

# TOWN OF NARRAGANSETT

## CHAPTER 929

### AN ORDINANCE IN AMENDMENT OF CHAPTER 62 OF THE CODE OF ORDINANCES OF THE TOWN OF NARRAGANSETT, RHODE ISLAND ENTITLED, "SOLID WASTE".

The Town Council of the Town of Narragansett hereby ordains as follows:

**SECTION 1.** Chapter 62 of the Code of Ordinances of the Town of Narragansett, Rhode Island entitled "Solid Waste" is hereby repealed in its entirety and replaced by the following:

#### **Chapter 62 SOLID WASTE\***

##### **Article I. In General**

- Sec. 62-1. Purpose of chapter.
- Sec. 62-2. Definitions.
- Sec. 62-3. Garbage and refuse.
- Sec. 62-4. Collection prohibited during certain hours.
- Sec. 62-5. Penalties for violation of chapter.
- Secs. 62-6--62-25. Reserved.

##### **Article II. Transfer Station**

- Sec. 62-26. Rose Hill Regional Transfer Station operation.
- Secs. 62-27--62-50. Reserved.

##### **Article III. Commercial Haulers**

- Sec. 62-51. Licensing procedures.
- Sec. 62-52. Commercial hauler user fees.
- Secs. 62-54--62-75. Reserved.

##### **Article IV. Recycling**

- Sec. 62-76. Implementation.
- Sec. 62-77. Responsibilities of director.
- Sec. 62-78. Recycling coordinator.
- Sec. 62-79. Enforcement by Director of Public Works.
- Sec. 62-80. Private Subscription collection; mixed recyclables.
- Sec. 62-81. Publishing collection schedules.
- Sec. 62-82. Recyclable materials.
- Sec. 62-83. Licensed public events and festivals.
- Sec. 62-84. Commercial recycling.

- Sec. 62-85. Compliance required.
- Sec. 62-86. Solid waste hazard or nuisance.
- Sec. 62-87. Ownership of recyclables; offenses.
- Sec. 62-88. Volunteer collection of recyclable materials.
- Sec. 62-89. Recycling contracts.
- Sec. 62-90. Regulations.
- Sec. 62-91. Rose Hill Regional Transfer Station Residential Users.**

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**\*Cross references:** Animal waste, § 6-2; buildings and building regulations, ch. 10; cesspool and sewer cleaners, § 14-216 et seq.; environment, ch. 22; rubbish and garbage storage and disposal at rooming houses, § 34-159; utilities, ch. 78; littering on beaches, § 82-23.

**State law references:** Refuse disposal, G.L. 1956, § 23-18.9-1 et seq.; solid waste management corporation, G.L. 1956, § 23-19-1 et seq.; hazardous waste management, G.L. 1956, §§ 23-19.1-1 et seq., 23-19.7-1 et seq.; civil liability for landfill operator for damage by fire, G.L. 1956, § 2-12-20.

## ARTICLE I. IN GENERAL

### Sec. 62-1. Purpose of chapter.

In accordance with G.L. 1956, § 23-18.9-1, the town recognizes its responsibility to make provision for the safe and sanitary disposal of all refuse which is generated within its boundaries including refuse from commercial and industrial sources. The disposal facility to be used to meet this responsibility shall be known as the Rose Hill Regional Transfer Station (RHRTS) and is located off Rose Hill Road in the Town of South Kingstown. To effectively carry out the town's responsibility for refuse disposal, the town council does hereby adopt the following chapter governing the collection, hauling and disposal of refuse and recyclable materials within the town. (Code 1986, § 8-1)

### Sec. 62-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bulky item* means an item of solid waste larger than two (2) feet by two (2) feet by four (4) feet or heavier than 50 pounds.

*Commercial hauler* means:

- (1) A person or private contractor engaged in the collection and transportation of residential solid waste and recyclable materials generated by persons other than the contractor in the town or in those areas designated by the town council.
- (2) A person or private contractor who collects nonresidential solid waste which is generated at such person's place of business or which is a waste product of a person's trade or industry located within the Town of Narragansett or the Town of South Kingstown.

*Commercial/industrial recyclable material* means any corrugated cardboard, office paper, newspaper, glass, food and beverage containers, tin coated steel cans/steel cans, and aluminum that is generated in any type of commercial/industrial business including public/municipal shall be considered commercial/industrial recyclable materials. This does not include contaminated recyclables, waxed containers or material that is contaminated with hazardous waste.

*Hazardous waste* means any waste as defined in the Rhode Island Hazardous Waste Management Act, G.L. 1956, § 23-19.1-4 or in regulations adopted pursuant thereto, and as they may be amended.

*Household hazardous waste* means hazardous municipal solid waste generated by residents of the town.

*Municipal solid waste* means solid waste generated by the residents of the town in the course of their daily living. Municipal solid waste does not include solid waste generated by residents of a municipality in the course of their employment or that generated by any manufacturing or commercial enterprise.

*Nonresidential solid waste* means solid waste from agricultural, commercial, industrial or institutional activities, or a building or group of buildings consisting of three or more dwelling units.

*Out-of-Town refuse* means any solid waste refuse, either residential, municipal, commercial, or industrial, that is generated in municipalities other than the Town of South Kingstown or Town of Narragansett shall be considered out-of-town refuse.

*Person* means an individual, firm, partnership, association, and private or municipal corporation.

*Recyclable Material* means those materials defined as such by the State Department of Environmental Management (RIDEM) and/or within the current Solid Waste and Recycling Services Agreement between the Rhode Island Resource Recovery Corporation (RIRRC) and the Town.

*Recycling Diversion Rate* is defined as the total tons of residential recyclable material divided by the sum of residential waste and residential recyclable materials.

*Resident* means any person whose principal place of residence is within the corporate limits of the town.

*Residential Recyclable materials* means materials separated from municipal solid waste for re-use as specified by RIDEM and/or the Rhode Island Resource Recovery Corporation (RIRRC) and as may be listed within the current Solid Waste and Recycling Services Agreement between the RIRRC and the town. The materials to be included may change from time to time depending

upon new technologies, economic conditions, waste stream characteristics, environmental effects or mutual agreement between the state and municipalities.

*Residential solid waste* means waste generated from residential activities or buildings consisting of four (4) or less dwelling units.

*Residential subscription service disposal arrangements* means the process whereby private property owners of four (4) dwelling units or less on a single lot contract with a commercial hauler for the collection, hauling, and disposal of solid waste and residential recyclables.

*Residential user* means any person who generates residential solid waste and recyclables at his/her place of residence and either delivers said waste and recyclables to the Rose Hill Regional Transfer Station or contracts with a commercial hauler for collection of said waste and recyclables.

*Rose Hill Regional Transfer Station (RHRTS)* means a facility located off Rose Hill Road in the Town of South Kingstown designated as the sole collection depository for all solid wastes and recyclable materials generated within the geographic boundaries of the town and other areas so designated by the town council where collection vehicles and other designated system users transfer solid waste and recyclable materials to haulage vehicles for transportation to a final disposal site outside of the town.

*Solid waste* means garbage, refuse and other discarded solid materials generated by residential, institutional, commercial, industrial and agricultural sources, but not including solids or dissolved material in domestic sewage or sewage sludge, nor hazardous waste as defined in the hazardous waste management act, G.L. 1956, § 23-19.1-1 et seq.

*Source separation* means the removal (by the generator) of recyclable materials from all other solid waste generated by the household.

*Tipping fee* means the charge per ton (2,000 pounds avoirdupois) for solid waste or recyclable materials delivered to the RHRTS by a residential user or private hauler.  
(Code 1986, § 8-2)

*Transfer station* means a facility operated by or for a municipality whose purpose is the temporary storage and accumulation of municipal solid waste and recyclable materials prior to its transport to and disposal at a corporation landfill or other designated facility.

*White goods* means major kitchen or laundry appliances including, but not limited to, stoves, washers, refrigerators and dryers. Nothing in this definition shall waive compliance with the rules and regulations for generation, transportation, storage and disposal of hazardous waste.  
(Code 1986, § 8-25)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 62-3. Garbage and refuse.**

No person shall place solid waste in any trash container owned by the town.  
(Ch. 767, § 1, 5-5-1998)

**Sec. 62-4. Collection prohibited during certain hours.**

The collection of garbage and other types of refuse within the town is hereby prohibited between the hours of 10:00 p.m. and 6:00 a.m. on any day of the week.  
(Code 1986, § 8-9)

**Sec. 62-5. Penalties for violation of chapter.**

(a) Any person who violates any of the provisions of this chapter or the regulations enacted pursuant thereto shall, upon conviction, be punished as provided in section 1-14.

(b) Any person who violates any of the provisions of this chapter or the regulations enacted pursuant thereto shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation.  
(Code 1986, § 8-8)

**Secs. 62-6--62-25. Reserved.**

**ARTICLE II. TRANSFER STATION**

**Sec. 62-26. Rose Hill Regional Transfer Station operation.**

(a) *Scope of service.* The Rose Hill Regional Transfer Station shall accept all solid waste generated within the towns of Narragansett and South Kingstown including refuse from commercial and industrial sources.

(b) *Hours of operation.* The Rose Hill Regional Transfer Station shall be open to the public for those hours deemed necessary by the Town of South Kingstown.

(c) *Prohibited items.* The Town of South Kingstown shall promulgate rules and regulations relative to items prohibited at the Rose Hill Regional Transfer Station.

(d) *Restricted items.* The Town of South Kingstown shall promulgate rules and regulations relative to restrictions on the acceptance of certain items at the Rose Hill Regional Transfer Station.

(e) *Special materials processing.* Nothing within this section will prevent the acceptance of restricted materials which, in the opinion of the Town of South Kingstown, can be properly handled by the Rose Hill Regional Transfer Station on a limited basis at a special tipping fee established by the Town of South Kingstown.

(f) *Scavenging and loitering.* No scavenging or loitering will be permitted at the Rose Hill Regional Transfer Station compound.

(g) *All loads covered; operation of vehicles transporting solid waste.* No person shall operate any vehicle upon a public highway of this town in which solid waste is carried unless such waste is covered or properly secured to prevent the contents of the vehicle from falling off and littering the highway. Failure to properly cover or otherwise properly secure a vehicle load destined for the RHRTS shall result in the denial of access to the Rose Hill Regional Transfer Station.

Secs. 62-27--62-50. Reserved.

### **ARTICLE III. COMMERCIAL AND NON-COMMERCIAL HAULERS\***

#### **Sec. 62-51. Licensing procedures.**

(a) All commercial haulers who collect or transport residential and/or non-residential solid waste and/or recyclable materials in the town to the regional transfer station shall be required to apply for and obtain an annual license from the Town of Narragansett, subject to rate and conditions prescribed and authorized by the Narragansett Town Council.

(b) The annual fee for a commercial hauler license shall be set by the Town Council.

(c) The license year shall be December 1 through November 30 of the following year.

(d) Commercial haulers shall be deemed independent contractors and are not agents of the town.

(e) All commercial haulers licensed by the Town must provide recycling services to each and every residential customer and must document that each customer meets or exceeds Town minimum recycling levels and further that each residential customer's recycling efforts as defined in Section 62-80 and elsewhere within this Chapter comply with residential recycling rules and regulations.

(f) Prior to the issuance of a license by the Town, a private hauler shall provide a written recycling plan to the Town, for review and approval, which plan shall demonstrate that said hauler has the adequate equipment and operational capacity to collect recyclables from each and every residential customer on a regular basis.

(Code 1986, § 8-4)

#### **Sec. 62-52. Commercial hauler user fees.**

(a) All commercial haulers shall pay appropriate tipping fees at the RHRTS as established by the transfer station operator and approved by the South Kingstown Town Council.

(Code 1986, § 8-6)

**State law references:** Authority to license commercial haulers, G.L. 1956, § 23-18.9-1(b)(1).

**\*Cross references:** Businesses, ch. 14.

### **Secs. 62-53. Non Commercial Users**

(a) *Residential.* All non-commercial residential users that directly utilize the Rose Hill Regional Transfer Station may only discharge solid waste (as defined within Section 62-2 herein) at said facility. Said discharge of solid waste shall be in accordance with the Rose Hill Regional Transfer Station rate schedule in effect at the time of disposal.

All residential users of the transfer station shall be required to recycle defined materials as a condition of use of this facility. Recyclable material types shall be determined by the RIDEM and/or RIRRC.

(b) *Recycling center use.* The recycling center at the Rose Hill Regional Transfer Station shall be open to any resident of South Kingstown or Narragansett.

### **Secs. 62-54--62-75. Reserved.**

## **ARTICLE IV. RECYCLING\***

### **Sec. 62-76. Implementation.**

There is hereby established a program for the mandatory separation of certain recyclable materials from municipal solid waste by the residents of the town. From time to time, the town shall publish rules and regulations that shall govern the implementation of this Chapter.

(Code 1986, § 8-26)

### **Sec. 62-77. Responsibilities of director.**

The director of public works, at the direction of the town manager, shall have the responsibility for the implementation of this article. The director shall be responsible for providing support to the recycling coordinator so as to enable him/her to adequately perform his/her duties under state law and this chapter.

(Code 1986, § 8-27)

### **Sec. 62-78. Recycling coordinator.**

The town manager may appoint an individual, either full-time or part-time, to coordinate the recycling program with the department of public works, private trash haulers, recycling facilities and the public. One of the primary tasks of the recycling coordinator shall be to encourage public education about recycling. These tasks shall be accomplished in a manner consistent with all federal, state and local regulations.

(Code 1986, § 8-28)

**Sec. 62-79. Enforcement by Director of Public Works.**

It shall be the duty of the Director of Public Works for the town to enforce the provisions of this article.

(Code 1986, § 8-29)

**\*State law references:** Waste recycling, G.L. 1956, § 23-18.8-1 et seq

**Sec. 62-80. Private subscription collection; mixed recyclables.**

(a) Residents in dwellings of four (4) units or less on a single lot may elect to subscribe with a commercial hauler to collect refuse and recyclable materials. Commercial haulers providing private refuse collection shall be licensed by the Town and shall provide regularly scheduled recycling services for each and every residential customer. All residents that subscribe to private refuse collection must recycle all designated residential recyclable materials. Said materials shall be placed at the curbside or other locations approved by the resident's commercial hauler in designated containers.

Refuse and/or recycling containers shall not be placed at the curbside in location or manner that compromises public safety or the delivery of public services. For the purpose of this section, the mixed recyclables to be include, but are not necessarily limited to the following broad categories:

- (1) Metal cans and scrap metal.
- (2) Glass bottles and jars.
- (3) Plastic bottles and jugs.
- (4) Drink cartons.
- (5) Mixed paper.
- (6) Newspaper.
- (7) Cardboard.

(b) All mixed recyclables shall be pretreated prior to being placed in the containers. The pretreatment required shall be as follows and/or in accordance with program rules and regulations promulgated by the Town:

- (1) Glass food and beverage containers shall be rinsed and the lids removed;
- (2) No broken glass shall be placed in the containers;
- (3) All aluminum and tin cans shall be rinsed;
- (4) Aluminum furniture shall have the webbing removed and all glass shall be removed from aluminum windows;

- (5) All plastic containers shall be rinsed and the caps removed;
- (6) Newspapers shall be placed in the containers in stacks 12 inches high or less and tied with string or placed in brown paper bags.

(Code 1986, § 8-30)

#### **Sec. 62-81. Publishing collection schedules.**

The licensed private haulers that provide residential subscription service shall provide each customer with an initial schedule for collection and shall publish a new schedule thereafter whenever there is a change in either materials to be collected, collection procedures or schedules. Mandatory recycling services for each and every residential subscription customer shall be implemented in accordance with a schedule adopted by the Town Council.

(Code 1986, § 8-31)

#### **Sec. 62-82. Recyclable materials.**

Recyclable materials shall be deposited at the curb or edge of roadway, or as otherwise designated by the licensed private haulers, so as to not impede traffic or pedestrians, in special recycling containers provided by the town to the residents that are serviced by commercial haulers. These containers shall initially be provided free of charge and thereafter for a fee specified by the town council for replacements. Recycling totes are the property of the Town regardless of payment method. If there are more recyclables than can be accommodated in the container, these shall be placed in containers stacked close to such special recycling container to facilitate collection with recyclable materials. Recyclable materials shall be prepared for collection according to directions published by the town.

(Code 1986, § 8-32)

#### **Sec. 62-83. Licensed public events and festivals.**

The town shall require the separation of recyclables as a condition of licensing or authorizing public events at which significant solid waste will be generated.

(Code 1986, § 8-33)

#### **Sec. 62-84. Commercial recycling.**

Business firms shall be subject to state and federal recycling regulations.

(Code 1986, § 8-34)

#### **Sec. 62-85. Compliance required.**

(a) *Separation of recyclables from nonrecyclables.* All residents, taxpayers, renters, and others residing in and/or doing business in the town shall separate recyclables from the nonrecyclable portion of their solid waste and prepare them for recycling according to the terms of this article and rules and regulations published by the town.

(b) *Collection by private parties and nonprofit groups.* Residents are allowed to give recyclables to individuals and to private and nonprofit organizations that have been duly licensed and whose collections are reported in a manner specified by the director to be in compliance with RIRRC and/or RIDEM reporting requirements.

(c) As a condition of any license issued to a private commercial hauler under this Chapter, said hauler shall agree without reservation to the following minimum terms and conditions:

- (1) Provide and maintain up-to-date customer lists to the town in a format (electronic and/or paper) stipulated by the town. To the extent allowed by law, the town agrees to maintain the confidentiality of said lists.
- (2) Minimum commercial hauler recycling services: As a condition of Town licensure, all commercial haulers shall provide recycling services to each and every customer. In addition, all commercial haulers shall collect recyclables from each and every customer and shall ensure that the quantity of recyclables collected from customers meets or exceeds minimum Town recycling diversion rates as established by the Rhode Island Resource Recovery Corporation.
- (3) Provide, under a schedule and in a format (electronic and/or paper) stipulated by the town, collection data necessary to verify recycling diversion rates.

Other terms and conditions may be added to a specific license by the town as deemed necessary for the efficient and successful operation of the recycling program defined by this Chapter or relevant State law.

(d) *Penalties for noncompliance.* Violation of this article shall be punished by the following means:

- (1) Any person or entity, including commercial haulers as defined herein, who violate any of the provisions of this Chapter or the rules and regulations enacted pursuant thereto shall, upon conviction, be subject to the terms of Chapter 1 “General Provisions”, Sec. 1-14 of the Code of Ordinances.
- (2) First Offense: The director of public works shall issue a Notice of Violation (NOV), by certified mail to the offending commercial hauler. The NOV shall give the offending commercial hauler fifteen (15) calendar days to submit a written compliance plan of sufficient detail to the director and forty-five (45) calendar days to comply with all town recycling requirements. Said NOV shall advise the offending commercial hauler that he/she is subject to fines for any subsequent violations. Subsequent NOV’s will be issued by the town as necessary, with a compliance schedule noted therein.
- (3) In the event that a commercial hauler is convicted of a second offense within the same calendar year or fails to cure the first offense within forty-five (45) days as noted in (1) above, said hauler shall have his/her town-issued commercial hauler license suspended, pending a hearing before the town.

Upon conclusion of the hearing, the town reserves the right to re-instate the license (with or without conditions), continue the suspension to a date certain, or revoke the license, at its sole discretion. No commercial hauler may collect solid waste and/or recyclable materials without a valid commercial hauler's license issued by the Town of Narragansett. Grounds for license suspension or revocation include, but are not limited to, willful violation of the provisions of this Chapter.

- (4) *Liability.* Any person who violates any of the provisions of this article or the regulations enacted pursuant thereto shall become liable to the town for any expense, loss, or damage occasioned by the town by reason of such violation.

(Code 1986, § 8-35)

#### **Sec. 62-86. Solid waste hazard or nuisance.**

No person having custody or control of residential, industrial or business premises from which solid waste, including recyclables, is collected for disposal by the town, shall permit or cause any solid waste, including recyclables, within his/her control to become a hazard to public travel, health or safety, or to become a nuisance of any sort.

(Code 1986, § 8-36)

**Cross references:** Nuisances, § 22-21 et seq.

#### **Sec. 62-87. Ownership of recyclables; offenses.**

Once recyclable materials have been deposited in the designated place, be it curbside or transfer station, such recyclable materials shall become the property of the licensed private hauler or the transfer station operator, respectively. As a condition of town licensure, commercial haulers providing private subscription services shall deliver all residential recyclables to the RHRTS or the RIRRC materials recycling facility (MRF). The RHRTS and the RIRRC MRF are the only facilities authorized for the disposal of commercial hauler collected residential recyclables. No person engaged in the business of separation, recovery, collection, removal, storage or disposition of solid waste shall pick up or procure any recyclable materials as defined under this article or a valid regulation within the town except as specifically authorized by the director. The restriction of this section shall also include any resident, taxpayer or other person who might engage in such practice for personal gain. Any person violating the terms of this section shall be punished in accordance with section 1-14.

(Code 1986, § 8-37)

#### **Sec. 62-88. Volunteer collection of recyclable materials.**

The director may issue permits to private parties or charitable organizations to collect recyclable materials on the condition that a report is filed by such party or organization detailing the amount of each material collected, in compliance with RIRRC and/or RIDEM reporting requirements, and provided that the director determines that such collection does not defeat the purpose or cost effectiveness of the town's recycling program, nor conflict with the town's local implementation program.

(Code 1986, § 8-38)

**Sec. 62-89. Recycling contracts.**

The town manager is empowered to supervise, facilitate and, subject to town council approval, contract with state recycling facilities as mandated by the General Laws of the State of Rhode Island or with commercial firms for the receipt and processing of recyclable material in a manner consistent with the town's local implementation program that yields the best rate of recycling and the most cost effective result for the town.

(Code 1986, § 8-39)

**Sec. 62-90. Regulations.**

The director of public works, subject to town manager and town council approval, is hereby authorized to prepare and publish regulations governing the implementation of the recycling program.

(Code 1986, § 8-40)

**Sec. 62-91. Rose Hill Regional Transfer Station Residential Users**

All residential users of the RHRTS shall be required to recycle as a condition of use of that facility. Failure to recycle materials in accordance with this Chapter and/or the rules and regulations promulgated thereto shall result in the suspension of use of the RHRTS.

**SECTION 2.** This Ordinance shall take effect upon its passage and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

First Reading read and passed in Town Council Meeting legally assembled the 17<sup>th</sup> day of May A.D. 2010.

Second Reading read and passed in Town Council Meeting legally assembled the 7<sup>th</sup> day of June, A.D. 2010.

ATTEST:



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Anne M. Irons, CMC, Town Clerk