

## **PROPOSED AMENDMENTS**

### **Article**

#### **§181-1 Declaration of Policy**

Regulation of the storage, collection, transport, recycling and disposal of solid waste generated in the Town of Old Saybrook is necessary for the protection of the public health, the safety and the welfare of the residents of the Town. It is therefore found and declared that:

- A. The Town of Old Saybrook is authorized to regulate solid waste generated within its boundaries, and to license refuse collectors; and
- B. The Town of Old Saybrook is authorized to designate an area where solid waste generated within its boundaries shall be disposed; and
- C. The Town of Old Saybrook is committed to preserving air and water quality as well as limited landfill space by separating recyclable material from the waste stream and providing for its delivery to parties who can prepare it for re-use whenever possible; and
- D. The Town of Old Saybrook has executed the Municipal Service Agreement with the **Materials Innovation Recycling Authority, formerly the Connecticut Resource Recovery Authority Mid-Connecticut System**; and
- E. The enactment of this chapter is in conformity with the Town's Regional Solid Waste Management Plan.

#### **§181-2 Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

#### **AUTHORITY**

~~The Connecticut Resources Recovery Authority established pursuant to Chapter 445e of the General Statutes (C.G.S. §22a-257 et seq.)~~

**Materials Innovation Recycling Authority (MIRA) established pursuant to Chapter 446e of the Connecticut General Statutes (C.G.S. §22a-257 et. seq.)**

#### **BULKY WASTE**

~~Stumps~~ Wood waste from construction, demolition activity or land clearing. **No stumps allowed.**

#### **CONTRACTUAL STANDARDS**

For solid waste delivered to **MIRA** ~~the Mid-Connecticut System~~ (the "system" or "the authority"), **contractual standards** are as follows:

- A. The waste must emanate from within the boundaries of the Town of Old Saybrook
- B. The waste must not be of such a quantity, quality of nature as to materially impair the operation or capacity of the system;

- C. The waste must not materially impair the strength of the durability of the structure, equipment or works of the system;
- D. The waste must not create flammable or explosive conditions in the system;
- E. The waste must not contain chemical or other properties which are deleterious, as determined by the Authority, or capable of damaging the system or personnel; and
- F. The waste must not contain hazardous waste as defined below.

#### **DESIGNATED DISPOSAL SITE**

The location or facility designated by the Town for disposal of solid waste, bulky waste, and/or recyclables generated within the Town, including any other site as may be temporarily substitute or required by the Authority.

#### **DIRECTOR**

The ~~Superintendent~~ **Director** of the Public Works Department, who will be the designated person for the Department of **Energy and** Environmental Protection purposes.

#### **DISPOSAL CHARGE**

The amount to be charged for each ton of solid waste delivered to the system.

#### **ESSEX TRANSFER STATION**

That facility constructed by the Authority as part of the system.

#### **GENERATOR**

Any party who creates solid waste.

#### **HAZARDOUS WASTE**

Pathological, biological, cesspool, or other human wastes, human and animal remains, according to federal, state or local rules, require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. §§ 6921-6925 and regulations adopted thereunder by the EPA pursuant to Resource Conservation Recovery Act (RCRA) of 1976, 90 Stat. 2806, 42 U.S.C. § 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of a similar nature.

#### **MUNICIPAL SERVICE AGREEMENT**

The contract between the Town of Old Saybrook and the Authority.

~~Participating Municipality~~

~~Includes the Towns of Old Saybrook, Lyme, Old Lyme, Essex, Deep River, Chester, Killingworth, Westbrook and Clinton.~~

**RECYCLABLES**

Discarded material which may be reclaimed, such as cardboard, batteries, glass, metal food containers, newspapers, office paper, crankcase oil, scrap metal, brush and leaves and any other material designated as such by regulation adopted by the Commissioner of Energy and Environmental Protection or by local regulation or ordinance.

**REFUSE COLLECTORS**

A person, firm or corporation engaged in the business of collecting and transporting solid waste within the Town of Old Saybrook.

**REGULATIONS**

Rules developed by the Director to carry out the terms of this chapter, which rules shall have the same binding effect on generators and collectors as this chapter.

**RESIDENTIAL WASTE**

Waste generated by persons living in residences, containing one or more dwelling units but excluding hospitals, nursing homes, motels or hotels.

**SCRAP METAL**

Used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys thereof, including white goods.

**SOLID WASTE**

Unwanted or discarded materials more completely defined at C.G.S. § 22a-260(7), but excluding hazardous waste, semisolid or liquid materials which are collected and treated in a sewerage system and bulky waste, defined above.

**WASTE STREAM**

Material that has been placed at curbside or at any designated collection or pickup site or designated disposal site.

**Article II General Rules**

§ 181-3 **Solid waste collection.**

§ 181-4 **Removing recyclables from disposal site or at curbside.**

§ 181-5 **Refuse containers and containers for recyclables.**

§ 181-6 **Storage and handling of solid waste and recyclables.**

§ 181-3 **Solid waste collection.**

- A. All solid waste originating within the limits of the Town of Old Saybrook shall be collected, transported, and disposed of either by the Town or by refuse collectors licensed jointly by the Town and the Authority in accordance with the provisions of this chapter. No other person or business entity shall collect, transport, or dispose of solid waste, with the exception that individual generators of solid waste and owners of property upon which solid waste has accumulated may collect, transport and dispose of such waste in conformity with the provisions of this chapter or such regulations as the Director may from time to time adopt.
- B. No solid waste collected from outside the boundaries of the Town of Old Saybrook shall be disposed of **at the Old Saybrook transfer station** under a license or registration issued pursuant to this chapter.
- C. No person may enter the Old Saybrook transfer station unless he or she is a resident of Old Saybrook **or otherwise specifically permitted pursuant to this chapter.** ~~a licensed refuse collector, or has permission from the Director.~~

§ 181-4 **Removing recyclables from disposal site or at curbside.**

- A. No person shall remove recyclable materials, including but not limited to scrap metal, newspapers, unbroken glass, bottles, cans, tires, and other collectibles, from the designated disposal site without authorization from the Director.
- B. Once recyclable materials are placed at curbside or other designated areas, it shall be a violation of this chapter for any person or entity, other than those authorized under this chapter, to collect or remove recyclable materials from said area.

- C. Each violation of Subsection **A** or **B** above shall constitute a separate and distinct offense, punishable by a fine as provided in § **181-12**.<sup>[1]</sup>

[1]

*Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- D. At the option of the Director, one who violates Subsection **A** or **B** of this section may be required to make restitution to the Town of Old Saybrook for any materials illegally removed, **or be subject to fine pursuant to state law or local ordinance.**
- E. Nothing in this chapter shall limit the right of anyone to dispose of his or her own recyclables in any other lawful manner. ~~provided that such materials have not been set out on the curb or placed in any designated collection or disposal site.~~

§ 181-5 **Refuse containers and containers for recyclables.**

- A. The owner of each premises in which solid waste is generated and accumulated shall provide suitable receptacles or containers for storing solid waste until it is collected or removed. Solid waste containers shall be maintained in good and sound condition. They shall be equipped with securely fitting covers and shall be replaced when no longer in a good and sound condition. Containers for ~~recyclables~~ **recyclables** shall be clearly marked **as such** ~~with the name of the material they are intended to hold~~ and shall be located as required by a plan approved by the Director.
- B. Containers for commercial solid waste. The standard container for commercial solid waste shall be a watertight, vermin proof, galvanized or plastic receptacle of not less than 20 nor more ~~than 30~~ **90** gallons capacity and with a tight lid.
- C. Miscellaneous.

Curbside collections shall be made each week **by licensed refuse collectors.**

~~Grass cuttings from lawns will be collected if they are placed at curbside in a closed waterproof plastic or paper bag of less than 30 gallons capacity. Leaves will be collected if they are separated from all other waste including twigs, branches and grass clippings and placed at curbside, in a separate closed waterproof plastic or paper bag of less than 30 gallons capacity.~~

~~Refuse collectors are required to remove dry leaves, twigs, brush and grass clippings that are not bagged and placed at curbside in cases where the collector and the occupant can agree to an appropriate price for such service and the occupant ensures a safe and clear passage to the location of such refuse.~~

§ 181-6 **Storage and handling of solid waste and recyclables.**

- A. No person, firm or corporation shall store or accumulate solid waste in any location in the Town of Old Saybrook, unless it is stored in approved solid waste containers **or otherwise exempted from these rules.** ~~except in cases where the Director has issued an exemption from these rules.~~
- B. Any accumulation of solid waste that is not stored as set forth above is deemed a nuisance and is prohibited. In such cases, the Director may notify the owner of such premises, or any other party responsible for the prohibited accumulation. Failure to remove such accumulation within 10 days of notification is a violation of this chapter.
- C. Littering. Solid waste shall not be cast, placed or deposited in such manner that it may be carried or deposited by the elements upon any public place or upon the property of another person.<sup>[1]</sup>

[1]

*Editor's Note: See also Ch. 144, Littering.*

- D. Hazardous waste. It is unlawful to place hazardous waste or similar dangerous substance into any solid waste or recyclables container or to submit such substance to the transfer station or the **MIRA system.** ~~Mid-Connecticut System.~~
- E. Bulky waste and scrap metal must be separated from solid waste by both residential and commercial generators, and shall be delivered to **an appropriate location for disposal.** ~~specified location, at such time as the Director may designate.~~
- F. Scrap metal will be collected at the disposal site in containers and will be recycled in accordance with a plan approved by the Director. **With authorization from the Director, limited quantities of clean scrap metal, excluding white goods, may be accepted from commercial sources.**

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**Article III Recycling**

**§ 181-7 Recyclable material.**

**§ 181-8 Source separation for recycling.**

**§ 181-7 Recyclable material.**

Recyclable material may be deposited at the transfer station by residents subject to the charges set forth in Chapter **118**, Fees, Article **II**, Transfer Station Fees, as that article may from time to time be amended. Deposited material must be separated according to type, must be clean, and must be placed in the designated area.

~~Recyclable material may be deposited at the transfer station by refuse collectors subject to the charges set forth Chapter **118**, Fees, Article **II**, Transfer Station Fees, as that article may from time to time be amended. Deposited material must be separated according to type, must be clean, and must be placed in the designated area.~~

**§ 181-8 Source separation for recycling.**

- A. Duties of refuse collectors. Refuse collectors are required to collect separated recyclables in the manner specified by this chapter. Refuse collectors are required to notify the Director of any customers who do not separate recyclables and must assist the Director by identifying those parties responsible for mixing recyclables with solid waste that has been placed in the waste stream. Refuse collectors shall provide warnings to residential violators upon request of the Director.
- B. Separation of materials; collection. Recyclable materials shall be separated from solid waste and placed at the curb or other designated location on the day(s) designated by the refuse collector. Refuse collectors shall provide public notice of their schedule for collecting recyclables.
- C. Separation at dumpster. Owners of nonresidential property and multifamily properties that do not use curbside service shall make provisions for separating recyclables. Property owners are required to draft a plan indicating the type, location, number, and method of identifying containers for each recyclable, which plan shall be submitted to the Director for approval. Property owners must provide an additional container for each recyclable material in accordance with said plan. Failure to have an approved plan shall be deemed a violation of this chapter.

- D. Recyclables ~~shall be separated and prepared for pickup or~~ brought for disposal ~~at~~ to the transfer station ~~by residents shall be done so in a manner as regulated by the Director, which regulations in the following manner, as may be amended from time to time by the Director's regulations.~~

~~(1)~~

~~Clean and unsoiled paper shall be separated into the categories defined in the designation of recyclable materials and tightly packed in standard grocery shopping bags, placed in corrugated boxes or securely tied in flat bundles, none of which shall weigh more than 50 pounds. Empty corrugated cardboard must be collapsed and tied in bundles not weighing more than 50 pounds.~~

~~(2)~~

~~Unbroken glass bottles, all types of metal food and beverage cans and aluminum products, including used aluminum food trays and foil, must be emptied of their contents and separated from other solid waste and combined in rigid and upright containers used only for this category of recyclables and containing no paper, plastic or other refuse. These materials need not be flattened or processed in any way. Labels, corks and neck rings need not be removed.~~

~~(3)~~ (1)

All solid waste entering the waste stream is subject to inspection to insure compliance with the terms of this chapter.

~~(4)~~ (2)

Refuse collectors must separate recyclables during transportation from the source to the disposal site, either by transporting in a separate vehicle or in a separate compartment within a truck. Such compartment must have a separate floor, walls and lid.

~~(5)~~ (3)

Refuse collectors must deliver recyclable bottles and cans to such site as may be designated by the Director.



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**Article IV Refuse Collectors**

§ 181-9 **Licensing; registration of vehicles and containers.**

§ 181-10 **Revocation or suspension of license or registration.**

§ 181-11 **Licensee's responsibilities and obligations.**

§ 181-9 **Licensing; registration of vehicles and containers.**

Licensing.

**(1)**

All refuse collectors shall register annually with the town on a form provided by the town and comply with all the requirements as set out in Chapter 446d, Connecticut General Statute 22a-220a, et seq. Non-compliance with said chapter may result in the denial of the right to collect solid waste in the Town of Old Saybrook. ~~apply to the Director for a license to collect solid waste in the Town of Old Saybrook. Such application shall be on a form provided by the Director and shall comply with the requirements contained in regulations adopted by the Director.~~

**(2)**

~~Any of the following shall be deemed sufficient grounds for denial of a license:~~

~~**(a)**~~

~~The applicant has been irresponsible in the conduct of solid waste collection, hauling or separation as evidenced by prior suspension and or revocation of a license; or~~

~~**(b)**~~

~~The applicant does not have suitable equipment; or~~

~~**(c)**~~

~~The applicant has not complied with licensing requirements or has not paid required fees to either the Town of Old Saybrook, a participating municipality or the Authority; or~~

~~**(d)**~~

~~The collector has demonstrated a lack of cooperation or has failed to make a good faith effort to carry out the terms of this chapter or the Regulations adopted by the Director.~~

**B.**

~~Licenses. Nontransferable licenses shall be issued for the term of one fiscal year, which shall begin on July 1. No refuse collector shall engage in the business of collecting solid waste in the Town of Old Saybrook without a valid license.~~

~~C.~~

- A. Registration of vehicles and containers. Each licensee shall obtain a separate registration for each vehicle and container used to transport solid waste and/or recyclables within the Town of Old Saybrook. Vehicles are subject to such inspection as the Director may require. Registrations may not be transferred from one vehicle to another without permission of the Director.

~~D.~~

~~Registration term; fee; renewal. Registrations are issued for a period not to exceed one year, commencing on the first of July. Registration fees may be prorated in accordance with the Regulations if application is made after that date. The registration fee shall be determined in accordance with the Regulations.~~

~~E.~~

- B. Re-inspection. In the event that a registered vehicle or container is sold or transferred to another licensee during the registration year, it shall be re-inspected within seven days of the transfer. ~~No additional registration fee will be required.~~

~~F.~~

- C. Display of registration. Registration numbers shall be displayed conspicuously on the left front body of each vehicle or container or as otherwise required by the Director.

~~G.~~

- D. Vehicle identification. Each licensee shall prominently display its business name, address and telephone number on the door of each registered vehicle or container in letters at least four inches high.

~~H.~~

- E. Transfer of route. If a licensee transfers all or part of his or her route to another licensee, the transferor shall provide written notice to the Director at least seven days prior to the date of the transfer. Such notice shall provide the name of the transferee and date of intended transfer. ~~Failure to provide such notice shall be reason to deny a full return of the bond.~~

~~I.~~

- F. No licensee shall transfer all or part of his or her route to any refuse collector that is not ~~registered with~~ licensed by both the Town of Old Saybrook and ~~CRRA~~ MIRA.

~~J.~~

~~A refuse collector must supply the Director with a customer list and a description of the routes, including the days of collecting solid waste and recyclables before a license will be issued. Such lists must be updated during the term of the license in accordance with the Regulations.~~

~~K.~~

~~Upon request, each refuse collector shall furnish a list of rates for the service provided to either the Director or any of his or her present or prospective customers.~~

**§ 181-10 Revocation or suspension of ~~license or~~ registration.**

- A. Grounds. Failure to comply with the provisions of this chapter shall be grounds for revocation or suspension of any ~~license or~~ registration issued under its provisions.
- B. Notice required. Revocation or suspension shall become effective five calendar days after written notice is mailed by the Director.
- C. Agent for service. Licensees must provide the Director with the name and address of a person who will be available at all times, in person or by designee, to receive notice either by mail or in-hand delivery. Lack of availability on the part of such person shall be deemed a waiver of the required notice.
- D. Request for review. If a refuse collector objects to a revocation or suspension of his or her ~~license or~~ registration, the collector may, within five calendar days after the receipt of said notice, file a written request for review with the Director. Failure to file such a request for review in a timely manner shall render the Director's action final and binding upon the refuse collector.
- E. Timely filing. Timely filing of such a request for review shall operate as an automatic stay of the revocation or suspension action; provided, however, that if the Director or the Authority shall, in the notice of revocation or suspension, find that a stay will be deleterious to public health, safety or welfare, then such stay will not take effect.
- F. Board of review. The First Selectman shall promptly designate a Board of Review consisting of one person qualified to vote in Town Meetings of Old Saybrook and one licensee. These two persons shall designate a third member of the Board of Review. Within 15 days of being so constituted, said Board shall decide whether the revocation or suspension is sustained. Such decision shall be made only after giving the refuse collector whose license is in question a full and fair opportunity to be heard. The decision of the Board of Review shall be final and binding upon the refuse collector.
- G. Customer list to be furnished. In order to assist in maintaining continuity of service, when a refuse collector's ~~license~~ registration has been suspended or revoked, he or she shall furnish the Director within 24 hours of the suspension or revocation with a list of the names and addresses of his or her customers.

- H. The Director shall notify the Authority of any action taken under the provisions of this chapter by the Town of Old Saybrook, independent of the Authority.

§ 181-11 ~~Licensee's~~ **Collector's** responsibilities and obligations.

- A. ~~Each licensee collector shall deliver all solid waste collected within the Town of Old Saybrook to the Essex transfer station and pay the disposal charge to the Authority. All other solid waste shall be delivered to such location as the Director may designate and any required charge shall be paid by the collector licensee. All residential recyclables shall be delivered to such place as the Director designates.~~
- B. Failure to pay. Any **collector** licensee who fails to pay any disposal charge **as required** ~~to the Town of Old Saybrook or the Authority,~~ within 30 days of the date of the bill shall pay, in addition to such bill, interest at the rate of 1.5% per month, ~~or fraction thereof,~~ beginning on the date of the bill and all costs of collection, including reasonable attorney's fees. Failure to pay shall be grounds for revocation or suspension of the **registration**.~~license.~~
- C. No **collector** licensee shall deliver solid waste meeting the contractual standards to any place other than the site designated by the Director.
- D. All registered vehicles and containers shall be automatic unloading vehicles of watertight construction and shall be maintained free of noxious odors and accumulations of solid waste. Any vehicle with a capacity greater than 10 cubic yards shall be of closed construction. Containers used for nonliquid solid waste need not be watertight, but must be completely enclosed. A vehicle of less than 10 cubic yards may have an open top, provided that it is covered when in motion.
- E. ~~Licensees of~~ **Collectors in** the Town of Old Saybrook are hereby made jointly responsible for providing collection service to any resident of the Town. ~~Any resident who is denied the services of a refuse collector or who is dissatisfied with the collection service with cause may make application to the Director, who shall have the right to direct such to provide service. The selected licensee shall comply with the Director's order. In making such designation the Director shall give due consideration to the geographical location of each collector's route.~~
- F. Designation of **collector** licensee to provide service. In the event that refuse collection is not provided in a geographical area of the Town of Old Saybrook, the Director may designate a **collector** licensee to provide service to such geographical area. ~~The designee is required to comply with the Director's order.~~

G. ~~Licensees~~ **Collectors** shall leave their customers' containers off the highway, in a neat and upright position, with lids replaced.

H. ~~H. Licensees~~ **Collectors** shall clean up any solid waste or recyclables that spill while being collected or hauled.

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**Article V Enforcement and Penalties**

§ 181-12 **Penalties for offenses.**

§ 181-13 **Enforcement.**

§ 181-14 **Security.**

§ 181-15 **Damages.**

§ 181-12 **Penalties for offenses.**

- A. Except as otherwise provided in this chapter, any person who violates the terms of this chapter or any regulations intended to implement this chapter shall be fined not more than ~~\$100~~ 200.00 for each offense, in addition to any other penalty that may be imposed by law.
- B. Notwithstanding ~~any other~~ the provisions ~~contained herein~~, ~~of § 181-9A~~, any refuse collector who knowingly mixes recyclables with solid waste shall for a first violation be liable for a civil penalty of ~~\$1,000~~ 2,500.00 for each subsequent violation. Should the provisions of C.G.S. § 22a-220a be amended, the penalties for knowingly mixing recyclables with solid waste shall be the maximum penalty permitted by that statute.
- C. Notwithstanding ~~any other provisions contained herein~~, ~~§ 181-9A~~, in the event that a residential generator violates this chapter or the Regulations, he or she will receive a written warning for the first offense. He or she may thereafter be fined \$25 for each subsequent offense and shall lose the right to use Town disposal facilities until such fine is paid.

§ 181-13 **Enforcement.**

Except as otherwise specified in this chapter, the Director shall enforce all provisions of this chapter and the Regulations as they apply both to solid waste that is transported to the system or destinations outside of the municipality and that which is deposited in Town at the Old Saybrook transfer station or bulky waste disposal area.

§ 181-14 **Security.**

The Authority and/or the Director may require any ~~registrant licensee~~ to post a letter of credit, bond or such other security as may reasonably be required to protect the Town of Old Saybrook and/or the Authority, as the case may be, from the nonpayment of any money owed to either the Town or the Authority.

§ 181-15 **Damages.**

- A. By ~~registering~~ ~~accepting a license issued~~ under this chapter or the Regulations, the ~~registrant~~ ~~licensee~~ agrees to hold the Town of Old Saybrook and the Authority harmless from loss, damage or injury arising from the delivery of unacceptable or hazardous wastes to the transfer station. The Director, in conjunction with the Authority, shall establish such procedures as may be appropriate to protect the transfer station, the system, and their operators and employees from injury or damage arising from such deliveries.
- B. Any person entering Town waste disposal facilities shall be construed to be on the premises at his or her own risk and the Town shall not be legally liable for any injuries or damages occurring to such person or his or her property while on said premises.
- C. The town, through the Board of Selectmen, may implement changes to any fees in this chapter to conform with applicable state law