

CHAPTER 236

SOLID WASTE AND RECYCLING

[**History:** Art. I Adopted by the Board of Selectmen of the Town of Guilford on 11-1-1976; Art. II, 8-22-77; Art. III, 5-17-1993, as subsequently amended 6-11-2003; and to be amended in its entirety on _____ 18. Subsequent amendments noted where applicable.]

Chapter 236, is hereby renamed “**Solid Waste and Recycling.**”

Chapter 198, entitled “**Litter,**” is hereby repealed in its entirety and Section 236-4.H. of Chapter 236 is adopted in lieu thereof.

§236-1. Statement of purpose; statutory authority.

The purpose of this Chapter is to regulate the flow of solid waste and recyclables generated or disposed of within the Town of Guilford, to promote, protect and preserve the health, safety and general welfare of the people of the Town of Guilford as authorized by C.G.S. §7-148(c)(4)(H) and C.G.S. §7-148(c)(8)(A) and those state laws and regulations applicable to solid waste and recycling, as the same may be amended.

- A. It is hereby declared to be in the public interest that the accumulation, preparation, removal, storage, collection, transportation and disposal of solid waste be regulated so as to prevent the spread of disease, to minimize the potential for air, surface water and groundwater pollution and to prevent unsightliness resulting in a reduction of the quality of life.
- B. It is further declared that in order to protect, preserve and enhance the environment for present and future generations and to comply with state law, there is hereby established a Town recycling program, the intent of which is to require all persons to recycle.

§236-2. Definitions.

As used in this Chapter, the following terms shall have the meaning set forth below, except as otherwise provided in the Connecticut General Statutes. All other terms shall have a meaning consistent with applicable Connecticut General Statutes and the Connecticut Department of Energy and Environmental Protection (DEEP) regulations which apply to solid waste and recyclables, as the same may be amended.

Acceptable Municipal Disposal Area shall mean the Town Transfer Station located at Route 1, Guilford, Connecticut, and such future locations authorized by the Board of Selectmen, from time and time, in accordance with applicable state and federal laws.

Acceptable Solid Waste shall mean unwanted or discarded materials, garbage and refuse that the Town is permitted by the state to collect, store and transport from the Town disposal area to resource recovery combustion facilities or landfills that are licensed to accept municipal solid waste but shall not include recyclable materials, bulky waste or hazardous waste.

Bulky Waste shall mean land clearing, demolition and construction debris, discarded machinery and equipment, and other unwanted materials that cannot be feasibly disposed of at resource recovery combustion facilities and landfills as acceptable solid waste because of size or noncombustibility but which can be disposed of at specially permitted and available landfills, or as otherwise defined by state law or regulations.

Commercial Collector shall mean any person who holds himself/herself out for hire to collect solid waste on a regular basis from residential, business, commercial or other establishments, as defined in C.G.S. §22a-220a(g), as the same may be amended.

Dump, as defined in C.G.S. §22a-248(12), shall mean to discard (1) more than one cubic foot in volume of litter at one time or (2) furniture, garbage bags or contents thereof or other similar materials. Material which has been placed at a location with intent to leave it indefinitely at such location, or material which has not been removed from a location within forty-five days, is deemed discarded.

Hazardous Waste shall have the meaning defined in C.G.S. §22a-115, as the same may be amended.

Litter shall have the meaning defined in C.G.S. §22a-248(4), as the same may be amended.

Recyclable Material shall mean any discarded materials which are required to be recycled pursuant to regulations adopted by DEEP under the authority of C.G.S. §22a-241b, which include, without limitation, cardboard, glass food containers, leaves, metal food containers, newspaper, office paper, mixed paper, scrap metal, storage batteries, waste oil, and plastic containers, as the same may be modified by DEEP, from time to time.

Recycling shall mean the process of sorting, cleansing, treating and reconstituting waste or other discarded material for the purpose of using the altered form, as defined in C.G.S. §22a-248(10), as the same may be amended.

§236-3. Commercial collectors.

A. Annual registration.

In accordance with C.G.S. §22a-220a(d)(1), any commercial collector hauling solid waste generated by residential, business, commercial or other establishments, including, but not

limited to, recyclable material generated within the Town of Guilford, shall register annually with the Town Engineer or his/her designee, and 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 the Town of Guilford and/or DEEP may require to ensure the health and safety of its residents.

B. Annual reports.

In accordance with C.G.S. §22a-220a(d)(2), commercial collectors shall deliver to the Town Engineer or his/her designee, on or before July 1, an annual report of the prior fiscal year, which shall report to the Town of Guilford (1) the types of acceptable solid waste, including recyclable material, as listed in subsection (c) of C.G.S. §22a-208e generated within the borders of a municipality and collected by such collector; (2) the name, location and contact information for the first destination where such acceptable solid waste, including recyclable material, was delivered by the collector during the previous fiscal year; and (3) the types and actual or estimated amounts of such acceptable solid waste, including recyclable material, directly delivered to an out-of-state destination or to an end user or manufacturer in the state. Such reports shall be on a form prescribed by the Commissioner of DEEP.

C. Annual permit.

No person shall engage in the business of transporting acceptable solid waste to the Town Transfer Station without having a valid permit issued by the Town Engineer or his/her designee. Anyone who shall register pursuant to §236-3.A., shall be issued a permit for a reasonable administrative fee established by the Board of Selectmen.

D. Vehicles.

All vehicles permitted to collect and transport acceptable solid waste shall be maintained in good and sanitary condition and shall be constructed and/or equipped so as to prevent the loss of contents, including liquid waste, when in use.

E. Regulations.

The following regulations shall apply to all commercial collectors holding permits in accordance with the above provisions.

- (1) All disposal of acceptable solid waste generated within the Town of Guilford shall be made at acceptable municipal disposal areas established by the Town and in accordance with the rules and regulations of said areas.
- (2) No commercial collector shall dispose of acceptable solid waste or recyclable materials generated outside the Towns of Guilford and Madison at the disposal areas designated by the Town of Guilford without the prior written consent of the Board of Selectmen.
- (3) The door of any vehicle used to haul acceptable solid waste shall be clearly marked with the business name and address of the hauler, in accordance with C.G.S. §22a-220a(e), as the same may be amended.
- (4) Commercial collectors shall comply with all applicable state and federal laws required with respect to their operations.
- (5) The Board of Selectmen shall have the authority to adopt additional regulations with respect to commercial collectors, from time to time, as it may deem necessary or desirable.

§236-4. Solid waste.

A. Accumulation prohibited.

The accumulation of acceptable solid waste or waste material of any kind on or about real property, public or private, within the Town of Guilford is prohibited, except in approved storage containers and as otherwise authorized by this Chapter, or state or federal law.

B. Approved storage containers.

Acceptable solid waste shall be stored in containers which are covered and watertight. The containers shall be kept in a clean and sanitary condition.

C. Collection.

All acceptable solid waste shall be removed in approved containers or by permitted commercial collectors within a reasonable period from disposal, unless more frequently required by the Department of Health.

D. Transportation and disposal.

All acceptable solid waste may be transported to the Town Transfer Station, by commercial collectors, under permit.

E. Delivery from outside Town.

No acceptable solid waste, bulky waste or hazardous waste shall be transported for disposal into the Town from any place beyond the limits of the Town, except for acceptable solid waste and bulky waste from the Town of Madison.

F. Department of Health- contamination.

Materials governed by the Public Health Code of the State of Connecticut and designated by the Director of Health as contaminated and/or condemned shall be destroyed under the supervision of the Director of Health and as otherwise required by state and federal law.

Nothing in this Chapter shall be construed to limit the power of the Connecticut Board of Health or the Director of Health as it relates to public health.

G. Dumping.

No person shall “dump,” as defined in C.G.S. §22a-248, any acceptable solid waste or other material upon any public or private property not owned by such person, whether from a vehicle or otherwise. The Town may require the violator to remove the material dumped, in addition to other rights and remedies to which the Town and State may be entitled, including, without limitation, pursuant to the provisions of C.G.S. §22a-250.

H. Litter.

In accordance with C.G.S. §22a-250(a), no person shall throw, scatter, spill or place or cause to be blown, scattered, spilled, throw or place, or otherwise dispose of any litter (1) upon any public property in the Town; (2) upon any public land in the Town; (3) upon any private property in the Town not owned by such person; or (4) in the waters of the Town, including, without limitation, any public highway, public park, beach, hiking trails, forest land, recreation area, open space, highway, road, street or alley, except, into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

§236-5. Bulky waste.

Bulky waste may not be collected or mixed with acceptable solid waste. It shall be delivered and disposed of at such place as the Board of Selectmen may designate from time to time. Applicable charges established by the Board of Selectmen shall be paid by the person or persons delivering the bulky waste.

§236-6. Hazardous waste.

A. Prohibition.

No hazardous waste shall be placed into any approved container or transported as acceptable solid waste to the Town Transfer Station.

B. Generator responsible.

The safe and sanitary disposal of toxic or hazardous wastes is the responsibility of the generator. No person shall dispose of toxic or hazardous waste in any manner not approved by DEEP. The Town Engineer may adopt procedures for the acceptance of specific items of hazardous waste at specific areas of the Town Transfer Station or direct their delivery to designated facilities to be handled and disposed of in accordance with state and federal law.

§236-7. Recycling.

A. Recycling required.

The Town hereby adopts a Town recycling program whereby each person who generates solid waste, as defined in the Connecticut General Statutes shall separate from other acceptable solid waste all recyclable materials, in accordance with the requirements of C.G.S. §22a-241b(b),(c) and (d).

B. Improper mixing.

No person shall knowingly combine previously segregated designated recyclable items with other solid waste, as required by C.G.S. §22a-241b(e), as the same may be amended.

C. Recycling receptacles at common gathering venues.

(1) Definitions.

For the purposes of this subsection, “**common gathering venue**” means any area or building, or portion thereof, that is open to the public, including, but not limited to, any (i) building that provides facilities or shelter for public assembly, (ii) inn, hotel, motel, sports area, supermarket, transportation terminal, retail store, restaurant or other commercial establishment that provides services or retails merchandise, or (iii) museum, hospital, auditorium, movie theater or university building.

(2) Recycling receptacles.

Each common gathering venue shall provide recycling receptacles in accordance with the requirements of C.G.S. §22a-241k, as the same may be amended.

D. Recycling coordinator.

The Board of Selectmen shall appoint a municipal recycling coordinator from time to time, in accordance with C.G.S. 22a-220(f), who shall fulfill the recycling obligations of the coordinator as set forth in the state recycling statutes.

E. Regulations.

The Board of Selectmen may adopt additional rules and regulations with respect to the Town recycling program, from time to time, as deemed necessary or desirable.

§236-8. Reserved for future use

§236-9. Municipal fees.

In accordance with C.G.S. §22a-220, the Town is authorized to levy a fee for the disposal, processing or sale of solid wastes brought to the Transfer Station or to a facility for the

processing or sale of recyclable materials designated pursuant to C.G.S. §22a-241b. Such fees shall be determined by the Board of Selectmen, from time to time, as deemed necessary or desirable.

§236-10. Enforcement Officer.

The First Selectman of the Town shall designate an enforcement officer, who shall be a Town employee and who may pursue penalties against any person who commits a violation of this Chapter.

§236-11. Penalties for offenses

- A. **Citations.** Any violation of this Chapter 236 is subject to a municipal citation not to exceed two hundred and fifty dollars which shall be imposed by the enforcement officer designated by the First Selectman, for each violation of this Chapter as provided under C.G.S. §7-148(c)(10); provided, however, that the violator has been issued a written warning for said violation by the enforcement officer, as required by statute. Each day of violation shall be considered a separate offense and subject to separate citations. The provisions of this Section are in addition to and do not supersede any penalties resulting from simultaneous violations of state or federal laws, to the extent permitted by law.
- B. **Suspension of permit for commercial collectors.** Repeated violations of the provisions of this Chapter by commercial collectors may, after due notice in writing by the enforcement officer, result in suspension of permit to operate in the Town.
- C. **Cease and desist order.** The Town may issue a cease and desist order and seek whatever additional remedies to which it may be entitled, at law and in equity, to the extent permitted by state and federal laws.

§236-12. Hearing procedure for citations.

Any person issued a municipal citation pursuant to §236-11 shall be entitled to a hearing to contest the citation. Any commercial collector given notice that his/her permit will be suspended may appeal the notice of suspension within the time limited and on the form prescribed for appeals of citations. No permit will be suspended pending the outcome of the appeal process set forth below. The Town hereby specifically adopts the provisions of C.G.S. §7-152c for the establishment of a citation hearing process to contest citations issued pursuant to this chapter, in accordance with C.G.S. §22a-226d and as otherwise permitted by law. The procedures for notice, hearing, disposition, appeal and enforcement shall be as set forth in C.G.S. §7-152c. The citation hearing process shall not apply to those violation which are otherwise governed by state statute.

§236-13. Conflicts with other provisions.

Should any provisions of this Chapter be found with finality by a court of competent jurisdiction to be prohibited by the Connecticut General Statutes, the provisions of such statutes shall prevail.

If any provision of this Chapter is found to be invalid or unlawful, the remainder of the Chapter shall remain in full force and effect as if such portion found to be invalid or unlawful were not originally part of this Chapter.