Chapter 94: Solid Waste, Recycling, Hazardous Waste

[HISTORY: Adopted by the Town Council of the Town of Tolland 10-23-1990 by Ord. No. 46. Revised on 11-25-2008 and 6-23-09 and 12-08-09 and 2-14-12 and 9-11-12. Amendments noted where applicable.]

ARTICLE I – General Provisions

§ 94-1. Purpose.

The purpose of this chapter is to ensure that the accumulation, collection, removal and disposal of solid waste is controlled by the Town in a manner that protects the public health, safety and welfare.

§ 94-2. Definitions.

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

ASHES — The residue of the combustion of any type of solid fuel, such as wood, coal, coke, charcoal or like substances.

BAGS — Sacks designed for refuse with sufficient wall strength to maintain physical integrity when lifted by the top, securely tied at the top for collection, with a capacity not to exceed 30 gallons and a loaded weight not to exceed 35 pounds.

BUILDING OR CONSTRUCTION DEBRIS — Materials resulting from the construction, alteration or repair of structures and consisting of plaster, metal, brick, concrete, lathing, roofing, earth, structural members and like material.

BULKY WASTE — A large appliance, piece of furniture or waste material from a residential source other than hazardous waste, with a weight or volume greater than that allowed for containers, such as box springs, furniture, tree limbs, mattresses, drum containers, motor vehicle parts, motor vehicle and motorized equipment, tires, odd pieces of construction debris, toys, appliances, etc. normally not heavier in weight than that which can be lifted comfortably by one person.

COLLECTION — The act of collecting solid waste at the place of waste generation by an approved, licensed solid waste collector and is distinguished from removal.

COLLECTION VEHICLE OR EQUIPMENT — Any vehicle or equipment used in the collection of residential refuse or commercial solid waste.

COMBUSTIBLE WASTES — Those wastes which have a low flash point or explosive potential, such as rubber dust or shreds, paints, oils and other flammable liquids, etc. In any case of dispute, the ruling of the Fire Marshal shall be final.

COMMERCIAL CONTAINER — Each container or bin of one cubic yard or more placed for use at a business, commercial location, residence, apartment building or construction site. Each "commercial container" shall be identified with the name and telephone number of the solid waste collector servicing the container or bin.

COMMERCIAL SOLID WASTE HAULER — Any person, firm or corporation whose principal business activity is collecting, picking up and/or transporting solid waste and/or recyclables and depositing or dumping the same at the designated disposal site by means of a vehicle or vehicle capable of hauling said materials.

CONDOMINIUM — Any common interest community in which the units are used for dwelling or

associated recreational purposes. "Condominiums" shall not include apartments, cooperatives, commercial or other forms of non-residential ownership.

DECLARANT — As defined in Section 47-68a or 47-202 of the Connecticut General Statutes as it shall be amended from time to time.

DIRECTOR — The Town Manager or his designee of the Town of Tolland who shall also serve as the recycling coordinator.

DISPOSAL SITE — The disposal site(s) for solid waste emanating from Tolland shall be a site(s) that the Town operates or contracts to use.

GARBAGE — Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food and including food containers.

HAZARDOUS WASTE — Waste designated as hazardous by the United States Environmental Protection Agency, appropriate state agency or by the Town of Tolland.

HEALTH OFFICER — The duly appointed Director of Health or his/her designated agent.

INDUSTRIAL WASTES — The refuse that accumulates on or upon the land used for manufacturing, industrial, wholesale and slaughtering purposes. Collection of such materials will not be the responsibility of the Town.

NUISANCE — Any condition which, in the judgment of the Town of Tolland Health Officer, constitutes or could constitute a threat to the public health, including but not limited to those conditions specifically listed in Section 19-13-B1 of the State of Connecticut Public Health Code.

PERSON — Any individual, commercial solid waste hauler, institution, public or private corporation, partnership, association or any other entity, public or private, however organized.

PREMISES — Any dwelling, house, building or other structure and the real property located thereon.

PROCESSING FACILITY — A place or facility where solid waste materials are sorted, crushed, cleaned or otherwise processed prior to final disposal or recovery.

RECYCLABLES — Any item or items that are part of the solid waste stream which are defined herein or by state statute or regulation as being recyclable, including but not limited to the following:

A. CARDBOARD — Non-waxed corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.

B. GLASS FOOD CONTAINERS — A glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption, which are rinsed clean, without tops, covers, corks or food remains.

C. METAL FOOD CONTAINERS — Any aluminum, bimetal, steel, tin-plated steel or other metallic can and aerosol cans (without hazardous waste contents), plate or tray of any size or shape used to package food products suitable for human or animal consumption, which are rinsed clean, and without food remains.

D. PLASTICS — Numbers 1 through 7 plastics are presently collected as recyclables. Items should be rinsed clean and placed within the recycling container.

E. SCRAP METAL — Used or discarded items which consist predominately of ferrous metals, aluminum, brass, copper, lead aluminum, tin, nickel or alloys thereof, including but not limited to metal food containers.

F. STORAGE BATTERY — Lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.

G. NEWSPAPER — Used or discarded newsprint which is free of contamination by food or

other material. Newspapers and newspaper advertisements, supplements, including magazines such as Parade or Northeast, comics, enclosures and other newspaper inserts are included.

H. WASTE OIL — Crankcase oil that has been utilized in internal combustion engines. It must be placed in clean, leak-proof plastic containers with covers or tops and taped shut. Mark oil on container.

I. WHITE GOODS — Stoves, freezers, refrigerators, dishwashers, air conditioners, washing machines, television sets and other major household appliances or fixtures.

RECYCLE — To separate or divert an item or items from the solid waste stream for the purposes of processing it or causing it to be processed into an order to provide for disposition of the item or items in a manner, other than incineration or landfilling, which will best protect the environment. On July 1, 2009 Tolland implemented single stream recycling which allows for all recycling to be commingled into one container, unless otherwise noted in this chapter. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner. Grass Clippings, leaves and similar garden or yard wastes are not considered refuse and may not be disposed of in the weekly trash pick, but rather a recyclable that homeowners must dispose of by composting. These materials are not collected by the Town of Tolland.

RECYCLING CONTAINER — An approved container designed for use in the collection of the recycling generated from Residential units within the Town of Tolland. Containers may be 35, 65 or 95 gallon wheeled totes (standard size effective 9/11/12 is 95 gallons). The Town will provide one container per single family home, two per duplex or home / in-law apartment combination which shall remain the property of the Town. In no case shall, the Town's Solid Waste Hauler pick up more than one container per single family home, or 2 from a duplex or home / in-law apartment combination. Multi-family apartments are required to provide independent recycling services as would other Non-Residential uses.

REFUSE CONTAINER – An approved container designated for use in the collection of the refuse generated from Residential units within the Town of Tolland. Containers may be 65 or 95 gallon wheeled totes. The standard size effective 9/11/12 is 65 gallons. The Town will provide one container per single family home, two per duplex or home / in-law apartment combination which shall remain the property of the Town. Homeowners may opt to purchase a single additional container at their cost. Effective 9/11/12, except stated below, the Town's Solid Waste Hauler shall pick up one container per single family home, or 2 from a duplex or home/ in-law apartment combination. Those residents who prior to 9/11/12 had two containers per single family home or 4 from a duplex or home/in law apartment combination will be grandfathered and still receive pick-up for the remaining useful life of those additional purchased containers. Multi-family apartments are required to provide independent solid waste services as would other Non-Residential uses.

REFUSE — Discarded waste materials in a solid or semi-liquid state consisting of garbage, rubbish, or a combination thereof.

REMOVAL — The act of taking solid wastes from the place of waste generation, either by a licensed solid waste collector or by a person in control of the premises.

RUBBISH — Non-putrescible solid wastes consisting of combustible and non-combustible materials, excluding yard and garden wastes.

SCAVENGE — To salvage from discarded recyclables, refuse or other solid wastes.

SOLID WASTE — Unwanted or discarded materials, including solid, liquid, semi-solid or contained gaseous material. This is an all-encompassing term, including but not limited to garbage, rubbish, recyclables, bulky waste and other separately identified waste streams.

SOLID WASTE COLLECTOR — A person or firm who has been issued a license pursuant to this chapter by the Town of Tolland to collect refuse and recycling generated from a non-residential use within the Town of Tolland.

SOLID WASTE HAULER – the company under contract with the Town of Tolland to collect residential and municipal solid waste and/or recycling.

TOWN — The Town of Tolland and/or its offices, employees or agents.

TOWN COUNCIL — The Tolland Town Council.

TOWN MANAGER — The Tolland Town Manager.

TRANSFER STATION — An area designated by the Town for the assembly and transshipment of recyclable materials.

VANDALISM – The willful or malicious destruction or defacement of public or private property.

YARD WASTE — Grass cuttings, leaves and similar green or yard waste are not collected by the Town and must be composted by individual property owners.

ARTICLE II – Enforcement; Violations; Penalties for Offenses

§ 94-3. Containers to be maintained.

All persons occupying or maintaining any premises within the Town where refuse and/or recycling is created, produced or accumulated shall maintain sufficient refuse and/or recycling containers for receiving and holding all refuse which is produced, created or accumulated on such premises in accordance with these regulations. Recyclables shall be placed in a separate container as provided in § 94-22 and 94-27 of this chapter.

§ 94-4. Nuisance abatement - waste removal.

No person shall accumulate, store or require the storage or handling of solid waste in such a manner so as to promote the propagation, harborage or attraction of vectors or so as to create a nuisance. Allowing refuse to accumulate may subject a property owner, agent or tenant to a citation for violation of this chapter and the Public Health Code of the State of Connecticut.

§ 94-5. Prohibited activities.

A. Public places. No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within the Town except in proper containers or otherwise properly prepared for collection or under express approval granted by the Director. No person shall throw or deposit any refuse in any stream or other body of water.

B. Accumulation of refuse. Any uncontained accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any uncontained accumulation of refuse within two days after written notice from the Director to remove the same shall be deemed a violation of this chapter.

C. Scattering of refuse. No person shall cast, place, sweep or deposit anywhere within the Town any refuse in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, sewer, parkway or other public place or into any occupied premises.

§ 94-6. Scavenging.

Scavenging of any recycled materials and metals are expressly prohibited.

§ 94-7. Responsibilities of Director.

The Director shall administer the licensing of any solid waste collector engaged in the collection and transportation of solid waste in Town. He shall be considered the municipal recycling coordinator to receive notice of violations, monthly reports, etc.

§ 94-8. Promulgation of rules and regulations.

The Town Council may promulgate regulations and the Town Manager may promulgate additional rules on all collection and disposal procedures from time to time as he deems proper, but such rules shall not be inconsistent with this chapter.

§ 94-9. Combining waste; segregation.

A. Unlawful combination. It shall be unlawful to combine recyclables or hazardous wastes with refuse.
B. Unlawful mixing. The Town, its agents and licensed collectors, when they discover unlawful mixing of solid wastes, shall not pick up such waste, but shall affix a decal or tag to any container that is not emptied identifying the violation.
C. Responsibility. It shall be the responsibility of the offending party to properly segregate the uncollected waste and either store or dispose of it.

§ 94-10. Failure to recycle.

Failure to recycle is a violation of this chapter.

§ 94-11. Enforcing agent.

The Town Manager, the Town Health Officer and the Director or their designated agent(s) are hereby specifically required to enforce the provisions of this chapter and shall have the right to enter any and all premises for the purpose of determining whether provisions of this chapter are being conformed with. Any person denying or obstructing such entry shall be in violation of this chapter.

§ 94-12. Inspections.

A. All solid waste and recycled material is subject to inspection from the time it is placed at the curb or in a dumpster, through and including the time it arrives at its ultimate disposal area.
B. Said inspections may be carried out by the Director of Health or his or her designated agent; or an agent designated as such by the Town Manager.
C. The commercial solid waste hauler responsible for pickup of a particular load of refuse or recyclables may inspect said refuse and recyclables at curbside or in dumpsters for the purpose of determining proper separation of waste streams as set forth in this chapter.

§ 94-13. Notices.

An informational or warning notice shall be given orally or in writing whenever any provision of this chapter or the State Department of Environmental Protection Regulations is ignored by any person, partnership, firm, corporation or association.

§ 94-14. Refusal to collect.

Where the spirit or letter of any provision of this chapter or regulations of the State Department of Environmental Protection are ignored, the Town of Tolland or its agent reserves the right to refuse to collect or allow disposal of garbage, rubbish, bulky waste or recyclables.

§ 94-15. Penalties for offenses.

Any person who shall violate any provision of this chapter or any provision of any regulation adopted by resolution of the Town Council pursuant to the authority granted by this chapter shall be punishable by a fine and each failure to comply shall constitute a separate violation. Refer to Article V for a summary of these fines.

§ 94-16. Prior actions.

Nothing in this chapter shall be deemed to invalidate any action taken regarding any forfeiture or revocation prior to the effective date of this chapter.

ARTICLE III – Residential Waste

§ 94-17. Household refuse.

One 95 gallon wheeled tote refuse container has been provided by the Town of Tolland for each residence which shall remain the property of the Town of Tolland and shall be used and maintained in working order by the property owner as part of the town-wide program. The standard size effective 9-11-12 is 65 gallons. No more than one container will be picked up for each household, except those residents who prior to 9/11/12 had two containers per single family home or 4 from a duplex or home/in law apartment combination will be grandfathered and still receive pick-up for the remaining useful life of those additional purchased containers. Only approved containers may be used. For refuse container(s) to be emptied, the lid must be in a down position and a recycling container (lid down) is also present curbside on a consistent basis. Consistent basis is at least once a month. The solid waste hauler shall provide written notification to the Town which homeowners they have documented are not on a consistent basis placing a recycling container curbside, prior to refusing to empty their refuse container. Collection of household refuse and recycling shall be done weekly. The Director shall determine and provide public notice of the schedule for collecting all solid waste as defined herein. Refuse Containers that are damaged through negligence, vandalism or normal wear and tear shall be reported by the homeowner to the solid waste hauler. Cost for such repair or replacement shall be the homeowner's responsibility, unless other arrangements are made by the solid waste hauler. Containers damaged by the solid waste hauler's operations will be repaired or replaced by the solid waste hauler. Refuse Containers that are stolen shall be the responsibility of the homeowner to replace.

§ 94-18. Container placement.

Refuse and recycling containers maintained as provided herein shall be located on the property or premises of the person producing such refuse outside of the public right of way for any street, in such areas so as to be secure and free from the potential for damage due to weather, accident or vandalism. Containers placed 'curbside' for collection shall be located approximately 18" away from the road edge not earlier than 24 hours prior to the day before the appointed collection day. Emptied refuse and recycling containers shall be removed from 'curbside' the same day of collection to a location on the subject property where the unit is away from the road area and/or not directly visible from the road. At no time shall the container placement restrict or interfere with

the free flow of traffic and pedestrians on the public way or public sidewalk. During times of inclement weather, containers shall be removed from curbside as soon as possible.

§ 94-19. Ownership of refuse.

A. All refuse and other solid waste materials, excluding materials for recycling, upon being removed by a solid waste collector from the premises where produced or accumulated, shall become and be the property of the solid waste collector. Upon being deposited in a designated transfer, processing or disposal facility, said materials shall forthwith become the property of the owner of such facility.

B. Recyclables, upon being removed from the premises where produced or accumulated, shall become and be the property of the Town.

§ 94-20. Other refuse.

A. Handling of trimmings and brush. Large trimmings and brush shall be tied in bundles of not more than three feet in length and shall not exceed 35 pounds in weight. This is a Bulky Waste item.

B. Loose material. The Town shall not be obligated to collect any loose materials.

C. Numbers 1 through 7 plastics are presently collected as recyclables. Items should be rinsed clean and placed within the recycling container.

D. Lawn clipping, leaves and similar garden or yard wastes are prohibited from the household waste, recyclables and bulky waste collections and should be composted on the property of origin. Placement of these materials in any street, alley or other public space is hereby declared to be a nuisance and is prohibited. Failure to remove any such material within two days after written notice from the Director to remove the same shall be deemed in violation of this Chapter.

E. Hazardous Wastes are prohibited from the household, recycling and bulky waste collection program and must be taken to the MidNEROC Chemical Waste Drop-Off Facility at 57 Hancock Road, Willington in a manner and at a time as prescribed by this facility. Contact this facility for a list of current accepted and not accepted items.

F. Electronic Devices (E-Waste) such as computer monitors, CPU's and televisions are currently considered Household Refuse or bulky waste depending on the size and weight of the item however proposed state regulations expected to be effective on March 2010 will require that these be removed from the refuse category and considered recyclables. These regulations will be revised as needed to comply with that change.

§ 94-21. Non-conforming containers.

Containers not conforming to the above requirements or which may be a sanitary or accident hazard may be left unemptied and the occupant of the premises notified.

§ 94-22. Recycling containers.

A. All recyclables set out for collection by private homes shall be placed in Recycling Containers, unless otherwise noted.

B. The Town provided one 65 gallon Recycling Container to each private home. The standard size effective 9-11-12 for new or replacement recycling containers is a 95 gallon unit.

Containers that are damaged through negligence, vandalism or normal wear and tear shall be reported by the homeowner to the solid waste hauler. Cost for such repair or replacement shall be the homeowner's responsibility, unless other arrangements are made by the solid waste hauler. Containers damaged by the solid waste hauler's operations will be repaired or replaced by the solid waste hauler. Recycling Containers that are stolen or damaged beyond repair by vandalism shall be the responsibility of the homeowner to replace, unless a police report is filed by the homeowner and a copy provided to the Town. If a police report is filed by the homeowner, then the stolen or damaged beyond repair by vandalism Recycling Container will be replaced at no cost to the homeowner.

C. Said container shall remain the property of the Town.

D. Replacement containers shall be purchased from the Solid Waste Hauler.

E. Recycling containers must be present on a consistent basis (at least one a month) at the curbside, as determined by the solid waste hauler, for refuse containers to be emptied.

§ 94-23. Separation requirements.

Collection of recyclables shall be done weekly. All recyclables shall be separated from solid waste materials in the following manner:

A. Glass food containers and metal food containers may be mixed together in the recycling container after they are rinsed and cleaned.

B. Newspaper and corrugated cardboard must be placed loose in the recycling container with cardboard boxes flattened.

C. Numbers 1 through 7 plastics are presently collected as recyclables. Items should be rinsed clean and placed within the recycling container.

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D.. Wet cell storage batteries from automobiles may be placed beside the recycling container with caps secure.

E.. No non-recyclables, including plastic bags, shall be placed in said container.

F.. Any other item or items that are part of the solid waste stream which are defined herein or by state statute or regulation as being recyclable shall be separated in a manner determined by the Director.

§ 94-24. Monthly Bulky Waste Collection shall be done the first full work week of the month on the same day as the household refuse collection at curbside. How many months of Bulky Waste Collection per year will be predetermined by the Town on an annual basis. Residents must contact the town's contracted Solid Waste Collector not less than 4 working days in advance of their pickup day to secure this service. Bulky waste items may include furniture, tree parts/shrubbery (no leaves), construction debris (no shingles or full sheetrock), pre-treated lumber, certain electronics, tires (limit of 2 per pick-up), scrap metal/auto parts, waste oil from engines, white goods (stoves, refrigerators, etc.) and large metal toys. See Tolland's current Solid Waste and Recycling Guide for specific permitted items and disposal instructions.

ARTICLE IV – Non-Residential Wastes

§ 94-25. Containers to be provided. The owner of each non-residential premises where solid waste is created or generated shall provide, at a suitable place upon such premises, sufficient receptacles for receiving and holding such solid waste during the intervals between collections.

Refuse containers shall be maintained in good condition, free of holes and fissures and shall be equipped with securely fitting covers and shall be of sufficient size to prevent spillage between collection dates. No person, firm or owner of a non-residential premise shall contract with a Commercial Solid Waste Hauler that does not have a valid Solid Waste collector's permit as set forth in these regulations.

§ 94-26. Commercial food refuse.

Commercial food refuse shall be drained, free of liquids and placed in a watertight, vermin-proof metal or non-brittle plastic receptacle with a tight lid. The persons having custody or control of premises used for business purposes from which refuse is offered for collection shall see that the same is placed at the side of the nearest public road not more than two hours before the scheduled time of collection for said road in such containers and bundles as are herein described and in such a manner that said containers and bundles do not constitute a travel or health hazard or nuisance of any sort, and after said containers have been emptied, they shall be removed from the side of the road within one hour after the materials therein have been collected. Alternatively, commercial food refuse containers may be large covered containers designed to be mechanically emptied into a refuse truck.

§ 94-27. Dumpsters.

Multi-family dwelling apartment units and each commercial, industrial or other non-residential entity shall provide or shall require its solid waste collector to provide separate dumpsters or other collection containers for refuse and for recyclables accumulated on the premises. Any non-residential entity who is not collecting recyclables as defined in § 94-28 in separate containers from refuse within two days after written notice from the Director shall be deemed to be in violation of this Chapter.

§ 94-28. Separation requirements.

All recyclables shall be separated from solid waste materials in the following manner:

A. Glass food containers and metal food containers may be mixed together in the recycling container.
B. Newspaper and corrugated cardboard.
C. Number 1 and Number 2 plastic are presently collected as recyclables. Items should be rinsed clean and placed within the recycling container.
D. No non-recyclables, including plastic bags, shall be placed in said container.
E. Any other item or items that are part of the solid waste stream which are defined herein or by state statute or regulation as being recyclable shall be separated in a manner determined by the Director.

§ 94-29. Reports of tonnage.

All commercial and business establishments and other waste generators that have recyclables collected by a privately contracted solid waste collector shall submit directly or through their permitted solid waste hauler written reports of tonnages recycled by material every month to the Director.

§ 94-30. Ownership of refuse.

All refuse and other solid waste materials, including materials for recycling, upon being removed by a solid waste collector from the premises where produced or accumulated, shall become and

be the property of the solid waste collector. Upon being deposited in a designated transfer, processing or disposal facility, said materials shall forthwith become the property of the owner of such facility.

§ 94-31. Refuse to be tied and covered.

Refuse hauled by any person over any road in the Town shall be securely tied or covered during the hauling thereof. No person shall allow refuse to leak, spill, blow off or drop from any vehicle on any road. No newspaper or other solid waste, clean or otherwise, shall be set out, stored or transported in such a fashion as to cause it to blow away, become a hazard to public travel or safety or otherwise create a public nuisance.

§ 94-32. Permit required.

A. Solid Waste Collector's Permit. No person shall use any vehicle for collecting, hauling or transporting solid waste collected in the Town on any public road within the Town without first obtaining a Solid Waste Collector's Permit from the Director; it being the intent of this article to prohibit any person from hauling garbage, rubbish, debris and solid waste for hire over Town roads without obtaining a vehicle permit pursuant to this chapter.

B. Permit fees; permit numbers. The Town Council shall, by resolution, set fees for Solid Waste Collector's Permits. Each person shall file with the Director, in writing, on a form furnished and approved by the Director, such information as he may deem necessary in the issuing of a permit for each vehicle proposed to be used.

§ 94-33. Permit applications; fees; investigation.

A. Applicants for a new or renewed solid waste collector's permit issued pursuant to this chapter shall file with the Director a verified application, in writing, on a form furnished and approved by the Director, which shall have the following information as a minimum:
   (1) The name and a description of the applicant.
   (2) The permanent home and business address and full local address of the applicant.
   (3) The trade and firm name.
   (4) If a joint venture, a partnership or limited partnership, the names of all partners, their percentage of participation and their permanent addresses; if a corporation, the names and permanent addresses of all the stockholders and the officers and the percentage of participation of each.
   (5) The names/locations of the designated transfer station, processing facility or disposal area that the applicant will utilize for the disposal of all solid waste collected and transported by him. (Said name/location is to be acceptable to the Director and in conformance with § 94-40 herein.)
   (6) A statement that the applicant's vehicles and equipment conform to all applicable provisions of this chapter.
   (7) A current list of non-residential accounts, including physical location of collection points, contact name, address and phone numbers for each customer. This list shall be amended as needed to keep it current throughout the permit term.
   (8) Certification that the applicant has adequate liability insurance and that the Town of Tolland is named as an additional insured on the policy.

B. Filing fee. All applications shall be accompanied by a filing fee for each application for the issuance of a new permit, the renewal of an existing permit or the modification of an existing permit as detailed in Article V of these regulations.

C. Application investigation. The Director shall conduct such investigation of each application as he shall deem necessary so as to be able to recommend to the Town Manager whether said application should be granted in whole, in part or denied. Such recommendation shall include the Director's findings, based on the information contained in the application submitted and the applicant's relevant municipal solid waste collection experience, concerning the ability of the applicant to properly perform the service proposed and to conform to the provisions of this chapter and the rules and regulations of the Town and his conclusion as to whether the proposed service is or will be required by the present or future public convenience and necessity.

§ 94-34. Application approval.

A. Upon receipt of the recommendations of the Director, the Town Manager may approve, either in whole or in part, or conditionally approve the application, upon finding that:
   (1) The applicant is able to properly perform the services proposed and to conform to the requirements of this chapter and the rules and regulations of the Town.
   (2) The proposed service is or will be required by the present and future public convenience and necessity.

B. Upon approval or conditional approval, the Director shall issue the appropriate permit. In the event that either required finding is not made, the application shall be denied.

§ 94-35. Permit longevity.

All collection permits issued under this chapter shall be effective starting January 1, 2009 for a two year period unless otherwise provided or revoked or suspended. Renewal of permits shall likewise be for a two year period. All present collectors must apply for new permits as provided for herein or be in violation of the provisions of this chapter.

§ 94-36. Transferability.

No permit granted pursuant to the provisions of this chapter shall be sold, transferred, leased, assigned, mortgaged, pledged, hypothecated or otherwise encumbered or disposed of, in whole or in part, directly or indirectly, whether voluntarily or by operation of law or any stock transfer, transfer in trust, change in control, consolidation or merger, without the prior written consent of the Town Manager. The Town Manager may grant or deny such a request and may impose such conditions as he may deem to be in the public interest. Any disposition made without such consent shall constitute good cause for revocation of the affected permit.

§ 94-37. Suspension; revocation.

Any permit issued under the provision of this chapter is a privilege not a right. It may be suspended, canceled or revoked on 10 days' written notice mailed to the last business address of the permittee as furnished to the Director. The notice to the permittee shall be transmitted certified mail, return receipt requested, upon the following:

A. Any permittee fails or refuses to comply with the provisions of this chapter or the applicable rules and regulations of the Town, including depositing recyclables or refuse in other than authorized facilities.

B. The permittee has assigned, either voluntarily or by operation of law, any permit issued hereunder without the prior written approval of the Town Manager.

C. The Director finds that the vehicles used or proposed to be used by the permittee for the collection and transportation of solid waste are insufficient, unfit, violate the provisions of this

chapter, violate state health code requirements or violate the Town regulations adopted in accordance with this chapter.

§ 94-38. Records.

All permittees under the provisions of this chapter shall keep and maintain such records as the Town Manager may require to ascertain the extent of compliance with this chapter and shall make the financial or business records of the permittee's operation available for inspection by the Town Manager if so requested.

§ 94-39. Vehicle requirements.

A. Vehicle identification. Each vehicle shall be marked with the company name prominently displayed.
B. Vehicle equipment. Each vehicle hauling solid waste in the Town under permit shall carry at least a shovel, broom and fire extinguisher.
C. Construction and maintenance of vehicles and containers. All vehicles registered to collect and transport solid waste shall be maintained free of obnoxious odors and accumulated solid waste. Any such vehicle shall be of a closed construction. A container utilized primarily for non-liquid solid waste need not be of watertight construction, but shall be completely enclosed.

§ 94-40. Place of delivery.

Each solid waste collector shall deliver all solid waste collected within the territorial limits of the Town to such place or places as the Town may from time to time designate.

§ 94-41. Compliance with other regulations.

Transportation and handling of solid waste shall be carried out in accordance with all federal and state laws and regulations, including but not limited to the Public Health Code of the State of Connecticut as it shall be amended from time to time.

ARTICLE V – Fines and Fees

§ 94-42. Fines.

Consistent with the Town Council resolution of October 23, 1990, the Solid Waste Ordinance fines shall be:

A. Any person violating the provisions of this ordinance shall be fined an amount not to exceed ninety ($90.00) dollars. Each failure to comply shall constitute a separate violation.

B. Any commercial Solid Waste Collector violating any provisions of this ordinance shall be fined an amount not to exceed five hundred ($500.00) dollars. Each failure to comply shall constitute a separate violation.

§ 94-43. Fees.

Solid Waste Ordinance fees shall be:

A. An application filing fee for a new or renewed Solid Waste Collector's Permit is six hundred ($600.00) dollars.

B. A revised application filing fee for a Solid Waste Collector's Permit is sixty ($60.00) dollars.

C. Solid Waste Collectors performing solid waste collection services for the Town of Tolland are exempt from payment of a Solid Waste Collector's Permit Fee.