

Ordinance 21-1

The following **ORDINANCE AMENDING CHAPTER 30, SOLID WASTE, SECTION 70-1 THROUGH 70-38 Inclusive** was adopted by the Enfield Town Council at a Regular Meeting held on January 18, 2022 pursuant to Chapter III Section 6 of the Enfield Town Charter. Said ordinance shall become effective on February 28, 2022, that being the effective date specified in the Ordinance.

CHAPTER 30, SOLID WASTE, SECTION 70-1 THROUGH 70-38 is amended as follows:

SOLID WASTE AND RECYCLING ORDINANCE

I. Declaration of Policy

A. The Town of Enfield is authorized by Conn. Gen. Stat. §§ 7-148(c)(4)(H), 22a-220 and 22a-220a to license refuse collectors, regulate and make provisions for the safe and sanitary disposal of all acceptable solid waste, as defined herein, generated within its boundaries and to collect a fee for that service.

B. The Town Council has determined that the public health, safety, and welfare of the citizens of the Town will be best served by the adoption of this ordinance.

C. This chapter is also adopted pursuant to Conn. Gen. Stat. §7-148(c)(7)(H)(xv) and is considered a blight ordinance.

II. Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulky waste means waste resulting directly from demolition activities other than clean fill and includes wood (tied and bundled, no longer than six feet in length); furniture, metal, and appliances (excluding: refrigerators, air conditioners, dehumidifiers, and all electronics); carpets and linoleum; mattresses and box springs.

Collector means any person, firm, or corporation that is engaged in the business of regularly collecting solid waste from residential, business, commercial or other establishments. Collector does not include: (1) Any person who transports solid waste that is incidentally generated during professional or commercial activities unrelated to the collection of solid waste, such as residential property repairs, provided such solid waste is self-generated by such person's professional or commercial activities and such solid waste is transported to an authorized recycling facility, a permitted recycling facility, or a permitted solid waste facility, and (2) any person who transports used materials for the purpose of delivering such materials to a charitable organization that distributes reused household items or to a retail facility that sells reused household items.

Common gathering venue means any area or building located in the Town or portion thereof, that is open to the public, including but not limited to, any (1) building that provides facilities or shelter for public assembly; (2) inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant or other commercial establishment that provides services or retails merchandise; or (3) museum, hospital, auditorium, movie theater or university building.

Condominium unit, a single-family residential unit that is part of a condominium or planned residential development.

Curbside placement means a location on the roadway pavement against the curb; on roadway pavement adjacent to the edge the grass; or against a snowbank during the winter months; or in a location designated by the Director based on safety or collection efficiency. The tipper barrel must be oriented as indicated by manufacture's marking on the tipper barrel with no obstruction within three feet in any direction.

Customer means a resident or commercial entity and any other establishment or institution, including without limitation any landlord, and any association or company managing a condominium.

DEEP means the Department of Energy and Environmental Protection or its successor agency.

Director means the Director of Public Works of the Town or his or her designated agent.

Disposal charge means the amount to be charged for each ton of solid waste delivered to the SWF as established by the procedures authorized in the municipal service agreement.

DPW means the Department of Public Works of the Town.

Fine means monetary penalty for violations of this ordinance.

Fixed site container means an enclosed container for refuse generated by commercial establishments or residential complexes with greater than six units, with a capacity of either four, six, or eight cubic yards, with an attached lid that allows for a 270-degree swing to the rear of the container, of a design for automated transfer of the refuse from the container into the refuse collection vehicle.

Generator means any person or entity that creates solid waste or recyclables.

Hazardous waste means any waste material which may pose a present or potential hazard to human health or the environment when improperly disposed of, treated, stored, transported, or otherwise managed, including:

1. hazardous waste identified in accordance with Section 3001 of the Federal Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.);
2. hazardous waste identified by DEEP regulations;

3. polychlorinated biphenyls (PCBs) in concentrations greater than 50 parts per million, but does not mean byproduct material, source material or special nuclear material, as defined in Conn. Gen. Stat. § 22a-151; and
4. tires.

Materials Recycling Facility (MRF) is a specialized plant that receives, separates, and prepares recyclable materials for marketing to end-user manufacturers.

Multi-family homes are residential homes with at least two, but no more than four, units/apartments. Multi-family homes with five or more units/apartments are considered commercial properties for purposes of this ordinance. Single family homes with accessory apartments are excluded from this definition.

Municipal Solid Waste (MSW) means solid waste from residential, commercial, and industrial sources, excluding solid waste consisting of significant quantities of hazardous waste, land-clearing debris, demolition debris, biomedical waste, sewage sludge and scrap metal.

Plastic bag means any bag made of plastic, purchased for the disposal of household waste and not plastic single-use shopping bags.

Policy means a course or principle of action adopted or proposed by a government, party, business, or individual.

Recyclables means discarded material which may be reclaimed, such as cardboard, batteries, glass, metal, plastics, newspapers, office paper, crankcase oil, brush and leaves, grass clippings and any other material designated as such by regulation adopted by the DEEP or by local regulation or ordinance.

Regulations means 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 means solid waste, recyclables, and yard waste generated by persons living in residences containing not greater than six dwelling units, but excluding hospitals, motels, hotels, or other facilities with communal living quarters.

Scrap metal means 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, also known as municipal waste, means unwanted or discarded solid, semisolid or contained gaseous material, including, but not limited to, demolition debris, material burned or otherwise 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, excluding:

1. Hazardous waste
2. Semi-solid or liquid materials which are collected and treated in a sewerage system.

Solid Waste Facility (SWF) any solid waste disposal area, volume reduction plant, transfer station, wood burning facility, or biomedical waste treatment facility.

Tipper barrel means a container for refuse of not less than 35 nor more than 96-gallon capacity, with an attached lid that allows for a 270-degree swing to the rear of the container, compatible for automated or semi-automated transfer of the refuse from the container into the refuse collection vehicle. Gray tipper barrels are for solid waste. Blue tipper barrels are for recyclables. Brown tipper barrels are for yard waste.

Town means the Town of Enfield.

Town's Transfer Station means the Town owned transfer station facility on Town Farm Road.

Transfer station means any location or structure, whether located on land or water, where more than ten cubic yards of solid waste, generated elsewhere, may be stored for transfer or transferred from transportation units and placed in other transportation units for movement to another location, whether or not such waste is stored at the location prior to transfer.

Waste stream means material that has been placed at curbside or at any designated collection or pick-up site or designated disposal site.

Written warning means a warning issued in writing and on a form specified by the Director or his or her designee to first time violators of this article.

Yard waste means grass, grass clippings, bushes, shrubs, clippings from bushes and shrubs, and vegetative debris. *Yard waste* excludes branches greater than three inches in diameter and/or three feet in length, logs, stumps, stones, rocks, dirt, and waste from construction, renovation, or demolition.

III. Registration of Collectors of Solid Waste Generated in the Town

A. Any collector hauling solid waste and/or recyclables generated by residential, business, commercial or other establishments shall register and apply for a permit annually as directed by the Director and shall disclose: (1) The name and address of the collector and the owner of such collection company; (2) the name of any other municipality in which such collector hauls such solid waste, including recyclables; (3) whether the hauling done by such collector is residential, commercial or other; (4) the types of waste hauled; (5) the anticipated location of any disposal facilities or end users receiving recyclable solid waste; and (6) any additional information that such Director requires to enhance the health and safety of the residents of the Town. No person may act as a collector in the Town without maintaining an active permit issued pursuant hereto, and no person may drive a solid waste collection vehicle to collect solid waste in the Town without demonstrating that such person has a valid license issued by the State of Connecticut to drive such vehicle. It shall be a condition of such registration and permit that any such collector agrees to comply with all provisions of this ordinance and Chapter 446d of the Connecticut General Statutes applicable to collectors, and all other requirements set forth in the application

for such permit, which agreement to comply shall be contained in all annual registrations and permit applications.

B. Any such collector shall report to the Director (1) the types of solid waste, including recyclables, as listed in Conn. Gen. Stat. §22a-208e(c), as it may be amended from time to time, generated within the borders of the Town and collected by such collector, (2) the name, location and contact information for the first destination where such solid waste, including recyclables, was delivered by the collector during the previous fiscal year, and (3) the types and actual or estimated amounts of such solid waste, including recyclables, directly delivered to (a) an out-of-state destination, (b) an end user or manufacturer in Connecticut, or (c) any other location in Connecticut not maintaining an active permit as a solid waste facility issued by the Connecticut Department of Energy and Environmental Protection. Such reports shall be submitted to the Director annually, on or before June 30th, and shall provide the information specified in this subdivision for the prior fiscal year of the State of Connecticut. Such reports shall be on a form prescribed by the Connecticut Commissioner of Energy and Environmental Protection and any other information needed by the Director.

C. The collector shall annually pay a registration fee set by the Council. The Council may (1) authorize the imposition of an increase of the fee to an amount twice the disclosed fee if the registration and permit application of the collector is not filed timely in accordance with subsection B above, and (2) provide for a proration of the registration fee for a new collector applying for a registration and permit for new collection service to be begun after December 31st in any fiscal year.

D. The Director shall administer the licensing and registration of any refuse collector engaged in collecting and transporting solid waste and recyclables within the Town. No license shall be issued until the refuse collector provides proof of adequate liability insurance which shall include an obligation on the part of the carrier to notify the Town if coverage is terminated.

IV. Designation of Location for Disposal of Acceptable Solid Waste and Processing of Recyclables

A. Acceptable solid waste generated within the boundaries of the Town by residential, business, commercial or other establishments may be disposed at any DEEP approved solid waste facility (SWF).

B. Curb-side collected items designated for recycling by Connecticut statute, regulation and the Statewide Solid Waste Management Plan (including without limitation the 2016 Comprehensive Materials Management Strategy), all as may be amended or updated from time to time, generated within the boundaries of the Town by residential, business, commercial or other establishments may be taken for processing or sale elsewhere to any DEEP approved Materials Recycling Facility (MRF).

V. Recycling

A. Residential Recycling. Each person who generates solid waste from residential property shall separate recycling from other solid waste.

B. Non-residential Recycling. Every person who generates solid waste and recyclables from property other than residential property shall make provision for and cause the separation of recyclables from other solid waste using one or more tipper barrels for designated items that are separate from tipper barrels for other solid waste.

C. Failure to Recycle. Any collector who has reason to believe that a person from whom he collects solid waste has commingled recyclable items with such solid waste in violation of said subsections A. or B. shall promptly notify the Director of the alleged violation. Upon the request of the Director, a collector shall provide a written warning, by tag or other means, to any person suspected by the collector or the Director of violating separation requirements. A collector shall also assist the Director to identify any person responsible for creating loads containing significant quantities of recyclable items mixed with solid waste or yard waste which are delivered to a resource's recovery facility or solid waste facility by the collector and detected by the owner or operator of such facility.

D. Recycling Receptacles at Common Gathering Venues. The owner of a common gathering venue at which recyclables are generated shall, in addition to providing for the collection of solid waste, provide recycling receptacles for the collection of any designated recyclable items generated at such venue. Nothing in this section shall be construed to require an owner or operator of such venue, or the Town, to provide such recycling receptacles whenever such receptacles are provided by another person pursuant to contract. Such recycling receptacles shall be as accessible to the public and at the same locations as trash receptacles, that is, there must be one recycling receptacle accompanying each trash receptacle.

E. Collector Contracts with Business Customers. Each contract between a collector and a customer for the collection of solid waste shall make provision for the collection of designated recyclable items, either by providing for the collection of designated recyclable items by the same collector who is party to the solid waste contract or by including an identification by the customer of the collector with whom such contract exists. The provisions of this section shall not be construed to require a customer to contract exclusively with one collector for the collection of both designated recyclable items and other solid waste. Each collector shall provide each customer with clear written or pictorial instructions on how to separate designated recyclable items in accordance with the provisions of subsection VI B. above.

F. Collectors Required to Offer Recycling Collection. Each collector who offers curbside or on-site collection of solid waste generated by residential properties in the Town shall offer curbside or on-site collection of designated recyclable items to each of such collector's customers and such curbside or backyard collection of designated recyclable items shall be included in the collector's charge for solid waste collection. The provisions of this subsection shall not be

construed to prohibit any collector from determining and adjusting its fees for combined curbside collection services.

G. Recombining of Segregated Items. No person shall combine previously segregated designated recyclable items with other solid waste.

H. Removal of recyclable materials.

1. 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.
2. Once recyclable materials are placed at curbside or other designated area, 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.
3. At the option of the Director or his or her designee, violators of subsection 1. or 2. of this section may be required to make restitution to the Town for any materials illegally removed.
4. Nothing in this chapter shall limit the right of anyone to dispose of his 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.
5. Any nonprofit organization within the Town may request authorization from the Director to collect recyclables.

VI. Operational and Implementation

A. DPW Collection of Municipal Solid Waste and Recyclables.

1. DPW will collect Municipal Solid Waste and Recyclables generated at single family homes; multi-family homes with four or fewer residential units; Town-owned buildings, including schools; condominiums and planned residential developments that have collection agreements with the Town of Enfield; and religious, commercial, or industrial properties that receive DPW collection at the time of adoption of this ordinance, provided that these properties enter into a collection agreement with the Town of Enfield.
2. Municipal Solid Waste and Recyclables must be deposited into tipper barrels per the provisions set forth below, or into a fixed site container.
3. Municipal Solid Waste, recyclables, leaves, and yard waste must each be kept separate and cannot be commingled.

- a. Municipal Solid Waste. One 96-gallon grey tipper barrel will be collected per week at no charge. Refuse bags or other items outside the tipper barrels will not be collected.
 - i. A maximum of up to two additional 96-gallon grey tipper barrels, per single family residence, may be purchased at a fee to be established by the Director. No more than a total of three grey tipper barrels per single family residence shall be collected per week.
 - ii. A maximum of up to one additional 96-gallon grey tipper barrel, per unit in a multi-family home, may be purchased at a fee to be established by the Director. No more than a total of two grey tipper barrels per unit in a multi-family home shall be collected per week.
 - iii. Tipper barrel tags shall be purchased annually at a fee to be established by the Director for those residences with additional grey tipper barrels. The cost for an additional tipper barrel excludes the cost of the tag.
- b. Recyclables. One 96-gallon blue tipper barrel will be collected on an alternating week basis at no charge. Subject to approval by the Director, a maximum of up to three additional 96-gallon blue tipper barrels, per single-family residence or per unit in a multi-family home, will be available, at no additional charge. No more than a total of four blue tipper barrels per single-family residence or per unit in a multi-family home shall be collected.
- c. Yard Waste. Up to two 96-gallon brown tipper barrels will be collected per week at no charge. A maximum of up to two additional 96-gallon brown tipper barrels may be purchased for a fee to be established by the Director. Tipper barrel tags shall be purchased annually at a fee to be determined by the Director for those residences with a third or fourth brown tipper barrel. No more than a total of four 96-gallon brown tipper barrels will be collected per week at single family homes and multi-family homes. The cost for an additional tipper barrel excludes the cost of the tag. Yard Waste collection shall be seasonal on a schedule to be determined by the Director. Residential yard waste brought to the Town's Transfer Station must be weighed. Commercial property is not eligible for yard waste collection.
- d. Spring Clean-Up. On dates to be determined by the Director, the four brown tipper barrel collection limit, referenced above, shall not apply. There will be no fee required for collection of any additional brown tipper barrels. In addition to the 96-gallon brown tipper barrels, one grey tipper barrel, with a red tag may be used for yard waste.

- e. *Leaf Waste*. The Director will establish the leaf waste collection schedule, usually in the fourth quarter of the calendar year. During scheduled leaf collection up to 40 (forty) bio-degradable leaf bags and unlimited 96-gallon brown tipper barrels will be collected per collection day. Condominiums, planned residential developments and senior residential developments are excluded from this collection. During leaf collection season residents may bring their leaf waste to the Town's Transfer Station without weighing.
 4. *Bulky Waste* collection is by appointment only, at a fee determined by the Director, and is limited to residences and Town-owned buildings, including schools. Condominiums and businesses are excluded from such collection.
 5. *Oil and battery* collections are specially scheduled events, the date and location of which shall be publicized.
 6. Christmas trees will be collected at the discretion of the Director of Public Works.
 7. The contents of all tipper barrels must be completely contained inside the barrel with the lid securely closed. Tipper barrels not so secured will not be collected. Tipper barrels that contain items other than that for which they are intended will not be collected. All tipper barrels, and their lids, must be maintained in good working order.
- B. Not Collected.
1. Refrigerators, air conditioners, and dehumidifiers are not collected at curbside and may be brought to the Town's Transfer Station. The fee per item will be determined by the Director and is subject to change.
 2. Hazardous wastes, paints, pesticides, oil, or their by-products are not collected. The Director may schedule Household Hazardous Waste Days for proper disposal.
 3. Electronics, including but not limited to TVs, computers, monitors, printers, and microwaves are not collected. These items may be brought to the Town's Transfer Station during normal operating hours. There is no charge upon proof of residency.
 4. Logs are not collected and branches greater than three inches in diameter and/or three feet in length. These items may be brought to the transfer station during normal operating hours.
 5. Other than at designated collection times, yard waste, leaves, grass, or brush are not collected and must be brought to the Town's Transfer Station.
 6. Construction and demolition material are not collected curbside. These items must be brought to the Town's Transfer Station.

7. Asbestos, shingles, tile, sheet rock, concrete, windows with glass, glass, vehicle parts are not collected.
8. Textiles, including but not limited to, clothing, stuffed animals, handbags, and shoes, may be recycled at 40 Moody Road or the Town's Transfer Station.

C. Curbside Placement of Tipper Barrels

1. Tipper barrels shall not be placed at curbside sooner than two hours prior to sunset on the day preceding a scheduled collection. Tipper barrels shall be placed at the edge of the roadway with orientation to facilitate automated collection as directed on the tipper barrel. All solid waste placed for collection must be contained within a tipper barrel.
2. Tipper barrels must be placed at the edge of the roadway no later than 6:00 a.m. the day of collection.
3. Tipper barrels must be removed from the edge of the roadway no later than 7:00 p.m. the day of collection. Tipper barrels must be stored behind the front building line of the principal residential structure on the property.
4. Tipper barrels must have three feet of clearance in any direction from other tipper barrels, walls, fences, vehicles, and any other structures that can be damaged by the claw and the arm of the automated collections vehicles.

VII. Enforcement

A. Any person, including without limitation any collector, found to have knowingly disposed of unacceptable solid waste or prohibited materials; knowingly disposed of items designated for recycling; or, violated any of the provisions of the requirements of this ordinance, shall be subject to the following fines:

1. Nonresidential and multi-family residential property. The initial violation of this article shall be documented by the issuance of a written warning. Each violation subsequent to a written warning shall be documented by the issuance of a citation and punishable by a fine. The first subsequent violation shall be punishable by a fine of \$100. The next subsequent violation shall be punishable by a fine of \$250. Each subsequent violation shall be punishable by a fine of \$500. Fines shall be in addition to any other penalty that may be imposed by law. Each violation constitutes a separate and distinct offense. If fines are not timely paid, liens may be filed on the property.

2. Civil penalties for collectors. A collector that knowingly mixes recyclables with solid waste may be issued a citation imposing civil penalties in an amount between \$1,000 and \$5,000.
 3. Single-family residential property. The initial violation of this article shall be documented by a written warning for the first offense. The first subsequent violation after the written warning shall be punishable by a fine of \$50, the next subsequent violation shall be punishable by a fine of \$100, the next subsequent violation shall be punishable by a fine of \$150, the next subsequent violation shall be punishable by a fine of \$250. All subsequent violations shall be punishable by a fine of \$500. Unpaid fines shall result in liens upon the property.
 4. Hazardous waste violation. Any person who violates the terms of this chapter or any regulation intended to implement this chapter involving hazardous waste shall be issued a citation, and DPW may impose a fine of not more than \$500 for each offense, in addition to any other penalty that may be imposed by law. Violators shall also be responsible for the costs incurred in mitigation, remediation, and/or the proper disposal of such hazardous waste.
- B. Any police officer or other person authorized by the Town Manager may issue a citation to any person who commits a violation of any section of the Solid Waste and Recycling Ordinance.
- C. Any person fined or whose permit has been or may be revoked or suspended pursuant to this Section may request and shall be granted a hearing on the matter, provided that such request must be made, after notice to such person, and the hearing shall be conducted, in accordance with the provisions of Conn. Gen. Stat. §7-152c.
- D. Climbing over railings or into containers at the Town's Transfer Station is strictly prohibited. Any individual found to violate permitted practices at the Town's Transfer Station may be subject to a suspension of privileges. Customers who do fail to pay Town's Transfer Station fees will fully be prosecuted.

VIII. Revocation or Suspension of License or Registration

Generally. Failure to comply with the provisions of this article shall be grounds for revocation or suspension of any license or registration issued under its provisions.

- A. Notice required. Revocation or suspension shall become effective five calendar days after written notice is mailed by the Director unless a lesser time is indicated in the notice.
- B. Person available to receive notice. Licensees must provide the Director with the name and address of a person who will always be available, 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 required notice.

- C. Request for review. Upon receipt of a notice of suspension or revocation, the licensee may file a written request for review. Such request must be filed with the town clerk within five days of receipt of the notice. Failure to file within such time shall waive the licensee's right to review, making the suspension or revocation final and binding upon the refuse collector.
- D. Timely filing. If such request is filed within five days of receipt of notice, such request shall stay the revocation or suspension, excepting such cases where a stay would present substantial harm to the health, safety, and welfare of the public.
- E. Special appeals board, hearing. The Town Council may appoint a special appeals board consisting of four electors of the Town, one licensed refuse collector, and a member of the Town Council to serve as a nonvoting liaison member. The board shall, within 15 days of the request for hearing, hear and decide the matter. The decision of the board shall be final and binding upon the refuse collector.
- F. Loss of permission to use SWF. The Director shall have the right to request that the SWF or MRF deny any refuse collector admission to the SWF when in his opinion such collector has violated this article or the regulations.

Ordinance Serial #22-1

Proposed By: By Request

Approved By: Ellen Zoppo-Sassu, Acting Town Manager

Reviewed By: Mark Cerrato, Asst. Town Attorney

Proposal Introduced to Council:	July 6, 2021
Date for Public Hearing Set:	July 6, 2021
Proposed Ordinance Posted:	July 23, 2021
Newspaper Warning:	July 20, 2021
Council Holds Public Hearing:	August 2, 2021
Date of Final Passage:	January 18, 2022
Date of Ordinance Published:	January 26, 2022
Effective Date:	February 28, 2022

Sheila M. Bailey, Enfield Town Clerk dated January 20, 2022