
Ordinance Establishing A Mandatory Program For Recyclable Materials

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TOWN OF EAST WINDSOR

The following ordinance was adopted at a Special Town Meeting duly warned and held on November 26, 1990.

AN ORDINANCE ESTABLISHING A MANDATORY PROGRAM FOR RECYCLABLE MATERIALS; PROMULGATING RULES AND REGULATIONS FOR THE SEPARATION, RECOVERY, COLLECTION, STORAGE AND DISPOSAL OF SAID MATERIAL AND PRESCRIBING PENALTIES FOR THE VIOLATIONS THEREOF.

WHEREAS, the growing shortage of acceptable solid waste landfill sites and the conservation of the recyclable materials is an important public concern; and

WHEREAS, the promotion of the public good is best served by establishing rules and regulations for the Separation, Recovery, Collection, Storing and Disposal of said recyclable material;

NOW, THEREFORE BE IT ORDAINED by the Board of Selectmen at a Town Meeting of the Town of East Windsor, in the County of Hartford and the State of Connecticut as follows:

SECTION I. Separation of Recyclable Material:

A. On and after service is deemed available by the Board of Selectmen, it shall be mandatory for all persons who are occupants of residential property including condominiums, to separate cardboard, glass food and beverage containers, metal food and beverage containers, plastic food and beverage containers, newspaper, scrap metal, waste motor oil, storage batteries, and leaves as hereinafter defined, from all other solid waste generated by such residence for collection and ultimate recycling of said material.

B. On and after January 1, 1991 it shall be mandatory for all occupants of business and industrial property and of private, public and governmental institutions and buildings (in the case of other than individual occupants, the chief executive officer of the entity occupying said property, institution or building) to separate cardboard, glass food and beverage containers, metal food and beverage containers, newspaper, batteries, office paper, scrap metal, waste motor oil, and leaves from all other solid waste generated by said non-residential establishments for collection and ultimate recycling of said material. It shall also be mandatory for said occupants or their agents to have said recyclable materials collected and disposed of for recycling purposes.

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C. There shall be added to the list of recyclable materials by appropriate action by the municipality, described in Paragraphs A and B above those materials contained in Chapter 446d of the Connecticut General Statutes and the regulations of the State of Connecticut, Department of Environmental Protection in accordance therewith.

Section II Preparation of Recyclables

A. All recyclables placed at the roadside by residents for collection pursuant to the curbside program established in accordance with this Ordinance shall be prepared for collection as follows. The Town shall provide a recycling container and charges for said container shall be by regulation established by the Town.

1. Uncontaminated newspapers and cardboard shall be separated, each tied and bundled separately and placed into the recycling container provided by the Town.

2. Glass and metal food containers shall be separated from

other refuse and placed in the recycling container. These recyclables shall be rinsed free of food contaminants. The caps, tops, and rings should be placed in the regular solid waste container.

3. Waste oil shall be placed in a plastic or metal container beside the recycling container. Maximum quantity not to exceed five (5) quarts at any single pick-up.

4. Plastic containers shall be separated from other refuse and placed in the recycling container. These recyclables shall be rinsed free of contaminants. The caps and tops should be placed in the regular solid waste container.

5. If the recycling container is not large enough to hold all of the materials to be recycled, any excess shall be stored in standard non-plastic grocery shopping bags or corrugated containers and placed on top of or beside the recycling container.

6. Scrap metal and white goods shall be placed beside the recycling container per designated bulky waste pick-up schedule to be published by the Town.

B. Recyclables which are designated for drop-off by residents shall be prepared for that drop-off in the following manner:

1. Storage batteries will be disposed of at a designated recycling area per schedule to be published by the Town.

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2. Home composting is encouraged and preferable, however, a designated location will be established for residents to bring their leaves. In order for leaves to be left at the drop off location, they must be in recyclable paper bags. For those bringing leaves in other containers, the leaves must be emptied out of those containers.

C. All of the aforementioned provisions may, from time to time, be modified by the Town of East Windsor by a change in the rules and regulations mentioned in Section IV.

SECTION III Curbside Program Established

There is hereby established within the Town of East Windsor, a curbside program for the separate collection of recyclable materials from all occupants of property taxed as residential property within said area. Said curbside program shall not apply to any apartment complex, commercial or institutional establishments. However, occupants of business, industrial, apartment buildings, and private, public and governmental institutions and buildings shall also engage in recycling as provided hereafter.

This curbside collection shall begin when the IPC is on line and accepting recyclable materials or at such other time as determined by the Board of Selectmen. Curbside collections of recyclable materials in accordance with this section shall be made on the same day as refuse collection. Collection shall occur in accordance with a schedule of dates to be publicly advertised by the Town.

All occupants of residential property within the area that are serviced by said curbside program shall separate all designated curbside recyclable materials and place them at the side of the road fronting their residence in the manner described in this Ordinance and on the date specified for collection by the schedule published by the Town.

Materials designated as recyclables for this curbside program established in accordance with this section shall consist of the following materials:

1. Newspaper
2. Glass food and beverage containers
3. Metal food and beverage containers
4. Cardboard
5. Plastic food and beverage containers
6. Scrap metal
7. Waster motor oil

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SECTION IV Definitions

Cardboard. The term cardboard as used herein shall mean corrugated boxes and similar corrugated and Kraft paper materials which have a minimum of contamination by food, liquid or other material.

Commingled. The term commingled used herein shall mean source separated, non-putrescible (non-decomposable organic material, i.e. animal fat, bones, banana peels) recyclable materials that have been mixed at the source of generation (i.e. placed in the same container).

Designated Recyclable Materials. The term designated recyclable materials used herein shall mean those recyclable materials designated by the Town of East Windsor to be source separated. The term includes, but not limited to, newspaper, plastic, glass and metal food and beverage containers, storage batteries, cardboard, office paper, scrap metal, white goods, waste motor oil and leaves.

Glass food and Beverage Container. The term glass food container as used herein shall mean a glass bottle or jar of any size or shape used to package food or liquid products suitable for human or animal consumption.

Hazardous Waste. The term hazardous waste as used herein shall mean all solvents, acids, pesticides, herbicides, oils, chemicals and other toxic or hazardous materials.

Intermediate Processing Center (IPC). The term intermediate processing center used herein shall mean a facility which can recycle an item or items and market or deliver for reuse the resulting material product or products.

Metal Food and Beverage Container. The term metal food container used here shall mean an aluminum, bi-metal, steel, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food or liquid products suitable for human or animal consumption.

Newspaper. The term newspaper used herein shall mean used or discarded black and white newsprint of the type distributed daily or weekly which has a minimum of contamination by food or other material.

Office Paper. The term office paper used herein shall mean used or discarded high-grade white paper and manila paper including, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and

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photo-copying, which is suitable for recycling and which has a minimum of contamination. Office paper generated by household is excluded.

Plastic Food and Beverage Container. The term plastic container used herein shall mean H.D.P.E., a high-density polyethylene bottle or jar sixteen (16) ounces or larger used to package food and household laundry products and P.T.E. plastic, a polyethylene terephthalate container of any size or shape used to package beverages (i.e. soda bottles and milk jugs).

Recyclable Material. The term recyclable material used herein shall mean a material which would otherwise become solid waste, which can be separated, collected and processed, and returned to economic use in the form of raw materials or products; and shall include the items listed in section II, paragraph A, B and C thereof.

Recycling. The term recycling used herein shall mean any process by which material, which would otherwise become solid waste, are separated, collected and processed, and returned to economic use in the form of raw materials or products.

Recycling Container. The term recycling material used herein shall mean a specifically marked plastic container provided by the Town to each dwelling unit in the Town which has its refuse collected on part on the Town-wide municipal refuse and recyclables collection.

Resident. The term resident used herein shall mean any human being residing within the Town of East Windsor on a temporary or permanent basis.

Scrap Metal. The term scrap metal used herein shall mean used or discarded items of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof including, but not limited to, white goods and metal food containers.

Solid Waste. The term solid waste used herein shall mean all refuse normally placed in containers by occupants of residential, commercial, and industrial disposal by the refuse collector or the Town.

Source Separate. The term source separate used herein shall mean to separate recyclable material from the solid waste stream at the point of waste generation.

Storage Battery. The term storage battery used herein shall mean lead acid batteries or other batteries used in motor vehicles such as, but not limited to, automobiles, airplanes,

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boats, recreational vehicles and tractors.

Waste Motor Oil. The term waste motor oil used herein shall mean crankcase oil that has been utilized in internal combustion engines.

White goods. The term white goods used herein shall mean stoves, refrigerators, freezers, dishwashers, air conditioners, washing machines, televisions and other household appliances or fixtures, such as fluorescent light fixtures.

Leaves. The term leaves used herein shall mean the foliage of trees.

SECTION V Waste Haulers

All waste haulers operating within the Town of East Windsor shall notify the Board of Selectmen or their designee of those persons, partnerships, or corporations that have discarded recyclable material with other solid waste after a reasonable effort has been made to resolve this situation.

No such hauler shall knowingly mix recyclable material with other solid waste.

Any waste hauler who violates this Ordinance shall be subject to the penalties provided herein as well as those penalties provided by the Connecticut General Statutes.

SECTION VI Rules and Regulations

The Board of Selectmen or their designee, shall: receive notice of violations from collectors issued under Section VII of this ordinance and solid waste facilities pursuant to section 2(f) of PA 90-220 provided warning notices for collectors to issue, and be responsible for enforcing all provisions of this Ordinance.

The Board of Selectmen or their designee subject to the approval of the Town meeting, shall establish and promulgate reasonable Rules and Regulations as to the manner, days and times, and charges for the collection, sorting, transportation, sale and/or marketing of recyclable material in order to encourage the recovery of material resources while minimizing the cost of the recycling program and the establishments of all fines and penalties. Said rules and regulations shall be mandatory as is set forth in this Ordinance and violation of said rules and regulations shall be deemed a violation of this Ordinance.

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SECTION VII Collection by Unauthorized Person Prohibited:

Recyclable material as defined herein shall become the property of the Town of East Windsor once picked up at the curbside by the Town's authorized agents or employees, or received thereby at a Town designated recycling center as applicable.

It shall be a violation of this Ordinance for any persons or corporations unauthorized by the Town of East Windsor to pick up or cause to be picked up, said recyclable material as defined herein. Each such collection in violation hereof, shall constitute a separate and distinct offense punishable as hereinafter provided.

SECTION VIII Unlawful Acts; Violations and Penalties:

A. It shall be unlawful to combine recyclable material or hazardous waste with refuse. Refuse which has recyclable material commingled with it shall not be collected; and recyclable material that has refuse commingled with it shall not be collected.

- B. It shall be the responsibility of the resident to properly segregate the uncollected waste and either store or dispose of it.
- C. Failure to recycle is a violation of the Ordinance and a violation of the Connecticut General Statutes.
- D. The recycling container shall be kept clean and stored in such a location as not to constitute a nuisance.
- E. No person having custody or control of residential premises from which recyclables are collected for disposal by the town of East Windsor shall permit or cause any recyclables within his custody or control to become a hazard to public travel, health or safety, or become a nuisance of any sort.
- F. No person or corporation shall separate, recover, collect, remove, store, or dispose of recyclable material within the Town of East Windsor, except as specifically authorized by the Town of East Windsor or the provisions of this Ordinance.
- G. No person, partnership, firm or corporation other than the authorized agents of the Town or employee of the Town acting in the course of their employment, shall collect or pick up, or cause to be collected or picked up, such recyclable material. Each and every such collection or pickup in violation of this section shall constitute a separate and distinct offense.
- H. Any person, firm or corporation that violates any provision of
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- this Ordinance or any of the Rules and Regulations promulgated pursuant hereto shall be subject to the maximum penalties allowed by the Connecticut General Statutes, as amended, and fines established thereto.
- I. In addition to any other penalty provided herein, occupants of business and industrial property that are considered a commercial establishment under the provisions of Public Acts 90-249, 90-220 shall, for violation of this Ordinance, be subject to a penalty not to exceed \$500.00 for each violation as provided in said Public Acts.

SECTION IX Severability

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, said invalidity shall not offset any other provision or application of this Ordinance which can be given effect without the invalid provision or application of the Ordinance.

SECTION X Repealer

All provisions of any other Ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION XI When Effective

This Ordinance shall become effective on the 15th day after publication in a newspaper as provided by Connecticut General Statutes.

Ordinance 90-13

Attest:

Claire S. Badstubner, CMC
Town Clerk of East Windsor

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