

ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERMAN TO CHAPTER 30 ¾ -16 AMENDING THE NEW HAVEN CODE OF ORDINANCES REGARDING WASTE DISPOSAL: SITE CLEANLINESS PLANS; DUMPSTER REGULATIONS.

WHEREAS: With the 2008 creation of the New Haven Solid Waste and Recycling Authority, the City of New Haven Board of Aldermen established “The municipal solid waste and recycling authority is an agency dedicated to achieving the most environmentally sound solid waste management and resources conservation program for the people of New Haven and the surrounding communities.” And

WHEREAS: The New Haven Solid Waste and Recycling Authority and the New Haven Department of Public works have developed a resource conservation strategy intended to promote recycling to advance this goal. And

WHEREAS: Connecticut General Statutes 22a-241b establishes that every person who generates solid waste shall, in accordance with §22a-220, make provision for the separation from other solid waste of the items designated for recycling. And

WHEREAS: In accordance with Connecticut General Statutes 22a-220 the City of New Haven established Section 30¾-13 Recycling. And

WHEREAS: Section 30¾-13 of the New Haven Code of Ordinances requires recycling of all residential and non-residential properties. And

WHEREAS: §30 ¾ -16 of The New Haven Code of Ordinances Site Cleanliness Plans; dumpster regulations, establishes that the Director of Public Works may require a site cleanliness plan for any premises in the city. And

WHEREAS: The City of New Haven would like to clarify the requirements of §30 ¾ -16 to require site plans of all non residential units and extend those requirements to include a plan for recycling. And

WHEREAS: The City of New Haven desires to extend the dumpster requirements to all waste disposal and recycling receptacles.

NOW, THEREFORE, BE IT ORDAINED that Chapter 30 ¾ of New Haven Code of Ordinances be amended as set forth in the attached.

Sec. 30³/₄-16. Site cleanliness and recycling plans; dumpster, waste and recycling receptacle regulations.

- (a) Definitions. As used in this section, the following definitions shall apply:
- (1) Non-residential unit. Shall mean all premises not eligible for municipal collections as established by Sec. 30³/₄-12 of these ordinances including: buildings with more than (6) dwelling units, condominiums, nonprofit organizations, commercial or industrial properties or other agency deemed by the department of public works to be excluded from this coverage.
 - (2) Recycling. Shall mean the process of separating, sorting, cleansing, treating, diverting and reconstituting an item or items, or other discarded material, from the solid waste stream for the purposes of processing it, or causing it to be processed, into a material product, including the production of compost, in order to provide for disposition of the item(s) in a manner, other than incineration or landfilling, which will best protect the environment. As established by Section 30 ³/₄ -13 of this Code.
 - (3) Person responsible. Shall mean the owner of record or his designee.
 - (4) Waste Receptacle. Any receptacle approved for the collection and storage of municipal solid waste, including dumpsters and or totes and cans.
 - (5) Recycling Receptacle. Any receptacle approved for the collection and storage of recycling including dumpsters, totes, or bins.
 - (6) Waste Hauler. Shall mean a licensed commercial waste hauler as established by Sec. 17-129 of this code.
 - (7) Recycling Hauler. Shall mean a company licensed by the City of New Haven as established by Sec. 30 ³/₄ - 13 (d) of this Code.
 - (8) Director. Shall mean the Director of Public Works or his designee.
- (b) *Site cleanliness plans.* The director of the department of public works may require a site cleanliness plan for any premises in the city; and all Non-Residential units must provide the city with a site cleanliness plan
- (1) The person responsible for any premises subject to a site cleanliness plan shall file it in writing with the director of the department of public works on a form approved by him/her. The plan shall contain:
 - (a) the address and specifications regarding the site on which solid waste and recycling collection for the premises will take place.
 - (b) the location of solid waste and recycling receptacles in relation to adjacent structures,
 - (c) the type and licenses of all solid waste and recycling receptacles
 - (d) the name and contact information of the licensed solid waste and recycling haulers responsible for removal
 - (e) contain a regular weekly schedule, by days and hours, of solid waste and recycling collection.
 - (f) A similar schedule shall be provided for cleaning and maintaining the site of the solid waste containers, and any immediately adjacent sidewalk or public way from litter, rubbish and solid waste.

(g) A dumpster shall be the preferred solid waste receptacle unless it is impractical, or unnecessary for the projected volumes of municipal waste as determined by the Director or his designee.

(2) If the director of the department of public works determines that the site maintenance is adequate to keep the site free from litter, and that the requirements for recycling as established by Section 30 ¾ - 13 have been met, he/she shall approve the plan. The director may consult with the director of the department of public health and the director of the building division of the Livable City Initiative in making this determination.

(3) All plans shall be filed by July 1, 2010 and updated annually.

(4) All changes must be reported to the Director within 30 calendar days.

(b) *Dumpsters, waste and recycling receptacles:*

(1) No dumpster may be placed or installed on any site in the city's right of way unless the person responsible for it has obtained an obstruction permit for it from the director of the department of public works or his/her designee. Such permit may be issued upon the payment of a fee, if any, as authorized, established and amended from time to time by the board of aldermen. Additionally, the dumpster must bear a license issued by the director of the department of public works or his/her designee as required by this section. No permit for a dumpster obstruction shall be issued unless the applicant provides the following written information on a form approved by the director of the department of public works or his/her designee:

(i) The address and a plan of the site on which the dumpster will be located, showing the location of the dumpster in relation to any structure on the site and on adjacent sites;

(ii) The site owner's name, address and telephone number;

(iii) The name, address and telephone number of the responsible person if the owner does not manage the site;

(iv) The name, address and telephone number of the person purchasing the dumpster service;

(v) The name, address and telephone number of the company which provides the dumpster; and

(vi) The name, address and telephone number of the company which empties the dumpster, if the provider does not empty it.

(2) No commercial waste or recycling receptacle may be placed or installed on any site in the city unless it is affixed with the name and contact information of the hauler and the hauler responsible for it has obtained a permit for it from the director of the department of public works or his/her designee. Such permit may be issued upon the payment of a fee, as established by Section 17-129## of this Code. Additionally, the waste or recycling receptacle must bear a number issued by the director of the department of public works or his/her designee in conjunction with the permit.

(3) If the director of the department of public works or his/her designee determines that the above information is accurate, he/she shall issue a permit for a dumpster, waste or recycling receptacle on the site upon payment of a fee, if any, as established, authorized and amended from time to time by the board of

aldermen. The permit shall be conditioned upon the compliance with the activities specified in such cleanliness plan. Nonperformance of any of the activities specified in the site cleanliness plan shall be a violation of the permit and of this section.

(4) All dumpsters, including, but not limited to, those transporting debris or solid waste within the city, must be covered at all times.

(c) *Regulations.* The director of the department of public works or his/her designee may establish regulations pertaining to the matters of this section from time to time.

(d) *Penalties:*

(1) Violation of this section shall be punishable by a fine up to the maximum amount authorized by state statutes or this Code per day for each noncompliance.

(2) The director of the department of public works has sole discretion in determining whether a violation is punishable by revoking the approval of the site cleanliness plan, and/or any permits and licenses issued under this section.

(Code of 1985, § 16-19; Ord. of 10-17-88; Ord. No. 1407, 3-6-06)