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Chapter 279
Solid Waste

[HISTORY: Adopted by the Town of East Haddam as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Open burning — See Ch. **183**.

Article I
Refuse Area

[Adopted 3-12-1940; amended 8-15-1968]

§ 279-1 **Maintenance.**
The Town shall provide for the upkeep of a public dumping ground with an attendant in charge. The Selectmen shall be empowered to choose a committee to work with them.

§ 279-2 **Regulations.**

A. The Board of Selectmen shall be authorized to regulate the hours when the refuse area shall be open to the public.

B. Dumping shall be done only when a Town custodian is on duty.

C. Only residents of the Town of East Haddam may be allowed use of the refuse area. A form of identification must be displayed as proof of residence.

D. There will be no lighting of fires except in accordance with law or regulations set by the State Department of Public Health.

E. There will be no littering in or around the refuse area. Dumping in areas other than those authorized by the custodian will be considered littering.

F. No commercial refuse or waste collector will be permitted use of the Town refuse area unless he first registers his name and address with the Public Works Director, upon which he will receive an identification number which will serve as a permit. If such collector should violate any of the Town ordinances or state regulations regarding refuse, his registration may be revoked, in which case he will be refused the privileges of using the refuse area. The revocation shall be governed by the majority vote of the Board of Selectmen after a hearing with the refuse collector present. **[Amended 3-28-2018]**

§ 279-3 **Penalties for offenses.**
[Amended 3-28-2018]

Violation of this article shall be punishable by a fine of not more than $250. Each provision of this article shall be determined separate from all other provisions.

Article II

Solid Waste Facility

[Adopted 7-24-1990]

§ 279-4 **Definitions.**
As used in this article, the following terms shall have the meanings indicated:

ACCEPTABLE WASTE
Garbage, trash, rubbish, refuse and other solid waste normally collected and disposed of by the Town of East Haddam. The following are included within the term "acceptable waste":

A. Lumber not exceeding six feet in length or six feet in width or four inches in thickness.

B. Metal pipe, tracks or banding, wire and cable not exceeding three feet in overall length or 1 1/2 inches inside diameter.

C. Cans or drums, no larger than five-gallon capacity, with tops removed and empty.

BOARD OF SELECTMEN or BOARD
The duly elected Board of Selectmen of the Town of East Haddam.

BULKY WASTE
As defined by the State of Connecticut Department of Energy and Environmental Protection.

COMMERCIAL COLLECTOR
Any person, firm, partnership, association or corporation who or which collects, transports and/or dumps garbage for the payment of a fee.

DUMPING
The depositing, discharging, placing and/or disposing of garbage by any person.

HAZARDOUS WASTE or HAZARDOUS MATERIALS
As defined by the State of Connecticut Department of Energy and Environmental Protection.

LICENSED COMMERCIAL COLLECTOR
Includes only such commercial collector which is the holder of a valid current and unexpired license issued by the Board of Selectmen pursuant to the provisions of § **279-6** of this article.

OVERSIZED WASTE
Acceptable waste too large to be processed in most resource recovery facilities and normally disposed of in a landfill. Generally, includes any individual items which, uncompacted, are greater than four feet high by four feet wide by four feet long, and includes household furniture such as sofas, mattresses, and appliances and industrial material such as paper butts or rolls, plastic or leather stamping or similar material.

PERSON
Includes, but not limited to, individuals, societies, associations, municipal corporations and/or its agents and employees, firms, partnerships, associations and corporations.

RECYCLABLE MATERIAL
Any material so designated by the laws or regulations of the State of Connecticut and/or the East Haddam Board of Selectmen, pursuant to § 279-10C.

RESIDENT

Includes only the following:

A. An individual who resides, owns real property, or operates a business within the corporate boundaries of the Town of East Haddam.

B. Any person having a place of business within the corporate boundaries of the Town of East Haddam.

SOLID WASTE DISPOSAL FACILITY or FACILITY

The area that has been designated by the Town of East Haddam and is presently in operation.

§ 279-5 **Restrictions on use of facility.**

A. Only licensed commercial collectors and residents of the Town of East Haddam shall be permitted to dump garbage in or at the solid waste disposal facility.

B. No garbage collected and/or generated outside of the corporate boundaries of the Town of East Haddam shall be dumped or caused to be dumped at the facility by any person, resident, or commercial collector, licensed or otherwise.

C. Prior to allowing the dumping of any solid waste in the facility, the Board of Selectmen or its agents and employees or the First Selectman may require any person, including but not limited to a licensed commercial collector, seeking to dump garbage to certify in writing, under penalties of false statement as provided in the General Statutes of Connecticut, that the garbage to be dumped was not generated or collected outside the Town of East Haddam. Any licensed commercial collector refusing to provide certification in writing as specified in this subsection as to any load of garbage shall not be permitted to dispose of the garbage in the facility and shall be ordered to remove his vehicle from the facility immediately.

D. Prior to permitting any person other than a licensed commercial collector to dump garbage in the facility, the Board of Selectmen or its agents and employees or the First Selectman may require that person, or that person's agent or employees, to present satisfactory proof of residence within the Town of East Haddam.

E. Dumping shall be permitted only at times and on days established by the Board and in particular locations as designated by the Board through its agents or employees on duty. No person shall enter or be permitted within the facility except during the hours when the area is open to the public and the custodian is on duty.

F. All solid waste shall be secured in transit in such a manner so as to prevent the waste from being scattered on roads and highways.

G. No hazardous materials and/or hazardous waste shall be dumped at the facility without approval of the Board of Selectmen.

§ 279-6 **Licensing of commercial collectors; fees.**

A. No person engaged in the business of collection or disposal of garbage shall deposit garbage in the facility without first obtaining a license from the Board.

B. All licenses shall be for a period of one year from date of issuance. The license fee shall be paid in advance of granting said license. The fee for a license shall be **[DELETE: "$250 per year] [Amended 3-28-2018]** **ADD: set by the Board of Selectmen. For fiscal year 2023-2024 this fee will be set at $500 and will not be increased more than 25% annually in subsequent years.**

C. The Board is authorized and empowered, prior to issuing a license, to require evidence of liability insurance in effect covering all vehicles to be used to transport garbage into the facility.

D. Any licensee owning more than one vehicle and one removable body will provide a list of all vehicles and removable bodies to the Board. Changes in vehicles or removable bodies used to transport garbage to the facility shall be provided by the licensee as changes occur. The list shall designate each vehicle by Connecticut registration number, cubic yard capacity, tare weight and gross weight; and each removable body by identification number, cubic yard capacity, tare weight, and gross weight.

E. A licensed commercial collector attempting to deposit garbage in the facility which was collected or generated in a town other than East Haddam shall be ordered by any member of the Board of Selectmen, or its employees or agents or by the First Selectman, to remove the vehicle from the facility area immediately, notwithstanding the fact that part of said load of garbage was collected or generated in the Town of East Haddam.

F. Licenses must be in the possession of the operator of a vehicle described in the license and shall be shown on request at the time of dumping. No commercial collector shall be allowed to dump a load of garbage in the facility if the operator of the vehicle fails to have said license in his possession or fails to show said license on request. In such instances, such vehicle shall be ordered by any member of the Board of Selectmen or any of its employees or agents, or by the First Selectman, to be removed from the facility immediately.

G. It shall be the responsibility solely of the licensed hauler to ensure proper separation of materials discarded at the Town facility. The hauler shall notify the Town's agent of any/all violations by its customers.

§ 279-7 **Bulky waste.**

A. No person shall, without prior written permission of the Board of Selectmen, deposit any stump at the bulky waste area of the facility the dimensions of which exceed 24 inches in height or 24 inches in width.

B. Stumps not exceeding 24 inches in diameter may be deposited at the facility, provided that a permit is first obtained from the Board of Selectmen. A disposal fee for stumps will be collected as set by the Board of Selectmen based on the actual disposal costs to the Town of East Haddam.

C. All commercial operations in the Town of East Haddam partially involving stump removal are encouraged to dispose of such stumps utilizing an approved alternative manner and shall chip all brush, limbs and branches. A disposal fee for chipped wood products will be collected as set by the Board of Selectmen based on the actual disposal costs to the Town of East Haddam.

D. Vehicle tires may be deposited at the facility, at a disposal fee as set by the Board of Selectmen based on the actual disposal costs to the Town of East Haddam.

E. No person shall deposit at the facility any icebox, refrigerator or other container which has an airtight door or lid, snap or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator, or container. A disposal fee for large appliances will be collected as set by the Board of Selectmen based on the actual disposal costs to the Town of East Haddam.

F. Demolition material may be deposited, provided that a permit is first obtained from the Board of Selectmen. A disposal fee shall be collected as set by the Board of Selectmen on a per-cubic-yard basis based on the full registered capacity of the vehicle or container dumping and based on the actual disposal costs to the Town of East Haddam.

G. No person shall dispose of any motor vehicles at the facility except as follows: motor vehicle parts will be accepted from commercial establishments operating within the Town of East Haddam and licensed by the State of Connecticut, at a disposal fee set as by the Board of Selectmen based on the actual disposal costs to the Town of East Haddam.

H. Oversized waste may be deposited, provided that a disposal fee is collected as set by the Board of Selectmen based on the actual disposal costs to the Town of East Haddam.

§ 279-8 **Penalties for offenses.**

A. Each commercial collector who violates any of the sections of this article shall be subject to a fine in an amount not exceeding $1,000. Any resident who violates any section of this article shall be subject to a fine in an amount not exceeding $1,000. **[Amended 3-28-2018]**

B. Each commercial collector who violates any of the sections of this article shall be subject to the following penalties in addition to the fines set forth in Subsection **A** of this section: in the event of two or more violations within any calendar year, suspension of the right to dump at the facility for the remainder of the calendar year or for a period of time not to exceed six months, whichever is greater.

C. The Board of Selectmen shall post notice in conspicuous locations in and around the facility informing persons of the penalty for violating this article.

§ 279-9 **Hearing upon suspension of dumping rights.**

A. Any commercial collector whose right to dump at the facility has been suspended under § **279-8** of this article, within five calendar days of the receipt of written notice of such suspension, may apply in writing to the First Selectman for reinstatement of the right to dump in the facility.

B. Filing such an application will stay the suspension until the Board of Selectmen issues a decision as stated below.

C. Within five calendar days of the filing of the application, the First Selectman shall set a date for a hearing on the application, which date shall be within 10 calendar days of the filing of the application, and shall give written notice of the time and place of the hearing to the commercial collector.

D. At such hearing, the commercial collector may present evidence in support of its claim that its right to dump at the facility should not be suspended. The commercial collector may be represented by counsel and may present testimony, documentary or other evidence in support of its position, and may cross-examine any persons testifying against it.

E. If the Board of Selectmen, based on evidence presented at the hearing, decides that the commercial collector's right to dump at the facility should be reinstated, it shall so advise the commercial collector in writing, whereupon such suspension shall end. If the Board of Selectmen decides that the commercial collector's suspension should stand, it shall so advise the commercial collector in writing. Notification to the commercial collector of the decision shall be sent by certified mail and such decision shall become effective upon receipt by the commercial collector.

§ 279-10 **Rules and regulations; determination of fees.**

A. The Board of Selectmen is authorized to adopt reasonable rules and regulations to put this article into effect. Such regulations shall be in writing and shall be effective upon publication in a newspaper having general circulation in the Town of East Haddam.

B. The Board of Selectmen is authorized to determine the amount of fee per each assessed material based on actual disposal costs to the Town of East Haddam.

§ 279-11 **Separation of recyclable materials; deposit of bulky waste materials.**

A. The goal of this section is to achieve and surpass a recycling level of 25% of East Haddam's waste stream.

B. No person shall deposit or attempt to deposit refuse in the facility which has not been separated according to the regulations pertaining to separation of all applicable recycled materials as defined in § **279-4** and adopted pursuant to § **279-10A**. Bulky waste materials, including but not limited to tires, brush and stumps, furniture, mattresses, appliances, etc., and demolition materials, are permitted to be deposited, as specified herein, in the facility at locations designated by the Board of Selectmen or its agents and employees, but only by licensed commercial collectors and residents of the Town.

C. Each load of refuse transported to the facility by any commercial collector or resident will be subject to inspection by any member of the Board of Selectmen, prior to permission being granted to dispose of the load of refuse at the facility. Refuse which has not been separated in accordance with current recycling materials regulations shall not be permitted to be deposited at the East Haddam facility.

D. The Board of Selectmen, operating within its authority as provided in § **279-10A** of this article, is authorized and empowered to add items to be recycled by the Town, including designated recyclable materials as defined in this article.

§ 279-12 **When effective.**

A. Sections **279-4** through **279-10**, inclusive, of this article shall be effective 15 days following publication in a newspaper having circulation in the Town of East Haddam.

B. Section **279-11** shall be effective as of October 1, 1990.