

ORDINANCE NUMBER _____ SUPPLEMENTAL

AMENDING CHAPTER 137, ARTICLES I, ~~II, and through~~ IV CONCERNING TIPPING FEES FOR MUNICIPAL WASTE AND RECYCLABLE MATERIALS

WHEREAS, Chapter 137, Articles I, II and IV of the Code of Ordinances concerns regulations for the handling of municipal waste and the separating and recycling of certain materials; and

WHEREAS, the Board of Representatives believes it is in the best interest of the citizens of Stamford to impose fees on commercial haulers and other nonresidential users of the City's transfer station to cover the cost of disposing of or hauling away these materials.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Chapter 137, Articles I, II and IV of the Code of Ordinances of the City of Stamford are hereby adopted:

CHAPTER 137. - GARBAGE, RUBBISH AND REFUSE

ARTICLE I. - GENERAL REGULATIONS

Sec. 137-1. - Definitions.

A. General. For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein:

Authorized private receptacle. A litter storage and collection receptacle as required and authorized by ordinance or regulation of the Office of Operations and acceptable to the Health Department.

Bulky waste. Land-clearing debris and other waste resulting from construction and demolition debris, as well as sofas, mattresses, box springs, furniture, appliances and other materials which, because of their size, have to be handled and processed separately.

City dump site. The Transfer Station, Scale House and Homeowners' Disposal Area on Harborview Avenue and/or such other facilities as may be provided by the Commissioner of Public Works for accepting waste materials for disposal.

Disposal administrative costs. Salaries, office supplies and other administrative and clerical expenses directly related and necessary to the proper management of the city dump site operations.

Disposal operation costs. Costs associated with the operation of the city dump site activities, including financing and bond costs, salaries and wages of assigned personnel, nonlabor operation and maintenance costs, disposal contract costs as well as costs associated with the operation of the Scale House, Homeowners' Disposal Area and other directly related facilities and operations.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Hazardous waste. Any waste material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed, including material identified in Section 3001 of the Federal Resource Conservation and Recovery Act of 1976, as amended.

Municipal solid waste (MSW). Garbage, offal, rubbish and waste from residential, commercial, industrial and institutional sources, excluding solid waste consisting of significant quantities of hazardous waste, special handling waste, tires, storage batteries, yard waste, sewage sludge, bulky waste, liquid waste and materials which have been declared as recyclable in Article IV of Chapter 137.

Private premises. Any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Putrescible. Any organic substance which will readily decompose and is or is liable to become rotten, decayed or foul.

Refuse. Collective term for municipal solid waste, bulky waste and yard waste.

Special handling waste. Large items of machinery such as industrial equipment, motor vehicles and major components thereof, trailers, boats and other items which, because of their size, cannot be accommodated at the city dump site.

Waste materials. Municipal solid waste, bulky waste and yard waste, collectively; also herein referred to as "refuse."

Yard waste. Grass clippings, leaves, brush two (2) inches or less in diameter and less than four (4) feet in length and other organic material as may be generated through land clearing activities, but not including tree stumps.

Sec. 137-2. - Responsibility for collection.

- A. The City of Stamford shall collect or cause to be collected, at regular intervals established by the Director of Operations municipal solid waste from all residential dwellings within the City of Stamford presently or hereafter served by sanitary sewers, provided that:
- (1) The material is placed in a plastic bag and stored in a container approved by the Director of Operations.
 - (2) Broken glass, needles and other sharp objects must be enclosed in puncture-proof containers or packaging.
 - (3) Said approved container is placed, no earlier than the day before the collection day, in a location approved by the Director of Operations and such approved container is not located below ground level nor more than ten (10) inches off the ground. The foregoing requirement shall also apply to containers into which recyclable materials are placed.
 - (4) Said approved container, once empty, is removed from the street or curb within two (2) days. The foregoing requirement shall also apply to containers into which recyclable materials are placed.
 - (5) The shape, size and location of containers may change at the discretion of the Director of Operations, as new methods and equipment used for the collection of municipal solid waste become available to and are adopted by the Office of Operations.
- B. "Residential dwellings" shall be defined as all buildings occupied by individuals as their principal place of habitation. It is the intent of this definition to include private homes, condominiums, multiple-family dwellings and cooperatives, notwithstanding whether such residential dwellings are owner-occupied or occupied by a tenant.
- C. There shall be an annual city-wide pickup of leaves in accordance with a schedule established by the Director of Operations.
- D. The Director of Operations shall promulgate licensing and other regulations necessary to enforce this Article and to ensure sanitary practices in all operations.

- E. Where a household requires backyard collection of municipal solid waste due to a physical handicap or other hardship, as defined in rules and regulations to be developed by the Director of Operations, and approved by the Board of Representatives, such service shall be provided.

Sec. 137-3. - Separation of refuse for collection.

It shall be the responsibility of all collectors of refuse to assure that municipal solid waste, bulky waste and yard waste are not comingled or combined within the collection vehicle. Combined or comingled loads will not be accepted for disposal at the city dump site.

Sec. 137-4. - Transported refuse to be covered.

All refuse, when carried in the city, shall be carried through the city in watertight covered containers which shall be so loaded, closed and driven that none of their contents shall fall or spill therefrom, and every such container used for the purpose aforesaid shall be kept as clean as may be possible.

Sec. 137-5. - Refuse trucks to be covered.

No refuse shall be carried, transported or conveyed through or upon any street in the city unless the vehicle carrying, transporting or conveying such refuse is covered.

Sec. 137-6. - Bulky waste and yard waste.

- A. Bulky waste and yard waste generated in residential dwellings or on private premises, as such are defined in sections 137-1 and 137-2.B of the Code may be collected by the City of Stamford.
- B. The Director of Operations shall have the authority to develop schedules and implement collections pursuant to this article.

Sec. 137-7. - Refuse on premises restricted.

No person owning or occupying land in the city shall place either on land owned or occupied by such person or on the land of another, or permit or suffer to remain on land owned or occupied by such person, refuse of any kind whatsoever which is offensive or unsanitary or which is likely to be carried by the wind into the streets or onto the land of others.

Sec. 137-8. - Collection permit required.

No person shall collect or transfer refuse, filth, dead animals, decayed vegetable matter, contents of privy, cesspool or septic tank or any offal without first having obtained a written permit to do so from the Director of Health. Operations under such permit shall be in conformity with such rules and regulations as the Director of Health may determine. Any such permit may be revoked by the Director of Health at any time. Permit fees shall be set by Resolution of the Board of Representatives.

Sec. 137-9. - ~~Dumping license required; period; fee~~ Waste material generated outside the City of Stamford not to be accepted.

- ~~A. Any person who has obtained a written permit, as provided in § 137-8 above seeks to dispose of appropriate materials at the city dump site, and who shall pay the fee required shall obtain a dumping license for the purpose of depositing appropriate materials at the city dump site, said license to be issued by the Office of Operations of the city. Only waste material which was generated in the City of Stamford shall be accepted for disposal at the city dump site.~~
- ~~B. A dumping license shall be required for each vehicle used and shall cover the period of one (1) year, commencing on May July 1 in the year of issuance and terminating on April June 30 of the following year. A license shall be required for each vehicle depositing acceptable materials. The fee for such license shall be at the rate of three five dollars (\$53.) per hundredweight (cwt) of the empty vehicle. A~~

~~license purchased after October 31 January 1st shall be at one-half (1/2) the annual rate. The dumping license fees may be modified by Resolution of the Board of Representatives.~~

Sec. 137-10. - Tipping fees.

A. A tipping fee for ~~refuse bulky and yard waste, herein referred to as the Bulky Waste Fee,~~ shall be ~~imposed on~~ charged to commercial haulers and other nonresidential all users of the city's transfer station, ~~and shall also be imposed including on recording and calculating residential refuse collected by the city pursuant to §137-2A of the City of Stamford Code of Ordinances or other purposes.~~ This shall include all material resulting from the private commercial collection of waste and/or recoverable materials, whether in the form of bulky waste, as defined above, or separate, compacted, shredded or otherwise processed, both generated in the City of Stamford and/or processed in the City of Stamford.

~~B. A tipping fee for municipal solid waste, herein referred to as the Municipal Solid Waste Fee, shall be imposed on commercial haulers and other nonresidential users and also on residential municipal solid waste collected by the city pursuant to § 137-2A of the City of Stamford Code of Ordinances.~~

~~BC. As provided below, every July 15th, t~~The tipping fees may be adjusted such that the tipping fee per ton shall be the ~~variable~~ cost of disposing of or hauling away such material, which cost may vary depending on the nature of such material, rounded up to the nearest dollar per ton, plus an additional amount amount up to \$240.00 per ton, provided however, that the tipping fee per ton cannot be less than zero. If there is mix of different materials, the highest tipping fee shall apply. An additional fee of \$10.00 per vehicle shall be imposed each time a vehicle enters the city dump and disposes of appropriate materials, except that such fee shall be \$15.00 on Saturdays, Sundays and holidays. There shall be a separate tipping fee for recyclable materials, which fee is set forth in Section 137-32.1 of the City of Stamford Code.

~~a. The variable cost of disposing of or hauling away such material shall be determined by the Director of Administration based upon contract rates negotiated by the City of Stamford or other estimation as the Director of Administration shall determine, but shall not include any costs associated with accepting, treating, loading, or otherwise processing such material. The estimate of variable costs shall be for the one-year period for which the fee is to apply. The fee shall be rounded to the nearest whole dollar.~~

~~b. Estimates of variable costs shall be made separately for the Bulky Waste Fee and The Municipal Solid Waste Fee. However, notwithstanding such estimates, the Bulky Waste Fee may be set equal to The Municipal Solid Waste Fee.~~

~~ea. The Director of Operations, shall, notify the Board of Finance and the Board of Representatives at least 60-30 days in advance of a any proposed new change in dumping tipping fee(s) and, shall post notice for the public and the proposed new fee(s) at the City's primary location for receiving Bulky and Yard Waste and Municipal Solid Wasterefuse. The Director of Operations, with the assistance of the Director of Administration, shall provide supporting documentation for the Board of Finance and Board of Representatives as appropriate.~~

~~b. The foregoing tipping fees may be modified by Resolution of the Board of Representatives.~~

~~d. By the July regular meeting of the Board of Representatives, the Board of Representatives may reject or modify the proposed new fee(s) by a simple majority vote, or may postpone the proposed new fee for one additional month by a simple majority vote. If the proposed fee is postponed, the Board of Representatives may reject or modify the proposed new fee on or before the next regularly scheduled meeting.~~

~~e. If the Board of Representatives does not take action by the July meeting, the proposed new fee(s) shall take effect. If the proposed fee(s) is rejected, or if the Director of Operations does~~

~~not notify both the Board of Finance and the Board of Representatives as required herein, then the existing fee(s) shall remain in effect.~~

~~C.F.D.~~ The anticipated revenues and costs of the Municipal Solid Waste Fee collected by the city shall be included by the Board of Finance in setting the mill rates in the corresponding fiscal year for the tax districts that receive city garbage collection under § 137-2A. The tipping fee charged for residential municipal solid waste collected by the city under § 137-2A shall be administered as follows:

- a. The Director of Operations shall maintain accurate records recording the total tonnage of residential municipal solid waste collected by the city under § 137-2A.
- b. Based upon the tonnage records maintained by the Director of Operations, the Director of Administration shall record a tipping fee charge for taxing districts collected by the city under section 137-2.A. Corresponding tipping fee revenues shall be recorded in a separate account under general city revenues.
- c. In preparation for the Board of Finance's setting of the mill rate, the Director of Administration shall estimate the expected total tipping fee charge for taxing districts collected by the city under section 137-2.A for the following fiscal year based upon an estimate of expected tonnage from such service and the tipping fee per ton. The Director of Administration shall also include retroactive adjustments, as appropriate, for differences between tonnage estimates used to set the mill rate in a given year and the actual or estimated tonnage for such year if such differences are 5% or greater of the tonnage estimate used in setting the mill rate. The Director of Administration shall also include retroactive adjustments, as appropriate, for differences between the actual tipping fee charged in any fiscal year and the tipping fee estimate used for setting the mill rate for that fiscal year.

Sec. 137-11. - Use of city dump site by private persons.

A. No person shall deposit or dump waste materials at the city dump site except as above provided. However, nothing shall be construed as to prevent private persons who are residents of the city from being allowed to deposit appropriate waste materials in the city dump site, provided that such waste materials are generated within the city and provided further that:

~~(1) Such person is licensed to do so by the Director of Operations; or and~~

~~(2) Such person is a "Qualified homeownerResident," defined as the owner of a condominium unit or a one-or two-family dwelling unit located within the city and is a resident thereof or is a resident of any apartment unit located within the city, and provided further that the material to be disposed of is waste material of such condominium unit or one-or two-family dwelling or apartment unit and such material is deposited or otherwise dumped at the times and places designated by the Director of Operations for disposition under this subsection and pursuant to any regulations promulgated by the Director.~~

B. Fees for qualified homeowners.

(1) The tipping fee required herein shall consist of a charge per ton equal to that of the fee provided for in section 137-10.

(2) Qualified ~~homeowners Residents~~ shall be ~~exempt from the tipping fee for the first~~ allowed to dispose of up to two hundred (200) pounds of waste material ~~that they deposit~~ on any given day without incurring a tipping fee charge at a location designated by the Director of Operations.

Sec. 137-12. - Director's responsibility for city dump site.

Material dumped at the city dump site shall at all times be under the supervision of the Director, who shall specify the nature and content of all such material which may lawfully be dumped. It shall be the responsibility of the Director to oversee and regulate all dumping operations and to exercise due care to protect adjacent waterways from debris emanating from such operation.

Sec. 137-13. - Violations and penalties.

- A. Any person who violates any provision of this article shall pay a fine of ~~one hundred ninety~~ dollars (\$~~99~~100.00) for each separate offense. Each separate truckload of material deposited or otherwise dumped at the city dump site shall be deemed a separate offense, and such person shall be charged with the actual expense of removal and disposition of such substance outside the city, in addition to any other fines, fees or penalties required herein.
- B. Any partner, joint venture, employer, principal, agent or employee of a person that has violated any provision of this article, and any shareholder who owns more than ten (10%) percent of any stock in a corporation that has violated any provision of this article, shall be presumed to be a person who has violated a provision of this article.
- C. In addition to other available methods of enforcement, this Article may be enforced through the civil citation process.

Sec. 137-14. - Suspension or revocation of ~~licensedumping privileges~~.

- A. The Director of Operations may ~~suspend or revoke the dumping license described in section 137-9 above, refuse to renew such license or suspend or revoke~~ ~~prohibit from~~ dumping ~~privileges for~~ any person ~~or entity~~ whom he ~~or she~~ has determined to have violated any provision of this Article for a period of ~~up to~~ one (1) year from date of determination that a violation has occurred.
- B. ~~Any person or entity whose dumping privileges have been suspended or revoked as provided above may, within 15 business days, request a hearing before a Civil Citation Hearing Officer as provided in Chapter 97 of the code of ordinances. The Civil Citation Hearing Officer may overturn or modify the Director of Operations order. A license granted by the Director of Operations pursuant to any section of this Article of the Code of Ordinances shall not be suspended or revoked except after a hearing, upon due notice, where the licensee shall have an opportunity to be present, be represented by counsel, examine any evidence presented and present arguments and evidence on all issues involved.~~

~~Sec. 137-15. -- Effective date.~~

~~This Article shall take effect upon enactment.~~

ARTICLE II. - PRIVATE REFUSE COLLECTION

Sec. 137-16. - Title.

This Article shall be entitled the "Private Refuse Collection Ordinance."

Sec. 137-17. - Definitions.

As used in this Article, the following terms shall have the meanings indicated:

Private collector. One who transports for any other person for a fee any waste material pursuant to Article I of this chapter where such transportation is intended for disposition of such substance at the city dump site.

Sec. 137-18. - Refusal of service due to location.

No private collector shall unreasonably refuse to service any person when the location of such person is reasonably accessible from any area where such private collector is already doing business. A refusal shall be deemed reasonable, however, when a private collector is servicing the maximum number of customers at the time of such refusal which is feasible within the collection capacity of the collector's

equipment where the appropriate information concerning such capacity has been filed with the Director of Operations pursuant to § 137-22A(4) of this Article.

Sec. 137-19. - Discrimination practices.

No private collector shall discriminate against any person by rate or other collection practice because such person has changed or has expressed an intention to change collectors.

Sec. 137-20. - Refusal due to change in collectors.

No private collector shall refuse to service any person because such person has changed collectors.

Sec. 137-21. - Collusion in fixing of rates.

- A. No private collector shall enter into an arrangement with another for the prearrangement or fixing of price or fee for collection services in any given area within the city or among any group of customers within the city.
- B. No private collector shall raise his rates without prior notification to his customers, and no increase shall be effective until thirty (30) days after notification is received by customers.

Sec. 137-22. - ~~Information required for license. Deleted~~

~~A. It shall be a requirement for any license issued by the Director of Operations pursuant to Article I of this chapter for the transportation or disposition of garbage, trash and other waste that the licensee supply the following information:~~

~~(1) A description of the area served by him, listing street names.~~

~~(2) A list of prices charged customers serviced by such collector.~~

~~(3) A list of names and addresses of any and all persons owing an interest in its business.~~

~~(4) A list of collection equipment and the collection capacity of such equipment by number of customers serviced thereby for all equipment owned at the time of the license application or upon acquisition thereafter.~~

~~B. Said information shall be maintained by the Director of Operations in an up-to-date manner and shall be readily accessible to the public, both by name of private collector and by service area, including street name.~~

Sec. 137-23. - Violations and penalties.

Any person who violates any provision of this Article shall pay a fine of ninety-one hundred dollars (~~\$90~~100.00) for each offense. Each separate person discriminated against pursuant to §§ 137-18 through 137-20 of this Article shall be deemed a separate offense.

Sec. 137-24. - Suspension or revocation of license.

Notwithstanding any other penalty provided by law, the Director of Operations may suspend or revoke ~~dumping privileges for any person or entity if any license described in § 137-22 of this Article, refuse to renew such license or prohibit from use of the city dump site any person whom he or she~~ has determined to have violated any provision of this Article for a period of up to one (1) year from the date of the Director's determination that a violation has occurred.

Any person or entity whose dumping privileges have been suspended or revoked as provided above may, within 15 business days, request a hearing before a Civil Citation Hearing Officer as provided in Chapter 97 of the code of ordinances. The Civil Citation Hearing Officer may overturn or modify the Director of Operations order.

Sec. 137-25. - Presumption of violation.

Any person, joint venturer, employer, principal, agent, employee of a person that has violated any provision of this Article, and any shareholder who owns more than ten percent (10%) of any stock in a corporation that has violated any provision of this Article, shall be presumed to be a person who has violated a provision of this Article.

NOTE – No changes in Article III

ARTICLE IV. - SEPARATION AND RECYCLING OF CERTAIN MATERIALS

Sec. 137-29. - Definitions.

A. For the purposes of this Article, the following terms shall have the following meanings:

Backyard pickup. The collection of recyclable materials that the resident places adjacent to his or her own residence or garage.

Cardboard. Corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.

Extra service. The city shall designate the form of regular service which shall be provided at no cost to the individual. All other forms of service shall be designated "extra service" and be subject to a charge.

Glass food and beverage container. A glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption.

Intermediate processing center. A facility which can recycle an item or items and market or deliver for reuse the resulting material product or products. Such facilities may be owned by public or private entities, or combinations thereof, and may offer service on a state, regional, municipal or submunicipal level.

Metal food and beverage container. An aluminum, bimetal, steel, tin-plated steel or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal consumption.

Mixed household paper. Magazines, catalogs, all mail, envelopes of any color with or without 9 cellophane windows, bond, notebook, memo paper (white or colored), school paper, construction and writing paper, lottery tickets and home office paper.

Newspaper. Used or discarded newsprint which has no contamination by food or other material.

Office paper. Used or discarded high-grade white paper and colored paper and manila paper, including but not limited to paper utilized for file folders, tab cards, writing, typing, printing, computer printing and photocopying, which is suitable for recycling and which has no contamination.

Recyclable materials. Any of the following items: cardboard, glass food and beverage containers, leaves, metal food and beverage containers, newspaper, office paper, scrap metal, storage batteries, waste oil and recyclable plastics. In order to assure compliance with state law and local regulations, including those adopted by intermediate or regional processing centers, the list of "recyclable materials" may be amended from time to time by the Director of Operations.

Recyclable plastics. Includes but is not limited to products made of polyethylene terephthalate (PET), including but not limited to soft drink bottles, and products made of high-density polyethyl (HDPE), including but not limited to milk containers.

Recycle. To separate or divert an item or items from the solid waste stream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for disposition of the item or items in a manner, other than incineration or landfilling, which will best protect the environment. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner.

Regional processing center. An intermediate processing center which is authorized by a group of municipalities or designated by the Commissioner of Environmental Protection of the State of Connecticut, which can recycle an item or items and market the resulting material product or products.

Scrap metal. Used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof, including but not limited to white goods and metal and beverage food containers.

Storage batteries. Lead-acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.

Waste oil. Crankcase oil that has been utilized in internal-combustion engines.

B. In addition to § 137-29A, the City of Stamford hereby adopts the definitions contained in Sections 22a-241b-1 of the Regulations of Connecticut State Agencies, as the same may be amended from time to time.

Sec. 137-30. - Items to be recycled.

The following items are required to be recycled or composted by the City of Stamford within three (3) months of the availability of service to the city by a regional processing center or local processing system:

- A. Cardboard.
- B. Glass food and beverage containers.
- C. Leaves.
- D. Metal food and beverage containers.
- E. Mixed household paper.
- F. Newspaper.
- G. Office paper.
- H. Recyclable plastic.
- I. Scrap metal.
- J. Storage batteries.
- K. Waste oil.

Sec. 137-31. - Separation of recyclable materials.

The owners of buildings, dwellings or apartment houses as defined by the zoning regulations of the City of Stamford now in effect or as amended, as well as all the residents of the City of Stamford and all business, institutional and commercial operations in the city, shall separate recyclable materials from other waste materials, as defined by the city ordinances now in effect or as amended. Said separation shall be done in a manner determined by the Director of Operations. This responsibility is applicable whether said items are collected by the city, its agent or private collectors.

Sec. 137-32. - Collection of separated materials.

- A. It shall be the responsibility of the city to provide collection of recyclable materials generated by all one-through four-family residential dwelling units, all residential cooperatives and all residential condominiums in all areas of the city, but excluding apartment complexes. Such recyclable materials shall be placed at a location to be determined by the Director of Operations for collection in a manner and on a schedule to be determined by the Director of Operations.
- B. Owners of business and commercial buildings, including apartments of more than four (4) dwelling units, shall make provisions for the collection and marketing of the recyclable material that they generate.
- C. Where a household requires backyard collection of recyclables due to a physical handicap or other hardship, as defined in the rules and regulations to be developed by the Director of Operations, and approved by the Board of Representatives such service shall be provided.

Sec. 137-32.1. - Tipping fees for recyclable materials.

- A. A tipping fee for recyclable materials, herein referred to as the Recyclables Fee, shall be imposed on commercial haulers and other nonresidential users of the city's transfer station. This shall include all material resulting from the private commercial collection of recyclable materials, both generated in the City of Stamford and/or processed in the City of Stamford.

- B. ~~As provided below, subsequent to the initial setting of the Recyclables Fee pursuant to this Section, every July 15th, the Recyclables Fee may be adjusted based upon the variable~~The Recyclables Fee per ton shall be the cost of disposing of or hauling away such material, which cost may vary depending on the nature of such material, and the market rates for the sale of recyclable materials plus an additional amount up to \$15 per ton, rounded to the nearest dollar per ton, provided however, that the tipping fee per ton cannot be less than zero. If there is mix of different materials, the highest tipping fee shall apply. An additional fee of \$10.00 per vehicle shall be imposed each time a vehicle enters the city dump and disposes of appropriate materials, except that such fee shall be \$15.00 on Saturdays, Sundays and holidays. An additional fee of \$10.00 per vehicle shall be imposed each time a vehicle enters the city dump and disposes of recyclable materials.

~~a.a~~ The foregoing fees may be modified by Resolution of the Board of Representatives.

~~The variable net cost of disposing of or hauling away such material shall be determined by the Director of Administration based upon contract rates negotiated by the City of Stamford or other estimation as the Director of Administration shall determine. In calculating such net cost, the Director of Administration shall consider prevailing market rates for the sale of recyclable materials. The estimate of variable costs shall be for the one-year period for which the Recyclable Fee is to apply. The fee shall be rounded to the nearest whole dollar.~~

- i) ~~b.~~ The Director of Operations shall, at least 30 days in advance of any new fee(s), post notice for the public and the new fee(s) at the City's primary location for receiving recyclable materials.

- ii) The foregoing fees may be modified by Resolution of the Board of Representatives.

~~notify the Board of Finance and the Board of Representatives at least 60 days in advance of any proposed new Recyclables Fee and shall post notice for the public and the proposed new fee at the City's primary location(s) for receiving recyclable materials. The Director of Operations, with the assistance of the Director of Administration, shall provide supporting documentation for the Board of Finance and Board of Representatives as appropriate.~~

- c. ~~By the July regular meeting of the Board of Representatives, the Board of Representatives may reject or modify the proposed new Recyclables Fee by a simple majority vote, or may postpone the proposed new fee for one additional month by a simple majority vote. If the proposed fee is postponed, the Board of Representatives may reject or modify the proposed new fee on or before the next regularly scheduled meeting.~~

~~d. If the Board of Representatives does not take action by the July meeting, the proposed new Recyclables Fee shall take effect. If the proposed fee is rejected, or if the Director of Operations does not notify both the Board of Finance and the Board of Representatives as required herein, then the existing fee shall remain in effect.~~

~~Footnotes:~~

~~---(10.6)---~~

~~Editor's Note — Added 11-9-2009 by Ord. No. 1113.~~

Sec. 137-33. - Disposal of noncollected recyclables.

Items classified as recyclable and not collected by the city or its appointed agent, e.g., waste oil, etc., shall be brought to a location designated by the Director of Operations. This shall be the responsibility of the party disposing of the items.

Sec. 137-34. - Materials deemed city property.

All recyclable items that have been placed at curbside or other designated locations for collection by the city or its agents shall be deemed the property of the city. Anyone, other than the party disposing of the recyclables, who is seen to remove, destroy or otherwise interfere with them will have committed a violation of this Article.

Sec. 137-35. - Effect on powers of Health Department.

Nothing in this Article shall be construed to limit the power of the Health Department as it relates to the general welfare and public health.

Sec. 137-35.1. - Enforcement.

- A. Commercial, government, educational and institutional generators of refuse are responsible for securing all refuse containers, bins, compactors, etc., through appropriate mechanisms such as locks, fencing, gates, doors, continuous visual monitoring, etc., to prevent contamination of loads of municipal solid waste by recyclables. Prevention of deposition of recyclables in the refuse containers designated for municipal solid waste is the responsibility of the generator and is a condition of use of the city dump site for final disposal. Removal of recyclables found in such containers is a condition of use of the city dump site for final disposal.
- B. Operators and owners of private refuse collection firms are agents of the waste generator customers served by their vehicles. Consequently, consistent with State G.L. Chapter 446d, Section 22a-220c, any refuse collector who has reason to believe that a person or facility from whom he collects waste material has discarded recyclable items with such waste material is required to notify city personnel of that fact. A collector shall also assist the municipality to identify any person responsible for creating loads containing significant quantities of recyclable items mixed with refuse which are delivered to the city dump site by the collector and detected by the owner or operator of such facility pursuant to Subsection (b) of this section.
- C. Where physically possible, refuse collectors are obligated to inspect the contents of open-top or hinged-top refuse containers or bins to determine if recyclables are being mixed in with the refuse. If recyclables are so detected, the refuse collector will immediately notify the waste material generator and the City of Stamford of the situation and will refuse to accept the contents of the container or bin. In accordance with State G.L. Section 22a-220a(f), no refuse collector may knowingly mix recyclable material with waste material.
- D. A license to collect the transport waste material to the city dump site is a privilege, not a right. Licenses may be suspended or revoked for a definite period of time by the Director of Operations if the Director finds and determines that the licensee has failed to comply with any of the terms of such

license or applicable laws, ordinance(s), rules or regulations governing the collection and transport of waste materials.

- E. Refuse collectors will allow agents of the Director of Operations to inspect their refuse loads prior to discharge at the city dump site. Refusal to cooperate with the directives of those agents may result in immediate rejection of the refuse load.
- F. Notwithstanding anything to the contrary herein, the Director of Operations or his designee shall have the power to refuse permission to a refuse collector to use the city dump site when, in his opinion, such collector has violated present or future applicable laws, ordinance(s), rules or regulations. This power to refuse permission can be on a per-load event basis by agents of the Director or for periods of time to be set by the Director. Final hauling and disposal costs associated with refusals to accept collector refused loads will be borne entirely by the collector and/or generator.
- G. In the event that a commercial establishment violates the requirements of Subsection (c) of Section 22a-241b of the General Statutes, as amended by Section 1 of Public Act 90-220 and of this Article, that commercial establishment will be assessed a penalty by the City of Stamford of ninety dollars (\$90.00) for each load in violation of this Article. In the event that the refuse collector cannot or refuses to divulge the source of the recyclables in his collection vehicle, the penalties listed herein will be assessed against the owner of the refuse collection vehicle. H. Any refuse collector who knowingly mixes other waste materials with items designated for recycling pursuant to this Article shall, for a first violation, be liable for a civil penalty of one thousand dollars (\$1,000.) for each violation and five thousand dollars (\$5,000.) for a subsequent violation.
- I. In addition to any fines, penalties, license suspensions or revocations or other sanctions which may be imposed upon refuse collectors, the city will charge the current per-ton tipping fee for any load of materials represented as waste material upon delivery which contains excessive amounts of recyclable material or any other material specifically excluded from municipal solid waste and which is delivered to the city dump site.
- J. In the event that, upon discharge of a refuse load, a significant amount of recyclables are detected in the refuse load, the operator of the refuse collection vehicle will be given the option of either leaving the refuse material at the city dump site and paying the tipping fee and any applicable penalties or else having the material reloaded onto his collection vehicle by city staff and equipment and be charged for expenses incurred for city labor, materials and equipment in accordance with a schedule to be developed by the Director of Operations, plus a penalty of two hundred dollars (\$200.) per rejected load occurrence.
- K. In addition to other methods of enforcement described herein, this Article may also be enforced through the civil citation process.

Sec. 137-35.2. - Adoption of rules and regulations.

- A. Subject to the approval of the Board of Representatives, the Director of Operations is authorized to prepare and amend written rules and regulations to enforce the intent of this Article, the Connecticut General Statutes and the state regulations adopted pursuant thereto. The Board of Representatives may, at its discretion, amend and approve said rules and regulations whenever it seems necessary.
- B. All rules and regulations adopted pursuant hereto shall comply with this Article, the Connecticut General Statutes and the state regulations adopted pursuant there.

Section 137 Articles I, II, and IV as provided herein shall take effect upon enactment. However, revised fees shall take effect the 1st day of the month following enactment, but not less than 30 days after enactment. Articles III and V shall continue.