

SOLID WASTE ORDINANCE of the TOWN OF EASTBROOK

ENACTED Jan 6 2nd, 2024

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. §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.

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: •

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

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 2nd day of Jan., 2024

Kelley J. Hanning Town Clerk

Attest: A true copy

Julie A Curtis
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