

TOWN OF SEARSPORT  
SOLID WASTE ORDINANCE

ARTICLE I. GENERAL

1.1 Short Title

This Ordinance, prepared in accordance with the provisions of Title 30, MRSA §§ 1971, 2151, 2153, 4101, 4102 and Title 38, MRSA § 1304(B) as amended, shall be known and may be cited as the "Ordinance for the Control and Regulation of Solid Waste Collection and Disposal within the Town of Searsport", and shall be referred to herein as the "Ordinance"

1.2 Purpose

The purpose of the Ordinance is to preserve and protect environmental resources, while providing for a comprehensive and cost-effective means of regulating the disposal of municipal solid waste and recyclables in the Town of Searsport. In accordance with the provisions of Title 38 MRSA § 1305, subsection 1, the Town has a statutory obligation to provide solid waste disposal services for domestic and commercial waste generated within the municipality. Municipal solid waste contains recoverable resources, including energy, which, if recovered, may reduce the municipal cost of solid waste disposal. Since the Town, in accordance with the terms of a contract with an energy recovery facility, is required to guarantee a steady supply of solid waste during the life of the contract, the Town exercises its legal authority to collect, transport and dispose of solid waste generated within its borders to ensure such delivery of solid waste to the energy recovery facility. The Town finds that the use of an energy recovery facility, to process acceptable solid waste, is an environmentally sound and economically viable solution for Town solid waste disposal.

1.3 Definitions

For the purposes of this Ordinance, the following definitions shall be observed; all terms not specifically defined herein shall have their ordinary meaning; words used in the present tense include the future; and the plural includes the singular.

1.3.1 "Acceptable Waste" shall mean all solid wastes of the type presently accepted at the Town Transfer Station, including all ordinary household, municipal, institutional, commercial and industrial wastes with the following exceptions:

- (A) Waste originating outside of the Town of Searsport
- (B) Demolition debris originating from commercial sources
- (C) Animal or agricultural wastes
- (D) Liquid, or materials with sufficient liquid content to be free flowing, including sludges.

1.3.2 "Board of Selectmen" shall mean the Searsport Board of Selectmen.

1.3.3 "Collection Facility" shall mean a building or container or designated area where acceptable waste is

deposited and temporarily stored for shipment to an energy recovery facility or other facility for final disposal.

1.3.4 "Construction or Demolition Debris (CDD)" shall mean solid waste resulting from construction, remodeling, repair, and demolition of structures. It includes, but is not limited to, building materials, discarded furniture, asphalt, wallboard, pipes, and metal conduits. It excludes: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds, friable asbestos, and other special wastes.

1.3.5 "Corrugated Paper" shall mean clean, dry corrugated cardboard boxes.

1.3.6 "Disposal" shall mean the discharge, deposit, dumping or placing of any solid waste within or upon a municipally designated collection facility, or disposal facility, or an energy recovery facility approved by the Maine Department of Environmental Protection.

1.3.7 "Disposal Facility" shall mean the facility(ies) designated by the Town for ultimate disposal of acceptable wastes. This shall include an energy recovery facility and other sites and entities that are legally licensed to accept for disposal acceptable waste as defined by this Ordinance.

1.3.8 "Energy Recovery Facility" shall mean the facility designated herein which processes and recovers energy and/or useful materials from acceptable waste supplied by the Town.

1.3.9 "Glass" shall mean clean glass bottles, jugs, jars, et al. separated by clear, green or brown color. Glass, in this definition, does not include window glass or glass bottles that can be returned for deposit at a redemption facility.

1.3.10 "Hazardous waste" shall mean a waste substance or material, in any physical state, designated as hazardous by the Maine Department of Environmental Protection under 38 MRSA § 1319-0. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

(A) Petroleum-based wastes,

(B) Closed containers, including cardboard or steel drums, used for shipping or storing of chemicals of any sort,

(C) Junk vehicles, or parts thereof, and

(D) Old fuel tanks.

1.3.11 "Metals" shall mean all materials of metal with no other materials attached to it, including but not limited to wire, screening and copper pipe.

1.3.12 "Municipality" shall mean the Town of Searsport.

1.3.13 "Municipal Officers" shall mean the Searsport Board of Selectmen.

1.3.14 "Newspaper" shall mean dry, clean newspapers bundled or tied with string or twine (does not include glossy magazines, wax paper, cardboard, wet papers, papers more than 90 days out of print or junk mail).

1.3.15 "Recycle" shall mean the collection, separation, recovery and sale or reuse of material that would otherwise be disposed of or processed as waste, other than through combustion, or the mechanized separation of waste, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

1.3.16 "Resident" shall mean any person who is domiciled within the Town of Searsport. It shall include seasonal person(s) who may own, rent, or lease a private dwelling therein.

1.3.17 "Solid Waste" shall mean 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, inert fill material and landscape refuse, but shall not include septage tank sludge or agricultural wastes.

1.3.18 "Special Waste" shall mean any solid waste generated by a source other than a household and typical commercial establishment, which waste exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that it may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

- (A) Ash,
- (B) Industrial and industrial process waste,
- (C) Sludge and de-watered septage,
- (D) Debris from non-hazardous chemical spills and cleanup of spills,
- (E) Contaminated soils and dredge materials,
- (F) Asbestos and asbestos-containing waste,
- (G) Sand blast grit and non-liquid paint waste,
- (H) High and low pH waste,
- (I) Spent filter media residue, and
- (J) Shredder residue,

1.3.19 "Town" shall mean the Town of Searsport.

1.3.20 "Transfer Station" shall mean the collection facility for the Town of Searsport, the Searsport Transfer Station.

1.3.21 "Transfer Station Operator" shall mean the Municipal Officers of the Town of Searsport or the Town employees or agents authorized by said Municipal Officers to act in their stead at the Town Transfer Station.

1.3.22 "Unacceptable Waste" shall mean all solid waste of the type municipalities are required to regulate by Title 38, MRSA § 1305, as amended, specifically excluding industrial and sewage treatment plant sludge, which is not included in the definition of acceptable waste. Wastewater treatment plant sludge shall be disposed of in accordance with the Town of Searsport Sewer Use Ordinance and pertinent state and federal laws and regulations.

1.3.23 "Universal Waste" shall mean any waste listed in section 3. A(13)(b) of Chapter 850, the Maine Hazardous Waste Management Rules, including but not limited to cathode ray tubes (CRT's), mercury-containing thermostats; and, totally enclosed, non-leaking polychlorinated biphenyl (PCB) ballasts.

1.3.24 "White Goods" shall mean large appliances, including but not limited to stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers and air conditioners.

## ARTICLE II. COLLECTION FACILITIES

### 2.1 Designation

The Town shall, in accordance with the provisions of Title 38, MRSA §1304-B, as amended, provide and designate one or more collection facilities for the purposes cited in Article I, Section 1.3.3 of this Ordinance. The Searsport Transfer Station will be the collection facility for the Town of Searsport. The deposit or dumping of any solid waste including acceptable waste by any person or persons at any place other than at a Town designated collection facility, or any other facility approved by the Maine Department of Environmental Protection, is prohibited. However, the owner of any lot in Searsport, or any other person or person(s) with the permission of said lot owner, may deposit or dump on said lot substances such as earth, rocks, ledge, concrete or like material for fill purposes only.

## ARTICLE III. DISPOSAL FACILITIES

### 3.1 Designation

The Town shall, in accordance with the provisions of Title 38, MRSA § 1305, provide and designate one or more disposal facilities for final disposal of acceptable waste generated in Searsport and any community with which it has a mutual agreement as described in Article VI, 6.2.1 of this Ordinance, as determined by the Municipal Officers. The Town designated disposal facilities shall be approved by the Maine Department of Environmental Protection.

## ARTICLE IV. ENERGY RECOVERY FACILITY

### 4.1 Designation

In accordance with the provisions of Title 38, MRSA § 1304-B, the Town hereby designates the Penobscot Energy Recovery Corporation (PERC) facility, located in Orrington, Maine, as its Energy Recovery Facility for the purpose cited in Article I, Section 1.3.8 of this Ordinance.

## ARTICLE V. ADMINISTRATION

### 5.1 Governing Board

The Municipal Officers shall establish rules and regulations for municipal collection and disposal of waste consistent with standards established by this Ordinance, specifically:

- (A) To ensure that the operation of the Transfer Station shall comply with all pertinent regulations or directives of all local, county, state or federal agencies which may have jurisdiction;
- (B) To set user fees and hours of operation in order to maintain cost-effective operations;
- (C) To review any alleged violation of this Ordinance, and, to take appropriate action after notice and hearing, as required by this Ordinance;

(D) To institute necessary proceedings, either legal or equitable, to enforce this Ordinance.

## ARTICLE VI. RULES AND REGULATIONS

### 6.1 Handling Solid Waste

The accumulation, collection, transportation and disposal of acceptable waste and unacceptable waste within the Town shall be regulated in the following manner.

6.1.1 All acceptable waste shall be deposited at the Town Transfer Station.

6.1.2 All unacceptable waste shall be removed from the Transfer Station by the User who brought it, to be disposed of properly in accordance with all local, state and federal laws..

### 6.2 Authorized Transfer Station Users

6.2.1 The availability and use of the Transfer Station shall be limited to the residents of the Town and to the solid waste generated within the municipality. The Town may, through mutual agreement, authorize the availability and use of its Transfer Station by another community, restricted to residents of that community and to the solid waste generated therein. Such mutual agreements must be approved by the voters of the respective municipalities, or, if so authorized, by the respective Boards of Municipal Officers or Councils.

6.2.2 To control use of the Transfer Station, the Town may require resident permits, which shall be prominently displayed on and affixed to vehicles in a manner prescribed by the Municipal Officers.

### 6.3 Waste Separation

Solid waste deposited at the Town Transfer Station shall be separated by users into the following general categories and disposed of only in those sites and locations designated to receive same:

(A) Municipal Solid Waste (MSW), meaning bagged household waste,

(B) All inert metals, including but not limited to iron, copper, lead, aluminum, brass, bronze, tin and composites thereof,

(C) All wood materials, including construction lumber and timbers, composition boards, plywood, and like substances,

(D) All recyclable waste properly prepared and separated by category, as designated by the Board, and

(E) White Goods as defined in section 1.3.24.

### 6.4 Excluded Waste

Certain materials cited as Hazardous Waste (Section 1.3.10) shall not be accepted for disposal, storage, or in any other manner accepted or handled at the Town Transfer Station. All such hazardous wastes shall be disposed of in accordance with Title 38, MRSA, as amended.

## 6.5 Exempted Waste

The following categories of waste shall be exempted from regulation by this Ordinance:

(A) Materials from manufacturing, processing or packaging operations which are segregated from solid waste and salvaged for alternate use or reuse by the generator or sold to third parties.

## ARTICLE VII. PROPERTY RIGHTS

### 7.1 Waste Property Rights

Any solid waste deposited within the Town Transfer Station becomes the property of the municipality. No one shall salvage, remove, or carry off any such deposited solid waste without prior approval of the Municipal Officers.

## ARTICLE VIII. COLLECTION AND DISPOSAL

### 8.1 On Site Operator

8.1.1 The solid waste Transfer Station site(s) shall be directly managed and operated by the Town or by a contractor hired by the Town.

8.1.2 The Transfer Station Operator or a designated alternate shall be present at all times when the facility is open to public use.

8.1.3 The Transfer Station Operator shall ensure that the operation of the facility conforms to Maine Department of Environmental Protection directives and regulations, and rules and regulations adopted by the Municipal Officers.

## ARTICLE IX. VIOLATIONS AND PENALTIES

9.1 Whoever violates any of the provision of this Ordinance shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than one hundred fifty dollars (\$150.00) for each day of the violation plus costs of enforcement, including reasonable attorney's fees, which fare and costs shall be recovered on complaint to the use of the Town. The provision shall not preclude the Municipal Officers from simultaneously seeking appropriate equitable relief.

9.2 Any authorized user who violates any provision of this Ordinance or of any rules and regulations promulgated pursuant hereto may, in addition to the above, be punished by a revocation of the right to use the Town Transfer Station for a period of time designated by the Municipal Officers.

## ARTICLE X. VARIANCES

The Municipal Officers may, on written application, grant a variance from a specific provision of this Ordinance in a specific case, subject to appropriate conditions, where such variance is in harmony with the

general purpose and intent of this Ordinance and the agreement(s) between the Town and the Energy Recovery Facility or other disposal facilities.

## ARTICLE XI. CONSTRUCTION

### 11.1 Severability

Severability is intended within and throughout the provisions of this Ordinance. Should any provision, including interalia, any exceptions, parts, phrases or terms or the application thereof, to any person or circumstances be held valid, the application of other provisions of this Ordinance shall not be affected thereby and the validity of this Ordinance in any and all other respects shall not be adversely affected.

### 11.2 Supersession

This Ordinance supersedes and replaces any and all like or comparable ordinances, policies or decisions previously enacted and in force within the Municipality, and shall remain in effect until, or unless, revoked or suspended by action of the voters of the Town.

### 11.3 Amendments

From time to time, circumstances may require that portions or sections of this Ordinance be amended, revised or deleted. Such actions shall be proposed to the voters of Searsport at a town meeting by the Municipal Officers. Approval of any amendments, revisions, or deletions rests exclusively with the voters of the Town.

## ARTICLE XII. REPEAL OF RECYCLING ORDINANCE

The Recycling Ordinance for the Town of Searsport, the substance of which is incorporated herein, is repealed effective the date of adoption of Amendments submitted to the voters of the Town on December 6, 2001. This Ordinance adopted March 19, 2005 at the Annual Town Meeting repeals any and all versions of the Recycling Ordinance currently in place.

## ARTICLE XIII. ADOPTION

This Ordinance was submitted to the voters of the Town and adopted at Annual Town Meeting on March 12, 1988 and shall be deemed effective that date. Amendments to this Ordinance were submitted to the voters of the Town and adopted at Special Town Meeting on December 6, 2001, and shall be deemed effective that date. Amendments to this Ordinance were submitted to the voters of Searsport and adopted at Annual Town Meeting March 19, 2005.

This is a true and attested copy by: Deborah Plourde, Town Clerk

Deborah Plourde, Town Clerk

Solidwaste 12/6/01