

# CHAPTER 13

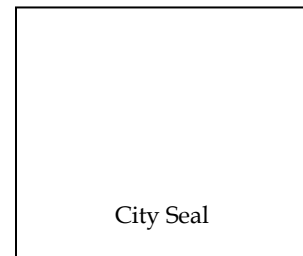
## CITY OF PRESQUE ISLE

### *Litter and Illegal Dumping Ordinance*



Approved by the City Council: July 1, 1996  
Repassed by the City Council: February 7, 2000  
Repassed by the City Council: January 21, 2004  
Repassed by the City Council: January 7, 2008  
Revised by the City Council: February 7, 2011  
Repassed by the City Council: January 3, 2012  
Revised by the City Council: October 1, 2012  
Repassed by the City Council: January 4, 2016  
Repassed by the City Council: January 8, 2020

Attest: \_\_\_\_\_  
Thomas C. King, City Clerk



## CHAPTER 13

### LITTER ORDINANCE

**PREAMBLE:** This Ordinance is intended to replace and repeal all prior Ordinance(s) dealing with any subject matter dealt with herein, and shall supersede the same, whether specifically repealed or referenced herein:

**DEFINITIONS:** For the purpose of this Ordinance, the following terms shall have the means ascribed to them in this section, to wit:

Litter: Any garbage, solid waste, junk, rubbish, refuse, construction debris or demolition debris, and any other waste or materials covered under the definitions set forth in Chapter 42 (Solid Waste Ordinance), which are incorporated herein (each of the terms used above shall convey the same meaning as set forth in the definition section of the Solid Waste Ordinance (Chapter 42), as though they were set forth herein).

Storage Container(s): Any metal or rigid plastic container not to exceed 55 gallon capacity, with proper covers thereto.

Person: The word "person" as used herein shall mean and include an individual, or group of individuals, entities, and/or partnership.

Illegal Dumping: the act of placing, depositing, dumping, disposing of, or allowing the disposal of, any solid waste on any land or into any water, public or private, including one's own property, but not limited to, municipally or state-owned land and waters not legally permitted for the disposal of such waste.

#### **Section 1 General**

- A. *Purpose:* the purpose of this Chapter is to promote the general health and welfare of the citizenry of the City of Presque Isle by providing for the orderly disposal of solid waste, to upgrade the quality of human life and the environment, to control pollution, to protect our natural resources, and to ensure an adequate capacity for disposal of waste into the future.
- B. *Conformity:* This Chapter shall conform to all applicable Federal and State laws
- C. *Conflicts:* In the event of a conflict with the provisions of this Chapter and Ordinances of the City of Presque Isle, the more stringent provisions shall apply.
- D. *Severability:* In the event any portion of this Chapter or Article herein is held to be invalid, the balance of this Chapter or said Article shall remain unaffected thereby.
- E. *Violations and Penalties:* A violation of this Chapter shall be enforced in accordance with the provisions of 30-A M.R.S.A. § 4452, or the same that may be amended from

time to time, as a land use violation. The penalties set forth in 30-A M.R.S.A. § 4452 shall apply to violations of this Chapter, except where expressly provided herein. The City of Presque Isle shall be entitled to its costs for successfully prosecuting any violation of this Chapter, including but not limited to, attorney fees, costs associated with prosecuting the cases, including staff time, clean up costs associated with any remedial action taken by the city or on behalf of the city, even if such costs were incurred by a independent third party, and/or revenue otherwise not received by the community because of the actions of the violator.

- F. Enforcement: It shall be the duty of any designated official under the authority of the Presque Isle City Manager to include, but not limited to the Chief of Police, the Code Enforcement Office, the City Health Officer or any other authorized designee to enforce the provisions of this section.
- G. Penalty: Any person who violates any of the provisions of this Ordinance shall be assessed a fine of not less than five hundred (\$500.00) for the first offense; and not less than one thousand (\$1,000.00) for each successive violation. Each day's continuance or failure to comply shall be punishable as such. All fines, fees and costs shall be recovered to the City of Presque Isle.

## **Section 2 Curbside Collection and Litter Control**

- A. No person shall litter within the limits of any street, highway, public way, public parking lot, private way, passageway, bridge or into water or on banks or onto the ice of any lake, pool, brook, river or stream within the City of Presque Isle.
- B. No property owner within the City of Presque Isle shall or allow his tenant(s) to so deposit or store on his property, outside of a building, any rubbish, household waste, or garbage except in proper storage containers, waiting timely transport to a transfer station or the sanitary landfill ("Timely Transport" as used herein shall mean within two [2] weeks). All proper storage containers, if kept on the premises outside of any building or storage shed, shall be kept so that said containers are securely covered at all time, to insure public health and safety.
- C. When all proper storage containers are placed at curbside for collection by a licensed refuse collector said containers shall not be so placed prior to 6:00 PM the evening prior to the day of collection and said containers shall be removed from curbside no later than 8:00 PM the day of collection.
- D. The owner of property, is for the purpose of section 2 of this Chapter, presumed to have knowledge of any violation of this section by his tenant(s), and shall be responsible for the acts of his tenant(s) that are in violation of this section.
- E. It shall be considered a violation of this ordinance for any person to use another persons' or entities' means of disposal, i.e. dumpster, without permission, to dispose of their solid waste.

### **Section 3 Health Nuisances**

- A. *Trash in Public Places Prohibited:* No person, partnership, corporation, association, or other legal entity from inside or outside the boundaries of the City of Presque Isle shall throw, deposit or leave any garbage, yard waste, waste matter, bulky waste, construction demolition debris, universal waste, hazardous waste, dead animals, biological waste, rubbish or any other related solid waste or cause the same to be thrown, deposited or left upon any street, alley, gutter, park, or other public space, or throw or deposit the same in or upon any private premise or vacant lot or in any water, or to store or keep the same except in suitable containers as required by this Article or by Chapter 42 of the Presque Isle Ordinances.
- B. *Polluting of Bodies of Water Prohibited:* No person, partnership, corporation, association, or other legal entity from inside or outside the boundaries of the City of Presque Isle shall throw, deposit or leave any dead animal or any offensive matter in any waters in the City of Presque Isle. Nor shall any person throw, cast or place any living animal with the intent to drown or harm the same in any waters in the boundaries of the City of Presque Isle.
- C. *Illegal Dumping:* Any person, partnership, corporation, association or other legal entity who with or without authority from the owner of a premises who shall throw, dump, or deposit any refuse, rubbish, bulky waste, construction demolition debris, universal waste, hazardous waste, dead animal(s), biological waste or waste matter of a similar nature upon any premises, shall be guilty of an offense except as follows:
1. The composting of material as authorized by the State of Maine Solid Waste Management Rules, provided no nuisance is caused;
  2. Open burning or incineration as allowed within this Ordinance.
- D. *Incineration is Prohibited:* It shall be unlawful for any person to burn or incinerate any solid waste within the City of Presque Isle, unless authorized by federal and state law, approved by the Fire Department, and further limited to:
1. The burning of leaves, brush, garden waste, slash, slab wood and other natural wood wastes resulting from property maintenance, logging and clearing operations.
  2. The open burning of natural wood, grass, leaves and similar materials for agricultural improvement, forest or wildlife habitat management or festive celebrations.
  3. All open burning must be extinguished by one half hour after sunset unless otherwise approved by an authorized fire official.

- E. *Compliance is Mandatory:* If, in the opinion of an authorized official of the City it shall be for the health or comfort of the inhabitants of the City of Presque Isle that any particular substance should be removed forthwith and without delay, it shall be his or her duty to cause the same to be removed accordingly. Whenever any person shall have been duly notified to remove any of the substances mentioned in this Article, or to perform any other act or thing which it may be their duty to perform for the preservation of the public health and safety of the residents of the City of Presque Isle and the time limit for the performance of such duty shall have elapsed without compliance with such notice, by an authorized agent shall forthwith cause such substance to be removed at the expense of the person so notified. The authorized official or their designee shall cause all persons who shall violate or disobey any provision of the Article to be prosecuted and punished to the greatest extent possible by law.
- F. *Licensed junkyards:* Nothing within this ordinance shall be interpreted as affecting the proper and authorized operation or using of a licensed junkyard as defined by law.

**Section 4 Sunset Provision**

This Ordinance shall be in force for the term of four (4) years from its effective date noted below: This Ordinance shall become null and void upon the expiration of four (4) years from said effective date; unless recommended and required by the City Council to remain effective prior to such expiration date.