

# Town of Hollis

## Solid Waste Flow Control Ordinance

### ARTICLE I. GENERAL

#### 1.1 Short title.

This ordinance shall be known as and may be cited as the "Solid Waste Flow Control Ordinance for the Municipality of Hollis" and shall be referred to hereinafter as the "Ordinance".

#### 1.2 Purpose.

The purpose of this Ordinance is to protect the health, safety and general well-being of the citizens of the Municipality; enhance and maintain the quality of the environment; conserve natural resources; prevent water and air pollution; gain management control over solid waste; and enable the reclamation of natural resources, including energy, from solid wastes by providing for a comprehensive, rational and effective means of regulating the disposal of solid waste generated in the Municipality.

#### 1.3 Definitions.

For the purposes of this Ordinance, the following words and phrases shall have the meanings ascribed to them in this section.

- (a) *Acceptable waste* shall mean ordinary household, municipal, institutional, commercial and industrial solid waste including, but not limited to, the following:
  - (1) Garbage, trash, rubbish, paper and cardboard, plastics, refuse, beds, mattresses, sofas, and automobile or small vehicle tires, to the extent that **ecomaine** determines that the air emission criteria and standards applicable to and at the **ecomaine** disposal facility are not violated; and
  - (2) Processible portions of commercial and industrial solid waste; and
  - (3) Wood and lumber, tree limbs, branches, ties, logs and trees, if no more than four and one-half (4 1/2) feet long and six (6) inches in diameter; leaves; twigs; grass; and plant cuttings; and
  - (4) Residential recyclable materials and commercial recyclable materials.
- (b) *Board* shall mean the City or Town Council or Board of Selectpersons, whichever is applicable.
- (c) *Commercial recyclable materials* means that portion of commercial solid waste which consists of recyclable materials.
- (d) *Commercial solid waste* means solid waste generated by a sole proprietorship, partnership, professional association, corporation or other business organization, provided that commercial solid waste shall not include residential solid waste, or solid

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waste generated by a municipal or quasi-municipal organization or by a state-approved school administration.

- (e) *Construction and demolition debris* shall mean solid waste consisting of one or more of the following materials resulting from construction, remodeling, repair, and demolition of structures:
  - (1) Inert fill;
  - (2) Land clearing debris;
  - (3) Asphalt;
  - (4) Masonry;
  - (5) Wall board;
  - (6) Pipes; and
  - (7) Metal conduits.
- (f) *Disposal* shall mean the discharge, deposit, dumping or placing of any solid waste into or on any land.
- (g) *ecomaine* shall mean **ecomaine**, a non-capital stock, non-profit corporation created pursuant to Title 30-A, Chapter 115 and Title 13-B, and Title 38, Section 1304-B(5) of the Maine Revised Statutes, or any successor thereto or assignee thereof.
- (h) *ecomaine disposal facility* shall mean any land or structure or combination of land area and structures, including dumps and transfer stations owned or operated by or under a contract with **ecomaine**, and/or any other site designated by **ecomaine** for storing, salvaging, reducing, incinerating, reclaiming or disposing of acceptable waste pursuant to the waste handling agreement and amendments thereto entered into between the Municipality and **ecomaine**.
- (i) *Hazardous waste* shall mean a waste substance or material in any physical state, designated as hazardous by the terms of the waste handling agreement between the Municipality and **ecomaine**.
- (j) *Municipal disposal facility* shall mean any land or structure or combination of land area and structures owned or operated by, or under contract with, the Municipality, including a transfer station or similar facility designated by the Municipality for disposal of acceptable waste.
- (k) *Municipality* shall mean the City/Town of Hollis.

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- (l) *Person* shall mean any natural person, corporation, partnership, sole proprietorship, professional association or other legal entity.
- (m) *Public solid waste disposal facility* or *disposal facility* shall mean any land or structure or combination of land area and structures, including transfer stations, used for storing, salvaging, reducing, incinerating, reclaiming or disposing of solid wastes; this term shall include the **ecomaine** disposal facility and municipal disposal facility.
- (n) *Recyclable materials* shall mean solid waste which has useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes, including: newspapers; magazines; paperboard; paper products; cardboard; plastics; metal; foil; and glass.
- (o) *Residential recyclable materials* means that portion of residential solid waste which consists of recyclable materials.
- (p) *Residential solid waste* means household waste, residential refuse, or solid waste generated in a residence.
- (q) *Solid waste* shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse, but shall not include septage tank sludge nor agricultural or hazardous wastes; it shall include acceptable waste, unacceptable waste and construction and demolition debris as defined herein.
- (r) *Unacceptable waste* shall mean solid waste which is not acceptable waste and includes, but is not limited to, sewage and its derivatives, construction and demolition debris, products containing asbestos, asphalt, fluorescent light bulbs, junk vehicles, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and hazardous waste, including hazardous chemicals.

**ARTICLE II. DESIGNATION AND ADMINISTRATION**

**2.1 Designation.**

In accordance with the provisions of Title 38 M.R.S.A. §1304-B, the Municipality hereby designates the **ecomaine** disposal facility in Portland, Maine and the municipal disposal facility as its public solid waste disposal facilities for the purposes cited in this Ordinance. The disposal by any person, including any person licensed as a waste hauler in accordance with this Ordinance, of any acceptable waste, except commercial recyclable materials, generated within the Municipality at any place other than at the municipal disposal facility or the **ecomaine** disposal facility is prohibited; provided, however, the owner of any lot, or any other person with the permission of the lot owner, may dispose of inert substances such as earth, rocks, concrete or similar material at such lot for fill purposes only, subject to state or local land use regulations.

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#### **2.2 Governing body.**

- (a) The Board shall establish any necessary rules and regulations governing the availability and use of the public solid waste disposal facilities.
- (b) The operation of the municipal disposal facility shall conform to all pertinent regulations or directives of all local, county, state or federal agencies which may have jurisdiction.

#### **2.3 Restrictions.**

- (a) No person shall permanently dispose of solid waste of any kind upon any land within the corporate limits of the Municipality unless such land has been designated by the Board as a public solid waste disposal facility.
- (b) Certain materials may be excluded by regulation from that solid waste which may be deposited at a public solid waste disposal facility. These excluded materials may include junk automobile bodies and similar bulky waste which may require special processing prior to any disposal; burning materials or materials containing hot or live coals; hazardous wastes; and other materials which the Municipality deems necessary to exclude. Hazardous wastes shall be handled in accordance with 38 M.R.S.A. § 1319-0.
- (c) Except for licensed disposal of hazardous or infectious wastes, it shall be unlawful for any person to burn or incinerate any solid waste within the Municipality other than leaves.

### **ARTICLE III. RULES AND REGULATIONS**

#### **3.1 Authorized disposal facility users.**

- (a) The availability and use of municipal disposal facilities shall be limited to residents of the Municipality and to those residents of any other municipality which may, by mutual agreement, be authorized to use the designated municipal disposal facilities.
- (b) As a means of user control, the attendant of the municipal disposal facilities shall:
  - (1) Authenticate a user's right to use the facility;
  - (2) Affix permit stickers only onto vehicles registered in the Municipality.
- (c) Vehicles hauling commercially, or vehicles and trucks with carrying capacities of more than  $\frac{3}{4}$  ton, except municipal vehicles, shall not be permitted access to or use of municipal disposal facilities.

#### **3.2 Resource recovery.**

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The Municipality may require solid waste to be separated into such categories as may be established by regulation and disposed of only in such manner and at such sites and locations as designated.

#### **3.3 Property rights.**

Any solid waste deposited within the designated public solid waste disposal facilities shall become the property of the Municipality or **ecomaine**. No one shall salvage, remove, or carry off any such deposited solid waste without prior approval of the Municipality.

### **ARTICLE IV. LICENSING**

#### **4.1 Permit required.**

No person shall collect or transport solid waste, including but not limited to garbage and recyclables, generated within the Municipality without obtaining a refuse hauler permit from the Municipality and paying the required fee. Such permits shall be subject to the terms and requirements set forth in this Article.

#### **4.2 Application for refuse hauler permit.**

In order to acquire a refuse hauler permit for the collection of solid waste within the Municipality, the applicant shall submit to the Municipality such information as the Board deems necessary, together with the required fees. Fees for obtaining a refuse hauler permit for the collection or transport of solid waste generated within the Municipality shall be established by order of the Board.

#### **4.3 Term of permit.**

A refuse hauler permit issued under this Article shall be for the fiscal year of the Municipality.

#### **4.4 Exemptions.**

The permit and fee provisions of this Article shall not apply to a person or business that hauls solid waste generated solely by such person or business.

#### **4.5 Violations.**

Any failure to comply with the requirements of this Article shall be considered a violation. In addition to the penalty provisions set forth in Article V, the Board may suspend a refuse hauler permit for up to thirty (30) days for a first violation of this Ordinance and for up to sixty (60) days for a second violation. The Board may suspend a refuse hauler permit for any period of time for any subsequent violation or may revoke the permit for the remainder of the

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fiscal year. The Board may deny a refuse hauler permit to any person who has received two (2) or more suspensions during the prior fiscal year or whose permit was revoked during the prior fiscal year. Prior to taking any action on a potential suspension or revocation of a refuse hauler permit, the Board shall notify any person or business to whom the permit was issued and shall hold a hearing.

**ARTICLE V. PENALTIES**

Any person who violates any provision of this Ordinance commits a civil violation, punishable by a civil penalty of not less than \$200 and not more than three thousand dollars (\$3000.00) for each violation. Fines shall be recovered upon complaint made by the Municipality. Each day upon which a violation continues shall be considered a separate violation. The Municipality shall be entitled to recover its attorney's fees and court costs in any action in which the court finds that a violation has occurred. In addition to penalties, the Municipality may seek injunctive relief to prevent the continuance of an ongoing or recurring violation.

**ARTICLE VI. MISCELLANEOUS**

- (a) It shall be the duty of the Board or its designee to enforce the provisions of this Ordinance.
- (b) In case of conflict with other inconsistent ordinances, the provisions of this Ordinance shall prevail.
- (c) If any section, subsection, sentence or part of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.