

**SUPPLEMENT TO THE COMPILATION OF ORDINANCES – TOWN OF  
WARREN  
March 2, 2007-**

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*Joanne C. Tiedmann*

## **VOLUNTEER FIRE AND AMBULANCE PERSONNEL TAX ABATEMENT AWARD PROGRAM**

### **Purpose**

In recognition of the benefits provided to the Town by the dedicated service of the volunteer personnel of the Warren Volunteer Fire Company Inc, and to attract and retain such volunteers, the Town hereby adopts the following Tax Abatement Program pursuant to Connecticut General Statute 12-81w.

### **Eligibility**

To be eligible for the Tax Abatement Award Program, volunteers must be Active Members in good standing of the Warren Volunteer Fire Company as stated in the Company's By-Laws. A "Plan Year" for purposes of the Tax Abatement shall mean a one year period starting January 1 and ending December 31. The criteria for earning eligibility credits during a Plan Year shall be established by the Warren Volunteer Fire Company.

### **Certification**

Annually on or before March 1 of 2011 and each subsequent year the Chief of the Warren Volunteer Fire Company shall submit to the First Selectman of Warren a certified statement containing the names and addresses of the Eligible Volunteers who have earned a sufficient number of credits to entitle them to participate in the Tax Abatement Award Program and the amount of abatement earned by each.

### **Tax Abatement Program**

Under this Ordinance the tax abatement shall be applicable to any real or personal property tax due from any Eligible Volunteer of the Warren Volunteer Fire Company who elects to participate in the Tax Abatement Program. Such tax abatement shall be applied first against any real property taxes and then against any personal property taxes owed to the Town. If such Eligible Volunteer owns property jointly or as tenants-in-common, rather than individually, the full amount of the abatement may be applied as if the Eligible Volunteer owned the property individually. If more than one person per household qualifies as an Eligible Volunteer, each is entitled to the full amount and greatest benefit that each is due. Should any Eligible Volunteer fail to pay in full all of the taxes levied by the end of the grace period of each tax year and thus taxes become delinquent, he/she will lose eligibility for any tax abatement and will again be liable for the full amount of tax levied.

Adopted at Town Meeting Oct. 22, 2009  
Published Oct. 30, 2009  
To take effect Nov. 14, 2009

## Ordinance Concerning the

### Right to Farm in the Town of Warren

Purpose: pursuant to the powers conferred upon by Section 7-148 (c) (7) (e), (8), and (10) (A), and infurtherance of the goals of Section 19 a-341 of the General Statutes, the Town of Warren adopts this ordinance to recognize the importance of protecting prime farmland, to identify those parcels for which preservation is a priority, and to foster farming as a way of life by declaring this municipality's support of the farmer's right to farm.

#### Definitions

"Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, and other molluscan shellfish or fish; the operation management, conservation, improvement, or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation of maintenance or ditches, canals, reservoirs or waterways used exclusively for packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in preparation of such fruits or vegetables as an incident to the direct sale. The term "farm" includes farm buildings, and greenhouse, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities." The term "aquaculture" means the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands.

#### The Right to Farm

"Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance,

either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock, or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the commissioner of environmental protection or, where the commissioner of environmental protection or, where applicable, commissioner of health services, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the commissioner of environmental protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed and such operation follows generally accepted agricultural practices. Inspection and approval of the facility by the commissioner of agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices."

#### **Willful or Reckless Misconduct Not Protected**

The provisions of this ordinance shall not apply whenever a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

#### **Impact upon Zoning**

Nothing contained in this ordinance shall restrict the power of the Warren Planning and Zoning commission under Chapter 124 of the General Statutes. That Commission is urged to adopt regulations consistent with this ordinance, and to make the permanent preservation of farmland within this municipality, a criterion in its planning and policy decisions.

Adopted at Town Meeting October 18, 2012

Published October 25, 2012

Effective November 9, 2012

### Resolution of Town Building Rental Fees

The resolution for the appointment of a building committee pages 132-133, Vol. 6 dated October 1, 1973, is repealed and the following is substituted in lieu thereof effective October 16, 2014.

RESOLVED: The Board of Selectman shall regulate the use of buildings and property belonging to the Town of Warren. The rental fees for all Town buildings, with the exception of those in Warren Woods which are under the jurisdiction of the Recreation Commission, shall be set by the Board of Selectmen and the Chair and Vice-chair of the Board of Finance. All applications shall be submitted to the Selectman's office for approval. Other than temporary use of the buildings, any arrangements shall be subject to approval of a duly warned Town Meeting.

Approved at Town Meeting October 16, 2014

### Proposed Amended Ordinance

To amend ordinance of October 28, 2004

Resolved, that no building or driveway permit shall be issued when property taxes are delinquent for any lot or parcel of land within the Town of Warren, except that the Board of Selectmen may specifically vote to authorize the building official to issue such permit for emergency circumstances

Approved at town meeting May 21, 2015

Published May 27, 2015  
Effective June 10, 2015

## PLACEMENT OF SNOW IN PUBLIC RIGHT OF WAY ORDINANCE

### Placement of Snow in the Public Right of Way

No person shall move, deposit or place, by any method or means, snow or ice from any private property, including, without limitation, sidewalks, driveways, shared driveways and private roads or rights of way, in or onto any public road, roadway or right of way. Any such material temporarily deposited incidental to and during private property snow or ice-clearing operations shall be removed from the public way immediately.

No property owner, responsible custodian of property, contractor or vendor shall permit the movement, dumping, shoveling, piling, depositing or placement of any material, including but not limited to leaves, grass clippings, brush, snow or ice from any private property, including, without limitation, driveways, shared driveways and private roads or rights of way, in or onto any public road, roadway or right of way.

Any person who violates the provisions of this ordinance shall be duly warned after a first offense and, for each subsequent offense, may be issued a citation and shall thereupon be liable for a civil penalty in the amount of \$100.00 per offense.

The First Selectman is designated as the municipal officer or an agent designated by the First Selectman, shall issue warning and citations.

Any person issued a citation may appeal to the Board of Selectmen. An appeal must be in writing and filed in the First Selectman's office within ten (10) days of the issuance of the citation. The Board of Selectmen shall hold a hearing within ten (10) days of receipt of the appeal.

Adopted at Town Meeting October 15, 2015

Published October 20, 2015

Effective November 4, 2015

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Revision Adopted May 19, 2016

Town of Warren

Driveway Ordinance

BE AND IT IS HEREBY ORDAINED THAT:

1. No driveway, permanent or temporary, abutting or intersecting any road which is now, or which may become part of the town highway system shall be constructed, reconstructed or otherwise altered unless a permit for such construction, reconstruction or alteration has first been issued by the Board of Selectmen.
2. All such driveways shall be constructed in accordance with the design standards established by this ordinance and in accordance with such additional requirements as may be imposed by the Board of Selectmen.
3. 3. To provide for the safety of the general public using town highways and to prevent the washing of sediment into and the erosion of such highways, the following standards shall apply to the design and construction:
  - a. All driveways shall have an adequate sight distance along the town highway in both directions.
  - b. No driveway shall be constructed with a grade greater than ten percent (10%), either ascending or descending, within 20 feet of the intersection of the driveway with the town highway.
  - c. All driveways shall be paved with asphalt for a minimum distance of 10 feet from the intersection of the driveway with the town highway and the asphalt shall be a minimum of 3 inches in compacted thickness, applied on a compacted 12" layer of gravel.
  - d. No driveway shall be constructed so that its intersection with the town highway is above the level of the existing gutter line or the highway. Water from all driveways shall be diverted so as not to enter upon the traveled portion of such highway. Where the contour of the land is such that, in the opinion of the Board of Selectmen, the construction of a driveway may create a drainage problem, then the Board of Selectmen may order the installation of necessary catch basins, culverts, headers and retaining walls.
  - e. No driveway shall be constructed, reconstructed and/or altered if the proposed work affects or is located within a wetland or water course as defined in the Inland/Wetlands and Water Courses Regulations of the Town of Warren, unless a permit for such work has first been secured from the Conservation Commission of the Town of Warren.
  - f. The Board of Selectmen may waive any of the foregoing designs standards when, in the opinion of the Board it would be impractical to construct, reconstruct or alter a driveway in conformance therewith. The Board of Selectmen may also impose any additional requirements to insure that the purposes of this ordinance are fulfilled.

- g. The First Selectman may issue a permit conditioned on completion of any part of the work required by this ordinance by a time, not later than six months, after issuance of the permit, when hardship would otherwise result. As part of such conditional permit the First Selectman may require a cash bond to be deposited with the Town in the amount of not more than \$3,000 to secure the completion of such work. On failure of completion within the time required the Selectman may either declare the amount to be forfeited as liquidated damages for the harmful effects which may have been or will be caused by such failure or may enter on the property and perform the uncompleted work, applying the amount toward the expenses of such completion. In case of forfeiture the property owner shall nevertheless remain obligated to complete the work as promptly as possible and in the case of completion by the Town any excess of the bond amount over the expenses of completion shall be returned to the property owner and any excess of expenses over the bond amount shall be payable immediately by the property owner to the Town and such excess shall be a lien on the property until paid.

- 4. This ordinance shall take effect 15 days after its adoption by the town meeting and publication.  
Effected March 13, 1981
- 5. In accordance with the authority vested in them by the Town of Warren driveway ordinance adopted on February 21, 1981, the Board of Selectmen enact the following requirements under the ordinance, at their meeting of January 19, 1988, effective immediately: Paragraph 3c is revised as well as the addition of paragraph 3g. At Town Meeting May 19, 2016 paragraph 3g was revised.

Revision-Passed January 19, 1988  
Effective January 19, 1988  
Selectmen's Minute Book Pg. 215

Revision-Passed at Town Meeting May 19, 2016  
Published May 25, 2016  
Effective June 9, 2016



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## PROPOSED ORDINANCE

### REGARDING PROHIBITION OF AIRCRAFT LANDINGS ON LAKE WARAMAUG

#### FOR ADOPTION BY THE TOWNS OF KENT, WARREN AND WASHINGTON

MINDFUL that the operation of Aircraft (as hereinafter defined) on the waters of Lake Waramaug would pose serious risks to other concurrent users of Lake Waramaug; and

COGNIZANT of the unavoidable danger of contamination of the Lake by Aircraft from other water bodies which would compromise the many year undertaking to preserve the quality of the water of Lake Waramaug from invasive species and other pollutants; and

CONCERNED that the operation of Aircraft on Lake Waramaug would create unduly noisy and congestive conditions inconsistent with the scenic beauty and tranquility of Lake Waramaug that are enjoyed by the general public;

#### BE IT RESOLVED THAT:

1. No person shall land any aircraft of any type, including but not limited to planes and helicopters ("Aircraft"), on Lake Waramaug, nor shall any Aircraft take off from Lake Waramaug, unless an unforeseeable emergency arises and the operator of such Aircraft cannot safely land the Aircraft at any alternative location.
2. The landing of an Aircraft on Lake Waramaug shall be prima facie evidence of a violation of this ordinance and the violation of any provision of this ordinance shall be an infraction.
3. Whenever a violation of this ordinance occurs, proof of the registration number of any Aircraft concerned shall be prima facie evidence that the owner was the operator thereof.
4. Any person violating this ordinance shall be fined two hundred and fifty dollars for each landing and each takeoff. Such fines shall be levied by law enforcement by citations in accordance with Connecticut General Statutes See Section 7-148 as the same may be amended from time to time.
5. In addition to any fines or penalties imposed in this section, this ordinance may be enforced by injunctive procedure in the Superior Court. The town may further recover from any violator any and all costs and fees, including reasonable attorney's fees, expended by the town in enforcing the provisions of this article.
6. This ordinance shall not preclude any additional enforcement action taken by any appropriate town, state or federal official conducted pursuant to any applicable ordinance, regulation or law of the town or state or the United States of America.
7. All remedies and penalties provided for in this ordinance shall be cumulative and independently available to the town, and the town shall be authorized to pursue any and all remedies set forth in this section to the fullest extent allowed by law.
8. This ordinance is adopted pursuant to Connecticut General Statutes §7-148.
9. This ordinance shall take effect fifteen (15) days after publication of a summary of its provisions pursuant to Connecticut General Statutes, §7-157(b).
10. The First Selectman is hereby authorized and directed to inform the Federal Aviation Authority and other competent Federal and State governmental authorities and all appropriate Aircraft pilots associations of the adoption of this ordinance and of any violations thereof that should occur in the future.
11. It is hereby declared to be the intention of the town that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unlawful by valid judgment or decree of the court of competent jurisdiction, such unlawfulness shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

Adopted at Town Meeting May 19, 2016

Published May 25, 2016

Effective June 9, 2016

# MODIFICATION TO AN ORDINANCE REORGANIZING THE RECREATION COMMISSION

The ordinance Reorganizing the Recreation Commission which is filed in Volume 6 page 163 of the Town records, is modified to change from nine regular members to five regular members and three alternate members.

Adopted: October 20, 2016

Published: October 26, 2016

Effective: November 10, 2016

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*The "Ordinance Implementing the Requirements of Connecticut General Statutes 22a – 220 and Other Related Legislation," Page 111, Vol. 7, Passed: October 19, 1990, Effective: December 24, 1990 is substituted in its entirety with the following.*

ORDINANCE IMPLEMENTING THE REQUIREMENTS OF  
CHAPTER 446d: SOLID WASTE MANAGEMENT,  
SECTIONS 22a-207 TO 256h OF THE CONNECTICUT GENERAL STATUTES,  
AND OTHER RELATED LEGISLATION

**Section 1. Purpose.**

This ordinance is adopted by the Town of Warren as part of a long term plan to provide for safe and sanitary disposal of solid waste and to establish measures to assure compliance by persons within the Town boundaries and by collector with the requirements of State statutes for separation, collection, purchasing and marketing of Designated Recyclable Items.

**Section 2. Definitions.**

For the Purposes of this ordinance:

- (a) "Solid Waste" means unwanted or discarded solid, liquid, semisolid or contained gaseous material, including, but not limited to, demolition debris, material burned or otherwise processed at a resources recovery facility or incinerator, material processed at a recycling facility and sludge or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility;
- (b) "Recycling" means the processing of solid waste to reclaim material therefrom;
- (c) "Designated Recyclable Item" or "Designated Recyclable" means an item designated for recycling by the Commissioner of Environmental Protection in regulations adopted pursuant to Subsection (a) of C.G.S. §22a-241b, as amended by

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Public Act No. 10-87, or designated for recycling pursuant to C.G.S. §22a-256 or §22a-208v;

(d) "Hazardous Waste" means that portion of Solid Waste as defined in the Town's Service Agreement with Covanta Energy of Bristol, Connecticut;

(d) "Unacceptable Waste" means that portion of Solid Waste as defined in the Service Agreement for the operation of the Bristol trash-to-energy plant;

(e) "Town" means the Town of Warren'

(f) "Person" means an individual, natural person, corporation, trust, estate, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal entity.

(g) "Collector" means any person who holds himself out for hire to collect, haul, transport, or dispose of solid waste or Designated Recyclable Items from residential, business, commercial, or other establishments.

(h) "Residential Property" means real estate containing one or more dwelling units, but shall not include hospitals, motels, hotels; farms, or other business;

(i) "Center" means the Murphy Road Recycling LLC in Bristol, Connecticut.

(j) "Residue" means solid waste remaining after any recycling facility holding a permit has processed the waste, but excluding wastes which are toxic or hazardous.

### **Section 3. Registration of Collectors.**

Any person who intends to operate as a Collector in the Town shall register in advance with the Town in the manner prescribed by this ordinance. Any person who operates as a Collector without proper registration within the Town thirty days after the effective date of this ordinance will be subject to the penalties provided in this ordinance.

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#### **Section 4. Registration: Forms, Fees, and Frequency**

(a) All persons intending to act as Collectors shall apply for registration before July 1 of each year with the Town Clerk on forms provided. These forms shall require the applicant to furnish all information requested, including, but not limited to:

(1) the name of the business and whether a corporation, partnership, or sole proprietorship;

(2) the names of all stockholders (if Corporation not publicly held), directors, partners, officers, or proprietors of the business;

(3) a listing and description of the vehicles to be used for hauling Solid Waste or Recyclable Item;

(4) the names and addresses of all customers presently served, if any, within the Town;

(5) the approximate tonnage of Solid Waste and Recyclable Items expected to be collected each week;

(6) the names of all other communities served by the applicant;

(7) evidence of general and auto insurance in an amount of at least One Million Dollars (\$1,000,000) or such other amounts as the Board of Selectmen shall determine.

(8) whether the applicant plans to collect Recyclable Items generated from residential property or from commercial, business, municipal, and other sources within the Town, or both.

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- (b) A registered Collector shall update the information required by subsection (a) at least once each year at the time of registration renewal. [Date by Statute before July 31. Public Act 10-87 Section 10(2) ]
  - (c) Once approved, the registration shall be effective until the following June 30, and, unless properly renewed, shall then lapse.
  - (d) The initial registration fee shall be Twenty-Five Dollars (\$25) and each annual renewal fee shall be Twenty-Five Dollars (\$25). Registration fees shall not be prorated.

#### **Section 5. Administrative Enforcement.**

- (a) The Town Clerk shall mail written notice of the approval or denial of an application for registration as a Collector to the applicant within sixty (60) days after the submission of the completed application. Registration is effective only upon approval and issuance of the notice of approval.
- (b) The Town Clerk may refuse to grant registration to any applicant, or may suspend the registration of any registered Collector, if that person (i) has violated or does violate any provision of State law pertaining to Solid Waste or Recyclable Items, (ii) violates this ordinance, (iii) is not insured in accordance with this ordinance, or (iv) is otherwise deemed unsuitable as a collector. A suspension of registration may not exceed a period of one-hundred eighty (180) days for any one violation; provided that repeated or willful violation of this ordinance may result in permanent revocation of registration without right to reapply.
- (c) No denial, suspension or revocation notice will be effective until the person adversely affected has been notified in writing of that decision and the reasons for

it, and has been afforded a reasonable opportunity to appear at an informal hearing before the Town Clerk to respond.

- (d) Any person aggrieved by an initial denial, a suspension or a revocation of registration may appeal that decision to the Board of Selectmen by filing a notice of appeal with the Town Clerk within fifteen (15) days after either (i) notice of the initial decision is mailed to that person, or (ii) the informal hearing provided under Subsection (c) of this section is held and the decision affirmed by the Town Clerk. The Town Clerk shall immediately notify the Board of Selectmen of any appeal.
- (e) A hearing shall be scheduled before the Board of Selectmen for a date not more than thirty (30) days after the notice of appeal is filed. The hearing may be postponed or continued to a later date not more than one time, and the later date shall be no more than two weeks after the original date. Written notice of the hearing shall be given by the Town Clerk to the person taking the appeal and to any person who requests notice of the hearing. The hearing shall be given by the Town Clerk to the person taking the appeal and to any person who requests notice of the hearing. The hearing may be held at a regular or special meeting of the Board of Selectmen.
- (f) At the hearing, the person aggrieved shall be permitted to present evidence and cross-examine witnesses. No formal rules of evidence shall apply, but the Board of Selectmen may exclude irrelevant or duplicative evidence. The Board of Selectmen shall make its decision within forty-five (45) days of the date the notice of appeal is filed. That period may, but need not be, extended by any period

of postponement which is requested by the person bringing the appeal. The decision may (1) affirm the decision denying, suspending or revoking the registration, (2) reverse the decision and order the registration granted or reinstated, or, (3) order the registration granted or reinstated with modifications or conditions. The decision of the Board of Selectmen shall be final.

**Section 6. Prohibition of Unregistered Collectors.**

Beginning thirty (30) days after the effective date of this ordinance, all persons not properly registered as collectors with the State and Town and all Collectors whose registrations have been suspended or revoked are prohibited from engaging in collecting, hauling, transporting, or disposing of Solid Waste generated within the Town.

**Section 7. Scavenging Prohibited.**

(a) It shall be a violation of this ordinance for any person, other than the generator of the Solid Waste or a registered Collector, to scavenge solid waste for pecuniary gain or any other purpose. Scavenging shall include collecting, recovering, hauling, storing, or disposing of solid waste other than as authorized by this ordinance.

(b) Each occurrence of scavenging in violation of this ordinance shall constitute a separate offense.

**Section 8. Residential Designated Recyclable Items.**

(a) On and after January 1, 1991, any person who generates solid waste from residential property shall separate from other solid waste those items designated for recycling by the Commissioner of Environmental Protection.



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(b) Notwithstanding Section 8(a), the following items shall be separated from other solid waste generated from residential property and recycled:

1. Glass and metal food containers
2. Scrap metal
3. PET (#1 plastic) and HDPE (#2 plastic) containers
4. Paper - white office paper and colored copier paper
5. Old corrugated cardboard
6. Boxboard (e.g., cereal boxes)
7. Newspapers & Magazines
8. Waste oil
9. Leaves and grass
10. Lead-acid storage batteries
11. Ni-Cd rechargeable batteries
12. Covered electronic devices

(c) All residential Designated Recyclable Items shall be separated by the generator and then placed at, or brought to, locations designated in accordance with Section 10 of this ordinance.

**Section 9. Other Recyclable Solid Waste.**

(a) On and after January 1, 1991, any person who generates waste from other than a residential property shall separate from other solid waste those items designated for recycling by the Commissioner of Environmental Protection.

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(b) Notwithstanding Section 9(a), the following items shall be separated from other solid waste and recycled:

1. Glass and metal food containers
2. Scrap metal
3. PET (#1 plastic) and HDPE (#2 plastic) containers
4. Paper - white office paper and colored copier paper
5. Old corrugated cardboard
6. Boxboard (e.g., cereal boxes)
7. Newspapers & Magazines
8. Waste oil
9. Leaves and grass
10. Lead-acid storage batteries
11. Ni-Cd rechargeable batteries
12. Covered electronic devices

(c) Any person who generates Designated Recyclable Items from commercial, industrial, business or non-residential property shall dispose of such items at his own expense in a safe and sanitary manner in designated receptacles for recyclable products.

(d) Every person who generates solid waste from a property other than a residential property shall, in accordance with subsection (f) of section 22a-220, make provision for and cause the separation from other solid waste of the items designated for recycling pursuant to subdivision (1) of subsection (a) of this

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section through the use of one or more collection containers for designated recyclable items that are separate from the collection containers for other solid waste. Collection containers that have been used for the collection of solid waste may be converted to containers for the collection of designated recyclable items by labeling or other means to identify that such container is dedicated to collecting designated recyclable items. On and after July 1, 2012, the provisions of this subsection shall also apply to items designated for recycling pursuant to subdivision (2) of subsection (a) of this section. Designated Recyclable Items shall be segregated and packaged as required by the Collector, or at another site of recycling solid waste facility as may be designated by the Town's Board of Selectmen.

- (e) Owners of commercial, industrial, business or non-residential property shall make sure that all receptacles are maintained in a safe and sanitary manner.
- (f) Notwithstanding the provisions of subparagraphs (c) through (f) immediately preceding, the Board of Selectmen may, in its sole discretion and upon such terms as it may deem in the best interest of the Town, make arrangements with any person who generates Designated Recyclable Items from commercial, industrial, business, or non-residential property for disposal of such Designated Recyclable Items or portion thereof in conjunction with Designated Recyclable Items generated from Residential property.

#### **Section 10. Location for Disposal.**

- (a) Every Collector and every other person disposing of Designated Recyclable Items generated within the Town shall dispose of Designated Recyclable Items as follows:

(1) The Board of Selectmen shall from time to time designate and publish which items of Designated Recyclable Items shall be disposed of at the Center and which items shall be disposed of at others sites and what procedures shall be followed for separation and presegregation of categories of Designated Recyclable Items.

(i) Those items of Designated Recyclable Items generated from Residential property and designated to be taken to the Center shall be taken directly to the Center or to a location or locations within the Town boundaries for later delivery to the Center, as may be designated by the Board of Selectmen.

(ii) All other presegregated Designated Recyclable Items generated from Residential property shall be taken to disposal sites designated by the Board of Selectmen. The Collector, if any, shall keep and maintain records of the quantity and type of recyclable waste delivered to each disposal site, the location and date of delivery of such items to the site.

(iii) All other Solid Waste generated within the Town and collected from any other source shall be separated by the Collector into Designated Recyclable Items and other Solid Waste. The Designated Recyclable Items shall be further segregated and packaged to be disposable at the Center or at such other designated disposal sites for the particular type and category of Designated Recyclable Items as may be designated and published by the Board of Selectmen.

- (2) Any Collector who is requested or contracted to transport residue remaining after the Center or other Designated Recyclable Items disposal are aha s processed any portion of the Town's Designated Recyclable Items shall transport such Solid Waste to the Solid Waste disposal facility designated by the Board of Selectmen.
- (3) Until one or more sites have been designated for disposal of the Town's Designated Recyclable Items in accordance with the procedures of CGS Section 22a – 220a, and until notice has been given under Subsection (b) requiring the use of any such disposal site, all Designated Recyclable Items shall be disposed in accordance with the Town's existing Solid Waste plan and existing agreements, as those plans and agreements may be modified from time to time.
- (4) After a disposal site for the Town's Designated Recyclable Items has been designated, and after the Town has been notified in accordance with its contracts that the site is available for use, the Town Clerk shall give notice of the requirements for solid waste disposal. After the notice is published, all persons collecting, transporting, or disposing of Recyclable Solid Waste in the Town shall comply with the requirements of that notice not later than the date specified for compliance in the notice.
- (5) Notice that a designated disposal site for Designated Recyclable Items is available for either partial or full use shall be published as required by law. In addition, individual notice of those requirements shall be mailed to every person who is registered in the Town as a Collector. The notice shall specify

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the date after which all persons disposing of Designated Recyclable Items in the Town must use that disposal site, and shall generally state any other necessary requirements for that disposal, such as limitations on the amount of Designated Recyclable Items, which must be delivered, or the dates on, or times at which, delivery must be made.

- (6) In addition to designating a disposal site for Designated Recyclable Items, the Board of Selectmen may from time to time designate or identify additional sites for disposal of Unacceptable Waste, Hazardous Waste, or Designated Recyclable Items in excess of the amount to be disposed of at the primary designated site. Those sites may include transfer stations or drop-off sites for the convenience of residents, landfills, or any other type of facility deemed appropriate by the Board of Selectmen. If any person will be required to use a particular site, that site shall be designated in the manner provided in CGS Section 22a – 220a.

#### **Section 11. Enforcement.**

- (a) All Designated Recyclable Items is subject to inspection at curbside or designated pick-up locations by the Collector and/or the First Selectman to determine proper separation and segregation of Recyclable Solid Waste and Solid Waste as set forth in this ordinance.
- (b) The Collector shall notify the First Selectman of any violation of this ordinance within twenty-four (24) hours of its discovery. Notification shall be in a manner and fashion prescribed by the First Selectman.

- (c) The First Selectman, upon learning of a violation, shall give written notice to the generator of the solid waste that a violation has occurred. Upon learning of a second violation as to the same generator, the First Selectman shall issue a second notice of violation, which shall advise the generator that subsequent violations shall be cause for penalties in accordance with this ordinance, and that future Designated Recyclable Items from said source shall not be collected, at the sole option of the First Selectman.

**Section 12. Reporting Requirements.**

- (a) Any collector hauling solid waste generated by residential, business, commercial, or other establishments, including, but not limited to, recyclables generated within the borders of a municipality shall register annually in such municipality and disclose
- (1) the name and address of the collector and the owner of such collection company;
  - (2) the name of any other municipality in which such collector hauls such solid waste, including recyclables;
  - (3) whether the hauling done by such collector is residential, commercial or other;
  - (4) the types of waste hauled;
  - (5) the anticipated location of any disposal facilities or end users receiving recyclable solid waste; and
  - (6) any additional information that such municipality requires to ensure the health and safety of its residents
- (b) On or before July 31, 2011, any such collector shall report to the municipality

- (1) The types of solid waste, including recyclables, as listed in subsection (c) of C.G.S. §22a-208e generated within the borders of a municipality and collected by such collector
- (2) The name, location, and contact information for the first destination where such solid waste, including recyclables, was delivered by the collector during the previous fiscal year, and
- (3) The types and actual or estimated amounts of such solid waste, including recyclables, directly delivered to an out-of-state destination or to an end user or manufacturer in the state.

Such reports shall be submitted to the municipality annually, on or before July 31<sup>st</sup>, and shall provide the information specified in this subdivision for the prior state fiscal year. Such reports shall be on a form prescribed by the Commissioner of Environmental Protection and shall include any other additional information the Commissioner deems necessary.

#### **Section 13. Penalty.**

Every person who violates any provision of this ordinance shall be guilty of a violation, as defined in CGS Section 53a - 27(a) and shall be subject to a maximum fine of Two-Hundred Dollars (\$200) for each violation. Every day that a person continues in violation of this ordinance shall be deemed a separate violation.

#### **Section 14. Prior Ordinances.**

To the extent that the provisions of the ordinances entitled "Collection and Disposal of Solid Waste" and "Solid Waste Disposal Site Designation", passed December 4, 1987



and February 16, 1988, respectively, may be inconsistent with those of this ordinance, the provisions of this ordinance shall control.

**Section 15. Severability.**

If any provision of this ordinance is declared invalid, such declaration shall not affect the remaining provisions of this ordinance, which shall continue in full force and effect.

**Section 16. Effective Date.**

This ordinance shall become effective fifteen (15) days after publication of a summary thereof as provided by law.

**Passed: October 20, 2016**

**Published: October 26, 2016**

**Effective: November 10, 2016**