

ORDINANCE # ____

AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT SERVICES

BE IT ORDAINED BY THIS TOWN MEETING:

SECTION 1 PURPOSE.

The purpose of this Ordinance is to provide an overall plan for managing and controlling the disposition of solid waste in the Town, pursuant to Sections 7-148(c)(4)(H) and 22a-220 of the Connecticut General Statutes. This Ordinance places primary responsibility for administering the plan on the Chief Administrative Officer and with the rapidly changing developments in disposing of solid waste, provides authority for the Board of Selectmen to promulgate regulations.

SECTION 2 DEFINITIONS.

As used in this Ordinance, the following words and phrases shall have the meanings indicated:

"Bulky Waste" means tree trunks, stumps, building materials, furniture, appliances and other items as are defined as bulky waste by the regulations of the Department of Environmental Protection.

"Business" means a commercial, industrial or professional establishment, enterprise or use.

"Business Use" means a use related to a Business.

"Chief Administrative Officer" means the Chief Administrative Officer of the Town or his/her designee.

"Collector" means any person who holds him/her or itself out for hire to collect and/or transport Solid Waste from Residences, Businesses or other establishments or from the Transfer Station.

"Contract Collection" means collection by a Collector under a formal agreement with the Town in which the rights and duties of the respective parties are set forth.

"Dwelling Unit" means a building, structure, unit or portion thereof, providing complete housekeeping facilities and serving as a domicile for one family (excluding, for example, hospitals, motels and hotels). The term "Dwelling Unit" shall be deemed to exclude any portions of a Multifamily Dwelling that are not part of a separately owned or separately leased, single-family domicile, including but not limited to common hallways, roofs, exterior walls and windows, and common fixtures.

"Facility" means the Connecticut Resources Recovery Authority Mid-Connecticut Project (trash to energy) facility in Hartford, or any subsequent facility or another facility which the Town uses for the disposal of Solid Waste.

"Hazardous Waste" means those substances possessing radio-active, caustic, toxic, explosive or pathological properties including those substances considered "hazardous" or "toxic" under any law or regulation of any federal or State of Connecticut agency.

"Institution" means any legal entity, other than a natural person, that does not constitute a Business (i.e., churches, government agencies, etc.).

"Licensed Collector" means a collector who has received a license from the Town in accordance with this Ordinance.

"Lot" means a unit of real property, not divided by streets, that is separately described in the Canton Land Records and separately identified as an independent parcel of land on the Grand List.

"Multifamily Dwelling" means any building or group of buildings containing more than one Dwelling Unit on a single Lot.

"Recycling" means the process of collecting, sorting, separating, treating, altering and reconstituting Solid Waste or other discarded material for purpose of reuse.

"Residence" means a Dwelling Unit.

"Residential Solid Waste" means Solid Waste generated from a Dwelling Unit, but excludes, with respect to leased Dwelling Units, any Solid Waste derived from materials that are not owned by the lessee, including, but not limited to, any materials comprising the building within which the Dwelling Unit is located.

"Residential Use" means a use related to a person's Residence.

"Solid Waste" means unwanted or discarded materials, including solid, liquid, semi-solid or contained gaseous materials;

"Transfer Station" means the location or facility owned, rented or leased by the Town specifically designated and set aside for the receipt and transfer of Solid Waste. The present Transfer Station is located off Ramp Road. The Town may change the location of the Transfer Station at any time at its discretion.

SECTION 3 ADMINISTRATOR.

The Chief Administrative Officer shall administer and manage Solid Waste service within the Town.

SECTION 4 SOLID WASTE DISPOSAL.

All Solid Waste generated in the Town shall be disposed of as follows:

A. Residential Solid Waste, Solid Waste generated by the Town of Canton, and small volumes of Solid Waste generated from Multifamily Dwellings owned by the Canton Housing Authority¹ may be brought to the Transfer Station and such Solid Waste will be disposed of there in accordance with directions and signs posted on the premises. No Solid Waste may be deposited at the Transfer Station by Collectors or from Businesses or Institutions other than the Town of Canton or the Canton Housing Authority, as set forth herein.

B. Residences, Businesses and Institutions may arrange for pick-up of Solid Waste at their respective premises by Licensed Collectors who shall transport said Solid Waste to the Facility. Arrangements for pickup and transportation by Licensed Collectors at the premises of Residences, Businesses and Institutions shall be arranged by the occupant and/or the owner of the premises with the Licensed Collector and shall be paid for by the occupants and/or owners of the premises.

C. No person shall dispose of any Solid Waste in the Town from any other municipality, except with prior written approval of the Board of Selectmen. Any violation shall be deemed a violation of this Ordinance.

D. All Solid Waste, except as otherwise designated for recycled materials, generated within the boundaries of the Town by Residences or from locations owned by the Town or the Canton Housing Authority, as set forth in subsection 4.A, shall be disposed of at either the Transfer Station or the Facility. All other Solid Waste, except as otherwise designated for recycled materials, generated within the boundaries of the Town by Businesses or Institutions shall be disposed of at the Facility. Disposal of Solid Waste at any other area is prohibited, unless approved in writing, prior to disposal, by the Chief Administrative Officer.

E. No household Hazardous Waste shall be brought to the Transfer Station and no household Hazardous Waste shall be given to Collectors for delivery to the Facility. From time to time arrangements will be made for licensed household Hazardous Waste handlers to be made available for purposes of receiving household Hazardous Waste from Residences and Institutions within the Town.

F. Bulky Waste may be brought to the Transfer Station and deposited there in accordance with regulations issued by the Board of Selectmen, directions of Town employees at the Transfer Station and signs on the premises. Persons eligible to bring Bulky Waste to the Transfer Station will be limited to those eligible to bring Solid Waste to the Transfer Station. The Board of Selectmen is authorized to establish additional fees for such services.

¹ The Town of Canton and the Canton Housing Authority may define the term "small volumes" by a Memorandum of Understanding. In the absence of such a Memorandum, the term "small volumes" shall mean a total volume not exceeding 64 cubic feet in any one delivery and not exceeding 256 cubic feet per year.

SECTION 5 PAYMENT OF COSTS ASSOCIATED WITH DISPOSING OF SOLID WASTE.

The cost of disposing of Solid Waste shall be paid for in accordance with the following provisions:

- A. The Town shall pay (i) the cost of maintaining and operating the Transfer Station, (ii) the cost of transporting Solid Waste from the Transfer Station to the Facility, (iii) the cost of tipping fees charged by the Facility for Solid Waste delivered from the Transfer Station, and (iv) the cost of tipping fees charged by the Facility for Solid Waste delivered by Licensed Collectors from Residences or from locations owned by the Town.
- B. The Licensed Collectors shall pay for all costs not listed in subsection A.
- C. The Board of Selectmen may establish fees by regulation for bringing Solid Waste to the Transfer Station.
- D. The Chief Administrative Officer, subject to the approval of the Board of Selectmen, shall establish a system with Licensed Collectors and the Facility under which all Licensed Collectors transporting waste from the Town to the Facility may gain access to the Facility and the Town shall only be responsible for and billed for those tipping fees for (i) the waste transported by Licensed Collectors from the Transfer Station to the Facility and (ii) the waste transported by Licensed Collectors from Residences or from locations owned by the Town. All other tipping fees at the Facility shall be the responsibility of the Collectors. The Board of Selectmen may modify the costs described in this Section by regulation.

SECTION 6 OPERATION OF THE TRANSFER STATION.

The Board of Selectmen shall establish hours of operation and procedures for using the Transfer Station. Any violation of said hours or of said rules shall be deemed a violation of this Ordinance.

SECTION 7 IDENTIFICATION OF USERS AT THE TRANSFER STATION.

The Chief Administrative Officer, subject to the approval of the Board of Selectmen, shall establish a system under which persons bringing Solid Waste to the Transfer Station may be readily identified as authorized to bring Solid Waste to the Transfer Station. No Solid Waste from non-residents or Businesses and Institutions either within or outside the Town shall be accepted at the Transfer Station except as set forth in subsection 4.A. When an identification

system is established, only persons having the proper identification shall be permitted to dispose of Solid Waste at the Transfer Station.

SECTION 8 LICENSED COLLECTORS.

- A. No Collector may operate in the Town without having obtained a license issued by the Board of Selectmen in accordance with this Ordinance.
- B. If a Licensed Collector will be performing services for which the Town may be responsible for paying the transportation or for tipping fees, the arrangement shall be by Contract Collection.
- C. Each vehicle utilized by a Licensed Collector shall have affixed to it a sticker readily identifying it as having been licensed by the Town to collect Solid Waste within the Town. Each vehicle shall also be clearly marked with the business name and address of the Licensed Collector.
- D. All vehicles carrying Solid Waste in the Town shall be properly covered to prevent any object from being blown from or falling from such vehicle. The part of the vehicle used for transporting and storing Solid Waste shall be constructed to preclude the escape of liquids and prevent access of insects or vermin.
- E. Licensed Collectors shall not transport at the same time and in the same vehicle (i) Solid Waste collected from users for which the Town is paying the tipping fee and (ii) Solid Waste from any other users for which the Town is not paying the tipping fees.
- F. All Collectors shall be in compliance with all applicable federal, state and local laws, regulations and ordinances.

SECTION 9 APPLICATIONS FOR LICENSES.

Prior to the issuance of any such license, an applicant shall establish that the equipment proposed to be operated has the necessary licenses and approvals, that the applicant is financially capable of providing such services, that he/she/it can perform appropriate services and shall provide its name, address, a description of its vehicles and the license fee. An applicant shall specify in detail what Solid Waste will be transported and for whom so that tipping fees shall be paid in accordance with this Ordinance.

SECTION 10 FEES FOR LICENSES.

Each Collector shall pay a fee of \$500.00 prior to the issuance of the initial license and then annually to the Town on July 1 for issuance of a license to collect and transport Solid Waste in

the Town. Said license fee shall be applicable to all Collectors including existing Collectors. The Board of Selectmen, may modify the license fee by regulation.

SECTION 11 NO DUMPING.

Any Collector who dumps more than one cubic foot in volume of Solid Waste at one time in an area not designated for such disposal by this Ordinance shall be subject to a fine under Section 13.

SECTION 12 ADDITIONAL REGULATIONS BY CHIEF ADMINISTRATIVE OFFICER, SUBJECT TO THE APPROVAL OF THE BOARD OF SELECTMEN.

- A. The Board of Selectmen is authorized to adjust fees and implement new fees by regulation in order to limit costs to the Town.
- B. The Chief Administrative Officer, subject to the approval by the Board of Selectmen, is authorized to issue regulations concerning the use and operation of the Transfer Station, Solid Waste pick-up, identification, stickers, and any other subject reasonably related to the performance of Solid Waste management services in the Town.
- C. The Board of Selectmen is authorized to issue appropriate regulations for any interpretations regarding the obligations under this Ordinance and Ordinance No. 194 regarding recycling.
- D. Any regulations made by the Board of Selectmen pursuant to this Ordinance shall be made available at the Town Clerk's Office.

SECTION 13 PENALTIES FOR OFFENSES.

Any person who violates any provision of this Ordinance shall be subject to the following penalties and fines:

- A. Each offense or violation: one hundred dollar (\$100.00) fine for each separate violation. Each day that the violation shall exist or continue shall be deemed a separate violation.
- B. Each offense or violation under Section 11 of this Ordinance: a one thousand dollar (\$1,000.00) fine for each separate violation, or such higher fine authorized by the Connecticut General Statutes, including, but not limited to, Section 22a-226d.
- C. The revocation of the ability to use the Transfer Station.
- D. The revocation of the license of a Licensed Collector by the Chief Administrative Officer in accordance with Section 14 of this Ordinance.

E. The Chief Administrative Officer may seek enforcement of the provisions of this Ordinance by a civil action brought by the Town and, in such event, the violator shall pay the Town's cost of any legal action, including reasonable attorney's fees. In any such action, the Chief Administrative Officer may seek any of the following remedies: temporary and/or permanent injunction and removal of the violation.

F. Any and all remedies which the Town has in enforcing this Ordinance, at law or in equity, shall be cumulative and two or more or all of such remedies may be exercised at the same time.

SECTION 14 REVOKING OF LICENSES.

Licenses issued under the provisions of this Ordinance may be revoked by the Chief Administrative Officer, after reasonable investigation for any of the following causes:

- A. fraud, misrepresentation or false statement contained in the application for license;
- B. a proven citizen complaint of fraud, misrepresentation or false statement made in the course of carrying on the business of Collector; or
- C. any violation of this Ordinance.

Notice of the revocation of a license shall be given in writing, specifically setting forth the grounds for revocation. Such notice shall be mailed, postage prepaid, to the licensee at his or her or its last known address as given in his or her or its application for a license. The licensee may appeal the decision to revoke a license to the Board of Selectmen, which after notice and a hearing may overturn such decision by majority vote of the Selectmen. If a person or entity has a license revoked, no new license shall be issued to that person or entity for one year from the day said license is revoked.

SECTION 15 ENFORCEMENT.

This Ordinance has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Ordinance #216 shall be followed.

SECTION 16 SAVINGS CLAUSE.

If any section, clause, provision or portion of this Ordinance, or if any regulation established pursuant to the terms of this Ordinance, shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect or impair any other section, clause,

provision or portion of this Ordinance or of any regulation established pursuant to the terms of this Ordinance.

SECTION 17 EFFECTIVE DATE.

This Ordinance, as revised, shall become effective on _____, after publication in a newspaper having a general circulation in the Town of Canton.

SECTION 18 REPEALED ORDINANCES.

Ordinance No. 50, Ordinance No. 191, Ordinance No. 193, and Ordinance No. 223 are repealed as of the effective date of this Ordinance.