

City of Nashua Legislation Details for O-02-69

Bill Number: O-02-69

1st Reading: 6/25/2002

Bill Name: AMENDING CHAPTER 10 "GARBAGE, TRASH AND REFUSE"

Bill Status: Approved

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Voting: Not a Roll Call Vote on this Legislation

Bill Sponsor: Mayor Streeter

Co-Sponsors: [Deane, David](#) - Alderman At - Large
[Johnson, Paula](#) - Alderman At - Large
[McAfee, Kevin](#) - Alderman Ward 1
[Plamondon, Marc](#) - Alderman Ward 4
[Dion, Robert](#) - Alderman Ward 6
[Tollner, James](#) - Alderman At - Large
[Rootovich, David](#) - Alderman At - Large

Bill Text: AMENDING CHAPTER 10 "GARBAGE, TRASH AND REFUSE"

In the Year Two Thousand and Two The City of Nashua ordains that Nashua Revised Ordinances, as amended, Chapter 10 "Garbage, Trash and Refuse", Articles I, II, and III, be further amended by deleting the struck-through language and/or adding new language as underlined as follows: "ARTICLE I. IN GENERAL Sec. 10-1. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Approved shall mean approved by the board of health, the board of public works or their its authorized representatives, as applicable. Ashes shall mean any residue, other than salvage, from the burning of combustible materials. Composting shall mean the biochemical degradation of organic materials to a stable, sanitary, nuisance free, humus-like material. Dump shall mean a place where refuse is disposed of on or in the ground in a manner other than the normal accepted practices for sanitary landfill operations. Garbage shall mean swill and every accumulation of animal, vegetable and other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter, including meats, fowl, birds, fruit, vegetable or dairy products and the waste wrappers or containers thereof. [Hazardous waste means a solid, semisolid, liquid, or contained gaseous waste, or any combination of these wastes which because of either quantity, concentration, or physical, chemical or infectious characteristics may cause or contribute to an increase of irreversible or incapacitating reversible illness, or pose a present or potential threat to human health or the environment when improperly treated, stored, disposed of, or otherwise mismanaged; or which has been identified as a hazardous waste by the New Hampshire Department of Environmental Services, office of waste management using the criteria established under RSA 147:50 I(a), and/or as listed under RSA 147:50 I(e). Such wastes include, but are not limited to, those which are toxic, corrosive, ignitable, reactive,

irritants, strong sensitizers, or which generate pressure through decomposition, heat, or other means. Such wastes do not include radioactive substances that are regulated or controlled by the Atomic Energy Act of 1954, as amended.] Incinerator shall mean an apparatus, device, container or equipment in which combustible wastes are ignited and burned. Multiple chamber incinerator shall mean any apparatus or equipment used to dispose of combustible wastes by burning, consisting of three (3) or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and designed for maximum combustion of the material to be burned. Other wastes shall mean any substance harmful to the health, safety or welfare of persons including but not limited to garbage, refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil tar, chemicals and other substances other than sewage or industrial wastes. Refuse shall mean all putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish, ashes, manure, street cleanings, dead animals, abandoned automobiles and industrial wastes, but not human excreta. Rubbish shall mean nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard; waste metal, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials. Sharp household infectious waste shall mean any waste with any sharp edge or point, which, because of its infectious nature may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. This includes, but is not limited to, needles, syringes, and lancets. Sec. 10-2. Reserved. Sec. 10-3. Refuse; incinerator emissions. (a) All refuse and incinerator emissions shall be kept, transported, treated, disposed of or reclaimed by a method or methods which are in compliance with the ordinances and regulations of the city and the statutes of the state, pertinent to disposal of wastes and control of pollution. (b) No refuse or other wastes shall be permitted in or placed or deposited upon or under the lands, or into the public outdoor atmosphere of the city, in any manner determined by the board of health, [and] or the board of public works, [as applicable,] or their its authorized representatives and agents to be detrimental to the use of the receiving lands or the public outdoor atmosphere, or prejudicial to the health, safety, or welfare of persons who may be affected by the resulting environmental conditions. (c) The design of any system of wastes storage, collection, transportation, treatment, composting, or disposal shall take into consideration proximity to wells, streams, ponds, rivers, or other sources of water supply, topography, water table, soil characteristics, available area, residential concentration, present and future property use, and shall provide for adequate handling, treatment, and disposal facilities for the amount and nature of waste material anticipated, so as to prevent nuisance, pollution and hazard to public health, safety and welfare. (d) The health officer shall be permitted to make and he shall make such inspections of any place, premises, container, process equipment or vehicle used for the collection, storage, transportation, disposal or reclamation of refuse as are necessary to insure compliance with these statutes, ordinances and regulations. Sec. 10-4. Reserved. Automated Collection. (a) The purpose of this section is to establish minimum standards for the storage, collection, transportation and disposal of refuse by automated collection, and thus promote the health, safety, and welfare of the city's residents, employees and environment. (b) The superintendent of the solid waste department (hereinafter the "superintendent") shall have the direct responsibility for the administration of this section subject to the direction and control of the director of public works, the mayor and the board of public works. (c) For the purpose of this section,

the following definitions shall apply: Automated Collection shall mean a method of collecting refuse through the use of mechanical collection equipment and special containers issued for the storage and collection of rubbish. Automated Collection Container or Cart shall mean a specially designed container with wheels, approved by the division of public works, solid waste department to be used for the storage of acceptable refuse in the automated collection operation. Bulky Waste shall mean discarded non-metal items that may not be placed in the automated collection container, such as small furniture, mattresses, box springs, etc. City means the city of Nashua, New Hampshire. Curb line shall mean the area directly behind or adjacent to the curb; in the absence of a curb, the area adjacent to the edge of pavement or road. Customer shall mean any person or entity receiving service from the city. Designated collection point shall mean the place where the automated cart shall be placed for service, as determined by the division of public works, solid waste department. Director shall mean the director of the division of public works or his or her duly-authorized representative. Dwelling unit shall mean any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation) for not more than one household. Extra refuse shall mean any refuse placed on, around or in a five foot radius of the automated collection container in excess capacity of the automated container. Infectious waste shall mean waste that has the potential to cause an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host. Nonresidential unit shall mean any establishment except those defined under residential property. Overloaded shall mean that the automated container or cart is so full of refuse that its lid is not completely closed, thereby exceeding the automated cart's rated capacity. Recyclable shall mean any material that is collected and handled by the city for remanufacture into new products. Residential property shall mean a single or multiple family housing unit up to and including apartment buildings of six (6) or fewer dwelling units. Soft Yard Waste shall mean organic material, including leaves, grass clippings and pine needles, which are banned by the NH Department of Environmental Services[, its successor agency, or the appropriate regulatory authority] from disposal in landfills. (d) General Requirements. (1) The division of public works, solid waste department will provide an automated collection container and instructions for use to residents who receive collection services from the department, prior to the onset of the new collection program. (2) It shall be the customer's responsibility to assure that automated collection containers are placed in the appropriate location designated by the city, by 6:45 am on collection day. (3) The city shall not be responsible for the refuse collection if there is a violation of any part of this section, or circumstances that are beyond the control of the city. Circumstances or violations include, but are not limited to, automated container overload, improperly loaded automated container, blocked access, automated container inaccessibility, or dangerous situations. (4) Automated containers shall be placed at the city designated collection point on the scheduled collection day by 6:45 am. Such location shall be easily accessible to the container with the lids completely closed, and unobstructed to the collection vehicle, and with the handle of the container facing the house. It shall be the duty of each customer to remove the automated container from the curb line on the same day as collection. It is prohibited to overload automated containers in a manner that is likely to cause damage to the collection vehicle, automated container or create a litter condition or impede collection. (5) Automated collection within the city is mandatory in those areas designated by the superintendent of the solid waste department or director of public works. (6) Any manure, offal or other noxious material that, in the discretion of the superintendent, has not been securely wrapped and placed in an automated container, shall not be collected. All

refuse shall be drained of any free liquids prior to placement in any automated container. It shall be the responsibility of the resident to keep automated containers clean. (7) It shall be a violation hereof to place or deposit any refuse whatsoever in or around an automated container owned or provided for the use of another customer without that customer's approval. (8) The city shall reserve the right to inspect any or all refuse, collected and disposed, prior to and or during collection and disposal for compliance with local, state, or federal laws or regulations, and to reject if non-compliant. (e) Containers. (1) The automated containers are provided exclusively by the city. No other type of automated container is allowed. The city shall initially provide one (1) automated container at no charge to each occupied residential unit currently serviced by the city. All automated containers will be assigned to a street address and have an imprinted number for identification purposes. The automated container shall remain at the assigned address regardless of whether the property owner or resident sells or moves. (2) The automated container provided by the city shall not be filled to exceed the manufacturer's recommended limit (two hundred (200) pounds total weight for a 90-95 gallon container and one hundred fifty (150) pounds for a 65 gallon container) and all rubbish must fit inside the automated collection container. The cover of any automated container must be kept closed at all times except when the automated container is being filled, emptied or cleaned. Animal wastes and ashes shall be wrapped separately from other refuse in a manner to prevent spillage prior to placement in an automated container. (3) Bulky items, such as mattresses, furniture, and brush; tires; and metal items will be picked up in special collections by appointment only, for residential properties receiving City MSW [Municipal Solid Waste] collection service by the solid waste department, as outlined in the board of public works policy. (4) Currently served housing units are limited to a maximum number of automated collection containers, as determined by the division of public works, solid waste department. If customers require more than the determined number of automated collection containers, or do not have the room to properly place automated containers at curbside for collection, the director or superintendent may order them to purchase and maintain additional containers or to obtain private collection service. (5) Any customer in possession of a city-owned automated collection container shall pay the cost of repair or replacement of any damaged container, if it is the determination of the director or superintendent that such damage is the result of negligence of, or abuse by, the customer. The charge shall be the actual cost of repair or replacement as determined by the city. If a container is rendered unusable through normal wear and tear, or through the fault of the city, then a replacement container will be provided [at no cost to the residence]by the city. (6) The initial automated containers issued by the city are the property of the city and shall remain with the premises they are assigned to. Automated container shall only be used for storage and placement for collection of refuse by the city. (7) In order to maintain an orderly and aesthetic appearance within the city and to prevent unauthorized encroachment on any street, public property or private property the superintendent or director shall have the authority to approve the storage location of automated containers for residential customers. Automated containers shall be stored on private property except on collection days. Failure by the customer to comply with city notification citing improper storage for automated containers shall be a violation of this section. (8) Automated collection containers shall be returned to a secure location after the pickup. with the exception of automated containers being stored in a garage or shed, the automated container shall not be stored anywhere closer to the street than the extension of any existing building line that faces any street, unless the automated container is screened from public view by shrubbery, foliage, a fence or wall. Automated containers are not to be left curbside, street side or

roadside overnight after the day of collection. (f) Rubbish Collection Service. (1) To be eligible to receive collection service, the customer shall currently be receiving service as of the effective date of this section, in accordance with the approved board of public works multi-family collection policy. (2) Standard refuse collection service shall consist of once a week collection of acceptable refuse, which may include bulky waste, metals goods, and seasonal soft yard wastes, in accordance with policies as outlined by the board of public works. (3) Residential curbside collection of acceptable recyclables shall consist of bi-weekly pickup service, in accordance with policies as outlined by the board of public works. (g) Points of Collection. Automated containers shall be placed: (1) Within two (2) feet of the curb line or where directed by the city. (2) At least three (3) feet away from all objects such as fences, mailboxes, and utility poles, and clear of overhanging vegetation, utility wires, etc. to allow for the unimpeded operation of collection vehicles. (3) So that the automated container handle is facing the dwelling unit. (4) At least three (3) feet from recycling and yard waste containers. (5) At least ten (10) feet away from parked vehicles. (6) Residents are responsible for ensuring the accessibility of all containers. (h) Prohibited Material. All materials prohibited under other ordinances, and: (1) No toxic, extremely hazardous, dangerous/hazardous or liquid waste as defined now or hereafter, shall be deposited curbside or in any automated collection container intended for disposal. (2) Household hazardous waste and small quantity generator waste shall not be deposited curbside or in any automated collection container. (3) No infectious waste or sharps shall be placed curbside or in any automated container for collection. (4) No rocks, concrete, asphalt, dirt, or other similar material shall be placed in automated containers. (5) Yard waste and recyclables shall be separated from refuse and placed in separate containers for separate collection, as outlined in the board of public works policy. (6) No hot ashes or any other material capable of causing ignition or spontaneous combustion shall be placed in any automated collection container. (7) No motor oil or other automotive fluids shall be deposited in any automated container. (8) The city reserves the right to prohibit, or to place disposal restrictions upon any waste that may adversely affect the disposal site. This shall also extend to any item that may pose a risk to the health or safety of city employees. Disposal restrictions that may be implemented shall include, but are not limited to, item size restrictions, quantity restrictions, recycling regulations, special preparation requirements, and rubbish source documentation requirements. (9) Failure of a customer to comply with disposal restrictions will be deemed a violation and may, at the discretion of the superintendent or director, result in revocation of collection services. (i) Enforcement: This section shall be enforced by either the police department, the environmental health department or the code enforcement department or their duly authorized agents[, after initial notification to the violator by the division of public works, solid waste department]. (j) Violation: Any customer found willfully violating any of the provisions of this section may have their service terminated by the superintendent or director. Sec. 10-5. Residential. (a) No person shall put or place, or cause, suffer or permit to be put or placed, any residential waste, refuse, rubbish or garbage upon or near any sidewalk or public way for the purpose of public or private collection thereof except in accordance with the following standards: (1) [Until the residence has been transferred to the automated collection program,]Until the startup of the automated collection program, as determined by the superintendent or director, tThe waste, refuse, rubbish or garbage is contained within plastic bags, or other secure, disposable container approved by the board of public works by regulation from time to time, and which shall be collected along with the waste refuse, rubbish, or garbage. Such disposable containers shall, in turn, be placed in a rigid metal, plastic, or other container for the storage of such waste as approved by the board of public works by

regulation from time to time. This container shall be in good repair and shall securely enclose the contents with the exception that it need not be covered on top. The only exceptions to this paragraph are recycling bins containing proper materials to be recycled and approved bags or other containers containing soft yard wastes. (2) The waste, refuse, rubbish, or garbage, soft yard wastes or recycling shall only be placed curbside or as otherwise directed by rule or regulation of the board of public works, upon any street or sidewalk for the purpose of collection so long as neither pedestrian nor motor vehicle traffic is obstructed or impeded or thereby endangered. Garbage, trash, refuse, waste or containers therefore cannot be stored between collections in front yards or forward of the building lines, when there is other available outdoor space on the property. (3) No waste, refuse, rubbish, or garbage or recycling shall be placed on any sidewalk, or at curbside in the absence of a sidewalk for public collection earlier than 7:00 a.m. on the day prior to the scheduled day of collection, and no later than 6:45 am on the day of collection. (4) Waste, refuse, rubbish or garbage containing sharp household infectious waste will not be collected curbside or accepted at the city landfill. To dispose of sharp household infectious waste, residents can utilize disposal programs run by local hospitals pursuant to each hospital's guidelines. Enforcement of this section may be by either the police department, the environmental health department, or the code enforcement department[, after initial notification to the violator by the division of public works, solid waste department]. (b) The board of public works may make such additional rules and regulations pertaining to residential waste, refuse, rubbish or garbage storage and collection as it may deem advisable in accordance with section 10-22 of the Nashua Revised Ordinances. (c) Any person who violates any provisions of this section may be fined and/or issued a citation pursuant to NRO 1-9 ("General penalty for violation of Revised Ordinances; continuing violations"). For purposes of this section, person includes the owner of the property or any other person or persons with authority to effect compliance with this chapter. Secs. 10-6--10-20. Reserved. ARTICLE II. SANITARY LANDFILLS* Sec. 10-21. Definitions. As used in this article: Approved shall mean approved by the board of health[, the board of public works] or [their its] authorized representatives[, as applicable]. Ashes shall mean any residue, other than salvage, from the burning of combustible materials. Composting shall mean the biochemical degradation of organic materials to a stable, sanitary, nuisance-free, humus-like material. Commercial relates to or is connected with trade and traffic or commerce in general; is occupied with business and commerce. Construction debris and demolition waste shall mean nonputrescible waste, building material and rubble. Dump shall mean a place where refuse is disposed of, on, or in the ground in a manner other than the normal accepted practices for sanitary landfill operations. Garbage shall mean swill and every accumulation of animal, vegetable, and other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter, including meats, fowl, birds, fruit, vegetable or dairy products and waste wrappers and containers thereof. Hazardous waste means a solid, semisolid, liquid, or contained gaseous waste, or any combination of these wastes which because of either quantity, concentration, or physical, chemical or infectious characteristics may cause or contribute to an increase of irreversible or incapacitating reversible illness, or pose a present or potential threat to human health or the environment when improperly treated, stored, disposed of, or otherwise mismanaged; or which has been identified as a hazardous waste by the New Hampshire Department of Environmental Services, office of waste management using the criteria established under RSA 147:50 I(a), and/or as listed under RSA 147:50 I(e). Such wastes include, but are not limited to, those which are toxic, corrosive, ignitable, reactive, irritants, strong sensitizers, or which generate pressure through decomposition, heat, or other

means. Such wastes do not include radioactive substances that are regulated or controlled by the Atomic Energy Act of 1954, as amended. Hospital waste shall mean material contaminated as a result of contact with wastes or infected matter, during, or as a result of, care or treatment of patients in hospitals or nursing homes. Human excreta shall mean fecal and urinary discharges and includes any waste containing such material. Incinerator shall mean an apparatus, device, container, or equipment in which combustible wastes are ignited and burned. Incompatible waste means a hazardous waste that is not suited for placement in a particular device because it may cause corrosion or other hazards, or is not suited for commingling with any other waste because it may produce heat, pressure, or a hazardous reaction. Individual sewage disposal system shall mean a disposal system whose original source of wastes is limited to sewage originating from/on an individual property, dwelling or premise designed and constructed to receive, treat and dispose of liquid-borne wastes in such manner as to retain settleable solids in a liquid-type tank and to discharge the liquid portion in an approved manner to an adequate disposal area. Examples include, but are not limited to, septic tanks with soil absorption systems, incinerator-type toilets, and holding tank systems. Industrial waste shall mean any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade or business or from development of any natural resources. Infectious waste shall mean any waste which because of its infectious nature may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Manure means animal feces and urine with or without natural organic bedding materials such as hay, sawdust, straw or wood chips, but exclusive of human waste. New subdivision shall mean a subdivision whose plat or plot plan has been approved after the effective date of this article. Nuisance means any activity which arises from unreasonable, unwarranted or unlawful use by a person of his own property, working obstruction or injury to another, or to the public. Other wastes shall mean any substance harmful to the health, safety or welfare of persons including, but not limited to, garbage, refuse, decayed wood, sawdust, shavings, bark, lime, ashes, offal, oil, tar, chemicals and other substances other than industrial wastes. Pathologic wastes means human tissues, fluids and other metabolic by-products together with such materials and equipment as may be contaminated by same to include sharps, laboratory cultures, dialysis unit wastes and blood and blood products. Person shall mean any individual, trust, firm, joint stock company, corporation, partnership or association engaged in the business of commercial solid waste storage, collection and handling. Pollution shall mean contamination, or other alteration of the physical, chemical, or biological properties of any waters or public outdoor atmosphere, which will or may create a public nuisance or render such water, land or public outdoor atmosphere harmful, detrimental, or injurious to public health, safety, welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, animals, birds, fish or other aquatic life. Private nuisance means an invasion of a person's interest in the private use and enjoyment of land, including any wrongful act which destroys or deteriorates the property of an individual or of a few persons or interferes with their lawful use or enjoyment thereof, or any act which unlawfully hinders them in the enjoyment of a common or public right and causes them a special injury different from that sustained by the general public. Public nuisance is one which affects an indefinite number of persons or all the residents of a particular locality or all people coming within the extent of its range or operation. Public sewer shall mean a sewer located in a road, street, alley, easement or right-of-way, used to convey sewage to

community treatment and disposal facilities. Putrescible material means any organic material that can decompose and give rise to foul smells and noxious by-products. Refuse shall mean all putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish, ashes, manure, street cleanings, dead animals, abandoned automobiles and industrial wastes, but not human excreta. Refuse collection shall mean the process whereby solid waste and/or solid waste containers containing solid waste are taken from designated location on any premises and loaded into vehicles intended for transport from the premises to the disposal site. Refuse container shall mean an approved portable device designed, constructed or purchased to hold or store solid waste, pending collection and transport to the disposal area. Rubbish shall mean nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, waste metal, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials. Septic tank shall mean a liquid-tight receptacle which receives raw sewage for storage and digestion, and which has been designed and constructed so as to retain the solids and to allow the liquids to discharge through a secondary system of piping to an approved form of subsurface disposal area. Sewage shall mean the wastes from toilets, baths, sinks, lavatories, washing machines, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, watercraft, and other places of human habitation, employment or recreation. Sewerage system shall mean and include the pipes or conduits, pumping stations, force mains, and all other devices, appurtenances, and facilities used for collecting, treating or conducting sewage to point of final disposition. Sludge means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant. Solid waste shall mean waste material generated within the City of Nashua and approved for disposal at the Nashua landfill. It does not include hazardous, toxic or nuclear waste as defined by the New Hampshire solid or hazardous waste rules or the Atomic Energy Act of 1954 as amended. Subdivision shall mean any lot, tract or parcel of land which is hereafter divided into two (2) or more parcels. Suitable person means the individual, trust, firm, joint stock company, corporation, partnership or association, or employee thereof properly licensed and equipped to collect and transport solid waste generated and collected within the city limits of Nashua for disposal at the city landfill in conformity with this article. Waste means any matter consisting of: Garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other spent, discarded or abandoned material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation, return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act as amended. Waste disposal system shall mean any system for the disposal of sewage and other wastes, including but not limited to public or franchised sewerage systems, individual sewage disposal systems, chemical toilets, privies, waste treatment works, sanitary landfill operations, dumps, incinerators, and composting operations. Waste handling includes the complete process required of collection and transport of bulk or contained solid waste from point of generation to the disposal site. Waste transport includes that portion of the solid waste disposal operation which provides for the hauling of solid waste in bulk or refuse containers to the disposal site. Waste treatment works shall mean any plant, disposal field, lagoon or other works used for the purpose of treating or stabilizing sewage or industrial wastes. Waters shall

mean all rivers, streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies of accumulated water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon the City of Nashua or any portion thereof. Sec. 10-22. Procedure for establishing; hearing; notice. (a) The board of public works may, after notice and public hearing, establish sanitary landfills within the boundaries of the city and establish rules and regulations for the collection of all forms of trash and waste. (b) The board shall fix a reasonable time for a hearing on the establishment of a landfill. Notice shall be given to the owners of all of the real property situated within two hundred (200) feet of any of the boundaries of the landfill, or their representatives in interest if of record in the office of the board of assessors, either in hand or by notice sent by certified mail, and notice also shall be given by publication in a newspaper published in the city. The notice shall be sent or delivered in hand at least fourteen (14) days before the date and time of the hearing and shall be published at least fourteen (14) days before the date and time of the hearing and published again at least seventy-two (72) hours before the hearing. Notices sent by mail shall be mailed to the last known address of the owners or their representatives in interest. (c) The board of public works shall give notice of any hearing on the establishment of rules and regulations for the collection of all forms of trash and waste by publishing such notice in a newspaper published in the city at least fourteen (14) days before the date and time of the hearing. Sec. 10-23. Issuance, display of permits. (a) A disposal permit will be required for all non-city-owned vehicles before any such vehicle shall be allowed to dispose of waste material in any city landfill. A disposal permit shall be issued only to individuals or firms resident in the city and shall be valid only for the calendar year in which it is issued. Each permit shall be nontransferable and shall be affixed to the upper right-hand corner of the windshield of each vehicle of the permittee. Transfer of a permit or failure to display a permit, or to comply with the rules and regulations as established by the board of public works, by the permittee will result in immediate revocation of dumping privileges without notice. The city may accept waste material from any New Hampshire municipality provided that any contract with any New Hampshire municipality be approved by the board of public works and the board of aldermen. (b) Permits will be issued after payment of the fee to be established by the board of public works sufficient to cover its costs. (c) Passenger vehicles and noncommercial vehicle permits shall not exceed a fee of five dollars (\$5.00). (d) Unless otherwise provided, any person violating any provision of this article section may be punished by a fine of not more than twenty dollars (\$20.00), or the loss of his dumping privileges to use the facility, or both. Sec. 10-24. Fees for deposit of waste. All permittees holding permits under section 10-23 shall pay the following fees in connection with waste material deposited by them at any landfill: (1) For the deposit of motor vehicle tires, a the sum charged on a per unit basis not less than one dollar and not more than three dollars per tire for passenger car tires, and not less than three dollars and not more than five dollars per tire for truck and construction equipment tires, as set by the board of public works. No commercial tires or construction equipment tires will be allowed. (2) For the deposit of all waste material requiring segregation from the usual waste stream: a. Asbestos or asbestos containing materials from Nashua properties, packaged and documented bagged in accordance with federal EPA regulations: ten cents (\$0.10) per pound or fraction thereof, with a minimum charge of twenty-five dollars (\$25.00). b. Asbestos mixed with otherwise clean fill, asbestos siding shingles: two hundred dollars (\$200.00) per ton. c. All other materials requiring special handling: eighty dollars (\$80.00) to one hundred dollars (\$100.00) per ton, except such demolition materials resulting from remodeling or repair certified

to have originated from a single-family resident-owned and occupied home. For such material, the city will accept only one (1) load from any given residential project. The one (1) load will not exceed the standard thirty-yard "roll-off" container, and the load will be exempt from the fee. Procedure for verification of such a load will be set by the division of public works. (3) For all acceptable