

SOLID WASTE ORDINANCE of the TOWN OF EASTBROOK

ENACTED _____, 2023

SECTION 1: AUTHORITY

This Ordinance is created under the authority granted to the Town of Eastbrook (hereinafter the "Town") by Title 38 M.R.S.A., §1301 et seq. (the Maine Hazardous Waste, Septage and Solid Waste Management Act) and the Town's home rule authority pursuant to the Maine Constitution and 30-A M.R.S. § 3001 et seq.

SECTION 2: PURPOSE

2.1. To protect the health, safety and general well-being of the citizens of the Town.

2.2. 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.

2.3 To recognize that the use of single use plastic bags typically provided by vendors is not an environmentally sound use of resources and residents of and visitors to the Town are striving to use alternate means such as reusable cloth bags and other reusable items to collect and transport their goods.

2.4. To encourage and expand solid waste recycling and waste reduction.

2.5. To control solid waste in the Town by establishing limitations, prohibiting certain acts generating solid waste and to enforce the provisions of this Ordinance. 2.6. To control the costs of solid waste management to the taxpayers of the Town.

SECTION 3: DEFINITIONS

3.1. Terms used in this Ordinance that are defined in 38 M.R.S.A. §1303-C as may be amended from time to time, shall have the meaning prescribed in §1303-C and that meaning shall be controlling, notwithstanding any contrary definition in the Ordinance or in any dictionary. Any word not otherwise defined shall have its customary dictionary meaning. This Ordinance provides the following definitions:

Acceptable Waste - solid waste (as defined herein) that is capable of processing at the Town's designated processing facility and/or otherwise handled by the Town's solid waste collection service.

Authorized Individual - means any person, partnership, corporation or other entity that either owns, rents, leases (on a permanent or temporary basis) a dwelling or operates a commercial establishment in Town.

Agricultural Solid Wastes - wastes produced from the raising of plants and animals for food, including manure, plant stalks, hulls and leaves.

Ash - residue, including cinders and fly ash from the burning of solid fuels for cooking and heating, and from on-site incineration of refuse materials.

Bulky Objects - abandoned vehicles, stoves and refrigerators, large furniture, tree trunks, stumps and brush.

Commercial Solid Wastes - wastes that originate in wholesale, retail, or service establishments, such as office buildings, stores, markets, theaters, hotels and warehouses.

Construction and Demolition Debris (CDD) - solid waste resulting from construction, remodeling, repair, and demolition of structures, and as specifically defined in 38 MRS § 1303-C.

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 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, rubbish or stable matter.

Green Wood - land clearing debris that is reasonably free of soil material and rock and bark, shavings, slash, and plant and vegetable matter from gardens and landscapes.

Hazardous Waste/ Universal Waste – shall be as defined by 38 M.R.S. §1303-C.

Industrial Waste - wastes generally discarded from industrial operations or derived from manufacturing processes but not including a) hazardous waste or b) special waste which by reason of its composition, characteristics or other properties is not ordinarily acceptable for disposal at sites licensed for disposal of municipal solid waste. Excluded special waste shall include, but not be limited to friable asbestos and oil-contaminated soil.

Municipal Wastes - the combined residential and commercial wastes generated within the Town.

Non-Resident - a person who does not reside in or pay property taxes to the Town.

Refuse – a broad term and is synonymous with “solid waste” and shall be defined as any of a wide variety of solid materials as well as some liquids in containers, which are discarded or rejected as being spent, useless, worthless, or in excess.

Resident - a person who resides in or occupies a residential property and/or pays property taxes to the Town.

Residential Waste - waste generated in houses, apartments and other dwelling units, including paper, cardboard, beverage and food cans, plastics, food wastes, and glass containers.

Solid Waste—waste as defined in 38 MRS § 1303-C).

Special Wastes- waste as defined in 38 MRS § 1303-C.

Tipping Fee - the fee charged to the Town by a facility for transport or disposal of solid waste.

Unacceptable Waste - solid waste of a type that municipalities are authorized to regulate under 38 MRS § 1305, as amended, and that are prohibited at a designated waste processing facility.

Wood Waste - means brush, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust, and wood from production rejects that are not mixed with other solid or liquid waste. For the purpose of this definition, "lumber" is entirely made of wood and is free from metal, plastics, and coatings. Wood Waste does not include painted wood or pressure treated wood. These would be included with Construction and Demolition Debris, as defined. Wood Waste also does not include Green Wood, as defined.

SECTION 4: REGULATED ACTIVITY

4.1. The accumulation, collection, transportation and disposal of acceptable wastes and unacceptable wastes generated within the Town shall be regulated in the following manner: 4.1.1 All acceptable waste generated within the Town shall be deposited roadside at locations designated by the Town in appropriate containers and collected by the Town or appropriate licensed commercial hauler.

4.1.2 All unacceptable waste, including hazardous waste, special waste, universal waste, CDD waste, hot loads, and certain wood wastes, shall be subject to the Materials Disposal Restrictions set forth in Section 4.3 below and shall be handled by licensed firms and deposited at licensed facilities out of Town consistent with Section 4.2 below. Violations of this Section 4 shall be subject to enforcement under Section 8 and related provisions of this Ordinance.

4.2. General Requirements 4.2.1. All solid waste shall be handled and disposed of in accordance with this Ordinance. 4.2.2. The Board of Selectmen shall have the authority to restrict or modify the disposal of all types and volumes of solid waste, if deemed in the best interests of the Town. 4.2.3. No person, partnership or corporation, shall dispose of any refuse on any public property or roads except as allowed by this ordinance.

4.3. Materials Disposal Restrictions The following waste materials or containers of waste materials as described below shall not be handled or disposed within the boundaries of the Town: 4.3.1. Materials classified as hazardous waste in 38 MRS §

1303-C unless: • Within a Town sanctioned public collection event or effort, if handled by a person or firm licensed to handle and transport hazardous waste and if disposed at a facility licensed for hazardous waste disposal outside the Town; or • Handled and transported by a commercial entity licensed to handle and transport hazardous waste if taken to a licensed facility outside the Town. 4.3.2. Materials classified as universal waste by 38 MRS § 1303-C unless: • Within a Town sanctioned public collection event or effort, if handled by a person or firm licensed to handle and transport universal waste and if disposed at a facility licensed for universal waste disposal outside the Town; or • Handled and transported by a commercial entity licensed to handle and transport universal waste if taken to a licensed facility outside the Town. 4.3.3. Ash at a combustible temperature or other hot loads. 4.3.4. Trees, limbs of trees, or tree trunks more than 4 inches in diameter and/or 3 feet in length or stumps except by a commercial entity licensed to handle and transport woody waste and disposed of at a licensed wood waste facility outside the Town 4.3.5. All Commercial Demolition Debris as defined herein, except by a commercial entity licensed to handle such CDD waste if disposed at a licensed facility outside the Town. 4.3.6. All Special Waste as defined herein, except by a commercial entity licensed to handle Special Waste if disposed at a licensed facility for disposal of Special Waste outside the Town 4.3.7. All Green Wood and Wood Waste as defined herein, except by a commercial entity licensed to handle such Wood Waste if disposed at a licensed facility outside the Town.

SECTION 5: HANDLING AND DISPOSAL OF SOLID WASTE

Authorized Individuals (including Residents) shall handle and dispose of acceptable solid waste by only one of the following methods:

5.1. Town-provided collection service: Materials disposed at curbside are limited to solid waste acceptable to the Town's contracted transfer station or solid waste processing facility. Materials must be placed in secured bags, secured containers and/or secured receptacles adequate to prevent loss of control of the solid waste. Those disposing of the solid waste are responsible for picking up and cleaning up of unsecured solid waste regardless of the cause. Curbside solid waste collection occurs by summer and winter schedules promulgated by the Town. Solid waste must be at curbside by a time designated by the Board of Selectmen on the scheduled day to ensure pick up.

5.2. Hire a Private Hauler. Authorized Individuals may contract at their cost with a private hauler for disposal of acceptable solid waste. All waste collected by private haulers shall be delivered to the Town's contracted transfer station or solid waste processing facility, and credited to the Town's guaranteed annual tonnage.

SECTION 6: FEES

Authority: The Town Meeting may establish fees for solid waste disposal to promote recycling and improve the efficiency of the management of solid waste and to support the cost of solid waste collection and disposal.

SECTION 7: LICENSES

7.1 No person, firm or corporation shall transport on a commercial basis any acceptable waste for disposal outside the Town without obtaining a license to transport such waste within the Town from the Town Clerk. The license shall be in effect for 24 (twenty-four) months from date of issue and must be renewed on or before its expiration date.

7.2. Any person, firm or corporation required by this Ordinance to obtain an annual license shall make an application to the Town Clerk. A nonrefundable license application fee as determined by the Board of Selectmen shall accompany each application. The fee structure shall be reviewed every two (2) years by the Clerk or designee with a recommendation being made by the Town Clerk or designee to the Board of Selectmen as to its appropriateness or if it should be changed. The existing fee or any changes to it shall go into effect July 1 of each new fiscal year. A copy of the application form is available from the Town Office.

7.3. The application shall contain all information required by it, including, but not limited to, a description of the activity/activities engaged in, e.g., collection and transport of acceptable, recyclable/storable and/or unacceptable waste; types and estimated amount(s) of waste handled in each service area and; a description of the facility/facilities operated and used. The applicant's signature on the application verifies the applicant's intended compliance with this Ordinance. Incomplete applications will not be processed.

7.4. Licenses shall not be transferable.

7.5. All licenses shall expire two (2) years from the date of issue unless revoked or suspended sooner in accordance with the provisions of this Ordinance.

7.6. In the event that the Town Clerk denies a license application, the applicant shall be notified of the reasons for the denial of the license. The applicant may appeal the Town Clerk's decisions to the Board of Selectmen.

7.7. Suspension and Revocation Any license issued may be suspended or revoked by the Town Clerk for cause, including the following reasons: a. Violation of this Ordinance; b. Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this Ordinance; c. Violation of any license condition(s); and d. Falsehoods, misrepresentations or omissions in the license

application. Suspension or revocation of a license may be appealed to the Board of Selectmen.

SECTION 8: VIOLATIONS & PENALTIES

8.1. Disposal generally prohibited; disposal of rubbish, garbage, solid waste and debris on public or private property:

No person shall throw or place or cause to be thrown or placed upon any premises located within the limits of the Town any rubbish, garbage, solid waste or debris of any kind, except in full conformance with this Ordinance, nor shall any owner or occupant of any such premises suffer any such rubbish, garbage, solid waste or debris to remain on said premises after receiving notice from the Code Enforcement Officer or his/her designees. Any person or persons failing to remove any such rubbish, garbage, solid waste or debris for a period of seven days after receipt of said notice shall be subject to enforcement.

8.2. Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the provisions of this ordinance shall be subject to enforcement and liable to the remedies, fines, and civil penalties as stated below in Sections 8.3, 8.4 and 8.5.

8.3. Monetary penalties may be assessed on a per-day basis and are civil penalties. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500.

8.4. Municipal Costs of Enforcement: In addition to the foregoing penalty provisions, any person violating any provision of this ordinance shall be liable to reimburse the Town for costs of enforcement including reasonable attorney fees and court costs. The Town is also authorized to seek and obtain equitable relief.

8.5. Violations of this ordinance shall also be enforced under the provisions of the Maine anti-littering statute at 17 M.R.S. §§ 2264-A, 2264-B, and 2264-C, as may be amended from time to time.

SECTION 9: SPECIAL COLLECTION EFFORTS

9.1. The Board of Selectmen or designee may authorize seasonal or other solid waste collection efforts in addition to those described in this ordinance. Such Solid Waste events shall be advertised by the Town so as to inform as many residents as practical.

SECTION 10: SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

SECTION 11: AMENDMENT

This Ordinance may be amended in the same manner as any other Ordinance of the Town. ADOPTED by Annual Town Meeting this ____ day of _____, 2023.

_____ Town Clerk

Attest: A true copy _____

