

HB 276 – AS INTRODUCED

2013 SESSION

13-0390  
08/10

HOUSE BILL           **276**

AN ACT               relative to wildlife resistant solid waste storage and disposal.

SPONSORS:         Rep. Reilly, Graf 9

COMMITTEE:       Fish and Game and Marine Resources

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ANALYSIS

This bill requires owners of solid waste containers which are attracting nuisance wildlife to store or dispose of such solid waste in a wildlife resistant manner.

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Explanation:       Matter added to current law appears in ***bold italics***.  
                          Matter removed from current law appears [~~in brackets and struckthrough~~].  
                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                   relative to wildlife resistant solid waste storage and disposal.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Section; Wildlife Dumpsters. Amend RSA 147 by inserting after section 47 the following  
2 new section:

3           147:47-a Wildlife Resistant Solid Waste Storage and Disposal.

4           I. When a conservation officer of the fish and game department or a municipal animal  
5 control officer determines that a solid waste container has attracted nuisance wildlife, the officer  
6 shall require the owner of the solid waste container to place such solid waste for disposal in one of  
7 the following:

8                   (a) A wildlife resistant container.

9                   (b) A solid waste container placed within a wildlife resistant enclosure.

10                  (c) A building or structure that is inaccessible to wildlife.

11           II.(a) Any person who, after a conservation officer of the fish and game department or a  
12 municipal animal control officer requires the owner to store his or her solid waste in a wildlife  
13 resistant container, knowingly violates the provisions of this section, shall be guilty of a violation  
14 and may not be fined more than \$500. If such person chooses to pay the civil forfeiture specified in  
15 subparagraph (b), the person shall be deemed to have waived the right to have the case heard in  
16 district court and shall not be prosecuted or found guilty of a violation of paragraph I. Any person  
17 who does not pay the civil forfeiture specified in subparagraph (b) shall have the case disposed of in  
18 district court.

19                  (b) Any person who violates the provisions of paragraph I shall be liable for a civil  
20 forfeiture, which shall be paid to the clerk of the town or city where the violation occurred within 48  
21 hours of the date and time notice is given by a conservation officer of the fish and game department  
22 or a municipal animal control officer under paragraph I. If the forfeiture is paid, said payment shall  
23 be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for  
24 the following violations:

25                           (1) \$25 for the first offense.

26                           (2) \$50 for each subsequent offense except as provided in subparagraph (c).

27                  (c) Any person who pays a civil forfeiture as specified in subparagraph (b) 3 times in any  
28 12-month period according to the records of the town or city clerk may not pay a civil forfeiture for  
29 subsequent violations of paragraph I in that 12-month period but shall have those cases disposed of  
30 in district court.

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1                   (d) The town or city clerk shall remit all fines and civil forfeitures to the municipality or  
2 department, the officials of which instituted the prosecution.  
3                   2 Effective Date. This act shall take effect 60 days after its passage.