

§ 167-12. Frequency of collection.

Collections of community solid waste shall occur at least once per week.

§ 167-13. Duty of residents regarding collection.

All solid waste to be collected by the collector shall be in containers suitable for holding said wastes, with a maximum capacity of 30 gallons and maximum weight of 50 pounds, except that:

- A. Ashes, sawdust and swill are to be put in plastic bags and tied securely.
- B. Garbage in paper bags will not be accepted unless placed in proper containers.
- C. All newspapers and magazines are to be tied in average size bundles.
- D. All cardboard boxes are to be broken apart, folded flat and tied securely.
- E. Each family is limited to two barrels of loosely packed leaves or grass or two bundles of shrubbery securely tied for each pickup or any amount of leaves, grass or clippings, provided that the same are deposited for pickup in large durable plastic bags and tied securely, except for bulk pickup as announced by the Commissioner.
- F. Furniture, appliances, plaster, rocks and large pieces of lumber will not be accepted.

§ 167-14. Duty of commercial establishments regarding collection.

A. Commercial establishments are to use the same type barrels and are subject to the same restrictions as set forth above, with the following limitations:

- (1) Garages are limited to three barrels.
- (2) Grocery stores are limited to three barrels.
- (3) Restaurants, eating establishments and bars are limited to four barrels.

B. Owners of commercial property shall be subject to a fine of \$100 for each violation by themselves or their tenants.

§ 167-15. Placement of containers.

All solid waste containers and other solid waste as specified shall be placed at the shoulder or curb for removal, except that, if any said solid waste cannot be placed at the shoulder or curb, the collector shall not refuse to make collection from the premises providing such solid waste if the owner or occupant thereof desires removal and is willing to pay the collector the reasonable and customary fee for removal from said premises.

§ 167-16. Duty of collector.

All solid waste collected by the municipally authorized collector shall be done in a thorough and clean manner, with containers emptied and replaced with cover in an upright position at the place of removal.

§ 167-17. Condominium-generated trash. [Amended 6-29-1987]

The City of Derby shall pay for the cost of one weekly trash pickup for condominiums within the city, and the City of Derby shall not charge a dumping fee to any trash hauler for the disposal of Derby condominium-generated trash in the Derby landfill. However, the City of Derby shall not pay for nor be responsible for the cost of any additional trash pickups, rental of condominium trash containers or any other cost incidental to the pickup of trash from condominiums within the city.

ARTICLE II, Collection and Recycling [Adopted 3-9-1995]

§ 167-18. Enactment of regulations.

The Board of Aldermen of the City of Derby is hereby authorized to enact from time to time such regulations as it shall deem in the public interest regarding the separation, recovery, collection, removal, storage and disposition of garbage, rubbish and other refuse, including recyclables. Such regulations shall become effective upon publication twice in a daily newspaper having circulation in the City of Derby and shall be immediately posted in a conspicuous place in City Hall.

§ 167-19. Definitions.

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

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

GLASS FOOD CONTAINER -- A glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption.

LEAVES -- The foliage of trees.

METAL FOOD CONTAINER -- An aluminum, bimetal, steel, tin-plated steel or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal consumption.

NEWSPAPER -- Used or discarded newsprint which has a minimum of contamination by food or other material.

OFFICE PAPER -- 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 photocopying, which is suitable for recycling and which has a minimum of contamination.

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 a material product, including the production of compost, in order to provide for disposition of the item or items in a manner, other than incineration or landfilling, which will best protect the environment. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner.

SCRAP METAL -- Used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof, including but not limited to white goods and metal food containers.

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

WASTE OIL -- Crankcase oil that has been utilized in internal combustion engines.

§ 167-20. Powers of Board.

The Board of Aldermen of the City of Derby is authorized to employ or make contracts with individual persons or corporations for the separation, recovery, collection, removal, storage or disposition of garbage, rubbish and other refuse including recyclables.

§ 167-21. Classification of recyclables.

The following material shall be classified as recyclable material and subject to the separation and collection requirements as established in this article:

- A. Newspaper.
- B. Cardboard.
- C. Glass food and beverage containers.
- D. Metal food and beverage containers.
- E. Plastic food and beverage containers.
- F. Waste oil.
- G. Scrap metal.
- H. Storage batteries and nickel cadmium batteries.
- I. Leaves.
- J. Office paper.

§ 167-22. General separation requirements.

A. It shall be mandatory for all residents who are owners, lessees or occupants to separate from other solid waste all recyclables as defined in this article. All recyclables shall be separated from nonrecyclables in the following manner:

(1) All clean and unsoiled newspapers shall be separated from the refuse and other recyclables and piled loose on top of the recycling container or as otherwise specified by the City of Derby and placed at the curb for scheduled pickup. Newspapers shall not be wet or contaminated with food or other waste materials.

(2) All clean and unsoiled corrugated cardboard shall be separated from the refuse and other recyclables, collapsed and flattened and stacked neatly underneath the recycling container at curbside for scheduled pickup. Corrugated cardboard shall not be wet or contaminated with food or other waste materials.

(3) All containers including but not limited to metal and glass food containers and aluminum foil products shall be rinsed and devoid of food products, placed in the recycling container and placed at the curb for scheduled pickup. All labels must be removed from cans and all corks, neck rings, lids or caps must be removed and placed with the refuse.

(4) Leaves and other organic (plant) matter will be picked up by the Public Works Department on a posted schedule.

(5) All storage batteries, used motor oil and vehicle tires generated by residences shall be brought to the transfer facility located on Pine Street, Derby, Connecticut, or as otherwise described by the City of Derby and placed in the marked containers or locations as established by the City of Derby except in the case of storage batteries which may be brought to a local retailer as provided by state law. Used motor oil shall be transported in plastic or metal closed containers and poured into the waste oil tank. Tires shall be placed in the pile provided.

(6) Recyclables from residents shall not be placed in plastic bags for collection, removal or disposal. Recyclables from residences shall not be placed in the same refuse container as or otherwise mixed with solid waste for collection, removal or disposal.

(7) Recyclables shall be separated from other garbage or refuse and placed at the street curb or curblane for collection the morning of the regular refuse collection day as set forth under a schedule determined by the Director of Public Works. Recyclables not handled as specified will not be collected if combined with other garbage and rubbish.

B. No person having custody or control of residential premises from which garbage, rubbish or other refuse, including recyclables, is collected for disposal by the City of Derby shall permit or cause any garbage, rubbish or other refuse, including recyclables, within its custody or control to become a hazard to public travel, health or safety or to become a nuisance of any sort.

§ 167-23. Authorization requirements.

No person engaged in the business of separation, recovery, collection, removal, storage or disposition of garbage, rubbish or other refuse within the City of Derby, except as specifically authorized by the Board of Aldermen of the City of Derby, shall pick up or procure any garbage, rubbish or other refuse deemed recyclable under this article or a valid regulation. This restriction shall also include any independent citizen, resident, taxpayer or person who might engage in such practice for personal gain.

§ 167-24. Reporting requirements.

The following persons or firms must comply with reporting requirements as described herein:

A. All haulers, permitted by the City of Derby, shall submit documentation no less frequently than quarterly on their recycling activities in the form of weight slips or a signed business letter indicating the total amount of each item described in § 167-21 recycled each quarter, the names of those nonresidential multifamily establishments within the city that they service, those contracts not complying with the provisions of this article and any changes made to the system employed for recycling. The first report shall also describe the recycling system utilized by the hauler, in general, including items to be recycled, methods of collection and destination of materials. Reports must be submitted to the City Public Works Director commencing January 1, 1995. Recycling documentation will be due on or before the eighth day of the month following the end of each quarter.

B. Any hauler who has reason to believe that any person from whom he collects garbage has violated the separation requirements detailed in this article shall issue a warning notice (provided by the city) and properly notify the Mayor or his designee of the alleged violation. The hauler shall also assist the town in identifying persons responsible for creating loads with mixed recyclables and solid waste.

C. All haulers and recycling facilities shall report any chapter violation occurring on their route to the Mayor or his designee within 24 hours of the occurrence, including the name of the individual committing the violation and the type of violation involved.

D. It shall be mandatory for all recycling facilities permitted by the City of Derby to submit documentation no less frequently than quarterly on their recycling activities in the form of weight slips or a signed business letter indicating the amounts recycled, those contracts not complying with the provisions of this article and any changes made to the system employed for recycling. The first report shall describe the recycling system utilized by the company, in general, including items to be recycled, methods of collection and projected residue level. Reports must be submitted to the City Department of Public Works commencing on or about January 1, 1995. Recycling documentation will be due on or before the eighth day of the month following the end of each quarter. Those not complying shall be subject to the penalties described in § 1-14. In addition, all recycling facilities shall be required to report monthly concerning the total amount of recyclables obtained from each business in the City of Derby and the amount of residue remaining after recycling has taken place. Such report shall be in the form of certified weight slips or a signed business letter.

§ 167-25. Businesses, multifamily residences, nonresidential establishments, public institutions.

A. All persons who are owners, lessees or occupants of multifamily residences, nonresidential establishments and public institutions and facilities shall establish recycling programs and shall separate from other solid waste or arrange to separate, collect, transport and market all items designated as recyclable, including but not limited to newspapers, glass food containers, metal food containers, office paper, corrugated cardboard, waste oil, storage batteries, leaves, yard waste and scrap tires for recycling. In no case shall such person or firm commingle paper or cardboard recyclables with food waste, garbage or other putrescible waste prior to collection for recycling. All processing, separating and marketing of recyclables must take place at a state-certified recycling facility.

B. All owners of multifamily residences and owners, lessees or occupants of nonresidential establishments and public or private institutions or facilities shall submit yearly documentation of their recycling system on forms provided by the city. The first report shall describe the system in general, including items to be recycled, haulers receiving the materials and frequency of pickup or delivery. Reports must be submitted to the City Department of Public Works commencing March 1, 1995, and every year thereafter by January 1.

§ 167-26. Penalties for offenses.

Any person, hauler or facility violating any provision of this article or the regulations enacted hereunder shall be fined not more than \$99 for each offense. In addition, the City of Derby or its agent reserves the right to refuse to collect garbage, rubbish or other refuse or to allow disposal where the spirit or letter of the chapter or the regulations enacted hereunder is ignored. The Board of Aldermen shall have full discretionary authority in deciding all disputed questions arising under the provisions of this article or the regulations enacted hereunder. Notwithstanding any penalties outlined above, the city may pursue any civil remedies for any damages at common law or statutory law. Each day any such violation shall continue shall constitute a separate offense and shall be punishable as such.

§ 167-27. Inconsistency with other ordinances.

All ordinances or parts of ordinances, resolutions, regulations or other documents inconsistent with the provisions of this article are hereby repealed to the extent of such inconsistency.