

TOWN OF BELMONT, NH
SOLID WASTE MANAGEMENT ORDINANCE

Originally Adopted: March 11, 2005

Whereas it is desirable and in the interests of the public health, safety and welfare of the citizens of the Town of Belmont (the Town) for the Town to exercise its authority to control the collection, transportation and disposal of solid waste generated within its borders, to ensure the delivery of acceptable waste to the Town's Contracted Hauler, and to empower the Board of Selectmen to adopt rules, regulations and fees in furtherance thereof.

This is a mandatory program for the source separation of recyclables from solid waste generated within the Town of Belmont, for the purpose of recycling. Those for whom the Town is obliged to provide solid waste service shall separate recyclable materials from solid waste and shall recycle these materials. Currently any recyclable materials that can be removed from the waste stream at the curb and recycled, will help in waste and cost avoidance. The reason for the separation is to help control the costs associated with the disposal and management of solid waste, by diverting as many recyclables from the solid waste stream as possible. The list of acceptable materials will be available on the Town's website at belmontnh.gov.

It is the intention of the Board of Selectmen to provide trash and recycling solid waste collection to properties with no more than three (3) dwelling units within the boundaries of the Town of Belmont.

Now therefore, the Town adopts the following ordinance, to be known as the Town of Belmont, New Hampshire Solid Waste Management Ordinance.

SECTION I – DEFINITIONS:

ACCEPTABLE WASTE means (a) household garbage, trash, rubbish, and refuse, originating within the boundaries of the Town, normally collected or disposed of, as a result of residential pickups or deliveries; and (b) such types of agricultural, commercial and light industrial waste originating within the boundaries of the Town as are normally collected or disposed of, but excluding hazardous waste, unacceptable waste, and other waste as defined.

AUTOMATED COLLECTION shall mean a method of collecting refuse and recycling through the use of mechanical collection equipment and special carts issued for the storage and collection of bagged rubbish and loose recyclables.

AUTOMATED COLLECTION CART shall mean a specially designed cart with wheels, issued by the Town of Belmont, to be used for the storage of acceptable refuse or recyclables in the automated collection operation. Automated collection carts shall mean 65 or 95-gallon containers supplied by the Town of Belmont for removal of solid waste or recycling at the curb by the Hauler's automated collection truck.

COMMERCIAL shall mean all nonresidential activities and certain specified uses with multiple dwelling units. Commercial entities doing business in the Town of Belmont, including but not limited to, contractors; manufactured housing parks, campgrounds, apartments or

condominiums with more than three (3) housing units; any properties containing more than three (3) dwelling units in any configuration; and commercial establishments of any size, such as residential boarding and lodging homes, convalescent and nursing homes, churches, daycares, schools, ski areas, motels, inns, restaurants, lounges, retail sales, service businesses, professional offices, manufacturing, or automotive related businesses.

COMMERCIAL WASTE shall mean solid waste generated from commercial facilities (see definition above) within the Town of Belmont.

CONSTRUCTION DEBRIS shall mean waste from building materials and rubble generated from construction renovation or demolition activities. Construction debris and demolition waste also includes building components such as doors, windows, and plumbing debris.

CURBSIDE TRASH COLLECTION covers the placement of solid waste at the curbside. Unacceptable waste such as yard waste, white goods, mattresses, etc., shall not be left roadside nor visible from the road. Unacceptable waste items visible from the road shall be considered a violation.

DESIGNATED COLLECTION POINT shall mean the place where the automated cart shall be placed for service, as determined by Hauler or Board of Selectmen's designee

HAZARDOUS WASTE means (a) waste containing explosive, toxic or pathological substances; (b) waste defined or classified as hazardous waste at any time under federal, state or local law, or any regulation there under or waste defined by any applicable federal, state or local law as low level or high level radioactive waste; (c) waste (other than Acceptable Waste of the character referred to in clause (a) of the definition of "Acceptable Waste") the processing of which would result in Hazardous Waste under (a) or (b) of this definition, or (d) containers which hold or which previously have held waste described under (a) or (b) above. If any governmental entity having jurisdiction shall determine that any substances which are not, as of the date of this Ordinance, considered harmful or of a toxic nature or dangerous, are harmful, toxic, or dangerous, such substances shall thereafter be deemed Hazardous Waste.

MULTI-FAMILY RESIDENTIAL PROPERTY shall mean more than one (1) but not more than three (3) dwelling units on a property.

OTHER SOLID WASTE means residential white metal goods, household appliances, mattresses, furniture, tires, street sweepings, tree stumps and construction/residential demolition debris.

PERSON means any natural person, partnership, corporation, association, or other legal entity.

RECYCLABLE means any material that is collected and handled by the Town's Hauler for reuse. Recyclable materials mean materials that can be used to produce marketable goods, including but not limited to, single stream materials such as clear and colored glass, aluminum, ferrous and nonferrous metals, plastics, corrugated cardboard, and paper.

RESIDENTIAL means all properties containing three (3) or fewer dwelling units in any

configuration.

RESIDENTIAL CURBSIDE SERVICE means the solid waste collection and disposal service, and recycling collection service, provided by the Town to single-family residences and multi-family residences with three (3) or fewer dwelling units on a property.

SOLID WASTE shall have the meaning prescribed by the Division of Solid Waste Management of the New Hampshire Department of Environmental Services as set forth in NH Code of Administrative Rules, Env.-SW 104.36.

UNACCEPTABLE WASTE means waste that is unacceptable as defined by the Hauler such as (a) pathological and biological waste, oil sludge, cesspool or other human waste, human remains, animal remains, street sweepings, large or bulky items of machinery and equipment such as automobile and vehicular parts, tires, trailers, agricultural equipment, marine vessels, or similar items, farm and other large machinery, wire and cable from industrial sources, plastics from industrial sources, foundry sands, tree stumps, liquid wastes and slurries, explosives (including ammunition and firearms) radioactive materials; (b) dirt, concrete and other non-burnable construction material and demolition debris; (c) chemicals from industrial and commercial sources such as cleaning fluids, petroleum products, paints, acids, caustics, pesticides, insecticides, poisons, drugs or other materials the processing of which would pose a threat to health or safety or the processing of which may cause damage to the Hauler's facility; (d) any waste which if processed, would violate or cause the violation of any judicial decision, order or action of any federal, state, or local government or any agency thereof or applicable law; and (e) Hazardous Waste.

SECTION II - CURBSIDE AUTOMATED COLLECTION:

Curbside automated collection services are provided to Town residents weekly for trash and bi-weekly for recycling. Designated collection days are published on the Town's website or a list is available at Town Hall. The holiday schedule for collections is published on the Town's website, available at Town Hall and published in the Town Newsletter.

All trash and recycling placed at the roadside shall be contained in a cart that has been provided by the Hauler. Town of Belmont residents shall be required to clean and keep clean the area where their carts are placed for collection. Carts shall be ready for collection by 7:00 am on the designated collection day. Carts shall not be placed curbside for collection earlier than the evening before scheduled collection.

Carts shall be removed from the roadside no later than the evening of the collection day. In the event carts are not emptied by the Town's designated Hauler because they contain unacceptable waste or create a violation, they shall be removed immediately from the curbside by the property owner or occupant of the property.

- A. The Town will provide curbside collection of residential solid waste from municipal buildings and properties with three (3) or fewer single family dwelling units.
- B. Two automated collection carts; one for trash, and one for recycling will be distributed to residents who qualify to receive collection services from Hauler.
- C. It will be the residents' responsibility to ensure that automated collection carts are

placed in the appropriate location designated by Hauler or the Board's designee, by 7:00 am on collection day.

- D. The Hauler or the Board's designee shall have the authority to review and approve or disapprove placement of the collection carts. Alternative sites may be necessary to safeguard public safety and minimize risk of damage to public or private property during the collection process.
- E. The Hauler or the Board's designee shall have the authority to order residents to affix street numbers to their automated carts for proper cart management. Failure to number carts once ordered to do so shall be a violation and may require removal of the Hauler-owned trash and/or recycling carts.
- F. It is the residents' responsibility to remove automated carts from the curb line/right-of-way by the end of the collection day.
- G. It is prohibited to overload automated carts in a manner that is likely to cause damage to the collection vehicle, the automated carts or to create a litter condition or to impede collection. It shall be a violation to place or deposit any trash around an automated cart or in an unapproved container for collection.
- H. Hauler and the Town shall not be responsible for collection if there are any violations of any section of the policy, or if there are any circumstances that are beyond the control of the Town or Hauler. Violations or circumstances include, but are not limited to, automated cart overload, unacceptable materials, improperly loaded automated carts, blocked access, trash placed at the curb that is not contained within a proper automated cart, automated cart inaccessibility, improper carts, failure to number carts if so ordered, failure to remove carts from the curblane/ROW at the end of the collection day, or dangerous situations.
- I. Violations shall be corrected immediately upon receipt of a violation notice or solid waste and recycling service will not be provided to the property until violations are corrected, and any violation fines and redelivery fees have been paid.
- J. AUTOMATED CARTS:
 - 1. All automated carts are owned by the Hauler and are not to be removed from the property even in the event of a change in ownership or resident status. One cart shall be used for bagged trash and one cart for mixed loose recyclables.
 - 2. Any repairs/replacement to the automated carts will be performed by Hauler. The property owner/customer shall contact the Town Hall offices to report damage and request a repair/replacement. Automated carts damaged beyond repair will be replaced by the Hauler. If the automated carts are subject to neglect or other preventable damage as determined by the Hauler, the Hauler will require a charge for the replacement. Property owners are ultimately responsible for all damages subject to neglect or other preventable damage or automated carts removed by tenants. The owner shall pay the cost of any replacement of automated carts, per the Solid Waste Fee Schedule. The owner should work to educate household members on the proper use and maintenance of the carts.

3. All trash and recyclables shall be placed into the appropriate automated carts so that the lid can shut. No trash placed on the ground or in any unapproved automated carts shall be picked up by Hauler. The automated carts shall not be overfilled or arranged in any manner that will prevent the lid from closing, to prevent water from filling the automated cart, and access by animals. In the event of overflow, residents must wait until the next scheduled collection day. It shall be a violation to place or deposit any trash around an automated cart.
4. Property owners may request one additional cart for trash and one additional cart for recycling per dwelling unit for an additional fee. The Town will bill each property owner annually (per calendar year) in advance for each additional cart per the Solid Waste Fee Schedule. Cash or checks made payable to the Town of Belmont for additional carts shall be received by the Town Administrator's office by December 31st for the following year's use. If a timely payment is not received, the Town's Contracted Hauler will be notified and service for trash/recycling collection of the additional cart/carts shall cease until payment is made. This may require removal of the Hauler-owned trash and/or recycling carts. No refunds or prorations shall be made for additional carts. Any carts removed for non-payment will be charged a redelivery fee per the Solid Waste Fee Schedule.

The Board of Selectmen has established the following criteria for additional cart requests:

Additional Trash Cart:

- Household count is greater than 4
- Other exceptions require approval of the Board of Selectmen or their Acting Agent
- Property shall not be a short-term rental property, but may be a seasonal or second home
- Property does not utilize Alternatively Sized Carts

Additional Recycling Cart:

- Property shall not be a short-term rental property, but may be a seasonal or second home

Note: Contracted Hauler will charge the Town of Belmont an annual fee for each additional trash or recycling cart distributed. Residents will be charged for additional carts per the Solid Waste Fee Schedule.

5. Criteria for alternative cart sizes:

Alternative Cart Size (65 Gallon Trash or Recycling):

- Resident is 65 years or older
- Resident is disabled
- Resident's driveway exceeds 200 feet
- Other exceptions require approval of the Board of Selectmen or their Acting Agent

Note: Contracted Hauler does not permit properties with alternatively sized carts to qualify for additional carts.

K. PLACEMENT OF CARTS:

It shall be the duty of each customer to place the carts as follows:

1. Keep carts on a hard level surface clear of snow and other landscaping debris and no more than six (6) feet from the edge of the curb.
2. Allow carts a three (3) feet perimeter of clearance from obstructions such as other carts, parked cars, trees, mailboxes, and utility poles. There must also be a fifteen (15) feet overhead clearance from any low hanging tree branches or power lines, etc.
3. If you have more than one cart placed at the curb, please set them side by side with at least three (3) feet of clearance between the containers.
4. Do not block a sidewalk or keep carts in the right-of-way beyond collection.
5. All household trash must be bagged before placing into automated trash cart for the automated curbside collection.
6. All household recycling must be loose and not bagged.
7. Alternate cart locations (or indemnification) may be required for some private roads as Hauler will not be liable for travel on private roads. Hauler may also require alternate seasonal cart collection locations. Coordination with Hauler and Department of Public Works (DPW) may be necessary to ensure proper municipal services such as snow removal.

SECTION III – COMMERCIAL SOLID WASTE & RECYCLING COLLECTION

Non-residential solid waste and recycling collection includes all properties containing more than three (3) dwelling units in any configuration and commercial establishments of any size (refer to Section I Definitions).

Owners of all such properties shall provide solid waste disposal services as necessary to serve the site. All such facilities shall be screened from sight, from on-site and abutting properties and streets, by means of a fenced or landscaped (hedges) enclosure. Dumpsters shall be located on a solid cleanable surface such as concrete, shall be kept closed, and be of sufficient size to contain all materials. In all cases, facilities shall be operated to prevent contamination and minimize windblown litter problems.

The property owner shall be responsible for compliance with this Ordinance. For multi-family units with more than three units, apartments, campgrounds, or individual condominium units, the management or owner is responsible for setting up and maintaining the collection of solid waste, including collection of recyclable materials, in accordance with guidelines or regulations established by the Town.

SECTION IV - REGULATED ACTIVITY:

- A. All items defined as unacceptable waste, hazardous waste, or other solid waste shall be the responsibility of the owner or waste generator and shall be disposed of at the owner's or waste generator's expense.

- B. The Town shall not bear the cost for pickup, transportation, or tipping fee of any acceptable solid waste generated in the Town of Belmont by a Commercial property.

SECTION V – HAULERS:

A. LICENSING:

- 1. No Person shall collect, transport or deliver solid waste originating within the Town of Belmont without obtaining a license from the Board of Selectmen.

- 2. Any Person required by this Ordinance to obtain a license shall make a new initial application to the Board of Selectmen, providing the information required. Each new application shall be accompanied by a one-time, non-refundable application fee per the Solid Waste Fee Schedule.

- 3. The application shall contain all information required by the Board of Selectmen, including but not limited to a description of the activities engaged in, e.g. collection, transportation or delivery of acceptable waste; list of all customers and size and location of containers/dumpsters, etc., pick up route, designated day and time of pick up, type and amount of waste handled; certificate of insurance with limits of coverage as determined by the Board of Selectmen; a description of the facilities operated and used; and an equipment inventory, including a description of the make, model and year of each vehicle used for the collection or transportation of solid waste.

- 4. Licenses shall be renewed annually, and all information provided in the initial application shall be revised upon application for license renewal. If the Board of Selectmen shall determine the application is incomplete, they shall notify the applicant in writing of the specific information necessary to complete it. The Board of Selectmen shall be informed immediately in writing of any changes in or additions to the information required on the application.

- 5. Licenses issued hereunder shall not be transferable.

- 6. All licenses shall expire one year from the date of issue unless otherwise stated on the license or revoked or suspended sooner in accordance with the provision of this Ordinance.

- 7. An annual license fee, per the Solid Waste Fee Schedule, shall accompany each hauler's application. In the event the Board of Selectmen denies a license application, the fee will be returned, and they shall notify the applicant in writing and shall state the reasons for the denial. Upon such notice, the applicant may request a hearing in accordance with the procedures in Section V-(C).

B. SUSPENSION AND REVOCATION:

1. Any license issued under this Ordinance may be suspended or revoked by order of the Board of Selectmen after the Board of Selectmen shall have notified the licensee in writing of the intent to suspend or revoke including the reasons therefore, the licensee will have an opportunity for a hearing in accordance with the procedures in Section V-(C).
2. A license may be suspended or revoked for the following causes: (i) violation of this Ordinance; (ii) violation of any provision of any state or local law, or regulation relating to this Ordinance, including but not limited to NH RSA 149-M or any environmental law; (iii) violation of any license condition or (iv) falsehoods, misrepresentations, or omissions in the license application.

C. HEARINGS:

1. Any Person denied a license or whose license is proposed to be suspended or revoked pursuant to Section V (B) or Section VI shall be entitled to a hearing before the Board of Selectmen, if such request is made in writing within 15 days of the licensee's receipt of the notice of denial or proposed suspension or revocation.
2. A hearing authorized by this Ordinance shall be held within 30 days after receipt by the Board of Selectmen of the written request for a hearing.
3. The licensee or applicant shall be notified in writing as to the time and place of the hearing at least 10 days prior to the hearing date. The applicant or licensee has the right to be represented by counsel, to offer evidence and to cross-examine witnesses.
4. A determination shall be made by the Board of Selectmen within 20 days after the conclusion of the hearing and a notice of the decision shall be served upon the applicant or licensee by certified mail, return receipt requested.
5. A final determination relative to the denial, suspension or revocation of a license and the period of suspension or revocation shall take effect as provided in the notice but no later than 10 days after the date notice of such final determination has been mailed by certified mail, return receipt requested to the licensee or applicant. Such final determination shall be conclusive. Notice of the final determination shall set forth the reasons for the denial, suspension or revocation and the effective dates thereof, together with a statement that such decision may be appealed as provided in the Ordinance.
6. Any claim arising out of or relating to a final determination shall be reviewed as provided by the laws of the State of New Hampshire.

SECTION VI – ADMINISTRATION:

This ordinance shall be administered by the Board of Selectmen whose powers and duties are as follows:

- A. To adopt reasonable rules, regulations, fees and fines as needed to enforce this Ordinance including without limitation, rules and regulations governing solid waste.
- B. To consider all license applications and to grant or deny each application within 15 days after receipt of a completed application at the Town Offices or within such other time as the Board of Selectmen deems reasonable in light of the surrounding circumstances.
- C. To review any alleged violations of this Ordinance, and to impose appropriate penalties after notice and/or hearing as required by this Ordinance.
- D. To institute necessary proceedings either legal or equitable to enforce this Ordinance.
- E. To appoint the Town Administrator as the Acting Agent for the administration of the Solid Waste Ordinance.
- F. To appoint the DPW Director or Assistant DPW Director, Executive Assistant, Code Enforcement Officer or Hauler as their designee for placement of carts, violations and any necessary cart management functions.

SECTION VII - ENFORCEMENT AND PENALTIES:

- A. The Board of Selectmen’s designee(s) shall make a determination of a violation.
- B. Any Person who violates this Ordinance shall be guilty of a violation for each such incident.
- C. Any Person who violates this Ordinance may be subject to a fine for each violation, payable to the Town, per the Solid Waste Fee Schedule.
 - 1. A violation fine may be charged for each collection week a violation occurs.
 - 2. Violators shall receive a first notice affixed to their carts for the first violation with instructions on how to cure the violation.
 - 3. Violators shall receive a second notice affixed to their carts and a notice by mail to the property owner with instructions on how to cure the violation.
 - 4. A violation fine, per the Solid Waste Fee Schedule, shall be imposed on the property owner for a third violation and no solid waste collection services shall be provided for at least 21 days. This may require removal of the Hauler-owned trash and recycling carts. Violation fines must be paid within 30 days and a redelivery fee, per the Solid Waste Fee Schedule, must be paid for any cart/s to be returned to the property.
 - 5. Appeals for violations must be directed to the Town Administrator within 21 days of the notice of violation.

6. Final appeals may be made to the Board of Selectmen within 21 days of the determination of the Town Administrator.
7. Failure to pay a violation fine shall result in the permanent loss of solid waste collection services.
8. Any future violations after payment of an initial violation will result in the permanent loss of solid waste collection services.

D. Violations related to solid waste may be issued under other applicable State or local regulations, including, but not limited to, the Town of Belmont Ordinance Governing Work in Public Ways.

SECTION VIII - CONFLICT AND SEVERABILITY:

- A. The provisions of the Ordinance shall supersede all other local laws, ordinances, resolutions, rules, or regulations contrary hereto or in conflict herewith.
- B. The provisions of this Ordinance shall be severable and if any phrase, clause or sentence or provision or the application thereof to any person or circumstance shall be held invalid, the remainder of this Ordinance and the application thereof shall not be affected thereby.

SECTION IX – AMENDMENT:

This Ordinance may be amended by the Board of Selectmen subsequent to a Public Hearing.

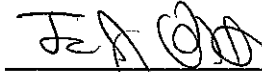
SECTION X - EFFECTIVE DATE:

This Ordinance shall become effective upon adoption by Town Meeting, March 11, 2005, and may be amended in accordance with Section IX above. This document supersedes any other document or ordinance regarding Solid Waste Management in Belmont, NH.

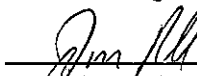
Amended: November 6, 2017
 Amended: December 19, 2022
 Amended: December 3, 2025



 Ruth P. Mooney, Chairman




 Travis O'Hara,

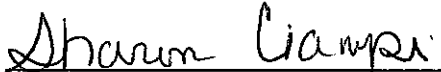


 Jon Pike,

Belmont Board of Selectmen



 Claude B. Patten, Jr., Selectman



 Sharon Ciampi, Selectman



Town of Belmont

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Telephone: (603) 267-8300 Fax: (603) 267-8327

SOLID WASTE FEE SCHEDULE

Description	Cost \$
Replacement Trash or Recycling Carts (each)	\$55.00
Additional Trash Cart Annual Cost (based on Casella per cart charge + administrative fees + estimated costs of disposal per ton)	\$305.00
Additional Recycling Cart Annual Cost (based on Casella per cart charge + administrative fees + estimated costs of disposal per ton)	\$240.00
Cart Redelivery Fee	\$50.00
Violation Fine per collection week	\$250.00
Hauler License Initial One-Time Application Fee	\$25.00
Hauler License Annual Application Fee	\$100.00
Hauler Penalty per Violation/Incident	\$2,500.00