

**BOARD OF ALDERMEN**  
**PUBLIC HEARING**  
**ON ORDINANCES**

TUESDAY, JUNE 26, 2012  
7:00 PM IN THE AUDITORIUM  
AT SHELTON CITY HALL  
54 HILL STREET, SHELTON, CT

**AGENDA**

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- ❖ **CALL OF THE MEETING**
  - ❖ **PLEDGE OF ALLEGIANCE**
  - ❖ **ITEM:**
1. AMENDMENT TO ORDINANCE #859 GARBAGE, TRASH & REFUSE

## 1. AMENDMENT TO ORDINANCE #859 GARBAGE, TRASH & REFUSE

### Shelton, Connecticut, Code of Ordinances, Part II – Code of Ordinances – Chapter 6 – Garbage, Trash and Refuse – Article 1 – In General

Article 1. 6-1 -- 6-24 was deleted as being superseded by the provisions of Ordinance No. 559 1-14 of which were included as a new Art. 1, 6-1 – 6-14 to read as set out herein. The deleted provisions pertained to similar subject matter and derived from Comp. Ords. 1975, 3.1 and Ords. No. 163, adopted June 19, 1973.

Sec. 6.1 – Declaration of policy

Sec. 6-2 – Definitions

Sec. 6-3 - License required for refuse collections

Sec. 6-4 – Refuse containers

Sec. 6-5 – Storing of Refuse

Sec. 6-6 - Licensing of refuse collectors; registration of vehicles, etc.

Sec. 6-7 - Revocation or suspension of license or registration

Sec. 6-8 - List of rates

Sec. 6-9 - Administration, promulgation of rules and regulations

Sec. 6-10 - Refuse collector's responsibilities and obligations

Sec. 6-11 - Disposal of refuse from homes or businesses where contagious diseases existed.

Sec. 6-12 - Scavenging prohibited.

Sec. 6-13 - Demolition material.

Sec. 6-14 - Violations and penalty.

Sec. 6-15 - 6-45 Reserved.

#### **Sec. 6-1 Declaration of policy.**

The accumulation, collection, removal and disposal of refuse must be controlled by this municipality for the protection of the public health, safety, and welfare. It is consequently found and declared that:

- a) The City of Shelton is authorized by law to regulate the disposition of "refuse" generated within its boundaries and to collect a charge therefore and to license "refuse collectors".
- b) This article is adopted pursuant to the authority granted to the municipality by Connecticut General Statutes section 22a-220a which authorizes the city to designate the area where refuse generated within its boundaries shall be disposed.

- c) The public health, safety and welfare of this municipality will be best served by requiring the delivery of acceptable solid waste generated within the City limits and collected by "refuse collectors" licensed by the City to facilities designated by the City for processing into products which have an economic value.
- d) Pursuant to Connecticut General Statutes, § 22a-226d(b), any police officer and any other person so authorized by the Chief Executive Officer may issue a citation to any person who commits a violation under (1) Subsection (a) of Section 22a-250, (2) Subsection (f) of Section 22a-220, (3) Subsection (f) of Section 22a-220a, (4) Subsection (i) of Section 22a-220a. Each day a violation persists shall constitute a separate offense. This penalty shall be in addition to any civil penalties applicable under Connecticut General Statutes, Section 22a-220a (i). Three citations in one year may result in the revocation of any permits, certificates and/or licenses issued by the City.

### **Sec. 6-2 Definitions.**

For the purpose of this article, the following terms, phrases, words and their deviations shall have the following meanings as prescribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable solid waste (waste) shall mean unwanted or discarded materials, garbage and refuse that the City is permitted by the State to collect and transported from the City to a resource recovery combustion facility, transfer station or landfill that are licensed to accept municipal solid waste but shall not include recyclable materials, bulky waste, or hazardous waste

*Bulky solid waste* shall mean solid waste comprised of demolition materials of any nature obtained from the destruction or demolition of a building or other structure; or, land clearing debris including natural materials such as stumps, logs, wood, tree limbs, branches, and waste resulting directly from other demolition activities. Also included shall be "white goods" and other unwanted or discarded materials which in the judgment of the City cannot be disposed of or processed by the designated facility.

*City* shall mean the City of Shelton.

Collection Cart shall mean the wheeled container approved by the City for residential collection of waste and recycling.

*Commercial refuse* shall include waste from the preparation, cooking, and consumption of food, condemned food products and all refuse from the handling, storage, preparation and sale of produce originating primarily in commercial kitchens, stores, restaurants, food markets and factories, but shall exclude refuse generated by residential dwelling units and bulky solid waste or hazardous waste.

*Director* shall mean the director of public works of the City of Shelton.

*Disposal charge* shall be that amount of money to be charged for each ton of processible solid waste delivered to the designated facility and the procedures established by the City.

*Dwelling unit* (residential unit) shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used arranged or designed to be occupied for living, sleeping, cooking and eating.

*Facility* shall mean a processing facility as designated by the City and permitted to receive acceptable waste and recycling materials for processing.

*Hazardous wastes* shall mean solid and liquid wastes in the following classifications:

- 1) Explosives.
- 2) Pathogenic or medical pathological waste.
- 3) Radioactive wastes.
- 4) Cleaning fluids, acids, poisons or other chemical wastes which either create an immediate safety hazard to persons disposing of the waste or which by virtue of their chemistry and/or the method of disposal present a threat to the quality of ground or surface waters.

Hazardous waste shall include but not be limited to pathological, biological, cesspool or other human waste, human and animal remains, radioactive, toxic or other types of waste which according to federal, state or local rules or regulation from time to time in effect require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. Sections 6921-6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resources Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. Section 6901, such as cleaning fluids, crank-case oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of a similar nature.

*Health authority* shall mean the Valley Health District, the legally designated health authority of the City.

*Household garbage* shall include waste from preparation, cooking and consumption of products used primarily in private homes.

*Industrial refuse* shall include putrescible and non-putrescible matter from the manufacturer, fabrication or processing of any product.

*Municipal contract* shall mean the municipal solid waste management services contract between this municipality and one or more Processing Facilities.

*Municipality* shall mean the City of Shelton.

*Private dwellings* shall mean all one-family and multifamily units to a maximum of six (6) units in any building or complex, OR multi-family dwelling which received City collection of residential waste and recyclable materials on or before July 1, 2012, and shall

include all residential condominiums as the term is defined by the Condominium Act of the General Statutes, all mobile home parks, and homes on commonly owned roads. It shall not include apartment buildings or complexes larger than six (6) units or cooperative housing ownership

*Processible solid waste* shall mean that refuse acceptable to the facility pursuant to the municipal agreement.

*Refuse* shall mean all putrescible and non-putrescible solid wastes including household garbage, rubbish, ashes, bulky wastes and solid commercial and industrial refuse. It shall not include hazardous wastes.

*Refuse collectors* shall include any person, firm or corporation engaged in the business of collecting and transporting commercial, household or industrial refuse for hire within this municipality.

*Rubbish* shall mean waste materials from normal household or living conditions, other than "household garbage" and includes garden, lawn, tree trimmings and leaves. It shall not include factory wastes or refuse from industrial plants or any character. In general; the kinds of materials classed as "rubbish", are such as paper, rags, bottles, tin cans, cardboard, worn out clothing or furniture, excelsior and the like.

*Transfer station* shall mean that facility located on Route 110, Shelton, Connecticut.

Yard waste shall mean grass clippings, leaves, brush, branches from pruning and other organic material as may be generated through land maintenance activities, but not including tree stumps.

### **Section 6-3 License required for refuse collections.**

- a) All refuse accumulated in this municipality shall be collected, conveyed and disposed of 1) by this municipality or 2) by person licensed by the municipality to perform such work and in accordance with the provisions of this article. No other person shall collect, convey over any street or dispose of any refuse in this municipality; except that a) the actual producers of refuse or the owners of premises in this municipality upon which refuse has accumulated may personally collect, convey and dispose of such refuse; b) collectors of refuse licenses by the municipality; and c) collectors of refuse which have executed a municipal contract with the municipality may deliver processible solid waste to the facility designated by the City upon identifying the source of such refuse; in each case upon complying with the other provision of this article and with any other applicable ordinances and regulations. (Except as provided in subsection (b) hereof, no refuse collected from outside this municipality shall be disposed of under a license of registration issued pursuant to this article).

The director or his designee shall have removed all rubbish and household garbage, when properly prepared as provided in this article, from all private dwellings, dwelling units and apartment buildings which have curbside pickup, as may come within the

requirements of this article. Collection schedules and methods of collection shall be as determined by the director and/or his designee provided that not less than one (1) waste collection per week and (1) one bi-weekly recycling collection shall be made from each and every place to be served; provided further that collections from households or other places served shall not be begun before 5:00 a.m. The citizens of the city shall be informed of collection schedules or any changes therein by means of appropriate posting on the City web page or by such other means as any be found expedient. The service of refuse removal provided to private dwellings and apartments for curbside pickup shall be financed by appropriations from general tax revenues.

- b) No city-owned, leased or contracted vehicle shall enter upon private roads or private property for the purpose of collecting refuse under the provisions of this article except if, in the opinion of the director and/or his designee for health or safety reasons, it is necessary for the collection vehicles to travel on private roads and/or private property. It will be the responsibility of the property owner to provide a hold harmless agreement and adequate insurance naming the city additionally insured, if such property owner wishes to have curbside pickup on private roads. Such hold harmless agreements and insurance policies must meet with the requirements as set forth by the city.
- c) Commercial refuse, industrial refuse and other refuse generated within the City of Shelton, except for household waste collected by the city pursuant to the municipal contract for residential curbside collection shall be collected by person licensed by the municipality as set forth herein.
- d) All refuse collectors handling bulky solid waste shall comply with the licensing requirements of this article and State of Connecticut laws and regulations.
- e) No household garbage or commercial refuse shall be transported into the city from any place beyond the limits of the city.
- f) No city-owned, leased or contracted vehicle shall enter upon private roads or private property for the purpose of collecting refuse under the provisions of this article except if, in the opinion of the director and/or his designee for health or safety reasons, it is necessary for the collection vehicles to travel on private roads and/or private property. It will be the responsibility of the property owner to provide a hold harmless agreement and adequate insurance naming the city additionally insured, if such property owner wishes to have curbside pickup on private roads. Such hold harmless agreements and insurance policies must meet with the requirements as set forth by the city. Neither the City nor its Contractor shall be held liable for damage caused to such private roadways by the weight of the collection vehicles.
- g)

## **Sec. 6-4 Refuse containers**

- a) *Provision for containers.* The owner of each premise whose refuse is created or generated shall provide a suitable place upon such premises, sufficient receptacles for receiving and holding such refuse during the intervals between collections. Refuse containers shall be maintained in good condition

free of holes and fissures and shall be equipped with securely fitting covers and must be removed from the curb the same day as collected  
Collection containers must be stored in such a manner so as not to be visible from the street

- b) *Containers for commercial refuse.* Commercial establishments, business establishments and apartments containing more than six (6) dwelling units shall be required to provide such covered refuse containers suitable for mechanical pickup to be emptied in a refuse truck, as may be required by the director and/or his designee and of sufficient size and quantities so as to not cause any overflow which would constitute a violation of this article .
- c) *Containers for household garbage; number of collections.*

*Collection Carts* for the collection of recyclable materials and residential Waste will be provided by the City of Shelton of a size deemed appropriate in the following manner:

Each residential address will receive one Collection Cart for waste and one Collection Cart of recyclable materials. All other containers will be deemed inappropriate and waste placed in them will not be collected.

Collection Carts are the property of the City and shall not be removed from their assigned property. Each cart will have a serial number on it which will contain the size and location assigned to the property and entered into a data base.

- d) One (1) curbside refuse collection shall be made each week and bi-weekly curbside recycling collection, from dwelling units. Notwithstanding, a condominium or other occupant of property within the City of Shelton, may contract to have additional pickups of refuse and recycling, at their own costs which are contained in the City bid for collections services.. Leaves from lawns shall be collected semi-annually if they are placed in a paper bag at the times scheduled by the City for such collection
- e) *Number.* ) The number of Collection Carts for Residential Waste and Recyclable Materials provided without charge for each eligible Property shall be determined in the sole discretion of the Mayor or his designee. Eligible properties seeking Additional Collection Cars, if approved by the Mayor or his designee, shall be charged a fee as established by the City.
- f) Collection Carts shall 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).
- g) Collection Carts shall not be destroyed, mangled, modified, altered in any form, including use for the incineration of material.
- h) Collection Cart loss or damage is the responsibility of the property owner. There shall be a fee, as determined by the City, for the replacement of Collection Carts should there be any loss or damage as described above. The only instances where this may be waived are theft, contractor neglect or,

as determined by the Public Works Director 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.

- i) *Sanitary conditions.* All waste and recycling containers shall be kept clean and dry in a sanitary condition and their contents disposed of as provided in this article.
- j) *Placing for collection.* The occupant of private dwellings shall have the Collection cart/s placed on the roadside abutting the property before the hour of 5:00 a.m. on the days on which collections will be made; provided that containers may so be placed, for the collection of their contents only, in the evening preceding the day on which collections will be made but no earlier than 6:00PM and must be removed no later than (12) hours after collects have been made. Any container or other items placed at the roadside in other than the approved cart or the prescribed time is hereby declared to be a nuisance and will deemed to be a violation of this article. Carts shall be placed at curbside as described by instructions prepared and distributed by the City and or its Contractor.
- k) *Disturbing containers.* It shall be unlawful for anyone, other than the tenants or occupants of the premises on which containers are stored, or the regularly authorized agents, employees or licensees of the city, to disturb any waste or recycling containers or to remove their covers or and of the contents thereof, or to cause such refuse, waste or recycling containers or their contents to be strewn or scattered on the lawns, sidewalks or streets.
- l) *Interfering with, disturbing, etc., property.* Every agent, officer or employee of the city engaged in the work of collection and removing of garbage, refuse, recyclables, rubbish from private properties shall in no way interfere with, disturb, break, destroy, handle, take or use any article or substance or trespass upon any property of the householders, except insofar as the requirements of such collection shall warrant such handling, taking or using of the cans or receptacles containing such garbage. No employee shall remove or dispose of, for the employee's individual use or benefit, any of the contents of any container used for the collection, removal or disposal of refuse.

## **Sec. 6-5 Storing**

- a) *Generally.* During intervals between collection days, or collection by private licensed hauler or the City, refuse, garbage, waste, recyclables and rubbish shall be kept and stored in a sanitary manner.
- b) *Prohibited accumulations.* The accumulation or deposit of refuse, waste, recyclables or unsanitary material of any kind not otherwise provided for in this article, except in watertight metal or plastic containers, is prohibited.



- c) *Public Places.* No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within this municipality except in proper containers or otherwise properly prepared for collection or under express approval granted by the director and/or his designee. Nor shall any person throw or deposit any refuse in any stream or other body of water.
- d) *Accumulation of Materials.* Any un-containerized accumulation of refuse, waste, recyclables or unsanitary materials on any premises not placed in an approved container is hereby declared to be a nuisance and is prohibited. Where any matter has accumulated in any place, the director and/or his shall serve notice thereof upon the owner of, or person in charge or control of, the land or building on which such refuse appears, and the owner or other person shall within 5 (5) days of receipt of such notice cause the same to be removed. If neither the owner nor any person in charge or control of such land or building can be found by the director and/or his designee, they shall thereupon enter upon the property and remove such materials . The expense of such removal shall be charged to the owner of such property and may be collected by the city in an action at law. Failure to remove any accumulation of as defined herein within five (5) days after notice by the director and/or his designee by to remove same shall be deemed a violation of this article.
- e) *Scattering of refuse.* No person shall cast, place, sweep or deposit anywhere within this municipality any refuse in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises.
- f) *Hazardous wastes.* It shall be unlawful for any person, firm or corporation to place hazardous wastes or similarly dangerous substances into any refuse container or to transport any such substance to the transfer station or the facility.
- g) *Burning of refuse.* Burning of refuse within the city limits is prohibited.
- h) *Production of nuisances.* Nothing in this article shall be construed to permit the storage, collection or disposal of any kind of refuse in such a way as to produce a nuisance.

**Sec. 6-6 Licensing of refuse collectors; registration of vehicles, etc.**

- a) *Licensing and registration authority designated.* The director shall be the licensing and registration authority for refuse collectors and vehicles and containers. The director and/or his designee shall grant a license within a reasonable time following the filing of a proper application and payment of the prescribed fee unless he finds one (1) or more of the following conditions to prevail:

- 1) The applicant has been irresponsible in the conduct of refuse collection and hauling operations based upon previous suspensions and/or revocations of licenses.
  - 2) The applicant lacks suitable equipment with which to collect refuse in a safe and nuisance-free manner and in compliance with this article.
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- b) *License required.* Each refuse collector shall annually on or before July 1 apply for a license from the director and/or his designee on such form as they shall prescribe to engage in the business or refuse collection in this municipality.
  - c) *Registration of vehicles, containers.* Each licensed refuse collector shall obtain a separate registration for each vehicle he operates within this municipality. When a vehicle is employed to transport more than one (1) container, each container to be transported instead of the vehicle shall require a registration. Registration shall not be transferable from vehicle to vehicle, or container to container, provided however, the director and/or his designee may allow such temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually licensed vehicle.
  - d) *Registration term, fee, renewal.* All registrations shall be issued for the term not to exceed one (1) year and shall be renewable on or before the first day of July of each year. The registration fee shall be twenty dollars (\$20.00) for each vehicle and/or truck and a ten dollar (\$10.00) registration for each "roll-off". The registration free for any other vehicles or container shall be ten dollars (\$10.00).
  - e) Re-inspection upon sale, transfer of vehicle during registration year. Whenever a duly registered vehicle is sold or transferred to another refuse collector licensed in this municipality during the registration year, said vehicle shall be re inspected within seven (7) days of such transfer date but no additional fee shall be required.
  - f) *Display of registration.* The registration issued shall be conspicuously displayed on the left front of the body of each vehicle or container so licensed, or as may be directed.
  - g) *Identification of vehicles and containers.* Each licensee shall prominently display at all times on each registered vehicle or container in letter as least four (4) inches in height his name, registration number and telephone number.
  - h) *Notification required upon sale, transfer of route.* When any licensee shall sell or transfer all or part of his route to another refuse collector presently licensed to collect refuse in this municipality, he shall forthwith give written notice to the director and/or designee at least seven (7) days before the date of the sale or transfer stating the name of the buyer or transferee and the intended date of sale.

- i) *Licenses nontransferable.* Licenses are not transferable. When any licensee shall sell, or transfer, all or part of his route to any refuse collector not licensed in this municipality, he shall first notify the director and/ or his designee, in writing, of his intent to sell and the transferee shall, at the same time, make application for a license to operate in this municipality.
- j) *Routes serviced.* As a prerequisite to the issuance of renewal of any license, the refuse collector must, during the month of June, furnish to the director and/or superintendent the geographical routes within this municipality that such refuse collector services or intends to service.

## **Sec. 6-7 Revocation or suspension of license or registration**

- a) *Generally.* A license to engage in refuse collection and to use the transfer station or other refuse facilities provided by this municipality is a privilege, not a right. Failure to comply with the provisions of this article shall be grounds for revocation or suspension of any license or registration issued under the provisions of this article in addition to any other penalty impossible by law.
- b) *Notice required.* Revocation or suspensions shall only become effective five (5) calendar days after receipt of written notice from the director and/or his designee.
- c) *Request for review; filing; effect of failure to file.* If a refuse collector objects to the director and/or his designee's action described in paragraph (b) above to revoke or suspend his license or registration, he may, within the five (5) calendar days of receipt of said notice, file a written request for review with the mayor. Failure to timely file such request for review shall make the director and/or his designee's action final and binding upon the collector.
- d) *Effect of timely filing.* Timely filing of such request for review shall operate as an automatic stay of the director and/or designee's action.
- e) *Special appeals board; hearing.* The mayor shall appoint forthwith a special appeals board consisting of two (2) electors of this municipality and one (1) licensed refuse collector and a member of the board of aldermen and said board shall then within fifteen (15) days hear and decide the matter. Such hearing shall be private, except, however, such hearing may be public if so requested, in writing, by the refuse collector. The decision of said board shall be final and binding upon the collector.
- f) *Names, addresses of customers to be furnished upon revocation, suspension.* Whenever a collector's license or registration is revoked or suspended, he shall furnish the director and/or his designee within twenty-four (24) hours the names and addresses of his customers to insure

continuity of service.

- g) *Refusal of permission to use transfer station or facilities* designated by the City notwithstanding anything to the contrary herein, the director and/or his designee shall have power to refuse permission to a collector to use the transfer station or any facility designated by the city when, in his opinion, such collector has violated this article or any other applicable rule or regulation.

**Sec. 6-8 – List of rates**

Each collector shall furnish to his customers, upon request, a list of rates for the various services he provides.

**Sec. 6-9 Administration; promulgation of rules and regulations**

- a) The director and/or designee shall administer the licensing of any refuse collector engaged in the collecting and transporting of refuse in this municipality.
- b) The director and/or his designee shall, when considering an application for a refuse license, including renewal, ascertain that the applicant has adequate liability insurance.
- c) The director may promulgate additional rules on all collection and disposal procedures from time to time as he deems proper, but such rules shall not be inconsistent with this article.

**Sec. 6-10. Refuse collector's responsibilities and obligations.**

- a) *Place of delivery.* Each refuse collector shall deliver all processible solid waste collected within the territorial limits of this municipality to be permitted facility directly and pay the disposal charge. All other refuse shall be delivered to such place as the director and/or his designee may from time to time designate. Any applicable charge for the disposal of refuse shall be paid by the refuse collector to the municipality.
- b) *Failure to pay.* Any refuse collector failing to pay to this municipality any charge within twenty (20) days after the date of a bill therefore, shall pay, in addition to the charge shown on such bill, interest on such charge at the rate of one (1) percent per month or fraction thereof commencing on the date of such bill, plus all costs of collection, including an attorney's reasonable bill, incurred by this municipality. A failure to pay shall also be grounds for revocation of suspension of a license and registration.
- c) *Construction and maintenance of vehicles and containers.* All vehicles registered to collect and transport refuse shall be of a watertight construction and shall be maintained free of obnoxious odors and accumulated refuse. Such vehicles shall have a watertight lining of metal or other material on the

entire bottom and on the front and sides, and a metal tailgate of not less than eighteen (18) inches. A container utilized primarily for non-liquid refuse need not be of watertight construction and it may have an open top, provided that it be covered when it is in motion, to prevent the escape of refuse.

- d) *Covers.* All garbage trucks shall be equipped with metal covers. Whenever any such truck is in use the lid shall be closed so as to prevent escape of any refuse or dust and the access of flies.
- e) *Sanitary condition.* All vehicles and equipment used in the transportation of refuse shall be kept in a sanitary condition.
- f) *Delivery to disposal facility.* Refuse and other putrefactive matter collected by a collector shall be delivered to disposal facility on the same day it is placed on the truck.
- g) *Scattering of papers, etc.* All papers or the other lightweight articles mingled with the refuse shall be so deposited and secured as to prevent scattering or being blown about the streets, walks, lots or yards.
- h) *Customer's containers.* Refuse collectors shall leave their customer's containers in a neat upright position, with lids replaced, and off the road.
- i) *Spill refuse.* Refuse collectors shall cleanup refuse that may have spilled when carrying or transferring refuse.

#### Sec. 6-11 Disposal of refuse from homes or businesses where contagious diseases existed

The removal of medical waste, wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervisions and direction of the health authority. Such refuse shall not be placed in containers for regular collection with the normal production.

### **Sec. 6-12 Scavenging prohibited**

No person shall trespass upon any land used by the city for dumping of refuse, recyclables or other materials deposited at the transfer station or remove any of contents from containers placed for collection for the purpose of scavenging

### **Sec. 6-13 Demolition material**

The depositing, or burying or use as fill of demolition materials on private property is hereafter prohibited. Anyone found depositing or burying demolition material or other refuse on private property shall be subject to the penalties provided in this article and in addition shall be required to remove such materials. The director and/or his designee may cause notice to the violator or the owner of the property in accordance with section 6-5 (d) of this article, ordering said violator or owner to remove such buried material. If neither party removes such material, the city may remove the material and the expense of such removal shall be charged to the owner of such

property and may be collected by the city in an action at law, including reasonable attorney fees. Specifically excluded, however, shall be the existing foundation of a demolished building which may be buried by the owner of the property after the owner has received a permit from the building inspector and the director and/or his designee.

### **Sec. 6-14 – Violations and penalty**

Any person violating the terms of this article shall be fined two hundred fifty dollars (\$250.00) for each offense, in addition to any penalty impossible hereunder.

## **Sec. 6-15 General**

All references granting authority to the Public Works Director or his designee shall be subject to approval of the mayor.

## **Sec. 6-16 – 6-45 Reserved**

### Article II – Solid Waste Recycling Program\*

#### Editor's Note—

Ordinance No. 814, adopted April 12, 2007, rescinded Ord. No. 648, adopted Sept. 10, 1992 from which Art. III, 6-61, 6-69 derived, and further enacted similar provisions to read as herein codified.

Sec. 6-61 – Establishment of city recycling program.

Sec. 6-62 – Administrator of city recycling program.

Section 6-63 Issuance of regulations and instructions governing the operation of recycling program.

Sec. 6-64 Separation of items required to be recycled from other solid waste.

Sec. 6-65 Collection, recycling and sale of items required to be recycled.

Sec. 6-66 Regulation of collectors

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Sec. 6-69. Penalties.

Sec. 6-61 – Establishment of city recycling program

There is established a city solid waste single –stream (mixed) recycling program with standards to effect the maximum level of recycling of solid waste and source separation.

Sec. 6-62 Administrator of city recycling program

The director of public works or his designee shall be the administrator of the recycling program and is vested with full powers to develop and operate a recycling program consistent with this ordinance and the laws and regulations of the state. All references granting authority to the Public Works Director of his designee shall be subject to approval of the mayor.

Sec. 6-63 – Issuance of regulations and instructions governing the operation of the recycling program

The successful operation of the recycling program shall require the issuance of regulations and instructions setting forth detailed procedures to be followed by residents, businesses and institutions, collectors and others. The administrator of the recycling program is authorized and directed to promulgate such regulations and instructions, to be binding upon all persons with the city, to effect an efficient and economical recycling program consistent with this article and applicable state laws and regulations.

Sec. 6-64. Separation of items required to be recycled from other solid waste.

Residential and Non-Residential

Each person who generates solid waste from any property within the city shall separate from other solid waste the following items required to be recycled:

- All plastic containers with # 1-7 symbol encircled by recycling symbol
- Yogurt and cottage cheese containers
- Plastic milk bottles, Water bottles
- Deli containers, single use plastic cups
- Detergent bottles
- Corrugated cardboard and chipboard paper
- Cereal boxes, clean Pizza boxes
- Aseptic Packaging (milk and juice cartons and juice boxes)
- Tissue boxes, Paper egg cartons
- Pasta boxes
- Shoe boxes
- Packing boxes
- Printed items, books with hard cover removed
- Newspapers, Paperbacks
- Magazines, Catalogs
- Junk mail: ads, inserts, credit card offers, etc
- Paper bags
- School and office papers, shredded paper in paper bags
- Telephone Books
- Tin and steel cans

Aluminum foil  
Glass jars and bottle  
Metal/Aluminum food and beverage containers  
Paper potato bags  
Aluminum and Saran wrap containers with foil strip removed  
All such other materials with the same composition of the above

All containers must be empty and free of metal caps

Such other items as may be designated by the administrator and allowable by state law and regulation

3. Leaves generated from residential property shall be collected curbside by the city during periods prescribed by the director of public works. Leaves must be placed on the curb in paper leaf bags of approximately thirty gallon capacity, two ply, fifty pound wet strength, with decomposing glue and reinforced self-supporting square bottom closure. Twigs, branches, stones, grass clippings and other yard waste or garbage shall not be mixed with leaves. Leaves shall not be placed in plastic bags for collection and disposal. If a resident fails to comply with the requirements of this section, such refuse will not be collected and the resident shall be required to remove such materials from the curb. The city shall perform random spot checks on paper leaf bags by the director of public works or his designee prior to being shredded.

- 4) All scrap metal from residential properties, except for metal materials listed previously, containers acceptable for collection in the city container, shall be brought by residents to the city's transfer station for disposal.
- 5) Storage batteries from residential properties shall be brought by residents to the city transfer station.. Residents are prohibited from dumping or leaving behind storage batteries anywhere but in the designated area. The administrator shall determine the dates and times the facility will be open for residential drop off of storage batteries.
- 6) Only waste oil uncontaminated by antifreeze, acid or other chemicals or substances is acceptable for collection by the city. Waste oil shall be brought by residents in sturdy containers of not more than five (5) gallons to an area designated by the administrator, where residents shall empty their containers of waste oil into a waste oil tank. The administrator will determine the dates and times the facility will be open to residents for waste oil disposal.
- 7) Corrugated cardboard, uncontaminated by other materials, such as styrofoam, metal wires, plastic bindings, etc. that cannot be accommodated for in the container provided for recyclables shall be brought by the residents to the city transfer station for disposal in a designated container. Residents shall empty all corrugated cardboard boxes of packing material and flatten said boxes before putting them in the designated container.



- 8) The administrator of the recycling program shall prescribe procedures by which other solid waste generated from residential properties required to be recycled (such as leaves) shall be handled.
- 9) Bulky waste, appliances, electronics (e-waste) and brush may be delivered by residents to the transfer station including home demolition material generated by residents performing their own alterations and improvements. If the extent of work performed requires a building permit a copy must be presented prior to depositing demolition materials.

a.

Sec. 6-65 – Collection, recycling and sale of items required to be recycled

- a) The administrator of the recycling program shall be responsible for and shall arrange for the items listed in section 6-64 (a) (2) and 6-64 (b) (1) above, which are generated from properties within the City to be collected and delivered to the processing facilities for the processing of items required to be recycled. The administrator through the purchasing agent will solicit proposals for the acceptance and processing of recycling materials in conformance with the City's Request for Proposal/Qualifications procedures as may be revised from time to time by the Board of Aldermen, from as many permitted processing facilities as practical and the facility that offers the most favorable terms and conditions shall be selected.
- b) The administrator of the recycling program shall take appropriate action to cause each owner of property used for business, institutional and nonresidential purposes, as such owner's expense, to other collect and have recycled the items listed in section 6-64 (b) (1) which are generated from properties other than residential properties, in accordance with the provisions of this article and applicable state laws and regulations.
- c) To assist the city in monitoring the separation, collection, recycling and sale of items required to be recycled that are generated from properties other than residential properties, the administrator of the recycling program may require such nonresidential generators to submit plans for recycling to the city and may require such generators to submit periodic reports to the city setting forth specific data relating to the amount and nature of items recycled.
- d) The administrator of the recycling program, with the consent of the chief executive officer of the city, may require the separation and recycling of items in addition to those designated above.

**Sec. 6-66 Regulation of collectors**

- a) Any collector hauling solid waste or recyclable materials generated by residential, business or other establishment within the city shall register in the city within thirty (30) days of the effective date of this article and shall disclose the name of any other municipality in which such collector hauls solid waste. The administrator of the recycling program is authorized and directed to establish reasonable requirements and qualifications for a person to be a collector of solid waste within the city.
- b) The door of any private vehicle used to haul solid waste generated with the city shall be clearly marked with a business name and address and telephone number of the hauler.
- c) The administrator of the recycling program shall, by mail, give notice of this article and any other provisions promulgated for the collection, hauling, processing and marketing of items required to be recycled to all collectors registered under subsection (a) of this section. After such notice, any collector who has reason to believe that a person from whom he has collected solid waste has discarded items required to be recycled with such solid waste, shall promptly notify the administrator of the recycling program of the alleged violation. Upon request by the administrator of the recycling program, a collector shall provide a warning notice, by tag or other means, to any persons suspected by the collector or by the city of violating separation requirements. Each collector shall also assist the city to identify any persons responsible for creating loads containing significant quantities of items required to be recycled mixed with solid waste which are delivered to a resources recovery facility of solid waste facility by the collector. Each collector is also required to keep tonnage records of recyclables collected from commercial generators within the city limits and submit copies of these records to the administrator of the recycling program on a quarterly basis.
- d) As required by section 4 (b) of Public Act No. 90-220, the owner or operator of each resources recovery facility or solid waste facility who has reason to believe, upon visual inspection, that a load of solid waste which is delivered to the facility, contains significant quantities of any items required to be recycled is required to provide prompt notification of such belief to the driver of the vehicle delivering the load and to the administrator of the recycling program if the load originated within the city. Under said section 4 (b) of Public Act 90-220, the owner or operator of each resources recovery facility or solid waste facility is also required to conduct unannounced inspections of loads delivered to resources recovery facilities or solid waste facilities.
- e) Any collector who dumps more than one (1) cubic foot in volume of solid waste at one (1) time in any area not designated for such disposal or who knowingly mixes other solid waste with items required to be recycled shall for a first violation be liable for a civil penalty of one thousand dollars (\$1,000.00) and for a subsequent violation shall be liable for a civil penalty of five thousand (\$5,000.00). The city or the attorney general, at the request of the commissioner, may bring an action under section 3 (f) of Public Act 90-220, which action shall

have precedence in the order of trial as provided in section 52-191 of the General Statutes.

## **Sec. 6-69 Penalties**

- a) Notwithstanding any other sections of the General Statutes to the contrary the city, acting by the administrator of the recycling program, may impose a penalty not to exceed five hundred dollars (\$500.00) for each violation by a commercial establishment of the requirements of subsection ( c ) of section 22a-241b of the Connecticut General Statutes as amended by section 1 of Public Act 90-220 as set forth in section 6-64 (b)(1) of this article.
- b) The owner or operator of a resources recovery facility or other solid waste facility who fails to notify the city about the delivery of loads of solid waste originating from the city containing significant quantities of items required to be recycled as required by section 4 of the Public Act 90-220 and as set forth in section 6-66 (d) of this article, shall be subject to a warning by the city for a first violation and to a civil penalty of five hundred dollars (\$500.00) for any subsequent violation. If the city fails to receive such notification as required, the city may bring an action under section 3 of Public Act 90-249.
- c) Any person who violates the provisions of this article shall, in addition to other legal remedies available to the city, be cited or fined not more than two hundred fifty dollars (\$250.00) for each offense, and each violation of this article or of regulations and instructions promulgated pursuant to this article, shall be a separate violation. This article and the regulations and instructions promulgated pursuant to this article may be enforced by citations issued by the administrator of the recycling program. Before issuing any citation the administrator of the recycling program shall issue a written warning providing notice of the specific violation in accordance with section 7-148 (c) (10) (A) of the Connecticut General Statutes.
- d) The citation hearing procedure provided in section 7-152c of the Connecticut General Statutes is established as the city's citation hearing procedure to be followed when citations pursuant to section 6-69 (c ) of this article are issued. The chief executive officer of the city is authorized to issue such rules and regulations governing the operation of the citation hearing procedure so long as such rules and regulations are consistent with section 7-152c of the Connecticut General Statutes.

**Legal Notice  
City of Shelton**

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ALDERMEN WILL CONDUCT A PUBLIC HEARING ON THE FOLLOWING:

- AMENDMENT TO ORDINANCE #859 – GARBAGE, TRASH AND REFUSE

SAID PUBLIC HEARING SHALL BE CONDUCTED ON TUESDAY, JUNE 26, 2012 STARTING AT 7 P.M. IN THE AUDITORIUM AT SHELTON CITY HALL, 54 HILL STREET, SHELTON.

ALL PERSONS WHO HAVE AN INTEREST THEREIN MAY APPEAR AND BE HEARD IN RELATION HERETO.

**ADJOURNMENT**

**Lined version of proposed revised Ordinance #~~858~~859  
with changes necessitated by City conversion to  
automated collection and single stream recycling:**

Submitted by  
Paul J. DiMauro  
Public Works Director

6/4/12 2:45M

**Ordinance #859  
Garbage, Trash and Refuse**

Adopted by the Board of Aldermen: June 28, 2011

Approved by the Mayor:

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*Date*

*Mayor's Signature*

Attested to:

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*City/ Town Clerk*

## **Ordinance #859 Garbage, Trash and Refuse**

*Shelton, Connecticut, Code of Ordinances, Part II – Code of Ordinances –  
Chapter 6 – Garbage, Trash and Refuse – Article 1 – In General*

Article 1. 6-1 -- 6-24 was deleted as being superseded by the provisions of Ordinance No. 559 1-14 of which were included as a new Art. 1, 6-1 – 6-14 to read as set out herein. The deleted provisions pertained to similar subject matter and derived from Comp. Ords. 1975, 3.1 and Ords. No. 163, adopted June 19, 1973.

- Sec. 6.1 – Declaration of policy
- Sec. 6-2 – Definitions
- Sec. 6-3 - License required for refuse collections
- Sec. 6-4 – Refuse containers
- Sec. 6-5 – Storing of Refuse
- Sec. 6-6 - Licensing of refuse collectors; registration of vehicles, etc.
- Sec. 6-7 - Revocation or suspension of license or registration
- Sec. 6-8 - List of rates
- Sec. 6-9 - Administration, promulgation of rules and regulations
- Sec. 6-10 - Refuse collector's responsibilities and obligations
- Sec. 6-11 - Disposal of refuse from homes or businesses where contagious diseases existed.
- Sec. 6-12 - Scavenging prohibited.
- Sec. 6-13 - Demolition material.
- Sec. 6-14 - Violations and penalty.
- Sec. 6-15 - 6-45 Reserved.

### **Sec. 6-1 Declaration of policy.**

The accumulation, collection, removal and disposal of refuse must be controlled by this municipality for the protection of the public health, safety, and welfare. It is consequently found and declared that:

- a) The City of Shelton is authorized by law to regulate the disposition of "refuse" generated within its boundaries and to collect a charge therefore and to license "refuse collectors".

- b) This article is adopted pursuant to the authority granted to the municipality by Connecticut General Statutes section 22a-220a which authorizes the city to designate the area where refuse generated within its boundaries shall be disposed.
- c) The public health, safety and welfare of this municipality will be best served by requiring the delivery of acceptable solid waste generated within the City limits and collected by “refuse collectors” licensed by the City to facilities designated by the City for processing into products which have an economic value.
- d) Pursuant to Connecticut General Statutes, § 22a-226d(b), any police officer and any other person so authorized by the Chief Executive Officer may issue a citation to any person who commits a violation under (1) Subsection (a) of Section 22a-250, (2) Subsection (f) of Section 22a-220, (3) Subsection (f) of Section 22a-220a, (4) Subsection (i) of Section 22a-220a. Each day a violation persists shall constitute a separate offense. This penalty shall be in addition to any civil penalties applicable under Connecticut General Statutes, Section 22a-220a (i). Three citations in one year may result in the revocation of any permits, certificates and/or licenses issued by the City.

**Sec. 6-2 Definitions.**

For the purpose of this article, the following terms, phrases, words and their deviations shall have the following meanings as prescribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable solid waste (waste) shall mean unwanted or discarded materials, garbage and refuse that the City is permitted by the State to collect and transported from the City to a resource recovery combustion facility, transfer station or landfill that are licensed to accept municipal solid waste but shall not include recyclable materials, bulky waste, or hazardous waste

*Bulky solid waste* shall mean solid waste comprised of demolition materials of any nature obtained from the destruction or demolition of a building or other structure; or, land clearing debris including natural materials such as stumps, logs, wood, tree limbs, branches, and waste resulting directly from other demolition activities. Also included shall be “white goods” and other unwanted or discarded materials which in the judgment of the City cannot be disposed of or processed by the designated facility.

*City* shall mean the City of Shelton.

Ordinance #859 Garbage, Trash and Refuse

Collection Cart shall mean the wheeled container approved by the City for residential collection of waste and recycling.

*Commercial refuse* shall include waste from the preparation, cooking, and consumption of food, condemned food products and all refuse from the handling, storage, preparation and sale of produce originating primarily in commercial kitchens, stores, restaurants, food markets and factories, but shall exclude refuse generated by residential dwelling units and bulky solid waste or hazardous waste.

*Director* shall mean the director of public works of the City of Shelton.

*Disposal charge* shall be that amount of money to be charged for each ton of processible solid waste delivered to the designated facility and the procedures established by the City.

*Dwelling unit* (residential unit) shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used arraigned or designed to be occupied for living, sleeping, cooking and eating.

*Facility* shall mean a processing facility as designated by the City and permitted to receive acceptable waste and recycling materials for processing.

*Hazardous wastes* shall mean solid and liquid wastes in the following classifications:

- 1) Explosives.
- 2) Pathogenic or medical pathological waste.
- 3) Radioactive wastes.
- 4) Cleaning fluids, acids, poisons or other chemical wastes which either create an immediate safety hazard to persons disposing of the waste or which by virtue of their chemistry and/or the method of disposal present a threat to the quality of ground or surface waters.

Hazardous waste shall include but not be limited to pathological, biological, cesspool or other human waste, human and animal remains, radioactive, toxic or other types of waste which according to federal, state or local rules or regulation from time to time in effect require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. Sections 6921-6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resources Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. Section 6901, such as cleaning fluids, crank-case oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of a similar nature.



## Ordinance #859 Garbage, Trash and Refuse

*Health authority* shall mean the Valley Health District, the legally designated health authority of the City.

*Household garbage* shall include waste from preparation, cooking and consumption of products used primarily in private homes.

*Industrial refuse* shall include putrescible and non-putrescible matter from the manufacturer, fabrication or processing of any product.

*Municipal contract* shall mean the municipal solid waste management services contract between this municipality and one or more Processing Facilities.

*Municipality* shall mean the City of Shelton.

*Private dwellings* shall mean all one-family and multifamily units to a maximum of six (6) units in any building or complex, or multi-family dwelling which received City collection of residential waste and recyclable materials on or before July 1, 2012, and shall include all residential condominiums as the term is defined by the Condominium Act of the General Statutes, all mobile home parks, and homes on commonly owned roads. It shall not include apartment buildings or complexes larger than six (6) units or cooperative housing ownership

*Processible solid waste* shall mean that refuse acceptable to the facility pursuant to the municipal agreement.

*Refuse* shall mean all putrescible and non-putrescible solid wastes including household garbage, rubbish, ashes, bulky wastes and solid commercial and industrial refuse. It shall not include hazardous wastes.

*Refuse collectors* shall include any person, firm or corporation engaged in the business of collecting and transporting commercial, household or industrial refuse for hire within this municipality.

*Rubbish* shall mean waste materials from normal household or living conditions, other than "household garbage" and includes garden, lawn, tree trimmings and leaves. It shall not include factory wastes or refuse from industrial plants or any character. In general; the kinds of materials classed as "rubbish", are such as paper, rags, bottles, tin cans, cardboard, worn out clothing or furniture, excelsior and the like.

*Transfer station* shall mean that facility located on Route 110, Shelton, Connecticut.

*Yard waste* shall mean grass clippings, leaves, brush, branches from pruning and other organic material as may be generated through land maintenance activities, but not including tree stumps.

**Section 6-3 License required for refuse collections.**

- a) All refuse accumulated in this municipality shall be collected, conveyed and disposed of 1) by this municipality or 2) by person licensed by the municipality to perform such work and in accordance with the provisions of this article. No other person shall collect, convey over any street or dispose of any refuse in this municipality; except that a) the actual producers of refuse or the owners of premises in this municipality upon which refuse has accumulated may personally collect, convey and dispose of such refuse; b) collectors of refuse licenses by the municipality; and c) collectors of refuse which have executed a municipal contract with the municipality may deliver processible solid waste to the facility designated by the City upon identifying the source of such refuse; in each case upon complying with the other provision of this article and with any other applicable ordinances and regulations. (Except as provided in subsection (b) hereof, no refuse collected from outside this municipality shall be disposed of under a license of registration issued pursuant to this article).

The director or his designee shall have removed all rubbish and household garbage, when properly prepared as provided in this article, from all private dwellings, dwelling units and apartment buildings which have curbside pickup, as may come within the requirements of this article. Collection schedules and methods of collection shall be as determined by the director and/or his designee provided that not less than one (1) waste collection per week and (1) one bi-weekly recycling collection shall be made from each and every place to be served; provided further that collections from households or other places served shall not be begun before 5:00 a.m. The citizens of the city shall be informed of collection schedules or any changes therein by means of appropriate posting on the City web page or by such other means as any be found expedient. The service of refuse removal provided to private dwellings and apartments for curbside pickup shall be financed by appropriations from general tax revenues.

- b) No city-owned, leased or contracted vehicle shall enter upon private roads or private property for the purpose of collecting refuse under the provisions of this article except if, in the opinion of the director and/or his designee for health or safety reasons, it is necessary for the collection vehicles to travel on private roads and/or private property. It will be the responsibility of the property owner to provide a hold harmless agreement and adequate insurance naming the city additionally insured, if such property owner wishes to have curbside pickup on private roads. Such hold harmless agreements and insurance policies must meet with the requirements as set forth by the city.
- c) Commercial refuse, industrial refuse and other refuse generated within the City of Shelton, except for household waste collected by the city pursuant

to the municipal contract for residential curbside collection shall be collected by person licensed by the municipality as set forth herein.

- d) All refuse collectors handling bulky solid waste shall comply with the licensing requirements of this article and State of Connecticut laws and regulations.
- e) No household garbage or commercial refuse shall be transported into the city from any place beyond the limits of the city.
- f) No city-owned, leased or contracted vehicle shall enter upon private roads or private property for the purpose of collecting refuse under the provisions of this article except if, in the opinion of the director and/or his designee for health or safety reasons, it is necessary for the collection vehicles to travel on private roads and/or private property. It will be the responsibility of the property owner to provide a hold harmless agreement and adequate insurance naming the city additionally insured, if such property owner wishes to have curbside pickup on private roads. Such hold harmless agreements and insurance policies must meet with the requirements as set forth by the city. Neither the City nor its Contractor shall be held liable for damage caused to such private roadways by the weight of the collection vehicles.

g)

**Sec. 6-4 Refuse containers**

- a) *Provision for containers.* The owner of each premise whose refuse is created or generated shall provide a suitable place upon such premises, sufficient receptacles for receiving and holding such refuse during the intervals between collections. Refuse containers shall be maintained in good condition free of holes and fissures and shall be equipped with securely fitting covers and must be removed from the curb the same day as collected  
Collection containers must be stored in such a manner so as not to be visible from the street
- b) *Containers for commercial refuse.* Commercial establishments, business establishments and apartments containing more than six (6) dwelling units shall be required to provide such covered refuse containers suitable for mechanical pickup to be emptied in a refuse truck, as may be required by the director and/or his designee and of sufficient size and quantities so as to not cause any overflow which would constitute a violation of this article .
- c) *Containers for household garbage; number of collections.*

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*Collection Carts* for the collection of recyclable materials and residential Waste will be provided by the City of Shelton of a size deemed appropriate in the following manner:

Each residential address will receive one Collection Cart for waste and one Collection Cart of recyclable materials. All other containers will be deemed inappropriate and waste placed in them will not be collected.

Collection Carts are the property of the City and shall not be removed from their assigned property. Each cart will have a serial number on it which will contain the size and location assigned to the property and entered into a data base.

- d) One (1) curbside refuse collection shall be made each week and bi-weekly curbside recycling collection, from dwelling units. Notwithstanding, a condominium or other occupant of property within the City of Shelton, may contract to have additional pickups of refuse and recycling, at their own costs which are contained in the City bid for collections services.. Leaves from lawns shall be collected semi-annually if they are placed in a paper bag at the times scheduled by the City for such collection
- e) *Number.* ) The number of Collection Carts for Residential Waste and Recyclable Materials provided without charge for each eligible Property shall be determined in the sole discretion of the Mayor or his designee. Eligible properties seeking Additional Collection Cars, if approved by the Mayor or his designee, shall be charged a fee as established by the City.
- f) Collection Carts shall 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).
- g) Collection Carts shall not be destroyed, mangled, modified, altered in any form, including use for the incineration of material.
- h) Collection Cart loss or damage is the responsibility of the property owner. There shall be a fee, as determined by the City, for the replacement of Collection Carts should there be any loss or damage as described above. The only instances where this may be waived are theft, contractor neglect or, as determined by the Public Works Director 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.
- i) *Sanitary conditions.* All waste and recycling containers shall be kept clean and dry in a sanitary condition and their contents disposed of as provided in this article.

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- j) *Placing for collection.* The occupant of private dwellings shall have the Collection cart/s placed on the roadside abutting the property before the hour of 5:00 a.m. on the days on which collections will be made; provided that containers may so be placed, for the collection of their contents only, in the evening preceding the day on which collections will be made but no earlier than 6:00PM and must be removed no later than (12) hours after collects have been made. Any container or other items placed at the roadside in other than the approved cart or the prescribed time is hereby declared to be a nuisance and will deemed to be a violation of this article. Carts shall be placed at curbside as described by instructions prepared and distributed by the City and or its Contractor.
- k) *Disturbing containers.* It shall be unlawful for anyone, other than the tenants or occupants of the premises on which containers are stored, or the regularly authorized agents, employees or licensees of the city, to disturb any waste or recycling containers or to remove their covers or and of the contents thereof, or to cause such refuse, waste or recycling containers or their contents to be strewn or scattered on the lawns, sidewalks or streets.
- l) *Interfering with, disturbing, etc., property.* Every agent, officer or employee of the city engaged in the work of collection and removing of garbage, refuse, recyclables, rubbish from private properties shall in no way interfere with, disturb, break, destroy, handle, take or use any article or substance or trespass upon any property of the householders, except insofar as the requirements of such collection shall warrant such handling, taking or using of the cans or receptacles containing such garbage. No employee shall remove or dispose of, for the employee's individual use or benefit, any of the contents of any container used for the collection, removal or disposal of refuse.

**Sec. 6-5 Storing**

- a) *Generally.* During intervals between collection days, or collection by private licensed hauler or the City, refuse, garbage, waste, recyclables and rubbish shall be kept and stored in a sanitary manner.
- b) *Prohibited accumulations.* The accumulation or deposit of refuse, waste, recyclables or unsanitary material of any kind not otherwise provided for in this article, except in watertight metal or plastic containers, is prohibited.
- c) *Public Places.* No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within this municipality except in proper containers or otherwise properly prepared for collection or under express approval

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granted by the director and/or his designee. Nor shall any person throw or deposit any refuse in any stream or other body of water.

- d) *Accumulation of Materials.* Any un-containerized accumulation of refuse, waste, recyclables or unsanitary materials on any premises not placed in an approved container is hereby declared to be a nuisance and is prohibited. Where any matter has accumulated in any place, the director and/or his shall serve notice thereof upon the owner of, or person in charge or control of, the land or building on which such refuse appears, and the owner or other person shall within 5 (5) days of receipt of such notice cause the same to be removed. If neither the owner nor any person in charge or control of such land or building can be found by the director and/or his designee, they shall thereupon enter upon the property and remove such materials . The expense of such removal shall be charged to the owner of such property and may be collected by the city in an action at law. Failure to remove any accumulation of as defined herein within five (5) days after notice by the director and/or his designee by to remove same shall be deemed a violation of this article.
- e) *Scattering of refuse.* No person shall cast, place, sweep or deposit anywhere within this municipality any refuse in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises.
- f) *Hazardous wastes.* It shall be unlawful for any person, firm or corporation to place hazardous wastes or similarly dangerous substances into any refuse container or to transport any such substance to the transfer station or the facility.
- g) *Burning of refuse.* Burning of refuse within the city limits is prohibited.
- h) *Production of nuisances.* Nothing in this article shall be construed to permit the storage, collection or disposal of any kind of refuse in such a way as to produce a nuisance.

**Sec. 6-6 Licensing of refuse collectors; registration of vehicles, etc.**

- a) *Licensing and registration authority designated.* The director shall be the licensing and registration authority for refuse collectors and vehicles and containers. The director and/or his designee shall grant a license within a reasonable time following the filing of a proper application and payment of the prescribed fee unless he finds one (1) or more of the following conditions to prevail:

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- 1) The applicant has been irresponsible in the conduct of refuse collection and hauling operations based upon previous suspensions and/or revocations of licenses.
  - 2) The applicant lacks suitable equipment with which to collect refuse in a safe and nuisance-free manner and in compliance with this article.
- 
- b) *License required.* Each refuse collector shall annually on or before July 1 apply for a license from the director and/or his designee on such form as they shall prescribe to engage in the business or refuse collection in this municipality.
  - c) *Registration of vehicles, containers.* Each licensed refuse collector shall obtain a separate registration for each vehicle he operates within this municipality. When a vehicle is employed to transport more than one (1) container, each container to be transported instead of the vehicle shall require a registration. Registration shall not be transferable from vehicle to vehicle, or container to container, provided however, the director and/or his designee may allow such temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually licensed vehicle.
  - d) *Registration term, fee, renewal.* All registrations shall be issued for the term not to exceed one (1) year and shall be renewable on or before the first day of July of each year. The registration fee shall be twenty dollars (\$20.00) for each vehicle and/or truck and a ten dollar (\$10.00) registration for each "roll-off". The registration fee for any other vehicles or container shall be ten dollars (\$10.00).
  - e) *Re-inspection upon sale, transfer of vehicle during registration year.* Whenever a duly registered vehicle is sold or transferred to another refuse collector licensed in this municipality during the registration year, said vehicle shall be re inspected within seven (7) days of such transfer date but no additional fee shall be required.
  - f) *Display of registration.* The registration issued shall be conspicuously displayed on the left front of the body of each vehicle or container so licensed, or as may be directed.
  - g) *Identification of vehicles and containers.* Each licensee shall prominently display at all times on each registered vehicle or container in letter as least four (4) inches in height his name, registration number and telephone number.

- h) *Notification required upon sale, transfer of route.* When any licensee shall sell or transfer all or part of his route to another refuse collector presently licensed to collect refuse in this municipality, he shall forthwith give written notice to the director and/or designee at least seven (7) days before the date of the sale or transfer stating the name of the buyer or transferee and the intended date of sale.
- i) *Licenses nontransferable.* Licenses are not transferable. When any licensee shall sell, or transfer, all or part of his route to any refuse collector not licensed in this municipality, he shall first notify the director and/ or his designee, in writing, of his intent to sell and the transferee shall, at the same time, make application for a license to operate in this municipality.
- j) *Routes serviced.* As a prerequisite to the issuance of renewal of any license, the refuse collector must, during the month of June, furnish to the director and/or superintendent the geographical routes within this municipality that such refuse collector services or intends to service.

#### **Sec. 6-7 Revocation or suspension of license or registration**

- a) *Generally.* A license to engage in refuse collection and to use the transfer station or other refuse facilities provided by this municipality is a privilege, not a right. Failure to comply with the provisions of this article shall be grounds for revocation or suspension of any license or registration issued under the provisions of this article in addition to any other penalty imposed by law.
- b) *Notice required.* Revocation or suspensions shall only become effective five (5) calendar days after receipt of written notice from the director and/or his designee.
- c) *Request for review; filing; effect of failure to file.* If a refuse collector objects to the director and/or his designee's action described in paragraph (b) above to revoke or suspend his license or registration, he may, within the five (5) calendar days of receipt of said notice, file a written request for review with the mayor. Failure to timely file such request for review shall make the director and/or his designee's action final and binding upon the collector.
- d) *Effect of timely filing.* Timely filing of such request for review shall operate as an automatic stay of the director and/or designee's action.
- e) *Special appeals board; hearing.* The mayor shall appoint forthwith a special appeals board consisting of two (2) electors of this municipality and one (1) licensed refuse collector and a member of the board of aldermen and said board shall then within fifteen (15) days hear and



decide the matter. Such hearing shall be private, except, however, such hearing may be public if so requested, in writing, by the refuse collector. The decision of said board shall be final and binding upon the collector.

- f) *Names, addresses of customers to be furnished upon revocation, suspension.* Whenever a collector's license or registration is revoked or suspended, he shall furnish the director and/or his designee within twenty-four (24) hours the names and addresses of his customers to insure continuity of service.
- g) *Refusal of permission to use transfer station or facilities* designated by the City notwithstanding anything to the contrary herein, the director and/or his designee shall have power to refuse permission to a collector to use the transfer station or any facility designated by the city when, in his opinion, such collector has violated this article or any other applicable rule or regulation.

**Sec. 6-8 – List of rates**

Each collector shall furnish to his customers, upon request, a list of rates for the various services he provides.

**Sec. 6-9 Administration; promulgation of rules and regulations**

- a) The director and/or designee shall administer the licensing of any refuse collector engaged in the collecting and transporting of refuse in this municipality.
- b) The director and/or his designee shall, when considering an application for a refuse license, including renewal, ascertain that the applicant has adequate liability insurance.
- c) The director may promulgate additional rules on all collection and disposal procedures from time to time as he deems proper, but such rules shall not be inconsistent with this article.

**Sec. 6-10. Refuse collector's responsibilities and obligations.**

- a) *Place of delivery.* Each refuse collector shall deliver all processible solid waste collected within the territorial limits of this municipality to be permitted facility directly and pay the disposal charge. All other refuse shall be delivered to such place as the director and/or his designee may from time to time designate. Any applicable charge for the disposal of refuse shall be paid by the refuse collector to the

municipality.

- b) *Failure to pay.* Any refuse collector failing to pay to this municipality any charge within twenty (20) days after the date of a bill therefore, shall pay, in addition to the charge shown on such bill, interest on such charge at the rate of one (1) percent per month or fraction thereof commencing on the date of such bill, plus all costs of collection, including an attorney's reasonable bill, incurred by this municipality. A failure to pay shall also be grounds for revocation of suspension of a license and registration.
- c) *Construction and maintenance of vehicles and containers.* All vehicles registered to collect and transport refuse shall be of a watertight construction and shall be maintained free of obnoxious odors and accumulated refuse. Such vehicles shall have a watertight lining of metal or other material on the entire bottom and on the front and sides, and a metal tailgate of not less than eighteen (18) inches. A container utilized primarily for non-liquid refuse need not be of watertight construction and it may have an open top, provided that it be covered when it is in motion, to prevent the escape of refuse.
- d) *Covers.* All garbage trucks shall be equipped with metal covers. Whenever any such truck is in use the lid shall be closed so as to prevent escape of any refuse or dust and the access of flies.
- e) *Sanitary condition.* All vehicles and equipment used in the transportation of refuse shall be kept in a sanitary condition.
- f) *Delivery to disposal facility.* Refuse and other putrefactive matter collected by a collector shall be delivered to disposal facility on the same day it is placed on the truck.
- g) *Scattering of papers, etc.* All papers or the other lightweight articles mingled with the refuse shall be so deposited and secured as to prevent scattering or being blown about the streets, walks, lots or yards.
- h) *Customer's containers.* Refuse collectors shall leave their customer's containers in a neat upright position, with lids replaced, and off the road.
- i) *Spill refuse.* Refuse collectors shall cleanup refuse that may have spilled when carrying or transferring refuse.

**Sec. 6-11 Disposal of refuse from homes or businesses where contagious diseases existed**

The removal of medical waste, wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervisions and direction of the health authority. Such refuse shall not be placed in containers for regular collection with the normal production.

**Sec. 6-12 Scavenging prohibited**

No person shall trespass upon any land used by the city for dumping of refuse, recyclables or other materials deposited at the transfer station or remove any of contents from containers placed for collection for the purpose of scavenging

**Sec. 6-13 Demolition material**

The depositing, or burying or use as fill of demolition materials on private property is hereafter prohibited. Anyone found depositing or burying demolition material or other refuse on private property shall be subject to the penalties provided in this article and in addition shall be required to remove such materials. The director and/or his designee may cause notice to the violator or the owner of the property in accordance with section 6-5 (d) of this article, ordering said violator or owner to remove such buried material. If neither party removes such material, the city may remove the material and the expense of such removal shall be charged to the owner of such property and may be collected by the city in an action at law, including reasonable attorney fees. Specifically excluded, however, shall be the existing foundation of a demolished building which may be buried by the owner of the property after the owner has received a permit from the building inspector and the director and/or his designee.

**Sec. 6-14 – Violations and penalty**

Any person violating the terms of this article shall be fined two hundred fifty dollars (\$250.00) for each offense, in addition to any penalty impossible hereunder.

**Sec. 6-15 General**

All references granting authority to the Public Works Director or his designee shall be subject to approval of the mayor.

**Sec. 6-16 – 6-45 Reserved**

Article II – Solid Waste Recycling Program\*

Editor’s Note—

Ordinance No. 814, adopted April 12, 2007, rescinded Ord. No. 648, adopted Sept. 10, 1992 from which Art. III, 6-61, 6-69 derived, and further enacted similar provisions to read as herein codified.

Sec. 6-61 – Establishment of city recycling program.

Sec. 6-62 – Administrator of city recycling program.

Section 6-63 Issuance of regulations and instructions governing the operation of recycling program.

Sec. 6-64 Separation of items required to be recycled from other solid waste.

Sec. 6-65 Collection, recycling and sale of items required to be recycled.

Sec. 6-66 Regulation of collectors

Sec. 6-69. Penalties.

**Sec. 6-61 – Establishment of city recycling program**

There is established a city solid waste single –stream (mixed) recycling program with standards to effect the maximum level of recycling of solid waste and source separation.

**Sec. 6-62 Administrator of city recycling program**

The director of public works or his designee shall be the administrator of the recycling program and is vested with full powers to develop and operate a recycling program consistent with this ordinance and the laws and regulations of the state. All references granting authority to the Public Works Director of his designee shall be subject to approval of the mayor.

**Sec. 6-63 – Issuance of regulations and instructions governing the operation of the recycling program**

The successful operation of the recycling program shall require the issuance of regulations and instructions setting forth detailed procedures to be followed by residents, businesses and institutions, collectors and others. The administrator of the recycling program is authorized and directed to promulgate such regulations and instructions, to be binding upon all persons with the city, to effect an efficient and economical recycling program consistent with this article and applicable state laws and regulations.

**Sec. 6-64. Separation of items required to be recycled from other solid waste.**

Residential and Non-Residential

Each person who generates solid waste from any property within the city shall separate from other solid waste the following items required to be recycled:

All plastic containers with # 1-7 symbol encircled by recycling symbol

Yogurt and cottage cheese containers

Plastic milk bottles, Water bottles

Deli containers, single use plastic cups

Detergent bottles

Corrugated cardboard and chipboard paper

Cereal boxes, clean Pizza boxes

Aseptic Packaging (milk and juice cartons and juice boxes)

Tissue boxes, Paper egg cartons

Pasta boxes

Shoe boxes

Packing boxes

Printed items, books with hard cover removed

Newspapers, Paperbacks

Magazines, Catalogs

Junk mail: ads, inserts, credit card offers, etc

Paper bags

School and office papers, shredded paper in paper bags

Telephone Books

Tin and steel cans

Aluminum foil

Glass jars and bottle

Metal/Aluminum food and beverage containers

Paper potato bags

Aluminum and Saran wrap containers with foil strip removed

All such other materials with the same composition of the above

All containers must be empty and free of metal caps

Such other items as may be designated by the administrator and allowable by state law and regulation

3. Leaves generated from residential property shall be collected curbside by the city during periods prescribed by the director of public works. Leaves must be placed on the curb in paper leaf bags of approximately thirty gallon capacity, two ply, fifty pound wet strength, with decomposing glue and reinforced self-supporting square bottom closure. Twigs, branches, stones, grass clippings and

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other yard waste or garbage shall not be mixed with leaves. Leaves shall not be placed in plastic bags for collection and disposal. If a resident fails to comply with the requirements of this section, such refuse will not be collected and the resident shall be required to remove such materials from the curb. The city shall perform random spot checks on paper leaf bags by the director of public works or his designee prior to being shredded.

- 4) All scrap metal from residential properties, except for metal materials listed previously, containers acceptable for collection in the city container, shall be brought by residents to the city's transfer station for disposal.
- 5) Storage batteries from residential properties shall be brought by residents to the city transfer station.. Residents are prohibited from dumping or leaving behind storage batteries anywhere but in the designated area. The administrator shall determine the dates and times the facility will be open for residential drop off of storage batteries.
- 6) Only waste oil uncontaminated by antifreeze, acid or other chemicals or substances is acceptable for collection by the city. Waste oil shall be brought by residents in sturdy containers of not more than five (5) gallons to an area designated by the administrator, where residents shall empty their containers of waste oil into a waste oil tank. The administrator will determine the dates and times the facility will be open to residents for waste oil disposal.
- 7) Corrugated cardboard, uncontaminated by other materials, such as styrofoam, metal wires, plastic bindings, etc. that cannot be accommodated for in the container provided for recyclables shall be brought by the residents to the city transfer station for disposal in a designated container. Residents shall empty all corrugated cardboard boxes of packing material and flatten said boxes before putting them in the designated container.
- 8) The administrator of the recycling program shall prescribe procedures by which other solid waste generated from residential properties required to be recycled (such as leaves) shall be handled.
- 9) Bulky waste, appliances, electronics (e-waste) and brush may be delivered by residents to the transfer station including home demolition material generated by residents performing their own alterations and improvements. If the extent of work performed requires a building permit a copy must be presented prior to depositing demolition materials.

a.

**Sec. 6-65 – Collection, recycling and sale of items required to be recycled**

- a) The administrator of the recycling program shall be responsible for and shall arrange for the items listed in section 6-64 (a) (2) and 6-64 (b) (1) above, which are generated from properties within the City to be collected and delivered to the processing facilities for the processing of items required to be recycled. The administrator through the purchasing agent will solicit proposals for the acceptance and processing of recycling materials in conformance with the City's Request for Proposal/Qualifications procedures as may be revised from time to time by the Board of Aldermen, from as many permitted processing facilities as practical and the facility that offers the most favorable terms and conditions shall be selected.
- b) The administrator of the recycling program shall take appropriate action to cause each owner of property used for business, institutional and nonresidential purposes, as such owner's expense, to other collect and have recycled the items listed in section 6-64 (b) (1) which are generated from properties other than residential properties, in accordance with the provisions of this article and applicable state laws and regulations.
- c) To assist the city in monitoring the separation, collection, recycling and sale of items required to be recycled that are generated from properties other than residential properties, the administrator of the recycling program may require such nonresidential generators to submit plans for recycling to the city and may require such generators to submit periodic reports to the city setting forth specific data relating to the amount and nature of items recycled.
- d) The administrator of the recycling program, with the consent of the chief executive officer of the city, may require the separation and recycling of items in addition to those designated above.

**Sec. 6-66 Regulation of collectors**

- a) Any collector hauling solid waste or recyclable materials generated by residential, business or other establishment within the city shall register in the city within thirty (30) days of the effective date of this article and shall disclose the name of any other municipality in which such collector hauls solid waste. The administrator of the recycling program is authorized and directed to establish reasonable requirements and qualifications for a

person to be a collector of solid waste within the city.

- b) The door of any private vehicle used to haul solid waste generated with the city shall be clearly marked with a business name and address and telephone number of the hauler.
- c) The administrator of the recycling program shall, by mail, give notice of this article and any other provisions promulgated for the collection, hauling, processing and marketing of items required to be recycled to all collectors registered under subsection (a) of this section. After such notice, any collector who has reason to believe that a person from whom he has collected solid waste has discarded items required to be recycled with such solid waste, shall promptly notify the administrator of the recycling program of the alleged violation. Upon request by the administrator of the recycling program, a collector shall provide a warning notice, by tag or other means, to any persons suspected by the collector or by the city of violating separation requirements. Each collector shall also assist the city to identify any persons responsible for creating loads containing significant quantities of items required to be recycled mixed with solid waste which are delivered to a resources recovery facility of solid waste facility by the collector. Each collector is also required to keep tonnage records of recyclables collected from commercial generators within the city limits and submit copies of these records to the administrator of the recycling program on a quarterly basis.
- d) As required by section 4 (b) of Public Act No. 90-220, the owner or operator of each resources recovery facility or solid waste facility who has reason to believe, upon visual inspection, that a load of solid waste which is delivered to the facility, contains significant quantities of any items required to be recycled is required to provide prompt notification of such belief to the driver of the vehicle delivering the load and to the administrator of the recycling program if the load originated within the city. Under said section 4 (b) of Public Act 90-220, the owner or operator of each resources recovery facility or solid waste facility is also required to conduct unannounced inspections of loads delivered to resources recovery facilities or solid waste facilities.
- e) Any collector who dumps more than one (1) cubic foot in volume of solid waste at one (1) time in any area not designated for such disposal or who knowingly mixes other solid waste with items required to be recycled shall for a first violation be liable for a civil penalty of one thousand dollars (\$1,000.00) and for a subsequent violation shall be liable for a civil penalty of five thousand (\$5,000.00). The city or the attorney general, at the request of the commissioner, may bring an action under section 3 (f) of Public Act 90-220, which action shall have precedence in the order of trial as provided in section 52-191 of the General Statutes.



**Sec. 6-69 Penalties**

- a) Notwithstanding any other sections of the General Statutes to the contrary the city, acting by the administrator of the recycling program, may impose a penalty not to exceed five hundred dollars (\$500.00) for each violation by a commercial establishment of the requirements of subsection ( c ) of section 22a-241b of the Connecticut General Statutes as amended by section 1 of Public Act 90-220 as set forth in section 6-64 (b)(1) of this article.
- b) The owner or operator of a resources recovery facility or other solid waste facility who fails to notify the city about the delivery of loads of solid waste originating from the city containing significant quantities of items required to be recycled as required by section 4 of the Public Act 90-220 and as set forth in section 6-66 (d) of this article, shall be subject to a warning by the city for a first violation and to a civil penalty of five hundred dollars (\$500.00) for any subsequent violation. If the city fails to receive such notification as required, the city may bring an action under section 3 of Public Act 90-249.
- c) Any person who violates the provisions of this article shall, in addition to other legal remedies available to the city, be cited or fined not more than two hundred fifty dollars (\$250.00) for each offense, and each violation of this article or of regulations and instructions promulgated pursuant to this article, shall be a separate violation. This article and the regulations and instructions promulgated pursuant to this article may be enforced by citations issued by the administrator of the recycling program. Before issuing any citation the administrator of the recycling program shall issue a written warning providing notice of the specific violation in accordance with section 7-148 (c) (10) (A) of the Connecticut General Statutes.
- d) The citation hearing procedure provided in section 7-152c of the Connecticut General Statutes is established as the city's citation hearing procedure to be followed when citations pursuant to section 6-69 (c ) of this article are issued. The chief executive officer of the city is authorized to issue such rules and regulations governing the operation of the citation hearing procedure so long as such rules and regulations are consistent with section 7-152c of the Connecticut General Statutes.