

(Code 1970, § 11-80; Ord. of 4-90, § 4)

Sec. 10-55. Same--Number to be conspicuously displayed.

The operator's license number, of a size and style approved by the department of health, shall be conspicuously displayed upon each self service food or beverage vending machine operated by him.

(Code 1970, § 11-81)

Sec. 10-56. Same--Qualification required to receive and retain.

Only persons who comply with the provisions of the Public Health Code of the state, section 19-13-B52, and this article shall be entitled to receive and retain the license required under this article.

(Code 1970, § 11-82)

Chapter 11 GARBAGE, TRASH AND REFUSE*

***Cross references:** Throwing or distributing handbills in public places restricted, § 3-2; food and food establishments, Ch. 10; health, Ch. 12; junk yard license, § 14-91 et seq.; sewers and sewage disposal, § 23-16 et seq.; water, § 23-116 et seq.

State law references: Authority to regulate garbage, trash, rubbish, ashes or waste material collection and disposal, G.S. § 7-148(c)(4)(H).

- Art. I. In General, §§ 11-1--11-30
- Art. II. Litter, §§ 11-31--11-50
- Art. III. Trash Collectors, §§ 11-51--11-70
- Art. IV. Solid Waste Disposal, §§ 11-71--11-87

ARTICLE I. IN GENERAL

Sec. 11-1. Definitions.

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

Authorized private receptacle: A litter storage and collection receptacle as required and authorized by the department of public works, and acceptable to the health department.

Combustible rubbish: Waste, other than hazardous waste, from whatever source, which will be consumed at a temperature of eighteen hundred (1,800) degrees Fahrenheit, having no dimension greater than three (3) feet, and shall include wood, paper, rags, excelsior, straw, leather, rubber, boxes, floor sweepings, tree and shrubbery trimmings, leaves, grass, electric light bulbs.

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

Hazardous waste: Waste from whatever source which is dangerous to handle or which is likely to cause damage if exposed to heat or weather and shall include paints, explosives, industrial acids, caustics, fast burning plastics, flammable cleaning fluids, radioactive materials, crank case oils, cutting oils and filter media for hazardous materials, and cyanides, magnesium, drugs and poisonous chemicals.

Incombustible rubbish: Waste from whatever source which will not be consumed at a temperature of one thousand eight hundred (1,800) degrees Fahrenheit. It shall include, appliances, household metal furnishings, home-improvement materials, scrap metal, plaster, brick, concrete, lathing steel beams, roofing pipe, earth, crockery, ceramics, non-hazardous metal containers other than recyclables.

Litter: Garbage, refuse and rubbish as defined in this section, and all other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety or welfare.

Recyclable materials: The various waste materials and items which have been designated by the city as being suitable and feasible for recovery and sale to independent recycling enterprises for reprocessing and reuse of the material. These materials shall include newsprint and mixed paper which includes magazines, cardboard, paper stock, food and beverage metals, glass and plastic (182) containers, leaves and grass.

Refuse: All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

(Code 1970, § 18-1; Ord. of 9-80; Ord. of 5-86, § 1; Ord. of 7-01; Res. No. 29155-2, 6-14-06)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 11-2. Collection by city; insignia required.

- (a) No person except the city collector or any authorized contractor shall collect or haul refuse within the city.
- (b) The city collector or authorized contractor shall place upon his trucks and equipment such insignia specified by the department of public works, designating that he is the duly authorized city collector or contractor.

(Code 1970, § 18-2; No. 26824-1, 2-27-02; Res. No. 29155-2, 6-14-06)

Sec. 11-3. Precollection practices.

- (a) *Garbage.* All garbage, before being placed in a suitable container for collection, shall be drained of all free liquids.
- (b) *Rubbish.* Combustible rubbish shall be wholly separate and apart from incombustible rubbish.
- (c) *Bulk wastes.* Bulk wastes from whatever source shall be separated before being deposited for collection.
- (d) *Sorting generally.* Each household being serviced by the city's curbside disposal system shall be required to sort recyclables in accordance with department of public works

guidelines.

- (e) *Separation of recyclables.* Recyclable material shall be wholly separated from all other garbage, rubbish and wastes.

(Code 1970, § 18-3; Ord. of 9-80; Ord. of 5-86, §§ 2, 3; No. 26824-1, 2-27-02)

Sec. 11-4. Containers--To be provided.

- (a) Subject to the provisions of section 13-42, the owner of every dwelling house or commercial building shall provide suitable containers or facilities for the disposal of garbage, combustible and incombustible rubbish.
- (b) The director of health may require the owner of any dwelling house or commercial building to furnish locked containers or fenced, locked storage facilities for garbage or rubbish containers when, in the opinion of the director of health, such action is necessary to prevent or eliminate a public health hazard or nuisance.

(Code 1970, § 18-4; Ord. of 11-95)

Sec. 11-5. Same--Specifications.

- (a) *Garbage.* All garbage cans and refuse containers shall be rat-proof, insect-proof, watertight, structurally strong to withstand handling stress, easily filled, emptied and cleaned, shall be provided with tight-fitting covers or similar closures and shall be maintained at all times in a clean and sanitary condition. Plastic bags may be used as garbage and refuse containers when placed on the curbside.
- (b) *Combustible rubbish.* Rubbish shall be placed in garbage cans and refuse containers that are rat-proof, insect-proof, watertight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; tight-fitting covers or similar closures shall be provided, and shall be maintained at all times in a clean and sanitary condition. Plastic bags may be used as garbage and refuse containers when placed on the curbside.

(Code 1970, § 18-5; No. 26824-1, 2-27-02)

Sec. 11-6. Points of collection.

- (a) Rubbish containers shall be conveniently placed at the curb at the appointed time for collection.
- (b) No rubbish shall be placed at the curb earlier than 5:00 p.m. of the day prior to a scheduled pickup. All rubbish containers shall be removed from the sidewalk or curb within twelve (12) hours after collection.
- (c) Any person violating subsection (b) shall be fined ninety-nine dollars (\$99.00) for each such offense.

(Code 1970, § 18-6; Ord. of 3-85; Ord. of 5-85; No. 26824-1, 2-27-02)

Sec. 11-7. Special collection problems; hazardous waste.

Every person having hazardous waste shall arrange for its safe disposal. Hazardous

waste shall not be mixed with garbage or combustible or incombustible rubbish. Hazardous waste other than radioactive material, explosives and other specified types may, by arrangement with the department of public works be brought to the city's hazardous waste disposal site in accordance with the directions of the department of public works.

(Code 1970, § 18-7; No. 26824-1, 2-27-02)

Sec. 11-8. Limitation on quantity and type of refuse.

The department of public works shall determine the quantity and types of refuse which will be accepted by the authorized city collectors or contractors from any source.

(Code 1970, § 18-8; No. 26824-1, 2-27-02)

Cross references: Collection and removal of incombustible rubbish, § 11-16.

Sec. 11-9. Removal of incombustible rubbish or recyclable material from curbs prohibited.

No person shall remove any incombustible rubbish or recyclable material placed at the curb for the purpose of collection by the city or its authorized contractor.

(Code 1970, § 18-9; Ord. of 9-80)

Sec. 11-10. Accumulation of refuse.

- (a) No owner, tenant or occupant of any premises and no other person shall cause or permit the accumulation, or place upon any street or sidewalk, in any building, outhouse, yard or enclosure any dung, filth, stable bedding, poison ivy growth, ragweed, goldenrod, offal, decaying vegetables, meat or fish, animal matter, dead animal, loose or waste paper, wash, dirty water, brine or rubbish of any kind which shall become unwholesome, offensive, or shall endanger the health or well-being of any person.
- (b) All refuse may be deposited on the public works landfill/transfer station, subject to the supervision of the department of public works.
- (c) No person shall deposit or cause to be deposited on his own land or land of another or shall permit to remain on his own land or land in his custody or under his care any refuse or other substances which shall be or cause a nuisance or which is insanitary or unsightly. Such refuse or substances may be deposited at the landfill/transfer station supervised by the department of public works. This section shall not be construed to prohibit composting performed in a sanitary manner.

(Code 1970, § 18-10; Ord. of 9-70; No. 26824-1, 2-27-02)

Sec. 11-11. Children on dumping ground prohibited.

No parent, guardian, or person in charge of any child shall permit such child to frequent any public or private disposal area.

(Code 1970, § 18-11; Ord. of 9-70; No. 26824-1, 2-27-02)

Sec. 11-12. Fees for refuse disposal at the transfer station and/or volume reduction plant and/or refuse disposal area.

- (a) *Per ton fee for material disposed of at the transfer station or volume reduction plant.* A per ton fee, recommended by the department of public works, and approved by the common council, shall be charged for each ton of refuse, rubbish, trash, garbage, industrial wastes, or organic wastes deposited at the city's disposal facilities by a person licensed by the city and/or permitted by the city to dispose of such material at the city disposal facility. The department of public works shall give proper notice to the public of such fees.
- (b) *Proportional tonnage and load fees.* A proportionate fee shall be charged for each part of a ton.
- (c) *Prepayment of disposal fees.* Prepayment for all disposal fees will be required for all licensed users in accordance with administrative procedures approved by the department of public works.

(Code 1970, § 18-22; Ord. of 4-77; Ord. of 9-79; Ord. of 3-94; No. 26824-1, 2-27-02)

Sec. 11-13. Fee for deposits of noncombustible material and bulky refuse at Deming Road landfill.

The fee for depositing of noncombustible material and bulky waste at the Deming Road landfill shall be recommended by the department of public works and approved by the common council.

(Code 1970, § 18-25; Ord. of 2-78; Ord. of 7-86, § 1; Ord. of 6-92; No. 26824-1, 2-27-02)

Sec. 11-14. Limits of city collection.

- (a) Each commercial or industrial establishment in the city shall be entitled to have the city collection force collect up to ten (10) barrels, or equivalent volume, of waste material once a week.
- (b) The proper removal and disposal of all wastes in excess of the ten (10) barrels, or equivalent volume, above, will be the responsibility of the commercial or industrial establishment generating or disposing of the excess waste.

(Code 1970, § 18-23; Ord. of 4-77)

Sec. 11-15. Unauthorized or illegal dumping.

The depositing of any waste materials into the transfer station and/or volume reduction plant, receiving area or in the landfill without proper authorization and/or the depositing of any prohibited materials as set forth in section 11-17 of this article will be subject to the following penalties:

- (1) *First offense.*
 - a. The depositor shall be required to remove all of the illegal or unauthorized waste dumped; and

- b. The depositor shall be liable for a fine in an amount equal to three (3) times the tipping fee charged by the city for legal disposal or one hundred dollars (\$100.00), whichever is greater.
- (2) *Second offense.* The depositor's privilege to deposit waste material at the transfer station, receiving area or landfill shall be suspended for a period as determined by the director of public works.

(Code 1970, § 18-24; Ord. of 4-77; Ord. of 1-90, § 1; No. 26824-1, 2-27-02)

Sec. 11-16. Collection and removal of incombustible rubbish; procedure for removal of incombustible rubbish; penalty; lien.

- (a) The city shall provide for the collection of incombustible rubbish, as defined in section 11-1 of this chapter. The service procedures for such collections shall be established by the department of public works and approved by the common council. The service will require a call-in, scheduled appointment. Residential one- through four-family buildings and five- and six-family multi-dwelling buildings shall be eligible.
- (b) No person shall place or deposit any incombustible rubbish at the curb at any time other than twelve (12) hours prior to a scheduled pick-up of incombustible rubbish.
- (c) Any person who places or deposits any incombustible rubbish at the curb in violation of the provisions of paragraphs (a) and/or (b) of this section shall be immediately notified by the department of public works to remove said rubbish within five (5) days. If the rubbish is not removed in accordance with the order of the department of public works, said department shall remove, or cause to be removed, any incombustible rubbish which has been placed at the curb. The owner of the property on which incombustible rubbish has been placed shall be obligated to reimburse the City of New Britain for the total costs incurred by the city in removing the rubbish including, but not limited to, costs of collection, costs of hauling and tipping fees.
- (d) In the event the full amount due the city is not paid by such owner within thirty (30) days after receipt of a bill from the city, the department of public works shall cause a lien to be filed against the property and recorded in the New Britain Land Records. Such recordation shall constitute a lien on the property, and shall remain in effect for the amount due, including principal, interest and court costs, if any, until final payment has been made. Such amount due shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a penalty of six (6) per cent in the event the charge is not paid in full on or before the date of the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with, that the work has been done properly and satisfactorily, and shall be notice to all concerned that the amount of the statement, plus interest, constitutes a charge against the property designated in the statement and that such charge is due and collectible as provided by law.
- (e) Any person who violates the provisions of paragraph (b) of this section shall be guilty of a violation, as defined in section 53a-27 of the Connecticut General Statutes, and subject to a fine not to exceed ninety-nine dollars (\$99.00).

(Ord. of 10-88; Ord. of 4-92 ; No. 26824-1, 2-27-02; Ord. No. 28170-2, 5-5-05; Res. No.

Sec. 11-17. Prohibited wastes.

(a) No person shall deposit or cause to be deposited the following waste material at the transfer station:

(1) Explosives, including, but not limited to, the following:

- a. Blasting caps;
- b. Dynamite;
- c. Fireworks;
- d. Hand grenades;
- e. Shotgun shells;
- f. Any other explosives.

(2) Liquid wastes, including, but not limited to, the following:

- a. Acetate;
- b. Acids;
- c. Alcohol;
- d. Caustics;
- e. Ether;
- f. Gasoline;
- g. Hydraulic oil;
- h. Inflammable or volatile liquids;
- i. Leachate;
- j. Naphtha;
- k. Paints;
- l. Petroleum;
- m. Sewage sludge;
- n. Sewage or process wastewaters;
- o. Solvents;
- p. Turpentine.

(3) Demolition debris, including, but not limited to the following:

- a. Aggregate;
- b. Asbestos;
- c. Brick;

- d. Cement;
 - e. Gravel;
 - f. Plaster;
 - g. Roofing materials;
 - h. Sand;
 - i. Sheetrock;
 - j. Soil;
 - k. Stone;
 - l. Structural clay products;
 - m. Other noncombustible demolition debris.
- (4) Miscellaneous materials, including, but not limited to, the following:
- a. Ashes;
 - b. Asphalt;
 - c. Foundry sand;
 - d. Offal;
 - e. Pressurized containers;
 - f. Sealed drums;
 - g. Tar;
 - h. Fused plastic resin.
- (5) Motor vehicles/machinery, including, but not limited to, the following:
- a. Motor vehicle parts;
 - b. Any large machinery.
- (6) Pathological or infectious waste, such as needles, body fluid items or bloodstained items.
- (7) Radioactive waste.
- (8) Logs which are larger than three (3) feet in length and six (6) inches in diameter.
- (b) No person shall deposit, or cause to be deposited the following materials at the landfill area:
- (1) Explosives, including, but not limited to, the following:
- a. Blasting caps;
 - b. Dynamite;
 - c. Fireworks;

- d. Hand grenades;
 - e. Shotgun shells;
 - f. Any other explosives.
- (2) Liquid wastes, including, but not limited to, the following:
- a. Acetate;
 - b. Acids;
 - c. Alcohol;
 - d. Caustics;
 - e. Ether;
 - f. Gasoline;
 - g. Hydraulic oil;
 - h. Inflammable or volatile liquids;
 - i. Leachate;
 - j. Naphtha;
 - k. Paints;
 - l. Petroleum;
 - m. Sewage sludge;
 - n. Sewage or process wastewaters;
 - o. Solvents;
 - p. Turpentine.
- (3) Motor vehicles/machinery, including, but not limited to, the following:
- a. Motor vehicle parts;
 - b. Any large machinery;
 - c. All fuel tanks.
- (4) Pathological or infectious waste, such as needles, body fluid items or bloodstained items.
- (5) Radioactive waste.
- (6) Tree stumps.
- (7) Recyclable wastes as defined by P.A. 87-544, or any amendments thereto, and any regulations promulgated thereunder.
- (8) Asbestos demolition waste.
- (9) Tires.

(Ord. of 1-90, § 2; Ord. of 3-90; No. 26824-1, 2-27-02)

Editor's note: The provisions of § 11-17, added by § 2 of an ordinance adopted Jan. 1990, were effective upon publication of the ordinance, except for subsections 11-17(a)(10) and (b)(7), which became effective as of Jan. 1, 1991, pursuant to § 3 of the ordinance.

Sec. 11-18. Disposal of tires; fees.

- (a) No tires shall be disposed of or deposited at any landfill site, any transfer station or anywhere within the city or on any property owned or maintained by the city except in an area designated by the department of public works.
- (b) Nonresidents will not be permitted to dispose of tires at any landfill or transfer station operated by the city.
- (c) New permit residents will be permitted to dispose of tires from personal automobiles or small trucks, at no charge, up to a maximum of ten (10) tires per household per year. The fee for tires in excess of ten (10) tires per household per year shall be in accordance with the fee schedule set forth in paragraph (d) of this section.
- (d) Commercial users doing business in the city will be permitted to dispose of up to a maximum of twenty (20) tires per week. The fee for disposal of such tires shall be in accordance with the fee schedule set as recommended by the Department of Public Works and determined by the common council and published by the department of public works.
- (e) Any person disposing of tires in violation of this section shall be fined fifty dollars (\$50.00). Each tire disposed of in violation of this section shall constitute a separate offense and shall subject the violator to a separate fine.

(Ord. of 4-90; No. 26824-1, 2-27-02)

Secs. 11-19--11-30. Reserved.

ARTICLE II. LITTER*

***Cross references:** Littering streets prohibited, § 21-10.

Sec. 11-31. Throwing or depositing in public places prohibited.

No person shall throw or deposit litter on any street, sidewalk or other public place, except in public receptacles, in authorized private receptacles, or in official city disposal sites. No person shall deposit household garbage in any public receptacle.

(Code 1970, § 18-12; No. 26824-1, 2-27-02)

Cross references: Streets, sidewalks and public places, Ch. 21.

Sec. 11-32. Placement in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent the litter from being carried or deposited by the elements on any public or private property.

(Code 1970, § 18-13)

Sec. 11-33. Sweeping into gutters prohibited.

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

(Code 1970, § 18-16)

Sec. 11-34. Throwing from vehicles prohibited.

No person, while in a vehicle, shall throw or deposit litter upon any street, public place or private property.

(Code 1970, § 18-17)

Sec. 11-35. Thick loads causing.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street or other public place. No person shall drive or move any truck or other vehicle within the city if the wheels or tires of such vehicle will deposit mud, dirt or any other foreign matter upon a street or other public place.

(Code 1970, § 18-18)

Cross references: Motor vehicles and traffic, Ch. 15.

Sec. 11-36. Throwing in bodies of water prohibited.

No person shall throw or deposit litter in any fountain, pond, lake, stream or other body of water within the city.

(Code 1970, § 18-19)

Sec. 11-37. Depositing or accumulating on private property.

No person shall throw or deposit litter on any private property. The owner or person in control of any private property shall maintain the premises free of litter. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Code 1970, § 18-20)

Sec. 11-38. Clearing from vacant private property.

- (a) *Notice to remove.* The director of health is authorized to notify the owner of any open or vacant private property or his agent, 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 registered mail and addressed to such person at his last known address.
- (b) *Removal by city upon owner's non-compliance with notice.* The director of health is authorized to have such litter removed upon the failure of such owner or agent to properly dispose of such litter within two (2) days after receipt of the written notice provided for in paragraph (a) of this section or within five (5) days after the date of such notice if the notice is returned to the city post office due to failure of delivery, provided the notice was properly addressed.
- (c) *Charge for removal by city to be included in tax bill.* When such litter has been removed by the city or at its expense, this cost together with accrued interest at the rate of six (6) per cent per annum from the date of the completion of the work shall be charged to such owner on the next regular tax bill forwarded to him by the city, unless sooner paid by such owner. Such charge shall be due and payable at the time of payment of such tax bill.
- (d) *Lien for costs of removal by city.* When the full amount due the city is not paid by such owner within thirty (30) days after the disposal of such litter, as provided for in paragraphs (a) and (b) of this section, a sworn statement showing the cost and expense incurred for the work, the date the work was completed and the location of the property involved, shall be recorded in the office of the clerk by the director of health. Such recordation shall constitute a lien on the property, and shall remain in effect for the amount due, including principal, interest and court costs, if any, until final payment has been made. Such amount due shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a penalty of six (6) per cent in the event the charge is not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with, that the work has been done properly and satisfactorily, and shall be notice to all concerned that the amount of the statement, plus interest, constitutes a charge against the property designated in the statement and that such charge is due and collectible as provided by law.

(Code 1970, § 18-21)

Sec. 11-39. Penalty for violation.

Any person violating any of the provisions of this article shall be fined ninety-nine dollars (\$99.00). Each violation shall constitute a separate offense and shall be punishable as such. Each day an owner of property liable for clearing litter under the provisions of section 11-38 of this article shall fail to remove litter as ordered shall constitute a separate offense and shall subject said owner for the fine set forth herein in addition to charges incurred for removal of litter by the city.

(Ord. of 11-95)

Secs. 11-40--11-50. Reserved.

ARTICLE III. TRASH COLLECTORS

Sec. 11-51. License--Required to collect and transport wastes.

Any person, except the public collector under contract with the city, collecting, hauling, transporting or moving trash, rubbish, refuse, garbage, industrial wastes or organic wastes within the limits of the city shall be required to license each vehicle used in the hauling, transporting, or moving of trash, rubbish, refuse, garbage, industrial wastes or organic wastes whether as a service for profit or as part of the commercial, industrial or manufacturing process in eliminating industrial or commercial wastes, such licenses to be issued by the department of public works annually.

(Code 1970, § 2-260.2(A); Ord. of 10-70; No. 26824-1, 2-27-02)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 11-52. Same--Fee.

A yearly fee shall be paid in advance for each set of vehicle license plates by persons offering trash, rubbish, refuse, garbage, industrial wastes or organic wastes removal as a service for profit. The same fees shall also be paid per vehicle license plates for any commercial, manufacturing or industrial concern which uses its own vehicles as a means of transporting its own trash, rubbish, refuse, garbage, industrial wastes or organic matter in lieu of having a city or private collection. The permit license fee shall be recommended by the department of public works and approved by the common council and published by the department of public works.

(Code 1970, § 2-260.2(B); Ord. of 10-70; No. 26824-1, 2-27-02)

Sec. 11-53. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted § 11-53. Former § 11-53 pertained to the temporary hauling license and derived from the Code of 1970 and an ordinance adopted in Oct. of 1970.

Sec. 11-54. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted § 11-54. Former § 11-54 pertained to fees for temporary hauling licenses and derived from the Code of 1970 and ordinances adopted in Oct. of 1970 and Feb. of 1994.

Sec. 11-55. Suspension or revocation of licenses.

The director of public works shall have the power to suspend or revoke any license issued under this article for any violation of any part of this article and/or written rules and regulations concerning the collection and disposal of trash, rubbish, refuse, garbage, industrial wastes or organic wastes as set forth by the department of public works and the department of health. Suspension or revocation of license shall not be in lieu of fines as set forth above but may be in addition to the above fines.

(Code 1970, § 2-260.2(I); Ord. of 10-70)

Sec. 11-56. Private collectors required to file routes.

Each private collector so licensed for collection of trash, rubbish, refuse, garbage, industrial wastes or organic wastes within the city shall file in writing at the time of application for license the route and/or routes and the number of stops he expects to make on the route or routes within the limits of the city. Also he shall be required to file in writing, within one week any change in the route or routes or in the number of stops made. This provision shall not apply to commercial, industrial or manufacturing concerns that operate from one or two (2) locations within the city as part of business.

(Code 1970, § 2-260.2(E); Ord. of 10-70)

Sec. 11-57. Vehicles used for hauling.

- (a) *Yearly inspection before license renewal.* Each year before the renewal application for the license can be submitted, each vehicle intended for the use of hauling trash, rubbish, refuse, garbage, industrial wastes or organic wastes, shall be inspected by the public works department for compliance with standards established by the director of public works to determine the suitability of such vehicle.
- (b) *License plate to be displayed.* Each vehicle licensed under this article shall display the license plates on the forward, outside part of the vehicle body on both sides of the vehicle. Any vehicle failing to display such license shall be in violation of this article and subject to the penalties set forth for violations of this article.

(Code 1970, § 2-260.2(F); Ord. of 10-70)

Cross references: Motor vehicles and traffic, Ch. 15.

Sec. 11-58. Rules of director of public works.

The director of public works shall establish and enforce rules and regulations covering the storage, collection, removal and disposal of garbage, refuse, commercial and industrial wastes and salvageable materials, and the suitability of vehicles used for same.

(Code 1970, § 2-260.2(G); Ord. of 10-70)

Sec. 11-59. Out of town wastes.

No person shall transport waste originating outside the city to within the city for disposal at city facilities or elsewhere, at any time.

(Code 1970, § 2-260.2(H); Ord. of 10-70)

Sec. 11-60. Carriers of refuse; insignia.

- (a) No person except the city refuse collector or contractor shall collect or carry refuse within the limits of the city, except as provided in this article.
- (b) The city refuse collector or contractor shall place upon his trucks and equipment such

suitable insignia as shall be specified by the department of public works, designating that he is the duly authorized city refuse collector or contractor.

(Code 1970, § 2-260.1; Ord. of 9-70; No. 26824-1, 2-27-02)

Secs. 11-61--11-70. Reserved.

ARTICLE IV. SOLID WASTE DISPOSAL *

***Editor's note:** An ordinance of Dec. 1990 amended §§ 11-71--11-77 and added §§ 11-78--11-87 to read as set out herein. Previously, §§ 11-71--11-77 pertained to similar subject matter and derived from an ordinance of Aug. 1985.

Sec. 11-71. Purpose.

This ordinance is adopted by the City of New Britain as part of a long term plan for safe and sanitary disposal of solid waste, and to establish measures to assure compliance of persons within the town boundaries and of collectors with the requirements of state statute for separation, collection, purchasing and marketing of recyclable solid waste.

(Ord. of 12-90)

Sec. 11-72. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Acceptable solid waste means the type of solid waste normally collected and disposed of in the town, including, but not limited to, garbage, trash, rubbish, refuse, offal, beds, mattresses, sofas, bicycles, baby carriages, automobile or small vehicle tires as well as processible portions of commercial and industrial solid waste and logs if no more than three (3) feet long and/or six (6) inches in diameter, branches, leaves, twigs, grass and plant cuttings; excepting however, unacceptable waste and hazardous waste.

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

Center means the Tunxis Regional Processing Center located within the town.

Collector means any person who holds himself out for hire to collect, haul, transport or dispose of solid waste or recyclable solid waste from residential, business, commercial or other establishments.

Commercial solid waste hauler means any person, firm or corporation whose principal business activity is collecting, picking up and/or transporting solid waste and depositing or dumping the same in the town dump, transfer station, or recycling center by means of a vehicle or vehicles capable of hauling said materials.

Dry-cell battery means any devices used for generating electric current through a chemical reaction, including but not limited to nickel-cadmium batteries, carbon batteries, and alkaline batteries.

Garbage means animal, vegetable, or other organic wastes resulting from the handling, preparation, cooking, serving or consumption of food.

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

Grass clippings means grass and other trimmings from the care of a lawn, with a minimum of contamination by pesticides.

HDPE plastic container means any high density polyethylene bottle or jar of any size or shape used to package food or household laundry products.

Hazardous waste means that portion of solid waste as defined in the service agreement for the operation of the Bristol trash-to-energy plant and includes that portion of solid waste which by reason of its composition or characteristic is:

- (1) Hazardous waste as defined in the Solid Waste Disposal Act, 42 U.S.C. Section 690 et seq. and the regulations thereunder, or in Section 22a-209-1 of the Regulations of Connecticut State Agencies and any succeeding legislation or regulations or amendments to the foregoing; or
- (2) Any other materials which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic or dangerous, or otherwise ineligible for disposal through a resource recovery facility.

Leaves mean the foliage of trees, bushes, and other plants with a minimum of contamination by rocks, sticks or branches, and pesticides.

Magazines mean catalogues, magazines, or other similar printed matter.

Metal food container means any aluminum, bi-metal, 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. Clean aluminum foil is also included in this category.

Municipal solid waste means that portion of the solid waste stream suitable for disposal as determined by the Department of Environmental Protection of the State of Connecticut.

Newspaper means any used or discarded newsprint which has a minimum of contamination by food or other material. Newspapers shall be considered to have a minimum of contamination if they have not been exposed to substances rendering them unusable for recycling.

Office paper means any 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 photo-copying, which is suitable for recycling and which has a minimum of contamination.

PET Plastic food container means any polyethylene terephthalate container of any size or shape used to package beverages.

Person means an individual, natural person, corporation, trust, estate, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal

entity.

Recyclable solid waste means the type of solid waste normally generated, collected or disposed of in the town, which is or has been designated by the commissioner of environmental protection to be recycled including, but not limited to: cardboard, glass food and beverage containers, metal food and beverage containers, newspapers, waste oil, leaves and storage batteries, excepting unacceptable waste and hazardous waste.

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

Recycling box means any container designated as a recycling container by the director of public works.

Refuse means garbage and rubbish.

Residential property means real estate containing one or more dwelling units but shall not include hospitals, motels, hotels or college dormitories.

Residue means solid waste remaining after any recycling facility holding a permit has processed the waste, but excluding wastes which are toxic or hazardous.

Rubbish means that portion of municipal solid waste that is not garbage.

Scrap metal means used or discarded items which consist predominantly of ferrous metals, aluminums, brass, copper, lead, chromium, tin, nickel or alloys thereof, including but not limited to, white goods.

Scrap tires means discarded rubber or synthetic rubber tires used by or manufactured for vehicles, including but not limited to, automobiles, trucks, buses and trailers.

Solid waste means all discarded materials or substances, including but not limited to garbage, refuse, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris, offal and other discarded materials and substances resulting from industrial, commercial, mining and agricultural operations and from community activities, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form or solid or dissolved materials in irrigation return flows or industrial discharges, or source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended.

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

Town means the City of New Britain.

Transfer station means the town's solid waste transfer facility, area or areas as designated by the department of public works.

Unacceptable waste means that portion of solid waste as defined in the service agreement for the operation of the Bristol trash-to-energy plant and includes that portion of solid waste, excluding hazardous waste, but including without limitation, explosives, pathological and

biological waste, radioactive materials, ashes, foundry sand, sewage sludge (unless processed to permit incineration), cesspool and other human waste, human remains and animal carcasses, motor vehicles, including major motor vehicle parts, as automobile transmissions, rear ends, springs and tenders, agricultural and farm machinery and equipment, marine vessels and major parts thereof, any other large machinery or equipment (including white goods), liquid wastes, or nonburnable construction materials and/or demolition debris that:

- (1) May present a substantial endangerment to public health or safety;
- (2) May cause applicable air quality or water effluent standards to be violated by the normal operation of a resource recovery facility; or
- (3) Has a reasonable possibility of adversely affecting the operation of a resource recovery facility, unless such unacceptable waste is delivered in minimal quantities and concentrations as part of normal collections in which case it shall constitute acceptable waste.

Waste oil means crankcase oil that has been utilized in internal combustion engines.

Yard waste and leaves means brush and the boughs and foliage of trees.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-73. Registration of collectors.

Any person who intends to operate as a collector in the town shall register in advance with the town in the manner prescribed by this ordinance (and in accordance with the provisions of article III of chapter 11 of the Code of Ordinances). Any person who operates as a collector without proper registration within the town thirty (30) days after the effective date of this ordinance will be subject to the penalties provided in this ordinance.

(Ord. of 12-90)

Sec. 11-74. Registration: forms, fees and frequency.

- (a) All persons intending to act as collectors shall apply for registration before July 1 of each year with the director of public works on forms provided. These forms shall require the applicant to furnish all information requested, including, but not limited to:
 - (1) The name of the business and whether a corporation, partnership or sole proprietorship;
 - (2) The names of all stockholders (if corporation not publicly held), directors, partners, officers or proprietors of the business;
 - (3) A listing and description of the vehicles to be used for hauling solid waste or recyclable solid waste;
 - (4) The names and addresses of all customers presently served, if any, within the town;
 - (5) The approximate tonnage of solid waste and recyclable solid waste expected to be collected each week;
 - (6) The names of all other communities served by the applicant;

- (7) Evidence of insurance in an amount of at least three hundred fifty thousand dollars (\$350,000.00) or such other amounts as the common council shall determine;
 - (8) Whether the applicant plans to collect recyclable solid waste generated from residential property or from commercial, business, municipal and other sources within the town, or both.
- (b) A registered collector shall update the information required by subsection (a) at least once each year at the time of registration renewal.
 - (c) Once approved the registration shall be effective until the following June 30, and, unless properly renewed, shall lapse.
 - (d) The initial registration fee and the registration fee for renewals shall be the same as license fees as set forth in article III of chapter 11. Registration fees shall not be prorated.
 - (e) The registration is not transferable and no licensee shall permit another person engaged in the business of collection or disposal of solid waste, other than his own agents and employees, to operate under his license.
 - (f) Each body of each vehicle used to transport solid waste and recyclable materials whether the body is permanently affixed to the vehicle or a removable body, shall have prominently and legibly painted or otherwise displayed on at least one side, so as to be easily read by a disposal site attendant, the cubic yard capacity of the body. Each removable body that may be used by the licensee shall also have so painted or displayed an identifying number which is to be listed with the town in the same manner as vehicles. No vehicle will be allowed to dispose of waste if it does not comply with this section. The door of any private vehicle used to haul solid waste shall be clearly marked with the business name and address of the hauler.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-75. Bond required for commercial solid waste hauler.

No commercial solid waste hauler shall be registered as a collector until such hauler shall have deposited with the director of public works a bond in the amount of three thousand dollars (\$3,000.00) secured by cash, certified check, corporate surety bond or passbook assigned to the treasurer of the city conditioned upon the registrant's compliance with the provisions of this chapter. Such bond or portions thereof shall be forfeited if the registrant shall be found to be in violation of the provisions of this chapter and is subjected to fines or penalties hereunder. Such bond or any portion thereof which has not been forfeited shall be returned to the registrant within ten (10) days of any voluntary surrender of the hauler's registration.

(Ord. of 12-90)

Sec. 11-76. Administrative enforcement.

- (a) The director of public works or designee shall mail written notice of the approval or denial of an application for registration as a collector to the applicant within sixty (60) days after the submission of the completed application. Registration is effective only

upon approval and issuance of the notice of approval.

- (b) The director of public works may refuse to grant registration to any applicant, or may suspend the registration of any registered collector, if that person (i) has violated or does violate any provision of state statute pertaining to solid waste or recyclable solid waste, (ii) violates this ordinance, (iii) is not insurable in accordance with this ordinance, or (iv) is otherwise deemed unsuitable as a collector. A suspension of registration may not exceed a period of one hundred eighty (180) days for any one violation; provided, that repeated or willful violation of this article may result in permanent revocation of registration without right to reapply.
- (c) No denial, suspension or revocation notice will be effective until the person adversely affected has been notified in writing of that decision and the reasons for it, and has been afforded a reasonable opportunity to appear at an informal hearing before the director of public works to respond.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-77. Prohibition of unregistered collectors.

Beginning thirty (30) days after the effective date of this ordinance, all persons not properly registered as collectors and all collectors whose registrations have been suspended or revoked are prohibited from engaging in collecting, hauling, transporting or disposing of solid waste generated within the town.

(Ord. of 12-90)

Sec. 11-78. Scavenging prohibited.

- (a) The following entities, and no others, are authorized to collect designated recyclables in the city, the department of public works, vendors under contract to the city to provide this service, and private collectors licensed by the city. From time of placement at the curb or elsewhere for collection by authorized collectors, all designated recyclable materials shall become the property of the town or other authorized collectors. It shall be a violation of this section for any person not authorized by the town to collect or pick up, or cause to be collected or picked up, any designated recyclables or any recycling containers. Any and each such collection or pick up, including the collection or pick up of an individual container, in violation hereof from one or more residences shall constitute a separate and distinct violation punishable as hereinafter provided.
- (b) Any person, firm or corporation in violation of any provision of this section, including rules and regulations established hereunder, shall be fined not more than one hundred dollars (\$100.00) for every such violation. Each collection or misuse of each container shall constitute a separate violation.

(Ord. of 12-90)

Sec. 11-79. Residential recyclable solid waste.

- (a) Any person who generates solid waste from residential property shall separate from the other solid waste items designated for recycling by the commissioner of environmental protection.

- (b) Notwithstanding subsection (a), the following items shall be separated from other solid waste generated from residential property and recycled:
 - (1) Cardboard;
 - (2) Glass, food and beverage containers;
 - (3) Leaves;
 - (4) Metal food and beverage containers;
 - (5) Newspapers;
 - (6) Storage batteries;
 - (7) Waste oil;
 - (8) Office paper; and
 - (9) Scrap metal, including white goods.
- (c) All residential recyclable solid waste shall be separated by the generator and placed in containers or packaged for collection at the curb or designated location for solid waste pick-up in a manner required by this ordinance, and any other ordinances of the town pertaining to solid waste.
- (d) The town shall supply one initial set of recycling containers to each dwelling unit. Upon receipt of a set, the occupant of the dwelling unit shall immediately label the recycling containers with the address of the dwelling unit where the containers shall be used. All recycling containers shall be so labeled the first time they are set out for collection.
- (e) The initial set of recycling containers shall be the property of the town. Upon moving, or vacating the dwelling unit, the occupant shall leave the containers with and for the use of the new occupants of the dwelling unit. When a container is lost or damaged, the occupant of a dwelling unit shall replace the container with a like type of container which shall be purchased from the town's department of public works or suppliers designated by the director of public works.
- (f) The residential recyclables set forth in subsection (b) shall be segregated and placed out for collection by the collector according to collection schedules designated and published by the town or shall be disposed of at sites designated and published by the town.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-80. Other recyclable solid waste.

- (a) Any person who generates solid waste from other than a residential property shall make provisions for the separation from the other solid waste items designated or recycling by the commissioner of environmental protection.
- (b) Notwithstanding subsection (a), the following items shall be separated from other solid waste and recycled:
 - (1) Cardboard;

- (2) Glass food and beverage containers;
- (3) Leaves;
- (4) Metal food and beverages containers;
- (5) Newspaper;
- (6) Storage batteries;
- (7) Waste oil;
- (8) Office paper; and
- (9) Scrap metal, including white goods.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-81. Location for disposal of recyclable solid waste.

- (a) Every collector and every other person disposing of recyclable solid waste generated within the town shall dispose of recyclable solid waste as follows:
 - (1) The town shall from time to time designate and publish which items of recyclable solid waste shall be disposed of at the center and which items shall be disposed of at other sites.
 - a. All designated, preseggregated recyclable solid waste generated from residential property shall be taken directly to the center.
 - b. All other preseggregated recyclable solid waste generated from residential property shall be taken to disposal sites designated by the department of public works.
 - c. The collector shall keep and maintain records of the quantity and type of recyclable waste delivered to each disposal site, the location and date of delivery of such items to the site.
 - d. No recyclable solid waste from any other town shall be disposed of at any town disposal sites other than the center, unless express advance written permission is first obtained from the department of public works. The collector shall comply with all requirements pertaining to such alternate disposal.
 - e. All other solid waste generated within the town and collected from any other source shall be separated by the collector into recyclable solid waste and other solid waste. The recyclable solid waste shall be further segregated and packaged to be disposable at the center or at such other designated disposal sites for the particular type and category of recyclable solid waste, as designated and published by the town.
 - (2) Any collector who is requested or contracted to transport residue remaining at the center or other recyclable solid waste disposal area which has processed any portion of the town's recyclable solid waste shall transport such solid waste to the solid waste disposal facility designated by the town. The collector shall comply with all reporting and recordkeeping requirements of the center and of any other

recyclable solid waste disposal facility designated by the town.

- (3) Until one or more sites have been designated for disposal of the town's recyclable solid waste in the procedures of section 22a-220a of the Connecticut General Statutes and until notice has been given under subsections (4) and (5) thereof requiring the use of any such disposal site, all recyclable solid waste shall be disposed of in accordance with the town's existing solid wastes plan and existing agreements, as those plans and be modified from time to time.
- (4) After a disposal site for the town's recyclable solid waste has been designated, and after the town has been notified in accordance with its contracts that the site is available for use, the town clerk or designee shall give notice of the requirements for solid waste disposal. After the notice is published, all persons collecting, transporting or disposing of recyclable solid waste in the town shall comply with the requirements of that notice not later than the date specified for compliance in the notice.
- (5) Notice that a designated disposal site for recyclable solid waste is available for either partial or full use shall be published in the same manner as is required for hearings before ordinances are adopted by the town. In addition, individual notice of those requirements shall be mailed to every person who is registered in the town as a collector. The notice shall specify the date after which all persons disposing of recyclable solid waste in the town must use that disposal site, and shall generally state any other necessary requirements for that disposal, such a limitation on the amount of recyclable solid waste which may or must be delivered, or the dates or times at which delivery must be made.
- (6) In addition to designating a disposal site for recyclable solid waste, the town may from time to time designate or identify additional sites for disposal of unacceptable waste, hazardous waste, or recyclable solid waste in excess of the amount to be disposed of at the primary designated site. Those sites may include transfer stations or drop-off sites for the convenience of residents, landfills, or any other type of facility deemed appropriate by the town. If any person will be required to use a particular site, that site shall be designated in the manner provided in section 22a-220a of the Connecticut General Statutes.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-82. Location for disposal of other solid waste (solid waste not constituting recyclable solid waste).

Every collector and every other person disposing of solid waste generated within the town shall dispose of that solid waste as follows:

- (1) Until one or more sites have been designated for disposal of the town's acceptable solid waste in accordance with the procedures of section 22a-220a of the Connecticut General Statutes, and until notice has been given under subsection (3) requiring use of any such disposal site, all solid waste shall be disposed of in accordance with the town's existing solid waste plan and existing agreements, as those plans and agreements may be modified from time to time;
- (2) After a disposal site for the town's acceptable solid waste has been designated,

and after the town has been notified in accordance with its contracts that the site is available for use, the director of public works shall give notice of those facts as provided in subsection (3). After the notice is published, all persons collecting, transporting or disposing of acceptable solid waste in the town must comply with the requirements of that notice not later than the date specified for compliance in the notice;

- (3) Notice that a designated disposal site for acceptable solid waste is available for either partial or full use shall be published in the same manner as is required for hearings before ordinances are adopted by the town. In addition, individual notices of those facts shall be mailed to every person who is registered in the town as a collector. The notice shall specify the date after which all persons disposing of acceptable solid waste in the town must use that disposal site, and shall generally state any other necessary requirements for that disposal, such as limitations on the amount of acceptable solid waste which may or must be delivered, or the dates or times at which delivery must be made;
- (4) In addition to designating a disposal site for acceptable solid waste, the town may from time to time designate or identify additional sites for disposal of unacceptable waste, hazardous waste, or acceptable solid waste in excess of the amount to be disposed of at the primary designated site. Those sites may include transfer stations for the convenience of residents, landfills, or any other type of facility deemed appropriate by the town. If any person will be required to use a particular site, that site shall be designated in the manner provided in section 22a-220a of the Connecticut General Statutes.

(Ord. of 12-90)

Sec. 11-83. Notice of violations.

- (a) Any collector who has reason to believe that a person from whom he collects solid waste has violated the separation requirements of this section shall issue a warning notice provided by the director of public works and shall promptly notify the director of public works of the alleged violation. Collectors also shall assist the director of public works in identifying persons responsible for creating loads containing significant quantities of designated recyclables mixed with solid waste which are delivered to a resource recovery facility, transfer station, landfill, or other solid waste facility.
- (b) The director of public works shall receive notices of violation from collectors and disposal facilities, shall develop warning notices for collectors to issue, and shall be responsible for imposing penalties on violators.

(Ord. of 12-90)

Sec. 11-84. Violations at solid waste facilities.

The operator of the city's solid waste facilities who has reason to believe, upon visual inspection, that a load of solid waste which is delivered to the facility contains significant quantities of any item designated or recycling pursuant to this section shall provide prompt notification of such belief to the driver of the vehicle delivering the load and to the director of public works. Collectors shall notify all persons from whom solid waste was collected to form such a load and may issue a warning as specified in section 11-83.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-85. Violations and penalties.

It shall be the responsibility of the director of public works, or his/her agents or designee, to enforce the provisions of this chapter.

- (1) Pursuant to P.A. 90-216, any person, firm or corporation, including collectors registered with the town, who illegally disposes of solid waste at the city transfer station or at any facility designated by the town for disposal of solid waste shall for a first violation be liable for a civil penalty of one thousand dollars (\$1,000.00), two thousand dollars (\$2,000.00) for the section violation and three thousand dollars (\$3,000.00) for each subsequent violation in addition to other penalties established pursuant to state and local laws. Any person who is assessed a civil penalty pursuant to this subsection may appeal therefrom to the superior court in the manner provided in subsection (g) of section 7-152b of the Connecticut General Statutes.
- (2) In accordance with P.A. 90-220 and P.A. 90-249, any person, firm or corporation in violation of any provision of this chapter, or rules or regulations established hereunder, shall be fined not more than one hundred dollars (\$100.00) for every such violation, unless otherwise specified below.
 - a. Any resident or occupant of a residential building who fails to source separate designated recyclables from other solid waste: for a first offense, a written warning; for a second offense, twenty-five dollars (\$25.00); for subsequent offenses, a fine not to exceed one hundred dollars (\$100.00) for each violation.
 - b. The owner or occupant of any commercial or non-residential establishment that fails to provide for separation of recyclables from other solid waste: for a first offense, a written warning; for a second offense, one hundred dollars (\$100.00); for each subsequent offense, a fine not to exceed five hundred dollars (\$500.00) for each violation.
 - c. Any collector who knowingly mixes items designated for recycling pursuant to this chapter with other solid waste shall for a first violation be liable for a civil penalty of one thousand dollars (\$1,000.00) and five thousand dollars (\$5,000.00) for each subsequent violation.

(Ord. of 12-90)

Sec. 11-86. Regulations.

The director of public works is authorized to issue reasonable regulations as needed to effect the provisions of this article, including but not limited to: specifications for preparation, separation and collection of designated recyclables; replacements for curbside collection containers; the definition and addition of new designated recyclables; locations for drop-off containers for waste oil, storage batteries and corrugated cardboard; specifications for a corrugated cardboard collection program; collection specifications for leaves, yard waste and lawn clippings; reporting requirements; requirements for warning notices, notices of violations

and penalties for failure to provide for the separation of designated recyclables, failure to comply with separation requirements and for knowingly mixing designated recyclables; and other penalties for failing to comply with mandatory requirements. Regulations enacted affecting nonmunicipal collectors shall not become effective until a thirty-day comment period has expired.

(Ord. of 12-90)

Sec. 11-87. Severability.

Sections 11-71 through 11-86, and each part of such section, are hereby declared to be independent sections and parts of sections and notwithstanding any other evidence of legislative intent, if any provision of said sections, or the application thereof to any person or circumstances, is held invalid, the remaining sections, or parts of said sections, and the application of such provisions to any person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared that this section would have been passed independently of such sections or parts of such sections as held to be invalid.

(Ord. of 12-90)

Chapter 12 HEALTH*

***Cross references:** Animals, Ch. 6; buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 8; food and food establishments, Ch. 10; garbage, trash and refuse, Ch. 11; housing, Ch. 13; unnecessary smoke from vehicles prohibited, § 15-6; sewers and sewage disposal, § 23-16 et seq.; water, § 23-116 et seq.

State law references: Uniform Food, Drug and Cosmetic Act, G.S. §§ 21a-91--21a-120; city health authorities generally, G.S. §§ 19a-200--19a-230.

- Art. I. In General, §§ 12-1--12-20
- Art. II. Board of Health, §§ 12-21--12-45
- Art. III. Emergency Medical Services, §§ 12-46--12-50
- Art. IV. Department of Health, §§ 12-51--12-54

ARTICLE I. IN GENERAL

Sec. 12-1. Complaints.

Any complaint made to the director of health shall be in writing and bear the signature of the complainant.

(Code 1970, § 12-1)

Sec. 12-2. Nuisances--Persons not to create.

No person shall create a nuisance in the city nor permit a nuisance to be or to remain upon any property or in any building owned, occupied or controlled by him.

(Code 1970, § 12-2)