

BETHEL ORDINANCE

SOLID WASTE RECYCLING

Sec. I. Purpose.

There is hereby established a program for the mandatory separation of recyclables from garbage or rubbish within the Town of Bethel, Connecticut to comply with Public Act 90-220 and subsequently adopted regulations mandating recycling, thereby providing for the health and welfare of the citizens of the Town of Bethel, Connecticut.

Sec. II. Definitions.

For the purpose of this article, the following terms have the meanings herein defined:

- BOARD:** The Board of Selectmen of the Town of Bethel, Connecticut when used in reference to a voting body, it shall be taken to include the phrase "or a majority thereof".
- CARDBOARD:** Corrugated boxes and similar corrugated materials which have a minimum of contamination by food or other materials.
- COLLECTOR:** Any person who holds himself out as a collector to collect either solid waste or recyclables from residential, business, commercial or other establishments.
- DEP:** The Connecticut Department of Environmental Protection.
- DIRECTOR:** The Director of Public Works of this municipality or his authorized representative.
- GARBAGE:** All putrescible wastes except sewage and body wastes, including vegetable and animal offal.
- GLASS FOOD CONTAINER:** A glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption.
- IPC:** Intermediate processing center which receives, processes and markets recyclables.
- LEAVES OR LEAF WASTE MATERIAL:** The fallen foliage of trees.
- METAL FOOD CONTAINER:** An Aluminum, bi-metal, steel, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal

consumption

MUNICIPALITY
OR TOWN:

The Town of Bethel.

NEWSPAPER:

Used or discarded newsprint (newspaper advertisements, supplements, comics and newsprint type enclosures) which has a minimum of contamination by food and other material.

OFFICE PAPER:

Any used or discarded high-grade white paper and Manila paper including, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, is suitable for recycling and which has a minimum of contamination.

PAPER LEAF BAGS:

A paper leaf bag which shall be a Sanitary Kraft Paper Sack or equal of thirty (30) gallon capacity, two (2) ply, fifty (50) pound wet strength, with decomposing glue and reinforced, self-supporting square bottom closure.

PERSON:

Any individual, corporation, partnership, association or other entity or organization of any kind.

RECYCLABLE
MATERIALS:

Any item designated by the DEP or Board which can be separated or diverted as defined below under "recycling".

RECYCLING:

The separation or diversion of an item or items from the solid waste stream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for the disposition of the item or items in a manner, other than incineration or landfilling, which will best protect the environment. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner.

RECYCLING CENTER:

The Town's recycling drop-off facility or such other area or areas as designated by the Board.

RECYCLING
CONTAINER:

A container described in Section VIII hereof and used for the sole purpose of disposing of newspapers and cardboard as well as glass and metal food and beverage containers and other items that may be deemed recyclable by the Board.

RUBBISH:

All nonputrescible waste materials except

ashes, including but not limited to wood, glass, bedding, crockery and industrial wastes. The term "rubbish" as used herein shall not mean, nor shall it include in its meaning, unacceptable waste or recyclable materials.

**RESIDENTIAL
PROPERTY:**

Real estate containing one or more dwelling units but shall not include hospitals, 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, but not limited to, white goods and metal food containers.

SOLID WASTE:

Solid, liquid, semisolid or contained gaseous, material that is unwanted or discarded, including but not limited to, demolition debris, material burned or 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.

**STORAGE
BATTERY:**

Lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.

UNACCEPTABLE WASTE:

- a. An item of waste either smoldering or on fire.
- b. Waste in quantities and concentrations which by law require special handling in their collection and/or processing.
- c. All other items of waste which at the time of delivery to the solid waste disposal area, transfer station, recycling center or IPC would likely to pose a threat to health or safety would not normally be disposed of in a sanitary landfill, recycling center or IPC or would be prohibited by any judicial decision, order or action of any federal, state or local government or any agency thereof, or any other regulatory authority or any applicable

law or regulation from being disposed of at the solid waste disposal area, transfer station, recycling center or IPC.

WASTE OIL: Crankcase oil that has been utilized in internal combustion engines.

Sec. III. Separation of Certain Recyclable Materials.

On and after January 1, 1991, (1) each person who generates solid waste from residential property shall, in accordance with subsection (c) of section 22a-220 of the Connecticut General Statutes, as amended, separate from other solid waste the items designated for recycling pursuant to the section 22a-241b of the Connecticut General Statutes, as amended, or section IV hereof and (2) every other person who generates solid waste shall, in accordance with subsection (c) of section 22a-220 of the Connecticut General Statutes, as amended, make provision for the separation from other solid waste of the items designated for recycling pursuant to section 22a-241b of the Connecticut General Statutes.

Sec. IV. Items to be Recycled.

a. The following items shall be separated and recycled in accordance with the provision of this article:

- (1) Cardboard
- (2) Glass food containers
- (3) Leaves
- (4) Metal food containers
- (5) Newspapers
- (6) Office paper
- (7) Scrap-metal
- (8) Storage batteries
- (9) Waste oil

b. The Board will revise this list as opportunities become available to recycle additional items.

Sec. V. Registration of Solid Waste Collectors; Duties and Qualifications.

(a) In accordance with the provisions of subsection 22a-220a (d) of the Connecticut General Statutes, any collector hauling solid waste generated by residential, business, commercial or other establishments in the Town of Bethel shall register with the Town on forms prescribed by the Board. Upon registration and payment of an annual permit fee of Twenty-Five (\$25.00) Dollars, each such collector shall be issued a permit to collect or continue the collection of solid waste with the Town. Permits issued hereunder shall not be transferred by the holder thereof. Each such collector shall disclose the name of any other municipality in which such collector hauls such solid waste. The door of any private vehicle used to haul solid waste shall be clearly marked with the business name and address of the

collector. Each collector shall further be required to sign an affidavit of origin, under penalty of false statement, that all recyclables disposed of in the name of the Town of Bethel or its residents shall originate from properties located within the corporate limits of the Town or from such other locations as the Town may permit.

(b) Each collector permitted to collect solid waste within the Town pursuant to the provisions of Subsection V(a) hereof shall, subject to the further provisions hereof, collect or cause to be collected all recyclables generated by their Bethel customers and required to be recycled pursuant to the requirements of this article.

(c) No collector shall be required to provide collection services to any customer who is more than thirty (30) days delinquent in the payment of collector's fees. If the delinquent customer shall discharge his delinquency, the collector shall immediately resume collection services to the customer.

(d) As conditions of the permits issued pursuant to this section, all collectors shall comply with the following requirements:

- (1) Collectors shall conform with all provisions of federal, state and local law.
- (2) Collectors shall keep accurate records of and report to the Town or to any other entity designated by it, the amounts in the aggregate of all recyclable materials collected by such collector within the Town.
- (3) Collectors shall pay to the Housatonic Resources Recovery Authority or the IPC operator or to any other entity designated by them or the Board the applicable Tipping Fees and charges with respect to those categories of recyclable materials accepted by and delivered to the IPC by such collector.
- (4) When delivering recyclable materials to the IPC, collectors shall use only equipment compatible with the efficient operation of the IPC, which equipment shall be subject to the reasonable approval of the operator thereof.
- (5) Collectors shall be responsible for all costs or damages relating to the delivery by it to the IPC of materials other than those recyclable materials which have been designated and approved by the Town for delivery to the IPC.
- (6) Collectors shall provide to the Housatonic Resources Recovery Authority and IPC operator or owner, a suitable performance bond or letter of credit to insure the performance of the collector's obligations hereunder. Said security shall be in such forms and amounts as determined by the Town.
- (7) Collectors shall provide insurance covering their

recycling operation, which coverage shall include the Town, the Housatonic Resources Recovery Authority and if recyclable materials are delivered to an IPC, the IPC owner and its operator, as additional insureds. Such coverage shall include but not limited to general liability, automotive liability, excess liability, worker's compensation and employers liability in amounts reasonably deemed by the Town.

Sec. VI. Collectors to Assist in Obtaining Compliance with the Requirements of the Recycling Program.

On or after January 1, 1991, any collector who has reason to believe that a person from whom he collects solid waste has discarded recyclable items with such solid waste in violations of the provisions of this article or of section 22a-241b of the Connecticut General Statutes, as amended, shall promptly notify the Board of the alleged violation. Upon the request of the Board, a collector shall provide warning notices, by the placement of tags provided by the Town, to any person suspected by the collector or the Town of violating the separation requirements of state law or this ordinance. Each collector shall also be required to assist the Town in the identification of any person responsible for creating loads containing significant quantities of items subject to the separation requirements of state law or this ordinance which are delivered to a resources recovery facility, detected by the owner or operator of such facility pursuant to subsection 4(b) of Public Act 90-220.

Sec. VII. Preparation and Disposal of Recyclables.

(a) The following materials generated from residential property and required to be recycled pursuant to the provisions of section IV (a) hereof, if disposed of by a collector, shall be prepared for collection by the resident in accordance with the further provisions hereof:

- (1) Newspaper should be tightly packed and tied in bundles not to exceed fifty (50) pounds in weight and placed out for the collector in accordance with his requirements as approved by the Board.
- (2) Cardboard must be flattened and tied in bundles not to exceed fifty (50) pounds in weight and placed out for the collector in accordance with his requirements as approved by the Board.
- (3) Glass and metal food or beverage containers shall contain a minimum of contamination and may be mixed together in a recycling container of the type as approved by the Board. The removal of lids and labels from said food and beverage containers shall not be required, provided however that ceramic lids shall be separated and shall not be mixed with other recyclable materials. No other recyclable materials of solid waste shall be disposed of in said recycling container unless so designated by the Board.

After being prepared in the manner described in the foregoing paragraphs of this subsection, each recycling container shall be placed for collection purposes within ten (10) feet of the street or curblin or in such other location as shall be agreed upon by the owner or tenant and the collector. The containers shall be so placed not earlier than twelve (12) hours before the scheduled time of collection and shall be removed from the street, curblin or other collection point within twelve (12) hours after the materials therein have been collected. Said containers shall be so placed in such a manner that said containers do not constitute a travel or health hazard or nuisance of any sort. The collector shall deliver all recyclables so set out for collection to such locations as shall be designated by the Town.

(b) All persons who are not served by a collector shall deliver newspapers, cardboard as well as glass and metal food and beverage containers, and any other items so designated by the Board, generated from residential property to such locations and in such manner as the Town shall prescribe. Glass and metal food and beverage containers shall contain a minimum of contaminations. The removal of lids and labels for said food and beverage containers shall not be required, provided however that ceramic lids shall be separated and shall not be mixed with other recyclable materials.

(c) On days specified by the Board as leaf waste collection days residents in the Town shall place their leaf waste material generated from residential property into leaf bags of a type approved by the Board. Leaf bags shall be placed at such locations as may be approved by the Town in a manner assuring access by those employees of the Town collecting said bags. Said bags shall be so placed in such a manner that said bags do not constitute a travel or health hazard or nuisance of any sort. The Town may refuse to collect leaves from any person who fails to comply with the provisions hereof.

Nothing herein shall preclude a person from using back yard or decentralized composting as a method for disposal of their leaves. Residents may also deliver their leaves to the composting site as designated by the Board.

(d) All storage batteries and waste oil required to be recycled in accordance with the provisions of section IV hereof and generated from residential properties, shall be delivered to such locations as the Board shall prescribe.

(e) All persons generating solid waste from non-residential properties shall make arrangements to have all recyclable materials described in section IV hereof collected and recycled in a manner consistent with the provisions of state law and this ordinance.

(f) Except as may be permitted by the Board, the disposal of recyclable materials originating from a source outside the

Town of Bethel Recycling Center shall be prohibited. Except as may be permitted by the Board, the disposal of recyclable materials originating from a source outside the Town at any location designated by the Board including a regionally designated IPC, in the name of the Town or its residents, shall be prohibited.

Sec. VIII. Recycling Containers

(a) All glass and metal food and beverage containers generated from residential properties shall be prepared for disposal in accordance with the provisions of subsection VII and placed in a recycling container which shall be a type approved for use by the Board.

(b) All newspapers and cardboard generated from residential properties shall be prepared for disposal in accordance with the provisions of subsection VII (a) (1&2) hereof.

(c) All leaves generated from residential properties shall be prepared for disposal in accordance with the provisions of subsection VII (c) thereof.

Section IX. Ownership of recyclables; scavenging prohibited.

(a) Upon placement of recyclables on the street or at the curblin e or at such other locations as has been agreed upon by the property owner or tenant and the collector, or upon delivery of recyclables to any disposal site designated by the Town pursuant to the provisions of this article, it shall be a violation of this ordinance for any person other than the depositor or the collector or the authorized agents of the Town acting in the course of their employment, to collect or pick up any such recyclables, or cause the same to be collected or picked up.

(b) In addition to the fine imposed for violations of this provision, the violator may be required to make restitution to the Town for the value of any materials illegally removed.

(c) Nothing in this ordinance shall abridge the right of any person to give or sell their recyclables, including deposit beverage containers, to any person provided that such materials shall not have been set out on the street or curblin e, or at any designated collection, pick-up or disposal site.

Sec. X. Enforcement

(a) Any collector found to have violated the collection requirements of subsection V (b) hereof shall be subject to a fine in the amount of one hundred (\$100.00) dollars for each offense. In addition, the Town reserves the right to suspend or revoke the permit of any such collector. Any collector whose permit is either suspended or revoked as provided for herein shall be entitled to a hearing before the Board.

(b) Any person who violates the provisions of subsection VII (a&b) shall be subject to the following penalties:

(1) Upon a first or seconded offense, the violator shall

receive a written warning.

- (2) Upon a third offense occurring within a period of one year from the date of the original offense, the violator shall be subject to a fine in the amount of fifty (\$50.00) dollars.
- (3) Upon any subsequent offense occurring within a period of one year from the date of the original offense, the violator shall be subject to a fine on one hundred (\$100.00) dollars.

(c) In accordance with the authority provided in section 2 of Public Act No. 90-249, any commercial establishment that is found to have violated the provisions of subsection (c) of section 22a-241b of the Connecticut General Statutes shall be subject to a fine in the amount of five hundred (\$500.00) dollars for each violation.

(d) Any person who violates any other provision of this ordinance shall be subject to a fine of one hundred (\$100.00) dollars for each such offense.

Sec. XI. Authority to Adopt Regulations.

The Board is hereby authorized to adopt such regulations as it deems necessary to implement the provisions of this article. At least one (1) public hearing, notice of which shall be given at least five (5) days but not more than fifteen (15) days in advance by publication in a newspaper having a general circulation in the Town and by posting a notice of such hearing in a public place, shall be held by the Board before any such regulation is adopted. After adoption, every regulation shall, within ten (10) days, be published in its entirety in a newspaper having a general circulation in the Town, and, unless it shall specify a later date, become effective on the thirtieth (30) day after such publication.

Sec. XII. Severability

Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not effect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and that the balance of this ordinance shall remain valid notwithstanding such declaration.

Dated this 3rd day of January, 1991 at Bethel, Connecticut.

BOARD OF SELECTMEN
Clifford J. Hurgin
J. Philip Gallagher
W. Thomas Davies