

SOLID WASTE

Chapter 179

SOLID WASTE

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Recycling**

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[HISTORY: Adopted by the Board of Selectmen: Art. I, 4-18-1994. Amendments noted where applicable.]

GENERAL REFERENCES

Sanitary landfills — See Ch. 170.

ARTICLE I
Recycling
[Adopted 4-18-1994]

§ 179-1. Purpose; declaration of policy.

This Article has been created due to public interest in preserving the environment by reducing the amount of refuse sent to landfills and incinerators. Because of solid waste disposal concerns and potential solutions to some of these problems provided by recycling, it shall be the policy of the Town of Rutland to require recycling of recyclable materials to the fullest extent possible.

§ 179-2. Definitions.

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

AUTHORIZATION BY THE TOWN OF RUTLAND — Authorization pursuant to legal contract or other written authorization entered into by the Town of Rutland Board of Selectmen and a private third person, as defined herein.

COLLECTION BOX — A plastic bin or garbage can used for the purpose of collecting recyclables.

COLLECTION FACILITY — A center, generally located on Rutland Town property and managed by the Town of Rutland or its agents, for the acceptance by donation, redemption or purchase of recyclable materials from the public.

COMMERCIAL HAULER — Any person who collects and/or hauls solid waste that is generated within the Town of Rutland, except those defined as residential haulers.

COMMERCIAL RECYCLABLES — Cardboard, including corrugated and boxboard, glass containers,

including clear glass, green glass and brown glass, newsprint, office paper, including white, colored and mixed office paper, metal food and beverage containers, including tin-plated steel, bimetal and aluminum cans and plastic containers, made from high-density polyethylene (HDPE), polyethylene terephthalate (PET), and polyvinyl chloride (PVC).

COMMERCIAL SOLID WASTE — Garbage, refuse and other discarded solid materials generated by normal business and institutional activities, and having no value to the owner at the time it is discarded.

CURBSIDE — An area adjacent to the street, curb or roadside ditch, but in no case greater than ten (10) feet from the curb or roadside ditch, nor directly on the traveled portion of any town highway or sidewalk.

DESIGNATED AREA — An area designated for storage of solid waste and recyclables, readily accessible at all times by a conventional solid waste collection truck, or mutually agreed upon by the waste generator and their hauler.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

RECYCLABLES — Recyclable materials as specifically identified in regulations promulgated by the Board of Selectmen.

RESIDENT — Any person whose principal or secondary place of residence is within the Town of Rutland, including but not limited to homeowners, tenants, businesses and corporations.

RESIDENTIAL HAULER — Any individual who hauls residential solid waste from his own individual residence that is located within the Town of Rutland.

RESIDENTIAL RECYCLABLES — Cardboard, including corrugated and boxboard, glass containers, including clear glass, green glass and brown glass,

newsprint, office paper, including white, colored and mixed office paper, metal food and beverage containers, including tin-plated steel bimetal and aluminum cans and plastic containers, made from high density polyethylene (HDPE), polyethylene terephthalate (PET) and polyvinyl chloride (PVC).

RESIDENTIAL SOLID WASTE — Garbage, refuse and other discarded solid materials generated by normal household activities, and having no value to the owner at the time it is discarded. "Residential solid waste" shall include waste generated in single- and multifamily housing, apartments and condominiums.

SOLID WASTE — Any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant or pollution control facility and other discarded material including solid, liquid, semi-solid or contaminated gaseous materials resulting from industrial, commercial, mining or agricultural operations and from community activities, but does not include animal manure and absorbent bedding used for solid enrichment or solid or dissolved materials in industrial discharges which are not point sources subject to permits under the Water Pollution Control Act.

WASTE CONTAINER — A metal or plastic garbage can or dumpster with a lid that securely fastens, or a securely tied plastic bag.

§ 179-3. Designation and treatment of residential recyclables.

- A. The designated residential recyclables listed in Subsection C below must be separated from residential solid waste and disposed in a manner approved by the Town of Rutland Board of Selectmen.
- B. Approved disposal.

- (1) The approved disposal of designated residential recyclables shall be :
 - (a) To deliver said material to the Rutland Town Recycling Facility or a private recycling facility at the time designated for such delivery.
 - (b) To deliver said material to a commercial hauler registered with the Town of Rutland for the purpose of collecting residential recyclables. Recyclables shall be prepared in accordance with applicable specifications. Those recyclables taken to the Rutland Town Facility must be prepared in accordance with specifications provided by the Rutland Town Board of Selectmen.
- (2) Nothing in this section is intended to prevent any occupier of land from donating or selling recyclable materials from its own refuse.

C. Designated residential recyclables shall be as follows:

- (1) Glass containers: clear glass containers, green glass containers, brown glass containers.
- (2) Newsprint.
- (3) Metal food and beverage containers including tin-plated steel, bimetal and aluminum cans.
- (4) Plastic containers made from high-density polyethylene (HDPE) and polyethylene terephthalate (PET) and polyvinyl chloride (PVC).¹
- (5) Office paper, including white, colored and mixed office paper.¹

¹ NOTE: Mixed office paper and boxboard will not be accepted at the Rutland Town Recycling Facility until such time it has been determined that viable markets are available for these materials. These materials will be excluded if delisted by the Agency of Natural Resources.

- (6) Cardboard, including corrugated and boxboard.²

§ 179-4. Designation and treatment of commercial recyclables.

- A. The designated commercial recyclables listed in Subsection C below must be separated from commercial solid waste and disposed in a manner approved by the Town of Rutland Board of Selectmen.
- B. The approved disposal of designated commercial recyclables shall be:
- (1) To deliver said material to the Rutland Town Recycling Facility or a private recycling facility at the time designated for such delivery. Those recyclables taken to the Rutland Town Recycling Facility must be prepared in accordance with specifications provided by the Rutland Town Board of Selectmen.
 - (2) To deliver said material to a commercial hauler registered with the Town of Rutland for the purpose of collecting commercial recyclables. Recyclables shall be prepared in accordance with applicable specifications. Those recyclables taken to the Rutland Town Recycling Facility must be prepared in accordance with specifications provided by the Rutland Town Board of Selectmen.
- C. Designated commercial recyclables shall be as follows:
- (1) Glass containers: clear glass containers, green glass containers, brown glass containers.
 - (2) Newsprint.

² NOTE: Mixed office paper and boxboard will not be accepted at the Rutland Town Recycling Facility until such time it has been determined that viable markets are available for these materials. These materials will be excluded if delisted by the Agency of Natural Resources.

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- (3) Metal food and beverage containers including tinplated steel, bimetal and aluminum cans.
- (4) Plastic containers made from high-density polyethylene (HDPE) and polyethylene terephthalate (PET) and polyvinyl chloride (PVC).³
- (5) Office paper, including white, colored and mixed office paper.³
- (6) Cardboard, including corrugated and boxboard.³

§ 179-5. Authorized commercial haulers.

- A. All haulers collecting residential or commercial solid waste in the Town of Rutland must also offer curbside recycling services.
- B. No hauler shall knowingly collect residential or commercial solid waste which does not have the designated recyclables separated from it.
- C. No person shall collect residential or commercial solid waste or recyclables placed at the curbside or other designated area unless they are authorized by the Town of Rutland Board of Selectmen. Licenses shall be obtained through the Town of Rutland Administrative Assistant's office. Authorization and licenses to collect recyclables may be suspended or revoked by the Town of Rutland Selectmen for failure to abide by these regulations.
- D. Haulers shall report to the Rutland Town Administrative Assistant's office any obvious violation of these regulations by a resident, hauler or other person.
- E. The hauler has the right to reject residential solid waste from which recyclables have not been separated.

³ NOTE: Mixed office paper and boxboard will not be accepted at the Rutland Town Facility until such time it has been determined that viable markets are available for these materials. These materials will be excluded if delisted by the Agency of Natural Resources.

Separation shall be the sole responsibility of the resident.

- F. The hauler has the right to reject recyclables that are not prepared in accordance with applicable specifications.
- G. The hauler will be responsible for recyclables delivered to the Rutland Town Recycling Facility. The Town of Rutland has the right to reject the loads and to charge fees for further preparation and/or handling of recyclables.
- H. Failure to abide by these regulations may cause suspension or revocation of any authorization or license or enforcement of any other penalties provided by law.

§ 179-6. Scavenging and unauthorized collection.

- A. Recyclables placed at the curbside for collection or in any recycling receptacle placed by the Town of Rutland are the property of the Town of Rutland or its authorized collection agent. It is a violation of this Article for any person unauthorized by the Town of Rutland to collect or pick up or cause to be collected or picked up any recyclable material or receptacle.
- B. Nothing in this section is intended to prevent any occupier of land from donating or selling recyclable materials from its own refuse.

§ 179-7. Violations and penalties; enforcement.

- A. Any person violating any provision of this Article or the regulations enacted hereunder shall be fined not more than one hundred dollars (\$100.) for each offense and/or denied authorization to pick up any solid waste or disposal of solid waste within the Town of Rutland.
- B. The Town of Rutland or its designated agent reserves the right to refuse to collect solid waste or to refuse to allow

disposal at any facility operated by the Town of Rutland or for the benefit of the town where this Article or the regulations promulgated hereunder are ignored or violated. The Town of Rutland further reserves the right to terminate the authorization of any commercial hauler who violates this Article, or the regulations promulgated hereunder. Termination of authorization may include but is not limited to revocation of license to collect, haul and dispose of solid waste.

- C. Unless otherwise provided for herein, each day that a violation shall continue to exist shall constitute a separate offense.
- D. The Town of Rutland may, upon the violation of any provision of this Article, maintain an action to enjoin the violations of this Article or any regulations adopted to implement the same, but the election of the town to proceed with an application or petition for an injunction shall not prevent a criminal prosecution for the violation of this Article. Expenses incurred by such action shall be recovered by the person whose legal duty it was to comply with this Article.
- E. Enforcement of all provisions of this Article shall provide all persons a reasonable period of time and opportunity to correct violations prior to pursuing penalties and/or fines. This includes providing information and education programs and utilizing verbal warnings and written warnings prior to instituting enforcement fines and/or penalties.
- F. Spot checks shall be made by employees of the Town of Rutland at facilities operated by the Town of Rutland to determine if recyclables are properly separated from solid waste and to determine if recyclables are properly prepared for receiving at the Rutland Town Recycling Facility. Adequate separation and preparation shall also be policed by licensed commercial haulers to ensure that their customers are complying with the provisions of this Article. When an employee of the Town of Rutland or a

licensed commercial hauler determines that a violation of this Article has occurred, written notice on forms prescribed by the town shall be provided to the violator, said notice to state the nature of the violation and the means by which compliance with this Article can be attained. Copies of all such written notices shall be submitted to the Rutland Town Administrative Assistant within five (5) days of service. Upon occurrence of the third violation of the same offense by any party, the Administrative Assistant shall levy penalty by fine and/or denial of rights to use the Town of Rutland Recycling Facility or exercise such other enforcement action as is provided for under this Article or other applicable laws, rules or regulations.

- G. The Administrative Assistant or his/her designee shall be responsible for enforcement. The Board of Selectmen shall act as appeal board for all appeals that are not resolved after appeal to the Administrative Assistant.

§ 179-8. Effective date.

This Article shall become effective at 12:00 midnight on June 17, 1994.

§ 179-9. Educational Plan. [Added 5-16-1994]

- A. Purpose. The purpose of the Educational Plan is to inform all residents and businesses in Rutland Town of the methods and means of recycling, especially in regards to mandated recycling.
- B. Implementation. The Educational Plan will include both written material, i.e., brochures and flyers, and personal contact. Sectors of the community which will receive this approach are single-family residential units, multifamily residential units and commercial and industrial businesses. Information dissemination and personal visits will be conducted by the Town Administrative

Assistant. Listed below is the approach to be used for each sector.

- (1) Single-family residential units. Information on the recycling program methods and means will be disseminated via newspaper, radio, flyers, brochures, billing inserts and displays in store windows. A block leader program will be instituted for the residential sector.
 - (2) Multi-family residential units. Information on the recycling program methods and means will be disseminated via newspaper, radio, flyers, brochures, billing inserts and displays in store windows. A block leader program will be instituted for the residential sector. The Town Administrative Assistant will also visit each multifamily unit prior to the program start date in order to assist the owner with placement of collection containers and other needs. When necessary, collection methods and information will be custom designed per site.
 - (3) Commercial and industrial businesses. Information on the recycling program methods and means will be disseminated via newspaper, radio, flyers, brochures, billing inserts and displays in store windows. The Town Administrative Assistant will assist each business individually with placement of collection containers and education of employees.
- C. Anyone interested in recycling will be able to obtain information by calling the Rutland Town Clerk's office. The Town Clerk's office is open weekdays from 8:00 a.m. to 4:30 p.m.
- D. An educational program will be conducted at the Rutland Town Elementary School. The program will include a logo and slogan contest. The Town Administrative Assistant will meet with school officials to ensure coordination and implementation of the elementary education program.

E. Conclusion. The Educational Plan for Rutland Town's Mandatory Recycling Ordinance is an essential component of the town's recycling program. The program is designed to include all segments of the general public in a cooperative effort to reduce the amount of solid waste generated within the Town of Rutland. In implementing the plan, the Town of Rutland will ensure a successful, effective and manageable recycling program.

§ 179-10. Enforcement Plan. [Added 5-16-1994]

A. On April 18, 1994, the Town of Rutland Board of Selectmen enacted an ordinance⁴ for the collection and recycling of solid waste in the Town of Rutland which requires households and businesses to recycle the following materials beginning June 17, 1994: glass containers; metal food and beverage containers; newspapers; plastic containers made from high-density polyethylene (HDPE), polyethylene terephthalate (PET) and polyvinyl chloride (PVC). The ordinance was received well by the public no challenges were raised to its adoption. In the event that households and businesses do not comply with the ordinance, the Town of Rutland will institute the following enforcement process:

- (1) The Rutland Town Administrative Assistant will be responsible for enforcement of the Waste Management Ordinance and the regulations for the collection and recycling of solid waste generated within the Town of Rutland. The Rutland Town Planning Commission will act as an appeal board for all enforcement proceedings that are not resolved after a hearing before the Board of Selectmen.

⁴ Editor's Note: See §§ 179-1 through 179-8 of this Article.

- (a) First offense. After the first violation of any part of the ordinance or regulations, an individual will receive a written notification form specifically describing the offense. Haulers will have the option of leaving educational materials instead of a notification form if an individual occasionally places an unacceptable item in with his or her recyclables or small amounts of recyclable materials are infrequently mixed in with solid waste.
 - (b) Second offense. On the occurrence of the second violation, the Administrative Assistant will send a written warning and an offer to personally assist the violator in correcting the deficiency.
 - (c) Third offense. On the occurrence of the third offense, the Administrative Assistant will send a second written warning and contact the individual by phone or personal visit. The written warning will include a description of the alleged offense, potential enforcement actions, a statement that the respondent has a right to a hearing and a description of the procedures for requesting a hearing.
 - (d) Fourth offense. Any individual who engages in four (4) or more offenses may be fined not more than twenty-five dollars (\$25.) for each offense beginning with the fourth offense, or may be assigned to community service assisting at the Town Recycling Center. A citation will be sent via certified mail. Failure to pay the fine or complete community service may result in additional judicial action.
- (2) It is expected that the majority of instances of noncompliance will result from improper preparation and/or selection of recyclables. It is unlikely that these instances will recur after receipt

of written notification from the individuals hauler or the Town of Rutland. Cases of noncompliance which may require more diligent enforcement are those in which households refuse to separate recyclables from solid waste. At any step in the enforcement process, the hauler may refuse to collect an individuals solid waste or recyclables that are not properly prepared. The Administrative Assistant will conduct periodic spot checks of garbage to determine participation.

B. Due process appeal flow chart.

- (1) First offense: Contact Administrative Assistant.
- (2) Second offense: Contact Administrative Assistant.
- (3) Third offense: Review by Administrative Assistant.
- (4) Fourth offense: Hearing with Board of Selectmen; Appeal to Planning Commission.