

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

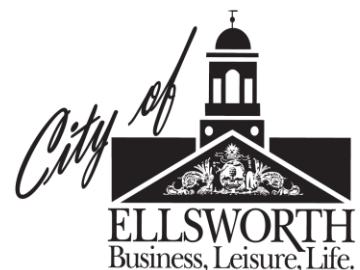
CHAPTER 42

SOLID WASTE MANAGEMENT

A true copy, attest:

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HISTORICAL NOTE: ADOPTED APRIL 15, 1991; REPEALED AND REPLACED JULY 31, 1995 (EFFECTIVE AUGUST 14, 1995); ADOPTED MAY 20, 1996 (EFFECTIVE JUNE 1, 1996); AMENDED OCTOBER 21, 2002; AMENDED NOVEMBER 10, 2003; AMENDED APRIL 21, 2008; REPEALED AND REPLACED OCTOBER 17, 2011; AMENDED MAY 20, 2013 (EFFECTIVE JULY 1, 2013); AMENDED *** 2026.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

~~SECTION 1: AUTHORITY~~

~~This Ordinance is created under the authority to granted the City of Ellsworth by Title 38 M.R.S.A., 1301 et seq. (the Maine Hazardous Waste, Septage and Solid Waste Management Act) and Title 30-A M.R.S.A., 3001 et seq. (Ordinance of Municipalities and Counties).~~

SECTION ~~12~~: 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:

~~12.01~~ To control the costs of solid waste management to the taxpayers of the City ~~of Ellsworth~~

~~2.02~~ ~~To protect the health, safety and general well being of the citizens of Ellsworth~~

~~12.032~~ 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 ~~title 38 M.R.S.A., Section § 1304-B, as amended~~

~~12.034~~ To control solid waste material in the City by establishing limitations, prohibiting certain acts causing solid waste disposal problems, and ~~to provide~~ing for ~~finer for violations~~enforcement by the City of the provisions of this ~~Ordinance~~Chapter 42.

~~12.054~~ To encourage and expand solid waste recycling and waste reduction.

SECTION ~~23~~: DEFINITIONS

The definitions set forth in 38 M.R.S.A. § 1303-C apply to this ~~ordinance~~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~~A broad term ~~and is synonymous with "Solid Waste" and shall be defined as 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. ~~In order to be more specific, s~~Solid wastes ~~will be~~is classified in one of the following sub-classifications of refuse:

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

Ashes - ~~R~~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 - ~~a~~Abandoned vehicles, stoves and refrigerators, large furniture, tree trunks, stumps and brush.

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

Construction and Demolition Debris (CDD) - ~~s~~Solid waste resulting from construction, remodeling, repair, and demolition of structures. ~~It, includ~~ing ~~es but is not limited to:~~ lumber, bricks, masonry, shingles, building materials, discarded furniture, asphalt, insulation, wall board, pipes,

metal structures, ~~and~~ metal conduits, and other similar materials. ~~It~~ **“Construction and Demolition Debris”** excludes: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos; and other special wastes.

Garbage - ~~E~~every accumulation of waste (animal, vegetable, ~~and~~ 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 ~~but not by way of limitation~~, 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, ~~rubbish or stable matter~~.

Green Wood - ~~L~~and 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 - ~~W~~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. ~~Section § 6901 et seq., as amended~~; (ii) the Maine Hazardous Waste, Septage and Solid Waste Act, 38 M.R.S.A. ~~Section § 1301 et seq., as amended~~; (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 - ~~W~~wastes generally discarded from industrial operations or derived from manufacturing processes but not including (ia) hazardous waste or (iib) 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~~ ~~Excluded special waste shall include, but not be limited to~~ friable asbestos and oil-contaminated soil).

Municipal Wastes - ~~T~~he combined residential and commercial wastes generated in ~~a given municipal area~~ the City.

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

Sewerage Treatment Wastes - ~~S~~screenings, grease, scum, and grit.

Special Wastes - ~~waste designated by the Maine Board of Environmental Protection as~~ Special Wastes as defined ~~in~~ 38 M.R.S.A. § 1303-C(34).

Wood Waste - ~~means b~~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~~a person who does not reside in or pay taxes to the City ~~of Ellsworth~~

Resident – ~~A~~a person who resides in or pays taxes to the City ~~of Ellsworth~~

Tipping Fee - ~~is that~~A fee charged to the City ~~of Ellsworth~~ by a disposal facility such as the Penobscot Energy Recovery Company (PERC) ~~(or some other disposal facility)~~.

SECTION 34: RULES AND REGULATIONS

34.0.0 General Requirements

- 34.0.1 All refuse shall be disposed in accordance with this ~~Ordinance~~Chapter 42.
- 34.0.2 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.
- 34.0.3 Use of the Ellsworth Transfer Station during non-operating hours without prior approval of the City Manager is prohibited.
- 43.0.4 No person, partnership, or corporation, shall dispose of any refuse on any public property or roads except as allowed by this ~~ordinance~~Chapter 42.
- 43.0.5 All loads coming into the Ellsworth Transfer Station shall be properly secured. This includes commercial and residential vehicles.

34.1.0 Materials Disposal Restrictions

- 34.1.1 All ~~m~~Materials or containers of materials classified as hazardous by the Environmental Protection Agency (EPA) are prohibited.
- 34.1.2 Ashes at a combustible temperature or other hot loads are prohibited.
- 43.1.3 Trees, limbs of trees, or tree trunks greater than 6 inches diameter and 3 foot lengths are prohibited.
- 43.1.4 All ~~Commercial Construction and~~ Demolition Debris (CDD) ~~as defined are is~~ prohibited.
- 43.1.5 All Special Waste ~~as defined are is~~ prohibited.
- 43.1.6 All Green Wood and Wood Waste ~~as defined are is~~ prohibited.

SECTION 45: DISPOSAL OF SOLID WASTE

- 54.1 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 ~~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 ~~56~~: FEES

~~6.0~~ ~~Authority~~ The City Council shall establish ~~by order~~ 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.

~~6.1~~ ~~Charge Accounts~~ All users of the Transfer Station will be required to establish a charge account for any items disposed of at the facility, excluding recyclable material and trash bags with a solid waste disposal sticker affixed to it.

~~6.2~~ ~~Late Fees~~ Interest on late payments will be assessed at an interest rate of one and one-half percent ($1\frac{1}{2}\%$), or \$1.00 minimum, per month for all such fees that are still unpaid after a period of thirty days from the date of billing.

SECTION ~~67~~: VIOLATIONS & PENALTIES 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.

~~Violations of this ordinance shall be enforced under the provision of 30 A.M.R.S.A. §4452 as amended (Enforcement of land use laws and ordinances) as land use violations. The penalties set forth in the aforementioned statute shall apply to violations of this ordinance. (Currently these penalties include fines of not less than \$100 nor more than \$2,500 for each day of a violation.)~~

~~7.2~~ ~~Municipal Costs of Enforcement~~ In addition to the foregoing penalty provisions, any person violating any provision of this ordinance shall be liable to reimburse the City for costs of

~~enforcement including reasonable attorney fees and court costs. This provision shall not preclude the City for seeking and obtaining equitable relief.~~

~~SECTION 8: SEVERABILITY~~

~~Each of these sections shall be construed as separate. If any section, sentence, clause, or phrase shall be held invalid for any reason, the remainder of that section and all other sections shall continue in force.~~