

**TOWN OF HARWINTON
SPECIAL TOWN MEETING
TUESDAY, OCTOBER 28, 2003**

ORDINANCE AMENDING THE HARWINTON SOLID WASTE AND RECYCLING ORDINANCE

SECTION 1. AUTHORIZATION.

This ordinance is adopted pursuant to Connecticut General Statutes §§7-148 (c)(4)(H), (7)(E), (7)(H)(xiii), (8)(B), (10)(A) and §§22a-220, 22a-220a, 22a-220c, 22a-226d, 22a-241b, 22a-250, 22a-250c, as amended.

SECTION 2. AMENDMENTS.

The "Ordinance Concerning the Disposal of Solid Wastes" adopted December 18, 1990 as Ordinance No. 87, is hereby amended as follows:

SECTION I. DEFINITIONS.

- (a) "*Recyclable materials*" means those items designated by the Selectmen for segregation from the municipal solid waste stream which shall include but not be limited to corrugated cardboard, glass food and beverage containers, leaves, metal food and beverage containers, newspapers, storage batteries, waste oil, plastic food and beverage containers, labeled as #1 (PETE) and #2 (HDPE), and scrap metal;
- (b) "*Solid waste*" means unwanted or discarded solid, liquid, semisolid or contained gaseous material, including, but not limited to, demolition debris, material burned or otherwise processed at a resources recovery facility or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility;
- (c) "*Solid waste facility*" means any solid waste disposal area, volume reduction plant, transfer station, wood-burning facility or biomedical waste treatment facility;
- (d) "*Recycling*" means the processing of solid waste to reclaim material therefrom;
- (e) "*Recycling facility*" or "*recycling center*" means land and appurtenances thereon and structures where recycling is conducted, including but not limited to, an intermediate processing center as defined in section 22a-260;
- (f) "*Resources recovery facility*" means a facility utilizing processes to reclaim energy from municipal solid waste;
- (g) "*Transfer station*" means any location or structure, whether located on land or water, where more than ten cubic yards of solid waste, generated elsewhere, may be stored for transfer or transferred from transportation units and placed in other transportation units for movement to another location, whether or not such waste is stored at the location prior to transfer;

- (h) *"Municipal solid waste"* means solid waste from residential, commercial and industrial sources, excluding solid waste consisting of significant quantities of hazardous waste as defined in section 22a-115, land-clearing debris, demolition debris, biomedical waste, sewage sludge and scrap metal;
- (i) *"Construction and demolition waste"* shall have the same meaning as in Connecticut General Statutes, §22a-208x(a)(1), as amended;
- (j) *"Processed construction and demolition wood"* shall have the same meaning as in Connecticut General Statutes, §22a-208x(a)(2), as amended.

SECTION II. SOURCE SEPARATION AND RECYCLING.

- (a) [No change].
- (b) Residents shall employ the services of a municipally registered hauler or use a municipally designated drop off center for recycling in the following manner.
 - (1) Clean, unsoiled newspaper, magazines and corrugated cardboard shall be placed in paper grocery or shopping bags (**not plastic bags**), or securely tied in bundles no higher than 12 inches. Corrugated cardboard shall be cut down to a size of 3 feet by 3 feet and shall be flattened and tied in bundles no thicker than 6 inches.
 - (2) Glass and metal food and beverage containers, as well as all types of metal food containers shall be rinsed clean and placed in the recycling container.
 - (3) Plastic food, drink and laundry containers shall be rinsed clean and placed in the recycling container. Only #1 (PETE), no larger than 3 liters capacity, and #2 (HDPE), no larger than one gallon capacity, plastics shall be recycled.
 - (4) Leaves, waste oil, storage batteries, and any other recyclables designated by the Board of Selectmen, shall be separated from non-recyclables and delivered to the municipal drop off center or other designated area, so as to not constitute a nuisance or otherwise be objectionable.
- (c) Businesses shall use a municipally registered hauler to collect said designated materials for recycling or shall be required to deliver designated materials as defined by the Board of Selectmen to any municipal drop off center.

SECTION VI. RESIDENTIAL PERMITS.

[This section is repealed in its entirety and "Section VI" is reserved for future use].

SECTION X. VIOLATIONS.

[This section is repealed and the following is substituted in lieu thereof]:

SECTION X. VIOLATIONS, PENALTIES AND FINES.

- (a) Any violation of the following state statutes, shall also be a violation of this Ordinance: Connecticut General Statutes, §§22a-208x, 22a-220(a), 22a-220(f), 22a-220a(a), 22a-220a(d), 22a-220a(f), 22a-220a(i), 22a-220c(a), 22a-220d, 22a-241b(c), 22a-250(a), 22a-250(c), 22a-250(d), as amended. The penalty for such violation shall be the statutory penalty prescribed by the relevant state statute, and in the case of a violation of §§22a-250(a), 22a-250(c), 22a-250(d), as determined in accordance with the statutory procedure set forth in §22a-250(f), (g) and (h), as amended.
- (b) No person, firm, corporation, company or limited liability company acting as a solid waste or recyclables hauler or collector shall commingle and transport solid waste or recyclables collected in another municipality with solid waste or recyclables collected in the Town of Harwinton and thereafter dispose of such solid waste or recyclables at a solid waste facility, transfer station, recycling facility or resources recovery facility at the expense of, or billed to, the Town of Harwinton. Each ton of solid waste or recyclables disposed of in violation of this provision shall constitute a separate offense, regardless of where such solid waste or recyclables were collected, and each offense shall be subject to a civil penalty not to exceed one thousand dollars per ton pursuant to Connecticut General Statutes, §22a-226d; and further, may be subject to criminal prosecution as larceny in the first degree, a Class B felony, pursuant to Connecticut General Statutes, §53a-122, or larceny in the second degree, a Class C felony, pursuant to Connecticut General Statutes, §53a-123, depending on the amount of funds obtained by defrauding the public community.

SECTION XI. FINES

[This section is repealed].

The Harwinton Solid Waste Ordinance shall be deemed to incorporate these amendments and revisions as of the effective date of this Ordinance, and henceforth, shall be amended and restated by incorporating these amendments and revisions.

SECTION 3. EFFECTIVE DATE.

This Ordinance shall take effect fifteen (15) days after publication of a summary of its provisions in accordance with Connecticut General Statutes, §7-157(b).

ADOPTED AT TOWN MEETING: October 28, 2003
 PUBLISHED IN THE: Republican-American ON October 30, 2003
 EFFECTIVE DATE: November 14, 2003
 HARWINTON TOWN RECORDS: VOLUME 7, PAGES 83 - 85

AMENDED BY ORDINANCES 120, 128, 137

REV. #1 / 10-27-03