

A REVISED ORDINANCE REGULATING THE USE AND OPERATION OF THE SOLID WASTE FACILITY

Be it ORDAINED by the electors of the Town of Lebanon at a duly warned Town Meeting to be held on the 6th day of May, 2002:

Section I. Definitions: For the purposes of this Ordinance, the following words and phrases shall have the meaning ascribed to them in this section.

(a) Town shall mean the Town of Lebanon, a municipal corporation located in New London County of the State of Connecticut:

(b) Solid waste facility shall mean any combination of vertical expansion of an existing solid waste disposal area, a new solid waste disposal area, transfer station, or recycling facility operated for the accumulation or disposal of municipal solid waste, bulky waste, or recyclable materials as defined by the Connecticut Solid Waste Management Regulations.

(c) Resident shall mean any person who owns, leases, or rents property located in the Town of Lebanon.

(d) Person shall mean any institution, public or private corporation, individual, partnership, or other entity;

(e) Municipal solid waste shall mean solid waste from residential, commercial, industrial, and institutional sources as defined by the Connecticut Solid Waste Management Regulations.

(f) Bulky waste shall mean land clearing debris and waste resulting directly from demolition activities as defined by the Connecticut Solid Waste Management Regulations.

(g) Recyclable materials shall include but not be limited to all of the materials required to be recycled by the Connecticut Solid Waste Management Regulations.

(h) Permit fees shall mean those fees paid to become a permitted use of the Lebanon Solid Waste Facility.

(i) User fees shall mean those fees paid by a permitted user for the handling and/or

disposal of each user's materials at the Lebanon Solid Waste Facility.

(j) Collector means any person who holds himself out for hire to collect solid waste or recyclable materials from residential, business, commercial or other establishments in the Town of Lebanon.

Section II. A Commission shall oversee the operation of the Lebanon Solid Waste Facility and the maintenance of the closed landfill. The Commission shall be appointed by the Board of Selectmen and consist of five regular members with three year terms and two alternate members with terms of one and two years respectfully. Each of the regular members shall be appointed for consecutive years to preclude simultaneous expiration of more than two regular terms of office in any one year. A quorum of the membership of the commission shall exist when any three members, regular or alternate, are present.

Section III. Hours: Days and hours during which the Solid Waste Facility shall be open shall be established from time to time by the Solid Waste Commission in accordance with Connecticut Department of Environmental Protection permits.

Section IV. Use of the Facility: No person shall have use of the Lebanon Solid Waste Facility, except the following:

(a) A resident of the Town of Lebanon, or a person who has a place of business in the Town of Lebanon who pays user fees which shall be established by a Town Meeting.

(b) A person who is a non-resident of the Town of Lebanon whose municipal solid waste, bulky waste, or recyclable materials are a direct result of work, operations or business undertaken by him in the Town of Lebanon and who has secured a special, permit from the Solid Waste Commission or their representative. Such special permits shall be issued upon satisfactory proof to the Solid Waste Commission or their representative that the materials will be a direct result of work, operations or business in the Town of Lebanon and upon payment of a special permit fee and user fees which shall be established by a Town Meeting. Special permits shall be issued for a period of one day.

(c) The Town Meeting shall establish regular and special permit fees. The Solid Waste Commission will prepare permit fee proposals for presentation at a Town Meeting.

(d) The Town Meeting shall establish regular, and special user fees. These user fees will be based on the operating cost attributable to the handling and/or disposal of each user's materials at the Solid Waste Facility. The Solid Waste Commission will prepare user fee proposals for presentation at a town meeting.

(e) The Solid Waste Commission may revoke any permit in the event they find after a hearing and upon reasonable notice to the permittee, that such permittee has violated the provisions of this Ordinance or that the continued use of the facility by the permittee is prejudicial to the proper operation of the Solid Waste Facility.

Section V. All persons who utilize the Solid Waste Facility shall separate recyclable materials from municipal solid waste and bulky waste.

Section VI. Limits on Materials: No person may dispose of tree trunks or stumps, measuring eight inches or more in diameter at the largest end or more than eight feet in length, at the Solid Waste Facility. No person may dispose of more than five cubic yards of municipal solid waste, bulky waste, or recyclable materials at the Solid Waste Facility during any one operating day.

Section VII. Materials Prohibited: The Solid Waste Commission, Selectmen, or their representative may prohibit the placement or disposal of any materials by any person at the Solid Waste Facility when said materials are of such a nature and quantity as to be in their opinion dangerous to the public health, welfare or safety, or prejudicial to the proper operation of the Solid Waste Facility.

Section VIII. Any person utilizing the Solid Waste Facility shall deposit materials in specific locations as designated by, and under the supervision of, the Solid Waste Facility operating personnel.

Section IX. Scavenging Prohibited: Scavenging at the Solid Waste Facility without express written authorization by the Solid Waste Commission shall be prohibited.

Section X. Trespassing: No person shall enter or be permitted within the Solid Waste Facility except during the hours when the area is open to the public.

Section XI. Covered Loads: Any vehicle carrying material to the Solid Waste Facility shall carry such material, either by covering it or in some other suitable manner, so that such material shall not blow or fall off the vehicle.

Section XII. Invalidity: If any provision of this Ordinance or its application to any person, situation, or circumstance is held invalid, such invalidity shall not affect any other provision or application of the same.

Section XIII. Violations: Violations of any section of this Ordinance will be reviewed by the Solid Waste Commission. The permit of a repeated violator may be revoked by the Solid Waste Commission. Violations of state and federal laws and regulations will be handled in accordance with the General Statutes of the State of Connecticut.

Section XIV. The Town of Lebanon will operate its Solid Waste Facility in accordance with the General Statutes of the State of Connecticut.

Section XV. Any collector hauling solid waste or recyclable materials generated by residential, business, commercial or other establishments in the Town of Lebanon shall pre register with the Town and report the total amounts of solid waste and recyclable materials collected annually. [There will be a \$100 fine for each time that any commercial collector of waste or recyclables fails to register with the Town and/or does not file an annual report, July 15th, of the amounts of solid waste and recyclable materials collected within the Town of Lebanon.]

This ordinance shall supersede all previous ordinances related to the Lebanon Sanitary Landfill now known as the Solid Waste Facility.

This Ordinance shall take effect fifteen (15) days after publication, in accordance with the General Statutes.

Dated at Lebanon, Connecticut this 7th day of May 2002.

Effective date is May 24, 2002.

Joyce A. McGillicuddy
Town Clerk