



**REPRESENTATIVE TOWN MEETING
TOWN OF GREENWICH**

**EXPLANATORY COMMENTS FOR
SEPTEMBER 2010 MEETING**

ITEM NO: **10**
DEPARTMENT: 20 Registered Voters
CONTACT: Evan L. Delman 203-862-8678 evan.delman@greenwichct.org
REFERRED TO: *Legislative & Rules and Town Services Committees*
VOTES: N/A

Whereas, many residences in Greenwich receive items deposited on their property without permission or request, and

Whereas, the citizens of the Town of Greenwich have the constitutional right not to be harassed when in their own homes and on their own property, and

Whereas, unwanted items can become an eyesore, pollutant and harm wildlife;

Now Therefore, we, the undersigned, registered and qualified voters of the Town of Greenwich, pursuant to Section 173(a) of Article 13 of the Charter of the Town of Greenwich, Connecticut, present to the Representative Town Meeting this petition and make a motion to have Chapter 9 of the Municipal Code of the Town of Greenwich, WASTE AND LITTER, be amended as follows:

RESOLVED, that Chapter 9 of the Town Code, WASTE AND LITTER, be amended as follows:

CHAPTER 9. WASTE AND LITTER

Article 1. Waste Collection and Disposal.

§ 9-1. Definitions.

- § 9-2. Accumulation prohibited.
- § 9-3. Storage containers.
- § 9-4. Collection.
- § 9-5. Transportation and disposal required.
- § 9-6. Delivery from outside Town.
- § 9-7. License to transport; application.
- § 9-8. License revocation; hearing.
- § 9-9. Approved vehicles; numbers; maintenance.
- § 9-10. Delivery of acceptable solid waste.
- § 9-11. Prohibited substances.
- § 9-11.1. Penalty; appeal; hearing.
- Article 2. Litter.
- § 9-12. Definitions.
- § 9-13. Litter in public places; use of receptacles.
- § 9-14. Manner of placing litter in receptacles.
- § 9-15. Sweeping litter into gutters prohibited.
- § 9-16. Throwing litter from vehicle.
- § 9-17. Transporting litter; trucks to be covered.
- § 9-18. Depositing litter in water prohibited.
- § 9-19. Littering occupied private property.
- § 9-20. Distribution of printed material on private property.**
- § 9-21. Owner to maintain premises free of litter.

§ 9-22. Placing handbills on vehicles.

§ 9-23. Severability.

§ 9-24. Penalty.

Article 3. Board of Health; Director of Health.

§ 9-25. Power of Board; Director.

ARTICLE 1.

WASTE COLLECTION AND DISPOSAL.

Sec. 9-1. Definitions.

(a) As used in this article:

(1) Acceptable solid waste shall mean unwanted or discarded materials, garbage and refuse that the Town is permitted by the State to collect, store and transport from the Town disposal area to resource recovery combustion facilities or landfills that are licensed to accept municipal solid waste but shall not include recyclable materials, bulky waste or hazardous waste.

(2) Approved containers shall mean covered, watertight containers.

(3) Approved vehicles shall mean a conveyance equipped with fully enclosed metal bodies of the type designed and maintained to promote the absence of leakage or spillage and approved by the Superintendent.

(4) Bulky waste shall mean land clearing, demolition and construction debris, discarded machinery and equipment, and other unwanted materials that cannot be feasibly disposed of at resource recovery combustion facilities and landfills as acceptable solid waste because of size or noncombustibility but which can be disposed of at specially permitted and available landfills as determined by the Superintendent.

(5) Commissioner shall mean the Commissioner of Public Works or, by the designation of the Commissioner, the Deputy Commissioner of Public Works.

(6) Garbage shall mean every accumulation of animal, vegetable or other putrescible matter including that attending the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit, vegetables, beverages or other edibles, including the nonrecyclable materials of containers or wrappers disposed of along with such materials.

(7) Hazardous waste shall mean pathological and biomedical discarded items, sewage sludge, gunpowder, dynamite, cartridges, shells, gasoline, naphtha, benzene, ether and other refuse materials that have flammable, explosive, corrosive, toxic, infectious or reactive characteristics that, when present in significant quantities, require special handling for collection, transport and disposal in accordance with applicable State or Federal law.

(8) Recyclable materials shall mean the materials defined in Sections 8A-2 and 8A-3 of the Code.

(9) Superintendent shall mean the Superintendent of the Department of Public Works Recycling, Waste Collection and Disposal Division.

(RTM, 3/8/2010.)

Sec. 9-2. Accumulation prohibited.

The accumulation of acceptable solid waste or waste material of any kind not otherwise provided for in this chapter except in approved containers is prohibited.

(RTM, 3/8/2010.)

Sec. 9-3. Storage containers.

Acceptable solid waste shall be stored in approved containers. All garbage shall be drained and wrapped before it is placed in the containers. The containers shall be kept in a clean and sanitary condition.

(RTM, 3/8/2010.)

Sec. 9-4. Collection.

All acceptable solid waste shall be removed in approved containers or approved vehicles at least once a week unless more frequently required by the Superintendent or Director of Health.

(RTM, 3/8/2010.)

Sec. 9-5. Transportation and disposal required.

All acceptable solid waste shall be transported to the Town disposal area. All bulky waste shall be loaded and transported to any place as directed and designated by the Superintendent.

(RTM, 3/8/2010.)

Sec. 9-6. Delivery from outside Town.

No acceptable solid waste, bulky waste or hazardous waste shall be transported for disposal into the Town from any place beyond the limits of the Town unless otherwise approved in writing by the Commissioner as part of a reciprocal municipal cooperative aid agreement.

(RTM, 3/8/2010.)

Sec. 9-7. License to transport; application.

(a) No person shall engage in the business of transporting acceptable solid waste to the Town disposal area without having a valid license from the Superintendent and without using an approved vehicle.

(b) The application for a license valid for one (1) year shall be on a form furnished by the Superintendent.

(RTM, 3/8/2010.)

Sec. 9-8. License revocation; hearing.

(a) The Commissioner shall have power to revoke the license of any waste collector found not to be operating in compliance with the provisions of this Code.

(b) No order of revocation shall be made except after a hearing. When a license has been revoked another license shall not be issued except with the approval of the Commissioner.

(RTM, 3/8/2010.)

Sec. 9-9. Approved vehicles; numbers; maintenance.

(a) Every approved vehicle of a licensed waste collector under these regulations shall have conspicuously displayed on each side a number issued by the Superintendent.

(b) Every approved vehicle used in the transportation of waste shall be kept in a sanitary condition.

(RTM, 3/8/2010.)

Sec. 9-10. Delivery of acceptable solid waste.

All acceptable solid waste shall be promptly delivered at the Town disposal area on the same day that it is placed into the approved vehicle.

(RTM, 3/8/2010.)

Sec. 9-11. Prohibited substances.

No hazardous waste shall be cast into any approved container or transported as acceptable solid waste to the Town disposal area. The Superintendent may adopt procedures for the acceptance of specific items of hazardous waste at specific areas of the Town disposal area or direct their delivery to designated facilities to be handled and disposed of in accordance with State and Federal law.

(RTM, 3/8/2010.)

Sec. 9-11.1. Penalty; appeal; hearing.

(a) For dumping more than one (1) cubic foot in volume of waste in violation of the provisions of this article, the Superintendent may impose civil penalty fines of up to (i) one thousand dollars (\$1,000.00) for a first violation; two thousand five hundred dollars (\$2,500.00) for a second violation, and ten thousand dollars (\$10,000.00) for each subsequent violation by a commercial waste collector, and (ii) one hundred dollars (\$100.00) for first violation; two hundred fifty dollars (\$250.00) for a second violation; and one thousand dollars (\$1,000.00) for each subsequent violation by any other person.

(b) For any other violation of this article, the Superintendent may impose civil penalty fines of up to two hundred fifty dollars (\$250.00) with each day of violation constituting grounds for a separate fine.

(c) Fines shall be payable to the Town and may be appealed within ten (10) days to the Commissioner who shall conduct a hearing and render a decision thereon.

(RTM, 3/8/2010.)

ARTICLE 2. LITTER.

Sec. 9-12. Definitions.

(a) As used in this article:

(1) Authorized Private Receptacle shall mean a litter storage and collection receptacle as required and authorized by the Town.

(2) Garbage shall mean and include all putrescible wastes, including vegetable and animal remnants.

(3) Handbill shall mean any advertisement, sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature.

(4) Landscape debris shall mean yard waste in accumulations that create a hazard but shall not include, during the fall, the placement of leaves along the streets contiguous to one's property for pickup as designated by the Town.

(5) Litter shall mean garbage, landscape debris and/or rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a nuisance or danger to public health, safety and welfare.

(6) Park shall mean a park, reservation, playground, beach, recreation center or any other public area in the town, owned or used by the town and devoted to active or passive recreation.

(7) Public place is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares spaces, grounds and buildings.

(8) Rubbish shall mean and include all nonputrescible waste materials (except ashes), including, but not limited to, paper, cardboard, tin cans, wood, glass, bedding, crockery, refrigerators, junk automobiles, demolition material, tree limbs and industry wastes.

(9) Vehicle shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway or sidewalk, including devices used exclusively upon stationary rails or tracks.

(10) Yard waste shall mean branches, brush, leaves, grass clippings, sod, crops, mulch and wood chips.

(11) Private Property shall mean any such land that is not for commercial use and is owned by an individual, group or organization.

(12) Placement shall mean delivery by any method other than the use of the United States Postal Service.

(13) Multiple family dwelling shall mean any such property or structure that has two or more useable residences, irregardless of the fact that not all of the residences may or may not be occupied.

(RTM, 3/8/2010.)

Sec. 9-13. Litter in public places; use of receptacles.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Town except in public receptacles, in authorized private receptacles for collection or in official Town disposal areas.

(RTM, 3/8/2010.)

Sec. 9-14. Manner of placing litter in receptacles.

Persons placing litter in public receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(RTM, 3/8/2010.)

Sec. 9-15. Sweeping litter into gutters prohibited.

(a) No person shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

(b) Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(RTM, 3/8/2010.)

Sec. 9-16. Throwing litter from vehicle.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the town or upon private property.

(RTM, 3/8/2010.)

Sec. 9-17. Transporting litter; trucks to be covered.

No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed, covered or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

(RTM, 3/8/2010.)

Sec. 9-18. Depositing litter in water prohibited.

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

(RTM, 3/8/2010.)

Sec. 9-19. Littering occupied private property.

No person shall throw or deposit litter on any occupied, open or vacant private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for litter collection or recycling areas for yard waste in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(RTM, 3/8/2010.)

Sec. 9-20 Distribution of printed material on private property.

(a) No person shall throw, deposit or distribute any bulky printed material, including without limitation any telephone directory or any commercial, advertising or promotional document consisting of more than fifty (50) pages, in or upon any private property if requested by the resident thereof not to do so.

(b) Any unsolicited bulky printed material thrown, deposited or distributed in or upon any private property shall bear, in conspicuous print on the front cover (a) a statement that the resident has the option not to receive such material any longer, and (b) a toll-free number, mailing address, website address or electronic mailing address that the resident may use to provide verbal or written notice that such resident no longer wishes to receive such material. Such material shall not be distributed to the resident at such premises, beginning ninety (90) days after the request is made, for a period of five years after such notice is given.

(c) Any unsolicited bulky printed material thrown, deposited or distributed in or upon any private property shall bear, in conspicuous print on the front cover (a) a statement that the resident has the option to have such item removed from said private premise by the individual or individuals responsible for the unwanted placement of said item, and (b) a toll-free number that can be called to request such removal, and (c) said removal must be performed by the individual or individuals within forty-eight (48) hours of said request, and (d) aforementioned request must be made within seventy two (72) hours of the placement on the private property.

(d) This section shall not be enforceable if the unsolicited bulky printed material is thrown, deposited or distributed in or upon any multiple family dwelling property.

Sec. 9-21. Owner to maintain premises free of litter.

(a) The owner or person in control of any private property shall at all times maintain the premises free of litter.

(b) This section shall not prohibit, on private property, the storage of litter in authorized private receptacles for collection, prevent the storage of wood, or the recycling of yard waste that does not constitute a nuisance to neighbors' properties or any public place.

(RTM, 3/8/2010.)

Sec. 9-22. Placing handbills on vehicles.

(a) Purpose. The public interest, convenience and necessity require regulating the placement upon vehicles of handbills, to protect the people against litter and the detriment and danger to public health and safety incident to such placement. To that end, the purposes of this section are specifically declared to be as follows:

(1) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the placement of handbills on vehicles.

(2) To preserve to the people their constitutional right to receive and disseminate information by delivering handbills to all who are willing to receive the same.

(b) [Prohibited distribution.] No person, organization, association or business shall distribute, deposit or throw, or cause the distribution, depositing or throwing of, any handbill in or upon any vehicle in any public place. The provisions of this section shall not prohibit a person, organization, association or business from handing, transmitting or distributing, without charge to the receiver thereof, a handbill to the owner or other occupant of any vehicle who is willing to accept it.

(RTM, 3/8/2010.)

Sec. 9-23. Severability.

If any subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid by a court of competent jurisdiction, for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end the provisions of this chapter are hereby declared severable.

(RTM, 3/8/2010.)

Sec. 9-24. Penalty.

Any person violating any of the provisions of this article shall, upon conviction, be fined not more than two hundred fifty dollars (\$250.00).

(RTM, 3/8/2010.)

ARTICLE 3.
BOARD OF HEALTH; DIRECTOR OF HEALTH.

Sec. 9-25. Power of Board; Director.

Nothing in this chapter shall be construed to limit the power of the Board of Health or the Director of Health as it relates to public health.

Additions **bold**
Changes underlined

Name

Address

Signature

EXPLANATORY COMMENTS

With the number of printed items delivered to Greenwich homes increasing, a burden is placed on the homeowner to remove the items, often thrown on lawns and plantings. Garbage haulers must bear the expense of bringing the discarded items to the town's transfer station for disposal. The town must pay to have these items transported away.

If a residence is unoccupied, the items can lay there for a long period providing a clear signal to thieves.

If left long enough, the item will begin to degrade and possibly hamper wildlife, especially if delivered in a plastic wrapper.

This motion is intended to ease the burden on the homeowner, garbage hauler, town and wildlife.