

TOWN OF WEST GREENWICH
ORDINANCE FOR MANDATORY RECYCLING

Be it ordained by the Town Council of the Town of West Greenwich as follows:

Section 1. MANDATORY RECYCLING

A mandatory recycling program is hereby implemented in the Town of West Greenwich pursuant to Chapter 23-18.8, 23-18.9, and 23-19 of the Rhode Island General Laws and the Rhode Island Department of Environmental Management Municipal Recycling Regulations, as amended.

Section 2. DEFINITIONS

- A. Mixed recyclables - recyclable materials that are required to be removed from municipal solid waste at the source and delivered directly to the Town recycling facility or placed in or on top of the set-out container provided by the Solid Waste Management Corporation for collection by a privately contracted hauler.
- B. Recyclable materials - materials separated from municipal solid waste for processing for reuse as specified by the Director of DEM and listed in Section 4 of the Municipal Recycling Regulations and within this ordinance. 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.
- C. Resident - anyone residing in the Town of West Greenwich for any period of time who generates solid waste for which the Town accepts disposal responsibility.
- D. Solid waste - 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 septage nor hazardous waste as defined in the Hazardous Waste Management Act, Chapter 23-19.1 of the Rhode Island General Laws.
- E. Source separation - the removal by the generator of recyclable materials including mixed recyclables from all other solid waste generated by the household, and conveyance of the recyclable materials to the Town recycling facility or to the curbside for collection by a private contractor.

Section 3. RESIDENTIAL RECYCLING

- A. All residents are required to separate recyclable materials from residential solid waste and to deliver those materials directly to the Town recycling facility or to have them delivered to a Town or State recycling facility by a private hauler. This ordinance does not, however, bar any residents from giving recyclable materials to private and non-profit collectors.
- B. The following materials are required to be separated from residential solid waste and delivered to a Town or State recycling facility: newspapers, aluminum, steel/tin cans, glass containers, PET plastic soda bottles, HDPE plastic dairy jugs, and any other materials determined by the Department of Environmental Management to be recyclable in its Municipal Recycling Regulations, Section 4-1.

C. All separated materials are to be delivered to a Town or State recycling facility in a processable condition, i.e, at a minimum, all glass, plastic, steel/tin, and aluminum containers shall be emptied and rinsed, aluminum foil shall be clean, webbing shall be removed from aluminum furniture, no non-container glass shall be mixed with recyclables, newspapers shall be placed in a brown paper bag or tied in bundles with string, and any other requirements listed in DEM's Municipal Recycling Regulations, Appendix A.

Section 4. HAULERS

A. All qualified persons engaged in the business of collecting and hauling refuse and operating transfer stations for refuse generated within the boundaries of the Town shall be licensed by the Town, pursuant to Section 23-18.9-1(b)(1) of the Rhode Island General Laws.

B. Licensed haulers shall collect only that residential solid waste that is source separated by the resident into the recyclable and non-recyclable components.

C. Licensed haulers shall keep recyclable materials separate from non-recyclable residential solid waste.

D. Licensed haulers shall maintain any separated recyclable materials that are delivered to either a Town or a State recycling facility in processable condition.

E. Licensed haulers shall keep residential recyclable materials separate from recyclables collected from commercial accounts.

F. Licensed haulers who deliver recyclables to a Town or State recycling facility shall deliver to said facility only recyclables generated by residents of the Town of West Greenwich.

G. License haulers shall deliver all recyclables designated to go to a Town or State recycling facility to said facility.

Section 5. PUBLIC EVENTS

The separation of recyclables from solid waste shall be a condition of licensing or authorization of any public event, the conduct of which generates solid waste for which the Town accepts disposal responsibility.

Section 6. OWNERSHIP of RECYCLABLES

No persons shall collect any recyclable materials as defined in this ordinance within the Town of West Greenwich for personal gain except as specifically authorized by the Town. The Town may issue permits to charitable organizations to collect recyclable materials on the condition that a report is filed by said organization detailing the weights of each material collected in compliance with the Rhode Island Department of Environmental Management reporting requirements and provided that the Town determines that said collection does not conflict with the Town's recycling program.

Section 7. ENFORCEMENT

A. It shall be the duty of the Chief of Police for the Town of West Greenwich to enforce the provisions of this ordinance.

B. Penalties for violation of this ordinance shall be as follows:

1. For residents violating Section C of this ordinance, i.e., failing to source separate solid waste or to deliver recyclable materials in a processable condition:

first offense - notice explaining recycling requirements
second offense - written warning
third offense - \$25 fine
subsequent offense - \$50 fine

2. For haulers found in violation of Section D of this ordinance:

first offense - written warning
second offense - \$200
third offense - loss of license

Section 8. VALIDITY

If any part or parts, section, sentence, clause or phrase of this act is for any reason declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this act as a whole, or any portion thereof other than the part or portion so decided to be unconstitutional or invalid.

Section 9. EFFECTIVE DATE.

This ordinance shall take effect upon its final adoption.

Passed by the West Greenwich Town Council - November 14, 1990.