

Chapter 8 GARBAGE, TRASH AND REFUSE¹

ARTICLE I. IN GENERAL

Secs. 8-1—8-15. Reserved.

ARTICLE II. WASTE MANAGEMENT

Sec. 8-16. Declaration of policy.

The accumulation, collection, removal, and disposal of solid waste, as defined in this article, must be controlled by the town for the protection of the public health, safety, and welfare. It is consequently found and declared that:

- (1) The town is required, pursuant to G.S. § 22a-220, to make provisions for the safe and sanitary disposal of all solid waste generated within its boundaries and is authorized to collect a charge therefor; and
- (2) The town is authorized by G.S. § 22a-220 to designate the area where solid waste generated within its boundaries shall be disposed; and
- (3) The town is authorized by G.S. § 22a-221 to enter into a contract with respect to collection, transportation, separation, volume reduction, processing, storage and disposal of its solid waste; and
- (4) The town has executed a municipal solid waste disposal and recycling services agreement with a state authorized solid waste disposal and resource recovery facility operator to cause solid waste generated within its boundaries and collected at a local waste facility and which is acceptable waste, as defined in the agreement, to be delivered to sites designated by this facility operator and agreed upon by the town; and
- (5) The public health, safety and welfare of the town will be served by the delivery of such solid waste to the agreed upon site of the facility operator. As it deems necessary for the public welfare and subject to the notice requirements of G.S. § 22a-220a and other requirements imposed by law, the board of selectmen may approve waste disposal at other areas within or without the town.

(Ord. of 10-27-87(1), § 1; Ord. of 9-20-12)

Sec. 8-17. Definitions.

The following terms as used in this article shall have the following meanings:

Acceptable waste shall mean garbage, trash, rubbish, refuse and other solid waste, including bulky waste, normally generated by residential users and disposed of by the town.

¹Cross reference(s)—Animals, Ch. 3; health and sanitation, Ch. 9; refuse and trash in parks, § 14-46(b); refuse and trash in open space areas, § 14-81(b); water, sewers and sewage disposal, Ch. 18.

Bulky waste, for the purpose of this article, shall mean that portion of acceptable waste which is separated out from further processing at the local waste facility or the designated disposal site. Bulky waste includes but is not limited to:

- (1) Noncombustible construction materials and demolition debris including structural steel, reinforcement-bar, and structural shapes;
- (2) Oversized waste, which exceeds one (1) foot six (6) inches by four (4) feet by six (6) feet and weighs more than fifty (50) pounds and cannot be reduced in size by the waste process facility;
- (3) Any item which, in the sole discretion of the waste facility operator, is not readily processable or, which in the discretion of the waste facility operator may damage the machinery if introduced into the process.

Designated disposal site shall mean the solid waste disposal facility agreed upon by the facility operator and the town, as the board of selectmen shall designate.

Hauler shall mean a hauling contractor, which has contracted with the town to receive solid waste deposited at a local waste facility and haul such waste to a designated disposal site.

Hazardous waste means pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic, and other hazardous wastes which according to federal, state or local rules or regulations from time to time in effect require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. 6921-6925 and regulations promulgated thereunder adopted by the United States Environmental Protection Agency pursuant to 42 U.S.C. 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

Local waste facility shall mean that facility operated by the town and designated by its board of selectmen as the original collection point of solid waste generated in the town.

Prohibited materials shall mean any material that may not be disposed of at the local waste facility, specifically including without limitation: special waste; hazardous waste; hot or smoldering ashes from coal, wood, charcoal, or other materials; automobile frames and/or automobile bodies, in whole or in parts; metal or plastic barrels (unless such barrels have one (1) or both of the ends removed); fuel storage containers or similar vessels, excluding twenty (20) pound propane tanks, (unless these items have been cut into three (3) or more pieces); mounted tires; septage; all waste not generated from within the town unless specifically authorized by the town; and all other materials not specifically described above as bulky waste or unrestricted materials.

Refuse collector shall include any person, firm or corporation engaged in the business of collecting and transporting commercial, household or industrial solid waste for hire within the town.

Residential shall mean private residence, apartment or condominium residential dwelling units located within the town.

Special waste shall mean nonhazardous solid wastes requiring special handling by the state's department of energy and environmental protection ("DEEP"), including but not limited to the following: nonhazardous water treatment, sewage treatment or industrial sludges, fly-ash and casting sands and slag, contaminated dredge spoils, and asbestos.

Unacceptable waste shall mean prohibited materials, any hazardous waste as defined in this section, oil sludges, explosives, liquid waste or any other waste that would require special handling or processing, or would pose a threat to health or safety, or the processing of which would cause damage to the waste disposal facility, or would be in violation of any judicial decision, order or action of any federal, state or local government or any agency thereof, or any other applicable regulatory authority, or applicable law or regulation, including without limitation:

- (1) Lumber exceeding six (6) feet in length or six (6) feet in width or four (4) inches in thickness;

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- (2) Single trees and large limbs exceeding six (6) feet in length or three (3) inches in diameter or with branches not cut back within six (6) inches of the trunk;
 - (3) Metal pipe exceeding three (3) feet in overall length or one and a half (1½) inches inside diameter;
 - (4) Cans or drums greater than five (5) gallons capacity or if closed or sealed;
 - (5) Tires in large quantities or other than directly from residential sources;
 - (6) Any individual items which are not physically of such size as to fit uncompacted within an envelope defined by the dimensions three (3) feet high by six (6) feet wide by seven (7) feet long or which weigh more than two thousand (2,000) pounds each.

Waste process facility shall mean a trash-to-energy plant or other similar facility designated by the board of selectmen as a disposal site for acceptable materials.

(Ord. of 10-27-87(1), § 2; Ord. of 7-3-03; Ord. of 9-20-12)

Sec. 8-18. General requirements.

All solid waste accumulated in the town shall be collected, conveyed, and disposed of in accordance with the provisions of this article and regulations promulgated under this article.

(Ord. of 10-27-87(1), § 3)

Sec. 8-19. Administration, promulgation of rules and regulations.

- (a) *Authority to establish.* The Board of Selectmen shall have the authority to establish such rules and regulations as it deems necessary for the public health, safety, and welfare concerning the separation, collection, removal, storage, and disposition of refuse, garbage, trash, commercial and industrial waste, and all other solid waste and all salvageable material, including, without limitation, the operation of any local waste facility. Such rules and regulations may regulate, without limitation, licensing, fines, identification, the imposition of, amount of, and collection of fees and charges, hours of operation, the quantity and character of waste, and private and public collection.
- (b) *Procedure for establishment.* Unless otherwise provided in the town charter, all rules and regulations and any amendments thereto shall be adopted as follows: The rules and regulations shall be adopted by the Board of Selectmen at a regular or special meeting of such board; provided, however, no such regulations containing any provision for the imposition, amount or collection of any fees or charges shall be acted upon by such board unless a public hearing on such imposition, amount or collection shall have been held by the Board of Selectmen. Notice of such public hearing shall be given at least five (5) days in advance by publication in a newspaper having general circulation in the town and by posting such notice at the town hall. Copies of every regulation to be considered at such hearing shall be made available by the Board of selectmen for public inspection at the town clerk's office at least five (5) days in advance of such hearing. Every regulation, after approval by the Board of Selectmen, shall be filed with the town clerk, who shall then record and, with the advice of town counsel, compile the same as required by the General Statutes. Notice of adoption shall be published in the same manner as provided for town ordinances in a newspaper having a general circulation in the town. Each regulation shall take effect fifteen (15) days after publication unless such regulation shall specify a later effective date.

(Ord. of 10-27-87(1), §§ 7.1, 7.2)

Sec. 8-20. Disposal of bulky waste.

All permittees shall separate bulky waste from other materials prior to delivery at the local waste facility, or designated disposal site, whichever is the place of delivery by a permittee. The permittee shall pay a fine in an amount set by the Board of Selectmen if the permitted does not separate bulky waste. The Board of Selectmen may change the amount of the fines imposed hereunder from time to time without amending this ordinance.

(Ord. of 10-27-87(1), § 4; Ord. of 9-20-12; Ord. of 10-15-20(5))

Sec. 8-21. Permits required.

- (a) *Residential.* Any resident who uses a local waste facility for the disposal of acceptable waste from his or her residence and who transports same by private passenger vehicle shall obtain a residential permit from the first selectman or his designee. Such permit shall be non-transferable and shall be affixed to the vehicle for which it was issued.
- (b) ~~*Commercial.* All persons who collect and transport acceptable residential waste for hire and who use a local waste facility for the disposal of such waste, excluding construction and demolition waste, must obtain a commercial permit from the first selectman or his designee.~~
- (c) *Special.* Residential permittees or their contractors who wish to use a local waste facility to dispose of construction and demolition waste must apply for a special permit. In order to obtain such permit the resident or his contractor shall identify the location, type and scope of the demolition or construction project. A copy of the relative building permit may need to be provided to obtain a special permit. Such permit will be issued by the first selectman or his designee on a temporary basis for a period not to exceed the reasonable duration of the project.
- (d) *Temporary.* Any resident who uses a local waste facility for the disposal of acceptable waste from his or her residence and who transports same by a vehicle that is owned by the resident but is not registered in the town or that is rented, leased, borrowed, provided by his employer, or is owned and driven by a friend or relative shall obtain a temporary permit. Such temporary permit shall be issued for a duration as determined to be appropriate by the first selectman or his designee.

(Ord. of 10-27-87(1), §§ 5.1—5.3; Ord. of 9-20-12)

~~Sec. 8-22. Prerequisite to issuance of commercial permits.~~

~~In order to obtain a commercial permit, the permittee, owner, lessee, or any officer (identified and authorized as to title) of the owner or lessee, of each vehicle engaged in the disposal of waste at any local waste facility area shall be required to register with the first selectman or his designee. The applicant shall be required to sign a certificate of origin certifying that all acceptable waste deposited in any waste facility is generated within the town. Applicants for commercial permits who are refuse collectors hauling waste generated by residential, commercial, or other establishments in a municipality other than this town shall disclose the names of any other municipality in which such collector collects such waste.~~

~~(Ord. of 10-27-87(1), § 5.5.1; Ord. of 9-20-12)~~

~~Editor's note(s)—Ord. of 9-20-12 amended the title of § 8-22 to read as set out herein. Previously § 8-22 was titled prerequisite to issuance of permits.~~

Sec. 8-23. Permit sticker on vehicle prerequisite to access to waste facility.

No vehicle shall be permitted access to any waste facility unless a valid special, ~~commercial~~, residential or temporary permit has been issued for such vehicle. Except for special and temporary permits, such sticker shall be permanently affixed to such vehicle by the first selectman or his designee.

(Ord. of 10-27-87(1), § 5.5.2; Ord. of 9-20-12)

Sec. 8-24. Permit to be displayed.

The registration issued shall be conspicuously displayed on each vehicle as may be directed.

(Ord. of 10-27-87(1), § 5.7; Ord. of 9-20-12)

Sec. 8-25. Permit revocation or suspension.

- (a) *Generally.* In addition to any other fine imposed under this article or under the laws of the United States, the state or the town, repeated or serious failure by permittees to comply with the provisions of this article shall be grounds for the first selectman or his designee to revoke or suspend permits issued under this article.
- (b) *Notice required.* Revocation or suspension shall become effective five (5) calendar days after receipt of written notice from the first selectman or his designee.
- (c) *Request for review.* If a permittee objects to the first selectman's or his designee's action described in paragraph (a) of this section to revoke or suspend his permit, he may, within five (5) calendar days of receipt of such notice, file a written request for review with the Board of Selectmen. Failure to timely file such request for review shall make the revocation final and binding.
- (d) *Request for review stays revocation or suspension.* Timely filing of such request for review shall operate as an automatic stay of the revocation or suspension.
- (e) *Appeals board.* Three (3) selectmen, not including the first selectman, shall act as an appeals board, and such board, after due notice, shall, within fifteen (15) days of such request for review, hear evidence and argument and decide whether to affirm or vacate the revocation or suspension. The decision of such board shall be final and binding, except as otherwise provided by law.
- (f) *Effect.* Any person whose permit is revoked or suspended shall be prohibited from using any designated disposal site or local waste facility.

(Ord. of 10-27-87(1), §§ 6.1—6.6)

Sec. 8-26. Permit term and fees.

- (a) ~~*Commercial.* All commercial permits shall expire at the end of business hours on June thirtieth of each year. All commercial permittees must obtain and affix to their vehicles new permits each year or they will not be permitted to use any town designated waste facility.~~
- (~~a~~)*b*) *Residential.* Residential permits shall expire at such times as the first selectman shall designate upon sixty (60) days' prior notice thereof.
- (~~b~~)*e*) *Special and temporary.* Special and temporary permits shall expire at such times as the first selectman or his designee shall designate.

(~~cd~~) *Establishment of fees.* The Board of Selectmen may, from time to time, establish fees for the issuance and renewal of such permits.

(Ord. of 10-27-87(1), § 5.4.3; Ord. of 10-11-88(1); Ord. of 9-20-12)

~~**Sec. 8-27. Vehicle markings.**~~

~~The door of any commercial vehicle used to collect or haul waste shall be clearly marked with the business name and address of the collector or hauler.~~

~~(Ord. of 10-27-87(1), § 5.5.3)~~

~~**Sec. 8-28. Registration of vehicles.**~~

~~Each licensed refuse collector shall obtain a separate registration for each vehicle he operates to transport solid waste within the town. Permits shall not be transferable from vehicle to vehicle nor from container to container; provided however, the first selectman or his designee may allow temporary transfers of registrations in hardship situations, such as temporary breakdowns of individually licensed vehicles.~~

~~(Ord. of 10-27-87(1), § 5.6)~~

~~**Sec. 8-29. Hauler's responsibilities and obligations.**~~

~~(a) *Place of delivery.* Each hauler shall deliver all acceptable residential waste generated within the territorial limits of the town from the local waste facility to the designated disposal site and follow the proscribed procedure.~~

~~(b) *Prohibition on delivery.* No hauler shall deliver any acceptable residential waste to any place other than the designated disposal site.~~

~~(Ord. of 10-27-87(1), §§ 8.1, 8.2; Ord. of 9-20-12)~~

Sec. 8-2730. Permittees' responsibilities and obligations.

(a) Except as otherwise provided in this article, all permittees shall deliver all acceptable residential waste to the local waste facility designated by the first selectman or his designee, and any applicable charge shall be paid by the permittee.

~~(b) *All commercial haulers shall deliver all acceptable non-residential waste to a licensed waste disposal site, and any applicable charge shall be paid by the commercial hauler.*~~

(Ord. Of 10-27-87(1), § 9.4; Ord. Of 10-11-88(1); Ord. Of 1-15-89; Ord. Of 7-3-03; Ord. of 9-20-12)

Sec. 8-2831. Violations and penalty.

Any person violating the terms of this article shall be subject to punishment as provided in section 1-10 of this Code for each offense, in addition to any other penalty applicable under local, state and federal laws or regulations.

(Ord. of 10-27-87(1), § 10)