

ORDINANCE IMPLEMENTING RECYCLING WITHIN THE TOWN OF PLAINVILLE

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

SECTION 1. 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 statute for separation, collection, processing and marketing of recyclable solid waste.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance:

(a) "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 in industrial discharges, or source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended.

(b) "Recyclable Solid Waste" means the type of Solid Waste normally generated, collected or disposed of in the Town which is or has been designated by the Commissioner of Environmental Protection to be recycled including, but not limited to: cardboard, glass food and beverage containers, metal food and beverage containers, #1 and #2 plastic food and beverage containers (also known as "PET" and "HDPE" food and beverage containers), newspapers, magazines, office paper, scrap metal (white goods), waste oil, leaves and storage batteries, excepting Unacceptable Waste and Hazardous Waste.

(c) "Hazardous Waste" means that portion of Solid Waste as defined in the Service Agreement for the operation of the Bristol trash-to-energy plant.

(d) “Unacceptable Waste” means that portion of Solid Waste as defined in the Service Agreement for the operation of the Bristol trash-to-energy plant.

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

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

(g) “Collector” means any person who holds himself out for hire to collect, haul, transport or dispose of solid waste or recyclable solid waste from residential, business, commercial or other establishments.

(h) “Residential Property” means real estate containing one or more dwelling units but shall not include hospitals, motels, or hotels.

(i) “Center” means the Tunxis Regional Processing Center located within the Town of Berlin.

(j) “Residue” means solid waste remaining after any recycling facility holding a permit has processed the waste, but excluding wastes which are toxic or hazardous.

SECTION 3. REGISTRATION OF COLLECTORS.

Any person who intends to operate as a Collector in the Town shall register in advance with the Town in the manner prescribed by this Ordinance. Any person who operates as a Collector without proper registration within the Town thirty days after the effective date of this Ordinance will be subject to the penalties provided in this Ordinance.

SECTION 4. REGISTRATION: FORMS, FEES AND FREQUENCY.

(a) All persons intending to act as Collectors shall apply for registration before July 1 of each year with the Director of Public Works on forms provided. These forms shall require the applicant to furnish all information requested, including but not limited to:

- (1) the name of the business and whether a corporation, partnership or sole proprietorship;
- (2) the names of all stockholders (if Corporation not publicly held), directors, partners, officers or proprietors of the business;

(3) a listing and description of the vehicles to be used for hauling Solid Waste or Recyclable Solid Waste;

(4) the names and addresses of all customers presently served, if any, within the Town;

(5) the approximate tonnage of Solid Waste and Recyclable Solid Waste expected to be collected each week;

(6) the names of all other communities served by the applicant;

(7) evidence of insurance in an amount of at least \$1,000,000.00 Dollars or such other amounts as the Town Council shall determine; and

(8) whether the applicant plans to collect Recyclable Solid Waste generated from Residential Property or from commercial, business, municipal and other sources within the Town, or both.

(b) A registered Collector shall update the information required by subsection (a) at least once each year at the time of registration renewal.

(c) Once approved the registration shall be effective until the following June 30, and, unless properly renewed, shall lapse.

(d) The initial registration fee shall be \$50.00 and each annual renewal fee shall be \$50.00 Dollars. Registration fees shall not be prorated.

SECTION 5. ADMINISTRATIVE ENFORCEMENT.

(a) The Director of Public Works or designee shall mail written notice of the approval or denial of an application for registration as a Collector to the applicant within sixty days after the submission of the completed application. Registration is effective only upon approval and issuance of the 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 Collector, if that person (i) has violated or does violate any provision of state statute pertaining to Solid Waste or Recyclable Solid Waste, (ii) violates this ordinance, (iii) is not insurable in accordance with this Ordinance, or (iv) is other wise deemed unsuitable as a collector. A suspension of registration may not exceed a period of 180

days for anyone violation; provided, that repeated or willful violation of this Ordinance may result in permanent revocation of registration without right to reapply.

(c) No denial, suspension or revocation notice will be effective until the person adversely affected has been notified in writing of that decision and the reasons for it, and has been afforded a reasonable opportunity to appear at an informal hearing before the Director of Public Works to respond.

(d) Any person aggrieved by an initial denial, suspension or revocation of registration may appeal that decision to the Town Council by filing a notice of appeal with the Town Clerk within fifteen days after either (i) notice of the initial decision is mailed to that person, or (ii) the informal hearing provided under subsection (c) of this section is held and the decision affirmed by the Director of Public Works or designee. The Town Clerk shall immediately notify the Town Council of any appeal.

(e) A hearing shall be scheduled before the Town Council for a date not more than thirty 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 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 request notice of the hearing. The hearing may be held at a regular or special meeting of the Town Council.

(f) At the 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 days of the date 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) affirm 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 or conditions. The decision of the Town Council shall be final.

SECTION 6. PROHIBITION OF UNREGISTERED COLLECTORS.

Beginning thirty days after the effective date of this Ordinance, all persons properly registered as collectors and all Collectors whose registrations have been suspended or revoked are

prohibited from engaging in collecting, hauling, transporting or disposing of Solid Waste generated within the Town.

SECTION 7. SCAVENGING PROHIBITED.

(a) It shall be a violation of this Ordinance for any person, other than the generator of the Solid Waste or registered collector, to scavenge solid waste for pecuniary or personal gain. Scavenging shall include collecting, recovering, hauling, storing or disposing of solid waste other than as authorized by this Ordinance.

(b) Each occurrence of scavenging in violation of this Ordinance shall constitute a separate offense.

SECTION 8. RESIDENTIAL RECYCLABLE SOLID WASTE.

(a) On and after January 1, 1991, any person who generates solid waste from residential property shall separate from the other solid waste items designated for recycling by the Commissioner of Environmental Protection.

(b) Notwithstanding Section 8(a), the following items shall be separated from other solid waste generated from residential property and recycled:

- (1) cardboard;
- (2) glass food and beverage containers;
- (3) metal food and beverage containers;
- (4) #1 and #2 plastic food and beverage containers (also known as "PET" and "HDPE" food and beverage containers);
- (5) newspaper;
- (6) magazines;
- (7) leaves;
- (8) storage batteries;

(9) waste oil;

(10) scrap metal (white goods);

(c) All Residential recyclable solid waste shall be separated by the generator and placed in containers or packaged for collection at the curb or designated location for solid waste pick up in a manner required by this Ordinance, and other ordinances of the Town pertaining to solid waste.

(d) The Town shall supply one initial set of recycling containers to each dwelling unit. Upon receipt of a set, the occupant of the dwelling unit shall immediately label the recycling containers with the address of the dwelling unit where the containers shall be used. All recycling containers shall be so labeled the first time they are set out for collection.

(e) The initial set of recycling containers shall be the property of the Town. Upon moving, or vacating the dwelling unit, the occupant shall leave the containers with and for the use of the new occupants of the dwelling unit. When a container is lost or damaged, the occupant of a dwelling unit shall replace the container with a like type of container which shall be purchased from the Town's Department of Public Works or suppliers designated by the Director of Public Works.

(f) The following residential recyclables shall be segregated and placed out for collection by the Collector according to collection schedules designated and published by the Town or shall be disposed of at sites designated and published by the Town.

(1) All glass, metal and #1 and #2 plastic (the "PET" and "HDPE") food and beverage containers shall be placed in approved recycling containers but shall not be commingled with Solid Waste. All said food and beverage containers may be commingled in approved recycling containers.

(2) Newspapers, cardboard, and magazines (fiber products) shall be placed in paper bags and shall not be commingled with any other recyclable products or Solid Waste.

(3) Leaves, storage batteries, waste oil and scrap metal shall be disposed of at disposal sites designated by the Town Council.

(g) All Recyclable Solid Waste shall be prepared and disposed of by the occupants of the dwelling unit in a safe and sanitary manner.

(h) Collectors of residential recyclable products shall handle recycling containers in a manner which shall minimize any damage to them, and assure that the containers are available for reuse by the occupants of the dwelling unit to which they are assigned.

SECTION 9. OTHER RECYCLABLE SOLID WASTE.

(a) On and after January 1, 1991, any person who generates solid waste from other than a residential property shall make provisions for the separation from other solid waste of the items designated for recycling by the Commissioner of Environmental Protection.

(b) Notwithstanding Section 9(a), the following items shall be separated from other Solid Waste and recycled:

- (1) cardboard;
- (2) glass food and beverage containers;
- (3) metal food and beverage containers;
- (4) #1 and #2 plastic food and beverage containers (also known as "PET" and "HDPE" food and beverage containers);
- (5) newspaper;
- (6) magazines;
- (7) leaves;
- (8) storage batteries;
- (9) waste oil;
- (10) scrap metal (white goods); and
- (11) office paper

(c) Any person who generates Recyclable Solid Waste from commercial, industrial, business or non-residential property shall dispose of such items in a safe and sanitary manner in designated receptacles for recyclable products.

(d) Owners of commercial, industrial, business, or non-residential property where Recyclable Solid Waste is generated shall provide sufficient and adequate areas and/or receptacles on the premises for the separation and storage of recyclable products. All recycling receptacles shall be clearly labeled as to type of recyclable product to be deposited in the receptacle and the address of the property.

(e) Recyclable Solid Waste shall be segregated and packaged as required by the Collector so as to be accepted for processing at a site determined by the Collector, or at any other site or recycling solid waste facility as may be designated by the Town Council.

(f) Owners of commercial, industrial, business or non-residential property shall make sure that all receptacles are maintained in a safe and sanitary manner.

SECTION 10. LOCATION FOR DISPOSAL.

(a) Every Collector and every other person disposing of Recyclable Solid Waste generated within the Town shall dispose of Recyclable Solid waste as follows:

(1) The Town shall from time to time designate and publish which items of Recyclable Solid Waste shall be disposed of at the Center and which items shall be disposed of at other sites.

(i) All designated, pre-segregated Recyclable Solid Waste generated from Residential Property shall be taken directly to the Center.

(ii) All other pre segregated Recyclable Solid Waste generated from Residential Property shall be taken to disposal sites designated by the Town Council.

(iii) The Collector shall keep and maintain records of the quantity and type of recyclable waste delivered to each disposal site, the location and date of delivery of such items to the site.

(iv) No Recyclable Solid Waste from any other town shall be disposed of at any Town disposal site, unless express, advance written permission is first obtained from the Town Council. The Collector shall comply with all requirements pertaining to such alternate disposal.

(v) All other Solid Waste generated within the Town and collected from any other source shall be separated by the Collector into Recyclable Solid Waste and other Solid Waste.

The Recyclable Solid Waste shall be further segregated and packaged to be disposable at the Center or at such other designated disposal sites for the particular type and category of Recyclable Solid Waste, as designated and published by the Town.

(2) Any Collector who is requested or contracted to transport Residue remaining after the Center or other Recyclable Solid Waste disposal area has processed any portion of the Town's Recyclable Solid Waste shall transport such Solid Waste to the Solid Waste disposal facility designated by the Town. The Collector shall comply with all reporting and record keeping requirements of the Center and of any other Recyclable Solid Waste disposal facility designated by the Town.

(3) Until one or more items have been designated for disposal of the Town's Recyclable Solid Waste in accordance with the procedures of Section 22a-220a, C.G.S., and until notice has been given under subsection (b) requiring the use of any such disposal site, all Recyclable 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.

(4) After a disposal site for the Town's Recyclable 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 Town Clerk or designee shall give notice of the requirements for solid waste disposal. After the notice is published, all persons collecting, transporting or disposing of Recyclable Solid Waste in the Town shall comply with the requirements of that notice not later than the date specified for compliance in the notice.

(5) Notice that a designated disposal site for Recyclable 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 requirements shall be mailed to every person who is registered in the Town as a Collector. The notice shall specify the date after which all persons disposing of Recyclable 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 Recyclable Solid Waste which may or must be delivered, or the dates or times at which delivery must be made.

(6) In addition to designating a disposal site for Recyclable Solid Waste, the Town may from time to time designate or identify additional sites for disposal of Unacceptable Waste, Hazardous Waste, or Recyclable Solid Waste in excess of the amount to be disposed of at the primary

designated site. Those sites may include transfer stations or drop-off sites for the convenience of residents, land-fills, 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.

SECTION 11. ENFORCEMENT.

(a) All Recyclable Solid Waste is subject to inspection at curbside or designated pick-up locations by the Collector and/or the Town to determine proper separation and segregation of Recyclable Solid Waste and Solid Waste as set forth in this Ordinance.

(b) The Collector shall notify the Director of Public Works of any violation of this Ordinance within twenty-four hours of its discovery. Notification shall be in a manner and fashion prescribed by the Director of Public Works.

(c) The Director of Public Works, upon receipt of a violation from a Collector, shall give written notice to the generator of the Solid Waste that a violation has occurred. Upon receipt of a second notice of violation as to the same generator, the Director of Public Works shall issue a second notice of violation which shall advise the generator that subsequent violations shall be cause for penalties in accordance with this Ordinance, and that future Recyclable Solid Waste from said dwelling unit shall not be collected at the sole option of the Town.

SECTION 12. REPORTING REQUIREMENTS.

(a) Every Collector shall obtain and utilize reporting forms provided by the Director of Public Works.

(b) Every Collector shall keep and maintain accurate records.

(c) All information requested, including but not limited to the following:

(1) The amount of Recyclable Solid Waste derived from each municipality recorded by truckload;

(2) The disposal facility to which the waste is taken and the total tonnage disposed of at such facility(ies); and

(3) The amount of Solid Waste derived from a recycling facility which has processed the Town's Recyclable Solid Waste, transported from that facility to the Bristol trash-to-energy facility.

SECTION 13. PENALTY.

Every person who violates any provision of this Ordinance shall be guilty of a violation, as defined in Section 53a-27(a), C.G.S. and shall be subject to a maximum fine of One Hundred and 00/100 (\$100.00) Dollars for each violation. Every day that a person continues in violation of this ordinance shall be deemed a separate violation.

SECTION 14. 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.

SECTION 15. EFFECTIVE DATE.

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

Adopted by Town Council Nov. 19, 1990

Amended April 19, 1999