

CHAPTER 11. SOLID WASTE AND RECYCLING

Sec. 11-1. Purpose.

In order to promote, protect and preserve the public health, safety and welfare of the Town, this Ordinance is adopted by the Town as part of a long-term plan for safe and sanitary disposal of solid waste, and to establish measures to assure compliance of persons within the Town boundaries and of waste collectors and haulers with the requirements of the General Statutes for accumulation, preparation, separation, collection, removal, storage, purchasing, marketing, processing, sale, transportation, recycling and disposal of solid waste. In accordance with these purposes, there is hereby established within the Town a program for the mandatory separation of recyclables from garbage or rubbish.

Sec. 11-2. Definitions.

For the purposes of this Ordinance:

Center means the refuse disposal or drop-off area or areas (~~Transfer Station~~) designated from time to time by, and under the supervision of, the Board of Selectmen.

Collector means any person who holds himself out for hire to collect, haul, transport or dispose of solid waste or recyclable solid waste from residential, business, commercial or other establishments to the Center or, as permitted by law or as designated by the Board of Selectmen, to other locations.

Hauler means any person who holds himself out for hire to collect, haul, transport or dispose of solid waste or recyclable solid waste from the Center to such disposal site or sites as may be designated by the Board of Selectmen from time to time.

Hazardous Waste means that portion of Solid Waste defined as toxic or hazardous wastes, materials or substances, under any Federal law or within the meaning of § 22a-115(1) or § 22a-151 of the General Statutes or which is otherwise hazardous to the public health, welfare or safety, as may be applicable at any time after the adoption of this Ordinance.

Person means an individual, natural person, corporation, trust, estate, partnership, association, joint venture, government, governmental subdivision or agency or any other legal entity.

Recyclable Solid Waste means the type of Solid Waste normally generated, collected or disposed of in the Town, which is or has been designated by this Ordinance, the Commissioner of Environmental Protection, or by the Board of Selectmen to be recycled including, but not limited to: cardboard, glass food and beverage containers, metal food and beverage containers, waste oil, and storage batteries, excepting Unacceptable Waste and Hazardous Waste.

Residential Property means real estate containing one (1) or more dwelling units but shall not include hospitals, motels or hotels.

Residue means solid waste remaining after any recycling facility holding a permit has processed the waste, but excluding wastes which are toxic or hazardous.

Solid Waste means all unwanted or discarded materials or substances consistent with the meaning of that term pursuant to § 22a-260(7) of the General Statutes as amended, including but not limited to garbage, refuse, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris, offal and other discarded materials and substances resulting from industrial, commercial, mining and agricultural operations and from community activities, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form or solid or dissolved materials in irrigation return flows or industrial discharges, or source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended.

Unacceptable Waste means:

- (1) Pathological waste, Hazardous Waste, radioactive materials, sludges, cesspool or other human waste, human and animal remains, liquid wastes;
- (2) Any material which, in the opinion of the Board of Selectmen, would be prejudicial to the proper operation of the Center;
- (3) Motor vehicles, whole or in part, animal carcasses, large appliances unless doors are removed, and tires;
- (4) Explosives, flammable powders or other combustible materials or substances having a low flash point;
- (5) Any item of waste either smoldering or on fire;
- (6) Wastes in quantities or concentrations that by law require special handling in their collection and/or processing; and
- (7) All other items of waste which, at the time of delivery, would be likely to pose a threat to health or safety, or would not normally be disposed of in a sanitary landfill or which are prohibited by judicial action or any applicable law or regulation.

Sec. 11-3. Residential Recyclable Solid Waste.

(a) On and after January 1, 1991, it shall be mandatory that any person who generates Solid Waste from Residential Property shall separate the following recyclables from the other Solid Waste:

- (1) Cardboard including corrugated boxes and similar material;
- (2) Unbroken glass, bottles, food and beverage containers;
- (3) Metal food and beverage containers including aluminum, bi-metal, tin plated steel, or other metallic cans, plates or trays;
- (4) Newspaper and other newsprint;

- (5) Storage batteries including lead acid batteries or other batteries used in motor vehicles, boats and airplanes;
- (6) Waste oil including crankcase oil;
- (7) Plastic food and beverage containers; and
- (8) Such other Solid Waste items which may be designated from time to time for recycling by the Commissioner of Environmental Protection of the State of Connecticut.

(b) All such residential Recyclable Solid Waste shall be separated by the generator and placed in containers or packaged for collection by the Collector at a designated location for Residential Solid Waste pickup or shall be taken to the Center and deposited in applicable designated containers. All separated recyclables shall have a minimum contamination by food or other materials.

Sec. 11-4. Nonresidential Recyclable Solid Waste.

(a) On and after January 1, 1991, any person who generates Solid Waste from other than a Residential Property shall make provisions for the separation of the following from other Solid Waste and for subsequent recycling:

- (1) Cardboard including corrugated boxes and similar material;
- (2) Unbroken glass, bottles, food and beverage containers;
- (3) Metal food and beverage containers including aluminum, bi-metal, tin plated steel, or other metallic cans, plates or trays;
- (4) Newspaper and other newsprint;
- (5) Storage batteries including lead acid batteries or other batteries used in motor vehicles, boats and airplanes;
- (6) Waste oil including crankcase oil;
- (7) Plastic food and beverage containers;
- (8) Office paper including white and manila paper, computer printing and photocopying paper waste; and
- (9) Such other Solid Waste items which may be designated from time to time for recycling by the Commissioner of Environmental Protection of the State of Connecticut.

(b) All such other Nonresidential Recyclable Solid Waste shall be separated by the generator at the source and placed in containers or packaged for collection by the Collector at a designated location for Solid Waste pickup and/or as permitted by the Board of Selectmen, may be taken to the Center or to such other location as may be designated for such waste by the Board of Selectmen.

Secs. 11-5—11-10. Reserved.

Sec. 11-11. Disposal of Refuse.

(a) Any person residing or having a place of business in the Town shall be responsible for the removal of his refuse to a lawful place for disposal either by himself or by a lawful Collector.

(b) Refuse shall be disposed of at regular and frequent intervals so as not to cause an unhealthy or unsightly accumulation.

(c) No refuse collected, generated or disposed of in the Town shall be deposited for disposal except at such sites and under such conditions as may be approved by the Board of Selectmen.

(d) The Center shall be open such hours as may be designated by the First Selectman, subject to approval by the Board of Selectmen and no dumping shall be permitted except at such designated times.

(e) Any person intending to unload at the Center shall follow the instructions on all posted signs and/or the instructions of the person in charge.

(f) No appliances, white goods, recyclable salvage material, tires, construction or demolition material, debris from structure fire, trees, stumps, limbs or trunks of trees shall be dumped at the Solid Waste Center until the person in charge is notified of such items. The person in charge will direct the person transporting such material to the appropriate site for such material, which may be other than the Center.

(g) No person shall dispose of storage barrels, drums or other similar containers at the Center unless such containers are completely emptied and crushed flat.

(h) The following materials will not be received for disposal at the Center:

(1) Unacceptable Waste;

(2) Rock ledge, stones, rocks and boulders, or fragments thereof with a dimension in excess of ten (10) inches; and

(3) Materials that have not been prepared for collection, collected, or transported in accordance with this Ordinance.

(i) No refuse shall be placed into any container that is or has been used for Unacceptable Waste.

(j) Doors shall be removed from the hinges of all iceboxes, refrigerators, freezers, stoves, other major metal appliances or other large containers with doors affixed prior to disposal and prior to storage in any accessible place for collection or disposal.

(k) Approved containers may be placed at curbside no more than twenty-four (24) hours prior to collection and any empty containers shall be removed from the curbside or street no more than twenty-four (24) hours after collection.

(l) No person shall bring to or discharge at the Center or any other area designated to receive the Town's Solid Waste any material of any nature which was picked up by such person outside the limits of the Town. Each deposit of refuse brought into the Center or such other area in violation of this Ordinance constitutes a separate violation of this Ordinance.

(m) The Board of Selectmen may establish, by resolution, a fee schedule which requires payment by weight, volume, type of waste or any other appropriate measure for various categories of refuse deposited at the Center.

(n) Permits for other than Collectors will be required for all users of the Center, for which the Board of Selectmen may establish, by resolution, an annual permit fee.

(o) Materials governed by the Public Health Code shall be destroyed and disposed of pursuant to such Code.

(p) The Board of Selectmen is hereby authorized to adopt, from time to time, by resolution, such regulations as it shall deem in the public interest regarding the collection, recovery, removal, storage, separation, disposal and recycling of Solid Wastes. Such regulations may include without limitation, requirements for vehicle permits for use of all Solid Waste disposal and drop-off sites including the Center.

(q) The First Selectman shall, and is granted the authority to, designate a person to be contacted by the DEP with inquiries regarding the recycling program.

(r) The First Selectman shall, and is granted the authority to, designate a municipal agent to receive complaints and notices of violations of the separation requirements set forth in Public Act 90-220 and this Ordinance.

(s) The Board of Selectmen is hereby authorized to add or delete, from time to time, items on the list of mandatory and optional recyclables so long as such action is not in conflict with the General Statutes, Department of Environmental Protection regulations, or any regional authority with which the Town has a related agreement.

(t) Unless otherwise provided in such approved Town regulations or State or Federal law, recyclables shall be prepared as follows:

- (1) Glass food and beverage containers, metal food and beverage containers, and plastic food and beverage containers shall be rinsed and placed in separate collection containers. Glass shall be unbroken and shall not include dishes, crockery, spark plugs, Pyrex, or plate or window glass.
- (2) Newspapers and newsprint should be tightly packed in paper grocery bags or tied in bundles not exceeding fifty (50) pounds in weight.
- (3) Corrugated cardboard should be flattened, tied and placed alongside trash.
- (4) Other recyclables such as waste oil, and storage batteries shall be brought to the Center or other designated location.

(5) Recyclables shall not be placed in plastic bags.

(6) China, pottery, light bulbs, Pyrex, and window/mirror glass should be placed in non-recyclable solid waste.

(u) Collectors shall not collect recyclables that are mixed with other Solid Waste.

Secs. 11-12—11-20. Reserved.

Sec. 11-21. Registration of Collectors.

Any person who intends to operate as a Collector in the Town shall register in advance with the Town in the manner prescribed by this Ordinance. Any person who operates as a Collector without proper registration within the Town thirty (30) days after the effective date of this Ordinance will be subject to the penalties provided in this Ordinance.

Sec. 11-22. Registration: Forms, Fees and Frequency.

(a) All persons intending to act as Collectors shall apply for registration with the office of the First Selectman on the forms provided before July 1 of each year. The applicant will be required to furnish all information requested, including but not limited to:

- (1) The name and address of the business and whether it is a corporation, partnership or sole proprietorship;
- (2) If applicable, the names and addresses of any and all persons owning an interest in the applicant's business;
- (3) A listing and description of the vehicles to be used for hauling Solid Waste or Recyclable Solid Waste;
- (4) The names and addresses of all customers presently served, if any, within the Town;
- (5) The approximate tonnage of Solid Waste and Recyclable Solid Waste expected to be collected each week;
- (6) The names of all other communities served by the applicant;
- (7) Evidence of insurance showing coverage in such amounts as the Board of Selectmen shall determine; and
- (8) Whether the applicant plans to collect Recyclable Solid Waste generated from Residential Property or from commercial, business, municipal and other sources within the Town or both.

(b) A registered Collector shall update the information required by subsection (a) of this Sec. 11-22 at least once each year at the time of registration renewal.

(c) Once approved the registration shall be effective until the following June 30 and, unless properly renewed, shall lapse.

(d) The Board of Selectmen by resolution may adopt registration fees to be paid with the original registration and each annual renewal. Registration fees shall not be prorated.

(e) Registrations are not transferable or assignable.

(f) The Board of Selectmen may require that any Collector depositing recyclables at a regional intermediate processing center ("IPC") that receives, processes and/or markets recyclables shall maintain a performance bond or other means approved by the Board to insure payment with the vendor of that IPC or the municipality.

Secs. 11-23—11-25. Reserved.

Sec. 11-26. Collection and Transportation of Refuse.

(a) Collectors shall keep any premises in the Town neat and orderly and shall keep all vehicles, containers and equipment in good and sanitary condition, and said vehicles, containers and equipment shall be constructed, equipped, maintained and operated so as to permit no loss of refuse, including liquid waste. All vehicles shall have canvas or other suitable covers.

(b) No person shall transport Unacceptable Waste or Hazardous Waste to the Center or to any area designated by the Town for Solid Waste disposal.

(c) All collections shall be made as quietly as possible and no unnecessarily noisy trucks or equipment shall be used. All vehicles shall conform to all applicable safety regulations and shall be operated in conformance with motor vehicle laws of the State.

(d) The door of any Collector's or Hauler's vehicle used to haul Solid Waste shall be clearly marked with the business name and address of the Collector or Hauler.

(e) Collectors shall provide separate collection for recyclables and shall provide designated containers for each category of recyclable and/or shall require generators to provide clearly marked containers for each category of recyclable. The Collector may require special decals or markings for particular categories of recyclables.

(f) All recyclables shall be set out for collection in an orderly sanitary condition so as not to constitute a nuisance.

(g) All residents who are not served by a Collector shall arrange to dispose of their recyclables at the Center or such drop-off locations as the Board of Selectmen may designate.

Secs. 11-27—11-30. Reserved.

Sec. 11-31. Administration; Enforcement.

(a) The First Selectman or his designee shall mail written notice of the approval or denial of an application for registration as a Collector to the applicant within sixty (60) days after the submission of the completed application. Registration is effective only upon approval and issuance of the notice of approval.

(b) The First Selectman may refuse to grant registration to any applicant (or any person, partner, joint venturer, employer, principal or agent associated with the applicant, or shareholder who owns more than ten percent (10%) of such applicant's stock, or employee having some responsibility for the applicant's business at the time of application), or may suspend the registration of any registered Collector, if that person:

- (1) Has violated or does violate any provision of the State Statutes pertaining to Solid Waste or Recyclable Solid waste;
- (2) Violates this Ordinance; or
- (3) Is not insurable in accordance with this Ordinance.

(c) A suspension of registration may not exceed a period of 180 days for any one violation; provided that repeated or willful violation of this Ordinance may result in permanent revocation of registration without right to reapply. Submission of any false information, invalid certifications or falsified documents shall be deemed a violation of this Ordinance.

(d) No denial, suspension or revocation notice will be effective until the person adversely affected has been notified in writing of that decision and the reasons for it, and has been afforded a reasonable opportunity to appear at an informal hearing before the Board of Selectmen to respond.

(e) Any person aggrieved by an initial denial, suspension or revocation of registration may appeal that decision to the Board of Selectmen by filing a notice of appeal with the Town Clerk within fifteen (15) days after notice of the initial decision is mailed to that person.

(f) A hearing shall be scheduled before the Board of Selectmen for a date not more than thirty (30) days after the notice of appeal is filed. The hearing may be postponed or continued to a later date not more than one time, and the later date must be no more than two (2) weeks after the original date. Written notice of the hearing shall be given by the Town Clerk to the person taking the appeal and to any person who requests notice of the hearing. The hearing may be held at a regular or special meeting of the Board of Selectmen.

(g) At the hearing, the person aggrieved shall be permitted to present evidence and cross-examine witnesses. No formal rules of evidence shall apply, but the Board of Selectmen may exclude irrelevant or duplicative evidence. The Board of Selectmen shall make its decision within forty-five (45) days of the date the notice of appeal is filed. That period may, but need not be, extended by any period of postponement, which is requested for the convenience of the person bringing the appeal. The decision may:

- (1) Affirm the decision denying, suspending or revoking the registration;

- (2) Reverse the decision and order the registration granted or reinstated; or
- (3) Order the registration granted or reinstated with modifications and/or conditions.

The decision of the Board of Selectmen shall be final.

(h) The Board of Selectmen may revoke a permit for up to one (1) year, except that revocations for improper handling or disposal of Unacceptable Waste may be permanent.

Sec. 11-32. Prohibition of Unregistered Collectors.

Beginning thirty (30) days after the effective date of this Ordinance, persons not properly registered as Collectors and all Collectors whose registrations have been suspended or revoked are prohibited from engaging in collecting, hauling, transporting or disposing of Solid Waste generated within the Town.

Secs. 11-33—11-40. Reserved.

Sec. 11-41. Scavenging Prohibited.

(a) Upon placement of recyclables for residential curbside collection, or upon delivery to the Center or to any disposal location designated by the Board of Selectmen, it shall be a violation of this Ordinance for any person, other than the generator of the Solid Waste or a registered Collector, to collect, pickup or scavenge Solid Waste, including recyclables, whether or not for pecuniary gain. Scavenging shall include collecting, recovering, hauling, storing or disposing of Solid Waste other than as authorized by this Ordinance. Nonprofit groups with specific written authorization of the First Selectman or his designee are excluded to the extent of that authorization from this prohibition.

(b) Each occurrence of scavenging in violation of this Ordinance shall constitute a separate offense.

(c) Nothing in this Ordinance shall abridge the right of any person to give or sell their recyclables, including deposit beverage containers, to any person provided that such materials have not been set out for residential curbside collection or delivered to any disposal location designated by the Board of Selectmen.

Sec. 11-42. Location for Disposal.

Every Collector, Hauler and every other person disposing of Recyclable Solid Waste generated within the Town shall dispose of Recyclable Solid Waste as follows:

- (1) The Board of Selectmen is hereby authorized to, and shall from time to time, designate locations for the disposal of Solid Waste (other than Unacceptable Waste) generated within the Town and shall designate and publish which items of Recyclable Solid Waste shall be disposed of at the Center and which items shall be disposed of at other sites.

- (A) All designated, pre-segregated Residential Recyclable Solid Waste shall be taken directly to the Center unless the Board of Selectmen gives specific authorization to dispose of certain categories of such waste at other specified locations.
 - (B) The Collector and Hauler and any generator who disposes of other Recyclable Solid Waste directly shall keep and maintain records of the quantity and type of Recyclable Solid Waste delivered to each disposal site other than the Center, the location, and date of delivery of such items to the site. No Recyclable Solid Waste from any other Town shall be disposed of at the Center, unless express advance written permission is first obtained from the Board of Selectmen. The Collector and Hauler and all generators using alternate sites shall comply with all requirements pertaining to such alternate disposal.
 - (C) Any Hauler who is requested or contracted to transport Residue remaining after the Center or other Recyclable Solid Waste disposal area has processed any portion of the Town's Recyclable Solid Waste shall transport such Solid Waste to the Solid Waste disposal facility designated by the Town. The Collector shall comply with all reporting and record keeping requirements of the Center and of any other Recyclable Solid Waste disposal facility designated by the Town.
- (2) Until one or more sites have been designated for disposal of the Town's Recyclable Solid Waste in accordance with the procedures of General Statutes § 22a-220a, and until notice has been given under subsection (A) of Sec. 11-42 requiring the use of any such disposal site, all Recyclable Solid Waste shall be disposed of in accordance with the Town's existing Solid Waste plan and existing agreements, as those plans and agreements may be modified from time to time.
 - (3) After a disposal site for the Town's Recyclable Solid Waste has been designated, and after the Town has been notified in accordance with its contracts that the site is available for use, the Board of Selectmen or its designee shall give notice of the requirements for Solid Waste disposal. After the notice is published, all persons collecting, transporting or disposing of Recyclable Solid Waste in the Town shall comply with the requirements of that notice not later than the date specified for compliance in the notice.
 - (4) Notice that a designated disposal site for Recyclable Solid Waste is available for either partial or full use shall be published in the same manner as is required for hearings before ordinances are adopted by the Town. In addition, individual notice of those requirements shall be mailed to every person who is registered in the Town as a Collector. The notice shall specify the date after which all persons disposing of Recyclable Solid Waste in the Town must use that disposal site, and shall generally state any other necessary requirements for that disposal, such as a limitation on the amount of Recyclable Solid Waste which may or must be delivered, or the dates or times at which delivery must be made.

- (5) In addition to designating a disposal site for Recyclable Solid Waste, the Town may from time to time designate or identify-additional sites for disposal of Unacceptable Waste or Recyclable Solid Waste in excess of the amount to be disposed of at the primary designated site. Those sites may include transfer stations or drop-off sites for the convenience of residents, landfills, or any other type of facility deemed appropriate by the Town. If any person will be required to use a particular site, that site shall be designated in the manner provided in General Statutes § 22a-220a. The disposal of Hazardous Wastes shall be the responsibility of the generator and shall be accomplished in a manner approved by the Connecticut Commissioner of Environmental Protection.
- (6) The Board of Selectmen is hereby authorized to employ or make contracts with persons including the Housatonic Resource Recovery Authority ("HRRA") and other regional authorities for the separation, collection, transportation, processing, and/or marketing of recyclables, as provided for in § 22a-220(a) of the General Statutes, to carry out the provisions of this Ordinance.

Secs. 11-43—11-45. Reserved.

Sec. 11-46. Reporting Requirements.

(a) Except for Recyclable Solid Waste disposed of at the Center, every Hauler and Collector and other waste generator shall keep and maintain accurate records of all information requested by the Board of Selectmen, required by State Law, or required by this Ordinance including but not limited to the following:

- (1) The amount (tonnage) of Recyclable Solid Waste derived from each municipality recorded by truckload;
- (2) The disposal facility other than the Center to which the waste is taken and the total tonnage disposed of at such facility(ies); and
- (3) The amount of solid waste derived from a recycling facility which has processed the Town's Recyclable Solid Waste, transported from that facility to the disposal site designated by the Town for receipt of such waste.

(b) Reports of the above information shall be made every six (6) months to the First Selectman.

Sec. 11-47. Warnings and Reporting of Violations.

(a) Any Collector who has reason to believe that a person from whom he collects Solid Waste has discarded recyclable items with such waste without the required separation of recyclables shall promptly notify the First Selectman or his designated agent of the alleged violation.

(b) Collectors shall provide a written warning notice, by tag or other means to any person suspected by the Collector or Town agents of violating the requirements of this Ordinance. The Collector shall assist the Town to identify any person responsible for creating loads containing significant quantities of recyclable items mixed with Solid Waste which are delivered to the Center or other designated location by the Collector and detected by the operator of the disposal facility.

(c) Any Collector shall be deemed to have committed an infraction if they fail to:

- (1) Notify a Town agent or the First Selectman that a person from whom he collects solid waste has discarded recyclable items with solid waste;
- (2) Provide a warning notice to such persons at the request of the municipality; or
- (3) Assist the Town in determining the person responsible for creating loads containing significant quantities of recyclable items mixed with Solid Waste, which are delivered to the Center or other location by the Collector.

(d) Any Collector who dumps more than one (1) cubic foot in volume of Solid Waste at one time in an area not designated for such disposal by the Town or who knowingly mixes other Solid Waste with items designated for recycling pursuant to General Statutes § 22a-241b or this Ordinance shall be subject to such penalties as are provided in General Statutes § 22a-220a, as amended.

Secs. 11-48—11-50. Reserved.

Sec. 11-51. Ownership of Recyclables; Collection by Non-Profit Organizations.

(a) Only registered Collectors and qualified non-profit organizations with written permission from the First Selectman may collect recyclables.

(b) All recyclable materials shall become the property of the Town except as expressly permitted in writing by the First Selectman.

Secs. 11-52—11-55. Reserved.

Sec. 11-56. Penalty.

(a) Any person who violates any provision of this Ordinance shall be subject to the following penalties:

- (1) Upon a first and second offense, the violator shall receive a written warning.
- (2) Upon a third offense occurring within a period of one (1) year from the date of the original offense, the violator shall be subject to a fine of fifty (\$50.00) dollars.
- (3) Upon any subsequent offense occurring within a period of one (1) year from the date of the original offense, the violator shall be subject to a fine of one hundred (\$100.00) dollars for each violation and, in addition, may be refused recycling collection.

(b) Every day that a person continues in violation of this Ordinance shall be deemed a separate violation. Violations of this Ordinance shall include, without limitation, failure to separate recyclables from other waste and failure to collect recyclables separately from other wastes.

(c) In accordance with the authority provided in General Statutes § 22a-241i, any commercial establishment that is found to have violated the provisions of General Statutes § 22a-241b(c) shall be subject to a fine in the amount of five hundred (\$500.00) dollars for each violation.

Secs. 11-57—11-60. Reserved.

Sec. 11-61. Severability.

If any provision of this Ordinance is declared invalid, that decision shall not affect the remaining provisions of this Ordinance, which shall continue in full force and effect.

Sec. 11-62. Repeal.

This Ordinance hereby repeals all ordinances or parts of ordinances of the Town inconsistent with the provisions of this Ordinance to the extent of such inconsistency. (Ord. of 8-12-66; Ord. adopted 12-12-90)