

SOLID WASTE, RECYCLING & ANTI-LITTERING ORDINANCE

§1 IDENTIFICATION AND DEFINITION OF ORDINANCE

§1.1 Identification. This ordinance shall be known as the **SOLID WASTE, RECYCLING & ANTILITTERING ORDINANCE** herein referred to as "the Ordinance."

§1.2 Purpose. The purpose of the Ordinance is to protect the health, safety and general well being of the citizens of Manchester, enhance and maintain the quality of the environment and conserve natural resources by providing for a comprehensive, rational and effective means of regulating the disposal of solid waste, encouraging recycling, reuse and reduction of solid waste in the Town of Manchester in accordance with the provisions of 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 Powers of Municipalities and Counties).

§1.3 Applicability. This ordinance applies to all domestic, residential, public and private Institutional, commercial and industrial generators of solid waste in the Town of Manchester.

§1.4 Definitions. Except as provided below, the definitions set forth in Title 38 M.R.S.A. §1303-C as amended (Solid Waste Definitions) apply to the Ordinance and are incorporated herein by reference. Any word not otherwise defined shall have its ordinary meaning.

§1.4A. Acceptable Waste is that solid waste generated in the Town of Manchester which may include, but is not limited to: household waste, garbage, commercial waste, recyclables, white goods, construction and demolition debris, yard waste.

§1.4B. Unacceptable Waste is that portion of solid waste which is not defined as acceptable waste and includes, but is not limited to: sewage and its derivatives, junk vehicles, wet cell batteries, dead animals or portions thereof, hazardous waste, infectious waste, household hazardous waste, universal waste, or special waste such as asbestos, industrial process waste, contaminated or uncontaminated oils, or contaminated soils.

§1.4C. Commercial Hauler is any person who carries solid waste for compensation.

§2 REGULATIONS AND ENFORCEMENT

§2.1 Rule Making Powers. The Board of Selectmen may adopt written solid waste rules and regulations for the processing, recycling and disposal of solid waste. The Board of Selectmen shall have the authority to establish and collect fees for the licensing of commercial haulers. Fees established hereunder shall reflect actual administrative costs incurred by the town related solid waste disposal and recycling.

§2.2 Enforcement Powers. Town Officials as designated by the Board of Selectmen are authorized to enforce the requirements of this ordinance and such Solid Waste Rules and Regulations as are enacted under §2.1.

§2.3 Unlawful Activities.

§2.3A. No Dumping. No person shall permanently dispose of tires, waste or refuse of any kind upon any land within the corporate limits of the Town of Manchester unless such land has been designated by the Town as a solid waste disposal facility, except that land clearing debris and yard waste may be disposed of on the owner's

land, or with the land owner's permission, as permitted by regulations of the Maine Department of Environmental Protection.

§2.3B. No Littering. No person shall throw or deposit or cause to be thrown or deposited any solid waste within the Town in any street, gutter, sidewalk, parking area, park, any other public place, or into or on any body of water within or adjacent to the Town.

2.3C. No strewing from vehicles. No person operating a vehicle shall permit or cause any solid waste to leave such vehicle in violation of §§2.3.A or B above. No person shall transport any solid waste over any public way, street or place within the limits of the Town except when the material is covered in such a manner that the refuse shall not be strewn along public ways. Proof that solid waste has blown from or fallen from any vehicle shall be prima facie evidence that said vehicle was not sufficiently covered.

§2.4 Unlawful Burning. No person shall burn trash or waste except as provided by Chapter 102 Rules of the Department of Environmental Protection.

§3 COLLECTION AND TRANSPORT

§3.1 Curbside Collection. Any person using curbside collection of solid waste or recyclables shall contract with a commercial hauler who is licensed to operate in the Town of Manchester under §6.1 below.

§3.1A. Curbside Bagged Waste & Material placed at curbside for disposal must be in plastic bags or other containers which are acceptable to the hauler. Bags and containers shall contain no unacceptable waste and shall be placed at curbside not more than 24 hours before scheduled pick up.

§3.1B. Curbside Recyclables. Material placed at curbside for recycling must be clean, prepared according to current regulations and placed in an approved container at the curbside. Commercial haulers may reject material which is not prepared according to specifications. Recycling containers shall be placed at the curbside no earlier than 24 hours before scheduled pick up.

§3.1C. Home Storage. Storage of material prior to disposal or recycling shall be the responsibility of the dwelling, commercial or industrial facility owner or the primary occupants. Storage shall be in closed containers or by other similar methods to preclude odors, rodents, insects or other public nuisances. Recyclables shall be kept clean and dry.

§3.2 Drop-off Facility. Any person using the drop-off facility shall deliver or cause to be delivered material during the hours of operation of the facility. Material shall be prepared in the manner prescribed by the rules and regulations adopted under §2.1 and deposited at the station under the supervision of the drop-off facility attendant. The attendant may reject any material not meeting specifications and require its removal from the site.

§3.3 Direct Delivery to Designated Facility. Acceptable solid waste may be delivered directly to the designated disposal and recycling facilities. Any fees charged by the facility are the responsibility of the user.

4 COMMERCIAL HAULING

§4.1 Licensing. Each commercial hauler shall secure a license from the Town Clerk in order to operate within the borders of the Town. The license shall be valid from July 1 to June 30 of the following year. In order to obtain a license, an applicant must:

a. pay an administrative licensing fee, if so established under §2.1.

b. all licensed commercial haulers will submit an annual report to the town prior to the issuance of a yearly license stating the number of commercial and residential customers served by the hauler including a quarterly

tonnage report of recyclables and municipal solid waste collected from said customers within the community. Said report shall be considered as evidence that a commercial trash hauler is engaged in recycling. Any hauler who fails to make a reasonable effort to recycle may be denied license_renewal.

§4.2. Disposal Tipping Fees. All tipping and other fees associated with solid waste disposal will be paid by the commercial hauler. No commercial hauler shall deliver recyclable solid waste from generators outside the Town to a facility and cause the Town to pay a tipping fee.

§5 VIOLATIONS AND PENALTIES

§5.1 General. 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.)

§5.2 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 Town for costs of enforcement including reasonable attorney fees and court costs. This provision shall not preclude the town from seeking and obtaining equitable relief.

§5.3 Suspension of Licenses. In addition to the foregoing penalty provisions, any commercial hauler who violates any provision of this ordinance may be punished by the revocation of his/her license to operate in the Town of Manchester for up to two years and the forfeiture of all license and permit fees. The Board of Selectmen may revoke a license after notifying an operator of a violation and conducting a hearing on the matter.

§5.4 Costs of Disposal. In the case of illegal dumping upon private or public land, the costs of clean up and disposal shall be borne by the person so dumping, unless no person is so charged.

6 STIPULATIONS

§6.1 Severability. If any provision of this ordinance or the application thereof is held invalid by any court of law, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of the ordinance are declared to be severable.

§7 EFFECTIVE DATE

§7.1 The Effective Date of this ordinance will be upon passage at the annual town meeting.

