

## Chapter 128 - GARBAGE, RUBBISH AND REFUSE<sup>[1]</sup>

### Footnotes:

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**Editor's note**— [HISTORY: Adopted by the Board of Councilmen of the City of Torrington 6-5-1995. This ordinance also superseded former Ch. 128, Garbage, Rubbish and Refuse, adopted as follows: Art. I, 214-1961 as Part III of Title 16 of the Revision of 1960, as amended; Art. II, 3-19-1990, as amended. Amendments noted where applicable.]

**Cross reference**— Outdoor fires, Ch. 120; junkyards and junk vehicles, Ch. 139; property maintenance, Ch. 161.

## ARTICLE I. - LITTERING AND DUMPING<sup>[2]</sup>

### Footnotes:

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**Editor's note**— [Amended 7-21-2003]

### § 128-1. - Definitions.

For the purposes of this article, the following definitions shall apply unless the context clearly requires otherwise.

**AUTHORIZED PRIVATE CONTAINER:** A litter storage and collection container, as required and authorized in the garbage collection regulations.

**GARBAGE:** All animal and vegetable wastes attending or resulting from the handling, preparation, cooking, dealing, storage and consumption of foods.

**LITTER:** Waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety or welfare.

**PARK:** A park, reservation, playground, beach, recreation center, or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

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

**PRIVATE PREMISES OR PROPERTY:** Any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, commercial or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and including any yard, grounds, walk, driveway, parking lot, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

**PUBLIC PLACE:** Any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

**REFUSE:** All putrescible and nonputrescible municipal solid wastes (except body wastes), including garbage, rubbish, ashes, dead animals, and solid market and industrial wastes.

**RUBBISH:** Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cigars, cardboard, glass, metal and plastic containers, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

**VEHICLE:** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

§ 128-2. - Depositing litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the City, except in public containers or authorized private containers.

- A. Prevention of scattering; placement in containers. Persons placing litter in public containers or in authorized private containers shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.
- B. Throwing litter from vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.
- C. Truck loads causing litter. No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded or covered as to prevent any load, contents, or litter from being blown or deposited upon any street, alley or other public place.
- D. Depositing litter in parks. No person shall throw or deposit litter in any park within the City, except in public containers and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public containers are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
- E. Depositing litter in fountains, ponds. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay, or any other body of water in a park or elsewhere within the City.

§ 128-3. - Litter on occupied private premises or property.

No person shall throw or deposit litter on any occupied private property designed or used either wholly or in part for private residential, commercial, or industrial purposes within the City, whether owned by such person or not; except, that the owner or person in control of private property may maintain authorized private containers for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. Persons using these containers shall use them in accordance with the regulations established by the Garbage Collection Ordinance.

- A. Depositing litter on vacant lands. No person shall throw or deposit litter on any open or vacant private property within the City, whether owned by such person or not.
- B. Blowing onto adjacent property. The owner, tenant, or person in control of any private property shall control litter on his property so as to keep it from being blown by the elements upon the sidewalk, street, or other private property. In the event litter is blown from such property onto adjacent public or private property, the owner, tenant, or person in control of such property shall be responsible for clearing the litter from such adjacent public or private property. This section shall be enforced against the persons responsible in the manner provided for later in this chapter.

§ 128-4. - Sweeping litter onto streets or gutters; property owners to keep sidewalks clean.

- A. No person shall sweep into or deposit in any gutter, street, or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

- B. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business free of litter.

§ 128-4.1. - Duty of owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter, provided that this section shall not prohibit the storage of litter in authorized private containers for collection.

§ 128-4.2. - Clearing of litter from private premises or property by City.

- A. Notice to remove. The Director of Health or his designee is hereby authorized and empowered to notify the owner of any open or vacant private property within the City or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety, or welfare. Such notice shall be by certified mail, addressed to such owner at his last known address, and/or personal service.
- B. Action upon noncompliance. Upon the failure, neglect, or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety, or welfare within three days after receipt of written notice or personal service provided for in Subsection A or within five days after date of such notice in the event the same is returned to the City because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Director of Health or his designee is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the City.
- C. Dispensing with notice. If, in the opinion of the Director of Health or his designee that said litter causes an immediate danger to the public's health, safety, or welfare, the Director or his designee then may dispense with the notice requirement of Subsection A and dispose of such litter.
- D. Charge to be borne by owner. When the City has effected the removal of such dangerous litter or has paid for the removal of such, the actual cost thereof, plus accrued interest at the rate of 18% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property, and such charge shall be due and payable by such owner within 10 days after presentation of such bill.
- E. Lien for disposal service. Where the full amount due the City is not paid by such owner within 10 days after the disposal of such litter, as provided for above, then in that case, the Corporation Counsel's office shall cause to be recorded in the City Clerk's office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which such work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such costs and expenses shall be collected in the manner fixed by law for the collection of taxes. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. The disposal service lien shall take precedence and priority over all other liens or encumbrances on the property whereon the same is imposed, except taxes due to the state and other City liens prior in date and shall be foreclosed in the manner and within the time prescribed for liens for taxes.

§ 128-4.3. - Penalties for offenses.

Any person violating any of the provisions of this article, shall pay a fine not exceeding \$100.00 per day for each day such violation continues.

## ARTICLE II. - GARBAGE COLLECTION

### § 128-5. - Definitions.

For purposes of this article, the following definitions shall apply:

**APARTMENT COMPLEX:** A multifamily structure of five or more separate dwelling units grouped into one or more buildings.

**AUTOMATED REFUSE COLLECTION:** The emptying of acceptable containers by the owner or occupant of a dwelling unit at a point between the curb and the sidewalk so as to not interfere with pedestrian traffic. In those areas without curbs or sidewalks, the acceptable container shall be placed within six feet of the pavement edge. The acceptable containers must be placed at least three feet from obstacles including but not limited to utility poles, mailboxes, trees, and parked cars. Only municipal solid waste fitting into the container and from residential establishments will be collected. [Added 9-20-2004]

**AUTOMATED REFUSE CONTAINER:** A container provided by the City for automated refuse collection. Only those containers shall be acceptable refuse containers under the automated refuse collection program. The containers are the property of the City of Torrington. Containers lost, stolen, destroyed, or damaged through the actions of the resident shall be replaced at the resident's sole expense. Additional containers shall be available at an annual fee as determined by the Board of Councilmen. [Added 9-20-2004]

**BACKYARD COLLECTION:** The emptying of all acceptable containers and the collection of all acceptable items from any point regularly designated on the premises, selected by the owner or occupant of a dwelling unit, which is within 25 feet of said unit's back door, except that such point shall not be within any structure or building.

**BAG:** A heavy-duty disposable plastic sack designed to store solid waste, with sufficient wall strength to maintain physical integrity when lifted by the top. The total weight of the bag and its contents will not exceed 35 pounds.

**BULKY WASTE:** Stoves or refrigerators with doors removed, bedsprings, mattresses, hot-water tanks, furniture and other large household items which cannot be broken down, but does not include construction refuse, demolition refuse or hazardous waste as hereafter defined.

**COMMERCIAL ESTABLISHMENT:** Any enterprise engaged in a nonmanufacturing or nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.

**COMPOSTABLE MATERIALS:** Leaves and yard waste as herein defined.

**CONDOMINIUM COMPLEX:** Any grouping of dwelling units which are covered by Chapter 825 of the Connecticut General Statutes (Condominium Act).

**CONSTRUCTION REFUSE:** Scrap lumber, pipe or other materials resulting from new construction.

**CONTAINER:** See "automated refuse container."

**CONTRACTOR:** The person, partnership or corporation performing residential municipal solid waste and recyclable material collection under contract with the City of Torrington.

**CURBSIDE COLLECTION:** The emptying of all acceptable containers and the collection of all acceptable items placed by the owner or occupant of a dwelling unit at a point between the curb and the sidewalk or immediately behind the sidewalk so as to not interfere with pedestrian traffic. In those areas where curbs and/or sidewalks do not exist, items shall be placed within six feet of the pavement edge.

**DEMOLITION REFUSE:** Lumber, bricks, pipe, masonry or other unwanted construction materials resulting from the razing or remodeling of structures.

**DUMPSTER:** A metal receptacle designed to be lifted and emptied mechanically and for use only at commercial, industrial or institutional establishments or apartment and condominium complexes.

**DWELLING UNIT:** A group of rooms located within a structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants.

**GARBAGE:** All animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods.

**HAZARDOUS WASTE:** Any material which has been designated as hazardous by the Federal Environmental Protection Agency or the State Department of Environmental Protection.

**INDUSTRIAL ESTABLISHMENT:** Any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries and the like.

**INSTITUTIONAL ESTABLISHMENT:** Any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, orphanages, schools and universities. **LEAVES:** Fallen foliage from trees.

**MUNICIPAL SOLID WASTE (MSW):** Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of residential, municipal, commercial, industrial or institutional establishments and from community activities which are not classified as hazardous wastes as herein defined.

**RECYCLABLE MATERIALS:** Those items designated by the Director of Public Works for segregation from the municipal solid waste stream.

**RECYCLING CONTAINER:** A container used for the storage and collection of recyclable materials only. Said container is to be supplied by the city.

**REFUSE COLLECTOR:** Any person, partnership or corporation licensed by the City of Torrington to engage in the business of collecting and transporting municipal solid waste, recyclable and/or compostable materials.

**REFUSE PROCESSING:** Any technology used for the purpose of reducing the volume or bulk of municipal solid waste or any technology used to convert and/or segregate part or all of such waste materials for off-site reuse. Facilities include, but are not limited to, transfer stations, composting activities, recycling facilities and resource recovery plants.

**RESIDENTIAL ESTABLISHMENT:** Any premises used primarily as a domestic dwelling, including but not limited to single- and multiple-family homes, apartments and condominiums.

**YARD WASTE:** Horticultural trimmings which are free of dirt or sharp objects and have been tied into bundles not exceeding three feet in their greatest dimension nor 60 pounds in weight or other natural organic matter, such as grass clippings, discarded from yards and gardens.

§ 128-6. - Authorization of city contractors; scope of contracts.

A. Contracts for collection; authority. The city is authorized to award any necessary contract(s) for the collection, removal, transportation and disposal of refuse generated within its corporate limits. Said contracts may be for a period not exceeding five years. The contract(s) shall contain a provision that the work is to be carried out by the contractor(s) in compliance with all city ordinances. B. Scope of contract.

- (1) Properties to be collected by the city contractor include all residential establishments, except apartment complexes as herein defined. In addition, service to planned unit developments, condominium complexes, restricted residential communities and municipally owned and operated facilities, as outlined in any municipal contracts, are specifically included.

- (2) Collection at all planned unit developments, except Lakeridge, and all condominium complexes and restricted residential communities shall not commence until such affidavits and holdharmless agreements as the Board of Councilmen may prescribe have been executed by the duly authorized officers of said planned unit developments, condominium complexes and restricted residential communities.
- (3) Items collectible by said contract(s) shall include municipal solid waste and bulky waste. Separate collection(s) shall be performed for recyclable and compostable materials.
- (4) Items not collectible by said contract(s) shall include construction refuse, demolition refuse and hazardous wastes.

§ 128-7. - Nonmunicipal collection requirements.

- A. Private collection and disposal responsibility. It shall be the responsibility of the owners or operators of all commercial, industrial and institutional establishments and apartment complexes to provide, at their own expense, for the storage, collection and transportation of their own wastes. Such operations shall be carried out in such a manner as to avoid the creation of a public nuisance.
- B. Recycling requirements applicable. Properties not covered by municipal collection contract(s) are responsible for compliance with recycling provisions of this article. Compliance shall be monitored by all refuse collectors and refuse processing facility operators. Suspected violators shall be reported to the Director of Public Works for appropriate action.

§ 128-8. - Placement of items for collection.

- A. Curbside collection. All items which are acceptable for collection as outlined in § 128-6B(2) above shall be put out no earlier than 4:00 p.m. on the evening prior to scheduled collection. Items shall be placed as described in § 128-5 above. Residents of Lakeridge shall place acceptable items at the curb in front of their dwelling units. The City or its contractors shall not be responsible for items not set out in the aforesaid manner. Emptied containers shall be removed from the curb no later than 8:00 p.m. on the day of collection.
- B. Backyard collection. Any resident of the City who is physically unable to place acceptable items at the curb as described above and who is unable to make arrangements to have said items so placed may apply to the Director of Public Works for backyard collection as described in § 128-5 above. Application shall be on forms supplied by the director of public works and will be accompanied by a statement from a physician as to the nature and duration of the physical disability. Any resident who applies for backyard collection and is denied such service by the director of public works may appeal to the board of councilmen. The appeal shall be in writing and shall be submitted to the city clerk within 15 days of the date of denial by the Public Works Director. The city clerk shall place the appeal on the agenda of the next regularly scheduled meeting of the board of councilmen.
- C. Condominium complexes, planned unit developments and restricted residential communities. Collection at all condominium complexes, planned unit developments and restricted residential communities shall continue in its present form. Collection at all future condominium complexes, planned unit developments and restricted residential communities shall be as directed by the Director of Public Works.

(Amended 4-15-1996)

§ 128-9. - Recyclable and compostable materials separation.

- A. Recyclable materials separation.
  - (1) All persons, partnerships and corporations who generate municipal solid waste within the City of Torrington are required to separate recyclable materials from refuse. Solid waste placed for

collection which contains recyclable materials shall neither be collected by refuse collectors nor accepted for disposal at any refuse processing facility.

- (2) For those premises receiving municipal refuse collection, recyclable materials, as defined in § 128-5, shall be separated from refuse and placed for collection in a City-supplied container on the same day as garbage collection.
- (3) Apartment complexes, as well as commercial, industrial and institutional establishments, shall provide or require their refuse collector to provide for the separation of municipal solid waste and each recyclable material accumulated on the premises. B. Compostable materials separation.
  - (1) During the period from April 1 to December 1 annually, all persons, partnerships and corporations that generate municipal solid waste within the City of Torrington are required to separate compostable materials from refuse. Solid waste placed for collection which contains compostable materials shall neither be collected by refuse collectors nor be accepted for disposal at any refuse processing facility.
  - (2) For those premises receiving municipal refuse collection, leaves and grass clippings shall be separated from refuse and placed for collection in biodegradable paper bags on the same day as garbage collection. Remaining yard waste items will be placed for collection per § 128-5.
  - (3) Methods of collection. Compostable materials designated by the Public Works Director shall be placed for collection in the above described manner. Materials not so placed will not be collected. C. Methods of collection. Recyclable materials designated by the Public Works Director shall be placed for collection in this manner. Materials not so placed will not be collected.
    - (1) Clean unsoiled newspaper shall be packed in paper grocery or shopping bags or securely tied in flat bundles weighing not more than 30 pounds and placed in the recycling container.
    - (2) Unbroken glass and plastic food containers, as well as all types of metal food containers, shall be rinsed out and placed in the recycling container.
    - (3) All other recyclable materials shall be separated from nonrecyclables and placed in the recycling container so as to not constitute a nuisance or otherwise be objectionable.

§ 128-10. - Administration; promulgation of additional rules.

- A. Director of Public Works to be responsible. The Director shall be the licensing and registration authority of refuse collectors engaged in the collecting or transporting of municipal solid waste, recyclable and compostable materials within the city. He shall administer the issuance and revocation or suspension of licenses and registrations set forth in this article.
- B. Insurance. Applicants for refuse collector licenses, including renewals, shall provide proof of adequate liability insurance to the Director of Public Works.
- C. Additional rules. The Board of Councilmen shall promulgate additional rules from time to time as it may deem proper, which rules shall not be inconsistent with this article.

§ 128-11. - Licensing of refuse, collectors; registration of vehicles.

- A. Licensing and registration authority designated. Following the filing of proper application and payment of the prescribed fee, the Director of Public Works shall grant such license(s) as hereinafter set forth for refuse collectors, vehicles and dumpsters within a reasonable time, unless he finds one or more of the following conditions to prevail:
  - (1) The applicant has been irresponsible in the conduct of solid waste collection and transportation operations based upon previous suspension of licenses.
  - (2) The applicant lacks suitable equipment with which to collect solid waste in a safe, nuisance-free manner in compliance with this article.

- B. License required. Each refuse collector conducting operations within the City of Torrington shall annually, on or before July 1, apply for a license from the Director of Public Works, on such form as he shall prescribe, to engage in such business.
- C. Licensing of vehicles. Each licensed refuse collector shall obtain a separate registration for each vehicle he operates within the city. Registrations shall not be transferable from vehicle to vehicle.
- D. Registration term, fee and renewal. All registrations shall be issued for a period not to exceed one year and shall be renewable on or before the first day of July each year. The registration fee shall be established from time to time by the Board of Councilmen by resolution.
- E. Display of registration. The registration issued shall be conspicuously displayed on the left front of the body of each vehicle or dumpster licensed, or as may be directed.
- F. Identification of vehicles. Each licensee shall display at all times on all of his equipment his name and a local phone number.
- G. Licenses not transferable. Licenses are not transferable. When any licensee shall sell or transfer all or part of his route to any other refuse collector, he shall first notify the Director of Public Works, in writing, of his intent to sell, and the transferee shall, simultaneously, make application for the appropriate licenses to operate in the city.
- H. Customers serviced. As a prerequisite to the issuance or renewal of any license, a refuse collector must, along with his license/renewal application, furnish the Director of Public Works a list of customers within the city that such refuse collector intends to service, as well as the names of other municipalities serviced.

§ 128-12. - Revocation or suspension of license or registration.

- A. Generally. A license to engage in refuse collection and to use the waste disposal and/or processing facilities provided by the city is a privilege, not a right. Failure to comply with the provisions of this article shall be grounds for revocation or suspension by the Director of Public Works of any license or registration issued hereunder, in addition to any other penalty imposed by law.
- B. Notice required. Revocations or suspensions shall only become effective five days after receipt of written notice from the Director of Public Works.
- C. Request for review and filing; effect of failure to file. If a refuse collector objects to the Director of Public Works' action described in Subsection B above to revoke or suspend his license or registration, he may, within five days of receipt of said notice, file a written request with the City Clerk for review by the Board of Councilmen. Failure to file such request in a timely manner shall make the Director's action final and binding upon the refuse 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. Appeals Board; hearing. The Board of Councilmen shall act as an Appeals Board, and said Board shall within 15 days hear and decide the matter. The decision of such Board shall be final and binding upon the collector.

§ 128-13. - Licensing of private individuals.

Occupants of premises within the city must apply to the City Clerk for a sticker to be able to dispose of refuse or recyclable materials at processing facilities provided by the city. The sticker shall be displayed in such a manner as the City Clerk shall prescribe. Such license may be revoked or suspended as set forth in § 128-12, and appeals therefrom may be taken in the manner set forth in said section.

§ 128-14. - Refuse collector's responsibilities and obligations.



- A. Place of delivery. Each refuse collector shall deliver all materials collected within the territorial limits of the city at such place or places as the Director of Public Works may from time to time designate.
- B. Recyclable materials. Each refuse collector must collect recyclable materials from each of its customers in the manner prescribed in this article. In those cases where the city pays the tip fee for refuse collected from a specific customer, the Director may designate where such recyclable materials shall be delivered.
- C. Construction and maintenance of vehicles. All vehicles registered to collect and transport refuse shall be maintained free of obnoxious odors and accumulated refuse. Any such vehicle shall be of closed construction.
- D. Spilled refuse. Refuse collectors shall be responsible for cleaning up refuse that may have spilled after placement by the customer.
- E. List of rates. Refuse collectors shall furnish to his customers, upon request, a list of rates for the various services provided.
- F. Customers' containers. Refuse collectors shall return customers' containers without damage to the place from which they were removed.

§ 128-15. - Scavenging without consent prohibited.

It shall be a violation of this article for any person to scavenge through and/or take any items set out for collection pursuant to § 128-8 without the consent of the owner thereof.

§ 128-16. - Penalties for offenses; remedies; severability.

- A. Penalty. Whoever violates the provisions of this article shall, upon discovery, be fined not more than \$100.00 for each offense. Each and every day such violation shall continue shall be deemed a separate offense. This provision shall be enforced by the Police Department of the City of Torrington. B. Removal of accumulated waste. In addition to the foregoing penalty, the City may require the owner or occupant of the premises to remove any accumulation of solid waste at said premises. Should said person fail to remove such solid waste after five days following written notice, the City of Torrington may cause the solid waste to be collected and disposed of, with the costs of such actions to be charged to the owner or occupant of the property in a manner provided by law.
- C. Severability. In the event that any provisions, section, sentence, clause or part of this article shall be held invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining part of this article, it being the intent of the City that such remainder shall remain in full force and effect.

(Amended 12-6-2010)