

**ORDINANCE NO. 93**  
**AN ORDINANCE CONCERNING SOLID WASTE.**

An Ordinance to provide for the storage, collection, disposal and transportation of all solid waste and recyclables in the Town of Plainfield.

**SECTION 1. Definitions**

1. "Commercial Collector" means any person, firm or corporation who collects, transports, or disposes of solid waste for hire, and includes those who collect and dispose of solid waste as a secondary aspect of other commercial services, such as contractors and construction companies.
2. "Solid Waste" means unwanted or discarded materials, including solid, liquid, semisolid or contained gaseous materials, BUT EXCLUDING, (1) sewage and sewage sludge collected and treated in a residential, municipal or a regional system; (2) materials or substances having commercial value which have been salvaged for recycling or resale; (3) hazardous waste; (4) radioactive waste; (5) agricultural waste; (6) medical waste.
3. "Transfer Station" means a volume reduction plant, as defined by Section 22a-207 of the Connecticut General Statutes, as amended, that is a central collection point for the solid waste generated within a municipality or group of municipalities, where solid wastes received are transferred to a vehicle for removal to another solid waste facility.
4. "Municipality" shall include town.
5. "Town" means Town of Plainfield, Connecticut.
6. "Board" means Board of Selectmen of the Town of Plainfield
7. "Person" shall mean any individual, firm or corporation, whether acting for himself or as principal agent, officer, servant, or employee for any other individual, firm or corporation.
8. "Removal" means the act of lawfully taking solid wastes from the place of waste generation or from a solid waste facility either by a collector, as defined herein, or by a person in control of the premises where the waste is generated.
9. "Resident" means a person who resides owns real property containing a residence or operates a business in the Town of Plainfield.
10. "Solid Waste Facility" means any solid waste disposal area, volume reduction plant, or resource recovery facility designated, owned or operated by the Town. Where "Solid Waste Facility" appears, its plural form may be inferred.
11. "Director" means Director of Public Works/Town Engineer.
12. "State" means State of Connecticut.
13. "Collector" means any person, firm or corporation which has complied with or is exempted from the permit requirements of Section 6 of this Ordinance.

**SECTION 2.RESTRICTIONS ON DISPOSAL OF SOLID WASTE, RECYCLABLES AND SPECIALLY DESIGNATED MATERIALS**

No solid waste, recyclable, or specially designated material shall be disposed of in the Town unless permitted by this Ordinance or the Solid Waste regulations.

### SECTION 3. RESTRICTIONS ON USE OF SOLID WASTE FACILITY

Except as provided below, only residents, their collectors, Town operated collection services, and the Town are pursuant to this Ordinance, allowed to use the Solid Waste Facility and only for solid waste which is generated in the Town. All other persons shall not be allowed use of and all other solid wastes shall not be disposed of at the Solid Waste Facility without the written permission of the Board of Selectmen.

### SECTION 4. STORAGE OF SOLID WASTE

1. No person shall accumulate, store or require the storage or handling of solid waste in such a manner so as to promote the propagation, harborage or attraction of vectors or so as to create health hazards or a nuisance.
2. The owner of solid waste generated on any property in the Town shall cause the waste to be removed to the Solid Waste Facility at frequencies sufficient to prevent the occurrence of health hazards or a nuisance.
3. All persons occupying or maintaining any premises within the Town where solid waste is created, produced or accumulated, shall maintain sufficient containers for receiving and holding the solid waste which is produced, created or accumulated on such premises. Where a Commercial Collector furnishes the containers, he shall be responsible for maintaining the containers in good condition unless this responsibility has been assumed by the person occupying or maintaining the premises under the terms or conditions of the use.
4. The Board of Selectmen may, by resolution, establish regulations, from time to time, pursuant to this Ordinance on the collection and storage of solid waste including but not limited to the types of containers, the types of solid waste, the times and days of pickup, and the location of containers.

### SECTION 5. Disposal

1. Disposal of solid waste is restricted pursuant to this Ordinance, Solid Waste Regulations and amendments to this Ordinance and Regulations.
2. No person shall engage in any scavenging, salvaging, or recycling activities at any Solid Waste Facility without the written permission of the Board of Selectmen. In addition no person shall scavenge, salvage or recycle another's solid waste or material for recycling after it has been placed for collection without written permission of the Board.
3. The Board of Selectmen may, by resolution, establish regulation, from time to time, for the use of the Solid Waste Facility. Said regulations may include but are not limited to, the types of solid wastes which may be collected or transported, the types of solid waste which may be deposited at any facility, the hours of operation, permitted.
4. The Board of Selectmen may, by resolution, establish a schedule of fees and procedures for enforcement for the use of the Solid Waste Facility.
5. The Board is hereby authorized to enact from time to time, regulations, deemed in the public interest, regarding the separation, recovery, collection, removal, storage and disposition of solid waste, recyclables, and specially designated materials in accordance

with Connecticut General Statutes P.A. 87-544, its amendments, and other applicable state requirements.

6. All solid waste upon being removed from the premises where produced, accumulated, or transferred shall become and be the property of the Collector who removes them. Upon being accepted at the Solid Waste Facility, said materials and waste shall forthwith become the property of the owner of such facility. The wastes shall become the property of the collector who removes them from the facility.
7. All recyclables upon being removed from any premise in the Town shall become the property of the Town.
8. No person shall dispose of solid waste without complying with or being exempted from the permit requirements in Section 6 of this Ordinance.

#### SECTION 6. Collection and Transport

1. Solid Waste and recyclables hauled by any person over any road or another's property in the Town shall be securely tied or covered during the hauling thereof. The opening in compactor boxes shall be covered and secured to prevent spillage of recyclables. No person shall allow solid waste or recyclables to leak, spill, blow off or drop from any vehicle on any road or other property.
2. No person shall collect, haul or transport solid waste or recyclables within the Town without obtaining vehicle and solid waste collector permits. This paragraph shall not apply to any resident hauling solid waste from his own residence nor to the Town or its agencies, nor persons exempt under the Solid Waste Regulations.
3. Applications for permits shall be obtained from the Director of Public Works/Town Engineer. The Board, by resolution, shall from time to time, establish regulations for the application forms and the requirements, necessary for the public safety and welfare and for the efficient use and operation of the Solid Waste Facility. The form shall include but not be limited to the following:
  - a. name and address of the permittee.
  - b. the business name and its type, i.e. corporation, partnership.
  - c. the names of all partners, officers, or proprietors of the business.
  - d. a list of all vehicles and removable bodies used for solid waste collection, disposal, and hauling. A list of changes in vehicles or removable bodies shall be provided by the permittee as changes occur. The list shall designate each vehicle by Connecticut registration number, vehicle or removable body ID number, cubic yard capacity, tare weight and gross weight.
  - e. evidence of insurance as required in the Solid Waste Regulations naming the Town of Plainfield as an additional insured.
  - f. proposed collection routes and number of residential and commercial customers.
  - g. the rates or rate schedule the applicant proposes to charge residential and commercial customers in the Town.
  - h. a detailed estimate of the volume and type of solid waste to be collected or transported to a designated Solid Waste Facility for one (1) year.
  - i. the names of all other communities serviced by the permittee.

Except as provided otherwise, the permittee is required to update this information within a month of any change.

4. The Director of Public Works/Town Engineer shall review the application and if it conforms to the regulations and this Ordinance issue the permit. If the application fails to meet these requirements, the Director may deny the application. The applicant can appeal the denial to the Board.
5. Any permit issued under the provisions of this Ordinance may be suspended, cancelled, or revoked by the Director on ten (10) days written notice mailed, certified return receipt requested to the permittee at the last business address on the application, upon the following:
  - a. Any permittee fails or refuses to comply with the provisions of this Ordinance or the applicable rules and regulations of the Town.
  - b. The permit is not exercised for any continuous thirty (30) day period.
  - c. The permittee has assigned, either voluntarily or by operation of the law, any permit issued hereunder without the prior written approval of the Director.
  - d. The Director finds that the vehicles used or proposed to be used by the permittee for the collection and transportation of solid waste are insufficient or unfit to transport, collect, or dispose of solid waste or recyclables in accordance with this Ordinance or regulations, violate the provisions of this Ordinance, violate state health code requirements or violate the Town regulations adopted in accordance with this Ordinance.
6. Any permittee desiring to change his rates or rate schedule shall file a new rate schedule with the Director ten (10) days in advance of instituting the new rates or charges.
7. All permittees shall keep and maintain such records as the Director or his designated representative may require to ascertain the extent of compliance with this Ordinance and regulations and shall make the financial or business records of the permittee's operation available for inspection by the Director if so requested.
8. No permit granted pursuant to the provisions of this Ordinance shall be sold, transferred, leased, assigned, or encumbered or disposed of in whole or in part without the written permission of the Director.
9. The vehicle permits shall be affixed and displayed in the lower right interior corner of the motor vehicle windshield.
10. All permits issued under these provisions shall be effective for one (1) year from the date of issuance unless otherwise provided or revoked or suspended.
11. Persons seeking exemption from the permit requirements have the burden of establishing their exemption. The Director of Public Works/Town Engineer or employees of the Solid Waste Facility may require these persons who wish to use the Solid Waste Facility to establish their exemption. The Board may by regulation require insurance from those exempted from the permit requirements.
12. The Board may, from time to time, by regulation establish if other permits are required, fees for, exemptions from, and application requirements for the permits.

## SECTION 7. Contractural Authority and Recycling

The Board is authorized to employ and/or negotiate and enter into contracts with individual persons, corporations, or governmental agencies for the separation, recovery, collection, removal, storage or disposition of solid waste and recyclables.

#### SECTION 8. Enforcement

1. The Director of Public Works/Town Engineer, The Board, the Town Police Department, the Operator of the Solid Waste Facility and their duly authorized representatives, are hereby specifically required to enforce the provisions of this Ordinance and the regulations pursuant to it. They shall have the right to inspect the solid waste collection vehicles or business location to insure conformance with this Ordinance and regulations pursuant to it.
2. Except as provided in Section 9, any person who shall violate any provision of this Ordinance or any provision of any regulation pursuant to it shall be subject to a fine of not more than one hundred dollars (\$100.00).
3. The Board shall be authorized by regulation to revise fines and establish procedures for enforcement.

#### SECTION 9. Littering

1. It shall be unlawful for any person to throw, deposit, or leave any litter or rubbish in any public park, public playground or recreation area, or public street in the Town, or in any property not owned by him except if it is designated for disposal of garbage or refuse by the Town. Such litter or rubbish shall be placed in the proper receptacles where these are provided; and when receptacles are not provided, such litter or rubbish shall be carried away by the person responsible for its generation and properly disposed of elsewhere.
2. Violations of this section shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) for each occurrence.
3. The Board may by regulation revise fines and establish procedures for enforcement.

#### SECTION 10. Repealing of Inconsistencies.

All Ordinances or parts of Ordinances, resolutions, regulations or other documents inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

#### SECTION 11. Extent of Board's Authority

1. In exercising the contractual or regulatory authority provided for herein, the Board shall exercise this authority in conformance with state and town permits or requirements for permits, and federal and state statutes and regulations.
2. Included in the right to enact regulations is the Board's right to amend same, from time to time. Amendments and regulations shall be enacted by resolution.

#### SECTION 12. Severability.

If any section, subsection, paragraph, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decisions shall not affect the validity of the remaining portion of this Ordinance as such other portions shall be deemed separate, distinct and independent.

This Ordinance shall become effective 15 days after publication in accordance with Connecticut General Statutes and the Town of Plainfield Charter.

Ordinance #91 through #92 shall become effective 15 days after publication in accordance with Connecticut General Statutes and the Charter of the Town of Plainfield.

Dated at Plainfield, Connecticut this 2nd day of April, 1990.

Patricia Carroll  
Town Clerk of Plainfield