

Part 11. Chapter 42 of the City Code (Solid Waste Management Ordinance) is proposed to be amended by adding the words shown in underline and by striking the words shown in strikethrough, as follows.

Code of Ordinances, City of Ellsworth

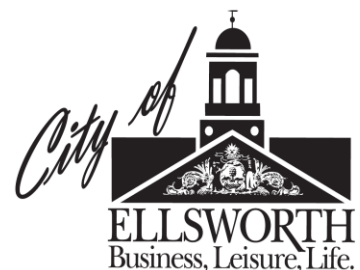
CHAPTER 42

SOLID WASTE MANAGEMENT

A true copy, attest:

Suzanne McLean
City Clerk

HISTORICAL NOTE: ADOPTED APRIL 15, 1991; REPEALED AND REPLACED JULY 31, 1995 (EFFECTIVE AUGUST 14, 1995); ADOPTED MAY 20, 1996 (EFFECTIVE JUNE 1, 1996); AMENDED OCTOBER 21, 2002; AMENDED NOVEMBER 10, 2003; AMENDED APRIL 21, 2008; REPEALED AND REPLACED OCTOBER 17, 2011; AMENDED MAY 20, 2013 (EFFECTIVE JULY 1, 2013); AMENDED *** 2026.



CHAPTER 42

SOLID WASTE MANAGEMENT

SECTION 1: PURPOSE

In addition to the general purposes of the City Code set forth in Chapter 1, Article 2, the purposes of this Chapter 42 are:

- 1.01 To control the costs of solid waste management to the taxpayers of the City.
- 1.02 To 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 City in accordance with the provisions of 38 M.R.S.A. § 1304-B.
- 1.03 To control solid waste material in the City by establishing limitations, prohibiting certain acts causing solid waste disposal problems, and providing for enforcement by the City of the provisions of this Chapter 42.
- 1.04 To encourage and expand solid waste recycling and waste reduction.

SECTION 2: DEFINITIONS

The definitions set forth in 38 M.R.S.A. § 1303-C apply to this Chapter 42 and are incorporated herein. In addition, the following terms shall have the following meaning. Any word not otherwise defined shall have its dictionary meaning.

Refuse or Solid Waste— A broad term meaning any of a wide variety of solid materials, as well as some liquids in containers, which are discarded or rejected as being spent, useless, worthless, or in excess. Solid waste is classified in one of the following sub-classifications of refuse:

Agricultural Solid Waste - Waste produced from the raising of plants and animals for food, including manure, plant stalks, hulls, and leaves.

Ashes - Residue, including cinders and fly ash, from the burning of solid fuels for cooking and heating, and from on-site incineration of refuse materials.

Bulky Objects - Abandoned vehicles, stoves and refrigerators, large furniture, tree trunks, stumps and brush.

Commercial Solid Waste - Waste that originates in wholesale, retail, or service establishments, such as office buildings, stores, markets, theaters, hotels, and warehouses.

Construction and Demolition Debris (CDD) - Solid waste resulting from construction, remodeling, repair, and demolition of structures, including: lumber, bricks, masonry, shingles, building materials, discarded furniture, asphalt, insulation, wall board, pipes, metal structures, metal conduits, and other similar materials. "Construction and Demolition Debris" excludes: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos; and other special waste.

Garbage - Every accumulation of waste (animal, vegetable, or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay, or decomposition of meats, fish, fowl, birds, fruits, grains, or other animal or vegetable matter (including used tin cans and the food containers and all putrescible or easily decomposable waste animal or vegetable matter that is likely to attract flies or rodents), except (in

all cases) any matter included in the definition of bulky waste, construction and demolition debris, dead animals, or hazardous waste.

Green Wood - Land clearing debris that is reasonably free of soil material and rock and bark, shavings, slash, and plant and vegetable matter from gardens and landscapes.

Hazardous Waste - Waste which by reason of its composition, characteristics, or other inherent properties is dangerous to handle by ordinary means, or which may present a substantial endangerment to health or safety, "Hazardous Waste" shall also mean oil and petroleum products as well as waste which is defined as harmful, toxic, dangerous, or hazardous at any time pursuant to (i) the Solid Waste Disposal Act, 42 U.S.C. § 6901 *et seq.*; (ii) the Maine Hazardous Waste, Septage and Solid Waste Act, 38 M.R.S.A. § 1301 *et seq.*; (iii) any other federal, state, county, or local codes, statutes, regulations or ordinances; and (iv) regulations, orders or other actions promulgated or taken with respect to the items listed in (i) through (iv) above; *provided however*, that any such materials which are later determined not to be harmful, toxic, dangerous, or hazardous by any governmental agency or unit having appropriate jurisdiction shall not be considered "Hazardous Waste" unless a contrary determination has been or is made by any other governmental agency or unit having appropriate jurisdiction.

Industrial Waste - Waste generally discarded from industrial operations or derived from manufacturing processes but not including (i) hazardous waste or (ii) special waste which by reason of its composition, characteristics, or other properties is not ordinarily acceptable for disposal at sites licensed for disposal of municipal solid waste (such as friable asbestos and oil-contaminated soil).

Municipal Waste - The combined residential and commercial wastes generated in the City.

Residential Waste - Waste generated in houses and apartments, including paper, cardboard, beverage and food cans, plastics, food wastes, glass containers, and garden wastes.

Sewerage Treatment Waste - Screenings, grease, scum, and grit.

Special Waste - Special Waste as defined in 38 M.R.S.A. § 1303-C(34).

Wood Waste - Brush, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust, and wood from production rejects that are not mixed with other solid or liquid waste. For the purpose of this definition, "lumber" is entirely made of wood and is free from metal, plastics, and coatings. Wood Waste does not include painted wood or pressure treated wood. These would be included with Construction and Demolition Debris, as defined. Wood Waste also does not include Green Wood, as defined.

Non-Resident – A person who does not reside in or pay taxes to the City.

Resident – A person who resides in or pays taxes to the City.

Tipping Fee - A fee charged to the City by a disposal facility such as the Penobscot Energy Recovery Company (PERC).

SECTION 3: RULES AND REGULATIONS

3.0.0 General Requirements

3.0.1 All refuse shall be disposed in accordance with this Chapter 42.

3.0.2 The City Manager shall have the authority to restrict the disposal of all types and volumes of refuse, if deemed by the City Manager to be in the best interests of the City.

- 3.0.3 Use of the Ellsworth Transfer Station during non-operating hours without prior approval of the City Manager is prohibited.
- 3.0.4 No person, partnership, or corporation shall dispose of any refuse on any public property or roads except as allowed by this Chapter 42.
- 3.0.5 All loads coming into the Ellsworth Transfer Station shall be properly secured. This includes commercial and residential vehicles.

3.1.0 Materials Disposal Restrictions

- 31.1 All materials or containers of materials classified as hazardous by the Environmental Protection Agency (EPA) are prohibited.
- 3.1.2 Ashes at a combustible temperature or other hot loads are prohibited.
- 3.1.3 Trees, limbs of trees, or tree trunks greater than 6 inches diameter and 3 foot lengths are prohibited.
- 3.1.4 All Construction and Demolition Debris (CDD) is prohibited.
- 3.1.5 All Special Waste is prohibited.
- 3.1.6 All Green Wood and Wood Waste is prohibited.

SECTION 4: DISPOSAL OF SOLID WASTE

- 4.1 Occupants of residential property shall dispose of regular municipal solid waste in one of the following methods:

A. City-provided collection service.

Eligibility to the City-provided collection service shall be limited to seasonal and year-round dwellings and apartments or mobile home parks.

Residents who participate in the City provided collection service will be required to purchase and affix a solid waste disposal sticker to each bag. The cost of the disposal sticker shall be determined by the City Council. Bags of trash to which a sticker is affixed shall be limited to no more than fifty (50) pounds per bag. Bags exceeding fifty pounds will not be collected and may only be disposed of at the Ellsworth Transfer Station by paying to use dispose of the bag based on its exact weight.

Materials to be disposed of in bags shall be limited to solid waste acceptable to the regional waste incinerator. Residents will be responsible for trash from their bags that is strewn because of faulty bags, overweight bags, or animals.

Trash will be collected on a weekly basis. Bags are to be placed at curbside no sooner than 6:30 a.m. of the morning of the collection day. Stickered bags may be placed within garbage cans or containers.

Residents along private ways or public easements shall place their bags of trash at designated locations proximate to the private way or public easement.

B. Use of Ellsworth Transfer Station.

All residents and non-residents may take their trash to the Ellsworth Transfer Station for disposal. All trash to be disposed of shall be contained within bags. Bag weight limitation shall be fifty (50) pounds if a disposal sticker is attached, or the exact weight of the bag(s)

shall be determined by the Transfer Station operator through the use of the scale and charged to the disposer. Disposal shall be limited to those hours the transfer station is open.

There is no charge for the disposal of recyclable material at the Ellsworth Recycling Center.

C. Hire a Private Hauler.

Residents of any dwelling may contract with a private hauler for disposal of residential solid waste. Residents shall be responsible for all costs associated with disposal.

SECTION 5: FEES

The City Council shall establish schedules of solid waste disposal charges to be charged for the use of the Ellsworth Transfer Station, in accordance with Chapter 1, Article 3 (Fee Schedule and Special Fees) which schedules may include different waste disposal charges for residents of the City, businesses located within the City, non-residents of the City, and commercial refuse collectors collecting solid waste within the City and may include different schedules for disposal of different kinds of solid waste.

SECTION 6: ENFORCEMENT

The CEO is responsible for enforcing the provisions of this Chapter 42 by inspecting premises, investigating complaints, issuing notices of violation, suspending or revoking permits or approvals, and participating in legal prosecution of violations as needed, in accordance with Chapter 1, Section 510 of the City Code.