

**TOWN OF MANCHESTER, CONNECTICUT  
SANITATION DIVISION**

**LANDFILL RULES AND REGULATIONS – COMMERCIAL USERS**

These rules and regulations for the operation of the Town of Manchester Sanitary Landfill are adopted by the Board of Directors pursuant to Chapter 200 of the Town of Manchester Code of Ordinances, Section 200-6 on June 12, 2007 and shall replace and supersede any and all previously adopted rules and regulations.

**1. PURPOSE**

The Sanitation Division of the Town of Manchester is responsible for the operation of the Manchester Landfill which includes all recycling areas, the leaf composting area and the transfer area. The Manchester Landfill is a bulky and special waste disposal facility regulated by the State of Connecticut Department of Environment Protection. These rules and regulations are intended to set forth and explain the permit requirements, fees and procedures regarding access, use and operation of the Landfill.

The Sanitation Division is an enterprise fund and the operation of the Landfill is supported entirely from the fees collected from the residential and commercial users of the Landfill and is not funded by taxpayer monies.

**LEGAL NOTICE:** Commercial users of the Landfill should be aware that the Landfill areas contain trash, broken glass, metals, sewer sludge and other potentially dangerous or harmful materials. In entering the Landfill, all users assume the risk of any damage or injury to themselves, their passengers and/or their vehicles, occurring in the Landfill. Users of the Landfill agree to indemnify and save harmless the Town of Manchester, its Sanitation Division, its agents, servants and employees, from and against all expenses, including but not limited to attorney's fees, for damages due to bodily injury, including death inflicted by any person or persons or damage to personal property, arising out of or in consequence of the use of the Landfill.

**2. HOURS OF OPERATION**

- a. The Landfill is open to commercial users Monday through Saturday, 7:15 a.m. to 2:30 p.m.
- b. The Landfill is closed on the following holidays:

New Year's Day	Labor Day
Memorial Day	Thanksgiving Day
July 4 <sup>th</sup>	Christmas Day

If any of these holidays fall on a Sunday, the Landfill will be closed on the following Monday.

3. **MATERIALS ACCEPTED AT THE LANDFILL FROM COMMERCIAL USERS**

**NOTE:** The Town of Manchester Landfill permits the disposal of bulky waste and materials, including special waste as defined herein, in compliance with and pursuant to a permit issued by the State of Connecticut Department of Environmental Protection (D.E.P.). The Sanitation Division reserves the right to reject any load from a commercial user that does not, in the sole discretion of the Sanitation Division, comply with the requirements of the D.E.P. permit and its rules and regulations.

A. The following materials may be disposed by commercial users with a proper permits in the Town of Manchester Sanitary Landfill:

1. Bulky waste.
2. Construction debris.
3. Special waste as defined by the State of Connecticut Department of Environmental Protection or the Federal Environmental Protection Agency. Special waste disposal requires written authorization and approval by the Sanitation Division and is subject to fees as set forth on a separate schedule, attached, which fees are amended from time to time by the Board of Directors.

B. The following materials shall not be disposed by commercial users in the Town of Manchester Sanitary Landfill:

1. Municipal solid waste.
2. Dangerous materials or substances defined herein as, but not limited to poisons, acids, caustics, infected materials including medical wastes, explosives, radioactive materials or any waste deemed hazardous by the State of Connecticut Department of Environmental Protection or the Federal Environmental Protection Agency.
3. Logs, wooden poles, lumber, pipes or girders in excess of six (6) feet in length.
4. Motor vehicle bodies and chassis.

5. Materials of any kind containing hot live coals.
6. Animals (live or dead).
7. Electronic equipment and devices such as computers, televisions, stereos and photocopiers.
8. Recyclable materials as defined herein.
9. Oil.
10. All other materials, the disposal of which are not or will not be in accordance with these rules and regulations.

#### 4. **COMMERCIAL PERMITS AND USAGE**

All commercial users of the Landfill for the disposal of materials are charged by the weight, type of material and/or by the item, which is determined by the scale and the scale operator utilizing commercial rates; a special rate is available (by weight at the scale) for the disposal of household waste by the holder of a commercial permit for those materials coming from the permit holder's Manchester residence only. Commercial users are required to obtain a permit, annually, that provides access to the Landfill. There are two types of commercial permits: **Category I** and **Category II**, both of which are described below.

##### A. **Category I Commercial Permit**

A Category I Commercial Permit may be issued allowing access to the Landfill by an owner of a business located in Manchester provided that the permit is in the name of the business, used by a vehicle with a gross vehicle weight of less than 5,000 pounds and which vehicle must be registered and taxed in the Town of Manchester.

Owners of residential rental real estate units located in the Town of Manchester and totaling more than four units are required to purchase a Category I Commercial Permit for the disposal of bulky waste materials coming from those properties located in Manchester, provided the materials are brought to the Landfill in a vehicle with a gross vehicle weight of 5,000 pounds or less and which vehicle must be registered and taxed in the Town of Manchester. A permit must be secured for each vehicle of an entity that will be sent to the Landfill.

##### B. **Category II Commercial Permit**

A Category II Commercial Permit may be issued to any commercial entity or individual not eligible for a Category I Commercial Permit and desiring to do business at the Landfill. A permit must be secured for each vehicle of the entity that will be sent to the Landfill.

**C. General Terms and Conditions for all Commercial Users**

All Commercial Permits must be applied for in writing and approved by the Sanitation Division prior to entering the Landfill. The application requires the disclosure of the officers, directors or members or managers of any corporation or limited liability company as well as the disclosure of all partners of any partnership and must be signed by an authorized signatory of the entity. The signature requirement on the application includes an acknowledgement of the receipt of a copy of these rules and regulations and an agreement to be bound by them. The Sanitation Division reserves the right to reject any Commercial Permit application and shall provide the reasons for the rejection in writing to the applicant. Multiple commercial permits may be obtained from the submission of one application by a commercial user.

The Sanitation Division reserves the right to reject an application for a permit, or suspend or revoke a permit if the applicant or permit holder or any officer of the applicant or permit holder, or any other company owned in whole or in part by an officer(s) of the applicant or permit holder is delinquent in the payment of any taxes or fees owed to the Town, or if the commercial user has previously violated these rules and regulations.

The fees for all Commercial Permits are set forth on a separate schedule, attached, which fees may be amended from time to time by the Board of Directors. Payment of the fee must accompany the application and be made by cash, money order or bank or certified check for the initial permit.

All Commercial Permits are valid for one year with that year being defined as January 1 through December 31, regardless of when you purchase the permit. For example, if you purchase the permit on April 1, it expires on December 31 of that year.

All Commercial Permit stickers must be displayed on the front, left-hand side window of the vehicle.

**D. Commercial Accounts and Payment Arrangements for Commercial Permit Holders**

Commercial users of the Landfill pursuant to a permit are required to make satisfactory payment arrangements prior to using the Landfill. All

commercial users are charged by the weight of their load, type of material and/or by the item, with the rates being set forth on a separate schedule and available for inspection at the Landfill.

### 1. **Pay As You Go Accounts**

Commercial permit users may pay on a per load basis provided that payment is made in cash or by certified check made payable to the Town of Manchester for each load. Subsequent use of the Landfill may be paid for, at the discretion of the Sanitation Division, on a per load basis, **in cash or a check from the business account of the commercial permit holder**. If a check is returned from a bank then that account will be required to replace that check with cash, money order or a certified check and reimburse the Town of Manchester for any bank charges it incurs. If a second check is returned, the account will be placed on a cash only basis (cash, money order, bank or certified check) for a period of time to be determined by the Sanitation Division or be required to establish an escrow account.

### 2. **Monthly Billing and Escrow Accounts**

If a commercial user of the Landfill wants to be billed on a monthly basis, it must establish an Escrow Account to secure payment. The deposit to the escrow account shall be established as follows:

- a. The amount of the escrow deposit is established by the Sanitation Division and is determined by the type of business and amount of materials to be brought to the Landfill. The escrow deposit must be in an amount equal to at least two (2) months worth of tipping fees and be paid by cash or a certified or bank check. A Letter of Credit or Surety Bond may be accepted. A minimum escrow account equal to the fees generated by two (2) tons of waste at the tipping fee schedule in effect at that time is required. The Landfill may require, at its discretion, an increase in the escrow account at any time if the amount of materials being brought to the Landfill and resulting tipping fees during any two month period exceeds the current escrow account. Escrow deposits are held in an interest-bearing account until such time as the account holder notifies the Town of Manchester, in writing, that it wishes to close the account. Any monies due the Town of Manchester at the time the account is closed, whether the account is closed by the Town or the account holder, will be paid from the escrow account before the balance is disbursed. **Escrow accounts may not be used to pay monthly charges.**

- b. The interest rate to be paid on escrow accounts shall be determined on an annual basis in the month of January of each year by the Director of Finance. The rate of interest paid shall be equivalent to the statutory interest rate set forth in Connecticut General Statutes Section 47a-21(i). Interest earned on deposits shall be accrued in the deposit account to the benefit of the customer.
- c. Once an Escrow Account has been established, the billing and payment of fees shall be in accordance with the following procedures:

Commercial accounts with escrow are billed on a monthly basis. Invoices are generated on the last business day of each month. Payment of monthly charges must be **received** by the end of the following month to keep your account current. Finance charges at the rate of 1½% per month are assessed on any balance due and not **received** within this time period. Any commercial account with a past due balance will not be allowed access to the Landfill until past due charges are paid in full. If your account is past due, when you come to the Landfill, the scale operator will inform you of the amount past due and payment can be made at the scalehouse in order to dump. If you do not have the funds with you at that time you will be instructed to return with the amount needed in order to gain access to the Landfill.

- d. When a commercial account is initially established, all permit fees and escrow account deposits must be paid by cash, money orders, bank or certified check only. Thereafter, business or personal checks (**from the account of the principal of the permit holder only**) may be accepted for the payment. The Landfill reserves the right to require payment by cash, money order, bank or certified check if any business or personal check is returned and require reimbursement for any bank charges incurred by the Town.

## 5. PROCEDURES FOR USE OF LANDFILL BY COMMERCIAL USERS

- A. All commercial users of the Landfill must be weighed at the Landfill scale. Commercial users shall be directed to the scale operator and must disclose the following information to the scale operator:
  - i. Commercial permit number
  - ii. Where the load originated
  - iii. Type of materials in the load
  - iv. Special waste documentation must be provided, if applicable

- B. In the event of any misrepresentation with respect to this required information, the holder of the permit shall be subject to a charge equal to double the tipping fee for that load; a possible charge for a special handling fee; a possible charge for the re-loading and removal of the materials from the Landfill; possible suspension or revocation of all Landfill permits for that entity and possible criminal prosecution.
- C. All commercial loads must be weighed at the scale before entering the Landfill. Drivers must follow the specific instructions for the weighing of each load as outlined by the scale operator. Charges or fees for each load will be based upon the weight of the load, type of materials and/or by the item. Failure to establish the proper weight of a load by the scale will result in charges or fees based upon the gross weight of the load and may result in a requirement of a deposit or an escrow account prior to entering the Landfill on subsequent occasions.

6. **MISCELLANEOUS**

- A. There shall be no scavenging in the Landfill and scavengers are subject to criminal prosecution.
- B. There shall be no smoking in the Landfill.
- C. Children under the age of twelve (12) and all pets shall remain in vehicles at all times and shall not be left unattended nor allowed to wander in the Landfill.
- D. In the event that a commercial user is in violation of these regulations and the commercial user's permit is suspended, other permits held by the violator shall also be suspended for the same time period. This includes the permits of partnerships, corporations or limited liability companies of which the violator has principals who are partners, officers, directors, owners, members or managers in these partnerships, corporations or limited liability companies.
- E. All commercial users of the Landfill shall be bound and agree to all of the provisions of these rules and regulations, including the payment of any fees or charges as set forth herein, shall access and use the Landfill in strict compliance with the instructions and directions of the Sanitation Division personnel and shall be subject to an action at law or in equity to enforce any of these provisions.

7. **PENALTIES FOR VIOLATIONS OF THE LANDFILL RULES AND REGULATIONS BY COMMERCIAL USERS**

These rules and regulations for commercial users of the Landfill provide for specific penalties in certain instances (see Section 5.B.) and subject a violator to possible criminal prosecution in other instances (see Sections 5.B. and 6.A.).

The following penalties apply when a commercial user violates these rules and regulations and no specified penalty is provided:

- A. First violation – double tipping fee for thirty (30) days.
- B. Second violation – double tipping fee for six (6) months.
- C. Third violation – suspension of all permits for two (2) years.
- D. Violations of Section 3.B.2. shall subject the violator to the following penalties, at the sole discretion of the Sanitation Division
  - i. a charge equal to double the tipping fee for that load;
  - ii. a charge for a special handling fee;
  - iii. a charge for the re-loading and removal of the materials from the Landfill;
  - iv. suspension or revocation of all Landfill permits;
  - v. criminal prosecution;
  - vi. \$1,000.00 fine for each violation.
- E. Where applicable, a violation of these rules and regulations may subject the violator to criminal prosecution in addition to those penalties set forth herein.

8. **APPEAL PROCESS**

- A. When a penalty is imposed upon a commercial user of the Landfill for violations of these rules and regulations, whether verbal or in writing, the commercial user has a right to an appeal. Appeals shall be made in writing to the General Manager. The appeal shall be decided within thirty (30) days of its receipt at the General Manager's Office by the General Manager or his designee. Notice of a decision upon the appeal shall be mailed by certified mail by the General Manager, or his designee, to the appellant.
- B. While an appeal is pending, the appeal shall not suspend the obligation of the violator to pay any charges and/or fees as herein provided nor shall it cancel, annul, or revoke the suspension of any Commercial permits, if applicable.

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