



TOWN OF GILFORD, NEW HAMPSHIRE

SOLID WASTE CENTER REGULATIONS

(CHAPTER 10)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt these amended regulations as the bylaws and rules by which the Gilford Solid Waste Center shall henceforth be governed.

10.1 AUTHORITY

These regulations are adopted pursuant to the authority granted under RSA 149-M:17 as further authorized by vote on Article 30 at the 2018 Annual Town Meeting; whereby it was voted to authorize the Board of Selectmen to adopt bylaws governing the use of the Gilford Solid Waste Center, to include (1) the establishment of reasonable fees and (2) rules for the separation and collection of refuse.

10.2 PURPOSE

The purpose of these regulations is to promote the orderly use of the Gilford Solid Waste Center for the benefit of Gilford residents, property owners and taxpayers. In addition, these regulations are intended to provide for waste disposal options pursuant to applicable New Hampshire State laws and regulations (RSA 149-M and Chapter Env-SW) while protecting the health and safety of the citizens of Gilford and the Town employees who work at the facility. Lastly, these regulations are intended to provide the rules governing the Town's acceptance, processing, disposal, and transfer of solid waste products (household trash) with the added goals of protecting the environment and maximizing the most economic use of tax dollars by enacting a user fee system that is designed to cover the costs of disposal for waste products other than household trash.

10.3 REPEAL OF PREVIOUS REGULATIONS

These regulations shall supersede and replace An Ordinance Establishing a Town Dump and Providing For The Use Thereof, in accordance with the vote on Article 30 at the 2018 Annual Town Meeting.

10.4 GENERAL INFORMATION

- 10.4.1 The Gilford Solid Waste Center operates under a permit # DES-SW-PN-18-006 dated November 2, 2018 as issued by the New Hampshire Department of Environmental Services; attached hereto as Appendix A.
- 10.4.2 The Gilford Solid Waste Center consists of 27± acres and is located at 100 Recycle Way in the Town of Gilford, more particularly described as Map 215, Lot 25.
- 10.4.3 The term “residential” as used throughout these regulations shall be defined to mean the waste product must come from a non-commercial property situated in the Town of Gilford which is then delivered to the Gilford Solid Waste Center by the property owner or a non-commercial agent acting on the owner’s behalf.
- 10.4.4 The Selectmen hereby authorize the use of a designated portion of the property as a fire fighting training facility, under such terms and conditions as the Selectmen may deem necessary for the safety all concerned.
- 10.4.5 The Selectmen hereby authorize the use of a designated portion of the property as a law enforcement firing range, under such terms and conditions as the Selectmen may deem necessary for the safety all concerned.
- 10.4.6 The Selectmen hereby authorize the use of a designated portion of the property as a boat trailer storage facility, under such terms and conditions as the Selectmen may deem necessary for the safety all concerned.
- 10.4.7 The Town employees who work at the Solid Waste Center are responsible for enforcing the rules (as noted herein), but more importantly, their primary responsibility shall be to serve and assist Gilford residents and taxpayers with the disposal of their waste products. Anyone in need of assistance or anyone with any questions about SWC operations should contact a staff member and expect to be treated promptly and courteously with the utmost sense of professionalism.
- 10.4.8 The rear yard of the Solid Waste Center is often bustling with construction activity, including, but not limited to burning of brush, grinding of stumps and logs, crushing of concrete, asphalt, bricks, and glass and constant trucking of materials. Due caution should be exercised at all times when driving and when moving about outside of vehicles, especially concerning children and pets.

10.5 RULES FOR THE USE OF THE GILFORD SOLID WASTE CENTER

10.5.1 TOWN DECALS (STICKERS) REQUIRED

No person shall be allowed to enter the Gilford Solid Waste Center for the purpose of disposing of waste products without a valid Town decal on their vehicle or a temporary pass (See also Section 10.6).

10.5.2 RESIDENTIAL USE ONLY

The use of the Gilford Solid Waste Center for disposal of household trash, recyclables, construction & demolition debris, bulky wastes, and electronics shall be limited to residential purposes only. Commercial haulers, commercial businesses, contractors and anyone who is being paid to transport someone else's trash shall be required to bring their waste products to the Laconia Transfer Station where they shall be subject to the rules and fees of the City of Laconia, except where specifically noted otherwise in these regulations. The Town shall not subsidize or pay any costs associated with the disposal of any waste products delivered to the Laconia Transfer Station on behalf of Gilford residents and taxpayers.

10.5.3 RECYCLABLES

(a) Recycling shall be mandatory in the Town of Gilford. A person may be deemed to be in violation of this provision if the contents of any trash container consists of five percent (5%) or more of recyclable products, as determined by a staff member.

(b) All recyclables shall be separated and grouped by product materials as otherwise noted herein or in accordance with the signage on display at the Solid Waste Center. The Town will not accept co-mingled recyclable products. A person may be deemed to be in violation of this provision if they combine two or more recyclable materials and place them in the wrong bin.

(c) All recyclable containers must be clean and uncontaminated to avoid having such items or loads rejected at the processing facility. All container caps shall be removed and discarded with the trash. A person may be deemed to be in violation of this provision if the contents of any recycled container consists of a significant amount of a foreign substance, as determined by a staff member. Examples include grease stains on a pizza box or food residue in a container.

(d) The Town will accept the following recyclable waste products provided they are separated and sorted by type of material:

- Plastics #1, #2, #5 & #7 (PET & HDPE) (not including PVC, LDPE containers, polystyrene, styrofoam, black plastic trays, pails, buckets or shrink wrap)
- Metal Cans
- Aluminum Cans
- Glass Bottles
- Corrugated Cardboard
- Paper (newsprint, office paper, wrapping paper, magazines, junk mail, phone books, cereal boxes and non-waxed paper containers)

(e) The Town reserves the right to inspect every load of recyclables that is brought to the Gilford Solid Waste Center, and to refuse acceptance if deemed to be in violation of these regulations as determined by a staff member.

(f) The Town shall, to the greatest extent practical, market and sell the recyclable products noted above in subparagraph (d), with the exception of glass, which may be crushed and re-used as aggregate by the Town or other interested parties.

10.5.4 CONSTRUCTION & DEMOLITION DEBRIS AND BULKY NON-METAL WASTE PRODUCTS

(a) The Town will accept residential C&D debris and bulky non-metal waste products consisting of plywood and particle board, pressure treated wood products, sheetrock and plaster board, roof shingles, painted or stained lumber, windows and frames, doors and frames, plumbing and electrical fixtures, mattresses and box springs, bed frames & headboards, furniture, carpets and pads, and other building materials for a fee that will reasonably cover the actual disposal costs as set forth in Appendix B.

(b) Such items must be inspected by the Town prior to disposal and placed in appropriately marked containers. The Town reserves the right to refuse acceptance if deemed to be in violation of these regulations as determined by a staff member.

(c) Any of these items that fit reasonably into a trash bag shall be disposed of with household trash as otherwise noted herein.

(d) The Town shall dispose of these items by having them transferred to a duly licensed facility that is permitted for their receipt and final disposition. Town staff shall ensure, in so much as possible, that all C&D loads being shipped are fully contained and covered to prevent inadvertent littering.

10.5.5 BULKY METAL WASTES

(a) The Town will accept residential bulky metal wastes such as appliances, bicycles, automotive body parts, mufflers, tail pipes, power tools (lawnmowers, weed whackers, etc.), bicycles, portable grills, lawn furniture, playground equipment, ladders, oil and gasoline tanks (provided they are clean, empty and cut in half), duct work, I-beams, and other large items consisting primarily of metal, as determined by a staff member. The Town reserves the right to refuse acceptance of bulky metal wastes that exceed 16 square feet (4'x4').

(b) Such items must be inspected by the Town prior to disposal and placed in appropriately marked locations. The Town reserves the right to refuse acceptance if deemed to be in violation of these regulations as determined by a staff member.

(c) There shall be no charge to dispose of these items unless they contain a refrigerant, in which case there shall be a fee to recover the cost of proper disposal as otherwise set forth in Appendix B.

(d) The Town shall, to the greatest extent practical, market and sell the bulky metal waste products noted above in subparagraph (a).

10.5.6 ELECTRONICS

(a) The Town will accept residential computer processors, monitors, printers, televisions, stereo equipment, laptops, copy machines, and other electronic items for a fee that will reasonably cover the actual disposal costs as set forth in Appendix B.

(b) Such items must be inspected by the Town prior to disposal and placed in appropriately marked containers. The Town reserves the right to refuse acceptance if deemed to be in violation of these regulations as determined by a staff member.

(c) The Town shall dispose of these items by having them transferred to a duly licensed facility that is permitted for their receipt and final disposition. Town staff shall ensure, in so much as possible, that all loads being shipped are fully contained and covered to prevent inadvertent littering.

10.5.7 YARD WASTE

(a) The Town will accept, to the extent that space is available, commercial and residential yard waste products consisting of clean wooden boards (no nails, screws, paint or stain present), stumps, logs (no wider than 6 inches in diameter or 6 feet long), brush, leaves, mulch, concrete, asphalt, bricks, pavers, and other similar products.

(b) Such items must be inspected by the Town prior to disposal and placed in appropriately marked locations. The Town reserves the right to refuse acceptance if deemed to be in violation of these regulations as determined by a staff member.

(c) The Town shall, in so much as possible, dispose of brush and clean wood by burning and/or chipping; process logs, stumps, concrete, bricks, pavers and asphalt by grinding for re-use; and process leaves and mulch by decomposition for re-use.

(d) In the event that the Town has a surplus of processed yard waste products available for use by commercial entities that are situated in Gilford, such products may be sold for a fee equal to the cost of processing. Distribution of surplus processed yard waste products for residential purposes (for Gilford residents and taxpayers only) shall be at no charge when available. Whenever the distribution of such materials requires the use of Town equipment for loading, it must be understood the Town shall have no obligation as to the timeliness of such services, nor shall the Town be liable for any damages that may ensue.

10.5.8 HOUSEHOLD TRASH

(a) The Town will accept residential household trash originating from residential properties situated in the Town of Gilford at no charge provided that such trash is fully contained in bags or barrels (to the greatest extent possible) and provided further that such bags do not contain more than five percent (5%) of recyclable products or any other items that are considered hazardous waste or non-MSW under the applicable laws, rules, and regulations of the State of New Hampshire.

(b) The Town reserves the right to inspect every load of trash that is brought to the Gilford Solid Waste Center, and to refuse acceptance if deemed to be in violation of these regulations as determined by a staff member.

(c) The Town is currently (through 12/31/2022) contractually obligated to deliver all household trash to the Wheelabrator Concord Company Waste to Energy Incinerator (owned and operated by Waste Management, Inc.), as a member of the Concord Regional Solid Waste Resource Recovery Cooperative. Town staff shall ensure, in so much as possible, that all loads being shipped to WCC are fully contained and covered to prevent inadvertent littering.

10.5.9 SPECIALTY ITEMS

(a) HAZARDOUS WASTE

The Gilford Solid Waste Center does not accept any types of hazardous waste, defined by the State of New Hampshire under RSA 147-A:2, VII as follows:

Hazardous waste means a solid, semi-solid, 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 in mortality or an increase in irreversible or incapacitating reversible illness; or pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged; or which has been identified as a hazardous waste by the department using the criteria established under RSA 147-A:3, I or as listed under RSA 147-A:3, II. Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. NOTE: Oil based paints and stains are considered hazardous waste but latex paints are safe to dispose of with household trash.

(b) AUTOMOTIVE, MARINE AND INDUSTRIAL BATTERIES

These items may be accepted for a fee as otherwise set forth in Appendix B.

(c) RECHARGEABLE (NiCd/NiMH) AND LITHIUM-ION BATTERIES

These items may be accepted at no charge and should not be disposed of with household trash.

(d) TIRES (WITH AND WITHOUT RIMS)

These items may be accepted as otherwise set forth in Appendix B.

(e) FLUORESCENT BULBS

These items may be accepted at no charge provided they are fully intact. Broken bulbs should be disposed with household trash.

(f) USED MOTOR OIL

Waste oil will not be accepted at the Solid Waste Center. The Town may accept used motor oil (and filters) at no charge at the Gilford Public Works Garage, 55 Cherry Valley Road.

(g) MERCURY CONTAINING DEVICES

These items may be accepted at no charge and should not be disposed of with household trash.

(h) FOOD WASTE

Food waste is not allowed in the mulch pile. It should either be processed at the abode of homeowners or treated as household trash.

10.5.10 GOODY SHACK

The Town shall, in so much as possible, provide a place of exchange for gently used clothing, toys, sporting equipment, appliances, household goods, tools, and other re-usable objects that are clean, not broken or torn and fully functional. There shall be a limit of 5 items to be dropped off or taken per household per day. The Town reserves the right to reject any items and to close this facility as needed. No other forms of “dump-picking” shall be allowed, but anyone interested in acquiring other waste objects from the metal pile or C&D bin may ask for assistance. Neither the Town nor its employees shall be liable for the use or misuse of any item that has been taken from the Solid Waste Center.

10.5.11 SAFETY

- (a) The safety of Town staff and the visitors of the Gilford Solid Waste Center is of the highest importance at all times. It is for safety reasons that all visitors must follow all posted rules and signs at all times. Staff shall be required to wear appropriate clothing and safety gear at all times.
- (b) Due to the nature of waste disposal operations, there is a constant danger and inherent risks associated with broken glass, wood splinters, sharp objects, unstable piles, etc. Due care must be exercised at all times. No child under the age of 12 shall be allowed outside of a vehicle on the SWC grounds unless accompanied by a parent or guardian.

10.5.12 HOURS OF OPERATION

The Gilford Solid Waste Center will be open Tuesday through Saturday from 8:00am until 3:45pm. The facility will be closed on Sundays, Mondays, holidays and during severe snow storms or weather emergencies. Anyone who attempts to enter the facility when it is not open or deposits trash on the grounds when the gates are closed shall be prosecuted to the fullest extent of the law.

10.5.13 GENERAL RULES

- (a) Only Town employees shall be allowed to operate Town vehicles and equipment. Entry into the interior of the Solid Waste Center Buildings and access to all waste containers or waste piles is restricted except for dropping off loads that have been inspected and approved unless otherwise invited and accompanied by a staff member.

- (b) There shall be no outside solicitation or commercial activities allowed to take place on the Solid Waste Center grounds, except for extenuating circumstances pertaining to emergencies upon written approval of the Board of Selectmen.
- (c) It is recognized that the Solid Waste Center may be a desirable location for candidates for political office and supporters or opponents of various political causes to express their viewpoints. The Town shall allow such politicking to take place in designated areas, provided that (1) all signs must be hand-held and (2) public assemblies and the distribution of literature shall not impede the free flow of traffic throughout the grounds or adversely impact public safety as determined by a staff member. There shall be no political signs or materials left unattended at the Solid Waste Center, but political signs shall be allowed outside the gates along the sides of Recycle Way as otherwise set forth in state law (RSA 664:17).
- (d) All loads entering and exiting the Gilford Solid Waste Center must be covered or tied down at all times to prevent loose items from falling out. The operator of a motor vehicle shall be held responsible for any debris that falls from that vehicle (or attached trailer) and may be barred from entry to the facility for repeated violations.
- (e) All vehicles and waste products entering the facility are subject to inspection. The Town may reject any item that is deemed to pose a safety threat or otherwise violates these regulations.
- (f) The speed limit throughout the grounds of the Solid Waste Center is 15 miles per hour. Motor vehicle operators that exceed the speed limit shall receive 1 verbal warning and may thereafter be barred from entry to the facility for repeated violations.
- (g) Anyone aggrieved by the enforcement of these regulations, or anyone who feels unfairly treated by the staff for any reason may submit a written complaint or appeal to the Board of Selectmen by mail (47 Cherry Valley Road, Gilford, NH 03249) or by email to selectmen@gilfordnh.org.
- (h) Fees due must be paid at the time of entry by check or debit/credit card. The Gilford Solid Waste Center does not accept cash or coupons and the Town will not send invoices for waste disposal services.
- (i) There is no smoking at the Gilford Solid Waste Center except in personal vehicles and specifically designated areas. Lighted materials must be extinguished in a sealed container and not on the grounds of the property.

- (j) No loads will be allowed to enter the facility if there is any evidence of burning or smoldering materials.

10.6 EXEMPTIONS

- 10.6.1 In the event a resident or taxpayer is unable to deliver their waste products using a personal vehicle with a Town Decal and needs to rely upon a non-resident's vehicle, the resident or taxpayer must contact the Department of Public Works (603-527-4778) to obtain a temporary pass that notes the address where the waste will be coming from and the name of the motor vehicle operator along with their registration information and the date when the SWC facility will be used. There shall be no charge for a temporary pass, but they must be picked up in person (55 Cherry Valley Road).
- 10.6.2 These regulations (or any portions thereof) may be waived by the Director of Public Works for municipal and government operations as deemed to be in the best interest of the taxpayers of Gilford.
- 10.6.3 The Town authorizes the Director of Public Works and/or the Solid Waste Superintendent to temporarily suspend or amend these rules at any time for safety reasons, adjustments in recycling market conditions, or in order to comply with ever-changing state and federal regulations that may be applicable to the disposal of waste products as otherwise noted in these regulations.

10.7 VIOLATIONS

- 10.7.1 Failure to comply with any of these regulations shall be considered a violation subject to the penalties set forth herein.
- 10.7.2 Each continuation of a violation after notice or citation and each different rule infraction shall constitute a separate offense.
- 10.7.3 Failure to obey signs or instructions received by a staff member shall be considered a violation subject to the penalties set forth herein.

10.8 ENFORCEMENT

- 10.8.1 These regulations shall be administered and monitored by any and all employees of the Gilford Public Works Department who have been duly appointed by the Board of Selectmen with responsibilities for oversight and/or maintenance of the Gilford Solid Waste Center. The authority to administer and monitor shall consist of the following:
 - (a) Educating users of the Gilford Solid Waste Center about these regulations and distributing copies of these regulations as may be necessary;

- (b) Issuing a written warning to document non-compliance (to include notice that future violations will likely result in expulsion from the facility);
- (c) Issuing an order to vacate the premises;
- (d) Having a vehicle towed from the facility by order of a Police Officer;
- (e) Prohibiting entry or use of the Gilford Solid Waste Center for a specified period of time (not to exceed 90 days) in the event of repeated instances of non-compliance, subject to a right of written appeal to the Board of Selectmen;
- (f) Any combination of these actions at the discretion of the enforcement official based upon the severity and egregiousness of the violation(s).

10.8.2 Any person who has been ordered to vacate the premises by a duly authorized Town of Gilford enforcement official who refuses to comply with such order may be subject to arrest and prosecution for criminal trespass (by a Police Officer) in addition to any other enforcement actions that may result from the violation(s).

10.8.3 It is recognized that occasionally a person accused of violating the rules may react in an unacceptable and/or hostile manner. The abuse or harassment of Town staff will not be tolerated. Under these circumstances, Town staff are directed to avoid any such confrontations and promptly contact the Gilford Police Department for assistance in having the offender removed from the facility.

10.9 SEVERANCE

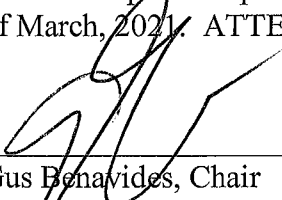
In the event that any word, sentence or section of these regulations is found to be invalid as a result of judicial or legislative action, the remainder of these regulations shall remain in full force and effect.

10.10 FEES – SEE APPENDIX B

10.11 EFFECTIVE DATE

These amended regulations shall take effect as of April 26, 2021.

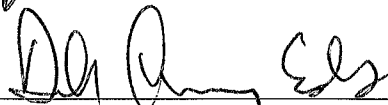
IN WITNESS WHEREOF, these amended Gilford Solid Waste Center Regulations are adopted and approved by the Gilford Board of Selectmen on this 24th day of March; 2021; after having considered public input during a duly posted and advertised public hearing held on the 24th day of March, 2021. ATTEST:



Gus Benavides, Chair



J. Kevin Hayes, Vice-Chair



Dale Channing Eddy, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 25 DAY OF March, 2021, BY:



Danielle LaFond, Town Clerk-Tax Collector