

## ORDINANCE REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE

### § 51.01 DECLARATION OF POLICY.

(A) The accumulation, collection, removal and disposal of refuse must be controlled by the town for the protection of the public health, safety and welfare.

(B) It is consequently found and declared that:

- (1) The town is authorized by law to provide for or regulate the collection and disposal of refuse;
- (2) The State of Connecticut requires Towns to recycle. Items that are designated (i.e. mandated) for recycling are included in Section 5.16 of this Ordinance.
- (3) The town has a substantial interest in and responsibility for protecting the health and safety of its inhabitants by regulating the collection and disposal of such refuse;
- (4) The expense of such regulation is substantial and can best be borne, in the case of commercial, industrial and condominium owners, by those owners and by the refuse collectors who service them; and
- (5) The enactment of this subchapter is in furtherance of the town's approved solid waste management plan.
- (6) The town has executed a municipal solid waste management services contract with Southeastern Connecticut Regional Resources Recovery Authority (SCRARRA), including an Amendment No. 5 to such municipal solid waste management services contract (collectively with such Amendment No. 5, the MSA). The MSA defines the "System" (the SCRARRA System) to include the solid waste disposal and resource recovery facility located in Lisbon, Connecticut and operated by Wheelabrator Lisbon Inc. or its successors or assigns (the SCRARRA Facility) pursuant to a solid waste disposal agreement between SCRARRA and Wheelabrator Lisbon Inc. (the Wheelabrator agreement), and designates the SCRARRA Facility as the "Facility" within the SCRARRA System. Pursuant to the MSA, the town has agreed to deliver or cause to be delivered all solid waste (as defined in the MSA) generated within the corporate boundaries of the town to the SCRARRA System as directed by SCRARRA for ultimate delivery to the SCRARRA Facility for disposal, subject to and in accordance with the Wheelabrator agreement.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998; Ord. passed 6-3-2020)

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

### § 51.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BULKY WASTES.** Noncombustible construction debris, and oversized bulky items which can't fit into a regular town size trash receptacle with the lid closed.

COMMERCIAL FOOD REFUSE. Includes waste from the preparation, cooking and consumption of food, condemned food products and all refuse from the handling, storage, preparation and sale of produce originating primarily in commercial kitchens, stores, restaurants, food markets and factories.

DEPARTMENT. The East Lyme Highway and Sanitation Department

DIRECTOR. The Director of Public Works of the town.

HAZARDOUS WASTES. Solid and liquid wastes in the following classifications:

- (1) Explosives;
- (2) Pathogenic or pathological wastes;
- (3) Corrosive or toxic wastes;
- (4) Radioactive wastes; and
- (5) Medical wastes.

RECYCLABLE MATERIALS. Materials which have been so designated by the Director or by a regulation of the Board of Selectmen.

REFUSE. Unwanted and discarded solid materials, but does not include:

- (1) Liquid wastes including, but not limited to, semisolid, liquid materials collected in a municipal sewage system or a septic system;
- (2) Bulky wastes;
- (3) Household hazardous wastes;
- (4) Any other material which may not be lawfully disposed of (in a sanitary landfill or a resources recovery facility; or
- (5) Recyclable materials.

REFUSE COLLECTORS. Includes any person, firm or corporation engaged in the business of collecting and transporting refuse, including recyclable materials, for hire within the town.

TOWN. The Town of East Lyme.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998)

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

#### § 51.03 LICENSE REQUIRED FOR REFUSE COLLECTIONS.

(A) All refuse accumulated in the town shall be collected, conveyed and disposed of by the town or by persons licensed by the town in accordance with § 51.11 to perform such work.

(B) No other person shall collect, convey over any street or dispose of any refuse in the town, except that occupants of premises in the town upon which refuse has accumulated may personally collect, convey and dispose of such refuse at such place or places as the Board of Selectmen or the Director may from time to time designate, subject to the obtaining of a private permit in accordance with § 51.11. No refuse which was not generated within the town shall be disposed of in any such place.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998) Penalty, see § 51.99

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

#### § 51.04 REFUSE CONTAINERS.

(A) Provision for containers. Only cans provided by the Department will be picked up as part of Town curbside garbage and recycling collection. The Town started collection with trucks with automated arms back in the early 2000's. At that time, all residents were required to purchase a garbage can and the Town provided a recycling can free of charge. Those original cans are now beyond their warranty. It is the responsibility of the property owner to keep their cans in acceptable condition. Unless the Department damages the can and/or drops it into the hopper of the truck, the resident or business shall be responsible for the cost of replacing a damaged can. If a resident and/or business desires to replace a damaged can, one has gone missing, or wants an additional can, they must request one from the Department and pay the going rate for the can at that time. The Department may put a limitation on the number of garbage and recycling cans that each business or residence may have as part of the curbside collection.

(B) Stolen Cans. The Department is not responsible if a can is stolen. All cans have a serial number in white letters on the front of the can, so it is the responsibility of the property owner to keep track of the serial number to better track their cans.

(C) Containers for commercial food refuse. Commercial food refuse containers may be large-covered containers designed to be mechanically emptied into a refuse truck where collection is to be by a refuse collector.

(D) Loose materials. The town shall not be obligated to collect any loose materials as part of its curbside collection service.

(E) Containers not conforming to the above requirements. Containers not conforming to the above requirements, or which may be a travel or health hazard or nuisance will not be emptied.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998) Penalty, see § 51.99

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

#### § 51.05 REQUIREMENTS FOR COLLECTION.

(A) Timing to place cans out and take them in. The property owner shall see that the cans are placed at the side of the nearest public road, or in the case of privately-owned property where the town by agreement makes collections, at the side of a private road or driveway designated by the Director, not earlier than 12 hours before the scheduled time of collection for said road or driveway nor later than 7:00 a.m. on the scheduled collection day. The

collection schedule will be posted on the Town's website. The cans shall be placed in such a manner that they do not constitute a travel or health hazard or nuisance, and after the cans have been emptied, they shall be removed from the side of said road or driveway within 12 hours after the material therein has been collected. If the cans are not out at the time the truck passes the property, the Department can't guarantee that the truck can come back until the next regularly scheduled visit. Residents can bring their garbage and recycling to the Town's transfer station free of charge during the Transfer Station's regular hours.

(B) Recycling Materials Collected. Only approved recycling materials can go in the recycling cans. A listing of what is allowed in the recycling can is on the Public Works section of the Town website.

(C) Can Inspections. The Department inspects garbage and recycling cans on a regular basis. If non-recycling materials are found in the recycling can and/or yard waste or bulky items are overflowing from a garbage can, the can will be flagged to not be picked up and a form will be taped to the can advising the property owner why the can has not been picked up. The offending items must be removed before the can will be picked up.

(D) Spacing of Cans. All cans must be placed approximately 4 ft from any other object (another can, a car, utility pole, wall, etc.), as the automated arms of the garbage trucks need clearance to pick up the can. If the driver can't pick up the can for this reason, the Department can't guarantee that the truck can come back until the next regularly scheduled visit

(E) All refuse collected or transported within the town shall be carried in tightly-covered vehicles, or in tightly-covered containers in or on such vehicles. Any refuse which is collected or transported in open top vehicles shall be suitably covered so as to prevent scattering litter upon the streets. All vehicles used for the collection or transportation of refuse within the town shall be subject to the approval of the Director or the Board of Selectmen.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998)

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

#### § 51.06 COLLECTION ON PRIVATE ROADS OR IN LOCATIONS OTHER THAN TOWN APPROVED ROADS

(A) Agreement. If the Department has been performing curbside collection on a private road or in locations other than on town approved roads, then it will continue collecting in these locations provided the Department has received a signed agreement including the following;

- a. The owner of the private road and/or property has given written permission for the Town to enter onto that private property.
- b. If there are ever any changes to the ownership of the private road or property, it is the responsibility of the current owner to let the Town know in writing.
- c. Any particular requirements for that specific location.

- d. To indemnify and hold the Town harmless against any and all damages to property or injuries to or death of any person or persons, including property and employees or agents of the Town and defend suits, actions or proceedings of any kind or nature and indemnify and save harmless the Town from and against any and all damages to property or injuries to or death of any person or persons, including property and employees of the Town, and shall defend, indemnify and save harmless the Town from and against any and all claims, demands, suits, actions or proceedings of any kind or nature or by anyone whomsoever in any case resulting from or arising out of acts or omissions of the owner of the private road and/or property or its agents, employees or subcontractors. Notwithstanding the foregoing, the owner of the private road and/or property shall not be required to indemnify and save harmless the Town of East Lyme from and against damages to property or injuries to persons arising out of the negligence or willful misconduct of the Town or their employees or agents.
  - e. To upkeep all the paved areas including plowing and de-icing all the roads and trimming trees that stretch into the paved area when needed. Since the Owner is responsible for maintenance of the private road or property, if the Department determines that the roads are not passable, it may refuse to pick up the garbage and/or recycling until the hazard is addressed. This includes a determination that the private road and/or property has not been properly plowed and/or salted, or there are potholes are any other road deficiencies.
- (B) Road Surface. There must be an acceptable surface course of asphalt on the private road or property.
  - (C) Ability to Turnaround. The Department needs an acceptable area to turn their trucks around. Determination of an acceptable area to turn their trucks around will be made by the Department.
  - (D) Not Expanding this Service. The Town has no intention of expanding its curbside collection service on private roads and/or private developments that it has been collecting for up to this point.
  - (E) New Private Roads & Developments. All new private roads and/or private developments failing to meet Town road standards as determined by the Town of East Lyme need to provide a private contractor to address their garage and recycling needs.

§ 51.07 STORING OF REFUSE.

- (C) Public places. No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within the town, except in proper containers or otherwise properly prepared for collection or under express approval granted by the Director. No person shall throw or deposit any refuse in any stream or other body of water.

(D) Accumulation of refuse. Any uncontained accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any uncontained accumulation of refuse within two days after written notice to remove same shall be deemed a violation of this subchapter.

(C) Scattering of refuse. No person shall cast, place, sweep or deposit anywhere within the town any refuse in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises. This includes dump trucks that have accidentally dropped construction or other materials from the bed of the truck. If this occurs, it is the responsibility of the person who dropped the debris to clean it up or pay for the clean up.

(D) Hazardous wastes. It shall be unlawful for any person, firm or corporation to place hazardous wastes or similarly dangerous substances into any refuse container other than one specifically designated for such a purpose.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998) Penalty, see § 51.99

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

#### § 51.08 BULKY WASTE.

Bulky waste may not be collected or mixed with refuse and shall be collected and transported as the Board of Selectmen or the Director may from time to time designate, and any applicable charge for disposal at an approved location with the town shall be paid by the person delivering the waste.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998) Penalty, see § 51.99

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

#### § 51.09 DISPOSAL OF REFUSE.

(A) Each refuse collector who disposes of refuse collected within the town at the designated Southeastern Connecticut Regional Resource Recovery Authority Facility (the SCRRA Facility) shall, except as provided in division (B) below, pay the town promptly when billed a per-ton fee to be set by the Board of Selectmen from time to time.

(B) The town may, from time to time, in accordance with procedures set by the Board of Selectmen or the Director, offer for sale to licensed refuse collectors the right to dispose of refuse collected within the town at the SCRRA Facility at a price and on terms set by the Board of Selectmen.

(C) All refuse generated in the town shall be delivered or caused to be delivered to the SCRRA System for so long as the MSA remains in effect, as directed by SCRRA and for

ultimate delivery to the SCRRRA Facility. To the extent any such refuse is not acceptable for disposal at the SCRRRA Facility, such unacceptable refuse shall be delivered or caused to be delivered to such other facility designated by SCRRRA. After the MSA is no longer in effect, the Board of Selectmen shall designate the facility for the delivery of refuse generated in the town. The person delivering refuse to the SCRRRA Facility or other designated place shall pay any applicable disposal charge. All regulations of the town and any direction or designation by the Board of Selectmen or the Director about the disposal of refuse generated in the town shall be consistent with this division.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998; Ord. passed 6-3-2020)

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

#### § 51.10 SOURCE SEPARATION AND RECYCLING.

(A) Separation of materials; collection. Recyclable materials for which collection service is provided by the town shall be separated from solid waste and placed at the curb or other designated collection place for collection on the days designated by the Director. Recyclable materials for which collection service is not provided by the town shall be separated from solid waste and disposed of at an appropriate facility.

(B) Separation at dumpsters. Multi-family dwelling units and each commercial, industrial or other nonresidential entity not utilizing curbside collection shall provide, or shall require its refuse collector to provide separate dumpsters or other collection containers for refuse and for all recyclable material accumulated on the premises. Containers shall be placed immediately adjacent to each other and labeled as to the material intended for each with stenciling in a prominent location.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998)

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

#### § 51.11 LICENSING OF REFUSE COLLECTORS; REGISTRATION OF VEHICLES.

(A) Licensing authority designated. The Director shall be the licensing authority for refuse collectors, and the registering authority for vehicles and containers. The Director shall grant a license within a reasonable time following the filing of proper application and payment of the prescribed fee unless the Director finds one or more of the following conditions to prevail:

(1) The applicant has been irresponsible in the conduct of refuse collection and hauling operations within the town;

(2) The applicant lacks suitable equipment with which to collect refuse in a safe and nuisance-free manner and in compliance with this subchapter; and/or

(3) The applicant or the refuse collector to which it is the successor was previously licensed and its license was revoked in accordance with this subchapter.

(B) License required. Each refuse collector shall annually, on or before July 1, apply for a license from the Director on such form as the Director shall prescribe to engage in the business of refuse collection in the town.

(C) Registration of vehicles, containers. Each licensed refuse collector shall obtain a separate registration for each vehicle it operates within the town. When a vehicle is employed to transport more than one container, each container to be transported shall require a registration. Registrations shall not be transferable from vehicle to vehicle nor container to container; however, the Director may allow such temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually registered vehicle.

(D) License term; fee; renewal. All licenses shall be issued for a term not to exceed one year and shall be renewable on or before July 1 of each year. The license fee shall be established by the Board of Selectmen by regulation from time to time.

(E) Display of license. The license issued shall be conspicuously displayed on the left front of the body of each vehicle or container so licensed, or as may be directed.

(F) Identification of vehicles and containers. Each licensee shall prominently display at all times on each registered vehicle or container in letters at least four inches in height its name, license number and telephone number.

(G) Licenses nontransferable. Licenses are not transferable. When any licensee shall sell, transfer, all or part of its route to any refuse collector not licensed in the town, it shall, at least seven days before the date of sale or transfer, notify the Director, in writing, of its intent to sell and the transferee shall, at the same time, make application for a license to operate in the town.

(H) Routes serviced. As a prerequisite to the issuance or renewal of any license, the refuse collector must furnish to the Director the following;

- (1) A complete list of all stops, container size and frequency of collection
- (2) Certificate of Insurance
- (3) The current fee as designated by the Board of Selectman

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998) Penalty, see § 51.99

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

## § 51.12 REFUSAL, REVOCATION OR SUSPENSION OF LICENSE.

(A) General. Failure to comply with the provisions of this subchapter or any regulation or directive issued by the Board of Selectmen or the Director pursuant to this subchapter or



any such regulation shall be a grounds for refusal, revocation or suspension of a license in addition to any other penalty imposed by this subchapter or any other law.

(B) Notice required. Refusal, revocation or suspension shall only become effective five calendar days after receipt of written notice from the Director.

(C) Request for review; filing; effect of failure to file. If a refuse collector objects to the Director's action described in division (B) above to refuse, revoke or suspend its license, it may within five calendar days of receipt of said notice, file a written request for review with the First Selectman. Failure to timely file such request for review shall make the Director's action final and binding upon the collector.

(D) Request for review; effect of timely filing. Timely filing of such request for review shall operate as an automatic stay of the Director's action.

(E) Special Appeals Board; hearing. The First Selectman shall appoint forthwith a Special Appeals Board consisting of two electors of the town and two licensed refuse collectors and a member of the Board of Selectmen, and said Board shall then within 15 days hear and decide the matter. Such hearing shall be private except, however, that such hearing may be public if so requested, in writing, by the refuse collector. The decision of said Board shall be final and binding upon the collector.

(F) Names, addresses of customers to be furnished upon revocation or suspension. Whenever a collector's license is refused, revoked or suspended, it shall furnish the Director within 24 hours the names and addresses of its customers.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998) Penalty, see § 51.99

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

#### § 51.13 LICENSING PRIVATE INDIVIDUALS TO DISPOSE OF THEIR OWN REFUSE.

Occupants of premises in the town must apply to the Director for a permit, to be able to dispose of refuse accumulated on such premises. A permit may be obtained from the Director by applying on such form as the Director shall prescribe. The permit shall be displayed in such manner as the Director shall prescribe. Such permit may be revoked or suspended for the reasons and in the manner prescribed for commercial licenses, and appeals therefrom may be taken in the same manner.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998)

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

#### § 51.14 ADMINISTRATION; PROMULGATION OF RULES AND REGULATIONS.

(A) Director responsible. The Director shall administer the licensing of any refuse collector engaged in the collecting and transporting of refuse in the town.

(B) Insurance. The Director shall, when considering an application for a refuse collector license, including renewal, ascertain that the applicant has adequate liability insurance.

(C) Additional rules. The Board of Selectmen may promulgate regulations and the Director may promulgate additional rules on all collection and disposal procedures from time to time as are deemed proper, but such rules shall not be inconsistent with this subchapter.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998)

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

#### § 51.15 REFUSE COLLECTOR'S RESPONSIBILITIES AND OBLIGATIONS.

(A) Charges. Each refuse collector shall pay all charges imposed by § 51.09, all charges for disposal rights awarded to the refuse collector or assigned to the refuse collector pursuant to this subchapter or regulations adopted pursuant thereto, and the license fee imposed by § 51.11, and shall comply with all other requirements of this subchapter and such regulations.

(B) Recyclable materials. Each refuse collector shall collect recyclable materials from each of its customers in the manner specified in this subchapter. Any refuse collector who has reason to believe that a person from whom it collects solid waste has discarded recyclable material with such solid waste in violation of this subchapter shall promptly notify the Director of the alleged violation. Upon the request of the Director, a collector shall provide a warning notice, by tag or other means, to any person suspected by the collector or the Director of violating separation requirements. A collector shall also assist the town to identify any person responsible for creating loads containing significant quantities of recyclable materials mixed with solid waste.

(C) Construction and maintenance of vehicles and containers. All vehicles registered to collect and transport refuse shall be maintained free of obnoxious odors and accumulated refuse. Any such vehicle shall be of a closed construction. A container utilized primarily for non-liquid refuse need not be of watertight construction, but shall be completely enclosed.

(D) Delinquent customers. A refuse collector may refuse to provide collection service to any customer who is more than 30 days delinquent in the payment of the refuse collector's fee. If the delinquent customer shall discharge its delinquency, the refuse collector shall immediately restore collection services to the customer.

(E) Responsibility to provide service; refusal to provide. Refuse collectors are hereby made jointly responsible for providing collection service to any resident of the town. If any commercial, industrial or condominium customer of the town shall be refused collection services without reasonable grounds or is dissatisfied with collection service, the customer may make application to the Director, who shall have the right to direct said collector to provide service or who shall have the right to designate another licensed refuse collector to provide refuse collection service and the collector so selected shall comply with the

Director's designation. In making such designation, the Director shall give primary consideration to those collectors who service customers in the same or a contiguous locality.

(F) Designation of collector to provide service. In the event refuse collection service is not provided, the Director shall designate a licensed refuse collector or collectors to provide refuse collection service in the geographical area affected, and such collector or collectors shall comply with the Director's designation.

(G) Customers' containers. Refuse collectors shall leave their customers' containers in a neat, upright position and off the road.

(H) Spilled refuse. Refuse collectors shall clean up refuse that may have spilled when carrying or transferring refuse.

(I) List of rates. Each refuse collector shall furnish to its customers, upon request, a list of rates for the various services provided.

(Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998)

Editor's note:

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485

#### § 51.16 RECYCLING - REGULATIONS CONCERNING DESIGNATION OF RECYCLABLE MATERIALS.

(A) Pursuant to the §§ 51.01 through 51.14, the following regulations are enacted by the Board of Selectmen, to become effective on publication.

(B) The following materials are designated as recyclable materials, which shall be separated from solid waste and shall be set out for collection or delivered to a collection point as provided by the these regulations:

- (1) Cardboard;
- (2) Glass food and beverage containers;
- (3) Leaves and other yard waste;
- (4) Metal food and beverage containers;
- (5) Newspaper and magazines;
- (6) Office paper;
- (7) Scrap metal;
- (8) Storage batteries; and
- (9) Waste oil.

(B) The above terms shall have the meanings given them in the Connecticut Regulations of State Agencies, § 22a-241b-1.

(Ord. passed 12-8-1990)

Editor's note:

TM Volume 17, page 396

§ 51.17 FEES FOR DISPOSAL OF WASTE AT THE TRANSFER STATION.

The Board of Selectmen is the governing body that sets the fee schedule at the Town's Transfer Station on Roxbury Road. The Board of Selectman can update that schedule at any time upon notice and a hearing. The schedule of fees as of the effective date of the current version of this ordinance is posted at the Roxbury Road Transfer Station and on the Public Works section of the Town website.

(Ord. passed 11-21-1988; Ord. passed 10-5-1994; Ord. passed 11-16-1994; Ord. passed 10-6-1995; Ord. passed 1-17-1996; Ord. passed 4-9-2001; Ord. passed 2-23-2003; Ord. passed 3-23-2003)

Editor's note:

TM Volume 16, page 265; TM Volume 20, page 237 (#3); TM Volume 20, page 239 (#7); TM Volume 20, page 240 (#8); TM Volume 21, page 101 (#9); TM Volume 21, page 157; TM Volume 22, page 79; TM Volume 22, page 248; TM Volume 22, page 261

§ 51.18 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any generator of refuse who violates the terms of §§ 51.01 through 51.16 shall be fined not more than \$100.00 for each offense, in addition to any other penalty imposable hereunder. Refuse placed out for collection not in accordance with §§ 51.01 through 51.16 and regulations adopted pursuant thereto may not be collected in the discretion of the Director or the Board of Selectmen.

(C) Any refuse collector who collects refuse in the town without the license required by § 51.09, or who knowingly mixes refuse with recyclable materials, or who otherwise violates §§ 51.01 through 51.16 or any regulation or directive issued by the Board of Selectmen or the Director pursuant to §§ 51.01 through 51.16 or any such regulation, shall be fined not more than \$100.00 for each such offense.

(D) Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. In addition, the Director is authorized to apply to a Judge of the Superior Court for a temporary and permanent injunction against a continuing or repeated violation of §§ 51.01 through 51.16.

(E) In addition to any other penalty, the town shall have the right to bring a civil action to recover any amounts due to the town from any refuse collector for violation of §§ 51.01 through 51.16 or any regulation or directive issued by the Board of Selectmen or the Director pursuant to §§ 51.01 through 51.16 or any such regulation, or for amounts due from any refuse collector who purchased from the town the right to dispose of refuse or who took an assignment of any such right, together with interest and attorney's fees as permitted by law.

(Ord. passed 11-7-1974; Ord. passed 9-21-1975; Ord. effective 8-15-1995; Ord. passed 2-22-1996; Ord. effective 10-15-1997; Ord. passed 3-1-1998)

Editor's note:

TM Volume 12, page 44; TM Volume 12, page 142

TM Volume 21, page 44; TM Volume 21, page 197; TM Volume 21, page 425; TM Volume 21, page 485