



OLR RESEARCH REPORT

August 30, 2013

2013-R-0325

RECYCLING CONTAINER REQUIREMENTS IN PUBLIC PLACES

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You asked for information about the state's requirements for providing recycling collection containers in public places.

SUMMARY

Connecticut law requires everyone, including residents, state agencies and institutions, schools, municipalities, and businesses, to recycle [certain items](#) (i.e., designated recyclables). The law's recycling requirements include providing collection containers for recyclables generated in certain common gathering areas or venues, such as arenas, bus terminals, and shopping centers. Supplying containers in these areas is generally the responsibility of the property or venue owner or operator (e.g., the business or municipality).

The law sets conditions under which the owner or operator must provide containers for collecting designated recyclables. Generally, they must provide containers if (1) the public generates the recyclables at the location and (2) they provide for solid waste collection. Because the recyclables must be separated from other solid waste, the owner or operator must provide separate containers for recyclables and other solid waste.

Besides providing containers for recyclables in certain common gathering areas or venues, municipalities, through their zoning powers, can regulate recycling containers but the law limits their ability to do so. They can require screens or buffers around the containers for aesthetic

reasons. But the law generally prohibits them from (1) banning the use of containers to store designated recyclables, (2) requiring that containers comply with bulk or lot area requirements, and (3) unreasonably restricting access to or the size of the containers for businesses.

RECYCLING CONTAINERS IN PUBLIC PLACES AND COMMON GATHERING VENUES

General Requirements

Connecticut law requires everyone generating solid waste to separate designated recyclables from other solid waste. For nonresidential properties such as businesses or municipal areas, this must be done by using at least one container to collect the recyclables that is separate from the containers for other solid waste ([CGS § 22a-241b\(d\)](#)).

The law also imposes specific requirements for providing collection containers for recyclables at common gathering venues, which are areas or buildings, or portions of them, that are open to the public including (1) buildings providing facilities or shelter for public assembly; (2) inns, hotels, motels, sports arenas, supermarkets, transportation terminals, retail stores, restaurants, or other commercial establishments providing services or retailing merchandise; and (3) museums, hospitals, auditoriums, movie theaters, or university buildings.

These venues must provide collection containers for designated recyclables if the (1) public may generate the recyclables when they assemble there and (2) venue provides for solid waste collection. But they do not need to supply the containers if another party provides them under a contract. The containers must be accessible to the public and at the same locations as solid waste containers ([CGS § 22a-241k](#)).

The law allows collection containers previously used for solid waste to be converted to containers for collecting recyclables if they are labeled or otherwise identifiable as only for this purpose ([CGS §§ 22a-241b\(d\)](#) and [22a-241k](#)).

Municipal Container Requirements

By law, each Connecticut municipality must provide for the disposal of solid waste generated within its borders, including recyclables ([CGS § 22a-220\(a\)](#)). This requirement includes, under certain circumstances, collecting recyclables generated in public places.

Municipalities must provide for recycling collection where they (1) offer solid waste collection and (2) have a lot of designated recyclables generated (i.e., sold or given away). DEEP provides guidance for municipalities on providing recycling containers in common gathering areas such as parks, ball fields, and downtown locations. For example, downtown areas where solid waste containers are located, members of the community are drawn, and many businesses sell designated recyclables, should have recycling collection containers placed near solid waste containers. This information is available on DEEP's Recycling Program FAQ website at: <http://www.ct.gov/deep/cwp/view.asp?a=2714&q=324880>.

As land use regulators, municipalities can adopt zoning regulations governing recycling containers. By law, these regulations can require screens or buffers of recycling containers for aesthetic purposes. But they cannot (1) bar using containers to store designated recyclables; (2) require the containers to comply with bulk or lot area requirements, except for those for side, rear, or front yards; or (3) unreasonably restrict access to or the size of the containers for businesses, given the nature of the business and the volume of designated recyclables the business normally produces ([CGS § 8-2\(a\)](#)).

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