

Total Recycling and Solid Waste Handling (T.R.A.S.H.) Ordinance of 2011

Section I. Purpose.

This ordinance is adopted by the Town of Plainville as part of a long term plan for safe and sanitary disposal of solid waste, and to establish measures to assure compliance of persons within the Town boundaries and of collectors with the requirements of state statutes for separation, collection, processing and marketing of municipal solid waste, recyclables, Electronic Waste and household hazardous wastes.

Section II. Definitions.

- (a) **Bulky Waste:** *bulky waste* shall be those materials as designated by the Town and posted in Town Clerk's office excluding: Electronic Waste, Hazardous Waste, Recyclable Materials and Unacceptable Materials or other, whichever is more current.
- (b) **Condominium Association or "Association":** means any condominium association of two or more residential condominium units located within the Town; the term shall encompass both the association and its individual members. Residential units which have not been granted a certificate of occupancy and/or commercial units are excluded from the provisions of this Ordinance.
- (c) **Commercial Waste:** means non-residential waste, most current listing of materials is posted in the Town Clerk's Office.
- (d) **Contractor:** means a person or firm engaged by the Town to collect, transport or dispose of solid waste
- (e) **Equipment:** means all containers used for the storage of waste material, stationary compaction units, stationary bailing units, waste material loading devices and such other on-site devices as may be required by the Contractor.
- (f) **Electronic Waste (E-waste):** electronic equipment which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic or dangerous, or otherwise ineligible for disposal. A complete, up to date, listing of material will be posted in Town Clerk's office.
- (g) **Hazardous waste:** means that portion of Solid Waste which, by reason of its composition or characteristics, is (a) hazardous waste as defined in the Solid Waste Disposal Act, 42 U.S.C Section 6901 et seq., and the regulations thereunder, or in Section 22a-209-1 of the Regulations of Connecticut State Agencies, and any succeeding legislation or regulations or amendments to the foregoing; or (b) any other materials which any governmental agency or unit having appropriate jurisdiction shall determine

from time to time is harmful, toxic or dangerous, or otherwise ineligible for disposal through a resource recovery facility or other permitted facility for disposal of Residential Waste.

- (h) **Residential Waste:** means the type of waste normally collected from residential areas including, but not limited to, garbage, trash, rubbish, refuse, offal, excepting however Bulk Waste, Electronic Waste, Hazardous Waste Recyclable Materials and Unacceptable Waste. A complete, up to date, listing of material accepted for collection will be posted in Town Clerk's office.
- (i) **Recyclable Materials:** means segregated and separated from Residential Waste; clean food and beverage containers; paper products including newspapers, magazines, catalogs, junk mail, office paper, cereal boxes; glass and metal food and beverage containers, plastics #1-7, corrugated cardboard, or other materials as designated by the Town or any governmental agency or unit having appropriate jurisdiction, whichever is more current. A complete, up to date, listing of material will be posted in Town Clerk's office. Leaves, yard waste, storage batteries, waste oil and scrap metal shall be disposed of at disposal sites designated by the Town and posted in the Town Clerk's office.
- (j) **"Town":** means the Town of Plainville.
- (k) **Unacceptable Waste:** means that portion of Mixed Residential Waste, excluding Hazardous Waste, but including, without limitation, explosives, pathological and biological waste, radioactive materials, ashes, foundry sand, earth, sand, stones, sewage sludge (unless processed to permit incineration), cesspool and other human waste, human remains and animal carcasses, motor vehicles, including such major motor vehicle parts as automobile transmissions, rear ends, springs and fenders, agricultural and farm machinery and equipment, yard waste (branches, leaves, twigs, grass and plant cuttings), marine vessels and major parts thereof, any other large machinery or equipment (including white goods), liquid wastes, or non-burnable construction materials and/or demolition debris, that (a) may present a substantial endangerment to public health or safety, (b) may cause applicable air quality or water effluent standards to be violated by the normal operation of a resource recovery facility, or (c) has a reasonable possibility of adversely affecting the operation, or (d) as directed by the Town.

Section III. Commercial Collection and Disposal of Solid Waste and Recycling in the Town of Plainville.

III.1 Obligation to Register.

Any person who operates or wishes to operate as a solid waste collector in the Town shall apply for registration as a solid waste collector with the Town in the manner prescribed by this ordinance (pursuant to Connecticut General Statutes Chapter 446d, Sec. 22a-220a). Any person

operating as a solid waste collector within the Town will be subject to the requirements and penalties provided in this ordinance.

All persons desiring to register as solid waste collectors must apply to the Town of Plainville Town Manager, or designee, on forms provided by the Town. Those forms shall require the registrant to furnish all information requested, including, but not limited to:

- (a) the name of the business;
- (b) the names of all partners, officers or proprietors of the business;
- (c) a listing and description of the vehicles to be used for solid waste collecting and hauling in the Town;
- (d) the names and addresses of all customers presently served, if any, within the Town;
- (e) the approximate tonnage of solid waste expected to be collected each week;
- (f) the names of all other communities serviced by the registrant; and
- (g) evidence of insurance in the amount of at least One Million and 00/100 (\$1,000,000.00) Dollars or such other amounts as the Town Council shall determine.

A registered solid waste collector shall update the information required at least once yearly at the time the registration is renewed.

Registration shall be effective until the following June 30 and shall be renewed on an annual basis during the month of June of each year.

III.2 Annual Registration.

Collectors must register annually. Initial registration and yearly renewal fees shall be as provided in this Ordinance.. The annual registration period shall be from July 1 to June 30 of the following year and registration fees shall not be prorated. The Town Manager, or designee, shall mail written notice of the approval or denial of an application for registration as a solid waste collector to the applicant within thirty (30) calendar days of receipt.

III.3 Prohibition on Collection, Transportation and Disposal by Unregistered Collectors.

All unregistered solid waste collectors and all solid waste collectors whose registration has been suspended or revoked are prohibited from engaging in the business of collecting, transporting or disposing of solid waste generated within the Town. Violations will be determined on a per collection violation basis (not daily).

III.4 Location for Disposal

Every solid waste collector and every other person disposing of solid waste generated within the Town shall dispose of that solid waste as follows:

- (a) The designated location of disposal for solid waste is currently Bristol Resource Recovery Facility 170 Enterprise Drive, Bristol, CT 06010. Recyclable materials are currently disposed of at Murphy Road Recycling, 655 Christian Lane, Berlin, CT 06037.
- (b) In cases of emergency the Town may direct registered collectors to an alternative facility.
- (c) Should the Town's designated facilities change, notice of said change will be provided to collectors with 90 days prior to change.
- (d) In addition to designating a disposal site for acceptable Residential Waste, the Town may from time to time designate or identify additional sites for disposal of unacceptable waste, e-waste, hazardous waste, or acceptable solid waste in excess of the amount to be disposed of at the primary designated site. Those sites may include transfer stations for the convenience of residents, landfills, or any other type of facility deemed appropriate by the Town. If any person will be required to use a particular site, that site shall be designated in the manner provided in C.G.S. Section 22a-220a, If a location is not designated the collector should dispose of said material at a site of its choosing, legally able accept such material.
- (e) Usage of undesignated facility will result in violation and fines to be determined on a per collection violation basis (not daily) and suspension of registration.

III.5 Enforcement.

The Town Manager may refuse to grant registration to any applicant, or may suspend the registration of any registered solid waste collector, if that person (i) violates any provision of this ordinance, (ii) is not insurable in accordance with this ordinance, or (iii) is otherwise deemed to be unsuitable. A denial or suspension of registration may not exceed a period of one hundred eighty (180) days for any one violation; provided that repeated or willful violations of this ordinance may result in permanent refusal or revocation of registration. The following procedure dictates the process of registration, denial of registration, and any appeals that arise therein.

- (a) No denial, suspension or revocation notice is effective until the person adversely affected has been notified in writing of that decision and the reason for it, and has been afforded a prompt opportunity to appear at an informal hearing before the Plainville Town Manager, or designee, for the purpose of responding to those reasons.
- (b) Any person aggrieved by an initial denial, suspension or revocation of registration may appeal that decision to the Town Council by filling a notice of appeal with the Town Clerk within fifteen (15) business days after the informal hearing provided under subsection (III.5.a) of this section is held and the decision affirmed by that official. The clerk shall immediately notify the Town Council of that appeal.
- (c) A hearing shall be scheduled before the Town Council for a date not more than thirty (30) days after the notice of appeal is filed. The hearing may be postponed or continued to a later date not more than one time and the later date must be no more than two (2) weeks after the original date. Written notice of the hearing shall be given by the Town Clerk to

the person taking the appeal and to any person who requests notice of the hearing. The hearing may be at a regular or special meeting of the Town Council.

- (d) At that hearing, the person aggrieved shall be permitted to present evidence and witnesses. No formal rules of evidence shall apply, but the Town Council may exclude irrelevant or duplicative evidence. The Town Council shall make its decision within forty-five (45) days of the date of the notice of appeal is filed. The decision may (1) uphold the decision denying, suspending or revoking the registration, (2) reverse the decision and order the registration granted or reinstated, or (3) order the registration granted or reinstated with modifications. The decision of the Town Council shall be final.

III.6 Penalty

Every person who violates any provision of the T.R.A.S.H Ordinance of 2011 and its Section III: Commercial Collection and Disposal of Solid Waste and Recycling Within the Town of Plainville shall be guilty of a violation, as defined in C.G.S. §53a-27(a), and shall be subject to maximum fine for each collection or day that the violation continues. Fines for failure to register, failure to utilize appropriate location of disposal, violation of prohibition and registration and annual renewal shall be determined annually by the Town Council.

Section IV. Residential Curbside Collection.

IV.1 Collection.

Residents and owners of residential properties eligible for Town collection of Residential Wastes shall put all waste and Recyclable Materials in Town provided Collection Carts and place such containers near the street or curb locations of their respective property not sooner than twelve (12) hours before the pre-announced scheduled collection day for their respective locations. Collection Carts are to be placed at the curb no later than 6:00 AM on the designated collection date. Collection Carts shall be promptly and properly removed from such locations within twelve (12) hours after collection. The contractor of solid waste shall not be required to make collections except as specified herein.

IV.2 Eligible Properties for Town collection of Residential Waste and Recyclable Material.

- (a) One to four family dwellings;
- (b) Any multi-family dwelling which received Town collection of Residential Waste and Recyclable Materials on or before September 1, 2011;
- (c) Churches except those which produce volume of waste greater than that produced by dwellings in (a) above;
- (d) Group homes;
- (e) A food pantry and the Masonic Lodge;

- (f) Mixed use property where the ground floor may have a professional or commercial use, and the upper floors have residential use not exceeding four dwellings;
- (g) Plainville campgrounds;
- (h) Mobile homes where Collection Carts are placed on a Town street.
- (i) Residential dwellings where the lot may be partially in the Town and partially in a bordering town provided the structure is located in the Town;
- (j) The number of Collection Carts for Residential Waste and Recyclable Materials provide without charge for each eligible Property shall be determined in the sole discretion of the Town Manager or his designee. Eligible properties seeking Additional Collection Cars, if approved by the Town Manager or his designee, shall be charged a fee as set forth in Schedule A.
- (k) The Town Council may, in its sole discretion, determine additional Eligible Properties.

IV.3 Collection Carts.

Carts for the collection of Recyclable Materials and Mixed Residential Waste will be provided by the Town in the following manner:

- (a) Each residential address will receive one Collection Cart for waste and one Collection Cart of recyclable materials
- (b) Collection Carts will be supplied by the Town of Plainville of a size deemed appropriate. All other containers will be deemed inappropriate and waste placed in them will not be collected.
- (c) Collection Carts are the property of the Town and shall not be removed from their assigned property.
- (d) Residents may not place any acidic, flammable, Hazardous Wastes, E-waste, or Unacceptable Wastes in Collection Carts or equipment.
- (e) Collection Carts shall at not be marked, tagged, or otherwise individually identified as property of a person (examples include spray paint markings, stickers, address numbers, carved letters or addresses, and the like).
- (f) Collection Carts shall not be destroyed, mangled, modified, altered in any form, including use for the incineration of material.
- (g) Collection Cart loss or damage is the responsibility of the property owner. There shall be a fee, as determined by the Town Council, or its designee, for the replacement of Collection Carts should there be any loss or damage as described above. The only instances where this is waived are theft, contractor neglect or normal, reasonable wear and tear, as determined by the Town Manager or his designee. Theft of Collection Cart

should be promptly reported to police. A copy of police report will be required before a new Collection Cart is obtained and fee is waived.

IV.4 Collection Cart Placement.

Carts shall be placed at curbside as described by instructions prepared and distributed by the Town.

IV.5 Materials Collected.

The Town will collect Residential Waste in Collection Cart identified for this purpose and Recyclable Materials in another, designated, Collection Cart. Bulky waste will be disposed of as described below. Materials collected shall be as defined in Section II: Definitions. Only Residential Waste and Recyclable Material will be collected. Any other products included, resulting in a contamination will result in penalties as determined by Town Council and posted in Town Clerk's Office.

IV.6 Collection.

Collection shall occur in accordance with a schedule as promulgated by the Town. Publication of the Schedule in a newspaper having a general circulation in the Town at least thirty (30) calendar days in advance.

IV.7 Bulky Waste.

There will be at least one opportunity a year for residents to dispose of Bulky Waste. Specifics of disposal including location, times, materials collected will be published at least thirty (30) calendar days in advance in a newspaper having a general circulation in the Town.

IV.8 Additional Collection Cart.

Each residence may request one (1) additional collection cart for Recyclable Materials. Each residence may also request one (1) additional collection cart for Residential Waste. There shall be an additional, yearly fee for each additional collection cart as determined by the Town Council. Residential Waste Collection Carts shall cost more than Recyclable Materials Collection Carts. Distribution of additional Collection Carts shall be in a manner as determined or directed by the town.

IV.9 Violations.

Every person who violates any provision of the T.R.A.S.H. Ordinance of 2011 and its IV. Residential Curbside Collection, use of Collection Carts or any other applicable provision shall be subject to fines as annually determined by the Town Council.

Section V. Condominium Collection.

V.1. Condominium Association Collection of Recyclable Materials and Residential Waste.

The Town intends to continue to picking up Residential Waste and Recyclable Materials from condominiums on a regular basis as began on or about August 1, 1989.

It is the intent of the Town to continue to engage an outside Collector or waste contractor to perform condominium waste collection for the Town. If an outside Collector or Contractor is used for this service, the Town will contribute an amount equal to that currently being spent for residential waste collection toward the per annum condominium waste collection fee charged by said Collector or Contractor. Each condominium association shall be responsible for that sum which is in excess of the amount contributed by the Town.

V.2 Condominium Association Duties and Responsibilities.

- (a) Each Condominium Association will hold harmless and indemnify the Collector or Contractor against all claims, lawsuits and any other liability for injury to persons or damage to property arising out of the possession or use of the Collector's or Contractor's equipment (Equipment) by said Association.
- (b) Each Condominium Association shall be responsible for the cleanliness and safekeeping of the Equipment located on its premises.
- (c) All Equipment furnished by the Collector or Contractor for use by any Association, which said Association has not purchased, shall remain the property of the Collector or Contractor and said Association shall have no right, title, or interest in it.
- (d) No Association shall make any alterations or improvements to the Equipment located on its premises without the prior written consent of the Collector or Contractor.
- (e) No Association shall overload the Equipment, nor use it for incineration purpose. Each Association shall be liable to the Collector or Contractor for any loss or damage in excess of normal, reasonable wear and tear.
- (f) No Association shall place any acidic, flammable, Hazardous Wastes, e-waste, or Unacceptable Wastes in the Equipment.
- (g) Each Association agrees that the Contractor shall be the sole owner of any and all refuse, waste material, or other material disposed of, dumped and/or stored in any of the Collector's or Contractor's Equipment.
- (h) Each Association agrees that it will not in any way interfere with the Collector's or Contractor's ownership of said waste material.

Section VI. Inconsistent Ordinances.

On the effective date of this Ordinance “Ordinance On the Collection and Disposal of Solid Waste Within The Town of Plainville” adopted by Town Council August 2, 1985; “Ordinance Regarding Rubbish, Garbage, Refuse and Other Wastes”, adopted by Town Council April 6, 1987; “Ordinance Regarding The Pickup of Rubbish, Garbage, Refuse and Other Wastes From Condominiums”, adopted by Town Council June 19,1989 ; “Ordinance Implementing Recycling Within Town of Plainville”, adopted by Town Council Nov. 19, 1990, amended April 19, 1999 are hereby repealed and replaced with this ordinance entitled “Total Recycling and Solid Waste Handling (T.R.A.S.H.) Ordinance of 2011 .

Section VII. Severability.

If any provision of this ordinance is declared invalid, that decision shall not affect the remaining provisions of this ordinance, which continue in full force and effect.

Effective Date

Section VIII. Effective Date.

This ordinance shall become effective thirty (30) days after publication, as required by law.

Schedule A

Total Recycling and Solid Waste Handling (T.R.A.S.H.) Ordinance of 2011: Fees, Fines and Penalties

The T.R.A.S.H. Act provides for the safe and sanitary disposal of solid waste and recyclable materials. It further establishes a new, modernized, and green effort in the Town of Plainville. The ordinance further prescribes certain activities that challenge this effort and asserts that there shall be certain costs associated with these challenges. Below is the schedule of costs at the time of ordinance adoption.

| | | |
|---|---|---|
| Section III: Commercial Collection and Disposal of Solid Waste and Recycling Within the Town of Plainville | | |
| | – III.2: Annual Registration: | \$250 |
| | – III.3: Prohibition on the Collection, Transportation and Disposal by Unregistered Collectors | \$250/per occurrence |
| | – III.4: Location for Disposal | \$250/per occurrence |
| Section IV: Residential Curbside Collection | | |
| | – IV.2.g: Cart Damage Required Replacement | \$75.00 |
| | – IV.5: Materials Collected 1 st Violation 2 nd Violations 3 rd Violation | Load tagged, left uncollected + fine of \$25 + fine of \$50 |
| | – IV. 2.j: Additional Carts Annual Fee per Cart Recyclable Mixed Residential Waste | \$100 \$100 |