

# City of Manchester New Hampshire

*In the year Two Thousand and Nineteen*

## AN ORDINANCE

“Amending Sections in Chapter 91 Solid Waste and Littering, of the City of Manchester Code of Ordinances, to allow for the expansion of automated trash collection.”

*Page 1 of 7*

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend the Code of Ordinances by deleting language stricken (-----) and inserting new language as bolded (**bold**). Sections of Chapter 114 not reflected remain unchanged.

### § 91.60 PURPOSE.

The purpose of this subchapter shall be to ensure that solid waste and litter is handled in a manner as to protect the public health, safety and welfare of the community.

### § 91.61 ENFORCEMENT AUTHORITY.

(A) **Public Works and Health Authority.** The **Department of Public Works and the Health Authority** is are hereby authorized and empowered to enforce the requirements of this chapter.

(B) Authority is additional. The enforcement authority established herein is in addition to, and shall not abolish or restrict, the authority currently possessed by any city department especially, but not limited to, the Police Department to enforce the requirements of this chapter.

### § 91.62 REGULATIONS AUTHORIZED.

The Public Works Director and the Health Officer are hereby authorized to promulgate such rules and regulations as may be necessary and convenient to effectuate the purposes and requirements of this chapter.

### § 91.63 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AUTHORIZED PRIVATE RECEPTACLE.** Litter storage and collection receptacle as required and authorized by this chapter.

**BULKY GOODS ITEM.** Any items whose large size or weight precludes or complicates their handling by normal collection processes or disposal methods, ~~not including market, industrial, yard, hazardous, infectious, radioactive or construction and demolition waste.~~

**COMMERCIAL.** Of or pertaining to a business operating for profit.

**CONDOMINIUM COMPLEX.** A type of planned development in which multiple dwelling units are owned individually but are situated on land owned in common.

# City of Manchester New Hampshire

*In the year Two Thousand and Nineteen*

## AN ORDINANCE

“Amending Sections in Chapter 91 Solid Waste and Littering, of the City of Manchester Code of Ordinances, to allow for the expansion of automated trash collection.”

*Page 2 of 7*

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

**CONTAINER.** Any storage and collection receptacle for trash, recyclables, or yard waste, as required or authorized by this chapter.

**DOWNTOWN COLLECTION ZONE.** An area bounded by the west side of Elm Street, the north side of West Merrimack Street, the west side of Chestnut Street, and the south side of Orange Street, and also encompassing properties with frontage along the following public roads and alleys: Hampshire Lane; Franklin Street, East Back; Harry Theo Lane; Manhattan Lane; Litchfield Lane; Londonderry Lane, west of Union Street; the east side of Chestnut Street, between Hanover Street and Amherst Street; Lowell Street, North Back; the east side of Elm Street, between Orange Street and Harrison Street; Prospect Court; and the southeast corner of Elm Street and Brook Street.

~~by Dow Street and Myrtle Street at the north, Lake Avenue and West Auburn Street at the south, Chestnut Street at the east and Hampshire Lane at the west.~~

**DUMPSTER.** A large sturdy metal container, with a capacity exceeding two cubic yards, for the collection of rubbish or garbage trash, designed to be emptied or transported to a dump by a specially designed truck.

**DWELLING.** A single living quarter, arranged for the use of one or more individuals, with cooking, living, sanitary, and sleeping facilities.

**ELECTRONIC WASTE.** A video display device, central processing unit of a computer, or non-mobile video display media recorder/player, as defined in RSA 149-M:27.

~~GARBAGE.~~ All putrescible waste material including, but not limited to, wastes resulting from the handling, preparation, cooking and consumption of food. ~~GARBAGE shall not include market, industrial, yard, hazardous, infectious, radioactive, or construction and demolition waste.~~

**HEALTH AUTHORITY.** The Health Officer of the city or his designated representatives.

**LITTER.** ~~Garbage and rubbish~~ Trash, as defined herein, and all other waste material.

~~MULTI-FAMILY DWELLING.~~ Any building or structure used and occupied for human habitation or intended to be so used which contains more than two suites of one or more rooms each suite having facilities for regular cooking.

**MANUFACTURED HOME PARK.** A tract of land subdivided into sites, lots or other leaseholds which provide for the long-term placement of transportable housing supported by private, centrally-managed improvements, services, and facilities for the residents therein.

**MERCURY-ADDED PRODUCT.** Any item containing mercury, as defined in RSA 149-M:58.

**MIXED-USE.** A combination of residential, commercial, and/or non-profit uses.

**MUNICIPAL CART.** A container with a fixed, hinged lid, wheels and a horizontal handle. The container must be approved for size, design, color, and durability by the Public Works Director or his designee.

**MUNICIPAL COLLECTION.** The curbside collection of trash, recyclables, or yard waste by the Department of Public Works.

# City of Manchester New Hampshire

*In the year Two Thousand and Nineteen*

## AN ORDINANCE

“Amending Sections in Chapter 91 Solid Waste and Littering, of the City of Manchester Code of Ordinances, to allow for the expansion of automated trash collection.”

*Page 3 of 7*

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

**NON-PROFIT ORGANIZATION.** An organization that conducts business for purposes other than profit and which has tax-exempt status with the Internal Revenue Service.

**PARK.** Any park, reservation, playground, beach, recreation center or other public area owned or used by the city and devoted to active or passive recreation.

**PLANNED DEVELOPMENT.** Any development involving the construction or creation of two or more principal buildings on a single lot, developed as a whole in a single development operation, or in a series of planned development phases.

**PRIVATE PREMISES.** Any dwelling, house, building, or other structure designed or used, either wholly or in part, for private purposes and regardless of whether or not the premises are inhabited or temporarily or continuously vacant. Such premises shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant thereto.

**PUBLIC PLACE.** Any public building, park, square, space, grounds, street, sidewalk, boulevard, alley or other public way.

**RECYCLABLE.** Any material that, according to the current rules and regulations of the Department of Public Works, may be separated from the waste stream for reuse or repurposing.

**RESIDENTIAL.** Designed for people to live in.

~~—RUBBISH.~~ All nonputrescible waste material including, but not limited to, paper, cigarettes, cardboard, cans, wood, glass, bedding, and crockery. RUBBISH shall not include market, industrial, yard, hazardous, infectious, radioactive or construction and demolition waste.

**TRASH.** All putrescible and nonputrescible waste material, excluding bulky items, industrial waste, yard waste, hazardous waste, infectious waste, radioactive waste, and construction and demolition materials.

~~—TOTER.~~ A garbage/rubbish container with a fixed, hinged lid, wheels and a horizontal handle. The container must meet the approval of the Public Works Director and is typically 65 or 95 gallons in size.

**VEHICLE.** Any device in, upon, or by which any person or property is or may be transported or drawn on a street or highway including devices used exclusively on stationary rails or tracks.

**YARD WASTE.** Leaves, grass clippings, garden debris, small or chipped branches (not exceeding three inches in diameter and or three feet in length), and Christmas trees.

# City of Manchester New Hampshire

*In the year Two Thousand and Nineteen*

## AN ORDINANCE

“Amending Sections in Chapter 91 Solid Waste and Littering, of the City of Manchester Code of Ordinances, to allow for the expansion of automated trash collection.”

*Page 4 of 7*

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

### § 91.64 PLACEMENT OF GARBAGE, RUBBISH, TRASH, RECYCLABLES OR YARD WASTE FOR COLLECTION.

(A) The ~~Highway Department~~**Department of Public Works** will not collect garbage, ~~rubbish~~**trash, recyclables, or** yard waste ~~or recycling~~ unless ~~it~~**they have** been properly prepared and placed in the right-of-way (at the curb or back street) as required by departmental regulations.

(B) No ~~garbage, rubbish~~**trash, recyclables, or** yard waste ~~or recycling~~ shall be placed for collection prior to 4:00 p.m. of the day preceding the collection day that has been designated by the Department of **Public Works** for that area of the city. Empty containers shall be removed from the right-of-way, and stored on the property to which they belong, no later than 6:00 p.m. on the day of collection. ~~Garbage, rubbish~~**Trash, recyclables, or** yard waste that ~~has~~**have** not been collected because ~~it~~**they have** not been properly prepared or placed shall ~~also~~ be removed from the right-of-way, and properly stored or otherwise disposed of, no later than 6:00 p.m. on the day ~~that it was~~**they were** to have been collected.

(C) **All materials placed for municipal collection must be placed along the public frontage of the property at which they were generated, unless an alternative placement has been agreed to by the Department of Public Works.**

(D) **No trash, recycling, or yard waste receptacles shall be stored between collections in the front yard of a property, or forward of the building line, if there is other available outdoor space on the property.**

(E) **Christmas trees may be placed for municipal collection only on days designated by the Department of Public Works.**

(F) ~~(C)~~ It is mandatory that properties within the Downtown Collection Zone properly sort and separate recyclables from their ~~garbage~~**trash**.

(G) **Yard waste must be separated from trash and recyclables.**

# City of Manchester New Hampshire

*In the year Two Thousand and Nineteen*

## AN ORDINANCE

“Amending Sections in Chapter 91 Solid Waste and Littering, of the City of Manchester Code of Ordinances, to allow for the expansion of automated trash collection.”

*Page 5 of 7*

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

### § 91.65 PROHIBITED DEPOSITS.

(A) No materials resulting from the construction or, alteration or demolition of any structure shall be placed for municipal curbside collection. All such materials shall be properly disposed of by the property owner or contractor responsible for the construction or alteration.

(B) ~~No market~~ **Under no circumstances shall** industrial, hazardous, **electronic, mercury-added,** infectious or radioactive waste, ~~nor or~~ anything contaminated by any such waste, ~~shall be~~ placed for **municipal curbside** collection. All such waste shall be properly disposed of in accord with all applicable laws, ordinances, rules and regulations.

(C) **No liquid paint or other fluids shall be placed for municipal collection.**

(D) **No bulky item shall be placed for municipal collection, except as may be permitted by regulations promulgated by the Department of Public Works.**

### § 91.66 CONTAINERS.

~~—(A)—~~ Garbage/rubbish containers must be of metal or plastic construction with handles for lifting and a cover to keep moisture out.

~~—(B)—~~ The capacity of the container shall not be over 33 gallons and the weight, including contents, shall not be over 75 pounds.

~~—(C)—~~ Plastic bags, sold commercially for garbage/rubbish, between 13 gallons (minimum size) and 33 gallons (maximum) size are acceptable containers when properly sealed at the top.

(A) ~~—(D)—~~ **Toters** ~~Municipal carts~~ are a mandatory containers within the Downtown Collection Zone and are acceptable containers for residential dwellings **for all properties and persons utilizing municipal collection service for trash or recyclables.**

(B) **Prior to placement of materials in a municipal trash cart, the following additional requirements apply:**

(1) **Pet waste, diapers, feminine hygiene products, saw dust, and ashes must be placed within a securely-tied plastic bag;**

(2) **Fats, oils, and greases must be placed within a secured container and allowed to cool and coagulate;**

(3) **Syringes and other sharps must be enclosed within a rigid, secured, and labeled container.**

# City of Manchester New Hampshire

*In the year Two Thousand and Nineteen*

## AN ORDINANCE

“Amending Sections in Chapter 91 Solid Waste and Littering, of the City of Manchester Code of Ordinances, to allow for the expansion of automated trash collection.”

*Page 6 of 7*

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

**(C) All properties and persons utilizing private collection service for trash or recyclables must contain said materials in a fully-covered receptacle that is constructed of metal, plastic or other durable material resistant to breakage.**

**(D) The owner(s) of any multi-family rental property, whether utilizing municipal or private collection service, shall supply to the tenants of the property a container, or containers, dumpster or totes of sufficient capacity to provide for the safe, secure, and sanitary storage for of all rubbish and garbage trash and recyclables generated within the multi-family dwelling property. Dumpsters will not be emptied or serviced by the Manchester Highway Department or public works.**

**(E) All properties and persons placing yard waste for municipal collection shall contain said material in accordance with regulations promulgated by the Department of Public Works.**

**(F) The weight, including contents, of any single container of trash, recyclables, or yard waste shall not exceed 75 pounds.**

**(G) The foregoing provisions of this section notwithstanding, the Public Works Director shall have the authority to establish programs for special municipal collection of bulky items, overflow materials, and emergency debris that allow for the use of alternative containers or methods of placement.**

§ 91.67 VOLUME.

**(A) For single-family, two-family, and three-family residential properties, and for commercial, non-profit, and mixed-use properties with a combined total of three or fewer operating businesses and dwellings, the maximum volume of garbage/rubbish trash and recyclables placed for municipal collection shall be limited to twice the volume of material that is normally accommodated in the available containers on the property 190 gallons of trash and 190 gallons of recyclables, per dwelling or operating business per collection event, contained within no more than two municipal trash carts and two municipal recycling carts per dwelling or operating business.**

**(B) For residential properties with four or more dwellings, including apartment buildings, condominium complexes, and manufactured home parks, and for commercial, non-profit, and mixed-use properties of four or more units, the maximum total volume of trash and recyclables placed for municipal collection shall be limited to 760 gallons of trash and 760 gallons of recyclables, per property per collection event, contained within no more than eight municipal trash carts and eight municipal recycling carts, respectively.**

# City of Manchester New Hampshire

*In the year Two Thousand and Nineteen*

## AN ORDINANCE

“Amending Sections in Chapter 91 Solid Waste and Littering, of the City of Manchester Code of Ordinances, to allow for the expansion of automated trash collection.”

*Page 7 of 7*

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- (C) There are no statutory limits on the volume of yard waste that may be placed for municipal collection at any property.
- (D) The foregoing provisions of this section notwithstanding, the Public Works Director shall have the authority to:
  - (1) grant a waiver to the volume limitations delineated in this section when, in his or her sole determination, there is (a) a reasonable and demonstrated need for additional capacity and (b) sufficient property frontage for placement of additional carts such that street parking, traffic flow, and pedestrian safety are not adversely affected; and
  - (2) impose additional limitations on the volume of any material that may be placed for municipal collection at a property when such limitations are necessary to ensure sufficient street parking, traffic flow, or pedestrian safety.

II. This ordinance shall take effect upon its passage.

May 7, 2019. In Board of Mayor and Aldermen. Passed to be Ordained.

 Mayor