

TOWN OF FRANKLIN
REVISED ORDINANCE ON
MUNICIPAL SOLID WASTE
& RECYCLABLE MATERIALS

This is an ordinance providing for the separation, recovery, storage, and disposition of garbage, rubbish, municipal solid waste, and other refuse, including recyclables in the Town of Franklin, and penalties for violations, as required by Connecticut Public Act 90-220 and Connecticut Public Act 90-249.

SECTION I: DEFINITIONS

- A) ASH RESIDUE: bottom ash, air pollution control residue, and other residues from the combustion process at resources recovery facilities, municipal solid waste incinerators, and biomedical waste incinerators (RSCA Section 22a-209[1]).
- B) BIOMEDICAL WASTE: infectious waste, pathological waste, and chemotherapy waste generated during the administration of medical care or the performance of medical research involving humans or animals.
- C) BIOSOLIDS: the accumulated semi-solids or solids resulting from treatment of wastewaters from publicly or privately owned or operated sewage treatment plants.
- D) BULKY WASTE: land-clearing debris and waste resulting directly from demolition activities other than clean fill.
- E) BY-PASS WASTE: waste that is delivered to a RRF but sent to another facility for disposal because the RRF is “down” for maintenance.
- F) CASTING SANDS: waste sand generated during the manufacturing process of metals molding.
- G) CLEAN FILL: natural soil, rock, brick, ceramics, concrete, and asphalt paving fragments which are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard (RCSA Section 221-209[1]).
- H) CLEAN, UNTREATED WOOD: land-clearing debris free of contaminants and/or “recycled” wood.
- I) COMMERCIAL SOLID WASTE: solid waste generated by businesses and industries.
- J) COMPOSTING: a process of accelerated biological decomposition of organic materials under controlled conditions (CGS Section 22a-207a).
- K) CONTRACTORS: include principals, employees and agents of any business, industry, partnership or corporation located in the Town of Franklin.
- L) ELECTRONICS: in the form of radios, stereos, televisions, video cassette recorders, computers, and their components. This category does NOT include microwaves.
- M) FLUORESCENT LAMPS: all lamps which contain mercury.
- N) GARBAGE: is all waste animal, fish, fowl, fruit or vegetable matter produced from or resulting from the use and storage of food for human consumption and includes spoiled food and food containers.
- O) GLASS AGGREGATE: glass, and de minimis quantities of ceramics, stone, dirt, plastic, metal, paper or other solid waste which: (i) have been combined by processing source-separated recyclable solid waste at an intermediate processing facility; (ii) cannot be marketed as cullet for remelt; (iii) cannot be separated by color or material with current processing technology; and (iv) have components which

measure no greater than 3/8 " in diameter. (Definition for "crushed, recycled container glass" in General Permit for the Beneficial Use of Crushed Recycled Container Glass.)

- P) GRIT & SCREENINGS: residue (i.e. sand, plastics, etc.) collected on screens from treatment of septage waste.
- Q) HAULERS: include any individuals or contractors authorized or licensed by the Town of Franklin to make pick-ups in the Town of Franklin.
- R) HAZARDOUS WASTES: any waste material which may pose a present or potential hazard to human health or the environment when improperly disposed of, treated, stored, transported or otherwise managed.
- S) INDIVIDUALS: include all residents and employees of the Town of Franklin.
- T) INDUSTRIAL WASTES: are the refuse that accumulates in or upon the land used for manufacturing and industrial wholesale purposes.
- U) INHABITANTS: include all residents of the Town of Franklin and all businesses, industries, partnerships, and corporations located in the Town of Franklin.
- V) MIXED MUNICIPAL SOLID WASTE: municipal solid waste that consists of mixtures of solid wastes which have not been separated at the source of generation or processed into discrete, homogeneous waste streams such as glass, paper, plastic, aluminum, or tire waste streams. (Varies slightly from definition in CGS Section 22a-207a[2].)
- W) MUNICIPAL SOLID WASTE: solid waste from residential, commercial, and industrial sources, excluding solid waste consisting of significant quantities of hazardous wastes as defined in Section 22a-115, land-clearing debris, demolition debris, biomedical waste, sewage sludge, and scrap metal (CGS Section 22a-207a).
- X) OVERSIZED MUNICIPAL SOLID WASTE: materials such as furniture, furnishings, mattresses, box springs, appliances, rugs, and carpets.
- Y) PROCESSED WOOD: recycled wood or treated wood or any combinations thereof which has been processed at a volume reduction facility (CGS Section 22a-209a).
- Z) RECYCLABLES: discarded materials which may be reclaimed and which are considered recyclable by the Town of Franklin and the State of Connecticut Department of Environmental Protection, as follows:
 - 1) NEWSPAPER: including newsprint, brown bags, magazines, chip board products without wax bags, office paper (i.e., used or discarded high-grade non-glossy white paper used for writing, typing, printing, computer printing, or photocopying, or non-glossy colored stationery), telephone directories, junk mail, catalogs, color inserts, lottery tickets, school paper, envelopes with or without cellophane windows, hard or soft cover books, manila paper (i.e. paper used for file folders or tab cards), and fax paper;
 - 2) CARDBOARD: including corrugated boxes, Kraft paper materials, and boxboard;
 - 3) BOTTLES, CANS & PLASTICS: including rinsed white, brown or green bottles, rinsed tin cans, rinsed aluminum cans, aluminum foil, aluminum pots and pans, rinsed plastic bottles with #1 or #2 markings, rinsed milk or juice containers, and lids and caps;

(Unacceptable items for the above recycling bins are plastic bags, wax paper, wax cardboard, tissue paper, ceramic items, Pyrex ware, plastic toys, plastic bottles with #3, #4, #5, #6, or #7 markings, unrinsed containers, trash items, and food debris)

- 4) 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, automobile parts, playground equipment, lawn chairs, lawn mowers, coat hangers, and aluminum siding;

5) WASTE OIL: crankcase oil that has been utilized in internal combustion engines, lubricating oils and diesel oils only;

(Unacceptable materials include hydraulic fluids, cutting oils, mineral spirits, paint thinners, gasoline, vegetable oils, and antifreeze)

6) STORAGE BATTERIES: lead acid batteries or other batteries used in motor vehicles such as automobiles, boats, tractors, recreational vehicles, and like applications;

7) AUTOMOBILE TIRES: any tires that are 17" or less;

8) SMALL TRUCK TIRES: any tires over 17" or larger than the maximum size of 20 " with a maximum of 12" cross section;

9) LARGE TRUCK TIRES: any tires over 20";

10) OFF-ROAD TIRES: any tires used on farm or industrial machinery that is not identified elsewhere in the above definitions;

11) ANTI-FREEZE: used cooling agent for combustible engines, unmixed with any other substances except water;

AA) RECYCLED WOOD: any wood or wood fuel which is derived from such products or processes as pallets, skids, spools, packaging materials, bulky wood waste, or scraps from newly-built wood products, provided such wood is not treated wood or demolition wood (CGS Section 22a-2081).

BB) REGULATED WOOD FUEL: processed wood from construction and demolition activities which has been sorted to remove plastics, plaster, gypsum wall board, asbestos, asphalt shingles, and wood which contains creosote or to which pesticides have been applied or which contains substances defined as hazardous (CGS Section 22a-209a).

CC) RESIDENTIAL SOLID WASTE: solid waste generated from residential sources (i.e. real estate containing one or more dwelling units, including condominiums and apartments, and not including hospitals, motels, or hotels).

DD) RESIDENTS: the local population that maintains a permanent place of abode in the Town of Franklin.

EE) RESIDUE: the materials resulting from processing waste for recycling that cannot be recycled and requires disposal, not including ash residue from RRF's (RCSA Section 22a-209[1]).

FF) RRF PROCESSING RESIDUE: materials that are unable to be burned as refuse derived fuel, mostly sand, grit, pulverized glass, and organic material.

GG) SLAG: impurities separated from pure metal during the smelting process.

HH) SLUDGE: see BIOSOLIDS.

II) SOLID WASTE: unwanted or discarded solid, liquid, semisolid or contained gaseous material including, but not limited to, demolition debris, material burned or otherwise processed at a resources recovery facility or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility (CGS Section 22a-207).

JJ) SOURCE SEPARATED ORGANIC MATERIAL COMPOSTING: separating, at the point of generation, organic material (i.e. food scraps, food processing residue, soiled or non-recyclable paper or leaves) from other waste, and composting this material.

KK) SPECIAL WASTE: water treatment, sewage treatment, industrial sludges, industrial liquid, industrial solids, industrial contained gases, fly-ash, casting sands or slag, contaminated dredge spoils, scrap tires, bulky waste, asbestos, ash residue,

or biomedical waste, not including hazardous waste (CGS Section 22a-115) or radioactive material (CGS Section 22a-148).

LL) SOLID WASTE FACILITY: any solid waste disposal area, volume reduction plant, transfer station, wood-burning facility or biomedical waste treatment facility (CGS Section 22a-207[4]), see also "THE FACILITY".

MM) SWARF: fine metallic shavings or filings.

NN) THE FACILITY: the Franklin Town Garage located at 197 Pond Road.

OO) TOXIC WASTE: pollutants, including but not limited to mercury, cadmium, lead, PCB's, and dioxins.

PP) TREATED WOOD: wood to which an adhesive, paint, stain, fire retardant, pesticide, or preservative has been applied.

QQ) TREE STUMPS & LOGS: any tree parts larger than 4" in diameter that cannot be chipped.

RR) YARD TRIMMINGS: grass, leaves, tree, and brush trimmings.

SECTION II: REGULATIONS

A) HOURS: Use of The Facility is open to all inhabitants and individuals as as defined in Section I. The Facility for the collection of recyclables and bulky waste will be made available to residents on the days and times designated by the First Selectman.

B) SEPARATION & DELIVERY OF RECYCLABLES: Recyclables shall be separated from non-recyclables in the following manner:

- 1) Newspaper, as defined in Section I, shall be tightly packed in standard grocery or paper shopping bags or in loose bundles and deposited in the appropriate container located at the facility's recycling station;
- 2) Cardboard, as defined in Section I, shall be cut and flattened and deposited in the appropriate container at The Facility's recycling station;
- 3) Bottles, cans, and plastics, as defined in Section I, shall all be rinsed and deposited in the appropriate container at the facility's recycling station;
- 4) Office paper, as defined in Section I, may be deposited in the same container for newspapers at The Facility's recycling station;
- 5) Scrap metal, as defined in Section I, shall be taken to The Facility and deposited in the appropriate container;
- 6) Waste oil, as defined in Section I, shall be taken to The Facility and the attendant on duty will dispose of this product in a tank designed especially for collection of this product;
- 7) Storage batteries, as defined in Section I, shall be taken to The Facility and deposited in the appropriate container;
- 8) Yard trimmings, as defined in Section I, shall be deposited at the well-marked, designated site at The Facility. No brush or leaves should be dumped in any other location without the express permission of the Foreman of the Department of Public Works or of the First Selectman;
- 9) Tires, as defined in Section I, shall be taken to The Facility on the first Saturday of each month or any Wednesday, and the attendant on duty will direct where to offload them.

SECTION III: SEPARATION, DELIVERY, & PICK-UP OF NON-RECYCLABLES:

A) Non-recyclables as defined in Section I.D., I.H., I.O., I.V., I.W., I.X., I.Y., I.AA., I.BB., I.CC., I.MM., I.PP., I.QQ., and I.RR. are accepted at The Facility on the days and times designated by the First Selectmen, and the attendant on duty will direct you to the proper container or location.

- 1) Use of The Facility is open to all individuals and inhabitants as defined in Section I,
- B) Non-recyclables as defined in Section I, garbage, and residential solid waste are disposed of by residents placing the items curbside for collection by one of the private haulers permitted to pick-up in the Town of Franklin. No person shall put out for collection by private hauler any of the recyclables items spelled out in this ordinance, unless services are offered by an authorized collector of recyclables.
- C) At the present time, the only two private haulers permitted to pick-up in the Town of Franklin are Sterling Superior Services and Willimantic Waste Paper Company, Incorporated. Any other commercial carriers must obtain a permit or letter of approval from the Board of Selectmen before establishing a route within the boundaries of the Town of Franklin. The permitted haulers shall provide warning notice to violators of this ordinance and notify the First Selectman of said violators. Any person wishing to collect recyclables within the Town of Franklin must obtain a permit or letter of approval from the Board of Selectmen before establishing a route within the Town of Franklin, and consult the First Selectman for the disposition of collected recyclable materials.
- D) The Office of the First Selectman may also authorize non-profit groups including, but not limited to, the Boy/Girl Scouts of America, the Lion's Club, the 4-H Club, church groups, school groups, and other similar organizations to collect recyclables. Said groups must obtain written permission from the Office of the First Selectman prior to the collection of recyclable materials.
- E) When recyclables are picked up by collectors other than those designated under Section III.C, they are the property of the Town of Franklin. When recyclables are picked up by collectors designated in Section III.D, they become the property of those collectors. When recyclables are deposited in containers at The Facility, they become the property of the Town of Franklin.
- F) It shall be a violation of this ordinance for any person not authorized by the Town of Franklin to collect or pick-up or cause to be collected or picked up any recyclables.
- G) Hazardous and toxic waste, as defined by CGS and Section I of this ordinance (i.e. pesticides, herbicides, lead or other metal paints, drain cleaner, oven cleaner, rat poison, swimming pool chemicals, acids, epoxy, furniture stripper, etc.) must be kept for a hazardous/toxic waste collection day. The Town of Franklin has the right to deny taking any item or items. The safe and sanitary disposal of toxic or hazardous waste shall be the responsibility of the generator and shall be accomplished in a manner approved of the by the State of Connecticut Department of Environmental Protection.
- H) The rental of containers and the tipping fees connected with activities involving industrial wastes, land-clearing debris, clean-up from commercial property, and materials from construction and demolition as defined in Section I are the sole cost of the owner, contractor, individual or inhabitant. The Town of Franklin is not responsible for these fees.
- I) Items defined in Section I.A., I.B., I.C., I.E., I.F., I.I., I.N., I.P., I.R., I.T., I.BB., I.EE., I.FF., I.GG., I.HH., I.L., and I.JJ., I.KK., and I.MM. shall not be disposed of at The Facility or by any hauler.
- J) Individuals may compost, as defined in Section I.HH., for their use only.
- K) Electronics, as defined in Section I., will be accepted at The Facility.
- L) Fluorescent lights, as defined in Section I., will be accepted at The Facility.

SECTION IV: INVALIDITY

- A) If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION V: FEES

- A) The recycling or disposal of items is an expensive process. In accordance with CGS Section 22a-220, the Town of Franklin has the authority to levy a charge for the disposal, processing or sale of solid and bulky waste. Due to the cost of recycling and/or disposal of some items, a fee will be collected for the handling and disposal of said items. The Town of Franklin, through its First Selectman, reserves the right to require payment by cash, personal check, or certified check. Checks shall be made payable to the Town of Franklin and must have the signer's name, address, and telephone number imprinted on them. The Board of Selectmen shall set the fee schedule on an annual basis based on the cost of disposal contracts. A fee schedule will be posted at The Facility. A list of items that require the payment of a fee is found in Appendix I.
- B) Curbside pick-up of recyclables and municipal solid waste will be contracted by the Town. Bins will be provided by the hauler. It is the responsibility of the resident to safeguard the bins. Replacement bins shall be charged to the resident. Fees are posted at the Transfer Station and at the Town Hall.

SECTION VI: LOADING & DELIVERY OF SOLID /BULKY WASTE AND RECYCLABLES:

- A) It is the responsibility of individuals and inhabitants to load their vehicle and/or trailer in a safe and responsible manner. Loads shall be secured. In open vehicles and trailers, a tarp shall cover the load to insure that the no part of the load is lost in transit.
- B) Only individuals and inhabitants as defined in Section I have a right to use The Facility. The attendant at The Facility has the authorization to request verification of the driver of the vehicle that s/he is in compliance with this ordinance.

SECTION VII: ENFORCEMENT OF PENALTIES

- A) It shall be the responsibility of the First Selectman, or his/her agents to enforce the provisions of this ordinance. The following penalties shall apply to violations of the provisions of this ordinance:
- 1) Any individual or inhabitant who violates any provision of the ordinance shall be subject to written warning for the first offense and a fine in an amount not to exceed \$100.00 for each subsequent offense.
 - 2) Each commercial collector who violates any provision of this ordinance shall be subject to a fine in an amount not to exceed \$200.00 for each and every offense.
 - 3) Any person who pays a fee for disposal, as outlined by Section V, by a personal check with insufficient funds, is in violation of this ordinance. The Town of Franklin will send a bill with an additional \$5.00 service charge attached to the violator.

Effective Date: March 21, 2013

APPENDIX I:

ITEMS ACCEPTED AT THE FACILITY

(SOME REQUIRE A FEE)

- 1) **GENERAL DEBRIS** INCLUDING, BUT NOT LIMITED TO, PICNIC TABLES, WOODEN SPOOLS, AUTOMOTIVE SEATS, FURNITURE, MATTRESSES, MATTRESSES, BOX SPRINGS, CARPETS, & MISCELLANEOUS HOUSEHOLD ITEMS.
- 2) **CONSTRUCTION DEBRIS** INCLUDING, BUT NOT LIMITED TO, ROOFING & DRYWALL. (A BUILDING PERMIT SHALL BE MADE AVAILABLE TO THE TRANSFER STATION ATTENDANT.)
- 3) **APPLIANCES** (INCLUDING, BUT NOT LIMITED TO, REFRIDGERATORS, FREEZERS, DEHUMIDIFIERS, AIR CONDITIONERS, & OTHER APPLIANCES THAT REQUIRE THE REMOVAL OF CFCs.
- 4) **ELECTRONICS** (INCLUDING, BUT NOT LIMITED TO, TELEVISIONS, RADIOS, STEREOS, & DVD/VCR RECORDERS/PLAYERS)
- 5) **PROPANE TANKS**
- 6) **TIRES**
- 7) **ENGINE OIL & ANTIFREEZE**
- 8) **BATTERIES**
- 9) **LEAVES & GRASS**
- 10) **BRUSH & STUMP**
- 11) **FLUORESCENT LIGHTS**