

AMENDMENT TO ORDINANCE

Chapter 273, Solid Waste, of the Code of Ordinances of the Town of Manchester is hereby repealed and replaced by the following:

CHAPTER 273

SOLID WASTE

§ 273-1. Purpose.

The Town of Manchester provides curbside refuse and recycling collection and disposal services to single, two, three and four family dwellings by providing town issued refuse and recycling containers for the sanitary, safe storage and disposal of refuse and recyclables.

It is the responsibility of each owner of any building that is not a single, two, three or four family dwelling to provide refuse and recycling containers for the sanitary and safe storage of refuse and recyclables and to provide for the removal and disposal of refuse and recyclables in accordance with applicable statutes and regulations.

§ 273-2. Definitions.

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

BULKY WASTE -

Oversized waste materials too large for collection in town refuse containers. Bulky waste shall not consist of any refuse that may be packaged and disposed of using town provided refuse containers. Examples of bulky waste include: furniture, appliances, carpeting, mattresses, box springs and similar items.

CONSTRUCTION & DEMOLITION (C&D) WASTE -

Materials and wastes resulting from the repair, construction, demolition and/or renovation of buildings or structures, such as lumber, earth, stones, concrete, mortar, masonry, tubs, floor tiles, linoleum, roofing materials, sheathing, rubble, macadam, plaster and brick, conduit, pipe, insulation, and other material. These materials do not constitute bulky waste.

DWELLING -

A house or building, or portion thereof, or any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and/or eating by one or more families or households.

DWELLING UNIT -

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

GARBAGE -

Putrescible household wastes, animal and vegetable matter, and all other waste liable to decay.

HOUSEHOLD HAZARDOUS WASTE (HHW) -

Waste materials that are toxic, flammable, reactive or corrosive, including but not limited to oil-based paints, thinners, fluorescent lamps, pool chemicals, pesticides, mercury thermometers, and gasoline. These materials do not constitute bulky waste.

OCCUPANT -

Any person living or sleeping in a building or having possession of a space within a building.

OWNER -

Any person, agent, operator, firm or corporation having a legal or equitable interest in the property or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

RECYCLABLES -

All items required to be recycled by municipalities in accordance with the Regulations of the Department of Environmental Protection, adopted pursuant to section 22a-241b of the Connecticut General Statutes, and all other items designated for recycling in the rules and regulations established pursuant to section 273-6 of this Ordinance.

REFUSE -

All putrescible and nonputrescible solid wastes, including garbage and rubbish, generated by residential activities. Refuse shall not include recyclables, bulky waste, C&D waste, HHW or yard waste.

REFUSE CONTAINER -

Town issued, wheeled green plastic cart that is provided for the specific purpose of storing refuse generated by residential activities.

RECYCLING CONTAINER -

Town issued, wheeled blue plastic cart that is provided for the specific purpose of storing those household recyclables, designated in the rules and regulations established pursuant to section 273-6 of this Ordinance, generated by residential activities for collection by the Town.

RUBBISH -

Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, except garbage; the term shall include materials such as films, wrappings, rubber, leather, rags, clothes, crockery, dust sweepings, and non-recyclable papers, plastics, metals and glass, but shall not include recyclables, bulky waste, C&D waste, HHW and yard waste.

SOLID WASTE -

Any of the materials defined herein as bulky waste, construction and demolition waste, garbage, household hazardous waste, recyclables, refuse, rubbish and yard waste.

YARD WASTE -

Organic materials including cut branches, limbs, leaves, mowed grass, shrubbery trimmings, weeds and Christmas trees, primarily generated from landscaping and yard care activities. Does not include garbage, rubbish, trees or tree branches over three inches in diameter, or tree stumps.

§ 273-3. Dumping on public lands.

It is expressly prohibited for any person, except authorized Town employees or persons with a contractual agreement with the Town, to dump any solid waste on any public highways, rights-of-way or public lands within the Town, except in those areas specifically designated for refuse disposal, without the express written permission of the General Manager.

§ 273-4. Storage, Placement and Usage of refuse and recycling containers on residential properties.

- A. All refuse and recyclables accumulated by owners of residential properties and the occupants of residential properties whose collection is provided for by the Town of Manchester, shall be placed in the appropriate Town-issued containers for curbside collection.
- B. It shall be a violation of section 273-3 to place at the curbside, not in a Town-issued container, any refuse or recyclables, or to place at the curbside any solid waste, not in compliance with the rules and regulations established pursuant to section 273-6. Any such refuse, recyclables or other solid waste shall be subject to removal by the Town in accordance with section 273-5.
- C. The containers in which refuse and recyclables are kept shall be placed at the curbside rather than in the roadway, unless otherwise approved by the Director of Public Works. The Town's solid waste contractor shall not be required to enter a building to remove refuse or recyclables.
- D. No person shall place any refuse container or recycling container at the location designated for collection by the Town before 12:00 noon on the day prior to designated collection day. After collection has been completed and the receptacle emptied by the Town, the resident must remove the empty containers from the collection point by 12:00 noon on the day following the collection.
- E. The provisions of this section shall apply to any owner or occupant who places containers on the curbside for collection.
- F. Any person found violating Subsection D of this section shall receive a warning for the first offense and a fine of \$50 for each subsequent offense.

§ 273-5. Removal of solid waste by Town.

A. Any solid waste that has been placed on the curbside for collection that is either not eligible for curbside collection or has been placed on the curbside improperly shall be subject to removal by the Town in accordance with the provisions of this subsection. Town personnel or the Town's solid waste contractor shall place a notification sticker on the solid waste materials so as to be readily visible. The notice shall state (1) the date it was posted, (2) that the Town does not collect this type of waste, (3) that the waste must be removed within 3 days, and (4) that if not removed within 3 days, the Town will remove the waste and bill the owner for the expense.

B. If the owner of the property has not removed the solid waste within 3 days, the Director of Public Works or designee shall remove and dispose of the solid waste.

C. If the Town incurs any expenses by removing the solid waste, the costs shall be the responsibility of the property owner of record. The Director of Public Works or designee shall prepare a bill and send it to the property owner's address of record. If the bill remains unpaid for a period of 30 days, the Town may recover its expenses in a civil action against the property owner. The Town shall have a lien against the property for such recovery. The remedies provided in this subsection shall be in addition to those permitted by Section 273-7.

§ 273-6. Rules and Regulations.

The Director of Public Works shall establish rules and regulations to effectuate the provisions of this ordinance concerning the separation, collection, removal, storage, hauling and disposition of refuse, recyclables, bulky waste, yard waste, C&D waste, and HHW.

§ 273-7. Penalties for offenses.

In addition to the penalties provided for in §1-2 of this Code and §§ 273-4.F, 273-5.C and 273-8 of this Chapter, violation of any provision of this Chapter may result in suspension of curbside collection.

§ 273-8. Scavenging of recyclables; penalties for offenses.

The scavenging or the removal by any person other than the Town's solid waste contractor or the property owner of recyclables which have been placed in designated containers or curbside for collection is prohibited. A violation of this subsection shall be considered an infraction pursuant to Connecticut State Statutes governing infractions and shall subject the violator to a fine of \$90 per violation.

Action No.: 427-09

Adopted: October 13, 2009