

**TOWN OF LITCHFIELD**  
**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 Litchfield, Connecticut, chapter, 12, "Solid Waste Management", is here by amended as follows:

**"ARTICLE I. IN GENERAL**

**Sec. 12-1. Declaration of policy.**

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

- (1) The town 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; and
- (2) The town is also authorized by ~~general statutes~~ Connecticut General Statutes, sections 22a-220 and 22a-220a to designate the area where refuse generated within its boundaries shall be disposed make provisions for the safe and sanitary disposal of all solid wastes which are generated within its boundaries, and to designate where such refuse shall be disposed of; and
- (3) The town has executed ~~at the~~ the 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 Mid-Connecticut System~~ USA Hauling and Recycling, Inc.; 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-years financial commitment of the town is approved by the Board of Finance, and if required, a Town Meeting; and

- (4) The public health, safety and welfare of the town, and the protection of the natural resources and environment of the town, will be best served by requiring the delivery of such solid waste as provided by the service agreement between the town and USA Hauling, Inc. to the Torrington Transfer Station for processing by the Mid-Connecticut System and the generation of electricity; and
- (5) The enactment of this article is in furtherance of the town's regional solid waste management plan.
- (6) Whereas the Town has historically paid for the disposal of solid waste generated within its borders through its budget, as supported by tax revenue, the people of the Town of Litchfield seek to defray such public cost by requiring each "commercial", "industrial", and "institutional" establishment, as defined by section 12-2 of this Chapter, in the Town pay a disposal/tip fee for the disposal of such establishment's solid waste, as provided for in section 12-15 of this Chapter.
- (7) The Town of Litchfield seeks to discourage, prevent, and punish unlawful dumping and littering within its borders through the provision of penalties for such offenses.
- (8) The Town of Litchfield 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 Litchfield.

## **Sec. 12-2. Definitions.**

This Chapter shall incorporate the definitions used in General Statutes section§ 22a-207, "Definitions" (or any successor statute thereto). The following terms shall have the following meanings:

*Apartment complex* means multifamily structure of four (4) or more separate dwelling units grouped into one (1) or more buildings.

*Commercial establishment* means any enterprise engaged in a nonmanufacturing or nonprocessing business including, but not limited to, stores, markets, office buildings, restaurants, shopping centers and theaters.

*Condominium complex* means any grouping of dwelling units which are covered by Chapter 828825 of the Connecticut General Statutes (Condominium Common Interest Ownership Act).

*Contractual standards* for solid waste delivered to ~~the Mid-Connecticut System~~USA Hauling 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 Solid Waste Disposal and Recycling Services Agreement (hereinafter "municipal Service Agreement") by and between the Town of Litchfield and USA Hauling and Recycling, Inc.; Such solid waste must not include any hazardous waste and shall comply with all standards of acceptable solid waste provided by such Agreement.

(1) ~~It must not be of such a quantity, quality or other nature as to materially impair the operation or capacity of the Mid-Connecticut System or any portion thereof, normal and reasonable wear and usage excepted;~~

(2) ~~It must not be of such a quantity, quality or other nature as to materially impair the strength or the durability of the structures, equipment, or works which are a part of the Mid-Connecticut System or any portion thereof;~~

(3) ~~It must not be of such a quantity, quality or other nature as to create flammable or explosive conditions in the Mid-Connecticut System or any portion thereof;~~

~~It must not contain chemical or other properties which are deleterious, as determined by the Connecticut Resources Recovery Authority or capable of causing material damage to any part of the system or to personnel; and~~

(4) ~~It must not include any hazardous waste.~~

*Disposal charge* means that amount of money to be charged for each ton of solid waste delivered to the ~~Mid-Connecticut System~~ USA Hauling and Recycling, Inc., as established by the procedures authorized in the ~~municipal service agreement~~ municipal Service Agreement.

*Hazardous waste* means 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, including those regulated under 42 U.S.C. sections 6921-6925 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. section 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.

*Industrial establishment* means any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, and the like.

*Institutional establishment* means any establishment engaged in service to persons, including, but not limited to, hospitals, nursing homes, orphanages, non-profits, schools, and universities.

~~*Mid-Connecticut System* means the solid waste disposal and energy recovery facility designed and constructed by Combustion Engineering, Inc. pursuant to an agreement with the Connecticut Resources Recovery Authority (CRRA) located in Hartford; the transfer stations which service that facility; and the landfill provided by or designated by the CRRA.~~

*Municipal service agreement* means the municipal solid waste management services contract between CRRA and the town dated as of December 4, 1986 hauling agreement by and between the Town of Litchfield and USA Hauling and Recycling, Inc.

*Recyclable materials* means those items designated by the director of public works, the

Town of Litchfield Recycling Center rules and regulations, and by the municipal service agreement for segregation from the municipal solid waste stream.

*Refuse collector* shall include any person engaged in the business of collecting and transporting commercial, household or industrial solid waste for hire within the boundaries of the town.

*Residential establishment* means any premises used primarily as a domestic dwelling, including, but not limited to, single- and multiple-family homes, apartments, and condominiums.

*Single stream* means a system of recycling in which all fiber (newspaper, cardboard, mixed paper, catalogs, magazines and junk mail) and containers (glass, metal and plastic) are placed, unsorted, in one (1) large wheeled "toter" by residents, collected by the hauler and sorted at a regional recycling center.

*Solid waste* means unwanted or discarded materials consistent with the meaning of that term pursuant to section 22a-260(7) of the ~~g~~General ~~s~~Statutes, excluding semi-solid or liquid materials collected and treated in a sewerage system.

*Tip fee* means the fees for the disposal of acceptable solid waste and recyclables as set forth in the Municipal Service Agreement. Tip fees shall have the effective dates as provided for in the Municipal Service Agreement, and any subsequent amendments and services agreements.

### **Sec. 12-3. Refuse collection, conveyance and disposal.**

All solid waste accumulated in the town shall be collected, conveyed and disposed of by the town or by persons licensed by the town to perform such work and in accordance with the provisions of this article. No other person shall collect, convey over any street or dispose of any solid waste except the owners of premises in the town upon which solid waste has accumulated may personally collect, convey and dispose of such solid waste upon complying with the other provisions of this article, excluding the provisions for a refuse collection license and with any other applicable ordinances and regulations. No solid waste collected from outside this town shall be disposed of under a license or registration issued pursuant to this article.

### **Sec. 12-4. Refuse collector registration required.**

Any person who operates or wishes to operate as a refuse collector in the town shall apply for registration as a refuse collector with the town in the manner prescribed by this article.

### **Sec. 12-5. Registration forms and fees for refuse collectors.**

(a) All persons desiring to register as refuse collectors must apply to the ~~d~~Director of ~~p~~Public ~~w~~Works on forms provided by that department. The forms shall require the registrant to furnish all information requested, including, but not limited to:

(1) The name and address of the business;

- (2) The names of all partners, officers or proprietors of the business;
  - (3) A listing and description of the vehicles to be used for solid waste hauling in the town;
  - (4) The names and addresses of all customers presently served, if any, within the town;
  - (5) The approximate tonnage of solid waste expected to be collected each week;
  - (6) The names of all other communities served by the registrant; and
  - (7) Evidence of general liability insurance in the minimum amount of one ~~hundred thousand~~million dollars (\$1,000,000.00) per accident, two million dollars (\$2,000,000.00) aggregate, and automobile liability insurance in the minimum amount of ~~five hundred~~one million thousand dollars (\$1,0500,000.00), and evidence of compliance with all applicable Connecticut worker's compensation insurance requirements, including but not limited to evidence of worker's compensation insurance with limits no less than five hundred thousand dollars (\$500,000.00) each accident by bodily injury, five hundred thousand dollars (\$500,000.00) each accident by disease and a policy limit of five hundred thousand dollars (\$500,000.00). The collector must also evidence umbrella liability insurance in excess of the foregoing insurances of no less than one million dollars (\$1,000,000.00) each occurrence and one million dollars (\$1,000,000.00) in the aggregate.
- (b) A registered refuse collector shall update the information required by subsection (a) of this section at least once each year at the time the registration is renewed.
- (c) Registration shall be effective until the following June thirtieth and shall be renewed on an annual basis during the month of June of each year.
- (d) The initial registration fee shall be ~~one-hundred~~ fifty dollars (\$150~~50~~.00) and each annual renewal fee shall be ~~one-hundred~~ fifty dollars (\$150.00). The annual registration shall be effective from July first to June thirtieth of the following year. Registration fees shall not be prorated.

**Sec. 12-6. Approval, denial of application for registration as refuse collector.**

- (a) The ~~d~~Director of ~~p~~Public ~~w~~Works shall ~~sendmail~~ written or electronic notice of the approval or denial of an application for registration as a refuse collector to the applicant within fifteen (15) days after submission of the application. Registration shall be deemed effective as of the date of mailing or electronically sending of notice of approval.
- (b) The ~~d~~Director of ~~p~~Public ~~w~~Works may refuse to grant registration to any applicant, or may suspend the registration of any registered refuse collector, if that person:
- (1) Violates any provision of this article;
  - (2) Is not insurable in accordance with this article; or

(3) Is otherwise deemed to be unsuitable.

A denial or suspension of registration may not exceed a period of one hundred eighty (180) days for any one (1) violation; provided, however, that repeated or willful violations of this article may result in permanent refusal or revocation of registration.

(c) Denials, suspensions or revocations shall only become effective five (5) calendar days after receipt of written or electronic notice from the director of public works informing the person of the director's decision and the reason for it. An aggrieved person may promptly appear at an informal hearing before the director of public works to respond to the reasons for the director's decision and the director shall, at that time, affirm, reject or modify his decision.

(d) The initial registration fee shall be two-hundred and fifty dollars (\$250.00). The annual registration shall be effective from July first to June thirtieth of the following year. Registration fees shall not be prorated.

#### **Sec. 12-7. Appeal of decision regarding registration as refuse collector.**

(a) Any person aggrieved by a denial, suspension or revocation of registration as a refuse collector may appeal that decision to the bBoard of sSelectmen by filing a notice of a hardcopy, written appeal with the tTown eClerk within fifteen (15) days after either notice of the initial decision is mailed to that person, or the informal hearing provided under subsection (c) of this section is held and the decision affirmed by the official. The clerk shall immediately notify the board of selectmen of that appeal.

(b) A hearing shall be scheduled before the bBoard of sSelectmen for a date not more than thirty (30) days after the notice of appeal is filed. The hearing may be postponed or continued to a later date one (1) time and the later date must be no more than two (2) weeks after the original date. Written notice of the hearing shall be given by the Town eClerk to the person taking the appeal and to any person who requests notice of the hearing. The hearing may be at a regular or special meeting of the board of selectmen.

(c) At that hearing, the person aggrieved shall be permitted to present evidence and cross-examine witnesses. No formal rules of evidence shall apply, but the bBoard of sSelectmen may exclude irrelevant or duplicative evidence. The Bboard of sSelectmen shall make its decision within forty-five (45) days of the date of the notice of appeal is filed. That period may, but need not be, extended by any period of postponement which is requested for the convenience of the person bringing the appeal. The decision may uphold the decision denying, suspending or revoking the registration, reverse the decision and order the registration granted or reinstated, or order the registration granted or reinstated with modifications. The decision of the bBoard of sSelectmen shall be final.

#### **Sec. 12-8. Unregistered refuse collectors prohibited.**

Commencing thirty (30) days after the effective date of this ~~a~~Article, all unregistered refuse collectors and all refuse collectors whose registration has been suspended or revoked are prohibited from engaging in the business of collecting, transporting or disposing of solid waste generated within the town.

#### **Sec. 12-9. Refuse collector vehicle permits.**

The Director of Public Works shall issue hauler permits for each vehicle identified on a refuse collection / hauler registration application to be used by a refuse collector / hauler whose application is approved. Such hauler permits shall not be transferable from vehicle to vehicle, provided however, the Director may allow a temporary transfer of hauler permits in hardship situations. Hauler permits shall be conspicuously displayed in the window of each vehicle.

#### **Sec. 12-10. Location of solid waste disposal.**

~~Pursuant to general statutes, section 22a-220a, t~~The ~~b~~Board of ~~s~~Selectmen hereby designates the ~~Mid-Connecticut System~~USA Hauling and Recycling, Inc. ("the disposal company") as the disposer of acceptable solid waste and recyclables pursuant to the municipal service agreement for ~~as the area where solid waste~~ meeting contractual standards generated within the boundaries of the town by residential, business, commercial or other establishments in the Town of Litchfield. ~~shall be disposed. On and after April 8, 1988, e~~Each person collecting any solid waste meeting contractual standards under the municipal services agreement generated within the boundaries of the town shall deliver all such waste to the delivery point(s) and recycling center(s) designated by the municipal services agreement, the Torrington Transfer Station unless otherwise directed by the ~~d~~Director of ~~p~~Public ~~w~~Works.

#### **Sec. 12-11. Source separation and recycling.**

(a) Each person, business or institution that generates solid waste shall separate from other solid waste designated recyclable materials as defined by the ~~D~~irector of ~~p~~ublic ~~W~~orks.

(1) All persons, businesses or institutions who generate municipal solid waste within the town are required to separate recyclable materials from solid waste. Solid waste placed for collection which contains recyclable materials shall neither be collected by refuse collectors, nor accepted for disposal at any refuse processing facility.

(2) For all premises receiving private refuse collection, recyclable materials shall be separated from refuse and placed for collection in a separate container on the designated day.

(3) Apartment and condominium complexes as well as commercial, industrial, and institutional establishments shall provide, or require their refuse collector to provide for the separation of municipal solid waste and each recyclable material accumulated on the premises.

(b) Each resident is required to deliver designated recyclable materials, as defined by the ~~d~~Director of ~~p~~Public ~~w~~Works, to the municipal drop-off center or is required to contract a municipally registered hauler to collect said materials for delivery to the municipal drop-off center, drop-off points designated by the municipal service agreement, or other municipally designated and approved recycling facility for recycling in the following manner:

(1) Clean, unsoiled newspaper shall be packed in paper grocery or shopping bags, or securely tied in flat bundles.

(2) Glass and metal food containers shall be rinsed out and placed in the recycling container.

(2)(3) Recyclable plastic items shall be separated from non-recyclable plastics and other non-recyclable materials, and shall be placed in the recycling container.

(4) All other designated recyclable materials shall be separated from nonrecyclables and delivered to the municipal drop-off center or other designated area, so as to not constitute a nuisance or otherwise be objectionable.

(c) Each business is required to contract a municipally registered hauler to collect said designated materials for recycling or is required to deliver designated materials, as defined by the director of public works, to the municipal drop-off center.

(1) Private collection and disposal responsibility. It shall be the responsibility of the owners or operators of all commercial, industrial and institutional establishments and apartment and condominium complexes to 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.

(2) Properties not collected by contractors are responsible for compliance with the recycling provisions of ~~general statutes~~ Connecticut General Statutes, see section 22A-241b. Compliance shall be monitored by all refuse collectors and refuse facility operators. Suspected violators shall be reported to the director of public works for appropriate action.

(3) The quantities and destination of these designated recyclables (nonresidential) not delivered to a municipal designated facility or recycling center ~~drop-off center~~ shall be reported to the town on a monthly basis by the contractor or responsible parties.

(d) It shall be a violation of this article for any person other than a municipally registered hauler or municipal staff person to collect, pickup or cause to be collected or picked up, such materials from the curb or other designated point of collection or municipal drop off center. Each unauthorized collection in violation hereof shall constitute



a separate and distinct offense.

#### **Sec. 12-12. Refuse collectors responsibilities and obligations.**

(a) *Recyclable materials.* Each refuse collector must collect recyclable materials from each of its customers in the manner presented in this article. Each refuse collector shall deliver all residential refuse collected within the territorial limits of the town to such place or places, as the director of public works may, from time to time, designate. Refuse collectors shall report to the town on a monthly basis the amounts and destination of nonresidential recyclables.

(b) *Enforcement.* The refuse collector shall notify the municipality of generators who have discarded recyclables with solid waste and shall assist the municipality in identifying persons responsible, including issuing warning notices to violators, if requested by the municipality.

(c) *Construction and maintenance of vehicles.* All vehicles registered to collect and transport refuse shall be maintained free of obnoxious odors and accumulated refuse. Any such vehicle shall be of closed or approved construction. All such vehicles shall be maintained and operated in a safe manner and in compliance with the Connecticut General Statutes and all road safety regulations, including but not limited to posted speed limits.

(d) *List of rates.* Refuse collectors shall furnish to ~~their~~<sup>his</sup> customers, upon request, a list of rates for the various services provided.

Refuse collectors may choose to collect and tip recyclables by the single stream method. If this collection method is chosen, refuse collectors shall inform their customers of this choice. A refuse collector choosing to tip recyclables single stream must also collect recyclables single stream in a closed container provided by the refuse collector to each customer.

#### **Sec. 12-13. Refuse Collector / Hauler licensing of private individuals.**

The disposal of refuse or recyclable materials at municipal facilities by private individuals acting as a refuse collector / hauler shall require a valid permit issued by the Town of Litchfield Department of Public Works. The Director of Public Works shall determine the eligibility of each applicant to receive such a hauler permit. Such permit shall be displayed in the manner prescribed by the Litchfield Public Works Department. Such permit may be revoked or suspended as set forth in this article and appeals therefrom may be taken in the manner set forth in this ~~a~~Article.

#### **Sec. 12-14. Penalties for offenses, remedies, sovereignty.**

(a) *Penalty.* Whoever violates the provisions of this article shall, upon conviction, be

fined not more than two-hundred and fifty dollars (\$250.00) for each offense. Each and every day such violation shall continue shall be deemed a separate offense. Hearings pursuant to such fines shall be held in a manner consistent with 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 a premise to remove an accumulation of solid waste at said premises. Should said person fail to remove such solid waste after ten (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) *Severability.* In the event that any provisions, section, sentence, clause or part of this article shall be held invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining part of this article, it being the intent of the town that such remainder shall remain in full force and effect.

**Sec. 12-15. Solid waste tip/disposal fees paid by commercial, industrial, and institutional users.**

(a) Each commercial establishment, industrial establishment, and institutional establishment in the Town of Litchfield shall pay its solid waste hauler for the tip fee associated with the acceptable solid waste generated by such establishment. The tip fee paid by such establishment shall equal the weight of the solid waste generated for disposal by such establishment, as ascertained by the hauler at the time of pick up, multiplied by the fee rate established by the municipal service agreement. Such fee shall be paid by each establishment to the hauler of such solid waste, and the hauler, shall then pay for the disposal of the solid waste. Such tip fees shall be effective July 1, 2023.

(b) It shall be unlawful for any hauler to collect a tip fee from the disposing establishment and fail to pay the tip/disposal fee for such waste to the disposal company. Any hauler in violation of this provision shall be guilty of an offense and liable, upon conviction, of a fine of two-hundred and fifty dollars (\$250.00) for each offense, without warning and may be held liable for civil restitution. The town may require the hauler provide regular reports itemizing the names, addresses, and amounts of the customers paying tip fees to the hauler and those residential customers for which the town is being charged he tip fee. Hearings pursuant to such fine(s) shall be held in a manner consistent with Connecticut General Statutes section 7-152c.

(a)(c) All licensed trash haulers in the Town of Litchfield shall utilize the apparatus necessary to accurately calculate the weight of solid waste generated by each such establishment and picked up by the hauler. Each licensed hauler shall provide for the accurate differentiation of residential waste (the disposal of which is paid out of the municipal budget) from commercial, industrial, or institutional waste (the disposal of which is paid for directly by the generating establishment). In the event that the Director of Public Works has a reasonable doubt about the accuracy of any hauler's weighing apparatus, the Director shall have the authority to test the accuracy of that apparatus.

## **Sec. 12-16. Unlawful Dumping; Storage of Refuse; Penalties for Violation**

(a) *Municipally Owned or Controlled Property*: No person shall throw or deposit litter, solid waste, garbage, recyclables, or other refuse on any municipally owned or municipally controlled property, or any park, or at any beach within the town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for the presence and properly disposed of elsewhere.

(b) *Private Property*: No person, business entity, or institution shall throw or deposit litter, garbage, solid waste, recyclables, or other refuse onto another's private property in the Town of Litchfield.

(c) *Storage*. All persons, business entities, and institutions in the Town of Litchfield shall store and dispose of their own litter, garbage, solid waste, recyclables or other refuse in such that it will not spill, blow, or otherwise be found on municipally owned or controlled property, any park, any beach, or the private property of any other owner in the Town of Litchfield.

(d) *Enforcement; Penalty*. The penalties and means of enforcement provided for in Section 12-14 of this Code shall apply equally to violations of this Section 12-16.

## **Sec. 12-17. Board of Selectmen Solid Waste Policy to Effectuate this Chapter**

The Board of Selectmen is hereby authorized to adopt a policy to reduce solid waste, increase recycling, increase composting, and to effectuate the provisions of this Chapter. Such policy shall be consistent with this Chapter and shall seek to effectuate the terms of this Chapter. In the event of a conflict between this Chapter and the policy, this Chapter shall control. The Board of Selectmen shall hold a public hearing in which Town of Litchfield residents and taxpayers shall be permitted to comment before the Board can vote on the adoption of such policy.

**Secs. 12-18-12-20. Reserved.**

## **ARTICLE II. LANDFILL\***

### **DIVISION 1. GENERALLY**

**Sec. 12-21. Reserved.**

### **Sec. 12-22. Hours of operation.**

~~The landfill shall be open on the days and during the hours as may be established by the board of selectmen from time to time.~~ [Reserved]

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\* Cross reference – Planning, Ch. 11.

**Secs. 12-23-12-45. Reserved.**

**DIVISION 2. RECYCLING CENTER**

**Sec. 12-46. Authority to adopt rules and regulations.**

The ~~B~~board of ~~s~~Selectmen is hereby empowered to adopt from time to time rules and regulations governing the Litchfield Recycling Center including but not limited to the preparation of categories and quantities of certain solid waste materials delivered to the center. Such rules and regulations may relate to the residents, businesses, commercial or other establishments disposing therein and to the items, packaging, and bundling of categories of certain materials or to size including the reduction of the materials to prescribed sizes.

**Sec. 12-47. Permit for use of the recycling center.**

A permit shall be required for the delivery of materials to the recycling center. Said permit will be for a specific period of time, will include the paying of a charge set from time to time by the Board of Selectmen through the Recycling Center Rules and Regulations, and will be administered by the Director of Public Works. Such permit will be administrated as prescribed by the Litchfield Public Works Department using Recycling Center Rules and Regulations adopted by the Board of Selectman pursuant to Section 12-46 of the Town of Litchfield Code of Ordinances. Such permit may be revoked or suspended as prescribed in the Public Works Department Recycling Center Rules and Regulations.

**Sec. 12-48. Charges.**

The ~~b~~Board of ~~s~~Selectmen is hereby empowered to fix, from time to time, charges which shall be imposed for the disposal of certain solid waste materials at the recycling center, such charges to relate to the cost of the subsequent disposal of the material by the town.

**Sec. 12-49. Penalties for offenses, remedies, severability.**

(a) Penalty. Whoever violates the provisions of this article, or any provision of the Recycling Center Rules and Regulations, shall, upon conviction, be fined not more than two-hundred and fifty dollars (\$250.00) for each offense, without warning and may be held liable for civil restitution. Hearings for such fines shall be held as provided in Connecticut General Statutes Section 7-152c.

(b) Removal of material and other remedies. In addition to the foregoing penalty, the town may require any user of the ~~r~~Recycling ~~e~~Center to remove material such user has deposited at the recycling center in violation of the Town of Litchfield Code of Ordinances or the Recycling Center Rules and Regulations. The town reserves all equitable and legal remedies in cases where material is deposited at the recycling center in violation of such Code of Ordinances and Rules and Regulations.

(c) Severability. If any provisions, section, sentence, clause, or part of this article shall be held invalid, illegal, or unconstitutional, such invalidity, illegality, or unconstitutionality shall not affect

or impair any remaining part of this article, it being the intent of the town that such remained shall remain in full force and effect.”

**Section 3.**

Except as provided for above in Section 2, “Amendment to the Code of Ordinances”, above, Chapter 12, “Solid Waste Management”, of the Code of Ordinances of the Town of Litchfield otherwise remains as previously codified by the legislative body of the Town of Litchfield.

**Section 4.**

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

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

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

Effective date: \_\_\_\_\_, 2023.

Recorded in the Litchfield Town Records: Vol. \_\_\_\_\_, Pg. \_\_\_\_\_.