

**AN ORDINANCE CONCERNING THE  
DISPOSAL OF SOLID WASTES**

**SECTION I. DEFINITIONS**

For the purposes of this ordinance the following words and phrases have the following meanings:

(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 cardboard, glass food and beverage containers, leaves, metal food and beverage containers, newspapers, storage batteries, waste oil, plastic food and beverage containers, and scrap metal.

(b) "Apartment Complex" means a multi-family structure of three (3) or more separate dwelling units grouped into one (1) or more buildings.

(c) "Commercial Establishment" means any enterprise engaged in a non-manufacturing or non-processing business including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.

(d) "Condominium Complex" means any group of dwelling units which are covered by Chapter 825 of the Connecticut General statutes (Condominium Act).

(e) "Industrial Establishment" means any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries and the like.

(f) "Institutional Establishment" means any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, group homes, schools and universities.

(g) "Residential Establishment" means any premises used primarily as a domestic dwelling, including, but not limited to single and multiple family homes, apartments and condominiums.

(h) "First Selectman" means the First Selectman or his designee.

**SECTION II. SOURCE SEPARATION AND RECYCLING**

(a) Each person, business or institution that generates solid waste shall separate from other solid waste designated recyclable materials as defined above and by the Board of Selectmen.

(1) All persons, businesses or institutions who generate solid waste within the Town of Harwinton are required to separate recyclable materials from solid waste.

(2) Solid waste placed for recyclable materials shall neither be collected by refuse collectors, nor accepted for disposal at any refuse processing facility.

(3) For all premises receiving private refuse collection, recyclable materials shall be separated from refuse and placed for collection in a separate container on the designated day.

(4) Apartment and condominium complexes as well as commercial, industrial, and institutional establishments shall provide, or require their refuse collector to provide for the separation of municipal solid waste and each recyclable material accumulated on the premises.

(b) Except as otherwise provided in Section VI, residents shall use a municipally designated and approved recycling facility for recycling in the following manner.

(1) Clean, unsoiled newspaper and cardboard shall be packed in paper grocery or shopping bags, or securely tied in flat bundles.

(2) Glass and plastic food containers, as well as all types of metal food containers shall be rinsed out and placed in the recycling container.

(3) 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) Except as otherwise provided in Section VI, business 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.

(1) Private Collection and Disposal Responsibility: It shall be the responsibility of the owners or operators of all Commercial, Industrial and Institutional establishments, and Apartment and Condominium Complexes to provide, at their own expense, for the storage, collection and transportation of recyclables. Such operations shall be carried out in such a manner as to avoid the creation of a public nuisance.

(2) Persons or establishments whose solid waste is not collected by contractors are responsible for compliance with the recycling provisions of Connecticut statute 22A-241b C.G.S. Compliance shall be monitored by all Refuse Collectors and Refuse Facility operators. Suspected violators shall be reported to the Selectmen's office for appropriate action.

(3) The quantities and destination of these designated recyclables (non-residential) not delivered to a municipal designated facility or drop-off shall be reported to the Town on a monthly basis by the Contractor or responsible parties.

(4) It shall be a violation of this ordinance for any person other than a municipally registered hauler or municipal staff person to collect, pickup or cause to be collected or picked up, such materials from the curb or other designated point of collection or municipal drop-off center. Each unauthorized collection in violation hereof shall constitute a separate and distinct offense.

### SECTION III. REGISTRATION OF REFUSE COLLECTORS

(a) Any hauler providing solid waste collection is hereby required to register with the Selectmen's office on or before January 15th of each year, and apply for a permit to haul solid wastes.

(b) Any hauler will be required to provide recycling collection to any customers receiving solid waste collection and is further required to register with the Selectmen's office as is prescribed by Connecticut Statute 22A-241b C.G.S. The Board of Selectmen shall be the licensing and registration authority of refuse collectors engaged in the collecting or transporting of municipal solid waste and recyclable materials within Harwinton. It shall administer the issuance and revocation or suspension of permits and registrations as set forth in this ordinance.

(c) Additional rules may be adopted by the Board of Selectmen, from time-to-time, consistent with the provisions of this ordinance as they may deem proper.

(d) Following the filing of proper application and payment of the prescribed fee, the First Selectman shall grant such license(s) as hereinafter set forth for refuse collectors, vehicles and dumpsters within a reasonable time unless he finds one or more of the following conditions to prevail.

(1) The applicant has been irresponsible in the conduct of solid waste collection and transportation operations based upon previous suspension of licenses.

(2) The applicant lacks suitable equipment with which to collect solid waste in a safe, nuisance-free manner in compliance with this ordinance.

(e) Licensing of Vehicles - Each permitted refuse collector shall obtain a separate registration for each vehicle he operates within Harwinton. Registrations shall not be transferable from vehicle to vehicle.

(f) Registration Term, Fee and Renewal - All permits shall be issued for a period not to exceed one (1) year, and shall be renewable on or before the fifteenth day of January of each year. The permit fee shall be \$25.00 per vehicle.

(g) Display of Permit - The permit issued shall be conspicuously displayed on the left front of the body of the vehicle or dumpster licensed, or as may be directed.

(h) Identification of Vehicles - Each permittee shall display at all times on the doors of each vehicle his name and a local phone number.

(i) Permits Not Transferable - Permits are not transferable. When any permittees shall sell or transfer all or part of his route to any other refuse collector, he shall first notify the First Selectman in writing of his intent to sell, and the transferee shall, simultaneously make application for the appropriate permits to operate in Harwinton.

(j) Customers Serviced - As a prerequisite to the issuance or renewal of any permit, a refuse collector must, along with his permit/renewal application, furnish the First Selectman the number of customers within Harwinton that such refuse collector intends to service as well as the names of other municipalities serviced.

(k) Applicant must maintain public liability insurance on each vehicle in an amount not less than \$1,000,000.

## **SECTION IV. - REVOCATION OF PERMIT**

(1) A permit to engage in refuse collection and to use any waste disposal and/or processing facilities provided by Harwinton is a privilege, not a right.

(a) Failure to comply with the provisions of this ordinance shall be grounds for revocation or suspension by the First Selectman of any permit or registration issued hereunder, in addition to any other penalty imposed by law.

(b) Revocations or suspensions shall only become effective five (5) days after receipt of written notice from the First Selectman.

(c) If a refuse collector objects to the First Selectman's action described in section 4(a) of this ordinance to revoke or suspend his permit or registration, he may, within five (5) days of receipt of said notice, file a written request with the Town Clerk for review by the Board of Selectmen. Failure to file such request in a timely manner shall make the First Selectman's action final and binding upon the refuse collector.

(d) Timely filing of such request for review shall operate as an automatic stay of the First Selectman's action.

(e) The Board of Selectmen shall act as an appeals board, and said Board shall, within fifteen (15) days hear and decide the matter. The decision of such Board shall be final and binding upon the collector.

## **SECTION V. - COLLECTION**

It shall be a violation of this ordinance for any person other than a town registered hauler to pick up or collect recyclable materials placed at curbside. All items which are designated for collection as stated in Section 1 of this ordinance shall be set out for collection no earlier than 6:00 p.m. on the evening prior to the scheduled collection day. Emptied containers shall be removed from the curb no later than 8:00 p.m. on the day of collection.

## **SECTION VI. - RESIDENTIAL PERMITS**

Occupants of premises within Harwinton must apply to the Selectmen's Office for a sticker to be able to dispose of refuse or recyclable materials at municipal facilities. The sticker shall be displayed in such a manner as the First Selectmen has prescribed. Such permit may be revoked or suspended as set forth in this ordinance, and appeals therefrom may be taken in the manner set forth in said ordinance.

## **SECTION VII. - REFUSE COLLECTIONS**

(a) Each refuse collector shall deliver all refuse collected within the territorial limits of Harwinton at such place or places as the Board of Selectmen may from time-to-time designate.

(b) Each refuse collector must collect recyclable materials from each of its customers in the manner prescribed in this ordinance.

(c) All vehicles registered to collect and transport refuse shall be maintained free of obnoxious odors and accumulated refuse.

(d) Refuse collectors shall furnish to his customers upon request, a list of rates for the various services provided.

(e) This ordinance shall be in effect as of January 1, 1991 in accordance with the requirements of Connecticut Statute 22A-241b C.G.S., but shall be implemented only after Notice to the Town by Connecticut Resource Recovery Authority of its accessibility to haulers of solid waste generated in the Town.

### **SECTION VIII. - SEVERABILITY**

In the event any provisions, sections, sentence, clause or part of this ordinance shall be held invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining part of this ordinance, it being the intent of Harwinton that such remainder shall remain in full force and effect.

### **SECTION IX - INSPECTION**

The Town of Harwinton reserves the right to inspect solid waste placed at curbside or delivered to the municipal drop off center to determine compliance with Section 1 of this ordinance.

### **SECTION X - VIOLATIONS**

The Town of Harwinton also requires registered haulers to report any violations of this ordinance to the First Selectman or his designee.

### **SECTION XI - FINES**

Any person, business or institution who violates or neglects to comply with any regulations promulgated pursuant thereto, shall upon conviction thereof, be punishable by a fine not to exceed 100 dollars, except that the maximum fine for failure to comply with Section 3 and 4 hereof shall not exceed 100 dollars for each violation.

A summary of this ordinance may be published in lieu of the whole text pursuant to Section 7-157(b) of the Connecticut General Statutes.

VOTED : Dec. 18, 1990

PUBLISHED : Jan. 2, 1991

EFFECTIVE : Jan. 17, 1991

**AMENDED BY ORDINANCES 112, 120, 128 AND 137**