

TOWN OF LITTLETON
Littleton, New Hampshire

DUMPSTERS, OFFENSIVE MATTER & STANDING WATER

Chapter 24

In accordance with the authority conferred by RSA 147 upon selectmen, upon recommendation of the health officer, relative to NUISANCES; TOILETS; DRAINS; EXPECTORATION; RUBBISH AND WASTE, the following regulations are hereby adopted by Town Meeting Vote on March 13, 2018

PREAMBLE:

1. This Ordinance shall be captioned "Dumpsters, Offensive Matter & Standing Water" and shall take effect on its adoption by the Board of Selectmen.
2. Dumpsters, whether temporarily on a property or there regularly in connection with ongoing use of that property, have the potential of creating risks to the public health. Open (without a lid) or plastic lidded dumpsters can attract vermin, bears or other large animals that may be infected with Rabies Virus or other viral infectious agents, and therefore pose a threat to humans and pets who inadvertently come in contact with them. Additionally, mosquitoes have enormous breeding capacity during warm weather months in small puddles of water lasting more than four days, and standing water collects in dumpsters that are not properly closed or covered. Mosquitoes breeding in the NE United States are known to carry Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV), serious viral diseases that may be transmitted to humans.
3. If any word, term, phrase sentence or clause of this ordinance is found to be invalid by any court of competent jurisdiction, or any other agency, such finding shall not affect the validity of any other word, term, phrase, sentence, or clause of this ordinance.

SECTION 1: DEFINITIONS

1. Dumpster – Containers of various sizes and shapes designed for receiving, transporting and dumping waste, building or discarded household materials.
2. Standing water – H₂O that is not flowing, remaining stationary for 96+ hours between June 1st and October 1st of any given year.
3. Offensive matter – as defined in RSA 147:13 – "...exposed, unburied any animal or other substance liable to become putrid or offensive or injurious to the public health..."
4. Open dumpster cover – Properly fitted, waterproof industrial vinyl hand or throw tarp to minimize standing water accumulation.
5. Bear proof or other wildlife proof dumpster – *A bear resistant solid waste container shall be constructed of 12, 14, or 16 gauge metal and assembled with ¼ inch rivets or welds and be sufficiently strong to prevent bears from chewing, tearing, breaking or crushing the container. Lids and doors must recess into the body container, any gaps must within a ¼ inch of the container body, and they must be lockable with a trigger mechanism, padlock, carabineer clip or other device that prevents opening by bears. Latches, hinges and handles should be made of stainless or zinc-plated steel, sufficiently strong to prevent prying open or breaking.*

SECTION 2: REQUIRED ACTIONS

1. All domestic and commercial refuse (i.e., discarded animal and vegetable matter) must be placed in one of the following:
 - a. A building, house or garbage container that is inaccessible to wildlife.
 - b. A bear or other wildlife proof dumpster.
 - c. An appropriate town disposal site.
2. Commercial refuse (i.e., discarded building material, scrap lumber, household/office items, etc.) may be placed in an open dumpster, provided that the open dumpster is covered with a properly fitted waterproof hand or throw tarp during non-use periods and when it is raining.

SECTION 3: ENFORCEMENT

1. Enforcement against any person who, or business that, knowingly violates this ordinance shall be guilty of a violation in accordance with RSA 147 and (in conjunction with the NH Fish and Game Department) FIS 310.01 Control of Nuisance Black Bears subject to a fine of not more than \$100.00.
2. A person may choose to pay a civil forfeiture of \$50.00 to the Town Clerk within 48 hours of the time of notice of violation and shall thereby waive the right to be heard in District Court and shall not be prosecuted for that offense. For each subsequent offense by the same person or business, the amount of civil forfeiture shall be \$100.00. However, civil forfeiture may not be paid after three (3) offenses in one (1) year, but rather their case shall be disposed of by District Court proceedings and fines.
3. In addition to any other remedy established by law, the Selectmen shall be authorized to enforce the provisions of this ordinance by any proceeding commenced by the Grafton County Superior Court or the Littleton District Court, and shall be entitled to recover from any violator hereof all their costs, including attorney's fees, in connection with such enforcement, to the extent allowed by said Court.

