

Chapter 16

Solid Waste and Recycling

XVI. Solid Waste and Recycling

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Chapter 16

Winter Harbor Solid Waste and Recycling Ordinance

Section 16-101 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.S.R.A., 3001 et seq. (Ordinance of Municipalities and Counties).

Section 16-102 PURPOSE

102.1 Protect the health, safety and general well-being of the citizens of Winter Harbor.

102.2 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., 51304-B as amended.

102.3 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.

102.4 The cost to manage solid waste will increase significantly and these costs are best borne by those who generate the waste rather than owners of real estate, based on property valuations.

102.5 Encourage solid waste recycling.

102.6 Encourage Home Composting.

Section 16-103 APPLICABILITY

This Ordinance applies to all domestic, residential, public institutions, commercial and industrial generators of solid waste in the Town of Winter Harbor.

Section 16-104 DEFINITIONS

104.1 ACCEPTABLE WASTE - Is that solid waste generated in the Town of Winter Harbor which may include, but is not limited to: household waste, garbage, commercial waste, recyclables, white goods containing no CFCs, automotive tires (with out rims), construction and demolition debris, yard waste, and restaurant waste.

104.2 UNACCEPTABLE WASTE - Is that portion of solid waste which is not defined as acceptable waste and includes, but is not limited to: sewage and its derivations, junk vehicles and parts there from (excluding tires), wet cell batteries, dead animals or portions thereof, appliances containing CFC gases, hazardous waste, infectious waste or special waste such as asbestos, industrial process waste, or contaminated soil.

104.3 BROWN GOODS - Means radios, televisions, and other electronic equipments.

104.4 COMMERCIAL HAULER - Is any person who carries solid waste for compensation.

104.5 DEMOLITION and CONSTRUCTION DEBRIS - Consists of lumber, bricks, masonry, asphalt, shingles, insulation, and other similar materials. It does not include asbestos.

104.6 GARBAGE - Is all waste from the preparation, cooking and consumption of food, market refuse, waste from the handling, storage and sale of produce.

104.7 MUNICIPAL OFFICERS - The Selectmen of the Town of Winter Harbor.

104.8 PERMITTED USER - Is any resident or resident business owner that lives in the Town of Winter Harbor.

104.9 RECYCLE AREA - Is the area of land designated by the Town Selectman for the collection and temporary storage of recyclable items.

104.10 RESIDENT - Is a person who lives within the Town. It shall include persons who may own, rent, or lease a dwelling seasonally.

104.11 SOLID WASTE - Is 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 septage or agricultural waste.

104.12 TOWN - The Town of Winter Harbor.

104.13 WHITE GOODS - Includes refrigerators, stoves, freezers, washing machines, clothes dryers, air conditioners and other large, predominantly metal household appliances.

Section 16-105 ADMINISTRATION

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

105.1 Review any alleged violation of this Ordinance, and to impose appropriate penalties therefor after notice and hearing as required.

105.2 Institute all necessary procedures, either legal or equitable, to enforce this Ordinance.

105.3 Provide the necessary education, on a continuing basis, of the population, to include the necessary printed materials on the methods of solid waste disposal.

105.4 Provide the necessary pickup and disposal contracts, consistent with the lowest cost and the service provided.

105.5 Designate a Recyclable Materials area, to include provision to dispose of uncontaminated waste oil.

105.6 A Fee will be charged for the purchase of APPROVED Bags and Stickers for the disposal and curbside pickup of household garbage. The amount of the fee shall be set by the Municipal officers consistent with the cost of disposal. Availability of these bags and stickers will be the responsibility of the Municipal Officers. All fees collected shall be used to cover the cost of operating the disposal system, and deposited in the Special Solid Waste account.

Section 16-106 HOME STORAGE AND DISPOSAL REQUIREMENTS

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

Section 16-107 COLLECTION AND TRANSPORT

107.1 Household Garbage:

Curbside Collection is the approved means of disposing of garbage. A recycling storage area will be maintained at a designated location for the disposal of all recyclable materials.

107.2 Curbside Baggage Waste:

Materials to be placed at curbside for disposal must be placed in an APPROVED plastic bag or in a container with an APPROVED sticker attached. Containers shall contain no unacceptable waste and shall be placed at curbside not more than 12 hours before the scheduled pick up. Any empty container, such as wheeled carts, steel or plastic cans, etc., shall be removed within 12 hours after the scheduled pick up.

107.3 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 except when the material is covered in such a manner that the refuse shall not be strewn along public ways. Proof that solid waste has blown from or fallen from any truck or vehicle shall be prima facie evidence that said truck or vehicle was not sufficiently enclosed or covered.

107.4 Illegal Dumping:

No person shall throw or deposit or cause to be thrown or deposited any solid waste within the Town in any street, gutter, sidewalk, parking area, park, wooded area, any public place, or into any body of water within or adjacent to the Town. Evidence of such litter will be determined by examining the said litter for such documents that indicate the owner.

107.5 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.

107.6 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.

Section 16-108 VIOLATIONS, ENFORCEMENT AND PENALTIES

108.1 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.

108.2 Violations:

The Municipal Officers shall review any alleged violation of this Ordinance and take appropriate action as required.

108.3 Enforcement:

Enforcement of this Ordinance is the responsibility of the Town Municipal Officers.

108.4 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.

Section 16-109 VALIDITY

If 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 or applications, and to this end, the provisions of this Ordinance are declared to be severable.

Section 16-110 REPEAL

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

Section 16-111 ORDINANCE IN FORCE

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

Historical note: Adopted December 16, 1992 at a Special Town Meeting