

# Proposed Changes

## Chapter 128 SOLID WASTE<sup>1</sup>

### ***ARTICLE I. LITTERING AND DUMPING<sup>2</sup>***

For the purposes of this Chapter, the following definitions shall apply unless the context clearly requires otherwise.

#### **§ 128-1. Definitions.**

**ABANDONED CART:** Any cart that has been removed, without the written consent of the owner, from the owner's business premises or parking area of the retail establishment of which the cart owner's business is located and is located on either public or private property.

**ABANDONED CART PREVENTION PLAN:** A document submitted by the owner/retailer that provides a plan for how the owner/retailer will prevent carts from becoming abandoned and, if accepted by the Director, an implied promise by the owner/retailer to comply with the plan.

**APARTMENT COMPLEX:** A multifamily structure of five or more separate dwelling units grouped into one or more buildings.

**AUTHORIZED PRIVATE CONTAINER:** A litter storage and collection container, as required and authorized in the garbage collection regulations.

**AUTOMATED COLLECTION:** The placement of acceptable containers by the owner or occupant of a dwelling unit at a point between the curb and the sidewalk so as to not interfere with pedestrian traffic. In those areas without curbs or sidewalks, the acceptable container shall be placed within six feet of the pavement edge. The acceptable containers must be placed at least three feet from obstacles including but not limited to utility poles, mailboxes, trees, and parked cars. Only municipal solid waste fitting into the container and from residential establishments will be collected. [Added 9-20-2004]

**AUTOMATED RECYCLING CONTAINER:** A wheeled blue (or other designated color) plastic cart that is provided for the specific purpose of storing recyclables generated by residential activities. Only those containers shall be acceptable recyclable containers under the automated refuse collection program. The containers are the property of the City of Torrington. Containers lost, stolen, destroyed, or damaged through the actions of the resident shall be replaced at the resident's sole expense. [Added 9-20-2004] The Standard issued container shall be 96 gallons.

**AUTOMATED REFUSE CONTAINER:** A wheeled green (or other designated color) plastic cart that is provided for the specific purpose of storing refuse generated by residential activities. A container provided by the City for automated refuse collection. Only those containers shall be acceptable refuse containers under the automated refuse collection program. The containers are the property of the City of Torrington. Containers lost, stolen, destroyed, or damaged through the actions of the resident shall be replaced at the resident's sole expense. [Added 9-20-2004] The Standard issued container shall be 64 gallons.

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<sup>1</sup>Editor's note(s)— [HISTORY: Adopted by the Board of Councilmen of the City of Torrington 6-5-1995. This ordinance also superseded former Ch. 128, Garbage, Rubbish and Refuse, adopted as follows: Art. I, 2-14-1961 as Part III of Title 16 of the Revision of 1960, as amended; Art. II, 3-19-1990, as amended. Amendments noted where applicable.]

Cross reference(s)—Outdoor fires, Ch. 120; junkyards and junk vehicles, Ch. 139; property maintenance, Ch. 161.

<sup>2</sup>Editor's note(s)— [Amended 7-21-2003]

**AUTOMATED REFUSE CONTAINER FEE:** Fee-assessed customers for additional containers or larger containers. The fee shall be established by the Department of Public Works and Approved by the City Council.

**BACKYARD COLLECTION:** The emptying of all acceptable containers and the collection of all acceptable items from any point regularly designated on the premises, selected by the owner or occupant of a dwelling unit, which is within 25 feet of said unit's back door, except that such point shall not be within any structure or building.

**BAG:** A heavy-duty disposable plastic sack designed to store solid waste, with sufficient wall strength to maintain physical integrity when lifted by the top. The total weight of the bag and its contents will not exceed 35 pounds.

**BULKY WASTE:** Stoves or refrigerators with doors removed, bedsprings, mattresses, hot-water tanks, furniture, and other large household items which cannot be broken down but does not include Construction & Demolition Waste or hazardous waste as hereafter defined.

**BULKY WASTE PERMIT FEE:** Fee established for the collection and disposal of residential bulky waste. The fee shall be established by the Department of Public Works and approved by the City Council.

**BUSINESS PREMISES:** The entirety of a commercial or industrial site upon which an establishment conducts business, including, but not limited to, the entire parking area of a multi-store complex or shopping center, and any adjacent walkways, where carts are provided for customer use.

**COMMERCIAL ESTABLISHMENT:** Any enterprise engaged in a non-manufacturing or non-processing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers, and theaters.

**COMPOSTABLE MATERIALS:** Leaves and yard waste as herein defined. Does not include Organic Waste/Food Scraps.

**COMPOSTABLE BAG:** Bags made of natural plant material and will readily break down by microbial activity.

**CONDOMINIUM COMPLEX:** Any grouping of dwelling units which are covered by Chapter 825 of the Connecticut General Statutes (Condominium Act).

**CONSTRUCTION & DEMOLITION (C&D) WASTE -** Materials and wastes resulting from the repair, construction, demolition, and/or renovation of buildings or structures, such as lumber, earth, stones, concrete, mortar, masonry, tubs, floor tiles, linoleum, roofing materials, sheathing, rubble, macadam, plaster, and brick, conduit, pipe, insulation, and other material. These materials do not constitute bulky waste.

**CONTAINER:** See "automated refuse container."

**CONTRACTOR:** The person, partnership, or corporation performing residential municipal solid waste and recyclable material collection under contract with the City of Torrington.

**CURBSIDE COLLECTION:** The emptying of all acceptable containers and the collection of all acceptable items placed by the owner or occupant of a dwelling unit at a point between the curb and the sidewalk or immediately behind the sidewalk so as to not interfere with pedestrian traffic. In those areas where curbs and/or sidewalks do not exist, items shall be placed within six feet of the pavement edge.

**DUMPSTER:** A metal receptacle designed to be lifted and emptied mechanically and for use only at commercial, industrial, or institutional establishments or apartment and condominium complexes.

**DWELLING UNIT:** A group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating for the exclusive use of the occupants.

**ELECTRONIC WASTE:** Covered Electronic Devices (including televisions, computers, printers, monitors) as specified by State Statute and other devices designated by the Director of Public Works.

**HAZARDOUS WASTE:** Any material which has been designated as hazardous by the Federal Environmental Protection Agency or the State Department of Energy & Environmental Protection.

**HOUSEHOLD HAZARDOUS WASTE (HHW):** Waste materials that are toxic, flammable, reactive, or corrosive, including but not limited to oil-based paints, thinners, fluorescent lamps, pool chemicals, pesticides, mercury thermometers, and gasoline. These materials do not constitute bulky waste.

**INDUSTRIAL ESTABLISHMENT:** Any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries, and the like.

**INSTITUTIONAL ESTABLISHMENT:** Any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, orphanages, schools, and universities.

**LEAVES:** Fallen foliage from trees and bushes.

**LITTER:** Waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, or welfare.

**MUNICIPAL SOLID WASTE (MSW):** Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid, or contained gaseous material resulting from the operation of residential, municipal, commercial, industrial, or institutional establishments and from community activities which are not classified as hazardous wastes as herein defined.

**ORGANIC WASTE/FOOD SCRAPS:** All animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking, and consumption of foods. Does not include Yard Waste.

**OWNER/RETAILER:** A person or business owning or using carts in connection with its business.

**PARK:** A park, reservation, playground, beach, recreation center, or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

**PERMIT:** Authorization issued by the Department of Public Works for the collection and disposal of Solid Waste.

**PERMIT FEE:** Fee assessed to the applicant for the collection and disposal of solid waste. All assessed fees shall be established by the Department of Public Works and approved by the City Council.

**PERSON:** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**PHYSICAL CONTAINMENT SYSTEM:** A device on a cart that prevents it from being removed from the business premises by locking the wheels or otherwise preventing the movement of the cart off the business premises.

**PRIVATE PREMISES OR PROPERTY:** Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, commercial or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and including any yard, grounds, walk, driveway, parking lot, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

**PUBLIC PLACE:** Any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, plazas, squares, spaces, grounds, and buildings.

**RECYCLABLE MATERIALS:** Those items designated by the Director of Public Works for segregation from the municipal solid waste stream. All items required to be recycled by municipalities in accordance with the Regulations of the Department of Energy and Environmental Protection adopted pursuant to section 22a-241b of the Connecticut General Statutes, and all other items designated for recycling in the rules and regulations established by this Ordinance.

**RECYCLING CONTAINER:** A container used for the storage and collection of recyclable materials only.

**REFUSE:** All putrescible and non-putrescible municipal solid wastes (except body wastes), including garbage, rubbish, ashes, dead animals, and solid market and industrial wastes consisting of both combustible and noncombustible wastes, the term shall include materials such as films, wrappings, rubber, leather, rags, clothes, crockery, dust sweepings, and non-recyclable papers, plastics, metals, and glass. Refuse shall not include recyclables, bulky waste, C&D waste, HHW, or yard waste.

**REFUSE COLLECTOR:** Any person, partnership, or corporation licensed by the City of Torrington to engage in the business of collecting and transporting municipal solid waste, recyclable, compostable materials, and/or Organic/Food Scrap waste.

**REFUSE COLLECTOR REGISTRATION FEE:** Fee assessed for each Refuse Collector for each piece of equipment authorized to perform Solid Waste Collection services in the City of Torrington. Said fee shall be determined by the Director of Public Works and approved by the City Council.

**REFUSE CONTAINER** - A container used for the storage and collection of refuse materials only.

**REFUSE PROCESSING:** Any technology used for the purpose of reducing the volume or bulk of municipal solid waste or any technology used to convert and/or segregate part or all of such waste materials for off-site reuse. Facilities include, but are not limited to, transfer stations, composting activities, recycling facilities, and resource recovery plants.

**RESIDENTIAL ESTABLISHMENT:** Any premises used primarily as a domestic dwelling, including but not limited to single- and multiple-family homes, apartments, and condominiums.

**YARD WASTE:** Horticultural trimmings which are free of dirt or sharp objects and have been tied into bundles not exceeding three feet in their greatest dimension nor 60 pounds in weight or other natural organic matter, such as grass clippings, discarded from yards and gardens. Organic materials including cut branches, limbs, leaves, mowed grass, shrubbery trimmings, weeds, and Christmas trees, primarily generated from landscaping and yard care activities. Does not include garbage, rubbish, trees, tree branches over three inches in diameter, or tree stumps.

**SANITATION SERVICE FEE:** Fee assessed for the collection and disposal of refuse.

**SHOPPING CART:** A metal or plastic cart with wheels that is used for holding merchandise when shopping.

**SOLID WASTE** - Any of the materials defined herein as bulky waste, construction and demolition waste, garbage, household hazardous waste, recyclables, refuse, rubbish, yard waste, and organic waste/food scraps.

**VEHICLE:** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

## **§ 128-2. Depositing litter in public places.**

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the City, except in public containers or authorized private containers.

- A. Prevention of scattering; placement in containers. Persons placing litter in public containers or in authorized private containers shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- B. Throwing litter from vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.
- C. Truck loads causing litter. No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded or covered as to prevent any load, contents, or litter from being blown or deposited upon any street, alley, or other public place.
- D. Depositing litter in parks. No person shall throw or deposit litter in any park within the City, except in public containers and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public containers are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

- E. Depositing litter in fountains and ponds. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay, or any other body of water in a park or elsewhere within the City.
- F. Dumping on Public Lands. It is expressly prohibited for any person, except authorized City employees or persons with a contractual agreement with the City, to dump any solid waste on any public highways, rights-of-way, or public lands within the City, except in those areas specifically designated for refuse disposal, without the express written authorization of the Public Works Director.
- G. It shall be unlawful for any person owning, keeping, walking, or in control of an animal to allow or permit such animal to defecate upon any property owned by another person or condominium common elements or public property, including but not limited to beaches, parks and school grounds, unless such person shall remove all feces so deposited by such animal and dispose of same in a proper manner before leaving the immediate premises.

(1) The provisions of this section shall not apply to a guide dog accompanying any blind person.

#### **§ 128.2.1 Distribution of handbills.**

- A. Throwing or distributing commercial handbills is prohibited in public places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, or other public place within the City; nor shall any person hand out or distribute or sell any commercial handbill in any public place except as provided below; provided, however, that it is not unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any commercial or noncommercial handbill to any person willing to accept it.
- B. Prohibiting placing commercial and noncommercial handbills on vehicles. No person shall throw or deposit any commercial or noncommercial handbill in or upon any automobile or other vehicle; provided, however, that it is not unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.
- C. Prohibiting the distribution of handbills where properly posted or vacant. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private residence or other private property which are known or reasonably should be known to be temporarily or continuously uninhabited or vacant.
- D. Prohibiting the distribution of handbills where properly posted. No person shall throw, deposit, or distribute any commercial or noncommercial handbill upon any private residence or other private property if requested by anyone thereon not to do so, or if there is placed on the residence or property, in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any manner that the occupants of the residence or property do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.
- E. Manner of distributing commercial and noncommercial handbills at inhabited private residences.
  - (1) No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or upon any private residence, which is inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private residence; provided, however, that in case of any inhabited private residence which is not posted, as provided in this chapter, such person, unless requested by anyone upon such residence not to do so, may place or deposit any such handbill in or upon such inhabited private residence, if such handbill is so placed

or deposited as to secure or prevent such handbill from being blown or drifted about such residence or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

- (2) Exemption for mail and newspapers. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers.

### **§ 128.2.2 Shopping carts.**

- A. Abandoned shopping carts in the City create a potential hazard to the health and safety of the public, interfere with pedestrian and vehicular traffic, and create a public nuisance. The accumulation of abandoned carts sometimes wrecked and/or dismantled on public and private property tends to create conditions that reduce property values, and promote blight and deterioration, resulting in a public nuisance. Further, lost, stolen, or abandoned carts result in the obstruction of free access to public and private sidewalks, streets, and parking lots, interfere with pedestrian and vehicular traffic on public and private streets, and impede emergency services. This section is intended to ensure that measures are taken by the owners of shopping carts to prevent the removal of shopping carts from the owner's premises, to make the removal of a cart a violation of this Code, and to facilitate the retrieval of abandoned shopping carts.
- B. Shopping Cart Owner/Retailer Requirements
  - (1) All owners or retailers shall comply with the requirements of this section.
  - (2) Cart identification is required. Every owner/retailer of carts shall mark or cause each cart to be marked and identified.
  - (3) Daily cart retrieval. All owners/retailers shall ensure that all carts are secured from public access after the close of business hours.
  - (4) Abandoned Cart Prevention Plan. Every owner/retailer providing carts to its customers shall develop and implement a specific plan to prevent customers from removing carts from the business premises, and if removed, to retrieve the cart within 48 hours of the removal or notice of removal. The plan shall be submitted to the Director on a renewable annual basis and shall contain the following elements:
    - a. The name of the owner/retailer and the business name, the physical address where the business is conducted, and the phone number and email address of the onsite owner/retailer.
    - b. A complete list of all carts maintained on the premises by the owner/retailer.
    - c. Evidence that written notification is provided to customers that removal of carts from the business premises is prohibited and is a violation of state and local law. This notification may be provided in the form of fliers, warnings on shopping bags, or any other signage that will effectively inform customers of the law.
    - d. At least one physical containment system, including but not limited to, a disabling device on all carts, posting a security guard to prevent customers from removing carts from the business premises, or requiring a security deposit for use of all carts.
    - e. A plan for retrieval of abandoned carts, and plans for recovery of all abandoned carts within 48 hours.
    - f. At the time of submission of the Abandoned Cart Prevention Plan, the owner/retailer shall pay a fee for the review. The Director of Public Works shall

approve or deny the plan within 45 days of its submission. The plan may be denied on the grounds that it fails to include the elements required under this section or the plan is inadequate or insufficient to fulfill those required elements. Any decision of the Director of Public Works may be appealed in accordance with the City's Code of Ordinances.

- g. The Abandoned Cart Prevention Plan shall be submitted to the City within 90 days of the effective date of this chapter, and annually with the business license application thereafter. In the event the owner/retailer's business license expires prior to 90 days from the effective date of this chapter, the owner/retailer shall submit the plan with its business license renewal application. Those affected business establishments opening after the effective date of this chapter shall submit the plan concurrently with the business license application.

C. Shopping Cart Retrieval

The City may retrieve an abandoned cart from public property (or private property with the consent of the property owner) in the following circumstances:

- (1) When the location of the cart will impede emergency services.
- (2) When the cart does not identify the owner/retailer as required by §128.2.2 (B)(2).
- (3) When the City has contacted via telephone, email, or other written correspondence, the owner or retailer actually notified them about the abandoned cart and the cart has not been retrieved within three business days.
- (4) Notwithstanding any other section, the City may immediately retrieve a cart that has the identification, provided the City actually notifies the owner/retailer within 24 hours via telephone or email, or other written correspondence, that the City has impounded the cart, and provides the owner with information on where and how the cart may be retrieved. The City may not collect a fee or impose a fine, nor count a retrieval for purposes of fine if the cart is retrieved within three business days of the actual notice to the owner/retailer by the City. If the cart is not retrieved within three business days, the City may collect its actual costs, impose a fine and dispose of the cart.

D. Impoundment, Retrieval, Payment of Costs

- (1) If the City retrieves a cart, the City shall hold the cart at a location that is reasonably convenient to the owner/retailer and is open for business at least six hours of each business day.
- (2) If the cart is not retrieved by the owner/retailer within 30 days after the owner has received notice via telephone or email, or other written correspondence, of the cart being impounded, or if the cart's owner cannot be determined within 30 days after the cart has been impounded, the cart may be sold or destroyed by the City.
- (3) The City may impose an administrative penalty in an amount not to exceed \$50.00 for each occurrence, in which a City retrieves a cart under the circumstances set forth. An occurrence includes all shopping carts impounded in a one-day period. No cart shall be released to the owner/retailer unless the owner/retailer pays a fee for the City's actual costs to retrieve and store the cart.

E. Exceptions

This section shall not apply to cart owners, and/or retailers, or their agents or employees, or to a consumer who has written consent from the owner of a cart or retailer, to be in possession of the cart or to remove the cart from the business premises.

### **§ 128-3. Litter on occupied private premises or property.**

No person shall throw or deposit litter on any private property designed or used either wholly or in part for private residential, commercial, or industrial purposes within the City, whether owned by such person or not; except that the owner or person in control of private property may maintain authorized private containers for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. Persons using these containers shall use them in accordance with the regulations established by Article II of this Ordinance.

- A. Depositing litter on vacant lands. No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.
- B. Blowing onto adjacent property. The owner, tenant, or person in control of any private property shall control litter on his property so as to keep it from being blown by the elements upon the sidewalk, street, or other private property. In the event, litter is blown from such property onto adjacent public or private property, the owner, tenant, or person in control of such property shall be responsible for clearing the litter from such adjacent public or private property. This section shall be enforced against the persons responsible in the manner provided for later in this chapter.

### **§ 128-4. Sweeping litter onto streets or gutters; property owners to keep sidewalks clean.**

- A. No person shall sweep into or deposit in any gutter, street, or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- B. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business free of litter.

#### **§ 128-4.1. Duty of owner to maintain premises free of litter.**

The owner or person in control of any private property shall at all times maintain the premises free of litter, provided that this section shall not prohibit the storage of litter in authorized private containers for collection.

#### **§ 128-4.2. Clearing of litter from private premises or property by City.**

- A. Notice to remove. The Director of Health or his designee is hereby authorized and empowered to notify the owner of any open or vacant private property within the City or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety, or welfare. Such notice shall be by certified mail, addressed to such owner at his last known address, and/or personal service.
- B. Action upon noncompliance. Upon the failure, neglect, or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety, or welfare within three days after receipt of written notice or personal service provided for in Subsection A or within five days after the date of such notice in the event the same is returned to the City because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Director of Health or his designee is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the City.
- C. Dispensing with notice. If, in the opinion of the Director of Health or his designee that said litter causes an immediate danger to the public's health, safety, or welfare, the Director or his designee then may dispense with the notice requirement of Subsection A and dispose of such litter.



- D. Charge to be borne by the owner. When the City has affected the removal of such dangerous litter or has paid for the removal of such, the actual cost thereof, plus accrued interest at the rate of 18% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property, and such charge shall be due and payable by such owner within 10 days after presentation of such bill.
- E. Lien for disposal service. Where the full amount due the City is not paid by such owner within 10 days after the disposal of such litter, as provided for above, then in that case, the Corporation Counsel's office shall cause to be recorded in the City Clerk's office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which such work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such costs and expenses shall be collected in the manner fixed by law for the collection of taxes. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. The disposal service lien shall take precedence and priority over all other liens or encumbrances on the property whereon the same is imposed, except taxes due to the state and other City liens prior in date and shall be foreclosed in the manner and within the time prescribed for liens for taxes.

#### **§ 128-4.3. Penalties for offenses.**

Any person violating any of the provisions of this article shall pay a fine not exceeding \$100.00 per day for each day such violation continues.

- A. Police officers or their designees may issue a citation for any violations of the provisions of this chapter. Persons receiving said citations shall be deemed to have committed an infraction and shall be fined in accordance with Connecticut law, the maximum penalty for infractions.
- B. Each violation that is committed or that is permitted to continue shall constitute a separate offense and shall be cited and punished as such.
- C. In addition to any monetary fine imposed hereunder, any person who violates any provision of this chapter may be required to remove or otherwise cure the violation, and may, in lieu of citation for the infraction, be prosecuted pursuant to the provisions of Gen. Stat. § 22a-250, as the same may be amended from time to time.

### ***ARTICLE II. SOLID WASTE COLLECTION***

#### **§ 128-5. Definitions. MOVED to 128-1**

#### **§ 128-6. Authorization of City contractors; scope of contracts.**

- A. Contracts for collection; authority. The City is authorized to award any necessary contract(s) for the collection, removal, transportation, and disposal of solid waste generated within its corporate limits. Said contracts may be for a period not exceeding five (5) years. Contracts may be extended but subsequent extension(s) shall not exceed greater than two (2) five (5) year increments. The contract(s) shall contain a provision that the work is to be carried out by the contractor(s) in compliance with all City ordinances.

B. Scope of contract.

- (1) Properties to be collected by the City contractor include all residential establishments, except apartment complexes as herein defined. In addition, service to planned unit developments, condominium complexes, restricted residential communities, and municipally owned and operated facilities, as outlined in any municipal contracts, are specifically included.
- (2) Collection at all planned unit developments, except Lakeridge, and all condominium complexes and restricted residential communities shall not commence until such affidavits and hold harmless agreements as the Board of Councilmen may prescribe have been executed by the duly authorized officers of said planned unit developments, condominium complexes, and restricted residential communities.
- (3) Items collectible by said contract(s) shall include municipal solid waste and bulky waste. Separate collection(s) shall be performed for recyclable and compostable materials.
- (4) Items not collectible by said contract(s) shall include Construction & Demolition Waste, hazardous wastes and electronic waste.

**§ 128-7. Nonmunicipal collection requirements.**

- A. Private collection and disposal responsibility. It shall be the responsibility of the owners or operators of all commercial, industrial, and institutional establishments and apartment complexes to provide, at their own expense, for the storage, collection, and transportation of their own wastes. Such operations shall be carried out in such a manner as to avoid the creation of a public nuisance.
- B. Recycling requirements applicable. Properties not covered by municipal collection contract(s) are responsible for compliance with the recycling provisions of this article. Compliance shall be monitored by all refuse collectors and refuse processing facility operators. Suspected violators shall be reported to the Director of Public Works for appropriate action.

**§ 128-8. Placement of items for collection.**

- A. Curbside collection. All items which are acceptable for collection as outlined in § 128-6B (3) above shall be put out no earlier than 4:00 p.m. on the evening prior to the scheduled collection. Items shall be placed as described in § 128-1 CURBSIDE COLLECTION above. Residents of Lakeridge shall place acceptable items at the curb in front of their dwelling units. The City or its contractors shall not be responsible for items not set out in the aforesaid manner. Emptied containers shall be removed from the curb no later than 8:00 p.m. on the day of collection. No items for curbside collection shall be placed on any sidewalk so as to impede pedestrian traffic. Placement of containers earlier than 4:00 PM on the day preceding collection or leaving containers after 8:00 PM on the day of collection shall be deemed to constitute a public nuisance, rendering the owner or occupant in violation. To prevent damage to containers during snow plowing operations between December 1<sup>st</sup> and March 31<sup>st</sup> placement of containers for curbside collection shall be placed at the end of the driveway or other location so as not to impede plowing operations.
- B. Backyard collection. Any resident of the City who is physically unable to place acceptable items at the curb as described above and who is unable to make arrangements to have said items so placed may apply to the Director of Public Works for backyard collection as described in § 128-1 above. Application shall be on forms supplied by the Director of Public Works and will be accompanied by a statement from a physician as to the nature and duration of the physical disability. Any resident who applies for backyard collection and is denied such service by the Director of Public Works may appeal to the Board of Councilmen. The appeal shall be in writing and shall be submitted to the City Clerk within 15 days of the date of denial by the Public Works Director. The City Clerk shall place the appeal on the agenda of the next regularly scheduled meeting of the Board of Councilmen.

- C. Condominium complexes planned unit developments and restricted residential communities. Collection at all condominium complexes, planned unit developments, and restricted residential communities shall continue in its present form. Collection at all future condominium complexes, planned unit developments, and restricted residential communities shall be as directed by the Director of Public Works.
- D. All properties serviced that desire Bulky Waste collection are required to obtain a Bulk Waste Permit. Bulky Waste shall not be set out more than six (6) days prior to scheduled collection.
- E. Containers should not be overfilled as to create a potential for spillage. Lids should be closed.
- F. All items placed in the Refuse Container shall be placed in a bag.
- G. All items placed in Recyclable Container shall NOT be placed in a bag with the exception that newspaper and white paper may be placed in a biodegradable paper bag.

## **§ 128-9. Recyclable and compostable materials separation.**

- A. Recyclable materials separation.
  - (1) All persons, partnerships, and corporations who generate municipal solid waste within the City of Torrington are required to separate recyclable materials from refuse. Solid waste placed for collection which contains recyclable materials shall neither be collected by refuse collectors nor accepted for disposal at any refuse processing facility.
  - (2) For those premises receiving municipal refuse collection, recyclable materials, as defined in § 128-1, shall be separated from refuse and placed for collection in a City-supplied container on the same day as refuse collection.
  - (3) Apartment complexes, as well as commercial, industrial, and institutional establishments, shall provide or require their refuse collector to provide for the separation of municipal solid waste and each recyclable material accumulated on the premises.
- B. Compostable materials separation.
  - (1) All persons, partnerships, and corporations that generate municipal solid waste within the City of Torrington are required to separate compostable materials from refuse. Solid waste placed for collection which contains compostable materials shall neither be collected by refuse collectors nor be accepted for disposal at any refuse processing facility.
  - (2) For those premises receiving municipal refuse collection, yard waste items will be placed for collection per § 128-1. Leaves and grass clippings shall be separated from refuse and placed for collection in biodegradable paper bags. Yard waste collection shall be at those dates and times as designated by the Director of Public Works.
  - (3) Methods of collection. Compostable materials designated by the Public Works Director shall be placed for collection in the above-described manner. Materials not so placed will not be collected.
- C. Methods of collection. Recyclable materials designated by the Public Works Director shall be placed for collection in this manner. Materials not so placed will not be collected.
  - (1) Clean unsoiled newspaper and white paper may be packed in paper grocery or shopping bags and placed in the recycling container or just placed in the container.
  - (2) Unbroken glass and plastic food containers, as well as all types of metal food containers, shall be rinsed out and placed in the recycling container.
  - (3) All other recyclable materials shall be separated from nonrecyclables and placed in the recycling container so as to not constitute a nuisance, breakage, or otherwise be objectionable.

- D. Specially Handled Recyclables: Electronic Waste, batteries, waste oil, and light bulbs are not permitted for curbside collection. Such Materials can be brought to City Municipal Transfer Station.

**§ 128-10. Administration; promulgation of additional rules.**

- A. Director of Public Works to be responsible. The Director shall be the licensing and registration authority of refuse collectors engaged in the collecting or transporting of municipal solid waste, recyclable and compostable materials within the City. The Director of Public Works shall administer the issuance and revocation, or suspension of licenses and registrations set forth in this article.
- B. Insurance. Applicants for refuse collector licenses, including renewals, shall provide proof of adequate liability insurance to the Director of Public Works.
- C. Additional rules. The Board of Councilmen shall promulgate additional rules from time to time as it may deem proper, which rules shall not be inconsistent with this article.

**§ 128-11. Licensing of refuse, collectors; registration of vehicles.**

- A. Licensing and registration authority designated. Following the filing of the proper application and payment of the prescribed fee, the Director of Public Works shall grant such license(s) as hereinafter set forth for refuse collectors, vehicles, and dumpsters within a reasonable time unless he finds one or more of the following conditions to prevail:
  - (1) The applicant has been irresponsible in the conduct of solid waste collection and transportation operations based upon previous suspension of licenses.
  - (2) The applicant lacks suitable equipment with which to collect solid waste in a safe, nuisance-free manner in compliance with this article.
- B. License required. Each refuse collector conducting operations within the City of Torrington shall annually, on or before July 1, apply for a license from the Director of Public Works, on such form as shall be prescribed, to engage in such business.
- C. Licensing of vehicles. Each licensed refuse collector shall obtain a separate registration for each vehicle that operates within the City. Registrations shall not be transferable from vehicle to vehicle.
- D. Registration term, fee, and renewal. All registrations shall be issued for a period not to exceed one year and shall be renewable on or before the first day of July each year. The registration fee shall be established from time to time by the Board of Councilmen.
- E. Display of registration. The registration issued shall be conspicuously displayed on the left front of the body of each vehicle or dumpster licensed, or as may be directed.
- F. Identification of vehicles. Each licensee shall display at all times on all equipment the name and a local phone number.
- G. Licenses not transferable. Licenses are not transferable. When any licensee shall sell or transfer all or part of his route to any other refuse collector, he shall first notify the Director of Public Works, in writing, of his intent to sell, and the transferee shall, simultaneously, make an application for the appropriate licenses to operate in the City.
- H. Customers serviced. As a prerequisite to the issuance or renewal of any license, a refuse collector must, along with his license/renewal application, furnish the Director of Public Works with a list of customers within the City that such refuse collector intends to service, as well as the names of other municipalities serviced.

#### **§ 128-12. Revocation or suspension of license or registration.**

- A. A license to engage in refuse collection and to use the waste disposal and/or processing facilities provided by the City is a privilege, not a right. Failure to comply with the provisions of this article shall be grounds for revocation or suspension by the Director of Public Works of any license or registration issued hereunder, in addition to any other penalty imposed by law.
- B. Notice required. Revocations or suspensions shall only become effective five days after receipt of written notice from the Director of Public Works.
- C. Request for review and filing; effect of failure to file. If a refuse collector objects to the Director of Public Works' action described in Subsection B above to revoke or suspend his license or registration, he may, within five days of receipt of said notice, file a written request with the City Clerk for review by the Board of Councilmen. Failure to file such a request in a timely manner shall make the Director's action final and binding upon the refuse collector.
- D. Effect of timely filing. Timely filing of such request for review shall operate as an automatic stay of the Director's action.
- E. Appeals Board, hearing. The Board of Councilmen shall act as an Appeals Board and said Board shall within 15 days hear and decide the matter. The decision of such Board shall be final and binding upon the collector.

#### **§ 128-13. Licensing of private individuals.**

Occupants of premises within the City must apply to the Director of Public Works for a sticker to be able to dispose of refuse or recyclable materials at processing facilities provided by the City. The sticker shall be displayed in such a manner as the Director of Public Works shall prescribe. Such license may be revoked or suspended as set forth in § 128-12 and appeals therefrom may be taken in the manner set forth in said section.

#### **§ 128-14. Refuse collector's responsibilities and obligations.**

- A. Place of delivery. Each refuse collector shall deliver all materials collected within the territorial limits of the City to such place or places as the Director of Public Works may from time to time designate.
- B. Recyclable materials. Each refuse collector must collect recyclable materials from each of its customers in the manner prescribed in this article. In those cases where the City pays the tip fee for refuse collected from a specific customer, the Director of Public Works may designate where such recyclable materials shall be delivered.
- C. Construction and maintenance of vehicles. All vehicles registered to collect and transport refuse shall be maintained free of obnoxious odors and accumulated refuse. Any such vehicle shall be of closed construction.
- D. Spilled refuse. Refuse collectors shall be responsible for cleaning up refuse that may have spilled after placement by the customer.
- E. List of rates. Refuse collectors shall furnish to his customers, upon request, a list of rates for the various services provided.
- F. Customers' containers. Refuse collectors shall return customers' containers without damage to the place from which they were removed.

#### **§ 128-15. Scavenging without consent prohibited.**

It shall be a violation of this article for any person not authorized by the City to scavenge through and/or take any items set out for collection in designated containers curbside pursuant to § 128-8.

Scavenging of Bulk waste set out for collection is permissible with the consent of the owner thereof.

#### **§ 128-16. Penalties for offenses; remedies; severability.**

- A. Penalty. Whoever violates the provisions of this Chapter shall, upon discovery, be fined not more than \$100.00 for each offense. Each and every day such violation shall continue shall be deemed a separate offense. This provision shall be enforced by the Police Department of the City of Torrington.
- B. Removal of accumulated waste. In addition to the foregoing penalty, the City may require the owner or occupant of the premises to remove any accumulation of solid waste at said premises. Should said person fails to remove such solid waste after five days following written notice, the City of Torrington may cause the solid waste to be collected and disposed of, with the costs of such actions to be charged to the owner or occupant of the property in a manner provided by law.
- C. Severability. In the event that any provisions, section, sentence, clause, or part of this article shall be held invalid, illegal, or unconstitutional, such invalidity, illegality, or unconstitutionality shall not affect or impair any remaining part of this article, it being the intent of the City that such remainder shall remain in full force and effect.

#### **§ 128-17. Rules and Regulations.**

The Director of Public Works shall establish rules and regulations to effectuate the provisions of this ordinance concerning the separation, collection, removal, storage, hauling, and disposition of refuse, recyclables, bulky waste, yard waste, C&D waste, and HHW.

### ***ARTICLE III. MANDATORY SOURCE SEPARATION (RECYCLING)***

#### **§ 128-18. Establishment of City recycling program.**

There is established a City of Torrington solid waste recycling program.

#### **§128-19 Administrator of City recycling program.**

The Director of Public Works or designee shall be the administrator of the recycling program and is vested with full powers to develop and operate a recycling program consistent with this article and policies and the laws and regulations of the state.

#### **§ 128-20 Issuance of regulations and instructions governing the operation of the recycling program.**

The successful operation of the recycling program shall require the issuance of regulations and instructions setting forth detailed procedures to be followed by residents, businesses and institutions, collectors, and others. The administrator of the recycling program is authorized and directed to promulgate such regulations and instructions,

to be binding upon all persons within the City, to affect an efficient and economical recycling program consistent with this article and applicable state laws and regulations.

**§ 128-21 Separation of items required to be recycled from other solid waste. Residential:  
(As used herein "residential" is defined as one to four-family homes under one ownership  
and the residential portion of owner-occupied home/ office uses.)**

- A. As determined by the administrator of the recycling program, each person who generates solid waste from residential property within the City shall separate from other solid waste all items required to be recycled pursuant to applicable state laws and regulations and such other material as may be designated by the administrator, who shall prescribe procedures for the recycling program.
- B. The City shall make available to each residential property one approved recycling container. Additional approved or replacement recycling containers may be obtained through the public works department.

**§ 128-22 Separation of items required to be recycled from other solid waste Nonresidential  
[As used herein "nonresidential" is defined as condominium dwelling units, apartments in  
buildings containing more than four dwelling units, apartments in mixed-use buildings, and  
all commercial, industrial, and other uses not specifically included in the residential definition  
contained herein].**

- A. As determined by the administrator of the recycling program, each person who generates solid waste from properties other than residential properties shall make provision for the separation from other solid waste all items required to be recycled pursuant to applicable state laws, regulations, as well as such other items as may be designated by the administrator.

**§ 128-23. Collection, recycling, and sale of items required to be recycled.**

- A. The administrator of the recycling program shall be responsible for and shall arrange for the items required to be recycled and any other items designated which are generated from residential properties, to be collected and delivered to a recycling processing facility or to such other designated site.
- B. The administrator of the recycling program shall take appropriate action to cause each owner of property used for business, institutional, and other nonresidential purposes, at such owner's expense, to collect and have recycled the items required to be recycled and any other items designated which are generated from properties other than residential properties, in accordance with the provisions of this ordinance.
- C. To assist the City in monitoring the separation, collection, recycling, and sale of items required to be recycled that are generated from properties other than residential properties, the administrator of the recycling program may require such nonresidential generators to submit plans for recycling to the City and may require such generators to submit periodic reports to the City setting forth specified data relating to the amount and nature of items recycled.

**§ 128-24. Regulation of collectors.**

- A. Any commercial collectors hauling solid waste and/or recyclables generated by a residential, business, or other establishments within the City shall apply for a license within 30 days of the effective date of this article and shall otherwise be governed by the licensing provisions as set

forth in Article II of the Torrington Code of Ordinances. All collectors shall disclose the name of any other municipality in which such collector hauls solid waste.

- B. The door of any private commercial vehicle used to haul recyclable solid waste generated with the City shall be clearly marked with the business name and address of the hauler.
- C. The administrator of the recycling program shall, by mail, give notice of this article and any other provisions promulgated for the collection, hauling, processing, and marketing of items required to be recycled to all commercial collectors registered under Article II. After such notice, any collector who has reason to believe that a person from whom he has collected solid waste has discarded items required to be recycled with such solid waste, shall promptly notify the administrator of the recycling program of the alleged violation. Upon request by the administrator of the recycling program, a collector shall provide a warning notice, by tag or other means, to any person suspected by the collector or by the City of violating separation requirements. Each collector shall also assist the City to identify any person responsible for creating loads containing significant quantities of items required to be recycled mixed with solid waste which are delivered to a resource recovery facility or solid waste facility by the collector.
- D. As required by Gen. Stat. § 22a-220(d), the owner or operator of each resources recovery facility or solid waste facility who has reason to believe, upon visual inspection, that a load of solid waste which is delivered to the facility, contains significant quantities of any items required to be recycled is required to provide prompt notification of such belief to the driver of the vehicles delivering the load and to the administrator of the recycling program if the load originated within the City. Notices from collectors and from operators of resource recovery facilities and solid waste facilities shall be submitted to the administrator of the recycling program. Under said Gen. Stat. § 22a-220(d), the owner or operator of each resource recovery facility or solid waste facility is also required to conduct unannounced inspections of loads delivered to resources recovery facilities or solid waste facilities.
- E. 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 or who knowingly mixes other solid waste with items required to be recycled shall for a first violation be liable for a civil penalty of \$2,500 and for a subsequent violation shall be liable for a civil penalty of \$10,000. The City or the Attorney General, at the request of the Commissioner of the Dept. of Energy & Environmental Protection, may bring an action under Gen. Stat. § 22a-220(a)(f), which action shall have precedence in the order of trial as provided in the General Statutes.

#### **§ 128-25. Power to contract for services.**

The City may contract with other persons for assistance in complying with the provision of this article.

#### **§ 128-26. Delivery to out-of-state recycling facility of items required to be recycled.**

If the City or a collector delivers items required to be recycled to a recycling facility not located within the state, the administrator of the recycling program or the collector shall notify the Commissioner of the Department of Energy & Environmental Protection of the name and address of the owner or operator of such out-of-state facility and shall ensure, by contract, that such facility has notice of and complies with the reporting requirements.



### **§ 128-27. Prohibition of scavenging.**

It shall be a violation of this article for any person not authorized by the City to collect or pick up or cause to be collected or picked up, any recyclables which have been placed outside or otherwise set aside for collection.

### **§ 128-28. Penalties.**

- A. Notwithstanding any other sections of the General Statutes to the contrary, the City, acting by the administrator of the recycling program, may impose a penalty not to exceed \$500 for each violation by a commercial establishment of the requirements of Subsection (c) of Section 22a-241b of the General Statutes.
- B. The owner or operator of any resources recovery facility or landfill who fails to notify the City about the delivery of loads of solid waste originating from the City containing significant quantities of items required to be recycled as required by this article, shall be subject to a warning by the City or the Commissioner for a first violation and to a civil penalty of \$500 for any subsequent violation. If the City fails to receive such notification as required, the City may bring an action.

Any person who violates the provisions of this article shall, in addition to other legal remedies available to the City, be cited or fined not more than \$100 for each offense, and each violation of this article or of regulations and instructions promulgated pursuant to this article shall be a separate violation. This article and the regulations and instructions promulgated pursuant to this article may be enforced by citations issued by the administrator of the recycling program. Before issuing any citation the administrator of the recycling program shall issue a written notice. Such Notice shall inform the person cited of the allegations against him and the amount of the fines, penalties, costs, or fees due and that he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date thereof in accordance with Section 7-152(c) of the General Statutes.

## ***ARTICLE IV. SOLID WASTE FEES***

### **§ 128-29. Fees for Services.**

The City, by the action of the City Council, may levy a charge/fee for the collection and/or processing of solid waste brought to a facility for disposal and or recycling.

- A. AUTOMATED REFUSE CONTAINER FEE- Fee shall be annual.
- B. BULKY WASTE PERMIT FEE- Fee Shall be per request.
- C. REFUSE COLLECTOR REGISTRATION FEE- Fee shall be annual.
- D. SANITATION SERVICE FEE-Fee shall be annual.