

ARTICLE 1. - WASTE COLLECTION AND DISPOSAL.

Sec. 9-1. - Definitions.

(a) As used in this article:

- (1) *Acceptable solid waste* shall mean unwanted or discarded materials, garbage and refuse that the Town is permitted by the State to collect, store and transport from the Town disposal area to resource recovery combustion facilities or landfills that are licensed to accept municipal solid waste but shall not include recyclable materials, bulky waste or hazardous waste.
- (2) *Approved containers* shall mean covered, watertight containers.
- (3) *Approved vehicles* shall mean a conveyance equipped with fully enclosed metal bodies of the type designed and maintained to promote the absence of leakage or spillage and approved by the Superintendent.
- (4) *Bulky waste* shall mean land clearing, demolition and construction debris, discarded machinery and equipment, and other unwanted materials that cannot be feasibly disposed of at resource recovery combustion facilities and landfills as acceptable solid waste because of size or noncombustibility but which can be disposed of at specially permitted and available landfills as determined by the Superintendent.
- (5) *Commissioner* shall mean the Commissioner of Public Works or, by the designation of the Commissioner, the Deputy Commissioner of Public Works.
- (6) *Garbage* shall mean every accumulation of animal, vegetable or other putrescible matter including that attending the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit, vegetables, beverages or other edibles, including the nonrecyclable materials of containers or wrappers disposed of along with such materials.
- (7) *Hazardous waste* shall mean pathological and biomedical discarded items, sewage sludge, gunpowder, dynamite, cartridges, shells, gasoline, naphtha, benzene, ether and other refuse materials that have flammable, explosive, corrosive, toxic, infectious or reactive characteristics that, when present in significant quantities, require special handling for collection, transport and disposal in accordance with applicable State or Federal law.

[\(8\) Pay As You Throw \(PAYT\) program shall mean the solid waste disposal program whereby all acceptable solid waste must be placed in a Town approved PAYT bag. The PAYT program shall be in effect commencing on October 1, 2020.](#)

[\(9\) Pay As You Throw \(PAYT\) bags shall mean bags approved by the Town for the collection and storage of all acceptable solid waste.](#)

[\(810\) Recyclable materials](#) shall mean the materials defined in Sections 8A-2 and 8A-3 of the Code.

[\(911\) Superintendent](#) shall mean the Superintendent of the Department of Public Works Recycling, Waste Collection and Disposal Division.

(RTM, 9/21/2009; RTM, 9/20/2010.)

Sec. 9-2. - Accumulation prohibited.

The accumulation of acceptable solid waste or waste material of any kind not otherwise provided for in this chapter except in approved [PAYT bags and](#) containers is prohibited.

(RTM, 9/21/2009.)

Sec. 9-3. - Pay As You Throw (PAYT) bags; Storage containers.

Acceptable solid waste shall only be placed in PAYT bags and shall be stored in approved containers. All garbage shall be drained ~~and wrapped~~ before it is placed in PAYT bags ~~and in the~~ containers. The containers shall be kept in a clean and sanitary condition.

PAYT bags will be made available for purchase at commercial locations in Town. The fees for purchase of PAYT bags shall be established by the Commissioner after consultation with and approval by the Board of Selectmen.

(RTM, 9/21/2009.)

Sec. 9-4. - Collection.

All acceptable solid waste shall be removed in approved containers or approved vehicles at least once a week unless more frequently required by the Superintendent or Director of Health.

Commencing on October 1, 2020, no person engaged in the business of transporting acceptable solid waste shall transport to the Town disposal area any acceptable solid waste that is not contained in PAYT bags.

Commencing on October 1, 2020, acceptable solid waste not contained in PAYT bags shall no longer be accepted at the Town disposal area.

(RTM, 9/21/2009.)

Sec. 9-5. - Transportation and disposal required.

All acceptable solid waste shall be transported to the Town disposal area. All bulky waste shall be loaded and transported to any place as directed and designated by the Superintendent.

(RTM, 9/21/2009.)

Sec. 9-6. - Delivery from outside Town.

No acceptable solid waste, bulky waste or hazardous waste shall be transported for disposal into the Town from any place beyond the limits of the Town unless otherwise approved in writing by the Commissioner as part of a reciprocal municipal cooperative aid agreement.

(RTM, 9/21/2009.)

Sec. 9-7. - License to transport; application.

- (a) No person shall engage in the business of transporting acceptable solid waste to the Town disposal area without having a valid license from the Superintendent and without using an approved vehicle.
- (b) The application for a license valid for one (1) year shall be on a form furnished by the Superintendent.

(RTM, 9/21/2009.)

Sec. 9-8. - License revocation; hearing.

- (a) The Commissioner shall have the power to revoke the license of any waste collector found not to be operating in compliance with the provisions of this Code.
- (b) No order of revocation shall be made except after a hearing. When a license has been revoked another license shall not be issued except with the approval of the Commissioner.

(RTM, 9/21/2009; RTM, 9/20/2010.)

Sec. 9-9. - Approved vehicles; numbers; maintenance.

- (a) Every approved vehicle of a licensed waste collector under these regulations shall have conspicuously displayed on each side a number issued by the Superintendent.
- (b) Every approved vehicle used in the transportation of waste shall be kept in a sanitary condition.

(RTM, 9/21/2009.)

Sec. 9-10. - Delivery of acceptable solid waste.

All acceptable solid waste shall be promptly delivered at the Town disposal area on the same day that it is placed into the approved vehicle.

(RTM, 9/21/2009.)

Sec. 9-11. - Prohibited substances.

No hazardous waste shall be cast into any approved container or transported as acceptable solid waste to the Town disposal area. The Superintendent may adopt procedures for the acceptance of specific items of hazardous waste at specific areas of the Town disposal area or direct their delivery to designated facilities to be handled and disposed of in accordance with State and Federal law.

(RTM, 9/21/2009; RTM, 9/20/2010.)

Sec. 9-11.1. - Penalty; appeal; hearing.

- (a) Violation of the provisions of this article affecting the delivery of waste to the Town disposal area or such other place as directed by the Superintendent shall be subject to civil penalty fines of up to one hundred dollars (\$100.00) for a first violation, two hundred fifty dollars (\$250.00) for a second violation and one thousand dollars (\$1,000.00) for each subsequent violation. The Superintendent may impose such fines on the transporter if the waste in violation is more than one (1) cubic foot in volume and it exceeds five percent (5%) of the load transported. Fines for the first two (2) discoveries of violation may be avoided in the first instance by the transporter remedying the violation by delivering the waste to the disposal place designated by the Superintendent and in the second instance by the transporter paying the disposal fee or charge incurred by the Town and providing a written report satisfactory to the Superintendent of the cause of the violation including, if pertinent, the source of the generation of the waste and what corrective measures are being followed. Upon completion of such corrective measures, the Superintendent shall clear the record of violations of the transporter. If the transporter is not the generator of such waste and the violation is determined by the Superintendent to be the fault of the generator, the Superintendent may impose such fines on the generator.
- (b) Civil penalty fines under part (a) of this section shall be payable to the Town and may be appealed within ten (10) days of the Commissioner who shall conduct a hearing and render a decision thereon. Any fine determined by the Commissioner in excess of one thousand dollars (\$1,000.00) may be appealed within ten (10) days to the Board of Selectmen which shall designate a hearing officer, not employed by the Department of Public Works, to conduct a hearing and make a recommendation to the Board which shall make a decision on such recommendation.
- (c) Any other violation of the provisions of this article shall be subject to a fine of up to two hundred fifty dollars (\$250.00).
- (d) The Pay As You Throw (PAYT) provisions of this article shall be exempt from the above referenced penalties and fines until January 1, 2021. After said date, the above referenced penalties and fines shall apply to and be in full force and effect as they pertain to the PAYT program.

(RTM, 9/21/2009; RTM, 9/20/2010.)