

Chapter 16.5

SOLID WASTE*

- Art. I. In General, §§ 16.5-1—16.5-30**
Art. II. Recyclable Materials, §§ 16.5-31—16.5-60
Art. III. Accumulation and Disposal of Leaves, §§ 16.5-61—16.5-65

ARTICLE I. IN GENERAL

Sec. 16.5-1. Declaration of policy.

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

- (a) This municipality is authorized by law to regulate the disposition of refuse generated within its boundaries, to collect a charge therefor, and to license refuse collectors; and
- (b) This municipality is also authorized by General Statutes section 22a-220a to designate the area where refuse generated within its boundaries shall be disposed; and
- (c) This municipality has executed the municipal contract requiring it to cause all processible solid waste generated within its boundaries to be delivered to the Bridgeport System; and
- (d) The public health, safety and welfare of this municipality will be best served by requiring the delivery of processible solid waste to the Bridgeport System for processing said solid waste into products which have an economic value. (Ord. No. 506, § 1, 9-3-91)

Sec. 16.5-2. Definitions.

The following terms shall have the following meanings:

(a) *Authority* means the Connecticut Resources Recovery Authority established pursuant to chapter 361b of the Connecticut General Statutes, Revision of 1958, as amended.

***Editor's note**—For purposes of classification, provisions formerly designated as §§ 10-36—10-42 of this Code have been redesignated as §§ 16.5-1—16.5-7, at the discretion of the editor. Provisions added by Ord. No. 333, §§ 1—7, enacted Oct. 1, 1985, and Ord. No. 334, §§ 1—5, enacted Oct. 1, 1985, pertaining to the resource recovery authority, codified as §§ 16.5-21—16.5-32, were repealed by Ord. No. 344, enacted March 4, 1986.

Subsequently, the editor added §§ 1—12 of Ord. No. 506, adopted Sept. 3, 1991, as a new art. I, §§ 16.5-1—16.5-12.

Cross references—Littering, § 10-56 et seq.; disposal of waste in trailer parks, § 19-9 et seq.

State law references—Authority to provide for and regulate collection and disposal, G.S. § 7-194(14); disposal plants and transportation, G.S. §§ 7-161, 7-162.

(b) *Bridgeport System* means the system for the processing of solid waste and the recovery of products therefrom constructed by the authority pursuant to the municipal contract.

(c) *Commercial refuse* includes waste from the preparation, cooking and consumption of food, condemned food products and all refuse from the handling, storage, preparation and sale of produce originating primarily in commercial kitchens, stores, restaurants, food markets and factories.

(d) *Director* means the director of public works of this municipality.

(e) *Disposal charge* is that amount of money to be charged for each ton of processible solid waste delivered to the Bridgeport System as established by the procedures authorized in the municipal contract.

(f) *Hazardous wastes* means solid and liquid wastes in the following classifications:

(1) Explosives.

(2) Pathogenic or pathological wastes.

(3) Radioactive wastes.

(4) Cleaning fluids, acids, poisons or other chemical wastes which either create an immediate safety hazard to persons disposing of the waste or which by virtue of their chemistry and/or the method of disposal present a threat to the quality of ground or surface waters.

(5) Hospital operating room wastes.

(g) *Household garbage* includes waste from the preparation, cooking and consumption of products used primarily in private homes.

(h) *Industrial refuse* includes putrescible and nonputrescible matter from the manufacture, fabrication or processing of any product.

(i) *Municipal contract* means the municipal solid waste management services contract between this municipality and the authority dated as of October, 1991.

(j) *Municipality* shall mean the Town of East Haven.

(k) *Processible solid waste* shall mean that refuse acceptable to the Bridgeport System pursuant to the municipal contract.

(l) *Refuse* shall mean all putrescible and nonputrescible solid wastes, including household garbage, rubbish, ashes, bulky wastes and solid commercial and industrial refuse. It shall not include hazardous wastes.

(m) *Refuse collectors* shall include any person engaged in the business of collecting and transporting commercial, household or industrial refuse for hire within this municipality. (Ord. No. 506, § 2, 9-3-91)

Cross reference—Definitions and rules of construction, § 1-3.

Sec. 16.5-3. License required for refuse collections.

All refuse accumulated in this municipality shall be collected, conveyed and disposed of by this municipality or by persons licensed by this municipality to perform such work and in accordance with the provisions of this article. No other person shall collect, convey over any street or dispose of any refuse in this municipality; except that the actual producers of refuse or the owners of premises in this municipality upon which refuse has accumulated may personally collect, convey and dispose of such refuse. (Ord. No. 506, § 3, 9-3-91)

Cross reference—Licenses generally, § 10.5-1 et seq.

Sec. 16.5-4. Refuse containers.

(a) *Provision for Containers*: The owner of each premises whose refuse is created or generated shall provide, at a suitable place upon such premises, sufficient receptacles for receiving and holding such refuse during the intervals between collections. Refuse containers shall be maintained in good condition free of holes and fissures and shall be equipped with securely fitting covers.

(b) *Containers for Commercial Refuse*: The standard container for commercial refuse shall be a watertight, vermin proof galvanized or plastic receptacle, with a tight lid, of not over thirty-gallon capacity; except that commercial establishments may provide for a large covered container designed to be emptied into a refuse truck.

(c) *Containers for Household Garbage; Number of Collections*: The standard unit of collection for household garbage shall be twenty- and thirty-gallon containers and curbside collections by the town shall be made on the basis and pursuant to municipal curbside collection contracts which the town may, from time to time, enter into with refuse collectors. (Ord. No. 506, § 4, 9-3-91)

Sec. 16.5-5. Storing of refuse.

(a) *Public Places*: No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within this municipality except in proper containers or otherwise properly prepared for collection or under express approval granted by the director. Nor shall any person throw or deposit any refuse in any stream or other body of water.

(b) *Accumulation of Refuse*: Any uncontainerized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any accumulation of refuse within ten (10) days after written notice by registered mail to remove same shall be deemed a violation of this article.

(c) *Scattering of Refuse:* No person shall cast, place, sweep or deposit anywhere within this municipality any refuse in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises.

(d) *Hazardous Wastes:* It shall be unlawful for any person to place hazardous wastes or similarly dangerous substances into any refuse container or to transport any such substance to the Bridgeport System. (Ord. No. 506, § 5, 9-3-91)

Sec. 16.5-6. Licensing of refuse collectors; registration of vehicles, etc.

(a) *Licensing and Registration Authority Designated:* The director shall be the licensing and registration authority for refuse collectors and vehicles and containers. The director shall grant a license within a reasonable time following the filing of a proper application and payment of the prescribed fee unless he finds one (1) or more of the following conditions to prevail:

- (i) The applicant has been irresponsible in the conduct of refuse collection and hauling operations based upon previous suspensions and/or revocations of licenses.
- (ii) The applicant lacks suitable equipment with which to collect refuse in a safe and nuisance-free manner and in compliance with this article.

(b) *License Required:* Each refuse collector shall annually on or before July first apply for a license from the director on such form as the director shall prescribe to engage in the business of refuse collection in this municipality.

(c) *Registration of Vehicles:* Each licensed refuse collector shall obtain a separate registration for each vehicle he operates within this municipality. When a vehicle is employed to transport more than one (1) container, each container to be transported instead of the vehicle shall require a registration. Registration shall not be transferable from vehicle to vehicle; provided however, the director may allow such temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually licensed vehicle.

(d) *Registration Term, Fee; Renewal:* All registrations shall be issued for the term not to exceed one (1) year and shall be renewable on or before the first day of July of each year. The registration fee shall be one hundred fifty dollars (\$150.00) for each vehicle and/or container with a capacity of ten (10) or more cubic yards and one hundred dollars (\$100.00) for each vehicle and/or container of a capacity of less than ten (10) cubic yards which are used to transport refuse. The registration fee for any other vehicle or container shall be fifty dollars (\$50.00).

(e) *Reinspection Upon Sale, Transfer of Vehicle During Registration Year:* Whenever a duly registered vehicle is sold or transferred to another refuse collector licensed in this municipality during the registration year, said vehicle shall be reinspected within seven (7) days of such transfer date; but no additional fee shall be required.

(f) *Display of Registration:* The registration issued shall be conspicuously displayed on the left front of the body of each vehicle or container so licensed, or as may be directed.

(g) *Identification of Vehicles and Containers:* Each licensee shall prominently display at all times on each registered vehicle or container in letters at least four (4) inches in height his name, registration number and telephone number.

(h) *Notification Required Upon Sale, Transfer of Route:* When any licensee shall sell or transfer all or part of his route to another refuse collector presently licensed to collect refuse in this municipality, he shall forthwith give written notice to the director at least seven (7) days before the date of the sale or transfer stating the name of the buyer or transferee and the intended date of sale.

(i) *Licenses Nontransferable.* Licenses are not transferable. When any licensee shall sell or transfer all or part of his route to any refuse collector not licensed in this municipality, he shall first notify the director, in writing, of his intent to sell; and the transferee shall, at the same time, make application for a license to operate in this municipality.

(j) *Routes Serviced:* As a prerequisite to the issuance or renewal of any license, the refuse collector must, during the month of June, furnish to the director the geographical routes within this municipality that such refuse collector services or intends to service. (Ord. No. 506, § 6, 9-3-91)

Sec. 16.5-7. Revocation or suspension of license or registration.

(a) *Generally:* A license to engage in refuse collection in this municipality is a privilege, not a right. Failure to comply with the provisions of this article shall be grounds for revocation or suspension of any license or registration issued under the provisions of this article in addition to any other penalty imposable by law.

(b) *Notice Required:* Revocation or suspensions shall only become effective five (5) calendar days after receipt of written notice from the director.

(c) *Request for Review; Filing; Effect of Failure To File:* If a refuse collector objects to the director's action described in paragraph (b) above to revoke or suspend his license or registration, he may, within the five (5) calendar days of receipt of said notice, file a written request for review with the mayor. Failure to timely file such request for review shall make the director's action final and binding upon the collector.

(d) *Effect of Timely Filing:* Timely filing of such request for review shall operate as an automatic stay of the director's action.

(e) *Special Appeals Board; Hearing:* Upon such timely filing of such request for review, the mayor shall appoint a special appeals board consisting of two (2) electors of the municipality, two (2) licensed refuse collectors, and a member of the town council. Said board shall be appointed within five (5) days of the mayor's receipt of the request for review and shall within fifteen (15) days from the date of said appointment hear and decide the matter. Such hearing

shall be private; except however, such hearing may be public if so requested, in writing, by the refuse collector. The decision of said board shall be final and binding upon the collector.

(f) *Names, Addresses of Customers To Be Furnished Upon Revocation, Suspension:* Whenever a collector's license or registration is revoked or suspended, he shall furnish the director within twenty-four (24) hours the names and addresses of his customers to ensure continuity of service. (Ord. No. 506, § 7, 9-3-91)

Sec. 16.5-8. List of rates.

Each collector shall furnish to his customers, upon request, a list of rates for the various services he provides. (Ord. No. 506, § 8, 9-3-91)

Sec. 16.5-9. Administration; promulgation of rules and regulations.

(a) The director shall administer the licensing of any refuse collector engaged in the collecting and transporting of refuse in this municipality.

(b) The director shall, when considering an application for a refuse license, including renewal, ascertain that the applicant has adequate liability insurance.

(c) The director may promulgate additional rules on all collection and disposal procedures from time to time as he deems proper, but such rules shall not be inconsistent with this article. (Ord. No. 506, § 9, 9-3-91)

Sec. 16.5-10. Refuse collector's responsibilities and obligations.

(a) *Place of Delivery:* Each refuse collector shall deliver all processible solid waste collected within the territorial limits of this municipality to the Bridgeport System and pay the disposal charge plus a ten (10) percent administrative surcharge to this municipality. All other refuse shall be delivered to such place as the director may from time to time designate, and any applicable charge shall be paid by the refuse collector.

(b) *Failure to Pay:* Any refuse collector failing to pay to this municipality any charge within thirty (30) days after the date of a bill therefor shall pay, in addition to the charge shown on such bill, interest on such charge at the rate of one (1) percent per month or fraction thereof commencing on the date of such bill, plus all costs of collection and reasonable attorneys fees incurred by this municipality. A failure to pay shall also be grounds for revocation or suspension of a license and registration.

(c) *Prohibition on Delivery:* No licensee shall deliver any processible solid waste to any place other than the Bridgeport System unless the system is incapable of accepting processible solid waste at the time of delivery, in which event such solid waste shall be delivered to the place designated by the directors.

(d) *Construction and Maintenance of Vehicles and Containers:* All vehicles registered to collect and transport refuse shall be of a watertight construction and shall be maintained free of obnoxious odors and accumulated refuse. Any such vehicle with a capacity in excess of ten

(10) cubic yards shall be of a closed construction. A container utilized primarily for nonliquid refuse need not be of watertight construction, but shall be completely enclosed. If any such vehicle shall have a capacity of less than ten (10) cubic yards, it may have an open top, provided that it be covered when it is in motion, to prevent the escape of refuse.

(e) *Delinquent Customers:* A refuse collector may refuse to provide collection service to any customer who is more than thirty (30) days delinquent in the payment of the refuse collector's fee. If the delinquent customer shall discharge his delinquency, the refuse collector shall immediately restore collection services to the customer.

(f) *Responsibility To Provide Service; Refusal To Provide:* Refuse collectors are hereby made jointly responsible for providing collection service to any resident of this municipality. If any resident of this municipality shall be refused collection services or is dissatisfied with collection service for cause, he may make application to the director, who shall have the right to direct said collector to provide service or who shall have the right to designate another licensed refuse collector to provide refuse collection service; and the collector so selected shall comply with the director's designation. In making such designation, the director shall give primary consideration to those collectors who service customers in the same or contiguous locality.

(g) *Designation of Collector To Provide Service:* In the event refuse collection service is not provided, the director shall designate a licensed refuse collector or collectors to provide refuse collection service in the geographical area affected; and such collector or collectors shall comply with the director's designation.

(h) *Customer's Containers:* Refuse collectors shall leave their customers' containers in a neat upright position, with lids replaced, and off the road.

(i) *Spilled Refuse:* Refuse collectors shall clean up refuse that may have spilled when carrying or transferring refuse.

(Ord. No. 506, § 10, 9-3-91)

Sec. 16.5-11. Violations and penalty.

Any person violating the terms of this article shall be fined not more than one hundred dollars (\$100.00) for each offense, in addition to any other penalty imposable hereunder.

(Ord. No. 506, § 11, 9-3-91)

Sec. 16.5-12. Collection by this municipality.

Notwithstanding any other provisions of this article to the contrary, the disposal charge for refuse delivered to the Bridgeport System pursuant to municipal agreements for the collection and disposal of garbage and refuse which may from time to time be entered into between the municipality and any refuse collector shall be paid by the municipality and shall not be billed to the refuse collector pursuant to section 16.5-10 of this article.

(Ord. No. 506, § 12, 9-3-91)

Sec. 16.5-13. Collection from residential condominiums.

(a) *Definitions.* As used in this article the following terms shall have the meanings set forth in this section:

Affiliate of a declarant. Defined as in Section 47-202(1) of the Connecticut General Statutes, as amended from time to time.

Condominium. Defined as in Section 47-68a(a) or Section 47-202(8) of the Connecticut General Statutes, as amended from time to time.

Condominium association. The association of unit owners, as defined in Section 47-68a(o) or Section 47-202(3) of the Connecticut General Statutes as amended from time to time, of an eligible condominium as herein defined.

Declarant. Defined as in Section 47-68a(m) or Section 47-202(12) of the Connecticut General Statutes, as amended from time to time.

Director. The director of public services of the town.

Eligible condominium. A residential condominium in which at least fifty (50) percent of the completed units are owned by unit owners other than the declarant or an affiliate of the declarant, and in which no more than twenty (20) percent of the completed and occupied units are owned by the same person or group of related persons. A unit shall be deemed completed for purposes of this definition when a certificate of occupancy has been issued for it by the town.

Fiscal year. A period of twelve (12) consecutive months commencing on July 1 of a calendar year and ending on June 30 of the following calendar year.

Municipal services. The collection and removal by the town (by its employees or by contract) of residential refuse and recyclables in a manner comparable to that provided by the town for single-family residential homes, as such services to such homes may be modified from time to time.

Rebate. The reimbursement provided to certain condominiums pursuant to the Rebate Ordinance.

Rebate Ordinance. Section 16.5-8 of the Code.

Recyclables. Defined as in section 16.5-46 of Chapter 16.5, Article II, enacted by the East Haven Town Council on April 7, 1992, as amended from time to time.

Refuse. Defined as in section 16.5-2 of Chapter 16.5, Article I, enacted by the East Haven Town Council on September 3, 1991, as amended from time to time.

Related person. In the case of an individual, his spouse and/or his spouse's parent, sibling, child or grandchild; a corporation in which he or any of said relatives is a shareholder, officer or director; or a trust for the benefit of any of said parties. In the case of a corporation, any of its shareholders, officers or directors; a person related to any of its shareholders, officers or directors as defined herein; another corporation having a shareholder, officer or director who

is related to the first corporation as defined herein; or a trust for the benefit of any of said parties.

Residential condominium. As defined in Section 47-202(27) of the Connecticut General Statutes, as amended from time to time.

Town. The Town of East Haven.

(b) [Notice.] On and after July 1, 1992, each condominium association shall have the option to receive municipal services pursuant to the terms and conditions of this article, in lieu of the rebate provided under the Rebate Ordinance. In order to exercise said option an association must give written notice to the director and to the finance department of the town at least forty-five (45) days prior to the date when the association wishes to commence receiving municipal services, and must prior to the commencement of services execute the agreement with the town required by subsection (c) of this section; provided that the town may reduce the required notice period if, in the sole discretion of the director, the town is able to commence such services upon shorter notice. Notwithstanding the foregoing, if a condominium association exercising the option to receive municipal services during a fiscal year has already received any portion of the rebate for such fiscal year, then the town shall not be obligated to provide municipal services until the earlier of the following: the end of the period for which the rebate has been paid, or the date when the association refunds to the town a pro rata portion of the rebate corresponding to the unexpired portion of the period to which the rebate applies. For purposes of this section, the payment of the first half of the rebate for a given fiscal year shall be deemed to apply to the period from July 1 to December 31 of such fiscal year, and the payment of the second half of the rebate shall be deemed to apply to the period from January 1 to June 30 of such fiscal year. Any condominium association may elect to continue to receive the rebate instead of receiving municipal services, in which case it shall continue to be required to comply each year with all requirements of the Rebate Ordinance. A condominium association's election of the rebate in a given year shall not preclude it from exercising its option to receive municipal services in a future year. Once an association has elected and commences to receive municipal services, it shall not be required to continue to comply with the annual reporting requirements of the Rebate Ordinance, but shall be obligated to provide such information as may from time to time be requested by the town for any purpose reasonably related to the provision of municipal services pursuant to this article; furthermore, such an association may not elect to revert to receiving the rebate unless the town in its sole discretion, acting by the mayor and director, consents thereto. The town may in its discretion, upon forty-five (45) days written notice, terminate municipal services to any condominium association whose condominium ceases to be eligible therefor pursuant to the terms of this article, or which fails to comply with the provisions of this article or of the agreement required in subsection (c). In the event of such termination, said association may apply for the rebate for the fiscal year following the year of termination and for succeeding fiscal years.

(c) [Agreement.] No condominium association shall be entitled to receive municipal services unless it has first signed an agreement with the town, in form satisfactory to the town attorney, containing the provisions described in this section and such other provisions as are

consistent with this article and are deemed appropriate by the town attorney. The mayor of the town is hereby authorized to execute such an agreement on behalf of the town with the association of each eligible condominium. Under said agreement the association shall, on behalf of itself and the unit owners within the condominium, and their respective heirs, successors and assigns:

- (1) Grant such rights of ingress and egress to the condominium premises in favor of the town, its employees, agents and contractors, as may be necessary or appropriate for the provision of municipal services, and agree to keep open access to refuse and recyclables containers on said premises (including the clearance of snow and ice) so that collection vehicles and workers will not be impeded or delayed in their functions while on the premises;
- (2) Indemnify and hold harmless the town and its employees (but not its contractors) from and against all claims, demands, actions, litigation and costs (including attorneys' fees) for any damages for personal injury or property damage arising out of or in connection with the provision of municipal services to the association and its condominium by the town, its employees, or contractors.
- (3) Agree to comply with such rules, regulations, or requirements as may be established by the director of public services regarding the type, size, location, maintenance, and replacement of refuse and recyclables containers to be provided by the association; the bundling of loose materials; the separation of refuse and recyclable materials; and such other matters as may pertain to the collection, conveyance and disposal of refuse and recyclables as he shall find necessary or appropriate, and as the same may be modified from time to time, provided that no such regulation shall be contrary to the provisions of this article.
- (4) Waive and release any claim which the association may have with regard to the town's failure to provide municipal services during any prior period; and any claim which it may have with regard to the past and future unavailability of town road maintenance and snow clearance services to the condominium.
- (5) Acknowledge that the availability of municipal services is not to be construed as an authorization or inducement by the town for the condominium association to violate the terms of any contract previously entered by it for the collection and removal of refuse and recyclables.
- (6) Warrant and represent that the association's entry into the agreement required by this section has been authorized by a duly enacted resolution of the association, a certified copy of which shall be provided to the town at the time of execution of the agreement.

(d) [*Collection.*] On and after July 1, 1992, the town shall, by means of its own employees and agents or by contract, collect refuse and recyclables from those eligible condominiums whose associations shall elect municipal services in accordance with the provisions of this article and who shall comply with all of its provisions. The frequency and extent of collection

refuse and recyclables from such condominiums shall be comparable to the frequency and extent to which the town provides collection of such materials to single family homes, as such services may be modified from time to time, and shall be performed in accordance with a schedule determined by the director.

(e) [*Compliance.*] Any condominium association receiving municipal services, and all residents of the condominium governed by such association, shall in addition to the requirements of this article be obligated to comply with all other laws, ordinances, rules and regulations applicable to the collection and removal of refuse and recyclables within the town, whether the same are now existing or hereafter adopted.

(f) [*Obligations.*] Nothing contained herein shall be construed:

- (1) To obligate the town to provide municipal services to any apartment building, commercial or nonresidential property, or any common interest ownership community other than an eligible condominium as defined herein; or
- (2) To obligate the town to provide to eligible condominiums any services other than those specifically provided for herein.

(Ord. No. 522, 5-26-92)

Editor's note—Ord. No. 522, adopted May 26, 1992, did not specify manner of codification, hence inclusion herein as § 16.5-13 was at the discretion of the editor.

Sec. 16.5-14. Use of town landfill; fees.

(a) *Operating hours.* The landfill shall be open for use by town residents, for legally permitted waste disposal or recycling purposes, between the hours of 8:30 a.m. and 3:30 p.m. on Friday and Saturday of each week, except as otherwise provided herein.

(b) *Use restricted to town residents.* No person shall be entitled to use the landfill for waste disposal or recycling purposes unless:

- (1) He is a resident of East Haven who presents proof of such residency in the form of either a current motor vehicle operator's license, or a current motor vehicle registration certificate showing that the vehicle in which he has carted materials to the landfill is registered for tax purposes in the town; or
- (2) Whether or not a resident of East Haven, he provides proof in accordance with the procedures adopted by the Director of Public Services (hereinafter "Director") pursuant to Section (c) that the material he has carted to the landfill has originated within the borders of the town.

(c) [*Waste to originate within town.*] No person, whether or not a resident of East Haven, shall dispose of at the landfill any material which is generated and or collected from any site outside of the borders of East Haven. The director shall be authorized to establish procedures to ensure that material carted to the landfill has originated within the town material carted to the landfill has originated within the town, which procedures shall be followed by users of the landfill before they are allowed to dispose of any waste material. Such procedures may include, but are not limited to, a requirement that a person wishing to dispose of construction debris

provide a copy of a bona fide East Haven building or demolition permit for the site from which the material emanated. Notwithstanding anything contained in this section, with respect to reasonable quantities of household waste carted to the landfill by a person providing proof of East Haven residency, the director shall not be required to seek additional proof of the source of the material.

(d) *Fee.* Each person shall pay a fee each time he enters the landfill for waste disposal or recycling purposes, the amount of which shall depend upon the size and type of the vehicle in which he has carted materials to the landfill, in accordance with the following schedule:

	<i>Fee</i>
(1) Automobiles designed primarily for private passenger use, excluding pickup trucks hereinafter described, provided such automobiles are not equipped with a trailer.....	NO FEE
(2) Vehicles described in subsection (1), which are equipped with a trailer, and pickup trucks with single rear wheels.....	\$10.00
(3) Pickup trucks with dual rear wheels.....	25.00
(4) Vehicles larger than pickup trucks, including dump trucks and masonry trucks with a gross vehicle weight rating (GVWR) less than 12,000 pounds.....	100.00

No vehicle with a GVWR in excess of twelve thousand (12,000) pounds, and no vehicle with a GVWR more than eight thousand (8,000) pounds which is equipped with any trailer, shall be permitted to be used for the purpose of transporting material to the landfill for disposal or recycling.

The weight of a vehicle for purposes of this section shall be the (GVWR), or other comparable weight as indicated on the vehicle's motor vehicle registration certificate.

(e) *Responsibility of director of public services.* The director or his designee shall be authorized to take such measures as may be necessary or appropriate for ensuring that the landfill is used in accordance with the terms of this ordinance and establishing procedures for the determination and collection of fees due and payable hereunder. The director shall have the authority to modify the schedule set forth herein for the opening of the landfill if he deems the same to be in the public interest. He may close the landfill at any time when it would otherwise be open pursuant to the schedule then in effect, because of a legal holiday, or for any health, safety or other reason which in his discretion warrants such closing.

(f) *Exceptions.* The provisions of this section shall not apply to the use of vehicles of any size by the town or for town purposes, which vehicles may enter the landfill at any time without charge, or to the deposit of any materials at the landfill by or on behalf of the town.

(g) *Miscellaneous.* Nothing in this section shall be construed to require the town to accept at the landfill any hazardous or other material which is not permitted by law to be disposed of there. If a person wishes to dispose of any material at the landfill, but the director in his

discretion determines that due to the nature or volume of the material it would be contrary to best interests of the operation and preservation of the landfill to accept the same, the director may require that such material be disposed of at an alternative available site, at the expense of the person disposing of it.

(h) Any individual and/or contractor found by the director or his designee to have deposited waste into the landfill who is not a resident of East Haven or that does not emanate from East Haven property shall be fined five hundred dollars (\$500.00) for each such violation.

(Ord. No. 582, § 2, 5-2-95; Ord. No. 645, § 1, 4-12-99; Ord. No. 809, 5-6-08)

Editor's note—Ord. No. 582, § 2, adopted May 2, 1995, has been included herein as section 16.5-14 at the discretion of the editor. Section 1 of Ord. No. 582 repealed Ord. No. 227, adopted July 15, 1982, (previously deleted from the Code) which pertained to the use of the town dump.

Secs. 16.5-15—16.5-30. Reserved.

ARTICLE II. RECYCLABLE MATERIALS*

Sec. 16.5-31. Establishment of town recycling program.

There is established a town solid waste recycling program with standards to effect the maximum level of recycling of solid waste and source separation.

(Ord. No. 515, § 1, 4-7-92)

Sec. 16.5-32. Administrator of town recycling program.

The town director of public works shall be the administrator of the recycling program and is vested with full powers to develop and operate a recycling program consistent with this article, the inter-community agreement establishing the Southwest Connecticut Regional Recycling Operating Committee and policies promulgated by SWEROC and the laws and regulations of the state.

(Ord. No. 515, § 2, 4-7-92)

Sec. 16.5-33. Scope of town recycling program.

(a) The state has determined that not less than twenty-five (25) percent of the solid waste generated in the State after January 1, 1991 shall be recycled. The state has encouraged regional recycling programs and nineteen (19) municipalities in Southwest Connecticut, including the town, have entered into an inter-community agreement establishing SWEROC to develop and administer an efficient, economical regional solid waste recycling program. The inter-community agreement became effective on September 15, 1989 and SWEROC is now

***Editor's note**—Ord. No. 485A, adopted Dec. 20, 1990, pertaining to recyclable materials, and Ord. No. 495, adopted June 4, 1991, pertaining to the South Central Connecticut Recycling Authority have been deleted as being superceded by Ord. No. 515, adopted April 7, 1992, pertaining to similar subject matter.

Said ordinance did not specify manner of codification, hence inclusion herein as Article II was at the discretion of the editor.

operational and proceeding to develop an effective recycling program for the Southwest Connecticut region to include an intermediate processing center to serve the region. SWEROC, on April 27, 1990, executed a contract with the state acting by the commissioner under which the state will provide a maximum grant of nine million two hundred seventy-eight thousand seven hundred fifty dollars (\$9,278,750.00) to SWEROC, of which an interim grant of three million fifty thousand dollars (\$3,050,000.00) is available for expenditure by SWEROC.

(b) Under the provisions of the inter-community agreement, each of the nineteen (19) municipalities, including the town, has the following obligations:

- (1) To require residential acceptable recyclable materials generated within its boundaries as determined by SWEROC to be processed pursuant to the provisions of the inter-community agreement;
- (2) To have (i) residential statutory recyclable materials that are not processed at the regional intermediate processing center and (ii) all commercial and nonresidential statutory recyclable materials generated within its boundaries, processed in accordance with applicable regulations of Connecticut state agencies;
- (3) To collect and transfer to the regional intermediate processing center or such place as designated by SWEROC all residential acceptable recyclable materials as determined by SWEROC; and
- (4) To pay to SWEROC each month the town's proportionate share of the cost associated with its participation in the regional recycling program.

(c) The scope of the town recycling program shall be to fulfill obligations (1) (2) and (3) as set forth in subsection (b) of this section and to coordinate and integrate the town recycling program with the regional recycling program to effect an overall efficient and economical recycling program for the region and the town.

(Ord. No. 515, § 3, 4-7-92)

Sec. 16.5-34. Fulfillment of contractual and statutory obligations.

By adoption of this article, the town shall:

- (a) Fulfill its obligation under Section 2.08 of the April 27, 1990 Agreement between the State of Connecticut and SWEROC to adopt "a mandatory source separation ordinance . . . sufficient to implement its recycling program in the context of the regional recycling effort"; and

(b) Comply with Section 22a-220 of the General Statutes as amended by Section 2 of Public Act No. 90-220 "To adopt an ordinance . . . setting forth measures to assure the compliance of persons within its boundaries with the requirements of Subsection (c) of Section 22a-241b, as amended by Section 1 of . . . [Public Act 90-220] and to assure compliance of Collectors with the requirements of Subsection (a) of Section 4 of . . . [Public Act 90-220]". (Ord. No. 515, § 4, 4-7-92)

Sec. 16.5-35. Issuance of regulations and instructions governing the operation of the recycling program.

The successful operation of the recycling program shall require the issuance of regulations and instructions setting forth detailed procedures to be followed by residents, businesses and institutions, collectors and others. The administrator of the recycling program is authorized and directed to promulgate such regulations and instructions, to be binding upon all persons within the town, to effect an efficient and economical recycling program consistent with this article, the inter-community agreement and policies promulgated by SWEROC and applicable state laws and regulations.

(Ord. No. 515, § 5, 4-7-92)

Sec. 16.5-36. Separation of items required to be recycled from other solid waste.

(a) *Residential:*

- (1) On or after the effective date of this article, each person who generates solid waste from residential property within the town shall separate from other solid waste the following items required to be recycled:
 - a. Cardboard.
 - b. Glass food and beverage containers.
 - c. Leaves.
 - d. Metal food and beverage containers.
 - e. Newspaper.
 - f. Scrap metal.
 - g. Storage batteries.
 - h. Waste oil.
 - i. Certain plastic food and beverage containers as described more fully below.
- (2) The town shall distribute to each dwelling unit within its boundaries an appropriate container into which the following items required to be recycled shall be put:
 - a. Glass food and beverage containers.
 - b. Metal food and beverage containers.
 - c. Newspaper.
 - d. PET (Polyethylene Terephthalate) plastic.
 - e. PET (Polyethylene Terephthalate) plastic food and beverage containers which are marked on the bottom of the container with the number "1" encircled by the recycling symbol.

- f. HDPE (High Density Polyethylene) plastic food and beverage containers which are marked on the bottom of the container with the number "2" encircled by the recycling symbol.
 - g. Such other items as may be designated by SWEROC.
- (3) The administrator of the recycling program shall prescribe procedures by which other solid waste generated from residential properties required to be recycled (such as leaves) shall be handled.
- (b) *Nonresidential.*
- (1) On or after the effective date of this article, each person who generates solid waste from properties other than residential properties shall make provision for the separation from other solid waste of the following items required to be recycled:
 - a. Cardboard.
 - b. Glass food and beverage containers.
 - c. Leaves.
 - d. Metal food and beverage containers.
 - e. Newspaper.
 - f. Office paper.
 - g. Scrap metal.
 - h. Storage batteries.
 - i. Waste oil.
 - j. PET (Polyethylene Terephthalate) plastic food and beverage containers which are marked on the bottom of the container with the number "1" encircled by the recycling symbol.
 - k. HDPE (High Density Polyethylene) plastic food and beverage containers which are marked on the bottom of the container with the number "2" encircled by the recycling symbol.
 - l. Such other items as may be designated by SWEROC.

(Ord. No. 515, § 6, 4-7-92)

Sec. 16.5-37. Collection, recycling and sale of items required to be recycled.

(a) The administrator of the recycling program shall be responsible for and shall arrange for the items listed in section 16.5-6(a)(2) above, which are generated from residential properties, to be collected and delivered to the regional intermediate processing center or to such other site designated by SWEROC, such collection and delivery to be in accordance with the provisions of this article, the inter-community agreement and policies promulgated by SWEROC, any agreement entered into by SWEROC for the processing and marketing of items required to be recycled, and Section 22a-241b of the General Statutes as amended by Subsection (c) of Section 1 of Public Act 90-220.

(b) The administrator of the recycling program shall take appropriate action to cause each owner of property used for business, institutional and other nonresidential purposes, at such

owner's expense, to collect and have recycled the items listed in section 16.5-6(b)(1) which are generated from properties other than residential properties, in accordance with the provisions of this article, the inter-community agreement and policies promulgated by SWEROC and applicable state laws and regulations.

(c) To assist the town in monitoring the separation, collection, recycling and sale of items required to be recycled that are generated from properties other than residential properties, the administrator of the recycling program may require such nonresidential generators to submit plans for recycling to the town and may require such generators to submit periodic reports to the town setting forth specified data relating to the amount and nature of items recycled.

(d) The administrator of the recycling program, with the consent of the chief executive office of the town, may require the separation and recycling of items in addition to those designated above.

Sec. 16.5-38. Regulation of collectors.

(a) The provisions of this article shall apply to any collector licensed by the town to collect or haul solid waste pursuant to an article regulating the storage, collection and disposal of solid waste previously enacted by the East Haven Town Council effective November 1, 1991. Nothing contained herein shall be construed to excuse any collector or hauler of solid waste from the licensing and other requirements of said previous article. Violation by a collector of any provision of this article shall be grounds for the revocation or suspension of a license or registration issued under the previous ordinance to the same extent and in the same manner as if it were a violation of a provision of the previous ordinance; in addition, the collector shall be subject to the penalties provided herein.

(b) The administrator of the recycling program shall, by mail, give notice of this article and any other provisions promulgated for the collection, hauling, processing and marketing of items required to be recycled to all collectors described in subsection (a) of this section. After such notice, any collector who has reason to believe that a person from whom he has collected solid waste has discarded items required to be recycled with such solid waste, shall promptly notify the administrator of the recycling program of the alleged violation. Upon request by the administrator of the recycling program. A collector shall provide a warning notice, by tag or other means, to any person suspected by the collector or by the town of violating separation requirements. Each collector shall also assist the town to identify any person responsible for creating loads containing significant quantities of items required to be recycled mixed with solid waste which are delivered to a resources recovery facility or solid waste facility by the collector.

(c) On and after the effective date hereof, as required by Section 4(b) of Public Act No. 90-220, the owner or operator of each resources recovery facility or solid waste facility who has reason to believe, upon visual inspection, that a load of solid waste which is delivered to the facility contains significant quantities of items required to be recycled is required to provide prompt notification of such belief to the driver of the vehicles delivering the load and to the

administrator of the recycling program if the load originated within the town. Under said Section 4(b) of Public Act 90-220, the owner or operator of each resources recovery facility or solid waste facility is also required to conduct unannounced inspections of loads delivered to resources recovery facilities or solid waste facilities.

(d) Any collector who dumps more than one (1) cubic foot in volume of solid waste at one (1) time in an area not designated for such disposal or who knowingly mixes other solid waste with items required to be recycled shall for a first violation be liable for a civil penalty of one thousand dollars (\$1,000.00) and for a subsequent violation shall be liable for a civil penalty of five thousand dollars (\$5,000.00). The town or the attorney general, at the request of the commissioner, may bring an action under Section 3(f) of Public Act 90-220, which action shall have precedence in the order of trial as provided in Section 52-191 of the General Statutes. (Ord. No. 515, § 8, 4-7-92)

Sec. 16.5-39. Charge for recycling services.

The town, by action of its legislative body, may levy a charge for the collection and/or processing of solid waste brought to a facility for recycling. (Ord. No. 515, § 9, 4-7-92)

Sec. 16.5-40. Power to contract for services.

The town may contract with other persons for assistance in complying with the provision of this article. (Ord. No. 515, § 10, 4-7-92)

Sec. 16.5-41. Liaison with state.

(a) The administrator of the recycling program shall serve as the town liaison agent with the commissioner with respect to receiving information and responding on behalf of the town to questions regarding recycling from the department of environmental protection. In the event that the person serving as the town liaison agent with the commissioner is changed, the town, within thirty (30) days of change, shall provide the commissioner with the name, address and telephone number of the newly designated person.

(b) Notices from collectors and from operators of resources recovery facilities and solid waste facilities referred to in section 16.5-8(c) and (d), above, shall be submitted to the administrator of the recycling program. (Ord. No. 515, § 11, 4-7-92)

Sec. 16.5-42. Designation of SWEROC as the town's regional agent for purpose of submitting annual report.

SWEROC is designated as the town's regional agent to provide the report due on July 1, 1991 and annually thereafter pursuant to Section 2(e) of Public Act 90-220. (Ord. No. 515, § 12, 4-7-92)

Sec. 16.5-43. Delivery to out-of-state recycling facility of items required to be recycled.

If the town or a collector delivers items required to be recycled to a recycling facility not located within the state, the administrator of the recycling program or the collector shall notify the commissioner of the name and address of the owner or operator of such out-of-state facility and shall ensure, by contract, that such facility has notice of and complies with the reporting requirements of Section 5 of Public Act 89-386 as amended by Section 8 of Public Act 90-220.

(Ord. No. 515, § 13, 4-7-92)

Sec. 16.5-44. Prohibition of scavenging.

It shall be a violation of this article for any person not authorized by the town to collect or pick up, or cause to be collected or picked up, any recyclables which have been placed outside or otherwise set aside for collection.

(Ord. No. 515, § 14, 4-7-92)

Sec. 16.5-45. Penalties.

(a) Notwithstanding any other sections of the General Statutes to the contrary, the town, acting by the administrator of the recycling program, may impose a penalty not to exceed five hundred dollars (\$500.00) for each violation by a commercial establishment of the requirements of Subsection (c) of Section 22a-241b of the General Statutes as amended by Section 1 of Public Act 90-220 as set forth in section 16.5-36(b)(1) of this article.

(b) The owner or operator of any resources recovery facility or landfill who fails to notify the town about the delivery of loads of solid waste originating from the town containing significant quantities of items required to be recycled as required by Section 4 of Public Act 90-220 and as set forth in Section 16.5-38(d) of this article, shall be subject to a warning by the town or the commissioner for a first violation and to a civil penalty of five hundred dollars (\$500.00) for any subsequent violation. If the town fails to receive such notification as required, the town may bring an action under Section 3 of Public Act 90-249.

(c) Any person who violates the provisions of this article shall, in addition to other legal remedies available to the town, be cited or fined not more than one hundred dollars (\$100.00) for each offense, and each violation of this article or of regulations and instructions promulgated pursuant to this article, shall be a separate violation. This article and the regulations and instructions promulgated pursuant to this article may be enforced by citations issued by the administrator of the recycling program. Before issuing any citation the administrator of the recycling program shall issue a written warning providing notice of the specific violation in accordance with Section 7-148(c)(10)(A) of the General Statutes.

(d) The town may be subject to penalties imposed upon it under Section 2(g) of Public Act 90-220 if the commissioner determines that the town is making insufficient progress in implementing a recycling program.

(e) The citation hearing procedure provided in Section 7-152c of the General Statutes is established as the town's citation hearing procedure to be followed when citations pursuant to subsection (c) of this section are issued. The chief executive officer of the town is authorized to issue such rules and regulations governing the operation of the citation hearing procedure so long as such rules and regulations are consistent with Section 7-152c of the General Statutes. (Ord. No. 515, § 15, 4-7-92)

Sec. 16.5-46. Definitions.

For the purposes of this article:

Acceptable recyclable materials means those items to be received and processed at the SWEROC regional intermediate processing center to include glass food and beverage containers, metal food and beverage containers, newspaper and certain HDPE and PET plastic food and beverage containers and other recyclables determined by SWEROC.

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

Collector means any person who holds himself out for hire to collect solid waste from residential, business, commercial and other establishments within the town and, particularly such person who has been authorized by the town to collect solid waste within the town.

Commissioner means the commissioner of environmental protection of the State of Connecticut or his authorized agent.

Contracting community means one (1) of the towns and cities in Southwest Connecticut which entered into the inter-community agreement to form SWEROC and establish a regional recycling program.

General Statutes means the General Statutes of Connecticut as amended.

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

HDPE (High Density Polyethylene) plastic food and beverage container means any high density polyethylene bottle, jar or container of any size or shape used to package food or beverage products suitable for human or animal consumption or used for household laundry products or motor oil which are marked on the bottom of the bottle, jar or container with the number "2" encircled by the recycling symbol.

Inter-community agreement means the agreement of September 15, 1989 entered into by the towns and cities in Southwest Connecticut to form SWEROC and establish a regional recycling program.

Intermediate processing facility or intermediate processing center means a facility where glass, metals, paper products, batteries, household hazardous waste, fertilizers and other items are removed from the waste stream for recycling or reuse.

Leaves means the foliage of trees.

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

Newspaper means used or discarded newsprint which has a minimum of contamination by food or other material.

Office paper means used or discarded high-grade white paper and manila paper including, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer printing and photocopying, which is suitable for recycling and which has a minimum of contamination, excluding office paper generated by households.

Person means any individual, organization, corporation, trust, partnership, foundation, group, association, or establishment or any combination of them.

PET (Polyethylene Terephthalate) plastic food and beverage container means any bottle, jar or container of any size or shape used to package food or beverage products suitable for human or animal consumption which is marked on the bottom of the bottle, jar or container with the number "1" encircled by the recycling symbol.

Recyclables or items required to be recycled or statutory recyclable materials means cardboard, glass food and beverage containers, metal food and beverage containers, newspaper, certain HDPE and PET plastic food and beverage containers, office paper, scrap metal, storage batteries and waste oil, as defined herein and such other items as may be designated by the commissioner.

Recycle means 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.

Recycling means the processing of solid waste to reclaim material therefrom.

Recycling facility or recycling center means land and appurtenances thereon and structures where recycling is conducted, including but not limited to, an intermediate processing center.

Residential property means real estate containing one (1) or more dwelling units excluding hospitals, institutions, motels, and hotels; provided, that for purposes of town-arranged collection as set forth in section 16.5-37(a), residential property is further limited to buildings or complexes containing fewer than four (4) dwelling units. Hospitals, institutions, motels, hotels, and buildings or complexes containing four (4) or more dwelling units, are considered "properties other than residential properties" for purposes of sections 16.5-36(b)(1) and 16.5-37(b) of this article.

Resources recovery facility means a facility utilizing processes to reclaim energy from municipal solid waste and, particularly, the Greater Bridgeport Resources Recovery Facility located in Bridgeport.

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

Solid waste means solid, liquid, semisolid or contained gaseous material that is unwanted or discarded, including but not limited to, material processed at a recycling facility.

Solid waste disposal area means land and appurtenances thereon and structures, including a landfill or other land disposal site, used for the disposal of more than ten (10) cubic yards of solid waste.

Solid waste facility means any solid waste disposal area, volume reduction plant, transfer station, wood burning facility, or biomedical waste treatment facility.

State means the State of Connecticut.

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

SWEROC means the Southwest Connecticut Regional Recycling Operating Committee created by the inter-community agreement among the towns and cities in Southwest Connecticut to establish a regional recycling program.

Town means the Town of East Haven, and includes authorized officers, boards, commissions and agencies of the town.

Waste oil means crankcase oil that has been utilized in internal combustion engines.
(Ord. No. 515, § 16, 4-7-92)

Secs. 16.5-47—16.5-60. Reserved.

ARTICLE III. ACCUMULATION AND DISPOSAL OF LEAVES*

Sec. 16.5-61. Definitions.

For the purpose of this article the following words and phrases shall have meanings as follows:

Director means the town's public services director (or other person in charge of the department of public services) or his authorized agent(s).

Paper bags means biodegradable paper leaf bags.

Person means the individual, corporation, or other entity who is either the record owner or the party in possession of a parcel of real estate in the town upon which tree leaves have fallen or from which other waste has originated. With respect to a particular parcel of real

***Editor's note**—Ord. No. 572, §§ 1—5, adopted September 6, 1994, did not specifically amend the Code; hence, inclusion herein as Art. III, §§ 16.5-61—16.5-65 was at the discretion of the editor.

estate, all record owners and parties in possession shall be jointly and severally liable for compliance with the provisions of this article and for the payment of any charge, fine, or penalty levied hereunder.

Town leaf collection means the curbside collection of leaves by the town at a time or according to a schedule designated by the director.

Trash container means a reusable metal or plastic trash container with a capacity of not more than forty (40) gallons.

Yard waste means any debris emanating from a parcel of real estate other than fallen leaves, including but not limited to tree branches, grass clippings, hedge clippings, and up-rooted plants.

(Ord. No. 572, § 1, 9-6-94)

Sec. 16.5-62. Prohibitions.

The following acts, and the causing or permitting thereof, are prohibited by this article unless otherwise specified herein:

- (1) The raking or deposit of unbagged leaves, or of yard waste or other debris, from a parcel of real estate upon or within public streets, sidewalks, or other public property. The presence of any such material on a public street, sidewalk, or other public property in a configuration such as a pile, or in an amount not created by natural events or nature, shall be prima facie evidence that the material was deposited in such area by the owner or party in possession of the private property immediately adjacent to such area.
- (2) The deposit of leaves from a parcel of real estate for town leaf collections or the delivery of leaves to a drop-off site approved by the director, in a plastic bag or in any container other than a paper bag or a trash container.
- (3) The deposit of bagged leaves from a parcel of real estate within or along a public street or sidewalk for town leaf collection earlier than three (3) days before the scheduled date of collection for such street.
- (4) The mixing of any yard waste, debris, garbage, or other waste material with leaves from a parcel of real estate which are deposited for town leaf collection.
- (5) The inclusion or mixing of leaves in any container deposited for any collection other than the town leaf collection, such as the town's regular refuse and recycling collections and bulk waste collection.

(Ord. No. 572, § 2, 9-6-94)

Sec. 16.5-63. Miscellaneous.

(a) The town will endeavor annually to publish a list of area retail establishments which have indicated that they will have paper bags for purchase; however, the failure of the town to

publish such list, or the failure of any such establishment to have paper bags available for sale at any particular time, shall not excuse any person from complying with all the provisions of this article.

(b) Residents are encouraged to recycle leaves at home in manners permitted by law, including composting, mowing leaves with a mulching lawn mower, and raking leaves into wooded areas with the landowner's permission.

(c) Notwithstanding subsection 16.5-62(a), certain items of yard waste specified by the director may be deposited near the curb or other edge of a paved roadway, at such locations and times and in such a manner as are specifically authorized by the director, for pickup by the Town independent of the town leaf collection. When performed within the terms of the authorization granted by the director, the deposit of such materials shall not be deemed a violation of subsection 16.5-62(a).

(Ord. No. 572, § 3, 9-6-94)

Sec. 16.5-64. Violations.

(a) The town shall have no obligation to collect any leaves or other material which are raked or deposited for collection in a manner contrary to any provision of this article.

(b) If any person causes or permits the raking or deposit of leaves, yard waste, or other debris upon or within a public street, sidewalk, or other public property in violation of subsection 16.5-62(a), the director shall give written notice to such person to correct the violation within a period of time determined by the director and stated in such notice. If the violation remains uncorrected upon the expiration of such period the director may cause the removal of the material in question, in which event the owners and parties in possession of the parcel of real estate shall be jointly and severally liable to the town for the cost of such removal. Such cost shall be due and payable upon written demand of the director; if not paid in full within thirty (30) days after such demand, the unpaid amount shall constitute a lien upon the real estate in question upon the filing by the director of a notice thereof upon the East Haven land records, a copy of which notice shall be mailed by certified or registered mail to the owner or owners of record at their most recent mailing address on file with the East Haven assessor's office. In calculating the cost of removal the director may include the reasonable hourly wages of the town employees performing the work (whether or not they do so during regular work hours), the reasonable fair rental value of any equipment used in performing the work (whether the same is owned or rented by the town), the reasonable sums paid to private contractors to perform the work, and/or such other costs as in the judgment of the director were reasonably necessary to complete the work. Any person who receives a demand for payment of any such sum or any owner whose property is liened for any such charge may, within fifteen (15) days after receipt of demand for payment or notice of lien, as the case may be, serve upon the director either personally or by certified mail an application for a hearing before the public safety, health and welfare committee (or a comparable committee if the same no longer exists by that title) of the town council, for the purpose of disputing his liability for such charge, the amount thereof, or both; failure to serve such an application within said period shall constitute

a waiver of the right to appeal from said demand for payment or notice of lien, as the case may be. Upon receipt of a timely and proper application for a hearing, the director shall forward the same to the chairperson of such committee which shall schedule a hearing thereon within forty-five (45) days of the request. At such hearing the committee shall review the findings of the director and shall hear relevant evidence on behalf of any interested party who appears before it. The committee shall within ten (10) days after the conclusion of the hearing uphold, modify, or reverse the action of the director, and shall notify the applicant of its decision in writing within seven (7) days after making such decision. Decision of the committee shall be final, provided that the applicant may appeal therefrom to the courts of the State of Connecticut in accordance with applicable statute governing appeals of municipal boards and commissions.

(c) In addition to the specific penalties and charges set forth in this article, any person who shall violate any provision of this article shall be deemed to have committed an infraction. (Ord. No. 572, § 4, 9-6-94)

Sec. 16.5-65. Effective date.

This article shall be effective in accordance with the provisions of the East Haven Town Charter, except for subsection 16.5-64(c), which shall not become effective until September 1, 1995.

(Ord. No. 572, § 5, 9-6-94)