



AGENDA ITEMS #: 21-35  
COUNCIL MTG OF: April 6, 2021  
FROM: Dave Caron, Town Administrator  
OFFERED BY: Michael Fowler, Director of Public Works  
PREPARED BY: Michael Fowler, Director of Public Works  
SUBJECT: Revision to Chapter 128, Solid Waste Ordinance

STAFF REPORT  
*Public Hearing 4-20-21*

**PURPOSE:** To request Town Council approval of a minor revision to the Solid Waste Ordinance.

**TOWN ADMINISTRATOR COMMENTS:** The Council is encouraged to adopt the revisions as recommended after the April 20 public hearing.

**BACKGROUND:**

Chapter 128 of the Town Code was adopted in 1990 to establish regulations for management of solid waste and recycling products. This chapter was narrowly focused on managing products typically brought to the Derry Transfer Station.

Several trash receptacles maintained by the Town have been placed in downtown (year-round) and at several parks (seasonally) throughout Derry. The Parks Department attends to trash removal several times per week at these locations. There has been a proliferation of household trash being dumped in these receptacles which negatively impacts the Town through a) more frequent pickups and b) the possibility of taking trash from unauthorized sources. The remote locations of many of the trash receptacles makes it relatively easy to dump large quantities of trash which would have ordinarily been brought to the Derry Transfer Station or deemed ineligible as out-of-town trash.

**DISCUSSION:**

There is currently no regulation to prohibit this practice and/or to impose fines against offenders. The following amendments to Chapter 128 have been reviewed with legal counsel to address these concerns:

**§ 128-13 Solid Waste to be generated within Town**

**Add: *Public Trash Receptacles:***

*No person, trustee, or business entity (whether for-profit or non-profit) shall dispose of household, commercial or industrial refuse in any public trash receptacle. Take-out food and beverage containers and wrappings for food consumed within a park or public place containing public trash receptacles are exempt from this section.*

Chapter 128-6 will also be amended to authorize fines for violations:

**§ 128-6 Violations and penalties**

Any resident, public or private institution, commercial or industrial establishment and any commercial solid waste hauler who or which violates or fails to comply with § 128-2 and/or §128-13 of this article shall be guilty of a violation and may be fined up to \$50 for the first offense, \$100 for the second offense, and \$200 for the third offense and each subsequent offense. Penalties will not take effect until 60 days after the effective date of this article.

**FISCAL IMPACT:**

With compliance, there may be less quantities of trash and fewer trips by Parks personnel to attend to the trash in the Parks.

**RECOMMENDED ACTION BY COUNCIL:**

Town Council is requested to adopt the revisions to Chapter 128 of the Code of the Town of Derry as presented.

**RECOMMENDED MOTION:**

See Ordinance #2021-004

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