

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

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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.

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, ~~oeko~~ 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.

34 *INFECTIOUS WASTE.* Those wastes so defined by the Solid Waste Management Regulations
35 promulgated by the Department of Environmental Protection pursuant to 38 M.R.S.A. §
36 1304, as amended.

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

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

40 *MUNICIPAL OFFICERS.* The Town of Hermon Council are designated the Municipal
41 Officers.

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

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

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

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

49 *SOLID WASTE.* Useless, unwanted or discarded solid material with insufficient liquid
50 content to be free flowing, including by way of example, and not by limitation, rubbish,
51 garbage, scrap materials, refuse derived fuel, scrap, junk, inert fill material and landscape
52 refuse, but shall not include septic tank sludge or agricultural or hazardous wastes.

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

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

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

61 § 50.03 APPLICABILITY.

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

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

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

69 (C) ~~Boxes or crates~~ Town issued containers, supplied by solid waste vendor, used for the
70 disposal of material shall meet the sanitary requirements of division (A) above and
71 shall not contain unacceptable materials, as defined in § 50.27 of this chapter.

72 (Ord. passed 5-15-1996)

73 § 50.04 EXEMPTIONS REPROCESSED OR RECYCLED IN PLANT.

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

- 76 (A) Waste of manufacturing, processing or packaging operations which are segregated
77 from other waste and are salvaged for alternate use, reuse or sale; and
78 (B) All materials separated from mixed waste by the generator as part of a recycling
79 program approved by the municipal officers. (Ord. passed 05-15-1996)

80 ~~All materials separated from mixed waste by the generator as part of~~
81 ~~a recycling program approved by the municipal officers. (Ord. p~~
82 ~~assed 5-15-1996)~~

83 § 50.05 DISPOSAL FACILITIES.

- 84 (A) The town may designate the disposal facility(ies) for the disposal of solid waste
85 generated within the town as well as the method and amount of separation that may
86 be required before being deposited.
87 (B) To meet its contract commitment ~~to PERC~~, the town may require that all acceptable
88 solid waste generated within the town is disposed of at the ~~PERC~~ facility, or any
89 alternate disposal site.
90 (C) Certain categories of unacceptable waste shall be deposited at disposal site(s) if
91 designated by the town.
92 (D) The town encourages the recycling of all acceptable materials at the town's recycling
93 facility.
94 (E) The town has established a roadside pickup of household waste generated from
95 residential structures containing four or fewer units, the Boulier Place Apartments or
96 as approved by the Town Council.
97 (F) **If a resident requires an additional disposal sized container (96-gal), other than a**
98 **dumpster, the resident must request and will be required to pay nominal annual fee for**
99 **the cost of each additional container assigned to the resident's property. Fee is \$5.00**
100 **per week, annually \$260.00 to be invoiced to the resident annually.***
101 (G) **If a resident chose to change out the 96-gal waste container to the small 64-gal**
102 **container, the resident will be responsible for the fee associated with the change. The**
103 **fee is \$25.00 per request.***
104 (H) **The Town reserves the right to change and implement a fee structure, as necessary, to**
105 **recover costs of the solid waste disposal containers for residents.***
106 (I) All commercial, industrial, institutional, and other residential facilities not served by
107 roadside pickup shall make arrangements with licensed waste haulers to dispose of

108 their solid waste at the sites in a manner as required by this chapter. (Ord. passed 5-
109 15-1996; Ord. passed 4-15-1998) *Editor's note:*

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

111 **Section paragraphs F, G, H became effective on XXXX.*

112 § 50.06 ADMINISTRATION.

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

- 114 (A) Adopt reasonable rules and regulations as needed to enforce this chapter;
- 115 (B) Consider all license applications and grant or deny each application within 30 days
116 after receipt of a completed application at the municipal office or within another time
117 as the municipal officers and the applicant shall agree is reasonable;
- 118 (C) Preview any alleged violation of this chapter and to impose appropriate penalties
119 therefore after notice and hearing; and
- 120 (D) Institute necessary proceedings, either legal or equitable to enforce this chapter. (Ord.
121 passed 5-15-1996)

122 § 50.07 LICENSING OF HAULERS.

123 **Section A.**

- 124 1) No person, firm or corporation shall collect, transport or dispose of solid waste
125 generated within the municipality for a fee without first obtaining a license from the
126 municipal officers with the exception listed in division (A)(6) below.
- 127 2) Any individual, firm or corporation required by this chapter to obtain a license shall
128 3) make application to the municipal officers, providing the information required. Each
129 application shall be accompanied by a non-refundable application fee of \$50.
- 130 4) With the submission of the application, individuals are required to provide a yearly
131 list of
132 5) all customers serviced within the town. In addition, after licensing, waste haulers are
133 required to notify the town of deletions or additions to that list by the first of the next
134 month after the change occurs.
- 135 6) The license shall normally be for a period of one year from issue, unless otherwise
136 7) stated on the license, and may be revoked at any time by the municipal officers, in
137 accordance with the provisions of this division (A).
- 138 8) In the event the municipal officers deny a license application, they shall notify the
139 9) applicant in writing and shall state the reasons for the denial. The applicant may
140 request a public hearing in accordance with the procedures in § 50.08.
- 141 10) In those situations in which a resident or resident business is hiring an individual to
142 haul away debris from a one-time building project other than an established hauling
143 company or individual, the town may use its discretion to allow the resident or
144 resident business to obtain a temporary ~~landfill~~ **town transfer station** permit valid
145 only for the day on which the hauling will take place. The landfill fee schedule will be

146 utilized to determine the fees necessary for dumping when the vehicle enters the
147 landfill town transfer station.

148 **Section B.**

- 149 1) An individual denied a license issue may be suspended or revoked by order of the
150 municipal officers with benefit of a hearing in accordance with the procedures in this
151 division (B) for the following causes:
- 152 a. Violation of this chapter;
 - 153 b. Violation of any provision of any state or local law, ordinance, code or
154 regulation which relates directly to the provisions of this chapter;
 - 155 c. Violation of any license provision or regulation; and/or
 - 156 d. Falsehoods in the license application.
- 157 2) The limits of suspension or revocation for any license issued shall be as follows:
- 158 a. First offense: 30 days;
 - 159 b. Second offense: 90 days; and
 - 160 c. Third offense: one year. (Ord. passed 5-15-1996; Ord. passed 4-15-1998)

161 *Editor's note: This section became effective on 5-15-1998.*

162 § 50.08 HEARINGS.

- 163 (A) An individual denied a license or any licensee cited for any violation of this chapter
164 shall be entitled to a hearing before the municipal officers, if the request is made in
165 writing.
- 166 1) The hearings shall be held within 30 days after receipt of the written request
167 for a hearing.
 - 168 2) The licensee shall be notified, in writing, as to the time and place of the
169 hearing a minimum of ten days prior to the hearing date. The licensee has the
170 right to be represented by counsel, to offer the evidence as he or she may
171 desire, and to cross-examine.
 - 172 3) A determination shall be made by the municipal officers within ten days after
173 the conclusion of the hearing.
- 174 (B) The municipal officers' final determination relative to the suspension of a license and
175 the period of suspension or the revocation of a license shall take effect no later than
176 ten days after the date of the notice of final determination has been mailed by
177 certified mail, return receipt requested, to the applicant and shall be conclusive. The
178 final determination notice shall set forth the reasons for the suspension or revocation
179 and the effective dates thereof together with a statement that the decision may be
180 appealed as provided in this section.
- 181 (C) Any controversy or claim arising out of or relating to the municipal officers'
182 determination shall be directly reviewable by Superior Court pursuant to Rule 80B.
183 (Ord. passed 5-15-1996)

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185 § 50.09 FEES,

- 186 (A) The municipal officers shall establish and maintain a fee schedule for disposal of
187 materials at the ~~town landfill or another~~ town transfer station or disposal facility as
188 the town may direct.
- 189 (B) The town shall assess the tipping fee to all haulers of solid waste from commercial,
190 industrial or institutional establishments or from private installation in the town not
191 covered by the roadside pickup which is delivered to ~~PERC or~~ another disposal
192 facility which is properly licensed.
- 193 (C) The town reserves the right to adjust the tipping fee as necessary to defray its total
194 cost of solid waste disposal; however, the town will charge the same tipping fee to all
195 waste haulers within the town. Monthly billing will be supported by an itemized
196 breakdown showing the dates and time of delivery, the weigh ticket number and the
197 net tonnage. Payment shall be due and payable within 30 days from the date of
198 invoice.

199 (Ord. passed 5-15-1996)

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201 § 50.10 ENFORCEMENT.

- 202 (A) All provisions of this chapter are enforceable by duly authorized municipal officials.
- 203 (B) Any person who commits a violation of any provision of this chapter is subject to
204 arrest and punishment as hereinafter provided, if convicted.
- 205 (C) Whenever the municipal officers determine that there has been a violation by virtue of
206 noncompliance, they shall give notice of the violation to the person(s) responsible by
207 personal service or by certified mail, return receipt requested.
- 208 1) The citation shall include a statement of reasons and shall allow reasonable
209 time for
 - 210 2) performance of any act it requires.
 - 211 3) The citation may contain an outline of remedial action which, if taken, will
212 effect
 - 213 4) compliance.
 - 214 5) It shall state that unless corrections are made within the allotted time, the
215 violator is subject to prosecution pursuant to the provisions of this chapter.
- 216 (Ord. passed 5-15-1996)

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218 *RESIDENTIAL ROADSIDE PICKUP REQUIREMENTS*

219 § 50.25 ACCEPTABLE MATERIALS.

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

223 ~~solid waste disposal vendor~~; bulky waste, unless considered unacceptable by PERC
224 ~~contracted solid waste disposal vendor~~.

225 (Ord. passed 5-15-1996)

226 § 50.26 PLACEMENT AT ROADSIDE.

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

228 (A) Rubbish shall be placed in ~~rodent-proof, leak-proof and essentially air-tight metal or~~
229 ~~plastic cans or in tied plastic refuse bags~~ town approved issued solid waste disposal
230 container by solid waste disposal vendor.

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

233 (C) Containers, bags or bundles shall not exceed 40 pounds.

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

235 (E) All approved issued solid waste disposal containers must have lids in closed position
236 for trash removal safety.

237 (Ord. passed 5-15-1996)

238 *Editor's note: Paragraph E added XXX.*

239 § 50.27 UNACCEPTABLE MATERIALS.

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

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

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

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

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

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

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

257 (G) Hot ashes;

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

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

- 261 (J) Tree stumps, tree limbs and Christmas trees;
- 262 (K) Waste which could cause jam-ups, slowdowns, stoppages, failures or damage to the
- 263 facility (propane tanks, box springs, mattresses, fish nets, wire fencing and the like);
- 264 (L) Truck tires and no tires with rims; ~~to include vehicle/passenger, motorcycle and/or~~
- 265 ~~equipment tires;~~
- 266 (M) Yard waste, such as loose or bagged leaves and grass clippings;

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1 **Amendment to Commercial Kennel Ordinance in the Industrial Zone**

- 2
- 3 1. **Applicability:** This ordinance applies to all commercial kennels created after the adoption of this
4 amendment. Any kennel established prior to this amendment is **retained under prior rules** and
5 not subject to the provisions outlined herein, unless significant changes or expansions are made
6 to the facility.
- 7 2. **Commercial Kennel in the Industrial Zone:** A commercial kennel shall be permitted within the
8 Industrial District (I) with a minimum lot size of 1.5 acres, provided that the lot does not abut any
9 residentially zoned property.
- 10 3. **Lot Size for Kennels Abutting Residential Zones or Within Setbacks:** Any commercial kennel
11 located in the Industrial District that either abuts a residentially zoned property or is within the
12 100-foot setback from residential zones or 300-foot setback from any existing residential
13 dwelling must have a minimum lot size of 5 acres.
- 14 4. **Setback Requirements for Kennels:**
- 15 A. **For Commercial Kennels on Lots 5 Acres or Larger:** The kennel, including all outdoor
16 runs, must be set back a minimum of 300 feet from any existing residential dwelling or
17 property boundary adjacent to a residential zone, and 100 feet from all other property
18 lines.
- 19 B. **For Commercial Kennels on Lots Meeting the 1.5-Acre Requirement:** The required
20 industrial zone setbacks from all property lines must be doubled. This applies to both
21 the kennel structures and any outdoor runs.
- 22 5. **Buffering and Screening Requirements for Outside Kennel Areas:**
- 23 A. **Buffering:** Buffering must be maintained around the perimeter of the outside kennel
24 area. The buffer must be designed to minimize noise, visibility, and odor impacts on
25 adjacent properties.
- 26 B. **Screening Options:** Screening around the outside kennel area must consist of one or a
27 combination of the following:
- 28 i. **Solid Fence:** A fence at least 6 feet in height made of wood, vinyl, or other solid
29 materials to block noise and sight. Chain-link fences with slats may also be used.
- 30 ii. **Vegetative Buffer:** A densely planted vegetative buffer of evergreen trees and/or
31 shrubs that provide year-round screening. The plants must be at least 6 feet tall
32 at planting and spaced to ensure a solid screen within two growing seasons.
- 33 iii. **Berm:** An earthen berm at least 4 feet in height, combined with a fence or
34 vegetation, to provide additional noise and visual screening.
- 35 C. **Combination Screening:** A combination of fencing and vegetative screening is
36 encouraged to provide enhanced protection for surrounding properties.

- 37 6. **Maintenance of Buffering and Screening:**
- 38 A. **Fencing:** Fences must be kept in good repair and free of any damage or gaps that would
- 39 diminish their effectiveness as a screen.
- 40 B. **Vegetation:** Vegetative screening must be maintained in a healthy condition. Any dead
- 41 or diseased plants must be replaced within the next planting season to maintain the
- 42 integrity of the screening.
- 43 C. **Inspections:** The Code Enforcement Officer (CEO) will inspect the buffering and
- 44 screening around the outside kennel area as needed to ensure compliance.
- 45 7. **Noise and Odor Control:** The kennel shall comply with all relevant noise and odor control
- 46 regulations to ensure minimal disturbance to surrounding properties.
- 47