

**CITY OF LEBANON
ORDINANCE #2021-04**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 97, LANDFILL REGULATIONS, Sections 97-1 A, 97-4, and 97-6 to clarify existing language; amend and add definitions; and include language to implement the requirement for Solid Waste Facility User Permits.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1

Section 97-1, General Regulations, Subsection (A) is hereby amended to add new paragraph (5) to read as follows:

§97-1 GENERAL REGULATIONS

A. The City adopts the following regulations in accordance with the provisions and requirements of RSA 149-M:17 as the same may be revised from time to time:

(5) All users of the Lebanon Solid Waste Facility are required to obtain a permit to access/use the facility and its service as outlined in §97-6 below.

Section 2

Section 97-4, Definitions, is hereby amended to add the definitions of “Compostables,” “Landfill Punch Cards,” “Participating Community,” “Proof of Residency,” “Solid Waste Facility User Permit,” and “Temporary Landfill User;” and to amend the definition of “Solid Waste Facility.”

§97-4 DEFINITIONS

COMPOSTABLES – Products that are capable of disintegrating into natural components in a composting environment, thereby having the potential of being diverted from disposal in the landfill. These include, but are not limited to, compostable cups, dinnerware, paper towels, coffee filters and liners.

GOOD STANDING – An account established by a Commercial Generator/Waste Hauler that is paid in full within 60 days of issued invoice.

LANDFILL PUNCH CARDS – Form of currency utilized at the Solid Waste Facility for non-commercial users to pay for disposal of trash and recycling.

PARTICIPATING COMMUNITY – A community, municipality, or incorporated place for which the City of Lebanon has an agreement to utilize the Lebanon Solid Waste Facility.

PROOF OF RESIDENCY: Documentation provided to demonstrate residency in Lebanon or a participating community. Satisfactory documentation will be determined by each individual community based on their requirements for proof of residency as a property owner or a renter, and may include a driver’s license, motor vehicle registration, and/or any of the following:

Property Owners – Most current property tax bill or recently dated utility bill (current within 30 days) indicating full name and physical address.

Renters – Lease agreement: signed, dated, and in effect; or recently dated utility bill (current within 30 days) indicating full name and physical address.

RESIDENT As defined by NH RSA 21:6, as that statute may be amended from time to time, a resident or inhabitant or both of the City of Lebanon shall be a person who is domiciled or has a place of abode or both in that place, and who has, through all of his or her actions, demonstrated a current intent to designate that place of abode as his or her principal place of physical presence to the exclusion of all others. This definition shall also apply to residents of municipalities in the States of New Hampshire and Vermont for which the City has an agreement to use the Lebanon Solid Waste Facility. Such residents may have access to the Facility at their own expense either directly with a valid residential permit or by using the services of a holder of a valid commercial permit.

SOLID WASTE FACILITY (Hereinafter referred to as “Facility”) – City of Lebanon Solid Waste Facility located at 370 Plainfield Road, West Lebanon, NH, permitted by the New Hampshire Department of Environmental Services to receive, manage, recycle, and landfill solid waste. The area of the facility encompasses all processing operations to include, but not limited to: Recycling Drop Off Center, Landfill, C&D Processing Area, and all interior roadways and maintenance facilities.

SOLID WASTE FACILITY USER PERMIT (Herein after referred to as “Permit”) – A permit issued by the City of Lebanon or participating community that permits access and use of the Lebanon Solid Waste Facility under the provisions of this Chapter.

TEMPORARY LANDFILL USER – A residential user or commercial generator/waste hauler utilizing the Solid Waste Facility on a one-time basis or for periods not to exceed 30-days. All waste disposed by a Temporary Landfill User must be generated within the City of Lebanon or a participating community.

Section 3

Section 97-6, Permits, is hereby amended to include the following:

§97-6 PERMITS

Applications for permits may be submitted electronically using the form provided on the City's website or printed and submitted via hardcopy. All applications for permits will be submitted to the Solid Waste Manager for review and approval.

A. Residential Permits:

Residents of the City of Lebanon or participating communities transporting and disposing of their own residential refuse and/or recycling are required to obtain a permit to access the Facility and its services. In order to obtain a permit, residents must provide the following:

1. A completed application filed with the Solid Waste Division (proof of residency in Lebanon or in a participating community is required)
2. Payment of applicable fee

Lebanon Residents - Issued permits will be valid for three (3) years. Fees for permits will be as outlined in §97-8.

Participating Community Residents – Issued permits will be valid for two (2) years. Fees for permits will be as outlined in §97-8.

Permits are required to be displayed upon entrance to the Solid Waste Facility and may be required to be presented upon demand of staff on site at any time. Those in possession of an invalid permit will be denied access.

In order to retain a permit, permit holders must comply with all local, state, and federal regulations for disposal of waste. If a permit holder is found to have violated regulations, permit and associated access to the facility may be revoked.

B. Commercial Permits:

All commercial generators/waste haulers delivering commercial and/or residential refuse are required to obtain a permit to access the Facility and its services. All refuse delivered for disposal must originate from homes, institutions, medical facilities, or businesses located within Lebanon or a participating community. In order to obtain a permit, commercial generators/waste haulers must provide the following:

1. A completed application filed with the Solid Waste Division to include current Customer Number associated with Commercial Waste Hauler Account for the City of Lebanon (Note: Commercial Waste Hauler Account must be in good standing in order for permit to be issued)
2. Establishment of new Waste Hauler Account if not an existing customer.
3. Payment of applicable fee

Permits are required to be displayed upon entrance to the Solid Waste Facility and may be required to be presented upon demand of staff on site at any time. Those in possession of an invalid permit will be denied access.

In order to retain a permit, permit holders must comply with all local, state, and federal regulations for disposal of waste. If a permit holder is found to have violated regulations, permit and associated access to the facility may be revoked.

Issued permits will be valid as long as permit holder's Waste Hauler Account is in good standing.

C. Temporary/One-Time Use Permits:

Temporary permits will be issued to landfill users that would need the Facility's services for one-time use and/or for periods not to exceed 30-days. The thirty-day timeframe begins the day the permit is issued. Temporary Permit applications are not available online and must be obtained in-person at Lebanon City Hall or City/Town Hall of participating communities. Access to the facility will be permitted for 30 days only, and fees for disposal services are paid via Landfill Punch Cards or Commercial Waste Hauler accounts only. In order to obtain a temporary permit, users must provide the following:

1. A completed application filed with the Solid Waste Division (proof that refuse or recycling delivered for disposal originated from a home or business located within Lebanon or a participating community will be required)

In order to retain a permit, permit holders must comply with all local, state, and federal regulations for disposal of waste. If a permit holder is found to have violated regulations, permit and associated access to the facility may be revoked.

D. Implementation Provision:

The effective date of this Section will be upon passage by the City Council. Implementation of requirements for Solid Waste Facility User Permits will be on-going until August 31, 2021, after which date all users will be required to display a valid permit for entry into the Solid Waste Facility.

Section 4

Chapter 97, is hereby amended to add new Section 97-7, "Commercial Generators/Waste Haulers Accounts & Billing" to read as follows:

§97-7 COMMERCIAL GENERATORS/WASTE HAULERS ACCOUNTS & BILLING

All Commercial Generators/Waste Haulers must establish an account with the City of Lebanon before they will be permitted to access and use the Solid Waste Facility. Establishment of an account must be completed in accordance with the requirements of the City's Finance Department.

A. Use of the Facility:

All commercial generators/waste haulers are required to utilize the scales when entering and exiting the facility. Waste will be measured in pounds and charged at the rates provided in the Fee Schedule (attached as Appendix A).

B. Billing:

Commercial generators/waste haulers will be invoiced monthly for all solid waste brought to the facility in the previous month. Payment is due in full within 30 days of the date of the invoice. Failure to pay in full within 60 days shall result in the suspension of the commercial permit and prohibit access to the facility. Past due accounts will be assessed interest in the amount of eight percent (8%), which will accrue monthly.

If a permit is suspended, it will not be reinstated and access will not be permitted until such a time that payment is received in full, including interest, plus a \$25 permit reactivation fee.

Section 5

Section 97-7, Fees, is hereby amended to renumber the Section as Section 97-8, to describe methods of acceptable payments, and to add new paragraphs "G. Permit Fees," and "H. Minimum Charge for Scaled Waste," as follows:

§97-8 FEES

Fees for authorized users of the landfill are in accordance with the City Council approved Fee Schedule for Disposal at the Lebanon Solid Waste Facility (attached as Appendix A). Method of payments accepted at the Facility include landfill punch cards and commercial generator/waste hauler accounts only.

G. Permit Fees

- Residential:
 - In-person application - \$10.00
 - Online application - \$0.00

- Commercial:
\$50.00 (One Time fee when Waste Hauler Account is established)
\$25.00 Reactivation Fee if permit is suspended
- Temporary/One Time Use: \$50.00 (per occurrence)

H. Minimum Charge for Scaled Waste

The minimum weight scaled is 20 scale units or 200 pounds. As 200 pounds is 10 percent of a full ton, the minimum charge is calculated as .10 times the current fee for associated waste/recycling material.

Example: If the charge for disposing of Municipal Solid Waste (MSW) is \$75.00 per ton. The cost to dispose the minimum amount of 200 pounds would be .10 x \$75.00 or \$7.50.

Section 6. Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 7

Effective date: This Ordinance shall become effective upon passage.

This Ordinance was adopted by the City Council on April 21, 2021 and is hereby authenticated by the undersigned as required by Section C419:22 of the City Charter.

CITY OF LEBANON

DocuSigned by:
By: Timothy J. McNamara
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Timothy J. McNamara, Mayor

DocuSigned by:
By: Kristin M. Kenniston
73ADF3C8F5504A7
Kristin M. Kenniston, City Clerk

Effective Date: April 21, 2021

Date of Publication of Notice of Public Hearing: April 10, 2021

Date of Public Hearing: April 21, 2021

Date of Adoption: April 21, 2021

Date of Notice of Adoption: April 24, 2021