

**City of Manchester**  
**Department of Public Works**  
**Solid Waste Regulations**  
**Established November 2016**

Pursuant to the City of Manchester Code of Ordinances, Chapter 91 (attached), the Public Works Director hereby promulgates the following rules and regulations, which shall apply to municipal curbside collection of trash, recyclables and yard waste.

**I. DEFINITIONS**

In addition to those definitions provided in Chapter 91.63, the following definitions shall apply to these rules and regulations:

**ASBESTOS CONTAINING MATERIAL (ACM).** Any material containing more than 1% asbestos, including chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.

**CART.** Synonymous with “toter”, as defined in Chapter 91.63.

**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.

**CONSTRUCTION AND DEMOLITION DEBRIS.** Any waste generated from the construction, remodeling, repair or demolition of structures, including, but not limited to: brick, asphalt, concrete, roofing shingles, siding, fencing, lumber, sheetrock, plaster, insulation, flooring, doors, cabinets, plumbing fixtures, electrical wiring, and the like.

**ELECTRONICS.** For purposes of these regulations, electronics are defined as any device with a video display, a video recorder/player, or a digital hard drive. This includes, but is not limited to, televisions, computers, monitors and VCRs.

**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.

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

**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.

**PUBLIC STREET.** Consistent with RSA 229:1, a public street is created in one of four ways: (1) by being laid out by the Board of Mayor and Aldermen or their predecessors; (2) by being dedicated by adjoining landowners and then accepted by the Board of Mayor and Aldermen; (3) by prescription, which generally means by public use for at least twenty years; or (4) by being constructed over government-owned land or easement for public use. All other streets are private ways.

RECYCLABLES. Items that may be recycled for curbside municipal collection are: container plastics #1 through #7, with the exception of Styrofoam and PVC; tin, steel and aluminum containers; glass bottles; paper; and cardboard.

RESIDENTIAL. Designed for people to live in.

TRASH. Synonymous with “garbage”, as defined in Chapter 91.63.

## II. GENERAL

Trash, recyclables and yard waste must be placed for collection in the public right-of-way without, in the determination of the Public Works Director or his/her designee, unduly inhibiting pedestrian or vehicular traffic. Materials must be placed in front of the property at which they were generated, unless an alternative placement has been agreed to by the Public Works Director or his/her designee. City crews and contractors will not traverse private property or private ways to collect materials.

## III. TRASH

In addition to the restrictions delineated in Chapter 91.65, the following rules shall apply to items placed in the trash for municipal collection:

- Syringes and other sharps must be enclosed within a rigid, secured and labeled container
- Pet waste, diapers, feminine hygiene products, saw dust, and ashes (cold only) must be placed within a securely-tied plastic bag
- Cans of latex paint must have the cover off and any remaining paint dried out using kitty litter, shredded paper, or other non-hazardous drying agent
- Beverage containers must be empty
- Fats, oils and greases must be placed within a secured container, and only after they have been allowed to cool and coagulate

Bulky goods will be picked up curbside for a fee and by appointment only.

### Special Rules for Automated Collection Pilot Areas

Customers whose residence or place of business is within one of the areas designated for the automated collection pilot program must place trash in carts acquired through the City of Manchester and/or approved by the Public Works Director or his/her designee. Only trash placed within approved carts will be collected. The following placement rules apply:

- Carts must be situated with the handle and wheels facing away from the street.
- Cart lids must be fully closed.
- Carts must be placed at the edge of the road, on the street side of the curb (if present); not on the sidewalk.
- Carts must be placed in front of the property at which the trash was generated, unless an alternative placement has been agreed to by the Public Works Director or his designee.
- Carts must be placed in a location that allows for access by collection equipment and crews:
  - at least 18 inches from other carts;
  - at least two feet from all other objects, such as trees, mailboxes, parked cars, etc.;
  - not obstructed by snow banks;
  - not behind vehicles, other carts, or misc. objects.

- When the availability of on-street parking is adversely affected, the Public Works Director or his/her designee may require that carts be placed in front of the owner’s driveway or along a nearby stretch of street where parking is prohibited.

Under the pilot program for automated collection, residents and business owners are allowed to purchase at a discount and place for collection up to two trash carts per unit, with a maximum of eight trash carts per property (see table below). Condominium complexes are a type of residential planned development and are considered a single property.

<b>Property Type</b>	<b>Maximum # of Carts Collected</b>
Single-family residential	2
Two-family residential	4
Three-family residential	6
Residential of four units or more	8
Residential planned development*	2 per unit, with a maximum of 8 per development
Manufactured home park	2 per unit, with a maximum of 8 per park
Commercial	2 per business, with a maximum of 8 per property
Mixed-use (residential + commercial)	2 per unit of any type, with a maximum of 8 per property
Non-profit organization	up to 8 per property

\*includes condominium complexes

The above limitations apply to all carts used at a property, including any that were acquired prior to the pilot program. Residents, business owners, landlords and non-profit organizations may petition the Department of Public Works for permission to place more carts for collection than the above-mentioned limits. Petitions will be evaluated per the following criteria:

- Demonstrated need for additional carts based on the number of people generating trash at the subject property
- Availability of property frontage for placement of additional carts such that – in the opinion of the Public Works Director or his/her designee – street parking, traffic flow, and pedestrian safety are not unduly affected

#### **IV. RECYCLABLES**

In order to receive municipal recycling collection services, customers must place recyclables in carts acquired through the City of Manchester and approved by the Public Works Director or his/her designee. The following placement rules apply:

- Carts must be situated with the handle and wheels facing away from the street.
- Cart lids must be fully closed.
- Carts must be placed at the edge of the road, on the street side of the curb (if present); not on the sidewalk.
- Carts must be placed in front of the property at which the recyclables were generated, unless an alternative placement has been agreed to by the Public Works Director or his designee.
- Carts must be placed in a location that allows for access by collection equipment and crews:
  - at least 18 inches from other carts;
  - at least two feet from all other objects, such as trees, mailboxes, parked cars, etc.;

- not obstructed by snow banks;
- not behind vehicles, other carts, or miscellaneous objects.

Recycling carts are provided by the Department of Public Works, at no cost to the customer, on an as-needed basis. Need is determined by the Public Works Director, or his/her designee, or by the designated recycling collection contractor. Only municipal trash service customers are eligible for recycling collection services. Residents and business owners are allowed to purchase at a discount and place for collection up to two trash carts per unit, with a maximum of eight trash carts per property (see table below). Condominium complexes are a type of residential planned development and are considered a single property.

<b>Property Type</b>	<b>Maximum # of Carts Collected</b>
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Residents, business owners, landlords and non-profit organizations may petition the Department of Public Works for permission to place more carts for collection than the above-mentioned limits.

Petitions will be evaluated per the following criteria:

- Demonstrated need for additional carts based on the number of people generating recyclables at the subject property
- Availability of property frontage for placement of additional carts such that – in the opinion of the Public Works Director or his/her designee – street parking, traffic flow, and pedestrian safety are not unduly affected

## **V. YARD WASTE**

Municipal yard waste collection services are provided on an intermittent basis according to an annual schedule published by the Department of Public Works.

By law, yard waste must be separated from trash. Acceptable methods of placement are:

- Bags – biodegradable paper bags only
- Barrels – City yard waste stickers must be attached; barrels may not exceed 33 gallons in volume
- Bundles – no more than 3 feet long and 2 feet in diameter; ties must be biodegradable, not metal or plastic

The following limitations also apply:

- No individual branch or stump greater than 3 inches in diameter or 3 feet in length will be collected.

- No individual bag, barrel or bundle exceeding 75 pounds will be serviced.

Christmas trees are collected curbside the first two full weeks of January only. Trees must be free of ornamentation. Artificial trees are not taken.

## **VI. PENALTIES AND CITATIONS**

At properties where the departmental regulations contained herein are not followed, the Public Works Director or his/her designee may refuse to provide collection service and/or fine the property owner for non-compliance. No individual fine shall exceed the maximum allowed under RSA 47:17. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

The amount of the citation for Code Sections 150.060 – 150.064 is prescribed in the City of Manchester Code of Ordinances, Chapter 38.06. As of the published date of these regulations, the citation penalties are: \$200 for the first offense; \$300 for the second offense; and \$500 for the third offense.

## 📖 CHAPTER 91: HEALTH AND SANITATION

### SOLID WASTE AND LITTERING

#### 📖 § 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.

(Ord. passed 4-16-02)

#### 📖 § 91.61 ENFORCEMENT AUTHORITY.

(A) *Health Authority.* The Health Authority is 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.

(Ord. passed 4-16-02)

#### 📖 § 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.

(Ord. passed 4-16-02)

#### 📖 § 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.** 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.

**DOWNTOWN COLLECTION ZONE.** An area bounded 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, designed to be emptied or transported to a dump by a specially designed truck.

**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 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.

**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.

**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.

**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.

**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 three feet in length), and Christmas trees.

(Ord. passed 4-16-02; Am. Ord. passed 11-5-3; Am. Ord. passed 12-20-11)

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

(A) The Highway Department will not collect garbage, rubbish, yard waste or recycling unless it has 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, 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 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, recyclables, or yard waste that has not been collected because it has 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 to have been collected.

(C) It is mandatory that properties within the Downtown Collection Zone properly sort and separate recyclable materials from their garbage.

(Ord. passed 4-16-02; Am. Ord. passed 12-20-11) [Penalty, see § 91.76](#)

#### **§ 91.65 PROHIBITED DEPOSITS.**

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

(B) No market, industrial, hazardous, infectious or radioactive waste, nor anything contaminated by any such waste, shall be placed for collection. All such waste shall be properly disposed of in accord with all applicable laws, ordinances, rules and regulations.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

#### **§ 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.

(D) Toters are a mandatory container within the Downtown Collection Zone and are acceptable containers for residential dwellings.

(E) The owner(s) of any multi-family dwelling shall supply a dumpster or toters sufficient to provide storage for all rubbish and garbage generated within the multi-family dwelling. Dumpsters will not be emptied or serviced by the Manchester Highway Department or public works.

(Ord. passed 4-16-02; Am. Ord. passed 11-5-03; Am. Ord. passed 12-20-11) [Penalty, see § 91.76](#)

#### **§ 91.67 VOLUME.**

The maximum volume of garbage/rubbish placed for collection shall be limited to twice the volume of material that is normally accommodated in the available containers on the property.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

#### **§ 91.68 DEPOSIT OF LITTER.**

(A) No one shall deposit in, or sweep into, any gutter, street, alley, sewer or other public place any accumulation of litter from any building, lot, public or private sidewalk, or driveway.

(B) No one shall deposit, throw, or sweep any litter in any place or manner that would allow the elements to carry or move it to any street, sidewalk, alley, sewer or other public place or any occupied premises.

(C) No litter shall be deposited or thrown upon any street, sidewalk, or other public place except in public receptacles, authorized private receptacles, or an official city waste disposal facility.

(D) Litter placed in public receptacles or authorized private receptacles shall be deposited so as to prevent it from being moved by the elements to any street, sidewalk, other public place or private property.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

### **§ 91.69 DUTY TO MAINTAIN PREMISES FREE OF LITTER.**

The owner or person in control of any private premises shall at all times, maintain the premises free of litter. This section shall not prohibit the storage, in approved containers, of litter awaiting placement for collection.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

### **§ 91.70 LITTER ON VACANT PROPERTY.**

No person shall deposit or throw litter on any vacant or open private property whether or not owned by that person.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

### **§ 91.71 LITTER REMOVAL BY CITY.**

(A) *Notice to remove.* The Health Authority may require the owner of any vacant or open private property, or the agent of such owner, to properly dispose of any litter on the property which is dangerous to public health, safety, or welfare. Notice of any such requirement shall be given by registered mail to the last-known address of the owner or agent.

(B) *Action upon noncompliance.* Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter, the Health Authority may, in addition to any other remedy provided by law, cause the litter to be removed in accordance with, and pursuant to the authority granted by R.S.A. 147:7-b or its statutory successor.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

### **§ 91.72 THROWING LITTER FROM VEHICLES PROHIBITED.**

(A) No person in a vehicle shall throw or deposit litter on any street or other public place or private property.

(B) No vehicle shall be driven or moved anywhere within the city unless it is constructed or loaded to prevent any portion of the load or contents or any litter from being blown or deposited on any street, alley or other public place or private property. No vehicle shall be permitted to deposit any litter, mud, dirt, sticky substance, or foreign matter on any street, alley or other public place.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

**§ 91.73 LITTERING IN PARKS.**

No litter shall be deposited on, or thrown to, the ground of any city park. All litter shall be properly disposed of in a receptacle provided for that purpose. Should there be no receptacle, or should all of the receptacles be full, the person responsible for the litter shall deposit it elsewhere.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

**§ 91.74 LITTERING BODIES OF WATER PROHIBITED.**

No litter shall be deposited in any fountain, pond, lake, stream, marsh, or other body of water within the city.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

**§ 91.75 POSTING NOTICES.**

No one shall post or affix any notice, poster, or other paper or device calculated to attract the attention of the public on any structure, lamppost, public utility pole, or tree except as permitted or required by law.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

**§ 91.76 PENALTY.**

Any person, firm, or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall be subject to a fine not exceeding the maximum allowed by R.S.A. 47:17 or other law. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(Ord. passed 4-16-02)