

June 2, 1986 Draft
SOLID WASTE FLOW COWTROL ORDINANCE

An Ordinance relating to the Disposal of Solid Waste:
Prescribing Rules and Regulations Therefore; and providing Penalties for
Violation Hereof.

Be it Ofdained by the Town/City of Monmouth, Maine hereinafter called
the "Municipality").

ARTICLE I.

1.1. Short Title

This Ordinance shall be known as and may be cited as the "Ordinance
Relating to the Disposal of Solid Waste Prescribing Rules and
Regulations Therefor: Providing Penalties for ViolationS thereof" and
shall be referred to herein as the "Ordinance."

1.2. Puroose

The purpose of the 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 and
prevent water and air pollution by providing a comprehensive, rational
and effective means of regulating the-disposal of solid waste in the
Municipality in accordance with the provisions of Title 38 M.R.S.A.
§1304-B as amended.

1.3. Definitions

For the purposes of this Ordinance, the following definitions shall be
observed in the construction of this Ordinance.

1.3.2. "Ashes" shall mean that residue from the burning of wood, coal,
coke or other combustibile material.

1.3.3. "Board" shall mean the Town Council, City Council or Board of
Selectmen, whichever is applicable.

1.3.4. "Dispose" shall mean to discharge, dispose, deposit, dump or
place any Solid Waste.

1.3.5. "Disposal" shall mean the discharge, disposal, deposit, dumping
or placing of any solid waste.

1.3.6. "Hazardous Waste" shall mean a waste substance or material in any
physical state, designated as Hazardous Waste by the terms of a certain
Waste Handling Agreement, dated, 1986, between the Municipality and Mid-
Maine Waste Action Corporation (hereinafter the "Waste Handling
Agreement").

1.3.7. "Infectious Waste" shall include those wastes so defined by the
Solid Waste Management Regulations promulgated by the Department of
Environmental Protection pursuant to Title 38 M.R.S.A. §1304.

1.3.8 "Resource Recovery" shall mean the xecovery of energy and
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.

1.3.9. "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 limited to rubbish, garbage, commercial and industrial waste, scrap materials, junk, refuse, demolition and construction debris and landscape refuse, but shall not include sludge from air or water pollution control facilities, septage tank sludge or agricultural or Unacceptable Waste.

1.3.10. "Solid Waste Disposal Facility" or "Disposal Facility", shall mean any land or structure or combination of land area and structures, including dumps, landfills and transfer stations used for storing, transferring, collecting, separating, processing, recycling, recovering, treating, salvaging, reducing, incinerating or disposing of solid Wastes.

1.3.11. "Unacceptable Waste" shall mean that portion of solid waste which is not defined as Acceptable Waste by the terms of the Waste Handling Agreement and includes, but is not limited to, sewage and its derivatives, construction and demolition debris, special nuclear or byproduct materials within the meaning of the Atomic Energy Act of 1954, as amended, and Hazardous Waste.

ARTICLE II. MUNICIPAL SOLID WASTE DISPOSAL FACILITY.

2.1. Designation

2.1.1. In accordance with the provisions of Title 38 M.R.S.A. §1304-B, the Municipality hereby designates the Site, as defined in the Waste Handling Agreement as its public Solid Waste Disposal Facility for the purposes cited in 1.3.10. of this Ordinance or any transfer station or other location approved in writing by MMWAC. Upon the "Commencement of Operations" as defined in the Waste Handling Agreement, the Disposal of any Solid Waste generated within the Municipality by any person or any place other than at this designated Disposal Facility or approved transfer station is prohibited, provided however, the owner of any lot, or any other person with the permission of the lot owner, may dispose or dump inert substances such as earth, rocks, concrete or similar material for fill purposes only, subject to state and local land use regulations.

ARTICLE III. ADMINISTRATION.

3.1.

3.1.1. The operation of the Disposal Facility shall conform to all pertinent regulations or directives of all local, county, state or federal agencies which may have jurisdiction.

ARTICLE IV. RESTRICTIONS AND FEES FOR DISPOSAL

4.1. Restrictions

4.1.1. No person, firm or corporation shall permanently dispose of Solid Waste or refuse of any kind upon any land within the corporate limits of the Municipality, unless such land has been designated by the Board as a Solid Waste Disposal Facility.

4.1.2. Certain materials may be excluded by the Board (to the extent permitted under the Waste Handling Agreement) by regulation from the

solid Waste which must be deposited at a Solid Waste Disposal Facility. These excluded materials may include junk automobile bodies and similar-bulky waste which may require special processing prior to disposal, tree and tree trunks and limbs, burning materials or materials containing hot or live coals; Hazardous Waste*; and other materials which the Municipality deems necessary to exclude. Hazardous waste shall be handled in accordance with Title 38 M.R.S.A. §1317, et seq. as amended.

4.1.3. Except for licenoes dlsposal of Hazardous or Infectious waste it shall be unlawful for any person, firm, association or corporation to burn or incinerate any Solid Waste within the Municipality other than trees, tree limbs, leaves and other wood waste except to the extent otherwise permitted under the ordinances and laws of the Municipality.

ARTICLE V. RULES AND REGULATIONS

5.1. Authorized DisPosal Facilityv Users

5.1.1. The availability and use of the Disposal Facility 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 Disposal Facility. The Board may further regulate hauling of Solid waste by requiring it to be delivered to the municipal transfer station prior to transfer to the Disposal Facility.

5.2. Resource Recoverv

5.2.1. The Municipality may require Solid Waste to be separated into such categories as may be established by any Board regulation and disposed of only in such manner and at such sites and locations as designated.

5.3. Property Rights

5.3.1. Any Solid Waste deposited within the Disposal Facility shall become the property of the Municipality or of MMWAC, pursuant to the terms of the Waste Handling Agreement. No one shall salvage, remove, or carry off any such deposited Solid Waste without prior approval of the Municipality or MMWAC.

ARTICLE VI. MISCELLANEOVS

6.1.1. The Board may establish by order a schedule of license fees to be charged to commercial refuse collectors for the use of the Disposal Facility which schedule shall be posted and published. All fees collected shall be for the use of the Municipality. Any license granted hereunder may be revoked upon any violation of this Ordinance.

6.1.2. It shall be the duty of the Board or its designee to enforce the provisions of this Ordinance.

6.1.3. All-ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

6.1.4. If any section, subsection, sentence or part of the Ordinance is for any reason held to be invalid ar unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

6.1.5. Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than one hundred (\$100.00) dollars the day of violation plus costs which fine shall be recovered on complaint to the use of the Municipality. This provision shall not preclude the Board from simultaneously seeking appropriate equitable relief.