

Draft 12/20/90

TOWN OF KENT  
MUNICIPAL SOLID WASTE ORDINANCE

In order for the Town of Kent to effectively deal with its solid waste including recyclables, and to meet the State of Connecticut mandate enacted in Public Act No. 90-220, it is hereby ordained by the legal voters of the Town of Kent that:

SECTION 1. (a) Each owner and occupant of real property located in the Town of Kent and any other person generating, producing or originating solid waste within the Town shall be required to separate recyclables from other solid waste and to deliver such recyclables to a commercial solid waste hauler registered in the Town or to an approved solid waste facility designated by the Town in accordance with the provisions of this ordinance.

(b) No person may engage in collecting, hauling or disposing of recyclables or solid waste within the Town unless such person has first registered as a commercial solid waste hauler with the Office of the First Selectman. Each person so registering with the Office of the First Selectman shall provide such information as the First Selectman deems necessary to insure compliance with and to carry out the purposes of this ordinance. Each person acting as a commercial solid waste hauler within the Town shall properly dispose of recyclables and of solid waste in accordance with the requirements of this ordinance and in accordance with the requirements of state law.

SECTION 2. (a) All items designated as recyclables by the State of Connecticut Department of Environmental Protection or by the Board of Selectmen of the Town of Kent shall be considered recyclables and shall be subject to separation and disposal as required by this ordinance.

(b) Each person generating, producing or originating solid waste upon or from a residential property located within the Town of Kent shall separate at the source all recyclables from such solid waste and shall segregate such recyclables for disposal in an approved manner. Each other person generating, producing or originating solid waste within the Town, including commercial and industrial businesses, shall make provision for the separation of all recyclables from such solid waste and for the disposal of such recyclables in an approved manner.

(c) No commercial solid waste hauler or other person shall dispose of any recyclable item generated within the Town of Kent in any solid waste facility except in areas

specifically designated for the collection of such recyclable item.

(d) Solid waste from which recyclables have not been separated shall not be collected, transported or disposed of by commercial solid waste haulers. Each commercial solid waste hauler shall routinely inspect collected solid waste for separation of recyclables and shall issue a violation notice, by tag or other means approved by the First Selectman, to each person whom the commercial solid waste hauler determines is not in substantial compliance with the requirements of this ordinance. Each commercial solid waste hauler shall periodically provide the First Selectman and the Department of Environmental Protection with such information, including the record of violation notices, as they deem necessary to assure and assess compliance with this ordinance.

(e) Recyclables shall be prepared for recycling, processing or sale in the manner required by procedures or practices established by the Board of Selectmen pursuant to the authority vested in the Board by Section 3(a) of this ordinance.

SECTION 3. (a) The authority to direct the flow of solid waste generated within the Town of Kent, including the authority to designate location(s) or system(s) to which recyclables are to be taken for processing or sale and to which solid waste is to be taken for disposal or processing, is hereby vested in the Board of Selectmen. As part of said authority, the Board of Selectmen may establish or specify procedures and practices consistent with the requirements of state law for the separation, recovery, collection, removal, storage, and disposal of solid waste, including recyclables.

(b) The authority to designate recyclable items that are additional to the items designated as recyclables under state law or pursuant to regulations adopted by the Connecticut Department of Environmental Protection is hereby vested in the Board of Selectmen.

SECTION 4. (a) Each person desiring to engage in collecting, hauling, or disposing of recyclables generated, produced, or originating in the Town of Kent, shall register with the Office of the First Selectman as a commercial solid waste hauler. In order to be eligible for registration as a commercial solid waste hauler, such person shall agree to comply with the provisions of applicable state law, with this ordinance and with the procedures, practices, rules and regulations established by the Board of Selectmen relative to the collection, transportation and disposal of solid waste and of recyclables. All information and representations made in connection with an application for

registration as a commercial solid waste hauler shall be made under penalties of false statement under Section 53a-157 of the Connecticut General Statutes.

(b) The Board of Selectmen may deny registration as a commercial solid waste hauler or may, after hearing, revoke such registration on the basis of any of the following reasons: (1) such person has been charged with violations of federal, state or local environmental laws, regulations or codes including, but not limited to, those applicable to the handling or disposal of solid waste or recyclables; (2) such person makes misrepresentations of fact on his application; (3) such person has failed in the past to comply with the provisions of this ordinance; and (4) the Board of Selectmen determines that registration of such person as a commercial solid waste hauler will not be consistent with the Town's interest or plans with respect to the handling, transporting, processing or disposal of solid waste, including recyclables.

(c) Only one registration as a commercial solid waste hauler shall be issued to any one person. Each such registration shall be valid for a period of not more than one (1) year and to a date established by the Board of Selectmen. Registration may be renewed by the Board of Selectmen provided the registrant demonstrates continued compliance with the requirements for issuance of registration.

SECTION 5. (a) Any person who violates any provision of this ordinance or any practice or procedure adopted by the Board of Selectmen for the segregation, transportation, processing or disposal of solid waste or recyclables shall be subject to a fine of \$1,000 for the first violation and a fine of \$5,000 for each subsequent violation.

(b). Any person who violates any provision of this ordinance or the practices and procedures adopted by the Board of Selectmen for the segregation, transportation, processing or disposal of solid waste or recyclables shall be subject to any and all civil remedies, including temporary and permanent injunction, which may be available to the Town.

SECTION 6. Nothing in this ordinance shall prohibit any person or business from selling their self-generated recyclables, including but not limited to deposit beverage containers to any program lawfully operated, whether for profit, non-profit or charitable purposes.

SECTION 7. The dumping or disposal in the Town Solid Waste Facility of any solid waste generated from a source outside of the Town is prohibited. Recyclables originating outside of the Town may be permitted at the Town Solid Waste

Facility, subject to procedures established by the Board of Selectmen.

SECTION 8. As used in this ordinance the following terms shall have the following meanings:

(a) Board of Selectmen: The Board of Selectmen of the Town of Kent, Connecticut.

(b) Commercial Solid Waste Hauler: Any person, firm or corporation (other than incidental commercial user) whose business activity is collecting, picking up, and or transporting solid waste and depositing or dumping the same in the Town Solid Waste Facility.

(c) Recyclables: Any item designated by the State Department of Environmental Protection of the Board of Selectmen which can be separated or diverted from other solid waste as defined below under "recycle."

(d) Recycle: To separate or divert an item from the solid waste stream in order to process, cause to be processed, or store for later processing into a material product, including the production of compost. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner or of scrap tires as fuel in an incinerator.

(e) Recycling Coordinator: The municipal agent designated by the Board of Selectmen to assist in the administration of this ordinance.

(f) Refuse: That part of the sold waste stream remaining after recyclables have been removed.

(g) Solid Waste: Unwanted or discarded materials; an all-encompassing term including, but not limited to, garbage, demolition and construction debris, refuse, recyclables, and materials from land clearing.

(h) Town Solid Waste Facility: The area or area designated by the Board of Selectmen for the handling of the Town's solid waste. This facility may include a landfill, transfer station and/or recycling center.

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