

Chapter 303. Solid Waste

Article I. Solid Waste and Recycling

§ 303-1. Definitions.

As used in this article, the following term(s) shall have the meaning(s) indicated:

Arrangements

The process by which the Town plans for and carries out the separation, weighing, collection, hauling and disposal of solid waste and recyclables within the Town.

Bulk Item

An item of solid waste that is not recyclable and is too large to fit in a bag placed inside the universal cart or heavier than 50 pounds.

Business Firms

Any commercial establishment doing business within the Town of Smithfield.

Carts or Toters

Receptacles provided to residents by the Town for the purpose of collecting solid waste and recycling. The lid of the recycling cart is yellow and is labeled "Recycling only" and the lid of the trash cart is green and is labeled "Trash only".

Construction Debris

Any material resulting from the remodeling or demolition of a house or structure, i.e. windows, doors, house and bathroom fixtures, siding, etc.

DEM

The Department of Environmental Management of the State of Rhode Island.

Hazardous Waste

Any waste as defined in the G.L. 1956, § 23-19.1-4, and in regulations adopted pursuant thereto and as they may be amended. Some examples of hazardous materials are, any materials with packaging containing a hazardous or toxic symbol, chemicals, solvents, propane, gasoline, oil, etc.

Household Hazardous Waste

Hazardous solid, liquid or gaseous waste generated by residents of the Town of Smithfield. Some examples of hazardous materials are, any materials with packaging containing a hazardous or toxic symbol, chemicals, solvents, propane, gasoline, oil, etc.

Local Recycling Program

A recycling program for municipal solid waste, as set forth in a local recycling plan, approved by the state, pursuant to the municipal recycling regulations as amended.

Mixed Recyclables

Recyclable materials, as specified by Rhode Island Resource Recovery Corporation and Rhode Island Department of Environmental Management, in accordance with regulations, which are required to be removed from municipal solid waste at the source and placed in the universal roll out cart provided by the town for transport to Rhode Island Resource Recovery Corporation for recycling. 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 state and municipalities.

Municipal Solid Waste

Solid waste generated by the residents of the town in the course of their daily living, the disposal of which the governing body of the Town has undertaken in the discharge of its duties to protect the health of the Town. The term "municipal solid waste" does not include solid waste generated by residents of the town in the course of their employment or that are generated by any manufacturing or commercial enterprise.

Recyclable Materials

Materials separated from municipal solid waste stream, prior to disposal, for reuse in the form of raw materials for new, used or reconstituted products, which meet the quality standard necessary to be used in the marketplace and that are not landfilled.

Resident

Anyone residing in the town for any period of time who generates solid waste for which the town accepts responsibility for disposal.

Solid Waste

Garbage, refuse or 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, Chapter 19.1 of the General Laws of Rhode Island.

Transfer Station

A facility operated by or for the Town; the purpose of which is the temporary storage and accumulation of municipal solid waste prior to its transport to and disposal at the Rhode Island Resource Recovery Corporation's landfill or another facility designated by RIRRC.

White Goods

Major kitchen or laundry appliances, including but not limited to stoves, washers, refrigerators, dryers and water heaters. Nothing in this definition shall waive compliance with the rules and regulations for generation, transportation, storage and disposal of hazardous waste.

Yard Waste

Leaves, grass clippings, weeds, herbaceous garden waste, brush, shrub and tree pruning and branches no more than 3 feet in length and 2 inches in diameter.

§ 303-2. Recycling program established.

There is hereby established, a program for the mandatory separation of certain recyclable materials from municipal solid waste, by the residents of the Town and the collection of segregated municipal solid waste at the resident's curbside or at other specific locations. The collection of separate recyclables shall be made periodically under the supervision of the Director of Public Works and Recycling Coordinator.

§ 303-3. Implementation.

- A. The Director of Public Works shall oversee the implementation of this article.
- B. The Director of Public Works shall receive the assistance of the Department of Public Works, The Recycling Coordinator, Smithfield School Department and other municipal departments. One of the prime duties of the Director of Public Works shall be to encourage public education about recycling through the media, through the schools, through periodic public awareness campaigns and events.
- C. The Director of Public Works is hereby authorized and directed to prepare and publish, subject to Council approval, regulations for the implementations of this article and what recycling and collection facilities will be made available to residents of the Town.

§ 303-4. Reporting requirement.

The Director of Public Works shall establish an accurate system to keep monthly records of weights of total municipal solid waste and of recyclables, which are separated from the total municipal solid waste stream.

§ 303-5. Notice of changes.

The Director of Public Works shall give notice to RIRRC of any significant change in solid waste disposal arrangements.

§ 303-6. Coordination of refuse and recycling program.

The Town Council shall appoint an individual, either part-time or full-time, municipally or regionally, to coordinate the refuse and recycling program with the Department of Public Works, private trash haulers and recycling facilities and RIRRC and to provide recycling education for residents and school children. These tasks shall be accomplished in a manner consistent with state and federal regulations.

§ 303-7. Public information program.

The Recycling Coordinator shall implement a public education and information program, consisting of speaking engagements, school presentations, preparation of press releases, direct mailings, special events and other such efforts to inform the public of the benefits of recycling and the mechanics of its implementation in their community, in accordance with Sections 5-4a and 8.3f-8 of RI Municipal Recycling Regulations, as amended.

§ 303-8. General recycling program requirements.

- A. Recyclable materials; Recyclable materials shall be deposited at the curb in the universal roll-out carts provided by the Town to the residents. These carts shall initially be provided free of charge for the implementation of fully automated trash and recycling collection. Universal roll-out carts will be provided free to residents occupying a newly built home. If there are more recyclables than can be accommodated in the universal roll-out cart, residents can exchange their 65 gallon cart for a larger town-owned cart approximately 95 gallons for no charge. Recyclable materials shall be prepared for collection, according to regulations, established by the Director of Public Works and published by the Town.
- B. 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 for which the Town accepts responsibility for disposal.
- C. Public property; The Town shall require the separation of recyclables in any public building, park, beach or playground where significant solid waste may be generated for which the Town accepts responsibility for disposal.
- D. Commercial recycling; The Town shall require the separation of recyclables at all business firms within the Town. Business firms shall be required to dispose of these materials in accordance with state and federal regulations, at no cost to the Town. Business firms, which provide waste receptacles for public use, shall be required to provide separate recycling receptacles for each recyclable material stream for public use.
- E. Compliance required; All residents, taxpayers and business firms in the Town of Smithfield shall separate recyclables from the no-recyclable portion of their solid waste and prepare them for recycling according to directions established by the Director of Public Works and published by the Town.
- F. Collection by private parties and nonprofit groups; Residents are allowed to give recyclables, prior to placing them at the curbside, to individuals and to private and

nonprofit organizations that have been fully licensed and whose collections are reported in a manner specified by the Director of Public Works.

G. Condominium Collection; The Town will accept trash and recycling from condominium residents. The condominium developer and/ or Board President will be required to meet with the Department of Public Works Director or his or her representative prior to collection. A letter holding the Town and hauling company harmless in the event of damage to the roadways will be required prior to collection.

§ 303-9. Curbside collection of mixed recyclables.

The Town shall provide a schedule for the collection of mixed recyclables from residents. Such materials shall be placed at the curbside, mixed together in the universal roll-out cart colored green with a yellow lid. Items shall be clean and dry. Containers shall be empty and rinsed. Recyclables shall be loose within the cart, not contained in plastic bags.

§ 303-10. Placement for collection.

All carts shall be placed on the outer edge of the sidewalk, not later than 6:00 a.m., on your collection day or the night before your collection day. The trucks will not collect over the same route twice on the same day. The Town cannot authorize the placing of carts on the sidewalk, except for the purpose of collecting same. All damages caused, occasioned or resulting from their presence must rest on the person who placed them there. Department of Public Works will be responsible for repairs or replacements of carts damaged by Town plows or Town vehicles. All carts must be removed from the highways within 24 hours of collection. If a cart is stolen, the resident must go to the Smithfield Police Department and file a report. A copy of the report must be submitted to the Department of Public Works with a written request for a new cart. Residents are allowed one Town owned replacement cart, per dwelling, at no charge, in the event a cart is stolen. All trash must be bagged before being placed in the cart. The lid to the cart must close tightly and no material may be sticking out of the cart. Place carts no more than three feet from the street and at least four feet from obstacles such as mailboxes, fire hydrants and telephone poles. Cart handles and wheels should be facing the house and the arrows on the lid should face the street. The “No Bin No Barrel” Policy is still in effect. Your recycling cart must be out in order to receive trash collection.

§ 303-11. Publication of collection schedules.

The Director of Public Works shall have prominently published the initial schedule for collection and shall publish a new schedule, thereafter, whenever there is a change in either materials to be collected, regulations, collection procedures, schedules or a change in the waste hauling contractor.

§ 303-12. Amount collected.

- A. Refuse and rubbish in the town-owned carts, placed at the sidewalk, as stated in this article, will be removed by the hauler. All trash must be bagged before being placed in the cart. The cart lid must close tightly and no material may be sticking out of the cart.
- B. Properly sorted mixed recycling in town-owned recycling carts, placed at the sidewalk, as stated in this article, will be collected by the hauler. Recycling must be loose, not bagged. The cart lid must close tightly and no material may be sticking out of the cart.

§ 303-13. Loose waste.

Under no circumstance will loose trash be collected. All trash must be bagged before being placed in the cart. The lid must close tightly.

§ 303-14. White goods and bulk items.

Residents are required to call the Department of Public Works to schedule a pick-up or go to our on-line form. White goods and bulk items shall be placed curbside, no earlier than 24 hours before the scheduled pick-up day.

§ 303-15. Yard waste collection.

Yard waste will be collected, according to the Trash and Recycling Calendar, distributed by the Director of Public Works. Yard waste must be placed in brown paper “yard debris” bags, barrels without wheels that have been labeled “yard waste” or in tied bundles of branches no more than three feet in length and two inches in diameter. There is a maximum of twelve items collected per household, including trash and recycling carts.

§ 303-16. Construction debris.

The Town will not collect construction waste. Construction waste must be stored in containers deemed appropriate and reasonably determined by the Building Official. Construction waste must be removed within 48 hours of the substantial completion of work on the subject property.

§ 303-17. Solid waste hazard or nuisance prohibited.

No person having custody or control of residential, industrial or business premises from which solid waste, including recyclables, is collected for disposal shall permit or cause any solid waste, including recyclables, within his or her control to become a hazard to public travel, health or safety or to become a nuisance of any sort. Solid waste, including recyclables, white goods, and bulk items, left at the curbside for a period of more than 24 hours shall be considered a nuisance and said person having control may be subject to fines or penalties.

§ 303-18. Ownership of recyclables; offenses.

Once municipal solid waste, including recyclables, has been placed at the curbside, such solid waste becomes the property of the Town. 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 of Public Works. This restriction shall also include any resident, taxpayer or other person who might engage in such practice for personal gain.

§ 303-19. Commercial solid waste.

No solid waste will be removed from commercial establishments by the hauler collecting municipal solid waste for the Town.

§ 303-20. Enforcement.

It shall be the duty of the Chief of Police of the Town to enforce the provisions of this article.

§ 303-21. Violations and penalties; residential noncompliance or violations.

Penalties for residential noncompliance or violations of the provisions of this article shall be as follows:

- A. First offense; A verbal notification delivered and recorded by the Director of Public Works or his designee, to the resident.
- B. Second offense; A written warning, delivered and recorded, that subsequent violations shall result in the fines from the Department of Public Works.
- C. Third and subsequent offense; Any person who violates any of the provisions of this article, after receiving a written warning of the same offense, shall be subject to a fine of not more than \$100 for each subsequent offense.

§ 303-22. Violations and penalties; business firm noncompliance or violations.

Penalties for business firm noncompliance or violations of the provisions of this article shall be as follows:

- A. First offense; A written notification delivered and recorded by the Director of Public Works or his designee, to the business firm.
- B. Second offense; A written warning, delivered and recorded by the Director of Public Works or his designee, stating that subsequent violations shall result in the payment of fines.
- C. Third offense; Any business firm that violates any of the provisions of this article after receiving a written warning of the same offense, shall be subject to a fine of not more than \$500.

- D. Subsequent offenses; Any business firm may be subject to suspension or revocation of its license to do business by the Town Council for repeated violation of any provision of this article.

§ 303-23. Volunteer collection of recyclable materials.

The Director of Public Works may issue permits to private parties or charitable organizations to collect recyclables materials, on the condition that a report is filed by such party or organization, detailing the amount of each material collected and provided that the Director of Public Works 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.

§ 303-24. Licensing of haulers.

- A. All qualified persons engaged in the business of collection and hauling of solid waste and operation of transfer stations within Town boundaries shall be licensed in compliance with the State's Rules and Regulations for Solid Waste Disposal Facilities and the provisions of this article.
- B. Licensees shall:
 - (1) Maintain the segregation of municipal solid waste, which they haul, collect or transport;
 - (2) Maintain any separated recyclables which are brought to state-owned recycling facilities, to be delivered in processable condition; and
 - (3) Deliver to state-owned recycling facilities all separated recyclables which are designated by the Town to go to such facility.

§ 303-25. Recycling contracts.

The Director of Public Works is empowered to supervise, facilitate and contract with either 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 results for the Town.

§ 303-26. Severability.

This article and various parts, sections and clauses thereto are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this article shall not be affected thereby.