

HARPSWELL SOLID WASTE ORDINANCE

Adopted March 18, 1989 ARTICLE #55

AMENDED March 11, 1995 ARTICLE #14

AMENDED March 10, 2007 ARTICLE #28

AMENDED March 12, 2011 ARTICLE #11

AMENDED March 9, 2013 Article #10

1. PURPOSE

The purpose of this ordinance is to protect the health, safety and general well-being of the citizens of Harpswell; enhance and maintain the quality of the environment; conserve natural resources and prevent water and air pollution.

This ordinance also provides for a comprehensive and rational means of minimizing and regulating the disposal of solid waste within the Town of Harpswell. Harpswell recycles and transfers solid waste.

2. DEFINITIONS

As used in the following sections, these words have the following meanings:

2-1 Agricultural Waste means waste that results from agricultural activities (including but not limited to the growing of vegetables, fruits, seeds, nursery crops, poultry, livestock, field crops, cultivated or pasture hay, and farmlot wood products, including Christmas trees) and that are returned to the soils as fertilizer. It includes waste pesticides when generated by a farmer, provided that the farmer triple rinses each emptied pesticides container in accordance with Departmental rules and disposes of the pesticide residues in a manner consistent with the disposal instructions on the pesticide label.

2-2 Business means any entity performing a service or selling food or other goods.

2-3 Commercial Hauler means any hauler that is compensated for hauling solid waste or that hauls commercially generated solid waste including demolition and construction debris and restaurant waste. Persons hauling solid waste for apartment buildings, private homes, motels, holes and inns, and any and all business shall be considered commercial haulers.

2-4 Commercial Waste means any solid waste that is generated by stores, offices, restaurants, warehouses, and other non-manufacturing, non-processing activities. Commercial waste does not include household, process, industrial or special wastes.

2-5 Contractor means any person who agrees with another to undertake special work according to price, specifications and terms agreed on including those engaged in the construction, alteration or repair of buildings or other structures, sidewalks or driveway pavements and those engaged in lawn maintenance, landscaping, plowing and moving.

- 2-6 Demolition and construction debris means lumber, bricks, masonry, asphalt, shingles, insulation and all other similar materials. It does not include asbestos.
- 2-7 Electronic waste means an electronic device containing circuit boards, capacitors, resistors or transistors.
- 2-8 Facility means the Recycling Center and Transfer Station owned and operated by the Town of Harpswell.
- 2-9 Household refuse means refuse commonly generated by usual domestic activities. It does not include material defined as demolition and construction debris, furniture, white goods or tires.
- 2-10 Person means any individual, association, partnership, firm, corporation or other entity or their agents.
- 2-11 Process waste means that waste which is generated in the process of reducing the volume of, or changing the chemical or physical characteristics of solid waste.
- 2-12 Recyclable materials means solid waste that has useful physical or chemical properties and can be reused or recycled for the same or other purposes. Recyclable material includes newspapers; magazines; paperboard; paper products; cardboard; plastics; metal; foil; and glass.
- 2-13 Resident means any person who is domiciled within the Town of Harpswell or within any town that may be a party to a solid waste agreement with the Town of Harpswell. It shall include persons who may own, rent or lease a single-family unit seasonally.
- 2-14 Restaurant waste means solid waste generated by restaurants, commercial dining facilities and ready-to-eat food vending establishments.
- 2-15 Solid Waste means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including but not limited to rubbish, garbage, scrap materials, junk, refuse and construction and demolition debris. It does not include septic or agricultural waste.
- 2-16 Special Waste, means any material that, by nature of the physical quantity or condition, or any combination thereof, may disrupt or impair effective waste management or threaten public health and may require special handling, transportation and disposal procedures.
- 2-17 White Goods means refrigerators, stoves, freezers, washing machines, cloths dryers, air conditioners and other large, predominantly metal household appliances.
- 2-18 Wood Waste means brush, stumps, 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 purposes of this definition, "lumber" is entirely made of wood and is free from metal, plastics and coatings.

2-19 Yard Waste means grass clippings, leaves, and other vegetal matter other than wood wastes and land clearing debris.

3. ADMINISTRATION

3-1 Rules and regulations: The Selectmen shall establish the fees, rules and regulations required for the municipality to conform to the standards and requirements set forth in the ordinance, subject to any requirements for public hearings. Rules and regulations shall conform to all pertinent regulations or directives of all local, county, state and federal agencies which may have jurisdiction. The Town Administrator, Recycling Center Manager, and other persons designated by the Town Administrator or Recycling Center Manager have the authority to ensure compliance with the rules established by the Board of Selectmen in accordance with the provisions of this ordinance and recommend fines as established by the Board of Selectmen.

4. PERMIT REQUIREMENTS AND FEES

4-1 Permit required: Any resident or property owner disposing of solid waste at the facility shall be required to obtain an annual permit from the Town Office or Recycling Center at no cost. Proof of residency or property ownership is required at time of issuance of permit. The Recycling Center Manager and/or the designated representative has the authority to refuse service to those residents who do not have a permit.

4-2 Commercial Permits: Any commercial hauler disposing of solid waste at the facility shall be required to obtain a permit from the Recycling Center Manager on an annual basis. Commercial haulers must certify that he/she is depositing only waste from Harpswell residents or businesses. The commercial hauler must also certify that restaurant wastes, animal wastes and electronic wastes are not being deposited in the household waste compactors. Such items must be transported to the Transfer Station and appropriate fees assessed. The Commercial Hauler must certify that the hauler's operation is in compliance with the provisions established in the Commercial Trash Haulers Rules established by the Board of Selectmen.

4-3 Permit displayed: The disposal permit must be attached to a vehicle in a conspicuous place to gain access to the facility.

4-4 Permit fees: The Selectmen shall set fees for the following permits:

4-4-1 Commercial Haulers

4-4-2 Contractors

4-4-3 Businesses (not serviced by commercial haulers)

4-5 Load Fees: The Selectmen shall set fees for the following:

4-5-1 A Per-Load fee, separated or unseparated, for brush, construction and demolition debris, commercial waste.

4-5-2 A per-gallon charge for waste oil

4-5-3 Tires

4-5-4 White Goods

4-5-5 Storage Batteries

4-5-6 Electronic Waste

4-5-7 Separated/Unseparated Household Waste

4-5-8 Other Items

4-5-9 Metal

4-5-10 A Per-Load Fee, separated or unseparated, of any combination of the above items.

## 5. DISPOSAL REQUIREMENTS

5-1 Responsibility: It is the responsibility of each resident to provide proper disposal of all solid waste generated on his/her premises in accordance with the requirements of this ordinance.

5-2 Separation of solid waste: To reduce costs associated with disposal of solid waste, the Town of Harpswell requires separation of solid waste delivered to the facility by residential users and commercial haulers. Any solid waste that is not separated according to the requirements of this section shall be subject to the penalties for unseparated trash set forth in section 9.

5-2-1 Where ambiguity exists (as is the case of Special Wastes) the Recycling Center Manager has the authority to determine the proper disposal methods.

5-2-3 Subject to inspection: All materials presented at the facility shall be subject to inspection prior to disposal to determine proper disposal methods and ensure that unacceptable materials are not received. The inspector shall make himself/herself known to the resident or commercial hauler. The inspector may open bags or other objects containing solid waste to examine the contents for recyclable materials, hazardous materials or unaccepted materials and to determine the nature of contents and ensure waste materials are delivered to the proper facility and/or location. All disposed material is considered to be the property of the Town of Harpswell.

5-2-4 Recyclable materials: It is the intent of the Town of Harpswell to recycle waste as the primary step in responsible waste management, before resorting to other disposal methods. All residents and businesses shall recycle waste to the greatest extent practical in order to reduce the disposal cost and environmental impact of solid waste. It shall be the responsibility of each household, governmental and commercial establishment to separate and prepare recyclable materials from all other types of waste, and to see that these materials are transported to the facility. A current list of acceptable recyclable materials is available at the Town Office, Recycling Center Office and on the Town's Website. The list is subject to change as a result of industry standards, state/federal

regulations and market capability changes. The Recycling Center Manager is responsible to ensure the list is maintained and updated regularly.

5-3 Commercial waste requirements: Commercial haulers are responsible for ensuring that solid waste they delivery to the facility is drained of liquid, properly separated and meets all requirements of this ordinance.

5-4 Delivery of wastes: All wastes delivered to the facility must be transported in a manner to prevent littering.

5-5 Disposal only at facility: No person shall dispose of solid waste of any kind anywhere within the limits of the Town of Harpswell except at the facility. This does not include wood waste or yard waste.

5-6 The Compactor System at the Recycling Center is for the disposal of household waste only. Solid waste generated by businesses and commercial entities, delivered by the same business or commercial entity itself or through a commercial hauler as defined herein, shall be disposed through the Transfer Station and all assessed fees shall be paid. This paragraph does not apply to commercial haulers delivering household waste as defined herein.

## 6. RECYCLING CENTER AND TRANSFER STATION OPERATIONS

6-1 Hours: The hours of operation for the facility shall be set by the Selectmen.

6-2 Access: Access to the facility shall be only during the hours of operation unless upon express permission from the Selectmen.

6-3 Disposal: Wastes shall be disposed in separate designated areas.

6-4 Scavenging: No person may remove any article or object, which has been disposed at the facility without permission of the Recycling Center Manager or designee. All such items removed shall be noted by date, resident, and item on log sheets located at the Transfer Station scale house or the Recycling Center Office.

## 7. UNACCEPTABLE WASTE

7-1 Waste Originating out of town: Only wastes generated within the boundaries of the Town of Harpswell and properly sorted will be accepted at the facility. It is illegal to dispose of wastes originating from another municipality at the facility.

7-2 Unacceptable categories: The following categories of wastes will not be accepted at the facility. This list is subject to changes concurrent with state and federal regulations. The Recycling Center Staff shall provide guidance regarding the proper disposal of the below listed materials.

7-2-1 Hazardous wastes as defined by 38 M.R.S.A. § 1303-C, as may be amended

7-2-2 Medical or infectious wastes as defined by the State of Maine.

7-2-3 Explosives, including bullets and gunpowder, shotgun shells, marine and road flares, fireworks, firecrackers. Compressed gas cylinders containing propane, oxygen, acetylene and other flammable gases, unless they are emptied and the valves opened.

7-2-4 Sewage treatment and septic tank residues.

7-2-5 Animal and agricultural wastes in large quantities (as determined by the facility manager).

7-2-6 Radioactive materials

7-2-7 Automobiles

7-2-8 Dead Animals

7-2-9 Gasoline, Kerosene, Diesel Fuel, grease, bilge water and Antifreeze.

7-2-10 Heating Oil Tanks, unless they are drained and cut in half before being accepted.

7-2-11 Ash. Ash from fireplaces, stoves, burned houses, brush piles, other structures or other burned materials.

7-3 Wet Wastes: Solid waste that is not sufficiently drained of liquid when delivered to the facility will not be accepted.

## 8. HOME STORAGE AND DISPOSAL

8-1 Storage: All residents must ensure that solid waste stored on their premises does not create a nuisance.

8-2 Composting: While solid waste generated in households and commercial establishments should be taken to the facility for recycling and ultimate disposal, home composting of kitchen wastes, yard and garden wastes and other organic materials is encouraged.

## 9. PENALTIES, ENFORCEMENT AND REMEDIAL ACTION

9-1 Violations: The Selectmen shall review any alleged violation of this ordinance or rules established by the Board of Selectmen in accordance with the provisions of this ordinance and take appropriate action as required. The Selectmen shall institute any necessary proceedings to enforce this ordinance.

9-2 Enforcement: Enforcement for this ordinance is the responsibility of Law Enforcement Officers for the Town of Harpswell and the Selectmen.

9-3 Penalties:

9-3-1 Any person found in violation of any of the provisions of this ordinance shall subject to a civil penalty in an amount not less than \$50 nor more than \$500 for each offense, except the minimum penalty for a second offense within a twelve month period shall not be less than \$ 100. A commercial hauler which is found to be in violation for a second time within a twelve month period

shall also have its license revoked by the Selectmen for a period of not less than three months. A third offense shall result in permit revocation.

9-3-2 Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

9-3-3 All civil penalties shall accrue to the Town of Harpswell.

9-3-4 Remedial Action: All persons found in violation of this ordinance are responsible for any remedial action and clean-up costs incurred by the Town. Remedial action must proceed in a timely fashion upon notification by the Selectmen.

## 10. CONSTRUCTION

10-1 Severability: The provisions of this ordinance are severable. If any section, subsection, sentence, provision or part of this ordinance is held invalid, or unconstitutional, the remaining provision of this ordinance shall not be affected or impaired.

10-2 Supersession: This ordinance supersedes and replaces all similar or comparable ordinances, policies or decisions previously enacted within the municipality and will remain in effect until revoked or superseded by action of the voters the municipality.

10-3 Amendments: the Selectmen shall propose any amendments to this ordinance to the voters of Harpswell at a town meeting. Approval of any amendments, revision, or deletions rests exclusively with the voters of the municipality.