

**TOWN OF BEACON FALLS
ORDINANCE RELATING TO RECYCLING**

BE IT ORDAINED BY THE TOWN OF BEACON FALLS

SECTION 1 – DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings herein defined, as well as any additional meanings as set forth in Section 22a-241b – 1 of the Regulations of Connecticut Agencies:

CARDBOARD – Corrugated boxes and similar material and Kraft paper materials that are unwaxed and have a minimum of contamination by food or other material.

COLLECTOR – Any person or entity who holds himself/**herself** out for hire to collect recyclables from residential, commercial or industrial sources, who **have** registered with the Town of Beacon Falls to haul solid waste pursuant to Section 22a-220a of the Connecticut General Statutes.

GLASS FOOD CONTAINER – A glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption with a minimum of contamination by food or other sources.

METAL FOOD CONTAINER – An aluminum, by-metal, tin-plated steel, or other metallic can, plate, or tray of any size used to package food for human or animal consumption which has a minimum of contamination by food or other materials.

MAGAZINES AND NEWSPAPERS – Used or discarded newsprint or magazines (newspaper, advertisements, supplements, comics and newsprint-type enclosures) which has a minimum contamination by food or other material.

OFFICE PAPER – Any used or discarded high grade white paper and manila paper including, but not limited to paper used for file folders, tab cards, writing, typing, printing, computer printing, and photocopying, which is suitable for recycling and which has a minimum of contamination.

RECYCLABLES – Any item designated by the Connecticut Department of Environmental Protection or Connecticut General Statutes which can be separated or diverted as defined below under “Recycle”.

RECYCLE – To separate to divert any item or items from the solid waste stream for the purposes of processing it, causing it to be processed, or storing it for later processing into a material product, in order to provide for disposition of the item or items in a manner other than incineration or landfilling, which will best protect the environment.

RESIDENTIAL PROPERTY – Real estate containing no more than ten (10) dwelling units receiving trash collection from the Town of Beacon Falls, or as may be designated

by the Board of Selectmen, but shall not include hospitals, hotels, motels, mobile home parks, **condominiums** or nursing homes.

SCRAP METAL – Used or discarded items which consist predominately of ferrous metals, aluminum, brass, lead chromium, iron nickel, or alloys thereof, including but not limited to, white goods and metal food containers.

STORAGE BATTERIES - Lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors, and like applications.

WASTE OIL – Crankcase oil that has been utilized in internal combustion engines.

SECTION 2 – PROGRAM PURPOSE

There is hereby established a program for the separate collection of residential household recyclables, consisting of cardboard, glass food containers, metal food containers, newspapers, scrap metal, storage batteries, and waste oil (all set forth above) generated from residential properties presently serviced by the Town of Beacon Falls (“Recyclables”) for the purpose of recycling.

SECTION 3 – REGISTERED COLLECTORS

All collectors registered with the Town of Beacon Falls to haul solid waste from residential property, pursuant to Section 22a-220a of the Connecticut General Statutes are permitted to collect recyclables provided that all such recyclables so collected shall be delivered to and processed at such disposal site as may be designated for any particular recyclable item by the Town of Beacon Falls, acting by its Board of Selectmen.

SECTION 4 - RESIDENTIAL SEPARATION AND COLLECTION

Curbside collection of recyclables shall be made by the Town of Beacon Falls by sectors in accordance with a pick-up schedule set by said Town acting by its Board of Selectmen for all residential properties as defined above, as the same may be amended from time to time. All recyclables from residential properties shall be cleaned, separated from other solid waste and deposited at the curb in containers provided by the Town of Beacon Falls, regardless of whether collection is to be performed by the Town of Beacon Falls or a registered collector. The Town of Beacon Falls shall provide the initial recycling container to all households being covered by this Ordinance. This said container shall remain the property of the Town of Beacon Falls, and shall remain at the household site. Should any additional replacement containers be necessary, the replacement shall be the responsibility and at the expense of the individual household. All such recyclables placed at the curb in accordance with this section shall become the property of the Town of

Beacon Falls at the time of such placement and it shall be a violation of this Ordinance for any person or legal entity other than the Town of Beacon Falls or its designated collector to collect or pick up any such recyclables. Pursuant to the provisions of the Section 22a-220a of the Connecticut General Statutes, the scavenging of solid waste is expressly prohibited within the Town of Beacon Falls.

SECTION 5 – FEES CHARGED FOR DISPOSAL OF CERTAIN ITEMS

The Town of Beacon Falls shall charge a fee for disposal of the following items: car/truck tires, propane tanks, Freon removal and car batteries.

SECTION 6 – NON-RESIDENTIAL RECYCLABLES

- A. All cardboard, glass food containers, metal food containers, newspapers, office papers, scrap metal, storage batteries and waste oil generated within the Town of Beacon Falls other than from residential property shall be separated from other solid waste for the purpose of recycling. The separation and cleaning of all non-residential recyclables shall be performed by the generator at curbside or by any registered collector prior to disposal of any solid waste that contains any non-residential recyclables.
- B. All such non-residential recyclables shall be delivered by a registered collector to an intermediate processing center or other market in accordance with applicable Connecticut and Federal Statutes and Regulations.
- C. All registered collectors shall submit a report to the Recycling Official of the Town of Beacon Falls setting forth for each item of non-residential recyclables, the amount of such item, measured by weight or other method acceptable to the Recycling Official, which originates within the Town of Beacon Falls, and is delivered to an intermediate processing center or other market as herein provided. Such report shall be made for the calendar quarter commencing July 1st, 1992 and each calendar quarter thereafter and shall be submitted within thirty (30) days of the end of each such calendar quarter.

SECTION 7 – RECYCLING OFFICIAL

The First Selectman of the Town of Beacon Falls or his/**her** designated agent is hereby designated as the Municipal Officer (the “Recycling Official”) who shall receive information and who shall respond to inquiries from the Connecticut Environmental Protection concerning recycling and related issues. The Recycling Official shall also receive from registered collectors and from operators of resource recovery facilities and solid waste facilities notices which are required to be forwarded to the Town of Beacon Falls pursuant to Section 22a-220c of the Connecticut General Statutes, as the same may, from time to time, be amended. The Recycling Official shall also implement and coordinate the mandatory Municipal

Recycling Programs in accordance with the applicable provisions of the Connecticut General Statutes.

SECTION 9 – ENFORCEMENT

- A. Any collector found to have violated the separation and collection requirements of this Ordinance, shall be subject to a fine in the amount of One Hundred and 00/100 Dollars (\$100.00) for each such offense. In addition, the Town of Beacon Falls, acting through its Board of Selectmen, reserves the right to suspend or revoke the license of any such collector. Any collector whose license is either suspended or revoked as provided herein, shall be entitled to a Hearing by the Board of Selectmen, concerning such suspension or revocation. Such Hearing must be requested in writing, directed to the Office of the First Selectman, within fifteen (15) days of the receipt of the Notice of Suspension or Revocation, and shall be convened within thirty (30) days of the receipt of such request.
- B. Any registered collector who believes or has reason to believe that any person from whom he collects solid waste has discarded recyclables or non-residential recyclables in violation of Section 22a-241b of the Connecticut General Statutes, as the same may, from time to time, be amended, shall promptly notify the Recycling Official of the alleged violation.
- C. Upon determination by the Recycling Official that a violation has occurred, the Recycling Official shall cause a written warning to be delivered to said violator for his/her first and second offense. Upon a third offense occurring within a period of one (1) year from the date of the original violation, the violator shall be subject to a fine of Fifty and 00/100 Dollars (\$50.00). Upon any subsequent offense occurring within the period of one (1) year from the date of the original offense, the violator shall be subject to fine of One Hundred and 00/100 Dollars (\$100.00), and in addition, shall be refused recycling collection by the Town of Beacon Falls.
- D. In accordance with the authority provided in Section 22a-241i of the Connecticut General Statutes, any commercial establishment which is found to have violated the provisions of Section 22a-241b of the Connecticut General Statutes, as amended, shall be subject to a fine in the amount of Five Hundred 00/100 Dollars (\$500.00) for each such violation.
- E. Any person assessed a fine or other penalty in accordance with the **above paragraphs B,C. and D. shall be afforded the same appeal process as provided in paragraph A of this Section.**

SECTION 9 – NON-PROFIT COLLECTION

Nothing in this Ordinance shall preclude any residential waste generator from donating recyclables to any non-profit organization, provided however, that no such organization shall pick up any such recyclables left at curbside.

SECTION 10 – SEVERABILITY

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of the other remaining provisions of the Ordinance, as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and that the balance of this Ordinance shall remain valid notwithstanding such declaration.

SECTION 11 – EFFECTIVE DATE

This Ordinance shall take effect upon passage.

Adopted at a Special Town Meeting held on Wednesday, May 27, 1992 – duly warned and called.

A summary of the foregoing Ordinance was published in the Naugatuck Daily News, August 13, 1993, a paper having a substantial circulation in the Town of Beacon Falls

Public Hearing Held on May 7, 2007.

Town Meeting Held on June 18, 2007

Ordinance Published on June 25, 2007

This Ordinance became effective: July 11, 2007