

## **Chapter 166**

### **SOLID WASTE**

**[HISTORY: Adopted 8-16-1999 by the Board of Selectmen of the Town of Somers, effective 9-15-1999.<sup>1</sup> Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Littering — See Ch. 130.

#### **ARTICLE I**

##### **Refuse Area; Transfer and Recycling Center**

###### **§ 166-1. Establishment.**

The area hitherto established as a Town dump and Town refuse area or any other area hereafter so established shall be considered as the Somers Transfer and Recycling Center as the phrase is used in this article.

###### **§ 166-2. Right to use.**

All persons, firms or corporations, and their agents, whose residences or places of doing business are within the geographic limits of the Town shall be privileged to use the facilities of the Somers Transfer and Recycling Center for the depositing or dumping of empty cans or bottles, glass, wooden or paper boxes, crates, stone, ashes, brick, tires and the like, originating in the Town, except that no junk cars or major portions thereof shall be deposited or dumped. No person, firm or corporation, other than those above designated, shall enter into or upon the Somers Transfer and Recycling Center or use the Transfer and Recycling Center for any purpose whatsoever, and no refuse except refuse originating in the Town shall be placed in the Transfer and Recycling Center.

###### **§ 166-3. Regulations; hours of operation.**

- A. All persons, firms and corporations, or their agents, having the right to use the facilities of the Transfer and Recycling Center as in this article provided shall abide by and conform to all the regulations herein provided and/or with all instructions or orders of the person or persons authorized by the Board of Selectmen of the Town of Somers to supervise dumping operations within said Transfer and Recycling Center and with all signs and notices posted at the Transfer and Recycling Center by order of the Board of Selectmen.
- B. No person, firm or corporation, or his or its agents, shall be permitted to enter upon or use the Transfer and Recycling Center for dumping or refuse disposal operations except during

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<sup>1</sup> Editor's Note: This ordinance superseded former Ch. 166, Solid Waste, comprised of Art. I, Refuse Area; Transfer and Recycling Center, adopted 1-29-1973 by the Special Town Meeting, effective 2-20-1973, as amended, and Art. II, Recycling, adopted 3-11-1991 by the Board of Selectmen, effective 4-14-1991.

the hours specified by notice posted at the gate at the entrance to said Transfer and Recycling Center.

**§ 166-4. Removal of deposited articles.**

No person, firm or corporation, or his or its agents, shall, except by permission of the Board of Selectmen, remove any article or object which has been deposited or dumped and left at the Transfer and Recycling Center except those items left in designated areas.

**§ 166-5. Penalties for offenses.**

Any person, firm or corporation violating any provision of this article shall be fined not less than \$25 nor more than \$1,000 for each offense.

**§ 166-6. Amendments.**

This article may be amended by the Board of Selectmen, subject to Town Meeting approval.

**ARTICLE II  
Recycling**

**§ 166-7. Legislative findings.**

- A. The growing shortage of acceptable solid waste landfill sites and the conservation of recyclable material is an important public concern.
- B. The recycling of solid waste materials will provide a coordinated solid waste management program which will allow for maximum efficient use of the Transfer and Recycling Center located within the Town of Somers.
- C. The promotion of the public good is best served by establishing rules and regulations for the separation, recovery, collection, storing and disposal of recyclable material.

**§ 166-8. Program established.**

On and after the effective date of this article, it shall be mandatory for each occupier of land in the Town of Somers to separate all designated recyclable materials from other solid waste in accordance with the provisions of this article, as well as any regulations drafted pursuant to this article or any order of the Board of Selectmen or its designated agent.

**§ 166-9. Source separation; designation of recyclable materials.**

- A. Each person, business, institution or other establishment generating solid waste within the Town shall separate from other solid waste, for the purpose of recycling, all items designated for recycling. Solid waste which contains recyclable materials shall neither be collected by solid waste collectors nor accepted for disposal at any solid waste disposal facility in the Town.
- B. Deliveries of solid waste for disposal at the Transfer and Recycling Center or other designated Town solid waste disposal facility which contain significant amounts of

designated recyclables shall be refused disposal privileges at that disposal facility and shall be redirected, with the individual, representative or agent charged with disposal assuming complete responsibility for proper disposal of the materials, including any expense for separation of designated recyclables other than at the source.

C. Materials designated as recyclables for this program shall consist of the following:

- (1) Newspaper.
- (2) Glass food containers.
- (3) Metal food containers.
- (4) Cardboard.
- (5) Scrap metal.
- (6) Car batteries (storage battery).
- (7) Waste motor oil.
- (8) Leaves.
- (9) Office paper (commercial and institutional establishments).
- (10) Brush and logs.
- (11) Other recyclable materials as designated by the Town of Somers 30 days after designation and publication of notice in a newspaper of general circulation in the area.
- (12) Other recyclable materials as now or shall be mandated to be separated and collected apart from solid and liquid wastes by the Connecticut General Statutes or regulations of the State of Connecticut.

#### **§ 166-10. Definitions.**

For the purpose of this article, the following definitions shall apply:

**COLLECTOR** — Any person, firm, corporation or association who or which holds himself or itself out for hire to collect or haul solid waste from residential, business, commercial or other establishments.

**COMMERCIAL AND INDUSTRIAL PROPERTY** — Any property used for trade, business or industrial purposes, including business condominiums.

#### **HAZARDOUS WASTE**

A. Any waste material, except by-product material, source material or special nuclear material, as defined in Section 22a-151 of the Connecticut General Statutes, 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 U.S.C. § 6901 et seq.).

- (2) Hazardous waste identified by regulation by the Department of Environmental Protection.
- (3) Polychlorinated biphenyl in concentrations greater than 50 parts per million.
- B. Hazardous waste includes but is not limited to dangerous or environmentally unsafe materials or substances, such as cleaning fluids, crankcase oil, oil-base paints, liquid plastics, explosives, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used to filter cleaning fluids and infected materials.

RECYCLABLES — Any discarded solid and liquid waste material which is designated by the Town of Somers to be recyclable as defined herein or such recyclables which by the Connecticut General Statutes or regulations of the State of Connecticut are mandated to be separated and collected apart from other solid and liquid wastes. For purposes of this article, the materials listed below are designated as "recyclables":

- A. NEWSPAPER — Used or discarded newsprint which has a minimum of contamination by food and other materials. Newspapers and newspaper advertisements, supplements, comics and enclosures are included along with magazines such as Time or Sports Illustrated.
- B. LEAVES AND YARD WASTES — Includes but is not limited to grass clippings, yard wastes and other vegetative matter, excluding grass clippings, brush and branches.
- C. CARDBOARD — Corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material. Waxed or plastic-coated cardboard is excluded.
- D. GLASS AND FOOD CONTAINERS — A glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption or household cleaning products which are rinsed clean, without tops, covers, corks or food remains.
- E. METAL FOOD CONTAINERS — Any aluminum, bimetal, steel, tin-plated steel or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal consumption which are rinsed clean.
- F. SCRAP METAL — Used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, aluminum, tin, nickel or alloys thereof, including but not limited to white goods.
- G. STORAGE BATTERIES — Lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications. NiCad batteries are excluded.
- H. WASTE OIL — Crankcase oil that has been utilized in internal combustion engines and which is to be stored in clean, leakproof plastic containers with covers or tops and is uncontaminated by other material.
- I. WHITE GOODS — Stoves, freezers, refrigerators, dishwashers, air conditioners, washing machines, televisions and other household appliances or fixtures.

J. BRUSH AND LOGS — Cut or broken branches or tree trunks containing no metal objects.

SOLID WASTE — Unwanted or discarded materials, more completely defined in Section 22a-260(7) of the Connecticut General Statutes, but excluding hazardous waste and semisolid or liquid material which is collected and treated in a sewerage system.

SOLID WASTE AND RECYCLABLES COLLECTOR — Any person, firm or corporation offering or providing the removal, transportation, collection, storage or disposal of solid waste and recyclables as a service to others.

**§ 166-11. Rules and regulations.**

The Board of Selectmen of the Town of Somers is hereby authorized to enact from time to time such reasonable rules and regulations as it shall deem in the public interest regarding the separation, recovery, collection, removal, storage and disposal of recyclables, municipal solid waste, bulky waste, brush and logs. These rules and regulations may include the manner, days and times and establish and revise a schedule of fees for the collection, sorting, transportation, sale and/or marketing of recyclable material in order to encourage the recovery of material resources while minimizing the cost of the recycling program. Said rules and regulations shall be as mandatory as if set forth in this article, and violation of said rules and regulations shall be deemed a violation of this article. These rules and regulations shall become effective 30 days after publication in a daily newspaper having general circulation in the Town of Somers and shall be immediately posted in a conspicuous place in the Town Hall.

**§ 166-12. Collection methods.**

A. Residential. Each resident is required to collect or arrange to have collected, for recycling purposes, designated recyclable materials by methods which include but are not limited to the following:

- (1) Self-haul. The Town shall maintain a Transfer and Recycling center for all designated recyclables, municipal solid waste, bulky waste, brush and logs for the use of residents within the Town. The Town shall operate and maintain the Transfer and Recycling Center so as to provide an opportunity for any Town resident to recycle designated recyclables.
- (2) Private hauler. Residents may utilize private collection firms for the collection and recovery of designated recyclables. For any designated recyclables not collected by private haulers, residents shall be responsible for delivery of materials to the Transfer and Recycling Center or other suitable recycling facility.
- (3) Multifamily housing. Owners of multifamily housing units shall be responsible for establishing source separation methods whereby residents are enabled to comply with mandatory provisions for source separation. Said owners may be required to submit for Board of Selectmen approval a plan indicating the type, location, number and method of containers for each recyclable. The Selectmen may provide that failure to have an approved plan shall be deemed a violation of this article.

B. Commercial and institutional. Each business, commercial establishment, institution or other nonresidential establishment in the Town shall arrange to have designated recyclable

materials collected and recycled or to separate and collect recyclables directly and assure that materials are recycled. Owners of such establishments shall be responsible for compliance with mandatory provisions for source separation and for collection of materials.

**§ 166-13. Unauthorized collection.**

No person, firm or corporation shall engage in the business of separation, recovery, collection, removal, storage or disposal of solid waste within the Town of Somers, except as specifically authorized by the Board of Selectmen. This restriction shall also include any independent citizen, resident, taxpayer or person who might engage in such practice for personal gain. Each unauthorized collection shall be considered a separate and distinct offense punishable as hereinafter provided.

**§ 166-14. Permits.**

- A. It shall be unlawful for any person, firm or corporation to act as a solid waste or recyclable collector within the Town of Somers without first having obtained a permit as hereinafter provided for each vehicle to be used within the Town for the removal, transportation or collection of solid waste.
- B. The Selectmen shall enact regulations establishing a permit application procedure which shall provide for the payment of a fee for each permit and shall establish a procedure for the revocation and suspension of permits.

**§ 166-15. Reports by solid waste collectors.**

Each collector of solid waste within the Town shall make reports and comply with Public Act 90-220<sup>2</sup> as stated therein. Such reports shall be to the First Selectman and shall notify him of those persons, firms or corporations that have discarded recyclable material commingled with other solid waste in addition to such other matters as are required by said Public Act to be reported.

**§ 166-16. Disposition of recyclable materials.**

- A. Residential.
  - (1) The Town shall have the option to maintain control of recycled materials collected from all residential establishments located within the Town, whether collected by the Town at the Transfer and Recycling Center or whether collected by a person, agent, firm or company under permit with the Town.
  - (2) The Town may, by exercising its option to maintain control of recycled materials collected from all residential establishments located within the Town, delegate responsibility for disposition of collected recyclables to any private firm or agent under this article or a regulation promulgated hereunder.

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2. Editor's Note: See Sections 22a-220, 22a-220a and 22a-220c of the Connecticut General Statutes.

- B. Commercial and institutional. Except as otherwise approved by the Board of Selectmen, private firms providing recycling collection for nonresidential locations within the Town shall not bring collected recyclables to the Transfer and Recycling Center but shall deliver the materials, or arrange to have the materials delivered, to a location for recovery.

**§ 166-17. Enforcement.**

- A. The Board of Selectmen may enact regulations to aid and ensure the enforcement of this article. These regulations may include provisions whereby Town employees and/or their representatives are authorized to deny use of the Transfer and Recycling Center to residents for disposal if loads of solid waste include significant quantities of recyclables.
- B. These regulations may also include provisions for the detection of noncompliance by residents who have contracted for solid waste collection with private collectors and by commercial/institutional collections. Regulations imposing fines for such noncompliance are hereby specifically authorized.

**§ 166-18. Unlawful acts; penalties for offenses.**

- A. It shall be unlawful to combine recyclable material or hazardous wastes with solid waste. Solid waste which has recyclable material commingled with it shall not be collected, and recyclable material that has solid waste commingled with it shall not be collected.
- B. It shall be the responsibility of the resident to properly segregate the uncollected waste and either store or dispose of it.
- C. Allowing solid waste to accumulate shall subject a resident to a citation for violation of the Town Sanitary Code.
- D. Failure to recycle is a violation of this article.
- E. No person or corporation shall separate, recover, collect, remove, store or dispose of recyclable material within the Town of Somers, except as specifically authorized by the Town of Somers or the provisions of this article.
- F. No person, partnership, firm or corporation other than the authorized agents of the Town or employees of the Town acting in the course of their employment shall collect or pick up or cause to be collected or picked up such recyclable material. Each and every such collection or pickup in violation of this subsection shall constitute a separate and distinct offense.
- G. No such hauler or collector shall knowingly mix recyclable material with other solid waste.
- H. Any waste hauler or collector who violates this article shall be subject to the penalties provided herein as well as those penalties provided by the Connecticut General Statutes.
- I. Any person, firm or corporation found guilty of a violation of any provision of this article or any of the rules and regulations promulgated pursuant hereto shall be guilty of an infraction and shall be fined a sum not less than \$25 nor more than \$1,000. This article and the regulations pursuant thereto may be enforced by police officers assigned to Somers or other Town officials who may be authorized to issue citations.

- J. In addition to any other penalty provided herein, occupants of business and industrial property that is considered a commercial establishment under the provisions of Public Acts 90-249 and 90-220<sup>3</sup> shall, for violation of this article, be subject to a penalty not to exceed \$1,000 for each violation as provided in said Public Acts.

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3. Editor's Note: See Section 22a-241i of the Connecticut General Statutes.