station Rules of Disposal set forth below is prohibited.

The Transfer Station Manager and the Station Attendants shall have the Authority to refuse the use of the Facility to any person who is misusing the facility, violating this ordinance or who does not have the proper permit.

A. Unacceptable Materials: No person, business association, or public or private institution shall place or cause to be placed the following items at the Station.

- (1) Commercial Waste (Commercial recycling may be accepted for a fee designated by the Town Board of Selectmen).
- (2) Tree trunks or stumps, limbs and brush greater than five (5) inches in diameter.
- (3) Hazardous waste, Medical waste, radioactive waste, or explosives.
- (4) Dead animals or carcasses of any kind.
- (5) Solid fill, including but not limited to brick and concrete demolition debris.
- (6) Junk cars, engines, chassis, transmissions, radiators, axles, or any motor vehicle part containing any fluid.

- (7) Any material which in the opinion of the Solid Waste Attendant constitutes a serious hazard to other users, to the property of the Town or to the operation of the property of the Town, or to the operation of the Station.
- (8) Any liquid waste

B. Acceptable Materials: The items set forth below may be disposed of at the Station and shall be placed in containers or locations designated by the Station manager.

1. Category 1- Transfer Waste: Residual solid waste and household trash/garbage which is neither listed below for recycling or separation, nor prohibited as an unacceptable material in Part A above.
2. Category 2 - Burnables: Materials for open air burning in accordance with state and local regulations may be disposed at a designated area in the Station. Burnables are limited to small trees, brush and slash five inches or less in diameter and clean wood. During such times as the State Fire Marshal or the Canaan Fire Chief may declare open burning to be unsafe, the Station shall not accept any materials described above, until such time as the fire hazard has been lifted.
3. Category 3 – Recyclables:
 - (a) Aluminum Cans: Rinsed clean.
 - (b) Glass Recycling Materials: Clean bottles and jars free of any dirt or debris.
 - (c) Paper Recycling Materials: Paper, Newspaper, and Boxboard that is clean, dry, and not waxed.
 - (d) Cardboard, clean, not waxed
 - (e) Recycling Materials: (PET or Poly Ethylene Terephthalate plastic, commonly designated as Plastic # 1, and Density Poly Ethylene plastic commonly designated as Plastic # 2.)
 - (f) Scrap Metal: Metal drums, all items made or composed of iron, aluminum, tin, copper, nickel, and zinc that is free of plastic, rubber, glass, wood, liquids, or other contaminates.
 - (g) Glass Recycling Materials: Clean bottles and jars free of contaminates.

- (h) Used oil for recycling: Used oil from a motor vehicle which is not contaminated with other liquids or substances, such as antifreeze or water.
- (i) Batteries: Vehicle batteries and rechargeable batteries.
- (j) Metal cans
- (k) Mercury switches: any device that contains mercury including fluorescent bulbs.

4. Category 4 – Separated Wastes

A fee payable to the Town of Canaan shall be paid to the Transfer Station Manager or a Transfer Station Attendant prior to the disposal of any item of Separated Waste at the Station. Refer to Appendix B for a list of acceptable items and the fee required for each.

VII. PAYMENT OF FEES

For any item that requires the payment of a fee, the following procedures shall be followed:

1. Payment of the appropriate fee shall be made at the Transfer Station, and a receipt indicating the amount paid and a brief description of the item to be disposed of shall be forwarded with the fee to the Selectmen's Office.
2. The Station manager or attendant shall inspect items prior to disposal.
3. The item shall thereafter be disposed at the designated area in the Station.

VIII. VIOLATION, PENALTIES AND ENFORCEMENT

Any person, business association, or public or private institution violating any of the provisions of this Ordinance shall be guilty of a violation and upon conviction thereof, shall pay a civil fine in the amount of fifty (\$50.00) dollars for the first violation and no less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000.00) for each subsequent violation. In addition, any person or entity found to be in violation of the provisions of this Ordinance shall remove from the Station all improperly disposed items, and / or at the determination of the Board of Selectmen, may be denied access to the Station for a period up to but not exceeding one year.

The Board of Selectmen or the Transfer Station Manager and the Transfer Station Attendants shall have the authority to enforce this Ordinance. When enforcing this Ordinance the Town of Canaan authorities may issue a complaint and notice of fine pursuant to the procedures for pleas by mail set forth under RSA 502-A, et seq. Any alleged violator of this Ordinance may avoid the filing of a summons and complaint by voluntarily submitting payment of the civil penalty to the Town Clerk.

Non payment of any fines assessed as outlined above may result in further penalties and criminal charges being filed by the Canaan Police Department.

Any penalties assessed and collected under this Ordinance shall ensure to such uses as the Town of Canaan may direct pursuant to RSA 149-M.

IX. AMENDMENT

It is acknowledged that during the course of a year, circumstances arise which are beyond the control of the Town, which may affect the operation of the Station. Such circumstances may include alteration of applicable permits by the State or federal licensing authorities. In the event an amendment to this ordinance is required to comply with the new requirements, the Board of Selectmen is authorized, to the extent allowed by law, to temporarily amend this Ordinance to bring it into compliance. Such amendment shall take effect only after holding a public hearing thereon, with notice thereof to be in accord with the requirements of RSA 675:7 (i.e. newspaper advertisement, posting in two public places).

X. APPEAL

Any person aggrieved by application of this Ordinance shall apply to the Board of Selectmen in writing within seven (7) days of the occurrence giving rise to the complaint. If the Selectmen find merit to the allegations, then the Selectmen shall place the matter on

the agenda for an upcoming selectmen's meeting. The Selectmen may take no action, or take whatever action the Board in its sole discretion deems appropriate.

XII. SEPARABILITY

The invalidity of any provision of this regulation shall not affect the validity of any other provision or the validity of the regulation as a whole.

XII. EFFECTIVE DATE

This revised Ordinance shall be effective on the date of approval by the Board of Selectmen.

Approved:

SCOTT BORTHWICK

DAVID MCALISTER

AL POSNANSKI

CANAAN BOARD OF SELECTMEN

DATE: 8/19/08

Amended 12/15/2020

APPENDIX A

Hours of Operation:

The Station shall be open during such other times as the Board of Selectmen shall determine after public hearing. The schedule designation the time when the station is open to authorized users is set forth below:

Sunday	Closed
Monday	Closed
Tuesday	2:00 pm to 6:00 pm
Wednesday	7:00 am to 11:00 am
Thursday	2:00 pm to 6:00 pm
Friday	7:00 am to 11:00 am
Saturday	8:00 am to 2:00 pm

The Station shall be closed on the following holidays: New Year's Day, Fourth of July, Saturday before Labor Day, Thanksgiving Day, and Christmas Day.

APPENDIX B

CANAAN TRANSFER STATION FEE SCHEDULE

- (a) Appliances with freon coolant systems, including but not limited to air conditioners, dehumidifiers, refrigerators and freezers: Refrigerators and freezers must have their doors and contents removed prior to acceptance at the Station. Each item shall be fifteen dollars (\$15.00). Florescent lights are \$.50 per bulb.
- (b) Televisions and Computers Monitors: Each item will be fifteen dollars (\$15.00) Microwaves \$5.
- (c) Propane Tanks: #20 size tanks \$2. #21-#100 size tanks. Each item shall be ten dollars (\$10.00)
- (d) Tires: with no rims. Each item shall be five dollars (\$5.00), \$10 for truck and higher for heavy equipment tires.
- (e) Bulky Waste: Carpet, stuffed couches/chairs, mattresses, box springs. Each item shall be priced by volume/weight and collected at special or separate collection events.
- (f) Construction and Demolition debris will be determined by Transfer Station personnel by estimating volume and weight of material and collected at special or separate collection events.
- (g) Sticker fee as established annually by the Town Board of Selectmen.
- (h) Household Hazardous Waste collection fee as established annually by the Town Board of Selectmen.