

Chapter 15 - GARBAGE, REFUSE AND WEEDS ^[61]

Sec. 15-27. - Permitting of refuse collector; registration of vehicles and permanent containers.

(a) *Permit registration authority designated.* The director of public works or the director's designee shall be the permit registration authority for refuse collectors, vehicles, and permanent containers. The director or the director's designee shall grant a permit within a reasonable time following the filing of a proper permit application and payment of the prescribed fee unless the director of public works or the director's designee finds one (1) or more of the following conditions to prevail:

(1) The applicant has had a previous suspension or revocation of permits.

(2) The applicant lacks suitable and safe equipment with which to collect refuse in a safe and nuisance-free manner and in compliance with this article.

(b) *Permit required.* Each refuse collector shall annually, on or before July 1, apply for a permit from the director of public works or the director's designee on such permit registration application as the director of public works or the director's designee shall prescribe to engage in the business of refuse collection in the city.

(c) *Certificate of insurance.* No such permit shall be issued until the refuse collector files with the city a certificate of liability insurance demonstrating coverage in the amount of one million dollars (\$1,000,000.00) for property damage, one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per occurrence for liability claims, together with such workers' compensation insurance as provided by state law.

(d) *Permit of vehicle and containers.* Each refuse collector shall obtain a separate permit for each vehicle he/she operates to transport refuse within the city. Permits shall also be required for all permanent containers used by refuse collectors in a capacity greater than ten (10) cubic yards. Permits shall not be transferable from vehicle to vehicle or from permanent container to permanent container; provided, however, the director of public works or the director's designee may allow temporary transfer of permits in hardship situations, including but not limited to temporary breakdowns of individually licensed vehicles.

(e) *Permit registration term, fee, and renewals.* All permit registrations shall be issued for a term not to exceed one (1) year and shall be renewable on or before the first day of July of each year. Fees shall not be prorated.

(f) *Applicability/form of registration.* All persons intending to act as refuse collectors shall apply for registration before the first day of July of each year with the director of public works or the director's designee on registration applications provided. These forms shall require the applicant to furnish all information requested, including, but not limited to:

(1) The name of the business and whether a corporation, partnership or sole proprietorship.

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- (2) The names of all stockholders (if corporation not publicly held), directors, partners, officers or proprietors of the business.
 - (3) A listing and description of the vehicles to be used for hauling all types of waste with VIN numbers.
 - (4) The names and addresses of all customers presently served, if any, within the city.
 - (5) Estimated tonnage of solid waste expected to be collected each week.
 - (6) The names of all other communities served by the applicant.
 - (7) Evidence of insurance in amounts specified under subsection 15-26(c).
 - (8) Assurance that applicants will abide by Connecticut General Statutes recycling mandates.
- (g) A permitted refuse collector shall update the information required by subsection 15-26 (f)(1)—(8) at least once each year at the time of permit registration renewal.
- (1) Once approved, the permit registration shall be effective until the following June 30 and unless properly renewed shall lapse.
 - (2) The initial permit registration fee program will apply to FY 08-09, retroactive to July 1, 2008 in accordance with established fee schedule, and shall not be prorated.
 - (3) The permit registration is not transferable and no licensee shall permit another person other than the licensee's own agents and employees, to operate under said license.
 - (4) Each body of each vehicle used to transport waste, whether or not the body is permanently affixed to the vehicle or removable, shall have a legibly painted or otherwise displayed sign on at least one (1) side, so as to be easily read proclaiming the cubic yard capacity of the body. Each removable body that may be used by the permit shall also have so painted or displayed an identifying number which is to be listed with the city in the same manner as vehicles. No vehicle will be allowed to dispose of waste if it does not comply with this section. Any private vehicle used to haul refuse shall be clearly marked with the business name and address of the hauler.
 - (5) Re-inspection upon sale or transfer of vehicle during permit registration year. Whenever a duly registered vehicle is sold or transferred from one (1) permitted refuse collector to another during the permit registration year, the purchaser of such vehicle must provide certification of vehicle inspection by a reputable automotive business with seven (7) days of such transfer date. No additional fee shall be required for the remainder of a permit year following such a transfer.
 - (6) Display of permit registration. The permit registration issued shall be conspicuously displayed on the left windshield of each vehicle and on each container, or as otherwise may be directed.
 - (7) Notification required upon sale, transfer of route. When any permitted refuse collector shall sell or transfer all or part of its route to another permitted refuse collector the selling refuse collector shall forthwith give written notice to the director of public works or the director's designee at least seven (7) days before the date of the sale or transfer, stating the name of the buyer or transferee and the intended date of sale.
 - (8) Permits are not transferable to nonpermitted refuse collectors. When any permitted refuse

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collector shall sell or transfer all or part of its route to a refuse collector not permitted in the city the selling refuse collector shall first notify the director of public works or the director's designee, in writing, of the selling refuse collector's intent to sell, and the proposed transferee shall, at the same time, make application for a permit to operate in the city.

(Ord. No. 13-09, 3-23-09)

Sec. 15-28. - Registration fees.

(a) *The schedule of fees.* The fees below are to be reviewed annually and updated periodically to reflect market conditions. Fees shall not be prorated.

Gross vehicle weight twelve thousand one (12,001) pounds and above \$250.00
per unit

Gross vehicle weight below twelve thousand (12,000) pounds 125.00
per unit

Permanent containers ten (10) cubic yards and above 30.00
per unit

(b) *Discount.* Any vehicle or roll-off container garaged in the city paying property tax will benefit from a ten (10) percent discount in fees per unit provided the permit application is accompanied by a copy of proof of paid property taxes.

(Ord. No. 13-09, 3-23-09)

Sec. 15-29. - Denial, revocation or suspension of permit.

(a) *Generally.* A permit to engage in refuse collection in the city and to use refuse facilities provided by the city is a privilege not a right. Failure to comply with the provisions of this article shall be grounds for revocation or suspension of any permit issued under the provisions of this article in addition to any other penalty imposed by law.

(b) *Notice.* Written notice of revocation or suspension shall be sent by certified mail and shall become effective five (5) calendar days after receipt of such notice (as evidenced by the date of acceptance, refusal or inability to deliver noted on the return receipt) from the department of public works authorized permit registration designee.

(c) *Filing request for review, effect of failure to file.* If a refuse collector objects to the revocation or suspension, described in paragraph (b) above, he or she may, within the five (5) calendar days of receipt of the notice, file a written request for review with the director of public works. Failure to timely file such request for review shall make action final and binding on the affected refuse collector.

(d) *Effect of timely filing.* Timely filing of such request for review shall operate as an automatic stay of the revocation or suspension.

(e) The director of public works or the director's designee may refuse to grant permit registration to any applicant, or may suspend the registration of any registered refuse collector, if that person:

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- (1) Has violated or does violate any provision of state statute pertaining to refuse or recyclables,
- (2) Violates the provisions of this article,
- (3) Is not insured in accordance with the provisions of this article,
- (4) Is otherwise deemed unsuitable as a refuse collector.

A suspension of registration may not exceed a period of one hundred eighty (180) days for any one (1) violation; provided that repeated or willful violation of this article may result in permanent revocation of registration without right to reapply.

(Ord. No. 13-09, 3-23-09)

Sec. 15-30. - Prohibition of unpermitted collectors.

Beginning thirty (30) days after the effective date of this article all persons not properly registered as refuse collectors and all refuse collectors whose registrations have been suspended or revoked are prohibited from engaging in collection, hauling, transporting or disposing of solid waste generated within the city.

(Ord. No. 13-09, 3-23-09)

Sec. 15-31. - Administration; promulgation of rules and regulations.

Director of public works or the director's designee shall establish administrative procedures associated with the permitting of any refuse collector engaged in the collect and transport of waste in the city. The director of public works may promulgate additional rules concerning collection and disposal procedures from time to time as the director deems proper, but such rules shall not be inconsistent with this article or applicable state statutes.

(Ord. No. 13-09, 3-23-09)

Sec. 15-32. - Refuse collector's responsibilities and obligations.

(a) *Place of delivery payment.* Each refuse collector shall deliver all municipal solid waste meeting contractual standards and collected within the territorial limits of the city to the municipally designated facility and pay the disposal charge. All other solid waste shall be delivered to appropriate disposal sites and any applicable charge shall be paid by the refuse collector.

(b) *Prohibition on delivery.* No permitted refuse collector shall deliver any solid waste meeting the contractual standard to any place other than the municipally designated facility unless the facility is incapable of accepting such solid waste at the time of delivery, in which event such solid waste shall be delivered to the place designated by the Municipality or as determined by the refuse collector.

(c) *Construction and maintenance of vehicles and containers.* All vehicles registered to collect and transport refuse shall be automatic unloading vehicles of watertight construction, but shall be completely enclosed. If any such vehicle shall have a capacity of less than ten (10) cubic yards, it may have an open top, provide that it be covered when it is in motion to prevent the escape of solid waste.

(d) *Spilled solid waste.* Refuse collectors shall clean waste that may spill when in any municipal right of way or roadway when being carried or transferred.

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(e) *Noise ordinance.* Refuse collectors are to abide by municipal noise ordinance, section 23-3 of this Code.

(Ord. No. 13-09, 3-23-09)

Sec. 15-33. - Enforcement.

It shall be the responsibility of the director of public works or the director's designee to enforce all provisions of this article.

(Ord. No. 13-09, 3-23-09)

Sec. 15-34. - Duration.

The provisions included in this article shall be effective as of March 1, 2009.

(Ord. No. 13-09, 3-23-09)

Sec. 15-35. - Severability.

If any provision of this article or the application thereof shall be held invalid or unenforceable, the remainder of this article, or application of such terms and provision to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby and each remaining term and provision hereof shall be deemed valid and shall be enforced to the fullest extent permitted by law.

(Ord. No. 13-09, 3-23-09)

Sec. 15-36. - Administration.

The provisions of this article shall be in addition to and not in derogation of any and all provisions of the Connecticut General Statutes, the Municipal Code of Hartford, and other applicable regulations or ordinances.

(Ord. No. 13-09, 3-23-09)