

Town of Belgrade Solid Waste and Recycling Ordinance

Sec. 1. Purpose. The purposes of this ordinance are to protect public health and safety, promote environmental responsibility and clarify municipal responsibilities for solid waste management under Maine law.

Sec. 2. Authority for Ordinance; Prior Acts Repealed. This ordinance is adopted pursuant to home rule powers granted by 30-A MRSA section 3001 and 38 MRSA sections 1305 and 1319-P. It shall take effect upon its adoption by the town meeting on March 18, 2006 and repeals and replaces all ordinances, regulations, policies and/or actions regarding solid waste previously adopted by the town meeting or board of selectpersons which are in conflict with it.

Sec. 3. Municipal Responsibilities.

- A. Belgrade Town Meeting. The town meeting shall approve ordinances, budgets, and appropriations of funds governing the operation and capital investment for the town's solid waste facilities including transfer, recycling, storage, transportation and disposal of materials.
- B. Board of Selectpersons. The board of selectpersons shall:
 - Oversee solid waste management operations in accordance with State law, provisions of the solid waste license issued to the town by DEP for operation of the transfer station, town ordinances and appropriations.
 - Assure that town solid waste operations are conducted in accordance with generally recognized standards of public and employee safety, fire protection, sanitation, and good housekeeping.
 - Approve the job descriptions of town solid waste management personnel and act as an appeal body for personnel decisions made by the town manager.
 - Negotiate, approve and oversee the administration of contracts relating to town solid waste management, recycling and disposal.
 - Prepare and propose solid waste management budgets to request town meeting appropriations.
 - Adopt, amend, and publish regulations, consistent with the provisions of this ordinance, to control public use of town solid waste and recycling facilities.

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- Adopt, amend, and publish as necessary and implement a schedule of charges for accepting certain materials at the transfer station, reflecting in so far as practical the town's costs for their handling and disposal.
- Enforce State law, town ordinances and published regulations relating to the operation and use of Belgrade solid waste facilities.
- Comply with State-mandated requirements for testing, storage, recycling and safeguarding of hazardous and special wastes and groundwater.
- Comply with State reporting requirements and schedules.
- Establish and maintain ongoing procedures to compare and report Belgrade's solid waste recycling and cost effectiveness with State averages and comparable Central Maine communities.

The board of selectpersons may:

- Delegate certain solid waste management responsibilities to the town manager or other town official(s).
- Contract with qualified providers for certain solid waste management, recycling, transportation, disposal and testing functions.

C. Town Manager. The town manager shall :

- Act as directed by the board of selectpersons in carrying out the board's responsibilities under 3(B) above.
- Continuously research, recommend, and implement operational changes to improve the safety, effectiveness and economy of the town's solid waste program.
- Appoint, supervise, and discipline municipal solid waste personnel.

D. Facility Manager. The facility manager shall manage the transfer station activities as directed.

E. Recycling Committee. The recycling committee shall:

- Investigate, advise, recommend and report to the board of selectpersons and Belgrade citizens on matters relating to Belgrade's programs for recycling, hazardous and special wastes.
- Consider safety, public education, processing, storage, sales of materials, cost, revenue, legal compliance and recycling results in comparison with data for the State and for comparable communities in Central Maine.

Sec. 4. Administration.

- A. Permits for use of transfer station. Only individual residents (seasonal and year-round) and business residents of Belgrade and their authorized agents may use the Belgrade transfer station. Use of the transfer station shall be limited to the

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- disposal of wastes generated exclusively within the town of Belgrade and shall be regulated by means of a permit system. All vehicles transporting solid waste to the transfer station shall be required to display a transfer station permit sticker as directed by regulations adopted by the board of selectpersons. An applicant for a permit sticker shall present to the designated town official the current registration of the vehicle to which the sticker will be affixed. If the registration does not show the correct address, the applicant must provide proof of residence. Stickers may not be placed on other vehicles, transferred or sold. In the event of the change of ownership or transfer of the vehicle, the permit sticker shall be removed.
- B. Temporary permits. In those situations in which an individual resident or resident business has hired an individual to haul away debris from a one-time building project other than an established hauling company or individual, the town may use its discretion to allow the individual resident or business to obtain a temporary Transfer Station permit valid only for the day(s) on which the hauling will take place.
- C. Commercial Haulers. Before using the Belgrade transfer station, a commercial hauler shall obtain a commercial hauler's license from the town pursuant to section 5 of this ordinance.
- D. Fee structure. Fees for the use of the transfer station shall be established by the board of selectpersons following a public hearing. The fees established shall be such as to defray the expense to the town for operation of the facility and to encourage recycling.
- E. Hours of operation. The hours of operation of the transfer station shall be established by the board of selectpersons following a public hearing. No solid waste shall be deposited at the transfer station except during normal or special scheduled operating hours; however, special arrangements for disposal may be made by the town manager with the provision that all deposited waste shall be immediately protected.
- F. Proper disposal of waste. All individuals and businesses and commercial haulers using the town transfer station shall separate, deliver, place, and dispose of their solid waste and universal waste in accordance with regulations adopted by the selectpersons. Waste which is deemed unacceptable or prohibited based on State or federal law will not be accepted at the transfer station and includes:
- _ Waste generated outside the town of Belgrade
 - _ Waste not prepared, bound or placed in containers as required by regulations adopted by the selectpersons
 - _ Junk vehicles

- _ Dead animals
- _ Hazardous wastes
- Hot Loads
- Asbestos containing materials
- Other waste as identified by State or Federal Law or the selectpersons

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- G. Scavenging. Materials accepted for disposal at the transfer station become the property of the town of Belgrade. No person shall, except by permission of the town manager,(or his or her designee) remove any materials which have been accepted at the transfer station. Scavenging may be conditionally authorized by the Town Manager, under guidelines designed to reflect the Town’s overall best interest, including: safety, operational economy, recycling efficiency, fairness and good housekeeping.
- H. Recycling. Users of the transfer station are encouraged to separate and recycle those metals, newspapers, magazines, glass, paper, plastic and other wastes which the selectpersons have designated for recycling. Depositing wastes in the recycling area which have not been designated as recyclable by the board is prohibited.
- I. Authority of the transfer station attendants. The use of the transfer station by any person shall be at the strict direction of the attendants designated by the town manager. No person shall violate any directives of an attendant in the use of the facility. If any person refuses to obey a directive of a facility attendant, the attendant shall have the authority to immediately refuse access to the facility to that person. Any person who is refused access to the facility pursuant to this section may appeal the decision of the attendant to the town manager and then to the board of selectpersons.

Sec. 5. Commercial Haulers.

No person engaged in the business of solid waste hauling shall collect, transport or dispose of solid waste generated within the town without obtaining a license from the town and paying the required license fee. Such license shall be valid for one year from date of approval. An applicant for a commercial hauler license shall submit to the designated town official the following information, together with the required fee:

- Name and business address of the applicant
- Applicant’s business telephone number

- A listing of the make, model, year and size of vehicles that will be utilized in the collection of solid waste within the town.

Once issued a license, a commercial hauler may use the Belgrade transfer station upon receiving a permit sticker. Commercial haulers must comply with the requirements of this ordinance and authorized regulations of the board of selectpersons and applicable State laws. Loads must be secured so as to prevent solid waste from escaping when being transported to the transfer station.

If a commercial hauler fails to comply with applicable local and State laws, or if the commercial hauler's application for a license contained false information on which the town relied in issuing the license, the selectpersons may suspend or revoke the commercial hauler's license after notice and opportunity for a hearing.

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A suspension or revocation shall be limited as follows:

- First offense—30 days
- Second offense—90 days
- Third offense—one year

The hearing shall be held within 30 days of providing written notice of violation to the holder of the commercial hauler's license. The license holder shall have the right to be represented by an attorney, offer evidence, and cross-examine witnesses at the hearing. The selectpersons shall make a decision within 10 days after the hearing is completed. The decision shall take effect within 10 days after a copy has been mailed by certified mail, return receipt requested to the license holder. A decision to suspend or revoke a license may be appealed to Superior Court pursuant to Rule 80B.

Any person who has received two or more suspensions during the prior year or whose license was revoked during the prior year may be denied a new or renewal license.

Sec. 6. Inspections.

In order to determine if the provisions of this ordinance or any regulations adopted by the board are being violated, the board and its authorized agents shall have the right to stop and inspect the load of any vehicle which has entered the transfer station facility and inquire of any individual entering the facility. Any occupant of a vehicle who refuses to allow designated town officials to inspect the materials contained in the vehicle, or who refuses to answer questions pertinent to determining whether this ordinance or related

regulations have been violated, may be refused access to the transfer station and shall not be allowed to dispose of materials.

Sec. 7. Enforcement; violations; penalties.

The board of selectpersons or its authorized agents may enforce this ordinance.

Any person who fails to comply with the provisions of this ordinance or duly adopted regulations regarding the use of the town's transfer station commits a civil violation and shall be subject to a fine which the town may recover upon complaint filed in court. The town shall also be entitled to recover its attorneys fees and costs, including clean up costs, in any action in which the court finds that a violation has occurred. In addition to these penalties, the town may seek injunctive relief to prevent the continuation or recurrence of a violation. The fine shall be an amount not less than \$50 or more than \$500 for each offense, except that the minimum fine for a second offense within a twelve month period shall be not less than \$250. All fines shall be paid to the town.

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With regard to violations by commercial haulers,
these remedies shall be in addition to the authority to suspend or revoke a license

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Sec. 8. Severability; conflicts.

The provisions of this ordinance shall be severable. If any phrase, clause, sentence or provision is held invalid by a court, the remainder of this ordinance shall not be affected and remains enforceable. Where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or regulation of the town or any State or federal law, the provision which establishes the higher standard for the promotion and protection of health and welfare of the community shall prevail.

Sec. 9. Definitions.

A Solid Waste - Unwanted or discarded solid materials with insufficient liquid content to be free flowing, including without limitation, rubbish, garbage, junk, refuse, inert household wastes, landscape refuse, wood wastes and white goods.

B. Hazardous Waste - Any substance designated as hazardous by the Maine Department of Environmental Protection.

C. Commercial Hauler - A person or corporation that collects and transports solid waste and/or recyclable materials for compensation, with intent to deposit such materials at the Belgrade transfer station.

D. Good Housekeeping - To keep the transfer station buildings, equipment and grounds in safe condition, good repair, clean and presentable.

E. Hot Load - Any load of delivered material that is on fire, smoldering or potentially flammable by spontaneous combustion. Hot loads may include ashes, cigarette residue, residue from a fire, etc..

F. Scavenging - The controlled removal of reusable discarded solid waste from the transfer station.

G. Special Waste - This includes that fraction of solid waste designated by the Maine Department of Environmental Protection to be handled, stored, or disposed separately. Special waste includes

but is not limited to ash, sludge, septage, spill debris, contaminated soils, asbestos, sand blast grit, non-liquid paint waste and high and low ph waste.

H. Transfer Station - The Town-owned solid waste facility and grounds located on the north side of the Dunn Road in Belgrade, including the closed sanitary landfill on that site.

I. Transfer Station Permit - A valid documentary evidence that a person or corporation delivering material to the transfer station is currently entitled to use that facility for the purpose. Such permit may take the form of a vehicle windshield sticker or written documentation available to the transfer station attendant at the time of delivery.

J. Universal Waste - Hazardous Waste that is widely generated and can be recycled. Examples include; batteries (lead, cadmium & mercury), cathode ray tubes (television and computer), flourescent lamps, mercury thermometers, mercury thermostats and PCB ballasts.

Approved on March 18th , 2006/ Belgrade Town Meeting