

## Chapter 16:

# SOLID WASTE AND RECYCLING

### I. Recitals

- a. Since the adoption by the Town of Kent of its current ordinances concerning regulation of the collection and disposal of municipal solid waste and its program for recycling of items of certain solid waste, the State of Connecticut has amended its statutes, regulations and statewide solid waste management plan on numerous occasions and the Housatonic Resources Recovery Authority (“HRRRA”) has revised the provisions of its Regional Solid Waste Disposal and Recycling System that serves as the regional solid waste management plan. Participation by the Town of Kent in HRRRA’s Regional Solid Waste Disposal and Recycling System satisfies the requirements of Section 22a-220(a) of the Connecticut General Statutes that the **Tow**n of Kent make provisions for the safe and sanitary disposal of all “acceptable solid wastes,” as defined in the ordinance below, which are generated within its boundaries.
- b. Those amendments by the State of Connecticut and revisions by HRRRA have, among other things, increased the statewide goal for reducing the amounts of solid waste disposed of, expanded the list of items designated to be recycled, increased the amounts of materials targeted for recycling in the future in relation to amounts of solid waste to be disposed of, and adopted provisions requiring municipalities to register and collect specific data from all collectors of solid waste and recyclable materials generated within the respective municipalities.
- c. The Board of Selectmen of the Town of Kent has determined that the public health, safety and welfare of the citizens of the Town of Kent will be best served by the adoption of the following ordinance concerning regulation of the collection and disposal of municipal solid waste and its program for recycling of items of solid waste to reflect the applicable revisions of the State of Connecticut’s statutes, regulations and statewide solid waste management plan.
- d. It is the intention of the Board of Selectmen of the Town of Kent that the provisions of the following ordinance be interpreted in such a manner as to provide to the Town of Kent, to the greatest extent contemplated in Chapter 446d of the Connecticut General Statutes, the means to reduce the amounts of solid waste generated within the Town of Kent and disposed of as solid waste and to increase the amounts of items of such solid waste recycled in accordance with the statutes and regulations of the State of Connecticut.
- e. It is also the intention of the Board of Selectmen of the Town of Kent that the adoption of the provisions of the following ordinance and the participation of the Town of Kent as a Member in HRRRA’s Regional Solid Waste Disposal and Recycling System, the Town of Kent demonstrates its progress in planning and

program implementation designed to achieve the State of Connecticut's goals of diverting materials from solid waste disposal.

## **II. General**

The provisions adopted hereby shall apply, effective on and after January 21, 2021, notwithstanding any existing provisions of the ordinances of the Town of Kent to the contrary notwithstanding, and any such contrary provisions are hereby repealed

## **III. Registration of Collectors of Solid Waste Generated in the Town of Kent**

- a. As used in this ordinance, "collector" means any person who holds himself out for hire regularly to collect, or who actually collects, solid waste from residential, business, commercial or other establishments, and "person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency or political or administrative subdivision of the State of Connecticut, or other legal entity of any kind. "Collector" does not include: (1) Any person who collects and transports septic tank pumpings, and (2) any person who transports used materials for the purpose of delivering such materials to a charitable organization that distributes reused household items or to a retail facility that sells reused household items.
- b. (1) Any collector hauling solid waste generated by residential, business, commercial or other establishments, including, but not limited to, recyclables generated within the borders of the town of Kent, shall register and apply for a permit annually as directed by the First Selectman or his or her designee and disclose: (A) The name and address of the collector and the owner of such collection company; (B) the name of any other municipality in which such collector hauls such solid waste, including recyclables; (C) whether the hauling done by such collector is residential, commercial or other; (D) the types of waste hauled; (E) the anticipated location of any disposal facilities or end users receiving recyclable solid waste; and (F) any additional information that such First Selectman or his or her designee requires to enhance the health and safety of the residents of the town of Kent. No person may act as a collector in the Town of Kent without maintaining an active permit issued pursuant hereto, and no person may drive a solid waste collection vehicle to collect solid waste in the Town of Kent without demonstrating that such person has a valid license issued by the State of Connecticut to drive such vehicle. It shall be a condition of such registration and permit that any such collector agrees to comply with (i) all provisions of this ordinance and Chapter 446d of the Connecticut General Statutes applicable to collectors, and all other requirements set forth in the application for such permit, which agreement to comply shall be contained in all annual registrations and permit applications.

- (2) Any such collector shall report to the First Selectman or his or her designee (A) the types of solid waste, including recyclables, as listed in subsection (c) of section 22a-208e of the Connecticut General Statutes, as it may be amended from time to time, generated within the borders of the Town of Kent and collected by such collector, (B) the name, location and contact information for the first destination where such solid waste, including recyclables, was delivered by the collector during the previous fiscal year, and (C) the types and actual or estimated amounts of such solid waste, including recyclables, directly delivered to (i) an out-of-state destination, (ii) an end user or manufacturer in Connecticut, or (iii) any other location in Connecticut not maintaining an active permit as a solid waste facility issued by the Connecticut Department of Energy and Environmental Protection. Such reports shall be submitted to the First Selectman or his or her designee annually, on or before July thirty-first, and shall provide the information specified in this subdivision for the prior fiscal year of the State of Connecticut. Such reports shall be on a form prescribed by the Connecticut Commissioner of Energy and Environmental Protection and shall include any other additional information the commissioner and/or HRRRA deems necessary.
- c. The Town of Kent to set an annual registration fee no later than April 30<sup>th</sup> each year and, among other things, (1) authorize the imposition of an increase of the fee to an amount twice the disclosed fee if the registration and permit application of the collector is not filed timely in accordance with (b)(1) above, (2) authorize HRRRA to retain the amount of any increase collected as a result of a late filing, and (3) provide for a proration of the registration fee for a new collector applying for a registration and permit for new collection service to be begun after December 31 in any fiscal year.
- d. Upon the effective date hereof, HRRRA shall be the initial designee of the First Selectman as regional agent to: (i) process and receive the collector registrations and reports set forth in subsections III(b)(1) and (2) above, (ii) collect the fees established in subsection III(c) above, (iii) provide notices to collectors concerning the recycling requirements of the Town of Kent as set forth in subsection IV(b) and Section V below, and (iv) receive notices from collectors concerning persons suspected of discarding recyclable items mixed with solid waste.

#### **IV. Designation of the Location for the Disposal of Acceptable Solid Waste and Processing of Recyclables**

- a. The place where acceptable solid waste generated within the boundaries of the town of Kent by residential, business, commercial or other establishments may be disposed is the Solid Waste Transfer Station designated by HRRRA and operated under contract as part of its Regional Solid Waste Disposal and Recycling System the Transfer Station, located 38 Maple Street, Kent, CT 06757 operated under contract as part of HRRRA's Regional Solid Waste Disposal and Recycling System.
- b. The place where curb-side collected items designated for recycling by Connecticut statute, regulation, the Statewide Solid Waste Management Plan (including without limitation the 2016 Comprehensive Materials Management Strategy), or by HRRRA, all as may be amended or updated from time to time, generated within the boundaries of the Town of Kent by residential, business, commercial or other establishments may **[shall - for Newtown]** be taken for processing or sale elsewhere is the recyclable materials processing facility operated under contract as part of HRRRA's Regional Solid Waste Disposal and Recycling System

#### **V. Recycling**

- a. Each person who generates solid waste from residential property shall separate from other solid waste items designated for recycling by Connecticut statutes, regulations or orders of the Commissioner of Energy and Environmental Protection.
- b. Every person who generates solid waste from property other than residential property shall make provision for and cause the separation from other solid waste of such items designated for recycling pursuant to subsection (a) of this section above through the use of one or more collection containers for designated items that are separate from collection containers for other solid waste.
- c. Any collector who has reason to believe that a person from whom he collects solid waste has discarded recyclable items with such solid waste in violation of said subsections (a) or (b) shall promptly notify the First Selectman or his or her designee of the alleged violation. Upon the request of the First Selectman and his or her designee, a collector shall provide a warning notice, by tag or other means, to any person suspected by the collector or the First Selectman and his or her designee of violating separation requirements. A collector shall also assist the First Selectman or his or her designee to identify any person responsible for creating loads containing significant quantities of recyclable items mixed with

solid waste which are delivered to a resources recovery facility or solid waste facility by the collector and detected by the owner or operator of such facility.

- d. Recycling Receptacles at Common Gathering Venues – (i) for the purpose of this section, “Generated” means sold or given away at a common gathering venue; and “Common gathering venue” means any area or building located in the Town of Kent, or portion thereof, that is open to the public, including but not limited to, any (A) building that provides facilities or shelter for public assembly, (B) inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant or other commercial establishment that provides services or retails merchandise, of (C) museum, hospital, auditorium, movie theater or university building; (ii) It shall be the responsibility of the owner of each common gathering venue where designated recycling items may be generated while the public congregates at such venue and that provides for the collection of solid waste to provide recycling receptacles for the collection of any designated recyclable items generated at such venue, provided nothing in this section shall be construed to require an owner or operator of such venue, or the Town of Kent, to provide such recycling receptacles whenever such receptacles are provided by another person pursuant to contract. Such recycling receptacles shall be as accessible to the public and at the same locations as trash receptacles, that is, there must be one recycling receptacle accompanying each trash receptacle.
- e. Collector Contracts with Business Customers - (i) For the purposes of this subsection (e), “customer” means a business (including without limitation a sole proprietorship) and any other establishment or institution, including without limitation any landlord, and any association or company managing a common ownership housing facility or facilities. (ii) Each contract between a collector and a customer for the collection of solid waste shall make provision for the collection of designated recyclable items, either by providing for the collection of designated recyclable items by the same collector who is party to the solid waste contract or by including an identification by the customer of the collector with whom such contract exists. The provisions of this section shall not be construed to require a customer to contract exclusively with one collector for the collection of both designated recyclable items and other solid waste. Each collector shall provide each customer with clear written or pictorial instructions on how to separate designated recyclable items in accordance with the provisions of subsection V(b) above.
- f. Collectors Required to Offer Recycling Collection – (i) For the purposes of this subsection (f), “curbside or backyard collection” means the collection of presorted designated recyclable items or solid waste left for such collection by residents and businesses on the property where such residents reside or on the property of such business. (ii) Each collector who offers curbside or backyard collection of solid waste generated by residential properties in the Town of Kent shall offer curbside or backyard collection of designated recyclable items to each of such collector’s

customers and such curbside or backyard collection of designated recyclable items shall be included in the collector's charge for solid waste collection. The provisions of this subsection shall not be construed to prohibit any collector from determining and adjusting its fees for combined curbside collection services.

- g. No person shall knowingly combine previously segregated designated recyclable items with other solid waste.

VI. **Enforcement**

- a. Any person, including without limitation any collector, found to have: (i) knowingly disposed of acceptable solid waste in violation of subsection IV(a) above; (ii) knowingly disposed of items designated for recycling in violation of subsection IV(b) above; or (iii) violated any of the provisions of the requirements of Sections III or V above, shall be subject to a fine of not more than one thousand dollars for each such violation and to the revocation or suspension of any permit issued pursuant to subsection III(b)(1) above.
- b. Any police officer or other person authorized by the First Selectman may issue a citation to any person who commits a violation set forth in subsection VI(a) above.
- c. Any person fined or whose permit has been or may be revoked or suspended pursuant to this Section may request and shall be granted a hearing on the matter, provided that such request must be made, after notice to such person, and the hearing shall be conducted, in accordance with the provisions of Section 7-152c of the Connecticut General Statutes.