

**TOWN OF BETHLEHEM**  
**ORDINANCE AMENDING SOLID WASTE CHAPTER**

**Section 1. Authority**

This ordinance is adopted pursuant to General Statutes sections 22a-220, 22a-220a, 21a-221, 22a-250, 22a-250c, and 7-148(c)(7)(H)(xi), which authorize municipalities to provide for the safe and sanitary disposal of solid waste within their boundaries, to designate where such refuse shall be disposed of, to enter into solid waste contracts, to make laws for the protection of the health and well-being of the public, and to assess such penalties as are necessary for the enforcement thereof.

**Section 2. Amendment to the Code of Ordinances**

That the Code of Ordinances of the Town of Bethlehem, Connecticut, chapter, 113, “Solid Waste”, is hereby amended as follows:

**“ARTICLE I**  
**Refuse Collection and Disposal**

**§ 113-1. Declaration of policy.**

The accumulation, collection, removal and disposal of refuse must be controlled by this municipality for the protection of the public health, safety and welfare. It is consequently found and declared that:

- A. This municipality is authorized by law to regulate the disposition of refuse generated within its boundaries and to collect a charge therefor and to license refuse collectors.
- B. This municipality is also authorized by Connecticut General Statutes sections 22a-220 and 22a-220a to make provisions for the safe and sanitary disposal of solid wastes generated within its boundaries, and to designate where such refuse shall be disposed of.
- C. This municipality has executed the Municipal Solid Waste Disposal and Recycling Services Agreement (“municipal service agreement”) for the disposal of solid waste and acceptable recyclables requiring it to cause all solid waste generated within its boundaries and which meets the contractual standards to be delivered to the disposal company designated by that municipal service agreement. Furthermore, the Board of Selectmen is authorized to enter into such contracts with haulers, disposers, composters, and recyclers as is necessary and convenient to manage and reduce the municipal waste stream, provided however, that any appropriation of municipal funds or multi-year financial commitment of the town is approved by the Board of Finance, and if required, a Town Meeting.
- D. The public health, safety and welfare of this municipality, as well as the protection of natural resources and the environment, will be best served by requiring the delivery of such solid waste to the location or locations determined by the Board of Selectmen from time to time for disposal in accordance with the municipal service agreement.

- E. The enactment of this article is in furtherance of this municipality's regional solid waste management plan.
- F. The Town of Bethlehem strives to reduce the solid waste generated within its borders, while increasing recycling and composting in the reduction of such solid waste. The Board of Selectmen is authorized to, after public hearing and comment, enact a solid waste policy to effectuate this Chapter and to reduce the solid waste generated in the Town of Bethlehem.
- G. A goal of the Town of Bethlehem's policy is to allow residents the options of privately contracting for garbage and recycling to be picked up by private contractors, or bringing garbage and recycling to the Town of Bethlehem Transfer Station.
- H. In order to prevent the accumulation and growth of solid waste, bulky waste, and construction waste in town, one important objective of the Town of Bethlehem's policy is to prevent the importation of solid waste, bulky waste, and construction waste from outside of the Town of Bethlehem for hauling, disposal, or processing in town.

**§ 113-2. Definitions.**

The following terms shall have the following meanings for the entirety of this Chapter:

**BULKY WASTE(S)** — As defined in § 113-6 of this Chapter.

**CONTRACTUAL STANDARDS** — For solid waste delivered to the disposal company under the municipal service agreement, the “contractual standards” are as follows: It must be solid waste emanating from within the corporate boundaries of this town, and must be acceptable solid waste as provided by the municipal service agreement. Such solid waste must not include any hazardous waste and shall comply with all standards of acceptable solid waste provided by the municipal service agreement.

**CONSTRUCTION AND DEMOLITION WASTE** — Means the waste building materials or packaging resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, and other structures, excluding asbestos, clean fill as defined in regulations adopted under section 22a–209 of the general statutes, or solid waste containing greater than de minimis quantities, as determined by the commissioner of environmental protection, of (A) radioactive material regulated pursuant to section 22a–148 of the general statutes, (B) hazardous waste as defined in section 22a–115 of the general statutes, and (C) liquid and semi-liquid materials including but not limited to adhesives, paints, coatings, sealants, preservatives, strippers, cleaning agents, oils and tars.

**DISPOSAL CHARGE** — That amount of money to be charged for each ton of solid waste delivered to the disposal company named in the municipal service agreement as established by the procedures authorized in that agreement.

**DISPOSAL COMPANY** — The company designated to perform solid waste and recycling disposal services by the municipal service agreement.

**HAZARDOUS WASTE** — Pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic and other hazardous wastes which, according to federal, state or local rules or regulations from time to time in effect, require special handling in their

collection, treatment or disposal, including, as defined in General Statutes section 22a-115, those regulated under 42 U.S.C. §§ 6921 to 6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

**LAND CLEARING DEBRIS** — Means trees, stumps, branches, or other wood generated from clearing land for commercial or residential development, road construction, routine landscaping, agricultural land clearing, storms, or natural disasters. Firewood for heating purposes shall be excluded from this definition.

**MUNICIPAL SERVICE AGREEMENT** — The municipal solid waste and recycling disposal agreement by and between the Town of Bethlehem and USA Hauling and Recycling, Inc., or any successor agreement thereto with any disposal company.

**SOLID WASTE** — Unwanted or discarded materials consistent with the meaning of that term pursuant to C.G.S. section 22a-260(7), excluding semisolid or liquid materials collected and treated in a sewerage system.

**UNACCEPTABLE WASTE** — Shall have the same definition as in the municipal service agreement.

**YARD TRIMMINGS** — Means leaves, grass clippings, weeds, branches up to one (1") inch in diameter and prunings from yards or gardens.

### **§ 113-3. Designation of waste disposal site.**

Pursuant to C.G.S. Title 22a, as amended, the legislative body hereby designates that the disposal sites designated by the municipal service agreement shall be the area where solid waste meeting contractual standards generated within the boundaries of the Town of Bethlehem by residential, business, commercial or other establishments shall be disposed. On and after the effective date of this article, each person collecting any solid waste meeting contractual standards generated within the boundaries of this municipality shall deliver all such waste to the location or locations determined by the Board of Selectmen from time to time.

### **§ 113-4. Penalties for offenses.**

Any person violating the terms of this article shall be fined not more than \$100 for each offense, in addition to any other penalty imposable hereunder. Hearings pursuant to such fines shall be held in a manner consistent with Connecticut General Statutes section 7-152c. The Town shall have the authority to enforce the provisions of this Article through any remedy it may possess at law or in equity, including but not limited to, declaratory judgment, injunction, temporary restraining order, or other such means

**ARTICLE II**  
**Bulky Waste**

**§ 113-5. Compliance required.**

The Town of Bethlehem acting herein by its legislative body, the Town Meeting, and in accordance with C.G.S. sections 22a-220 and 220a, ordains that, after the effective date of this article, bulky wastes generated within the Town of Bethlehem shall be disposed of as provided for in this article.

**§ 113-6. Definitions.**

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

**BULKY WASTES —**

- A. Noncombustible construction materials and demolition debris, including structural steel, structural shapes and the like.
- B. Oversized or overweight waste, as determined by the municipal service agreement or as determined by the Board of Selectmen.
- C. Any item which, in the sole discretion of the disposal company, is not readily processible due to size or weight. These items may include but are not limited to the following: appliances, auto parts, cabinets, box springs, furniture and the like.
- D. Any waste defined as "bulky wastes" by the municipal service agreement.

**§ 113-7. Authority of Selectmen.**

The Board of Selectmen shall have the authority to:

- A. Designate a bulky waste disposal site either within or outside the boundaries of the Town of Bethlehem.
- B. Implement a fee schedule for the disposal of bulky wastes, which fees shall be established in relation to the Town's cost for transportation and disposal at the designated site.

**§ 113-8. Construction waste.**

- A. Tree stumps, logs of one foot in diameter or greater and boulders generated during the course of new construction or reconstruction shall not be permitted in the landfill or designated site.
- B. Commercial/contractor construction and demolition waste in roll-off containers or in amounts greater than five cubic yards shall be hauled directly to the designated disposal area at no expense to the Town.

**§ 113-9. Penalties for offenses.**

Violation of this article by any person, firm or corporation shall be punishable by fines of not more than \$100 or, if greater, not more than the maximum allowed by the Connecticut General Statutes. Each occurrence or, if applicable, each day such a violation occurs shall constitute a separate violation. Hearings pursuant to such fines shall be held in a manner consistent with Connecticut General Statutes section 7-152c. The Town shall have the authority to enforce the provisions of this Article through any remedy it may possess at law or in equity, including but not limited to, declaratory judgment, injunction, temporary restraining order, or other such means.

ARTICLE III  
**Recycling**

**§ 113-10. Statutory authority; purpose.**

Pursuant to Public Act 90-220 (C.G.S. section 22a-220 et seq.), the following article requires the separation of recyclable materials from other solid waste.

**§ 113-11. Definitions.**

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

MUNICIPAL DROPOFF CENTER — The site located at 409 Main Street South, Bethlehem, Connecticut, or such other site or sites designated by the Board of Selectmen for the delivery of recyclables collected within the Town.

RECYCLABLES — Those items designated by the municipal services agreement, or designated by the Board of Selectmen in accordance with § 113-14(C) of this Article, for segregation from the municipal solid waste stream.

**§ 113-12. Responsibilities of solid waste generators.**

- A. Each person, business or institution that generates municipal solid waste within the Town shall separate recyclables from other solid waste. Solid waste placed for collection which contains recyclables shall neither be collected by refuse collectors nor accepted for disposal at any refuse processing facility. No generator of municipal solid waste within the Town shall mix solid waste with recyclables.
- B. Apartment and condominium complexes as well as commercial, industrial and institutional establishments within the Town shall provide or require their refuse collector to provide for the separation of recyclables from other solid waste.
- C. Each resident is required to deliver recyclables to the Municipal Dropoff Center or is required to contract a hauler to collect said recyclables for delivery to the Municipal Dropoff Center or other recycling facility designated and approved by the Town for recycling in the following manner:
  - (1) Clean, unsoiled newspaper.
  - (2) Glass and metal food containers shall be rinsed out and placed in a container.
  - (3) Non-recyclable plastic shall be separated from recyclable plastic, and non-recyclable plastic shall not be mixed with recyclable plastics. All plastic food containers shall be rinsed out and placed in a container.
- D. Scrap metal, cardboard, storage batteries, used engine oil, tires, electronics and light bulbs shall be delivered to the Municipal Dropoff Center or other designated area, so as not to constitute a nuisance or otherwise be objectionable.
- E. Each business shall deliver recyclables to the Municipal Dropoff Center or other designated area or shall contract a hauler to collect and deliver said recyclables to the Municipal Dropoff Center or other designated area.

F. Private collection and disposal shall be the responsibility of the owners or operators of all commercial, industrial and institutional establishments and apartment and condominium complexes, who shall provide, at their own expense, for the storage, collection and transportation of recyclables. Such operations shall be carried out in such a manner as to avoid the creation of a public nuisance.

G. Owners of property not serviced by contractors shall be responsible for compliance with the recycling provisions of C.G.S. section 22a-241b. Compliance shall be monitored by all refuse collectors and refuse facility operators. Suspected violators shall be reported to the Municipal Recycling Agent, who shall contact the accused party for an explanation. The Municipal Recycling Agent may provide the accused party with educational materials for preventing further violations. If probable cause for escalating the complaint is established, or for repeat violations, the Municipal may forward the complaint to the Board of Selectmen for appropriate action.

### **§ 113-13. Responsibilities of refuse collectors.**

A. Recyclables. Each refuse collector shall collect recyclables from each of its customers in a manner provided in this article. Each such refuse collector shall deliver all residential refuse collected within the territorial limits of the Town to such place or places as the Board of Selectmen may from time to time designate and shall deliver all residential recyclables to the Municipal Dropoff Center or other designated area.

B. Enforcement. Each refuse collector shall notify the Town of generators who have discarded recyclables with solid waste and shall assist the Town in identifying persons responsible, including issuing warning notices to violators, if requested by the Town.

### **§ 113-14. Authority and powers of Selectmen.**

A. The First Selectman shall and is granted the authority to designate a person to receive information and respond to questions regarding recycling from the Department of Energy and Environmental Protection on behalf of the Town.

B. The First Selectman shall and is granted the authority to designate a Municipal Recycling Agent to receive complaints and notices of violations of the separation requirements set forth in Public Act 90-220 (C.G.S. section 22a-220 et seq.) and this article.

C. The Board of Selectmen is hereby authorized to add or delete, from time to time, items on the list of recyclables so long as such action is not in conflict with the municipal service agreement, Connecticut General Statutes, Department of Energy and Environmental Protection regulations.

D. The Board of Selectmen shall have the authority to establish such rules and regulations as it deems necessary for the public health, safety and welfare, concerning the separation, collection, removal, storage and disposition of recyclables and salvageable material. Such rules and regulations may include licensing, fines, identification, fees and charges and private and public collection

procedures. The Board of Selectmen may also establish, and from time to time amend, a policy to reduce solid waste, increase recycling, and effectuate the provisions of this Chapter. In the event of a conflict between such Policy and this Chapter, this Chapter shall control. The Board of Selectmen shall hold a public hearing in which residents and taxpayers shall be permitted to comment before the Board can vote on the adoption of such policy, rules and regulations.

**§ 113-15. Penalties for offenses; removal of accumulated waste.**

A. Penalty. Whoever violates the provisions of this article shall, upon conviction, be fined not more than \$100 for each offense. Each and every violation shall be deemed a separate offense. Hearings for such fines shall be held as provided in Connecticut General Statutes section 7-152c.

B. Removal of accumulated waste. In addition to the foregoing penalty, the Town may require the owner or occupant of premises to remove an accumulation of solid waste at such premises. Should said person fail to remove such solid waste after 10 days following written notice, the Town may cause the solid waste to be collected and disposed of, with the costs of such actions to be charged to the owner or occupant of the property in a manner provided by law.

C. The Town reserves the right to resort to any remedy available to it in law or in equity to enforce the provisions of this Article and Chapter.



ARTICLE IV

**§ 113-16. Importation of Waste from Outside Town Unlawful.**

A. It is unlawful for any person, business, entity, institution, or organization to store, accumulate, deposit, dispose, or process any of the following types of waste originating from outside town, on any private or public property or at any transfer station or in any landfill in Bethlehem: solid waste; hazardous waste; unacceptable waste; land-clearing debris; bulky waste; yard trimmings; or construction and demolition waste.

B. Penalty. Whoever violates the provisions of this article shall, upon conviction, be fined not more than \$200 for each offense. Each and every violation, constituted by each article of violative waste per day, shall be deemed a separate offense. Hearings for such fines shall be held as provided in Connecticut General Statutes Section 7-152c. The Town of Bethlehem may use any other remedy available to it at law or in equity to enforce this Article and to cease on-going violations.

C. The Board of Selectmen may establish rules to effectuate the provisions of this Article under its policy authority pursuant to § 113-14(D) of this Chapter.”

**Section 3.**

Except as provided for above, chapter 113, “Solid Waste”, of the Code of Ordinances otherwise remains as previously codified by the legislative body of the Town of Bethlehem.

**Section 4.**

This ordinance shall take effect fifteen (15) days after publication of a summary of its provisions pursuant to Connecticut General Statutes, section 7-157(b).

Adopted by town meeting on \_\_\_\_\_, 2023.

Published in \_\_\_\_\_, on \_\_\_\_\_, 2023.

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