

SOLID WASTE MANAGEMENT CONTROL, USER FEE AND RECYCLING ORDINANCE
TOWN OF OTIS, MAINE
Enacted - July 1, 2001

Section I: Title

This Ordinance shall be known, and may be cited as, the "Solid Waste Management Control, User Fee and Recycling Ordinance of the Town of Otis, Maine."

1. Declaration of Policy

The purpose of this ordinance is to control solid waste material, develop a pay-per-bag system and a recycling program for the disposal of domestic solid waste for the Town of Otis, Maine. Solid waste is a primary health, safety and environmental concern to all residents, and it is essential that the community develop a fair, efficient and cost-effective solid waste disposal program to satisfy the needs of the community.

2. Authority

This ordinance is adopted pursuant to and in accordance with Article VIII, Part Second (the Home Rule Powers) of the Constitution of the State of Maine, 30A M.R.S.A. {3001 et seq., and 38 M.R.S.A. section 1301 {et seq. and section 1305.

Section II: Solid Waste Disposal Control Standards and Regulations

A. The Board of Selectmen is hereby granted authority to establish detailed operating rules and regulations for all municipal solid waste collection and disposal facilities. The rules and regulations shall be reviewed and revised as required to satisfy the needs of the municipality, changes in state and federal laws and regulations, and the economics of municipal solid waste disposal.

B. The rules and regulations shall include the operating hours of the solid waste facility, the items to be recycled, the pay-per-bag fee for household trash disposal, a list of items that are not accepted at the Transfer Station and any applicable fines for violations of these rules and regulations. No person shall use the facility outside of said hours of operation without specific written consent of the Town of Otis Selectmen or its authorized agent, if any. The rules and regulations will become effective July 1st, 2001 and shall be prominently displayed at the Transfer Station site and the Otis Town Office.

C. This ordinance applies to Otis property owners only and is for all solid waste solely generated in the Town of Otis. No solid waste generated outside the town limits of the Town of Otis shall be accepted at the Transfer Station Site.

D. The use of the Transfer Station facility shall be for the Town of Otis property owners only. Access to the Facility shall be by permit only and at the strict discretion/authorization of the attendant designated by the Board of Selectmen. Otis property owners will be issued one permit without charge upon application to the Municipal Office. The second and any other permits will be issued at a \$2.50 fee. Residents must display a permit on their vehicle to gain access to the facility. Pay-Per-Bag stickers may also be obtained at the Municipal Office. The cost of the Pay-Per-Bag stickers is \$1.00 each.

E. No person shall violate any directives put forth by the attendant in the use of the facility. If any person refuses to obey a directive of the facility attendant, the attendant shall have the authority to immediately refuse to allow that person access to the facility. The designated attendant shall have the authority to randomly examine any material brought to the Transfer Station Facility to insure that rules and regulations are complied with. The Transfer Station attendant(s) may refuse to accept any solid waste that is hazardous or that is not separated in accordance to these rules and regulations. Police enforcement will be used and violators will be prosecuted.

F. Permits may be revoked by the Board of Selectmen, following notice and hearing, for violation of this Ordinance or Rules and Regulations and may be renewed only upon the decision of the Board.

Section III. Definitions

The terms shall have the following definitions for the purposes of this ordinance. Any undefined term shall be defined as set forth in 06-096 CMR 400.1 or, if not there defined, it shall have its common, ordinary meaning.

(a) Domestic solid waste: Solid waste generated by residential households or dwelling units; it includes but is not limited to food scraps, garbage, household trash, refuse, and junk.

(b) Transfer Station Facility: the municipal facility located in the Town of Otis for the collection and processing of municipal solid waste, for eventual movement to another waste facility.

(c) User fee tag: a tag, issued by the Town of Otis pursuant to this ordinance, which allows a container of domestic solid waste to be disposed of at the transfer station

Section IV: Rules and Regulations

1. No person may dispose of domestic solid waste at the transfer station unless a permit is displayed on the vehicle and a user fee tag is affixed to the container (plastic bag, box, or other) containing such waste. Each container must have its own tag and the tag shall be clearly visible on the container. The fee for each individual tag is **\$1.00** for up to a 30 gallon trash bag (or other comparable container).

2. The Transfer Station Facility is open on Sunday's from 8 am to 4 pm January through December and Wednesday's from 8 am to 4 pm from June 1st through September 30th. **The Transfer Station Facility is for use by Otis property owners only and for the disposal of solid waste that is generated within the Town of Otis.**

3. Refrigerators, air conditioners, and freezers will be accepted at the Transfer Station Facility only if the freon has been removed. (You must show a receipt for the freon removal.) All items must be disposed of in the appropriately marked area during the scheduled cleanup days.

4. There will be two cleanup days per year at which property owners may bring in demo debris, car and small truck tires (rims must be removed), large items of furniture, TVs, microwaves, bicycles/tricycles, water heaters or comparably sized items. White goods and metals may be dropped off on any day that the Transfer Station Facility is open. (All appliances must have the doors removed before being dropped off at the Transfer Station Facility.)

5. The two cleanup days are scheduled for the 1st (first) Sunday in June and the last Sunday in September.

6. Newspapers and magazines for recycling - black and white as well as color printed, shall be securely bundled in bundles not to exceed 40 pounds in weight.

7. Cardboard to be recycled - must be securely bundled in bundles not to exceed 40 pounds in weight and not more than 36" long by 36" wide. Boxes must be broken down flat and bundled. Paper bags, cereal boxes, macaroni boxes, etc. may be included in the bundle of cardboard.

8. Wood waste must be 5 inches or less in diameter or 5 feet or less in length and must be placed in the burn pile.

9. Leaves, grass and other natural vegetation is not accepted at the Transfer Station Facility.

Section V: Unacceptable Waste

1. No hazardous waste shall be accepted at the Transfer Station Facility. No industrial or commercial waste which creates a problem of disposal by virtue of federal, state or local statutes, rules, regulations, etc. controlling or prohibiting its disposal shall be delivered to the facility.

2. No stumps and construction demolition, asphalt shingles, insulation and abestos will be accepted at the

Transfer Station Facility.

3. No abandoned or junked vehicles will be accepted at the Transfer Station Facility
4. All household solid waste must not include any of the above listed items.

Section VI: Administration of This Ordinance

The Selectmen shall administer this ordinance, and to this end shall have the following powers:

- (1) To adopt written rules for the day-to-day operation of the transfer station, including but not limited to hours of operation, inspection of materials delivered to the site, and sizes and types of solid waste containers.
- (2) To designate where and when such user fee tags will be available. All user fees shall be used to offset the costs associated with solid waste disposal.
- (3) To appoint and oversee personnel to maintain and operate the transfer station facility.
- (4) To review alleged violations of this ordinance and to take (or authorize their duly appointed agents to take) appropriate action, including legal action to enforce this ordinance.

Section VII: Penalties

A violation of this ordinance (or rules adopted pursuant hereto) is a land use violation and may be enforced in accordance with 30-A MRSA {4452. The penalties set forth in 30-A MRSA {4452 shall apply to violations of this ordinance. A fine of not less than \$50.00 and no more than \$250.00 shall be assessed for a violation of this ordinance and shall accrue to the Town of Otis. In addition, any person attempting to dispose of solid waste in a manner which violates this ordinance (or rules) will not be allowed access to the Transfer Station until they go before the Selectmen for a hearing.

Section VIII: Severability

If any provision of this ordinance is determined to be unenforceable, the remaining provisions shall continue in full force and effect. This ordinance shall become effective within ten (10) days when adopted by a majority of the voters present and voting at any regular or special town meeting.

Donna Dunn, 1st Selectman

Frederic Roy Sr., Selectman

Kevin Copeland, Selectman

ADOPTED: 05 / 12 / 2001
jgw