

CHAPTER 7

STREETS, HIGHWAYS, SEWERS

Section 7.1 – Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter.

BAGS: Specially marked bags designed for refuse as approved by the City Manager, sold by the City and through various commercial/retail outlets throughout the City. Bags will be sold at a price that reflects the per bag cost of refuse collection and disposal.

CITY: The City of Somersworth.

CONSTRUCTION DEBRIS: Waste building materials resulting from construction, remodeling, repair or demolition operations.

CONTAINER:

- A. **REUSABLE CONTAINER:** A receptacle made of plastic, metal or fiberglass with a capacity not to exceed thirty (30) gallons, a loaded weight of no more than fifty (50) pounds, a tight-fitting lid and handles of adequate strength for lifting.
- B. **NON-REUSABLE CONTAINER:** See definition of “bags”.
- C. **RESIDENTIAL RECYCLING BINS:** Eighteen (18) gallon plastic bins distributed by the City and identified as acceptable residential recycling bins by the City Manager.
- D. **MULTI-FAMILY BINS:** Ninety-five (95) gallon bins distributed by the City or Contractor and identified as acceptable multi-family recycling bins by the City Manager.

CONTRACTOR: The individual, firm, partnership, joint venture, cooperation or association performing refuse collection and disposal or recycling under contract with the City.

DISPOSAL SITE: A refuse depositor for the processing or final disposal of refuse, including but not limited to sanitary landfills, transfer stations, incinerators and waste processing separation centers, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction.

DUMPSTERS: A commercially designed large metal container for refuse that has a closable top lid(s) and/or side slide doors.

GARBAGE: Putrescible animal or vegetable waste resulting from the handling, preparation, cooking, serving or consumption of food including food containers.

HAZARDOUS WASTE: Wastes which are hazardous by reason of their pathological, explosive, radiological or toxic characteristics, or other special wastes.

REFUSE: Discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish or a combination thereof.

RESIDENCE: A dwelling unit such as a home, trailer, or multi-family dwelling of seven (7) or fewer units, not including hotels and motels.

RUBBISH: Non-putrescible solid wastes consisting of combustible and non-combustible materials, including yard and garden wastes.

Section 7.2 – Placement of Rubbish and Waste Materials Regulated.

No person, firm, business, or corporation shall place any rubbish cans, iron, special or hazardous wastes, including but not limited to flammables, toxic or rubber dust, liquid or fecal waste, sludge, demolition materials, animals or animal parts, and other waste material upon or near a City street, highway, or abutting sidewalks for collection by the City of Somersworth except in accordance with the following provisions of this chapter.

Section 7.3 – Collection Schedule – Restricted.

Rubbish collection will be made Monday through Thursday of each week except those weeks in which a holiday occurs, when a revised pickup schedule will be announced by the Director of Public Works. Residents will place their rubbish to be collected along the curbside or street-side where normally the curbing would be, in specially marked bags as defined in Section 7.1 of the Code, on the evening before, or by 7:00 a.m. on their scheduled pickup day. No rubbish will be picked up that is not contained by an approved specially marked bag that is not along the curbside, nor more frequently than once a week for any person, firm or corporation. The price of bags shall be established initially by Resolution of the City Council and shall be reviewed after six (6) months and annually thereafter by the City Council.

Residential structures not defined as residences under Section 7.1 and commercial structures not currently served by the City may request access to City rubbish collection routes via the use of the specially marked bags. Requests must be made in writing and addressed to the City Manager. Requests to participate in the Pay-Per-Bag Program will be approved if the following conditions are met:

- A. The structure in question must be accessible by the City vendor's trucks.
- B. For structures that are not located on City-approved streets, the owner must make arrangements with the City-contracted hauler to travel over the street in question. The owner must agree that the City will not be held responsible for any damage done by the City-contracted hauler to said private property.
- C. Applicants must meet all health and safety requirements, in particular Section 24.8 of the Somersworth Housing Code.

The ninety (90) day waiting period will allow the City to review the request and, if approved, to make arrangements with the contracted hauler to collect waste from the structure(s) in question.

Those businesses not using the City approved specially marked bags are responsible for making their own arrangements for rubbish removal and disposal.

Section 7.4 – Fees

Effective January 1, 2016, the retail cost of the bags shall be \$1.80 for a 30-gallon bags and \$1.25 for a 15-gallon bag. Effective January 1, 2017, the retail cost of the bags shall be \$1.85 for a 30-gallon bag and \$1.30 for a 15-gallon bag. The cost to vendors shall be \$.02 less to provide financial incentive for selling the bags. (Amended 09/21/2015.)

Section 7.5 – Litter on Public/Private Property: Owner's Duty.

Litter, rubbish or refuse shall not be cast, scattered, thrown, deposited or permitted to remain on or about public or private property within the corporate limits of the City to the detriment of public peace, health, safety and welfare. The owner, lessees, agents or other in charge of premises within the City shall rid such land and abutting sidewalks and medians of such nuisance as defined in Sections 7.1 of this ordinance within twenty-four (24) hours after receiving notification from the City of the violation, or place in an authorized receptacle as outlined in Section 24.8 of the Housing Code, Section 7.1 of this ordinance. It shall be unlawful for any person to dump, place, scatter litter, refuse or rubbish on or about private premises, whether such premises are vacant or inhabited.

Section 7.6 – Removal of Empty Containers (Home and Commercial).

Rubbish containers, and rubbish must be removed by the owner from the curbside within twenty-four (24) hours after the scheduled pickup. Any debris strewn from this rubbish by animals, wind, etc., will be cleaned up by the owners within twenty-four (24) hours. Rubbish collection crews will be responsible for any debris they drop or spill on the ground and will clean it up before moving on to the next stop, provided that the owner has complied with Section 7.1, the definitions of “bags”, “bundle” and “container”.

Section 7.7 – Hazardous Waste.

Hazardous waste, as defined in Section 7.1, the definition of “hazardous waste”, will not be accepted for pickup by the City and shall not be placed at the curb for such pickup.

Section 7.8 – Anti-scavenging.

No person, firm, business or corporation, other than authorized agents of the City, shall collect, pick up or cause to be collected or picked up, any recyclable material from Residential Recycling Bins and Multi-Family Bins placed at curbside.

Section 7.9 – Residential Curbside Recycling.

Recyclable materials will be collected from residences (as defined in Section 7.1 of the Somersworth City Code) every other week on the same day as rubbish collection. The City Manager will publish a list of materials accepted by the curbside collection program. Recyclable material must be placed in Residential Recycling Bins (as defined by Section 7.1 of the Somersworth City Code). Bins must be placed at the curb on the evening before or by 7:00 a.m. on the scheduled pickup day. Unacceptable material found in the Residential Recycling Bins will be grounds for not emptying the bin. Shallow overflow containers may be used in conjunction with the City approved bin.

Section 7.10 – Multi-Family Recycling.

Multi-family dwellings of eight (8) units or more will be provided with ninety-five (95) gallon bins for acceptable recyclable material provided that the property owner agrees to allow the City Recycling Coordinator access to the property and agrees that the City will not be held responsible for any damage caused by said City Contractor to said private property. Bins will be collected weekly following established collection routes. Unacceptable material placed in the multi-family recycling bins will not be collected.

Section 7.11 – Bulky Waste Curbside Collection – Fees.

The City may offer curbside collection of bulky waste items. The collection schedules will be determined by the Director of Public Works.

Effective April 1, 2004, residents must affix a City of Somersworth sticker or tag to bulky waste items for curbside collection as follows:

1. Removal of Freon	\$10.00
2. Tires	\$4.00
3. Large individual items	\$4.00
4. Bundles, excluding yard waste, not Exceeding 3 ft. x 3 ft. x 3 ft. or a Weight of fifty (50) pounds	\$4.00

The fees are to be collected by the City Clerk during regular office hours and other locations to be determined by the City Manager. Upon payment of said fee, a sticker will be issued which must be placed on the item to be picked up at the curb.

(Revised 02/02/2004.)

Section 7.12 – Violations.

Any land owner, lessee, agent or other in charge who shall fail to comply with the requirement of this Chapter of the City Ordinances shall pay restitution of not less than \$100.00 to the City for

the collection of materials not in compliance with this Ordinance and/or fined not less than \$200.00 and up to \$1,000.00.

Section 7.13 – Emergency Situations and Health Hazards.

In the event the City, after inspection, shall determine the nuisance to be an immediate health hazard, the City shall have the right to take immediate action to remove the hazard. This section shall not relieve the land owner, lessee, agent or other from their responsibilities under this Chapter.

Section 7.14 – Severability Clause.

If any provisions of this Ordinance shall be declared illegal, void, or unenforceable, the remaining provisions shall not be affected but shall remain in full force and effect.

Section 7.15 – Method of Disposal for Selected Items.

Beside the blue bag disposal and curbside recycling program, other methods of disposal for discarded material shall be as follows:

1. Yard Waste (leaves and grass clippings):
Once a month curbside collection will be provided by Public Works from April to October. Also, residents will be permitted to take bagged leaves and grass to the City's compost facility at the Malley Farm during posted hours. This material will be composted.
2. Yard Waste (brush with a diameter no greater than 8 inches):
Once a month curbside collection will be provided by Public Works from April to October. Residents must call for pickup. This material will be chipped or burned.
3. Yard Waste (tree stumps and limbs over 8 inches):
Residents will be directed to private or public compost facilities with equipment to handle these items.
4. Construction and Demolition Debris:
Residents will be directed to private or public state permitted landfills for disposal.
5. Scrap Metal and White Goods (Appliances):
The City will provide for once a month, and by appointment, curbside collection. This material will be recycled.
6. Tires:
The City will provide a drop-off center for collection and disposal of tires. This material will be recycled.
7. Furniture and Mattresses:

The City will provide for weekly curbside collection of these items through a contractor. This material will be land-filled.

8. Household Hazardous Waste:

The City may provide for annual collection of household hazardous waste at a drop-off location.

Section 7.5.1 through 7.5.16 passed 12/02/1991.

Sections 7.5.3, 7.5.6, 7.5.7, 7.5.8, 7.5.10, 7.5.11, 7.5.12 and 7.5.13 deleted in their entirety and revisions inserted in place thereof, 03/02/1992.

Section 7.5.17 added 03/02/1992.

Section 7.5.4 deleted in entirety and revision inserted in place thereof, 09/21/1992.

Section 7.5.2 and 7.5.5 deleted in their entirety and revisions inserted in place thereof, 10/05/1992.

Section 7.5.17 amended by renumbering from 7.5.17 to 7.5.18, 10/05/1992.

Section 7.5.17 added and inserted, 10/05/1992.

Section 7.6 through 7.7.5 added 02/01/1993.

Section 7.5.15 deleted in its entirety and revision inserted in place thereof, 05/03/1993.

Section 7.5.15 deleted in its entirety and revision inserted in place thereof, 10/04/1993.

Chapter 7 deleted in its entirety and replaced with revised Chapter 7, 02/26/1996.

Section 7.4 deleted in its entirety and revision inserted in place thereof, 02/02/2004.

Section 7.11 deleted first two paragraphs, including items 1 through 4 and revision inserted, 02/02/2004.

Section 7.16 deleted in its entirety, 02/02/2004.

Section 7.4 deleted in its entirety and revision inserted in place thereof, 12/10/2007.

Section 7.4 deleted in its entirety and revision inserted in place thereof, 09/21/2015.