

TOWN OF HARWINTON
ANNUAL TOWN MEETING
TUESDAY, MARCH 27, 2007

**ORDINANCE ESTABLISHING PENALTIES FOR VIOLATIONS OF
THE SOLID WASTE AND RECYCLING ORDINANCE**

SECTION 1. AUTHORIZATION. This Ordinance is adopted pursuant to Connecticut General Statutes, Sections 22a-220, 22a-220a, 22a-220c, 22a-220d and 22a-241b.

SECTION 2. DEFINITIONS. As used in this Ordinance:

- a) "*Recyclable materials*" means those items designated by the Board of Selectmen for segregation from the municipal solid waste stream, which shall include but not be limited to, corrugated cardboard, glass food and beverage containers, leaves, metal food and beverage containers, newspapers, storage batteries, waste oil, plastic food and beverage containers labeled as #1 (PETE) and #2 (HDPE), magazines, catalogs, office paper, junk mail, gray boxboard, juice boxes, milk cartons and scrap metal;
- b) "*Solid waste*" means unwanted or discarded solid, liquid, 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;
- c) "*Recycling*" means the processing of solid waste to reclaim material therefrom;
- d) "*Recycling facility*" or "*recycling center*" means land and appurtenances thereon and structures where recycling is conducted, including but not limited to, an intermediate processing center as defined in Section 22a-260;
- e) "*Source separation*" means the separation of recyclable materials from solid waste by residents, businesses and institutions;
- f) "*Hauler*" or "*collector*" means a solid waste hauler or collector operating within the Town of Harwinton pursuant to a registration permit issued by the Town.

SECTION 3. SOURCE SEPARATION AND RECYCLING. All residents, including single and multifamily dwellings, businesses and institutions which generate solid waste in the Town of Harwinton shall source separate designated recyclable materials from solid waste as follows:

- a) Recyclables shall be placed in designated recycling containers and shall not be commingled with non-recyclable solid waste.
- b) Recyclable containers shall be placed at curbside for pick-up on designated collection days or at some other location on the property designated by the hauler or collector.

- c) Haulers and collectors shall provide each resident, including single and multifamily dwellings, businesses and institutions with a suitable number of clearly marked recycling containers of adequate size, subject to a reasonable security deposit.
- d) In the alternative, residents, businesses and institutions may bring their recyclables to a recycling facility designated by the Town of Harwinton provided:
 - 1. A permit is obtained from the Town of Harwinton, and
 - 2. The resident, business or institution obtains a receipt for each load of recyclables from the recycling facility.
- e) In addition, the Recycling Coordinator may, by agreement with the Board of Selectmen, designate Town sponsored scrap metal, waste oil and battery collection days and may participate in regional hazardous waste disposal days.

SECTION 4. RECYCLING RULES. The Board of Selectmen, with the recommendations of the Recycling Coordinator and consistent with state guidelines, shall review and adopt rules governing recycling and recyclable materials, which shall be distributed and mailed to residents, businesses and institutions who are USPS postal patrons. The rules currently in effect at the time of adoption of this Ordinance are as follows:

- a) Clean, unsoiled newspaper, magazines, catalogs, all paper including junk mail, gray boxboard and corrugated cardboard shall be placed in paper grocery or shopping bags (*not plastic bags*), or securely tied in bundles no higher than 12 inches. Corrugated cardboard shall be cut down to a size of 3 feet by 3 feet and shall be flattened and tied in bundles no thicker than 6 inches.
- b) Glass and metal food and beverage containers, as well as all types of metal food containers and juice/milk cartons, shall be rinsed clean and placed in the recycling container.
- c) Plastic food, drink and laundry containers shall be rinsed clean and placed in the recycling container. Only #1 (PETE) and #2 (HDPE) plastics shall be recycled.
- d) Leaves, waste oil, storage batteries, and any other recyclables designated by the Board of Selectmen, shall be separated from non-recyclables and delivered to the municipal drop off center or other designated area, so as to not constitute a nuisance or otherwise be objectionable.

SECTION 5. WARNINGS AND FINES. The Recycling Coordinator is authorized to enforce this Ordinance as follows:

- a) The hauler or collector shall report to the Recycling Coordinator, the name and address of any residential, business or institutional customer who does not recycle or who frequently

appears to be commingling recyclables with solid waste. Failure of the hauler or collector to do so may result in the Town's refusal to renew the hauler's or collector's permit, as well as reporting such violation to the resources recovery facility or solid waste or recycling facility and the Department of Environmental Protection.

- b) The Recycling Coordinator shall issue a written warning to such resident, business or institution, who has been reported by a hauler or collector, advising the resident, business or institution of the Town's recycling and source separation requirements and the potential fines for failure to do so.
- c) If the resident, business or institution fails to comply with the initial warning within ten (10) days, the Recycling Coordinator shall issue a second and final warning.
- d) If the resident, business or institution fails to comply with the second and final warning within ten (10) days, the Recycling Coordinator shall request that the Resident State Trooper or Town Constable issue a recycling violation citation to such person punishable by a fine of \$100.00. Each collection week during which the violation continues shall constitute a separation offense subject to an additional fine of \$100.00 per collection week until the violation ceases and the hauler or collector verifies compliance to the Recycling Coordinator. Such violations shall be reported to the Department of Environmental Protection.

SECTION 6. CITATION PROCEDURE, HEARING PROCEDURE, APPEAL. The citation procedure, hearing procedure and right of appeal shall be governed by Sections 5, 6 and 7, respectively, of the "Ordinance Establishing Citation Procedures and Fines for Violations of the Zoning Regulations and the Inland Wetlands and Watercourses Regulations" (Ordinance No. 118), adopted pursuant to Connecticut General Statutes, Section 7-152c.

SECTION 7. ORDINANCES AMENDED. This Ordinance amends the following Ordinances:

"Ordinance Concerning the Disposal of Solid Wastes" (adopted December 18, 1990);

"Ordinance Amending the Harwinton Solid Waste and Recycling Ordinance" (adopted October 28, 2003);

"Ordinance Establishing Citation Procedures and Fines for Violations of the Zoning Regulations and the Inland Wetlands and Watercourses Regulations" (adopted January 24, 2006).

In the event of a conflict between the provisions of this Ordinance and the provisions of those Ordinances, the provisions of this Ordinance shall govern.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect fifteen days after publication of a summary of its provisions in accordance with Connecticut General Statutes, Section 7-157(b).

PUBLISHED: Republican-American ON March 29, 2007.
EFFECTIVE DATE April 13, 2007.
HARWINTON TOWN RECORDS: VOLUME 7, PAGES 213 - 215.

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AMENDED BY ORDINANCES 128 and 137