

## **CHAPTER 50: SOLID WASTE; RECYCLING**

### Section

#### ***General Provisions***

- 50.01 Purpose
- 50.02 Definitions
- 50.03 Applicability
- 50.04 Exemptions reprocessed or recycled in plant
- 50.05 Disposal facilities
- 50.06 Administration
- 50.07 Licensing of haulers
- 50.08 Hearings
- 50.09 Fees
- 50.10 Enforcement

#### ***Residential Roadside Pickup Requirements***

- 50.25 Acceptable materials
- 50.26 Placement at roadside
- 50.27 Unacceptable materials
- 50.28 Containers or receptacles

#### ***Town Landfill Site***

- 50.40 Acceptable materials
- 50.41 Permit sticker
- 50.42 User fees
- 50.43 Inspections

#### ***Town Recycling Program***

- 50.55 Recycling facility
- 50.56 Acceptable materials
- 50.57 Encouraged participation
  
- 50.99 Penalty

**GENERAL PROVISIONS****§ 50.01 PURPOSE.**

The purpose of this chapter is to protect the health, safety and general wellbeing of the citizens of the town; enhance and maintain the quality of the environment; conserve natural resources by promoting recycling; prevent water and air pollution by providing for a comprehensive, rational and effective means of regulating the collection, transportation and disposal of solid waste in accordance with the provisions of 38 M.R.S.A. Ch. 13, as amended.  
(Ord. passed 5-15-1996)

**§ 50.02 DEFINITIONS.**

Note: Remove or change "PERC" throughout entire section do appropriate terminology.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCEPTABLE MATERIALS FOR ROADSIDE PICKUP.** All solid wastes so defined by the Penobscot Energy Recovery Company or any properly licensed disposal facility and the town as described in § 50.25 of this chapter.

**ASHES.** The residue remaining from the burning of wood, coal, coke or other combustible materials.

**BROWN GOODS.** Large discarded items including, but not limited to, television sets, stereos and computer systems.

**DEMOLITION MATERIAL.** The material from the major repair of, excavation for, construction or destruction of buildings or structures including, but not limited to, piping, earth, plaster, mortar, bricks, building blocks, septic tanks, trees or tree stumps over six inches in diameter and any other similar materials.

**DISPOSAL.** The discharge, deposit, injection, dumping, leaking, spilling or placing of any solid waste into or on any land or water.

**DISPOSAL FACILITY.** Any facility(ies) which have been properly licensed for the storage and/or disposal of solid waste.

**FREON CONTAINING GOODS.** Refrigerators, freezers, air conditioners and similar appliances.

**HAZARDOUS WASTE.** A waste substance or material, in any physical state, designated as hazardous by the terms of the agreement between the town and the Penobscot Energy Recovery Company, or by definition of other federal, state or local laws.

***INFECTIOUS WASTE.*** Those wastes so defined by the Solid Waste Management Regulations promulgated by the Department of Environmental Protection pursuant to 38 M.R.S.A. § 1304, as amended.

***MIXED RESIDENTIAL REFUSE.*** All materials normally derived through residential use.

***MUNICIPAL COLLECTION FACILITY.*** A building, container or designated area in which waste is temporarily deposited and stored for transfer to a disposal facility.

***MUNICIPALITY.*** The Town of Hermon, Maine.

***PERC.*** The Penobscot Energy Recovery Company.

***RECYCLING PROGRAM.*** A voluntary program for the recycling of materials as approved by the municipal officers.

***RESOURCE RECOVERY.*** The recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes or used to generate energy.

***SOLID WASTE.*** 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, refuse derived fuel, scrap, junk, inert fill material and landscape refuse, but shall not include septic tank sludge or agricultural or hazardous wastes.

***UNACCEPTABLE MATERIALS FOR ROADSIDE PICKUP.*** As described in § 50.27 of this chapter.

***WASTE HAULER.*** Any person, firm or corporation which collects residential, institutional, commercial and/or industrial waste for a fee and transports it to a municipal collection or disposal facility and any business or institution which transports its own waste to the designated disposal facility.

***WHITE GOODS.*** Large appliances, including, but not limited to, stoves, washing machines, clothes dryers and dishwashers.  
(Ord. passed 5-15-1996)

**§ 50.03 APPLICABILITY.**

Every owner, tenant, waste hauler or occupant of property within the limits of the town, who has supervision, custody or control of solid waste, garbage or other like waste substance, shall:

(A) Keep, place and store the solid waste, garbage and other like waste substances in a sanitary manner before it shall become foul and putrid, in covered containers to prevent the ingress of flies, rats and other animals;

(B) Keep, place and store ashes in a separate non-combustible covered container; and

(C) ~~Boxes or crates~~ used for the disposal of material shall meet the sanitary requirements of division (A) above and shall not contain unacceptable materials, as defined in § 50.27 of this chapter. (Ord. passed 5-15-1996) Change to "Town issued solid waste disposal container must be"

**§ 50.04 EXEMPTIONS REPROCESSED OR RECYCLED IN PLANT.**

The following categories of waste shall be exempted from regulations pertaining to collection, transport and disposal:

(A) Waste of manufacturing, processing or packaging operations which are segregated from other waste and are salvaged for alternate use, reuse or sale; and

(B) All materials separated from mixed waste by the generator as part of a recycling program approved by the municipal officers. (Ord. passed 5-15-1996) Correct Format

**§ 50.05 DISPOSAL FACILITIES.**

(A) The town may designate the disposal facility(ies) for the disposal of solid waste generated within the town as well as the method and amount of separation that may be required before being deposited.

(B) To meet its contract commitment to PERC, the town may require that all acceptable solid waste generated within the town is disposed of at the PERC facility, or any alternate disposal site.

(C) Certain categories of unacceptable waste shall be deposited at disposal site(s) if designated by the town.

(D) The town encourages the recycling of all acceptable materials at the town's recycling facility.

(E) The town has established a roadside pickup of household waste generated from residential structures containing four or fewer units, the Boulter Place Apartments or **as approved by the Town Council**. Remove or Keep with detail list  
 Add E1 and E2. E3 TBD see below.

(F) All commercial, industrial, institutional and other residential facilities not served by roadside pickup shall make arrangements with licensed waste haulers to dispose of their solid waste at the sites in a manner as required by this chapter.

(Ord. passed 5-15-1996; Ord. passed 4-15-1998)

*Editor's note:*

*This section became effective on 5-15-1998.*

ADD: E1: If a residency requires an additional size container, other than a dumpster, the resident must request and will be required to pay annually for the cost of additional disposal container.

#### § 50.06 ADMINISTRATION.

This chapter shall be administered by the municipal officers who shall:

(A) Adopt reasonable rules and regulations as needed to enforce this chapter;

(B) Consider all license applications and grant or deny each application within 30 days after receipt of a completed application at the municipal office or within another time as the municipal officers and the applicant shall agree is reasonable;

(C) Preview any alleged violation of this chapter and to impose appropriate penalties therefore after notice and hearing; and

(D) Institute necessary proceedings, either legal or equitable to enforce this chapter. (Ord. passed 5-15-1996)

Add E2: If a resident chooses to swap a solid waste disposal container 96-gallon to a 48-gallon, or 48 to 96 gallon, the resident is responsible to pay a fee of \$25.00.

#### § 50.07 LICENSING OF HAULERS.

(A) (1) No person, firm or corporation shall collect, transport or dispose of solid waste generated within the municipality for a fee without first obtaining a license from the municipal officers with the exception listed in division (A)(6) below.

(2) Any individual, firm or corporation required by this chapter to obtain a license shall make application to the municipal officers, providing the information required. Each application shall be accompanied by a non-refundable application fee of \$50.

(3) With the submission of the application, individuals are required to provide a yearly list of all customers serviced within the town. In addition, after licensing, waste haulers are required to notify the town of deletions or additions to that list by the first of the next month after the change occurs.

Add E3: The Town reserves the right to change and implement a fee structure, as necessary, to recover costs of solid waste disposal containers for residents.

(4) The license shall normally be for a period of one year from issue, unless otherwise stated on the license, and may be revoked at any time by the municipal officers, in accordance with the provisions of this division (A).

(5) In the event the municipal officers deny a license application, they shall notify the applicant in writing and shall state the reasons for the denial. The applicant may request a public hearing in accordance with the procedures in § 50.08.

(6) In those situations in which a resident or resident business is hiring an individual to haul away debris from a one-time building project other than an established hauling company or individual, the town may use its discretion to allow the resident or resident business to obtain a temporary landfill permit valid only for the day on which the hauling will take place. The landfill fee schedule will be utilized to determine the fees necessary for dumping when the vehicle enters the landfill.

(B) (1) An individual denied a license issue may be suspended or revoked by order of the municipal officers with benefit of a hearing in accordance with the procedures in this division (B) for the following causes:

(a) Violation of this chapter;

(b) Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this chapter;

(c) Violation of any license provision or regulation; and/or

(d) Falsehoods in the license application.

(2) The limits of suspension or revocation for any license issued shall be as follows:

(a) First offense: 30 days;

(b) Second offense: 90 days; and

(c) Third offense: one year.

(Ord. passed 5-15-1996; Ord. passed 4-15-1998)

*Editor's note:*

*This section became effective on 5-15-1998.*

§ 50.08 HEARINGS.

(A) An individual denied a license or any licensee cited for any violation of this chapter shall be entitled to a hearing before the municipal officers, if the request is made in writing.

(1) The hearings shall be held within 30 days after receipt of the written request for a hearing.

(2) The licensee shall be notified, in writing, as to the time and place of the hearing a minimum of ten days prior to the hearing date. The licensee has the right to be represented by counsel, to offer the evidence as he or she may desire, and to cross-examine.

(3) A determination shall be made by the municipal officers within ten days after the conclusion of the hearing.

(B) The municipal officers' final determination relative to the suspension of a license and the period of suspension or the revocation of a license shall take effect no later than ten days after the date of the notice of final determination has been mailed by certified mail, return receipt requested, to the applicant and shall be conclusive. The final determination notice shall set forth the reasons for the suspension or revocation and the effective dates thereof together with a statement that the decision may be appealed as provided in this section.

(C) Any controversy or claim arising out of or relating to the municipal officers' determination shall be directly reviewable by Superior Court pursuant to Rule 80B. (Ord. passed 5-15-1996)

§ 50.09 FEES,

(A) The municipal officers shall establish and maintain a fee schedule for disposal of materials at the town landfill or another disposal facility as the town may direct.

(B) The town shall assess the tipping fee to all haulers of solid waste from commercial, industrial or institutional establishments or from private installation in the town not covered by the roadside pickup which is delivered to **PERC** or another disposal facility which is properly licensed.

(C) The town reserves the right to adjust the tipping fee as necessary to defray its total cost of solid waste disposal; however, the town will charge the same tipping fee to all waste haulers within the town. Monthly billing will be supported by an itemized breakdown showing the dates and time of delivery, the weigh ticket number and the net tonnage. Payment shall be due and payable within 30 days from the date of invoice.

(Ord. passed 5-15-1996)

**§ 50.10 ENFORCEMENT.**

(A) All provisions of this chapter are enforceable by duly authorized municipal officials.

(B) Any person who commits a violation of any provision of this chapter is subject to arrest and punishment as hereinafter provided, if convicted.

(C) Whenever the municipal officers determine that there has been a violation by virtue of non-compliance, they shall give notice of the violation to the person(s) responsible by personal service or by certified mail, return receipt requested.

(1) The citation shall include a statement of reasons and shall allow reasonable time for performance of any act it requires.

(2) The citation may contain an outline of remedial action which, if taken, will effect compliance.

(3) It shall state that unless corrections are made within the allotted time, the violator is subject to prosecution pursuant to the provisions of this chapter.  
(Ord. passed 5-15-1996)

***RESIDENTIAL ROADSIDE PICKUP REQUIREMENTS*****§ 50.25 ACCEPTABLE MATERIALS.**

It is the town's intent to provide collection of normal domestic rubbish from households only. The following materials, by way of example and not limitation, are acceptable for roadside collection: mixed residential refuse, unless considered unacceptable by PERC; bulky waste, unless considered unacceptable by PERC.

(Ord. passed 5-15-1996)

**§ 50.26 PLACEMENT AT ROADSIDE.**

Rubbish will not be collected unless the following conditions are met.

(A) Rubbish shall be placed in ~~rodent-proof, leak-proof and essentially air tight metal or plastic cans or in tied plastic refuse bags.~~ Replace with " town issued solid waste disposal container.

(B) Containers ~~or bags~~ shall be placed as accessibly to the roadside as possible so as not to interfere with vehicles, pedestrian traffic or snow removal activities.

(C) Containers, ~~bags or bundles~~ shall not exceed ~~40 pounds~~. Replace 40 pounds with "designated capacity of issued solid waste disposal container."

(D) Rubbish shall be placed roadside on the designated day of collection by 7:00 a.m.

(Ord. passed 5-15-1996)

~~\*~~ ADD E. All issued solid waste disposal container lids must be closed for trash removal safety.

#### § 50.27 UNACCEPTABLE MATERIALS.

The following rubbish, by way of example and not limitation, shall be considered unacceptable for roadside collection:

(A) Materials which have not been prepared, bound, placed in containers and/or placed for collection in accordance with the rules and regulations of the town;

(B) Materials which have been placed in containers and/or placed for collection which have been pilfered by animals and which constitute litter. The contractor will not be responsible for clean-up;

(C) White goods, such as stoves, refrigerators, washers and other large appliances;

(D) Materials from the major repair of, excavation for, construction or destruction of buildings, or structures, such as earth, plaster, mortar, bricks, building blocks, roofing materials and septic tanks;

(E) Dangerous, hazardous or environmentally unsafe materials or substances, such as cleaning fluids, crankcase oils, paints, asbestos materials, liquid plastics, explosives, acids, caustics, poisons, drugs, radio-active materials, fine powdery earth used to filter cleaning fluids, infected materials, hospital waste and materials of a similar nature;

(F) Body wastes, junk yard wastes or solid industrial wastes;

(G) Hot ashes;

(H) Large or heavy objects exceeding 40 pounds, including, by way of example but not limited to, major automobile parts, cars and trucks, furniture and bed springs;

(I) Liquid wastes or sludge, tannery sludge or water treatment residues;

(J) Tree stumps, tree limbs and Christmas trees;

(K) Waste which could cause jam-ups, slowdowns, stoppages, failures or damage to the facility (propane tanks, box springs, mattresses, fish nets, wire fencing and the like);

~~\*~~ (L) Truck tires and no tires with rims; Add "vehicle/passenger, motorcycle, any equipment"

(M) Yard waste, such as loose or bagged leaves and grass clippings;