

TOWN OF GOULDSBORO, MAINE

SOLID WASTE AND RECYCLING ORDINANCE

Adopted: August 20, 2008

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Section 1- AUTHORITY

This Ordinance is created under the authority granted the town by Title 38 M.R.S.A., 1301 et seq. (the Maine Hazardous Waste, Septage and Solid Waste Management Act) and Title 30-A M.R.S.A., 3001 et seq. (Ordinance of Municipalities and Counties).

Section 2- PURPOSE

- 2.01 To control the costs of solid waste management which are increasing significantly and these costs are best borne by those who generate the waste.
- 2.02 To protect the health, safety and general well being of the citizens of Gouldsboro, Maine.
- 2.03 To enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing a comprehensive, rational and effective means of regulating the disposal of solid waste in the Town in accordance with the provisions of title 38 M.R.S.A., Section 1304-B as amended.
- 2.04 To control solid waste material in the Town by establishing limitations, prohibiting certain acts causing solid waste disposal problems and to provide for fines for violations of the provisions of this Ordinance.
- 2.05 To encourage and expand solid waste recycling.
- 2.06 To encourage and expand environmentally sound home composting of yard, leaf and vegetable waste that meets all State requirements.

Section 3- APPLICABILITY

This Ordinance applies to all waste and generators of solid waste in the Town of Gouldsboro, but excluding waste privately contracted for disposal outside the Town excepting the provisions of Section 7.09 which applies in all cases within the Town. Businesses and other parties that privately contract for waste storage (e.g. dumpster) and disposal shall accept responsibility to secure these facilities so they are available only for their own use.

Section 4- DEFINITIONS

The definitions set forth in 38 M.R.S.A. §1303 apply to this ordinance and are incorporated herein. Any word not otherwise defined shall have its dictionary meaning.

- 4.01 ACCEPTABLE WASTE- Solid waste generated in the Town of Gouldsboro which may include, but is not limited to: household waste, garbage, commercial waste, recyclables, white goods containing no CFCs, (chlorofluorocarbon - a fluorocarbon with chlorine; formerly used as a refrigerant and as a propellant in

aerosol cans;) automotive tires (without rims), construction and demolition debris, yard waste, and restaurant waste.

- 4.02 UNACCEPTABLE WASTE- Solid waste which is not defined as acceptable waste and includes, but is not limited to: sewage and its derivations, junk vehicles and parts therefrom (excluding tires), wet cell batteries, fluorescent lamps, compact fluorescent lights (CFL), dead animals or portions thereof, appliances containing CFC gases, petroleum-based liquids, hazardous waste, infectious waste or special waste such as asbestos, industrial process waste, or contaminated soil.
- 4.03 RECYCLABLE MATERIALS - Items that possess physical and economic characteristics that allow them to be recovered, separated, collected or reprocessed for sale or reuse other than use as fuel for the generation of heat, steam or electricity. These items include but are not limited to newspapers, magazines, phone books, mail, cereal boxes, used envelopes, white paper, colored paper, flattened and bundled cardboard, paper bags, bottles, cans, glass and #1 and #2 plastic.
- 4.04 COMPOST MATERIAL is defined as material privately stored for decomposition by natural means and includes but is not limited to horticultural waste such as grass clippings and other fibers, vegetables and other food waste, meat and fish waste.
- 4.05 UNIVERSAL WASTE- Radios, televisions, other electronic elements, materials containing mercury, cadmium and lead such as rechargeable batteries, cathode ray tubes, fluorescent lamps, mercury thermostats, motor vehicle switches, PCB ballast's and thermometers.
- 4.06 WHITE GOODS- Refrigerators, stoves, freezers, washing machines, clothes dryers, air conditioners and other large, predominantly metal household appliances.
- 4.07 CONSTRUCTION and DEMOLITION DEBRIS (CDD)-solid waste resulting from construction, remodeling, repair, and demolition of structures. It includes but is not limited to: lumber, bricks, masonry, shingles, building materials, discarded furniture, asphalt, insulation, wall board, pipes, metal structures, and metal conduits and other similar materials. It excludes: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos; and other special wastes.
- 4.08 GARBAGE- Every accumulation of waste (animal, vegetable, and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including but not by way of limitation, used tin cans and the food containers and all putrescible or easily decomposable waste animal or vegetable matter that is likely to attract flies or rodents), except (in all cases) any matter included in the definition of bulky waste, construction and demolition debris, dead animals, hazardous waste, or stable matter.

- 4.09 **SOLID WASTE-** Unwanted or discarded material including, but not limited to: rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse and construction and demolition debris, inert fill material, and landscape refuse,. It does not include hazardous waste, biomedical waste, septic tank sludge, or agricultural waste. The fact that a solid waste, or constituent of the waste, may have value, be beneficially used, have other use, or be sold or exchanged, does not exclude it from this definition.
- 4.10 **RESIDUAL WASTE-** solid wastes generated from municipal, commercial or industrial facilities that may be suitable for agronomic utilization. These materials may include: food, fiber, vegetable and fish processing wastes; dredge materials; sludges; dewatered septage; and ash from wood or sludge fired boilers.
- Type I-A residual.** "Type IA residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A of DEP rules and that has a carbon to nitrogen ratio greater than or equal to 25:1, such as leaf and yard waste, wood chips and some vegetative wastes.
- Type I-B residual.** "Type IB residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio greater than 15:1 but less than 25:1, such as animal manure and most produce and vegetable wastes.
- Type I-C residual.** "Type IC residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio of 15:1 or less, such as fish wastes.
- 4.11 **MUNICIPAL SOLID WASTE-** solid waste emanating from household and normal commercial sources. Municipal solid waste includes front-end process residue from the processing of municipal solid waste.
- 4.12 **PUTRESCIBLE WASTE-** solid waste that contains organic matter that can be rapidly decomposed by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease carrying organisms such as rodents and flies.
- 4.13 **SPECIAL WASTE-** waste designated by the Maine Board of Environmental Protection as Special Wastes.
- 4.14 **APPROVED STICKER-** a single-use tag purchased in quantity from the Town, which entitles the bearer to have a set maximum amount of solid waste picked up at their public curbside once.
- 4.15 **COMMERCIAL HAULER-** Any person who carries waste for compensation.
- 4.16 **PERMITTED USER-** Any resident or resident business owner that lives in the Town of Gouldsboro.

- 4.17 RESIDENT- A person who lives within the Town. It shall include persons who may own, rent, or lease a dwelling seasonally.
- 4.18 MUNICIPAL OFFICERS- The Selectmen of the Town of Gouldsboro.
- 4.19 TOWN MANAGER- The Town Manager of the Town of Gouldsboro.
- 4.20 SOLID WASTE COMMITTEE- The committee appointed by the Municipal Officers for the purpose of overseeing the management of solid waste.

Section 5- ADMINISTRATION

This Ordinance shall be administered by the Municipal Officers and/or their designees. Their powers and duties are as follows:

- 5.01 To institute all necessary procedures, either legal or equitable, to enforce this Ordinance.
- 5.02 To review any alleged violation of this Ordinance, and impose appropriate penalties subsequent to notice and hearing as required.
- 5.03 To provide education, on a continuing basis on the methods of solid waste disposal, including any changes in requirements.
- 5.04 To provide necessary pickup and disposal contracts, consistent with the lowest best cost and service provided. In the interest of the Town, to establish within these contracts what portion of commercial/industrial waste disposal is to be municipally funded.
- 5.05 To charge a fee for the purchase of stickers for curbside pickup and the disposal of household garbage. The amount of the fee shall be set by the Municipal Officers. Availability of these stickers will be the responsibility of the Municipal Officers and/or their designees. All fees collected shall be kept in a special account and used in the following year to offset solid waste disposal costs.
- 5.06 To establish the maximum volume and/or weight of solid waste which is eligible for curbside pickup under a single sticker.

Section 6- STORAGE REQUIREMENTS

It is the responsibility of each resident to provide proper storage of all solid waste generated on his or her premises in accordance with the requirements of this ordinance. This responsibility also includes the voluntary separation, composting and recycling of solid waste, and proper home storage of solid waste. Storage shall be in closed containers or by other similar methods to prevent problems with odors, animals, rodents, insects, or other public nuisances. Home composting of kitchen wastes, yard and garden wastes and other organic materials is encouraged.

- 6.01 Residual, unacceptable, and putrescible waste may temporarily be stored in closed containers until used or disposed so long as it does not present a public nuisance

or safety hazard. Disposal of this material, except that which can be successfully privately composted without public nuisance, shall be by legal means only.

Section 7- COLLECTION AND TRANSPORTATION

- 7.01 Household Garbage- Curbside collection is the approved means of disposing of garbage and other acceptable household wastes not held for composting
- 7.02 Household Recyclables- Curbside collection is the approved means of disposing of recyclables. The provisions of Section 7.07 and 7.08 below do not apply to recyclables. However if a recyclables tote or other container, intended to remain in the possession of the resident, is used to hold the separated recyclables, it should be removed within 12 hours after the scheduled pickup.
- 7.03 Universal waste, and other hazardous waste are to be disposed at regional universal waste collection sites or by waste disposal sites certified to handle such waste.
- 7.04 White goods are to be disposed of at the Town Transfer Station.
- 7.05 Construction and demolition debris is to be disposed of at the Town Transfer Station.
- 7.06 Unacceptable waste is not to be disposed within the Town and is to be removed from the Town by the owner of this waste by employing commercial businesses specializing in the type of waste to be removed.
- 7.07 Curbside Waste- Materials to be placed at curbside for disposal must be placed in a plastic bag with an APPROVED sticker attached. The plastic bag(s) may be placed in a container. Bags shall contain no unacceptable waste as defined by this ordinance and should be placed at curbside not more than 12 hours before the pickup. If placed to curbside pickup the night before, the bagged waste must be placed in solid containers with lids. Any empty container, such as wheeled carts, steel or plastic cans, etc. should be removed within 12 hours after the scheduled pickup.
- 7.08 Curbside Pickup Stickers- One sticker shall be used for disposal of up to an amount of waste set by the Municipal Officers and contained in a bag, or in a container of bags, of a combined weight that does not exceed the approved maximum amount. When bags are contained within containers the sticker must be affixed to a bag and clearly visible. Items not fitting in either a container or bag must display separate stickers. Only a bag displaying a sticker, a container of bags where one clearly visible bag displays a sticker, or individual items displaying a sticker will be picked up by the municipally contracted hauler.
- 7.09 Litter- No person operating a vehicle shall permit or cause any solid waste to leave such vehicle. No person shall transport any solid waste over any public way or street within the limits of the Town of Gouldsboro except when the material is covered in such a manner that the refuse shall not be strewn along public ways. Proof that solid waste or recyclables has blown or fallen from any truck or vehicle

shall be prima facie evidence that said truck or vehicle was not sufficiently enclosed or covered.

- 7.10 Illegal Dumping- No person shall throw or deposit or cause to be thrown or deposited any solid waste or recyclables within the Town in any street, gutter, sidewalk, parking area, park, wooded area, any public place, private property, or into any body of water within or adjacent to the Town.
- 7.11 Insurance- Commercial haulers shall provide proof of general liability insurance coverage at a minimum of \$1,000,000 and shall provide proof of workers compensation coverage, if applicable, at the time of applying for or renewing a license.
- 7.12 Financial Responsibility- Commercial haulers shall provide evidence of financial stability and may be required to obtain an irrevocable letter of credit or other financial guarantee for timely payment by the Town.
- 7.13 Incinerators, landfills, and transfer stations- Waste disposal operations such as these are permitted within the town only with the express approval of the Municipal Officers and the Town Planning Board as well as any State agencies having permitting responsibility and then only after full review of environmental and land use compatibility issues as well as acceptability within the Town Comprehensive plan.

Section 8- VIOLATIONS, ENFORCEMENT AND PENALTIES

- 8.01 General- Violations of this Ordinance shall be enforced under the provisions of 30-A M.R.S.A., 4452 as amended, as land use violations. The penalties set forth in the aforementioned statute shall apply to violations of this Ordinance.
- 8.02 Violations- The Municipal Officers and/or their designee shall review any alleged violation of this Ordinance and the Municipal Officers shall take the appropriate action required.
- 8.03 Enforcement- Enforcement of this Ordinance is the responsibility of the Municipal Officers.
- 8.04 Penalties- Any person found in violation of any provision of this Ordinance shall be subject to a civil penalty in the amount of not less than \$100 nor more than \$500 for each offense. Each act of violation and every day upon which any violation shall occur shall constitute a separate offense. All civil penalties shall accrue to the Town and be deposited in the Special Solid Waste account.
- 8.05 Municipal Costs of Enforcement- In addition to the foregoing penalty provisions, any person violating any provision of this ordinance shall be liable for reimbursement to the Town for costs of enforcement including reasonable attorney fees and court costs. This provision shall not preclude the town from seeking and obtaining equitable relief.
- 8.06 Costs of Disposal- In the case of illegal dumping upon private or public land, the costs of clean up and disposal shall be borne by the person or persons illegally

dumping, unless no person is so charged. The Town may pay for the disposal of illegally dumped material if reported to the Town Police Department or Municipal Officers and the person or persons responsible for the act cannot be determined.

Section 9- VALIDITY

In any of the provisions of this Ordinance or the application thereof is held invalid by any court of law, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions of this Ordinance are declared to be servable.

Section 10- REPEAL

All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 11- ORDINANCE IN FORCE

This Ordinance shall be in full force and effect from and after its passage, recording, and publication as provided by law.

Yvonne P. Wilkinson
Attest

Yvonne P. Wilkinson, Town Clerk
Town of Gouldsoro

8/20/2008
Date