

ORDINANCE ON COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE TOWN OF PLAINVILLE

BE IT ORDAINED, by the Town Council of the Town of Plainville in meeting duly assembled:

SECTION 1. Statement of Purpose; General Description.

- (a) This ordinance is being passed by the Town as part of a long term plan for disposal of the Town's garbage and other solid waste, to replace the Town's existing program.
- (b) The Town anticipates that it will soon sign final contracts which will require the Town to dispose of its "Acceptable Solid Waste", as defined in the contracts, at the Bristol Resource Recovery Facility (the "Facility"), and to designate the Facility as the exclusive area for the disposal of all Acceptable Solid Waste generated within the Town.
- (c) This ordinance first creates a procedure which requires everyone engaged in the business of collecting solid waste to register for that purpose with the Town.
- (d) Until the Facility is completed, the Town will require solid waste collectors to follow its existing solid waste management plan, or changes to that plan that may be adopted in the future.
- (e) Probably beginning in 1988, when the Facility is likely to complete, the Town will be required to deliver some, but not all, of its acceptable solid waste to the Facility for the early testing stages of its operation. Afterwards, when the Facility is ready for full scale operation, the Town and all other Towns contracting with the Facility will be required to deliver all acceptable solid waste generated within the Towns to the Facility.
- (f) Under this ordinance, the Town will notify businesses and individuals as these various stages are reached. At that time, both solid waste collectors and town residents will be required to deliver solid waste in accordance with the notice requirements of the ordinance. Those notice requirements will give everyone the flexibility needed to respond to construction and operating schedules at the Facility.
- (g) There will be times when solid waste will not be acceptable at the Facility. These include the period before the Facility is ready and times after the Facility is ready when it is closed, either because of the need for cleaning or repair, or because the Facility may not be large enough to

burn all the solid waste available at a particular time. In addition, some solid waste generated in the Town cannot be burned at the Facility; this will include burnable materials, hazardous waste, and bulky items like tree stumps, large quantities of construction or demolition debris, etc. The Town will make alternate arrangements to dispose of that material, as provided in this ordinance.

SEC. 2. DEFINITIONS. For purposes of this ordinance:

(a) “Acceptable Solid Waste” means the type of Solid Waste normally collected and disposed of in the Town, including, but not limited to: garbage, trash, rubbish, refuse, offal, beds, mattresses, sofas, bicycles, baby carriages, automobile or small vehicle tires, as well as processible portions of commercial and industrial Solid Waste, and logs if no more than four (4) feet long and/or six (6) inches in diameter, branches, leaves, twigs, grass and plant cuttings, excepting, however, Unacceptable Waste and Hazardous Waste.

(b) “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. § § 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.

(c) “Person” means a natural person, corporation, trust, estate, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(d) “Solid Waste” means all discarded materials or substances including but not limited to garbage, refuse, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris, offal and other discarded materials and substances resulting from industrial, commercial, mining, and agricultural operations and from community activities, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form or solid or dissolved materials in irrigation return flows or industrial discharges, or source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended.

(e) “Solid Waste Collector” means a person engaged in the business of collecting, transporting or disposing of solid waste generated within the boundaries of the Town.

(f) “Town” means the Town of Plainville.

(g) “Unacceptable Waste” means that portion of Solid Waste, excluding Hazardous Waste, but including, without limitation, explosives, pathological and biological waste, radioactive materials, ashes, foundry sand, 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, 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 of a resource recovery facility, unless such unacceptable Waste is delivered in minimal quantities and concentrations as part of normal collections in which case it constitute Acceptable Waste.

SEC. 3. 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. Any person operating as a solid waste collector within the Town thirty (30) days after the effective date of this ordinance will be subject to the requirements and penalties provided in this ordinance.

SEC. 4. REGISTRATION FORMS AND FEES

(a) All persons desiring to register as solid waste collectors must apply to the Director of Public Works on forms provided by that department. Those forms shall require the registrant to furnish all information requested, including, but not limited to:

(1) the name of the business;

(2) the names of all partners, officers or proprietors of the business;

- (3) a listing and description of the vehicles to be used for solid waste hauling in the Town;
- (4) the names and addresses of all customers presently served, if any, within the Town;
- (5) the approximate tonnage of solid waste expected to be collected each week;
- (6) the names of all other communities serviced by the registrant; and
- (7) 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.

(b) A registered solid waste collector shall update the information required by subsection (a) at least once each year at the time the registration is renewed.

(c) 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.

(d) The initial registration fee shall be Fifty and 00/100 (\$50.00) Dollars and each annual renewal fee shall be Fifty and 00/100 (\$50.00) Dollars. The annual registration period shall be from July 1 to June 30 of the following year and registration fees shall not be prorated.

SEC. 5. ADMINISTRATIVE ENFORCEMENT.

(a) The Director of Public Works shall mail written notice of the approval or denial of an application for registration as a solid waste collector to the applicant within fifteen (15) days after submission of the application. Registration shall be deemed effective as of the date of mailing of notice of approval.

(b) The Director of Public Works 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 anyone violation; provided, that repeated or willful violations of this ordinance may result in permanent refusal or revocation of registration.

(c) 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 Director of Public Works for the purpose of responding to those reasons.

(d) 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) days after either (1) notice of the initial decision is mailed to that person, or (2) the informal hearing provided under subsection (c) of this section is held and the decision affirmed by that official. The clerk shall immediately notify the Town Council of that appeal.

(e) 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 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.

(f) At that hearing, the person aggrieved shall be permitted to present evidence and cross-examine 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. That period may, but need not be, extended by any period of postponement which is requested for the convenience of the person bringing the appeal. 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.

SEC. 6. PENALTY.

Every person who violates any provision of this ordinance shall be guilty of a violation, as defined in §53a-27(a), C.G.S. and shall be subject to maximum fine of Two Hundred and 00/100 (\$200.00) Dollars for each day that the violation continues.

SEC. 7. PROHIBITION ON COLLECTION, TRANSPORTATION AND DISPOSAL BY UNREGISTERED COLLECTORS.

Beginning thirty (30) days after the effective date of this ordinance, 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.

SEC. 8. 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) Until one or more sites have been designated for disposal of the Town's acceptable solid waste in accordance with the procedures of Section 22a-220a. C.G.S., and until notice has been given under subsection (c) requiring use of any such disposal site, all solid waste shall be disposed of in accordance with the Town's existing solid waste plan and existing agreements, as those plans and agreements may be modified from time to time;

(b) After a disposal site for the Town's acceptable solid waste has been designated, and after the Town has been notified in accordance with its contracts that the site is available for use, the Director of Public Works shall give notice of those facts as provided in subsection (c). After the notice is published, all persons disposing of acceptable solid waste in the Town must comply with the requirements of that notice not later than the date specified for compliance in the notice.

(c) Notice that a designated disposal site for acceptable solid waste is available for either partial or full use shall be published in the same manner as is required for hearings before ordinances are adopted by the Town. In addition, individual notice of those facts shall be mailed to every person who is registered in the Town as a solid waste collector. The notice shall specify the date after which all persons disposing of acceptable solid waste in the Town must use that disposal site, and shall generally state any other necessary requirements for that disposal, such as limitations on the amount of acceptable solid waste which may or must be delivered, or the dates or times at which delivery must be made.

(d) In addition to designating a disposal site for acceptable solid waste, the Town may from time to time designate or identify additional sites for disposal of unacceptable 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 Section 22a-220a, C.G.S.

SEC. 9. SEVERABILITY.

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

SEC. 10. EFFECTIVE DATE.

This ordinance shall become effective ten (10) days after publication as required by law.

Adopted by Town Council August 2, 1985.