

LEGAL NOTICE - TOWN OF WOODBRIDGE – NOTICE OF PUBLIC HEARING

Pursuant to §4-5 (c) of the Charter of the Town of Woodbridge, notice is hereby given that the Woodbridge Board of Selectmen will hold a Public Hearing on Wednesday, June 12, 2019, 7:30 p.m. in the Town Hall Central Meeting Room, 11 Meetinghouse Lane, Woodbridge, CT to receive comments and the following:

NEIGHBORHOOD ASSISTANT ACT APPLICATIONS - Pursuant to Section 12-632 of the Connecticut General Statutes the Board of Selectmen of the Town of Woodbridge will hold a Public Hearing on Wednesday, June 12, 2019, 7:00 p.m. in the Central Meeting Room at the Town Hall, 11 Meetinghouse Lane, Woodbridge CT, to receive comments on the applications received for consideration for the Neighborhood Assistance Act for the year 2019. The applications are on file in the Selectmen's Office and may be reviewed between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday.

SOLID WASTE REGULATIONS – CHAPTER 485

§ 485-1 Declaration of Policy.

The accumulation, collection, removal and disposal of Solid Waste must be controlled by this municipality for the protection of the public health, safety, and welfare. It is consequently found and declared that:

A. This municipality is authorized by law to regulate the disposition of Solid Waste generated within its boundaries and to collect fees and issue permits; and

B. This municipality is required by Connecticut General Statutes (C.G.S.) §§ 22a-220 and 22a-241, to make provisions for the separation, collection, processing and marketing of items designated for recycling; and

C. This municipality is also authorized by C.G.S. § 22a-220a to designate the area where Solid Waste generated within its boundaries shall be disposed of; and

D. This municipality has executed the municipal services agreement requiring it to cause all acceptable Solid Waste generated within its boundaries to be delivered to the Bridgeport Resource Recovery Facility; and

E. The public health, safety and welfare of this municipality will be best served by requiring the delivery of acceptable Solid Waste to the Bridgeport Facility for processing into products that have an economic value.

§ 485-2 General definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BRIDGEPORT RESOURCE RECOVERY FACILITY

The Solid Waste disposal and energy recovery and steam and electric facility designed, constructed, operated and maintained pursuant to an agreement with the Greater Bridgeport Regional Solid Waste Interlocal Committee (GBRSWIC).

BULKY WASTE

Land-clearing debris, demolition and construction waste such as tree stumps, brush, and other organic material that is chipped, is not considered as bulky waste.

COMMERCIAL COLLECTOR

Any person, firm or corporation who offers services for the collection, transportation, hauling, dumping and/or disposal of Solid Waste and/or Designated Recyclable Materials in exchange for a fee.

CONTAMINATION

The co-mingling of any Solid Waste or other material with a Designated Recyclable Material, which co-mingling negatively impacts the ability to process, market or recycle the designated item, or which

renders designated items unrecyclable.

DESIGNATED COLLECTION AREA(S)

A collection place used to aggregate waste prior to transportation to a disposal area, such as a container, receptacle or other spot chosen by the Board of Selectmen or its agents.

DESIGNATED DISPOSAL AREA(S)

A disposal place, chosen by the Board of Selectmen or its agents, where Solid Waste is taken for processing or sale.

DESIGNATED RECYCLABLE MATERIALS

Means any discarded material designated for recycling by the Commissioner of Environmental Protection in its regulations adopted pursuant to C.G.S. § 22a-241b, or designated for recycling by C.G.S. § 22a-208v or C.G.S. § 22a-256a, including the following: boxboard, cardboard, glass food containers, plastic HDPE containers, leaves, colored ledger paper, magazines, metal food containers, newspaper, office paper, plastic PET or PETE containers, residential high-grade white paper, scrap metal, storage batteries, waste oil, tires, textiles, shoes, sheet plastic, food scraps and paint. Said items are further described in R.C.S.A § 22a-241b-1.

DUMP

To deposit, discharge, place and dispose of Solid Waste.

HAZARDOUS WASTE

Means hazardous waste, as defined in C.G.S. § 22a-115, and radioactive waste, as defined in C.G.S. § 22a-148, and biomedical waste, as defined in C.G.S. § 22a-207.

TRANSFER STATION

The Designated Collection Area and recycling center located at 89 Acorn Hill Ex, Woodbridge, Connecticut 06525.

NONRESIDENTIAL PROPERTY

Business and commercial establishments within the Town, including but not limited to offices, stores, restaurants, institutions, nursing homes, motels, manufacturing facilities, warehouses, etc. (See also the definition of "residential property.")

OVERSIZED AND NONBURNABLE WASTE

Unwanted or discarded materials that in the judgment of the Bridgeport Resource Recovery Facility operator, reasonably exercised, cannot be processed in the facility because of size or noncombustibility, including dirt, concrete and other nonburnable construction material and demolition debris; and any other item of waste exceeding six feet in any one of its dimensions.

PERSON

Any individual, company, corporation, public or private, society or association.

RESIDENT

One who resides, owns real property or operates or has a place of business in the Town of Woodbridge.

RESIDENTIAL PROPERTY

Real estate containing one or more dwelling units. (See also the definition of "nonresidential property.")

SOLID WASTE

Unwanted or discarded materials of the kind normally collected or disposed of, or caused to be collected or disposed of, by or on behalf of a municipality through private or municipal collection, and commercial, governmental and light industrial waste that a municipality is required by state law to make provision for the safe and sanitary disposal of, but not including in any case hazardous waste or oversized and nonburnable waste, or Designated Recyclable Materials.

§ 485-3 Designation of Solid Waste disposal area.

Pursuant to Connecticut General Statutes, § 22a-220a,

the Bridgeport Resource Recovery Facility is designated as the area where Solid Waste shall be disposed of. All waste collected or generated within the boundaries of the Town by residential, business, commercial or other establishments shall be disposed of in accord with this section. The disposal of Solid Waste at any other area is prohibited, except that the Board of Selectmen may approve, in writing, the temporary disposal at another location either within or outside the boundaries of the Town.

§ 485-4 Permitting of Commercial Collectors.

A. Any person who intends to operate as a Commercial Collector in the Town must register in advance with the Town and obtain a permit before collecting any Solid Waste or Designated Recycling Materials. Any person who operates as a Collector without proper registration within the Town thirty days after the effective date of this ordinance will be subject to the penalties provided in this ordinance. Each permit shall be effective for one (1) year and all Commercial Collectors will be required to apply for a renewed permit each subsequent year with updated information.

B. All persons intending to act as a Commercial Collector in Town, must submit their application for a permit to the Town Clerk on or before July 31st of each year. Each applicant must include the following information:

- 1) The name of the business and whether it is a corporation, partnership, or sole proprietorship;
- 2) The names of all stockholders, directors, partners, officers, members, or proprietors of the business;
- 3) A current list and description of all vehicles and removable bodies to be used for transportation of Solid Waste to the designated disposal or collection area(s), including each vehicle's Connecticut registration number, cubic yard capacity, tare weight and gross weight and each removable body by identification number, cubic yard capacity, tare weight and gross weight;
- 4) Evidence of liability insurance in effect covering all vehicles to be used to transport Solid Waste into the designated collection area, with the Town as named insured, in an amount of at least One Million Dollars (\$1,000,000.00);
- 5) The names and addresses of all customers presently served, if any, within the Town;
- 6) The types of waste hauled by the Commercial Collector;
- 7) The approximate tonnage of Solid Waste and Designated Recyclable Items to be collected each week; and
- 8) Whether the Applicant plans to collect Solid Waste and Designated Recyclable Items generated from residential property or from commercial, business, municipal and other sources with the Town, or both.

Commercial Collectors must also submit to the Town a completed Annual Reporting Form for Collectors/Haulers provided by the Connecticut Department of Energy & Environmental Protection.

C. Commercial Collector shall provide the Town with notice of any changes in vehicles or removable bodies used to transport Solid Waste to the designated area(s). The information must include each vehicle by Connecticut registration number, cubic yard capacity, tare weight and gross weight and each removable body by identification number, cubic yard capacity, tare weight and gross weight.

The door of any private vehicle used to haul solid waste shall be clearly marked with the business name and address of the Commercial Collector.

D. Any permitted commercial collector who attempts to deposit any Solid Waste collected or generated in towns other than Woodbridge shall be ordered

to remove the vehicle from the designated disposal or collection area immediately, notwithstanding the claim that some part of said load of Solid Waste was collected or generated in the Town of Woodbridge.

E. A valid permit must be in possession of the operator or driver of each vehicle before any dumping will be allowed.

F. Each permittee shall accept the condition that, upon any breach of this chapter or of any provisions of the State Health Code, said permit will terminate.

G. Commercial Collectors who offer curbside or backyard collection of Solid Waste must also offer curbside collection of Designated Recyclable Materials in order to be eligible for a permit from the Town.

H. All contract between a Commercial Collector and a residential or non-residential customers in the Town for the collection of Solid Waste must also include a provision for the collection of Designated Recyclable Materials, either by providing for the collection of Designated Recyclable Materials by the same Commercial Collector who is party to the Solid Waste contract or by including an identification by the customer of the Commercial Collector with whom such contract exists. Each Commercial Collector shall provide its customers with clear written or pictorial instructions on how to separate designated recyclable items in accordance with the provisions of C.G.S. § 22a-241b.

I. Any false information, certifications or documents shall be deemed a violation of this chapter and violators shall be subject to the provisions of § 485-13, Enforcement; revocation of permits.

J. The Town shall inform all permitted Commercial Collectors of the requirements of these ordinances and any other Town regulation on the collection, processing and marketing of Designated Recyclable Materials, including mandatory recyclables, source separation and anti-commingling practices, in compliance with the applicable sections of C.G.S. § 22a-220c.

§ 485-5 Permits for Residents.

A. Residents of the Town who plan to use their own vehicle(s) for hauling Solid Waste and/or Designated Recyclable Materials to the Transfer Station must obtain and display a permit issued by the Town.

B. Noncommercial collectors, landscapers and contractors doing work for residents or residents of the Town who use their own vehicles but dispose of items other than yard waste and household Solid Waste at the Transfer Station will be required to obtain and display a non-residential permit from the Town.

C. The aforesaid permits may be suspended at any time by the First Selectman or designated agent. Renewal of the permit may be refused if the manner in which Solid Waste, rubbish, Designated Recyclable Materials, or waste is collected, transported or handled is, in the judgment of the First Selectman or designated agent, unsanitary, or constitutes a nuisance or hazard, or is in violation of this chapter.

§ 485-6 Fee schedule for permits and dumping of bulky waste, brush and wood chips.

A. All permits granted to Commercial Collectors shall be effective for a period of one year from date of issuance. The fee schedule and costs for the different permits issued by the Town, including those for Commercial Collectors, residential and non-residential waste disposal, shall be set by the Board of Selectmen from time to time and any change in the fees shall be published by the Town's Department of Public Works ("DPW") at least sixty (60) days in advance of it taking effect.

B. Failure to pay any permit or disposal fee shall be considered a violation of this chapter.

§ 485-7 Hours of operation.

The Transfer Station will be open for use as follows: 8:30 am to 3:00 pm Tuesday through Saturday, subject to modification by the Board of Selectmen.

The Transfer Station will be closed on all legal holidays.

§ 485-8 Transportation of Solid Waste generated by occupants of nonresidential properties.

A. Occupants of nonresidential properties located within the Town who generate Solid Waste are responsible for the transportation of their Solid Waste to the Bridgeport Resource Recovery Facility, whether through Commercial Collector or other means. All fees charged to the Town for disposal of such Solid Waste shall be billed to the haulers providing transportation service. Said fees must be paid in full within 30 days. Late payments will be subject to interest charges at the statutory rates.

B. Occupants of nonresidential properties may use the Transfer Station and/or other Designated Collection Areas under the following conditions:

(1) The occupants who on or before January 12, 1992, used a hauler utilizing a nonmechanized or manual method of picking up the trash receptacles used by the occupant.

(2) The haulers providing this service will pay the Town such charges in such manner as the Board of Selectmen deem appropriate. These charges shall be based on the proportionate share of the Town's cost for transfer, transportation, and tip fees relating to the disposal of the Solid Waste.

§ 485-9 Restrictions on use of Designated Area(s).

A. Only permitted Commercial Collectors or residents of the Town shall be allowed to deposit Solid Waste in the Designated Collection Area or Designated Disposal Area designated by the Town, and only Solid Waste and Designated Recyclable Materials generated within the Town may be so deposited there.

B. Waste that does not meet the definition of Solid Waste or Designated Recyclable Materials, as defined in § 485-2, may not be discarded at the Designated Collection Area or Designated Disposal Area.

C. Any resident or Commercial Collector who seeks to dump Solid Waste at the Designated Collection Area or Designated Disposal Area may be required to certify, in writing, under penalties of false statement as provided in the General Statutes of Connecticut, that the Solid Waste to be dumped was generated or collected within the Town. Any Commercial Collector who refuses to provide certification, in writing, as specified in this subsection as to any load of Solid Waste, or part thereof, shall not be permitted to dispose of their load and shall remove their vehicle from the Designated Collection Area or Designated Disposal Area immediately.

D. Prior to permitting any person other than a Commercial Collector to dump Solid Waste in the Designated Collection Area, the Board of Selectmen or its agent or employees may require that person or that person's agents or employees to present satisfactory proof of residence within the Town.

E. Dumping shall be permitted only at times and on days established by the Board of Selectmen and in particular locations as designated by the Board of Selectmen or through its agents or employees.

F. No one shall dump or cause to be dumped at the Designated Collection Area or Designated Disposal Area any Solid Waste as follows:

(1) Any Solid Waste collected or generated from any place other than within the boundaries of the Town.

(2) Any hazardous waste.

(3) Any tires from motor vehicles or machinery generated by occupants of nonresidential property.

(4) Large items of machinery and equipment, including but not limited to motor vehicles and major components thereof (transmissions, rear ends, springs, fenders), agricultural equipment, trailers and marine vessels.

G. Oversized and nonburnable waste, as defined in § 485-2, may not be dumped at the designated disposal area. This material may be dumped at the

designated collection area but must be segregated from the Solid Waste.

G. Any of the following types of dumping of Solid Waste, rubbish or other materials is strictly prohibited:

1. The deposit or throwing of rubbish, Solid Waste, refuse or waste upon the public highway, public property, or any vacant lot within the Town, except material lawfully deposited upon the area designated by the Board of Selectmen.

2. The deposit or throwing of rubbish, Solid Waste, refuse or waste upon private property by persons not the lawful occupants of such property.

3. The deposit of stones, cinders and ashes upon the public highway or public property within the Town except in cases where written permission is first obtained of the First Selectman or designated agent.

§ 485-10 Preparation and separation of materials designated for recycling.

A. Any person who generates Solid Waste in the Town shall separate all Designated Recyclable Materials, as defined in § 485-2, from Solid Waste prior to depositing the Solid Waste at Designated Collection Area or Designated Disposal Area, including, specifically, the following items:

1. Cardboard
2. Glass and Metal Containers
3. Newspaper, Magazines and Paper
4. Plastic Containers – Polyethylene terephthalate "PETE 1" and high density polyethylene "HDPE 2" containers
5. Boxboard
6. Scrap Metal
7. Batteries including lead-acid storage batteries and Ni-Cd rechargeable batteries
8. Waste Oil
9. Yard Waste and Wood Chips
10. Electronic Devices
11. Textiles
12. Shoes
13. Sheet plastic
14. Food Scraps
15. Paint

Office paper generated by occupants of residential properties is excluded from this provision and is not subject to mandatory recycling.

B. Those Designated Recyclable Materials items that a Commercial Collector agrees to collect should be placed in a recycling container for pickup by the Commercial Collector and should not be placed in a waste container designated for Solid Waste. All curbside Designated Recyclable Materials shall be clean and free from any food waste. No person shall scavenge Designated Recyclable Materials from recycling containers left curbside for pickup by Commercial Collector.

C. For residential owners and occupants of the Town, Designated Recyclable Materials, including those that are not collected by a Commercial Collector such as waste oil, storage batteries, electronic devices, leaves and other yard waste, may be brought to the Transfer Station or other Designated Collection Area or Designated Disposal Area directly.

D. Residential property occupants shall prepare the following Designated Recyclable Materials, as described below, prior to delivery to Transfer Station or other Designated Collection Area:

1. Glass containers: unbroken, rinsed clean, caps discarded.
2. Metal containers: rinsed clean.
3. Plastic containers: rinsed clean, caps discarded, must have "PETE 1" or "HDPE 2" code marked or embossed on container bottom. No other

plastic containers are to be recycled. Caps are to be discarded.

4. Newspaper: tied securely in bundles with twine or like material not exceeding 18 inches thick, or placed in brown paper bags.

5. Corrugated cardboard. Containers must be flattened and tied in bundles, the length or width of which shall not exceed 36 inches.

6. Tree stumps and logs. Stumps must be cleaned of all dirt and stones. Stumps larger than 30 inches in diameter must be split into logs not to exceed 12 inches in diameter. Logs must be cut into three-foot lengths or shorter. Roots and branches must be removed from all stumps and logs.

7. Brush. Limbs may not exceed two inches in diameter.

E. Each load of Solid Waste and Designated Recyclable Materials will be subject to inspection prior to being dumped. Any person attempting to dump unseparated Solid Waste and Designated Recyclable Materials at a Designated Collection Area and/or Designated Disposal Area shall be ordered to remove their vehicle and materials from the premises.

F. Owners and occupants of nonresidential property of the Town may not dispose of Designated Recyclable Materials at the Transfer Station or other Designated Collection Areas unless said owner or occupant qualifies for the exception outlined in § 485-8(B). Nonresidential property owners and occupants shall be responsible for making private arrangements with Commercial Collectors for the pickup and disposal of all Designated Recyclable Materials in a safe and sanitary manner.

G. Enforcement. Any commercial collector or private contractor, who has reason to believe that a customer has violated the separation requirements of this section, shall promptly notify the Town of the alleged violation.

H. All Solid Waste and Designated Recyclable Materials left for curbside pickup by Commercial Collector is subject to inspection prior to pickup said Commercial Collector to determine proper separation and segregation of Designated Recyclable Materials and Solid Waste as set forth in above.

§ 485-11 Prohibition against removing Designated Recyclable Materials from Designated Collection Area.

No person shall remove any materials from the Designated Collection Area without authorization.

§ 485-12 Public events; prohibited dumping.

A. Public events and Common Gathering Venues. The Town shall require the separation of Solid Waste and Designated Recyclable Materials as a condition of authorizing events at Common Gathering Venues, as defined in C.G.S. § 22a-241k and public events held on or in Town property at which Solid Waste and Designated Recyclable Materials will be generated. Designated Recyclable Materials to be separately collected at events are as follows:

1. Plastic containers.
2. Glass containers.
3. Metal containers.

B. The Town and private owner/operators Common Gathering Venues shall ensure that recycling receptacles for the collection of any of the above designated recyclable items generated at such venue shall be as accessible to the public and at the same locations as trash receptacles. Any existing trash receptacle may be converted to a recycling receptacle by labeling or other means appropriate to identify that such receptacle is dedicated to the collection of designated recyclable items.

§ 485-13 Enforcement; revocation of permits.

A. Whenever the First Selectman or designated agent has reasonable grounds to believe that there has been a violation of any provision of this chapter,

including failure to pay fees and fines, he shall give notice of such violation to the persons responsible therefor. Such notice shall be delivered either by hand or by certified mail to the last known address of the permittee and shall include a statement of the violation(s).

B. The First Selectman or designated agent may take one or more of the following actions based on the severity of the violation:

1. Allow a reasonable time, not to exceed 10 days, to remedy the violation(s). If corrective action is not taken within the time period allowed, the First Selectman or designated agent may cause the violation to be corrected and bill the person for the cost thereof; or

2. For residents who are using a private collector for Solid Waste and/or Designated Recyclable Materials, the resident in violation of this chapter may be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) and/or non-collection of Solid Waste; or

3. Suspension of the permit.

C. If such suspension is for a reason that might involve a serious and immediate risk to life, health or property, the suspension shall take effect immediately without a hearing. Otherwise, the suspension shall not take effect until after a hearing is held after an appeal is requested, and a decision is rendered pursuant thereto. If no appeal is requested, the suspension shall take effect six calendar days following receipt by the permittee of the written notice of suspension.

D. When a violation of this chapter has occurred, each separate truckload of material deposited or otherwise dumped at the designated area shall be deemed a separate offense, and the responsible person(s) may be charged with the actual expense of removal and disposition of such substance outside the Town in addition to any other fines, fees or penalties required herein.

E. Any Commercial Collector, their agent, employee, or representative who has violated any provision of this section, and any share holder who owns more than 10% of any stock in a Commercial Collector, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) and/or suspension of its permit by the Town.

§ 485-14 Hearing procedure.

A. Any person or persons who are fined, assessed penalties or costs because of a violation of this chapter shall follow the hearing procedure outlined in Chapter 15, Citation Hearing Procedure.

B. Any person or persons whose permit to dump at the designated area(s) has been suspended pursuant to this chapter, or the enabling ordinance, may apply, in writing, to the Board of Selectmen, for a hearing on the violation or suspension, within five calendar days of the receipt of written notice of such violation or suspension.

C. Within seven calendar days of the filing of the application, the Board of Selectmen shall set a date for a hearing on the application, which date shall be within 21 calendar days of filing of the application, and shall give written notice of the time and place of the hearing to the permittee.

D. At such hearing the permittee may present evidence in support of any claim that the permit should not be suspended. The permittee may be represented by counsel and may present testimony, documentary or other evidence in support of the claim, and may cross-examine any persons testifying against such party.

E. If the Board of Selectmen, based on evidence presented at the hearing, decide that the permit should be reinstated, it should so advise the permittee, in writing, whereupon such suspension shall not take effect. If the Board of Selectmen decide that the suspension should take effect, it shall so advise the permittee. The decision shall be sent by certified

mail and shall become effective upon receipt.

§ 485-15 Curbside removal of Solid Waste and/or Designated Recyclable Materials.

A. Each resident who has made private arrangements with a Commercial Collector for the curbside pickup of Solid Waste and/or Designated Recyclable Materials shall comply with the following:

All such Solid Waste or Designated Recyclable Materials, as outlined in §485-10 above, shall be placed in proper containers and positioned on the area abutting the Residential Property at the street curblines so as not to constitute a nuisance or otherwise be objectionable to neighborhood properties;

1. All containers shall be placed on the area abutting the Residential Property at the street curblines by the Resident no more than 24 hours prior to the scheduled pickup;

2. All containers shall be removed from the street by the Resident after the Solid Waste and/or Designated Recyclable Materials has been collected, but no later than 24 hours after the collection;

3. All Solid Waste and/or Designated Recyclable Materials which has not been collected shall be removed from the street no later than 24 hours after the collection should have occurred;

4. All Solid Waste and/or Designated Recyclable Materials containers, when not set out for collection, shall be stored away from the front yard of each property and shall be stored no closer than 15 feet from any adjoining residence.

B. Any resident utilizing the Town's program for the Town-wide bulk pickup program, such as appliances, furniture, etc., shall comply with the following:

1. Make an appointment with the DPW for the pickup of Solid Waste in accordance with the times established by the DPW;

2. Place the Solid Waste material at the area abutting the property directly in front of the residence at the street curblines by the resident no more than 72 hours prior to the scheduled appointment for the pickup;

3. Remove any items of Solid Waste from the curbside that were deemed unfit by the DPW to be removed no later than 24 hours after the scheduled pickup;

4. All waste containers, when not set out for collection, shall be stored away from the front yard and side yards of each property and shall be stored no closer than 15 feet to any adjoining residence.

C. Penalties for offenses.

1. (1) A written warning shall be issued to any resident who is in violation of any provisions of this § 485-15.

2. (2) A second violation of § 15 shall be subject to a fine of \$100 and a third violation, and each additional violation, shall be subject to a fine of \$150.

3. (3) The Town's Department of Public Works shall be charged with enforcing the provisions of § 485-15, including the issuance of any warnings and fines allowed by this section.

D. The procedures established by Chapter 15, Citation Hearing Procedure, of this Code may be applied to citations or fines issued under this section. The provisions of this section, further may be enforced in any court having jurisdiction over violations, fines, arrests and prosecution.

Copies of the proposed ordinance is on file in the Town Clerk's Office for review, 8:30 a.m. to 4:00 p.m. Monday through Friday, **Written comments will be received in the Selectmen's Office until 4:00 p.m. on Wednesday, June 12, 2019, or may presented that evening during the Public Hearing at 7:30 p.m.**

Dated May 24, 2019 Board of Selectmen, Town of Woodbridge