

Town of Plymouth
Refuse Container Ordinance

Section 1. Authority/Purpose. This ordinance is adopted by the Town of Plymouth under Article 23 of the 1996 Annual Meeting pursuant to the authority vested in the Town by RSA 31:39, I (e), (f), (j) and (l) and RSA 149-M:13. This ordinance is intended to protect the public health, safety and welfare by requiring the regular use of refuse containers, regulating the use, location, and condition of such refuse containers, and generally imposing standards for the storage and removal of refuse within the town.

Section 2. Definitions. In this ordinance:

- (a) "Commercial refuse" means refuse generated by a property which is not a residence.
- (b) "Community Planner" means the Plymouth Community Planner.
- (c) "Condominium" means a residential or business property using the condominium form of ownership.
- (d) "Health Officer" means the Plymouth Health Officer.
- (e) "Multifamily Dwelling" means one or more structures located upon a single lot containing three or more dwelling units.
- (f) "Refuse" has the same meaning as set forth in RSA 149-M:1, XVII-a, as said statute may be amended.
- (g) "Residential refuse" means refuse generated by a single family or two-family residence including a duplex house.
- (h) "Selectmen" means the Plymouth Board of Selectmen or its designee.

Section 3. General Standards and Requirements.

(A) **Adequacy: Size and Number.** Each property owner is responsible for providing a refuse container(s) for the refuse generated by the occupants or as a result of activities at the property. The refuse container(s) shall be durable, covered, and adequate in size and number to contain all refuse generated at the property prior to removal thereof whether by collection or by deposit at an approved refuse disposal site. *The property owner shall not be responsible for providing refuse containers if the tenant has assumed responsibility under RSA 48-A:14, VIII.*
(amended on the floor of town meeting)

(B) **Location.** The refuse container(s) shall be located in accordance with the following requirements:
(1) All containers shall be on the property or within a reasonable distance pursuant to an easement, lease or other acceptable agreement approved by the Community Planner.
(2) Containers shall be placed on the property in a manner that is accessible and usable for the deposit and storage

of refuse and shall be located so as to be screened or not visible from public streets and sidewalks and adjoining properties.

(3) Containers shall not be located upon public property without express written permission from the appropriate authority with jurisdiction over the property. Containers may not block or interfere with the use of streets, sidewalks, or other public areas and shall not be located in such a way that requires the crossing of a sidewalk by a vehicle to grasp and empty the contents.

(C) **Materials/construction.** Refuse stored for removal shall be placed in corrosive resistant, non-absorbent, leak-proof, containers and shall be tightly covered.

(D) **Cleanliness.** Containers shall be washed and disinfected regularly. Containers shall be located so as to prevent odors, insect or rodent infestation, or other nuisances from affecting adjoining or neighboring properties.

Section 4. Standards for Specified Uses.

(A) **Restaurants/Food Service Establishments.** All containers shall be emptied promptly when full or at least two times per week.

(B) **Multifamily Residences.** All containers shall be emptied promptly when full or at least two times per week. Particular attention shall be paid to the times of year when there is increased activity of moving in and moving out. Containers shall be emptied every other day during these periods of intense activity.

(C) **Commercial Operations.** All containers shall be emptied promptly when full or at least two times per week.

(D) **Industrial Operations.** All containers shall be emptied promptly when full or at least two times per week.

For any use, containers may be emptied less often if the business is closed for a significant duration or if circumstances allow as determined by the Health Officer.

Section 5. Existing Containers and Property Uses.

(A) **Existing Containers.** Existing containers may continue to be used, but the deposit and storage of refuse on the property shall conform to the requirements of this ordinance not later than August 1, 1996.

(B) Nonconforming Containers. The owner of any legal use existing on the effective date of this ordinance which cannot conform to the requirement of this ordinance shall apply, not later than May 1, 1996, to the Selectmen for a certificate of substantial conformance. The application shall be submitted on forms provided by the Town and shall be made to the Community Planner. The Selectmen may issue said certificate when they find that:

- (1) The pre-existing use was a legal use;
- (2) The property cannot reasonably be made to conform to the requirements of this ordinance without unnecessary hardship; and
- (3) The waiver of particular provisions of this ordinance, under the circumstances or pursuant to such conditions as the Selectmen may impose, will not adversely affect the public health and safety goals of this ordinance.

(C) Waivers for New Containers. The owner of any property which does not have a refuse container(s) on the effective date of this ordinance and proposes to place such container(s) on the property not in conformity with this ordinance shall first obtain a waiver from the Selectmen. The Selectmen may issue said waiver when they find that:

- (1) The proposed use is a legal use;
- (2) The property cannot reasonably be made to conform to the requirements of this ordinance without unnecessary hardship; and
- (3) The waiver of particular provisions of this ordinance, under the circumstances or pursuant to such conditions as the Selectmen may impose, will not adversely affect the public health and safety goals of this ordinance.

Section 6. Administration and Enforcement.

This ordinance shall be administered and enforced by the Board of Selectmen or its designee. Pursuant to RSA 31:39, any person who violates this ordinance shall be subject to a fine of not more than \$100 for each day of violation.

Section 7. Effective Date.

This ordinance shall become effective upon its passage and adoption at the 1996 Annual Meeting.