

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

1.1 This ordinance is part of a long term plan for disposal of the Town's garbage and other solid waste.

1.2 This ordinance creates a procedure which requires everyone engaged in the business of collecting solid waste to register for that purpose with the Town.

SECTION 2. DEFINITIONS

2.1 "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, beds, mattresses, sofas, bicycles, baby carriages, as well as processable portions of commercial and industrial Solid Waste, and logs if no more than four (4) feet long and/or four (4) inches in diameter, branches, twigs, and plant cuttings, excepting, however, Unacceptable Waste and Hazardous Waste.

2.2 "Center" means the Intermediate Processing Center (IPC) as designated by the Tunxis Regional Processing Center.

2.3 "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.

2.4 "Person" means a natural person, corporation, trust, estate, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

2.5 “Recycling 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: corrugated 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), magazines, newspapers, phone books, office paper, (white goods), waste oil, and leaves, except Unacceptable Waste and Hazardous Waste.

2.6 “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.

2.7 “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 within the boundaries of the Town.

2.8 “Town” means the Town of Plainville.

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

2.10 “Unacceptable Waste” means that portion of Solid Waste, excluding Hazardous Waste, mandated recyclables, but including, without limitation, explosives, pathological and biological waste, radioactive materials except smoke detectors and carbon dioxide detectors, ashes, foundry sand, sewage sludge (unless processed to permit incineration), cesspool and other human waste except disposable diapers, human remains and animal carcasses, compact fluorescent lamps (CFL’s), grass, mandatory recyclable materials, 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.

SECTION 3. COLLECTION

3.1 All residents and owners of property within the town shall maintain at all times safe and sanitary conditions associated with all rubbish, garbage, refuse and other wastes while stored or kept on or within their respective properties until properly removed or disposed of. It shall be the responsibility of each resident or owner to place rubbish, garbage, refuse and other wastes in proper containers and to ensure that such material remains within such containers. All containers for the storage and disposal of rubbish, garbage, refuse and other wastes shall:

(a) be waterproof containers and made of metal, plastic or other similar type of durable, sanitary material, or shall be heavy duty waterproof trash or rubbish bags;

(b) be of size and weight as can be handled by one individual;

(c) except for trash or rubbish bags, have covers and one or two handles, provided that the bolts or rivets securing such handles, if any, do not protrude more than one quarter of an inch from either the inside or outside surface of the container; and

(d) not be filled to cause excessive weight or spillage for proper disposal.

3.2 Residents and owners eligible for weekly town collection of such rubbish, garbage, refuse and other wastes shall put out all such waste in proper containers as specified in section 3.1 and place such containers near the street or curb locations of their respective streets. In addition, residents and owners shall:

(a) put out all containers and waste in as neat and orderly a manner as possible;

(b) put out no more than a reasonable number of containers and amount of waste per week;

(c) not place such containers and waste not more than three feet from the street or curb, terrain permitting;

(d) put out all containers and waste no earlier than the day before their regular collection day and;

(e) remove such empty containers from the street or curb within 24 hours of their collection day.

3.3 Should any rubbish, garbage, refuse, or other wastes or materials be dislodged from their containers by animals or by other means, the owner or resident shall, within a reasonable amount of time, clean up and remove such materials from the area so as to avoid being strewn on or about the property or another's property, or the streets and sidewalks of the town. Failure to clean up and remove strewn materials shall constitute a violation of this ordinance.

SECTION 4. PERMITTED GARBAGE AND HOUSEHOLD REFUSE

4.1 The following are permitted items of garbage and household refuse that will be collected weekly by the town on regular collection days, subject to the town's contract with its solid waste hauler:

(a) putrid animal and vegetable waste resulting from the handling, preparation, or cooking of foods;

(b) electric light bulbs, dust, sweepings, garden cleanings, and similar waste materials ordinarily accumulated around a home.

(c) no more than two (2) bundles per week of tree and shrub clippings, weeds, and brush. Bundles shall not exceed four (4) feet in length, shall not contain any brush exceeding four (4) inches in diameter and shall not exceed 60 pounds in weight.

(d) small dead animals, not exceeding 60 pounds in weight, which die in the normal course of community activity, excluding condemned animals or animals from scientific research, laboratories, slaughterhouses, or animal normally considered industrial refuse.

SECTION 5. PERMITTED BULK REFUSE

5.1 The following are permitted items of bulk refuse that the town will pick up on designated bulk pick-up days, which are scheduled twice yearly solely at the town's discretion.

(a) All combustible household refuse, upholstered and un-upholstered furniture, mattresses and similar items; provided items can be manually lifted by two (2) persons. Limit two (2) large items per household.

(b) Appliances. Refrigerator doors must be removed. Limit two (2) items per household.

(c) Cans and bottles (other than those that are recycled in accordance with this ordinance), cold ashes, wire, glass, small metal items, and kitchenwares.

(d) Trees, branches, and brush no larger than four (4) inches in diameter and not longer than four (4) feet in length.

(e) Latex paint cans, provided all cans are either emptied or the contents are dried out, placed into garbage bags.

(f) Empty drums provided both ends are removed and the drums are clean.

(g) Miscellaneous iron, steel and non-ferrous metals; maximum length of six (6) feet and provided it can be lifted manually by two persons.

(h) Tires and rims; tires must be removed from the rim. Limit two tires and two rims per household.

SECTION 6. NON-PERMITTED REFUSE

(a) Materials that have not been prepared for removal in accordance with this ordinance;

(b) Bathroom fixtures;

(c) Motor vehicle parts and batteries;

(d) Hazardous Materials: not limited to asbestos materials, oil based paints, lubricating and cutting fluids, explosives, acids, caustics, poisons, drugs, radioactive materials except smoke detectors and carbon dioxide detectors, or refuse of similar nature;

(e) Shingles, sheetrock, brick, stone, concrete, or asphalt;

(f) Propane tanks;

- (g) Wood; landscaping ties, stick lumber, wood fencing, and plywood.

SECTION 7, RECYCLABLE SOLID WASTE

7.1 The following items shall be separated from other solid waste and recycled:

- (a) corrugated cardboard;
- (b) glass food and beverage containers and milk and juice cartons;
- (c) metal food and beverage containers;
- (d) #1 and #2 plastic food and beverage containers (also known as "PET" and "HDPE" food and beverage containers);
- (e) newspaper;
- (f) magazines and catalogs;
- (g) phone books;
- (h) office paper, stationary paper and envelopes including those with plastic windows direct mail pieces – shiney copated paper okay;
- (i) aseptic containers, i.e. milk and juice cartons

7.2 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.

7.3 The Town shall supply one initial recycling container to each dwelling unit. Upon receipt, the occupant of the dwelling unit shall immediately label the recycling container with the address of the dwelling unit where the container shall be used. The recycling container shall be so labeled the first time it is set out for collection.

7.4 The initial recycling container shall be the property of the Town. Upon moving, or vacating the dwelling unit, the occupant shall leave the container 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 or suppliers designated.

7.5 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.

7.6 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.

7.7 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.

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

7.9 Leaves, storage batteries, waste oil, car radiator coolant, and scrap metal shall be disposed of at disposal sites designated by the Town Council.

SECTION 8. LOCATION FOR RECYCLING SOLID WASTE DISPOSAL

8.1 Every Collector and every other person disposing of solid waste generated within the Town shall dispose of that solid waste in a disposal site designated by the Town. 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, CGS.

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

(a) 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.

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

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

(3) 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.

(4) 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.

(5) 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.

8.3 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.

8.4 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.

8.5 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.

8.6 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, 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.

SECTION 9. SCAVENGING PROHIBITED

9.1 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.

SECTION 10. OBLIGATION TO REGISTER

10.1 Any person who operates or wishes to operate as a Collector in the Town shall apply for registration as a 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.

10.2 Any person who operates or wishes to operate as a Collector in the Town shall register each vehicle that s/he intends to use in the course of business with the Director of Environmental Services. Each vehicle shall be subject to an annual registration fee. The amount set forth in the Town Fee and fine Ordinance. Collectors under contract with the Town are exempt from this requirement.

SECTION 11. REGISTRATION FORMS AND FEES

11.1 All persons desiring to register as Collectors must apply to the Director of Environmental Services on forms provided by that department. 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 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.

11.2 A registered Collector shall update the information required by subsection (8.1) at least once each year at the time the registration is renewed.

11.3 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. Registration fees are indicated on the Town Fee and Fine ordinance and shall not be prorated.

SECTION 12. REPORTING REQUIREMENTS

12.1 Every Collector shall obtain and utilize reporting forms provided by the Director of Environmental Services.

12.2 Every Collector shall keep and maintain accurate records. All information requested, including but not limited to the following:

- (a) The amount of Recyclable Solid Waste derived from each municipality recorded by truckload;
- (b) The disposal facility to which the waste is taken and the total tonnage disposed of at such facility(ies); and
- (c) 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. ENFORCEMENT

13.1 All 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.

13.2 The Director of Environmental Services 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.

13.3 The Director of Environmental Services 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.

13.4 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.

13.5 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.

13.6 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.

13.7 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.

SECTION 14. PROHIBITION ON COLLECTION, TRANSPORTATION AND DISPOSAL BY UNREGISTERED COLLECTORS

14.1 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.

SECTION 15. PENALTY

15.1 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 a fine of the amount shown on the Town Fee and Fine Ordinance for each day that the violation continues.

SECTION 16. SEVERABILITY

16.1 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.

SECTION 17. EFFECTIVE DATE

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

Adopted by Town Council August 2, 1985.