

ARTICLE I
Storage, Collection and Disposal of Solid Waste

§ 133-1. Declaration of policy. [Amended 9-11-2017]

The accumulation, collection, removal and disposal of refuse shall be controlled by this municipality for the protection of the public health, safety and welfare. It is consequently found and declared that:

- A. This municipality is authorized by law to regulate the disposition of refuse generated within its boundaries and to collect a charge therefor and to license refuse collectors.
- B. This municipality is also authorized by Connecticut General Statutes Section 22a-220a to designate the area where refuse generated within its boundaries shall be disposed of.
- ~~C. This municipality has executed the municipal service agreement requiring it to cause all acceptable solid waste generated within its boundaries to be delivered to the Materials Innovation and Recycling Authority (MIRA).~~
- ~~D. The public health, safety and welfare of this municipality will be best served by requiring the delivery of acceptable solid waste to MIRA for processing into products which have an economic value.~~
- E. The enactment of this article is in furtherance of this municipality's approved regional Solid Waste Management Plan.

§ 133-2. Definitions. [Amended 9-11-2017]

The following terms shall have the following meanings:

ACCEPTABLE SOLID WASTE — Unwanted or discarded materials of the kind normally collected or disposed of, or caused to be collected or disposed of, by or on behalf of a municipality through private or municipal collection, and commercial, governmental and light industrial waste of which a municipality is required by state law to make provision for the safe and sanitary disposal, but not including in any case items designated for recycling, special handling waste or oversized bulky waste.

COLLECTOR — Any person who holds himself out for hire to collect refuse from residential, business, commercial or other establishments.

DIRECTOR — The Director of Public Works of the Town of Simsbury.

DISPOSAL CHARGE — That amount of money to be charged for solid waste or refuse disposal in accordance with this article.

HAZARDOUS WASTE — 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 through 6925 and regulations thereunder adopted by the

United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 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.

~~MATERIALS INNOVATION AND RECYCLING AUTHORITY (MIRA) — A body politic and corporation constituting a public instrumentality and political subdivision of the State of Connecticut established under the Connecticut Solid Waste Management Services Act, Chapter 466e of the Connecticut General Statutes.~~

~~MID-CONNECTICUT PROJECT — The solid waste disposal and energy recovery and steam and electric facility ("facility"), available to this municipality pursuant to a municipal solid waste management services contract with MIRA, located at 300 Maxim Road, Hartford, Connecticut; the transfer stations approved for transfer of solid waste to the Mid-Connecticut Project; and the MIRA landfills provided for or designated by MIRA.~~

~~MUNICIPAL SERVICE AGREEMENT — The municipal solid waste management services agreement between MIRA and this municipality dated as of June 12, 2017.~~

OVERSIZED BULKY WASTE or OBW — White goods (major household appliances) and other unwanted or discarded materials which:

- A. Are the kinds not normally collected or disposed of, or caused to be collected or disposed of, by or on behalf of a municipality through private or municipal collection;
- B. ~~In the judgment of MIRA, reasonably exercised, cannot be processed in the facility because of size or noncombustibility;~~
- C. Would not constitute special handling waste under these definitions;
- D. May be disposed of in a bulky waste landfill holding a permit issued by the Connecticut Department of Environmental Protection under Section 19-524-8 of its regulations or any successor provision; and
- E. Are not too large to be deposited and stored at the Simsbury Bulky Waste and Recycling Center or transported to a landfill.

SOLID WASTE ORDINANCE — This Solid Waste Ordinance, as it may be amended from time to time, which consists of Chapter 133 of the Code, entitled "Solid Waste."

SPECIAL HANDLING WASTE —

- A. Hazardous waste.
- B. Dirt, concrete and other nonburnable construction material and demolition debris.
- C. Large items of machinery and equipment, such as motor vehicles and major components thereof (e.g., transmission, rear ends, springs, fenders), agricultural equipment, trailers and marine vessels and other items of waste exceeding six feet in any one of its dimensions or being in whole or part of a solid mass, the solid mass portion of which has dimensions such that a sphere with a diameter of eight

inches could be contained within such solid mass portion, including, in the context of deliveries to the facility, OBW.

- D. Explosives, ordinance materials, oil, sludges, flammable substances, hazardous chemicals, tires and other materials the acceptance of which, ~~in the judgment of the MIRA, reasonably exercised~~, is likely to cause damage to or adversely affect the operation of ~~the a~~ facility or, in the judgment of the Director of Public Works of this municipality, reasonably exercised, is likely to cause damage to or adversely affect the operation of ~~the a~~ facility, constitute a threat to health or safety or violate or cause the violation of any applicable federal, state or local law, regulation or judicial or administrative decision or order.

~~§ 133-3. Designation of disposal area. [Amended 9-11-2017]~~

~~Pursuant to Connecticut General Statutes Section 22a-220a, the Board of Selectmen hereby designates the MIRA as the area where acceptable solid waste generated within the boundaries of Simsbury by residential, business, commercial or other establishments shall ultimately be disposed of. On and after the effective date of this chapter, each collector collecting any acceptable solid waste generated within the boundaries of this municipality shall deliver all such waste to the Mid-Connecticut Project located at 300 Maxim Road, Hartford, Connecticut.~~

§ 133-4. Disposal charges.

Any person delivering solid waste or refuse shall pay any disposal charge called for by this chapter ~~or by the municipal service agreement~~.

§ 133-5. Containers.

The owner of each premises in this municipality where acceptable solid waste or any other refuse is created or generated shall provide, at a suitable place upon such premises, sufficient containers for receiving and holding such acceptable solid waste during the intervals between collections. Such containers shall be maintained in good condition free of holes and fissures and shall be equipped with covers.

§ 133-6. Licensing and registration requirements. [Amended 9-11-2017]

No person other than those licensed by this municipality to perform such work and in accordance with the provisions of these regulations shall operate as a collector within this municipality. No refuse generated or collected from outside this municipality shall be disposed of under a license or registration issued pursuant to this article.

- A. Licensing and registration authority designated. The Director shall be the licensing and registration authority for collectors and vehicles and the containers used by them. The Director shall grant a license within a reasonable time following the filing of a proper application and payment of the prescribed unless he finds one or more of the following conditions to prevail:

- (1) The applicant has been irresponsible in the conduct of refuse collection and

hauling operations as evidenced by previous suspensions and/or revocations of licenses issued by this municipality or any other licensing authority in the State of Connecticut within three years prior to the application.

- (2) The applicant is in default in its obligations as a collector or has otherwise violated the provisions of this article.
 - (3) The applicant lacks suitable equipment available for registration hereunder with which to collect and transport acceptable solid waste in a safe and nuisance-free manner and in compliance with this article.
- B. License required. Each collector shall annually on or before July 1 apply for a license from the Director on such form as the Director shall prescribe to engage in the business of collection and transportation of acceptable solid waste and recyclables in this municipality.
 - C. Registration term, fee and renewal. All registrations shall be issued for a term not to exceed one year and shall be renewable on or before the first day of July of each year.
 - D. Each licensed collector who offers a solid waste collection service to residential properties within the Town of Simsbury must also offer an acceptable concurrent curbside recycling service to all residential customers.

§ 133-7. Revocation or suspension of license or registration.

- A. A license to engage in the business of a collector in this municipality ~~and to use the facility provided by this municipality in connection therewith~~ is a privilege, not a right. Failure to comply with the provisions of this chapter shall be grounds for revocation or suspension of any license or registration issued under the provisions of this chapter in addition to any other penalty imposable by law.
- B. Notice required. A revocation or suspension shall become effective five calendar days after issuance of a written notice by the Director.
- C. Request for review; filing; effect of failure to file. If a collector objects to the Director's action described in Subsection B above to revoke or suspend such collector's license or registration, he may, within the five calendar days of issuance of said notice, file a written request for review with the Town Manager at which review the collector may present evidence to attempt to demonstrate that he has not violated this article or that the penalty for the violation should be mitigated for good cause. Failure to file such timely request for review shall make the Director's action final and binding upon such collector. **[Amended 7-12-2021]**
- ~~D. Refusal of permission to use the facility. Notwithstanding anything to the contrary herein, the Director shall have the emergency power to refuse permission to a collector to use the facility when, in the Director's reasonable opinion, such collector has violated this chapter or any other applicable rule or regulation in such a manner as to cause an unreasonable risk to the health, safety and welfare of the citizens of this municipality and/or those personnel working at the facility, which~~

~~decision shall be reviewable in the manner described in Subsection C hereof, provided that the collector will be given the opportunity for review by the First Selectman within two business days of the Director's action upon a written request for such review by the collector.~~

§ 133-8. Administration; insurance requirements. [Amended 9-11-2017]

- A. The Director shall administer the licensing of any collector engaged in the collecting and transporting of refuse and recyclables in this municipality.

§ 133-9. Refuse collector's responsibilities and obligations. [Amended 9-11-2017]

- A. Place of delivery. Each collector shall deliver all acceptable solid waste collected within the territorial limits of this municipality to ~~the MIRA facility~~ **an appropriate licensed facility** and pay the disposal charge to the facility. In no case shall a collector deliver any hazardous waste, oversized bulky waste or special handling waste to the facility.
- B. Failure to pay. A failure to pay charges of the ~~MIRA~~ **appropriate licensed facility** shall be grounds for revocation or suspension of a license and registration.
- C. Prohibition on delivery. No licensee shall deliver any acceptable solid waste generated within this municipality to any place other than ~~the~~ **an appropriate licensed facility**, unless the facility is incapable of accepting acceptable solid waste at the time of delivery, in which event such acceptable solid waste shall be delivered to the place designated by ~~MIRA~~ **or** the Director. No collector may, under the license issued hereunder, deliver to the facility any refuse, including, without limitation, acceptable solid waste generated and/or collected outside the territorial limits of this municipality.
- D. Construction and maintenance of vehicles and containers. All vehicles used to collect and transport refuse shall be of a construction which will prevent liquid leaking out of the unit and shall be maintained free of obnoxious odors and accumulated refuse. All vehicles or container systems shall be equipped to meet ~~MIRA~~ requirements.
- E. Time of operation. Collectors may deposit acceptable solid waste at the facility only at times and on days as designated in ~~MIRA's~~ regulations.
- F. Spilled refuse. Collectors shall clean up immediately any refuse that may have been spilled when carrying or transferring refuse or when disposing of such refuse at the facility.

§ 133-10. Only acceptable solid waste to be delivered to facility.

No person shall deliver any refuse other than acceptable solid waste to ~~the~~ **an appropriate licensed facility**.

§ 133-11. Penalties for offenses.

- A. Pursuant to Connecticut General Statutes Section 22a-220a(f), any collector who dumps more than one cubic foot in volume of refuse at one time in an area not designated for such disposal by this article shall, for a first violation, be liable for a civil penalty of \$1,000 for each violation and \$5,000 for a subsequent violation.
- B. Any collector who otherwise violates this article, and any other person or entity who violates this article, shall be liable for a civil penalty of \$100 for each violation.
- C. The imposition of the monetary penalties set forth herein shall not preclude the Town from seeking any other remedy, including but not limited to money damages and injunctive relief, as may be allowed by law.