

# CHAPTER 42

## CITY OF PRESQUE ISLE

### *Solid Waste Ordinance*



Adopted by the City Council: June 3, 1996  
Repassed by the City Council: February 7, 2000  
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Repassed by the City Council: January 3, 2012  
Repassed by the City Council: January 4, 2016  
Repassed by the City Council: January 8, 2020

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

City Seal

## CHAPTER 42

### SOLID WASTE ORDINANCE

**PREAMBLE:** The purpose of this Solid Waste Ordinance is to protect the health, safety, and welfare of the citizens of the City of Presque Isle, enhance and maintain the quality of the environment, conserve natural resources, and prevent water and air pollution by providing for a comprehensive, rational, and effective means of regulating the handling of solid waste in the City of Presque Isle.

#### Section 1 Definitions

For the purpose of this Ordinance, the following terms shall have the same definition and meaning ascribed to them in this section, to wit:

BIOMEDICAL WASTE: “Biomedical waste” shall mean waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

CARRION: “Carrion” shall mean dead animals.

CITE: “City” shall mean City of Presque Isle.

COMMERCIAL PESTICIDES: “Commercial Pesticides” shall mean those insecticides, herbicides, and fungicides, that are: (a) used for agricultural, commercial, and industrial use; or (b) labeled as being for commercial use; or (c) sold by facilities classified as major pesticide storage facilities as determined by the Pesticides Control Board. Commercial pesticides do not include pesticides that are commonly available to the general public for household and garden use.

COMMERCIAL PROPERTY: “Commercial property” shall mean any property upon which is situated a structure used for commercial or business purposes including but not limited to apartment buildings containing more than four (4) dwelling units, business offices, condominiums, hotels, motels, restaurants, warehouses, manufacturing, industrial, markets, bakeries, and grocery stores.

COMPOSTABLE WASTE: “Compostable waste” shall mean organic waste that is suitable for composting, to include vegetative wastes and yard waste.

CONSTRUCTION/DEMOLITION DEBRIS: “Construction/Demolition debris” shall mean solid waste resulting from construction, remodeling, repair, or demolition of structures. It includes, but is not limited to: building materials, discarded furniture, asphalt, wall board, pipes, and metal conduits. It excludes: glues, tars, solvents, resins, paints, caulking, or their containers; asbestos; and other special wastes.

CONTRACTOR: "Contractor" shall mean any person, corporation, partnership, association or other legal entity under contract with the City to provide curbside solid waste collection services.

DEPARTMENT: "Department" shall mean the Solid Waste Department.

DIRECTOR: "Director" shall mean the person appointed by the City Manager to supervise and manage the Solid Waste Department of the City.

HANDLE/HANDLING: "Handle" or "Handling" shall mean to store, transfer, collect, separate, salvage, process, recycle, reduce, recover, incinerate, dispose of, treat, utilize, or beneficially use.

HAZARDOUS WASTE: "Hazardous waste" shall mean a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S.A. Section 1319-0. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

HOT LOADS: "Hot loads" shall mean solid waste delivered to a waste facility that is on fire, smoldering, or releasing heat upon hydration.

INERT FILL: shall mean clean soil material, rocks, bricks, crushed clean glass or porcelain, and cured concrete, that are not mixed with other solid or liquid waste, and are not derived from an ore mining activity.

LAND CLEARING DEBRIS: "Land clearing debris" shall mean solid waste resulting from the clearing of land and consisting solely of brush, stumps, soil material, and rocks.

LANDFILL: "Landfill" shall mean an engineered area for the disposal of solid waste on or in land.

MIXED SOLID WASTE: "Mixed solid waste" shall mean solid waste that contains no white goods, tires, hot loads, special waste, or unacceptable wastes, and/or insignificant quantities of wood waste, construction/demolition debris, inert fill, land clearing debris, or recyclable materials.

MUNICIPAL SOLID WASTE: "Municipal solid waste" shall mean solid waste emanating from domestic and normal commercial sources. Municipal solid waste does not include wastes removed from or not introduced to these waste streams that are regulated as a residential under Chapter 567 of the Department of Environmental Protection Rules.

PAY AS YOU THROW (PAYT): "Pay As You Throw" shall mean a program for the collection of solid waste at residential properties by a contractor. Commercial properties may be included in the PAYT program on a case by case basis with the approval of the City Manager.

PERSON: "Person" shall mean any individual; partnership; corporation; or Federal, state or local government entity, association or public or private organization of any character, other than the City.

RECYCLEABLE CARDBOARD: "Recyclable Cardboard" shall mean corrugated cardboard made from kraft paper, and brown kraft paper bags that do not contain the following contaminants: glass; plastic; metal; wood; wax coating; wet strength paper such as potato bags; liquid saturation. Staples, tape, and labels are acceptable parts of recyclable cardboard.

RECYCLABLE MATERIALS: "Recyclable materials" shall mean those paper, metal, glass, and plastic materials designated by the department as suitable for recycling.

RECYCLING: "Recycling" shall mean the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste, or the mechanized separation and treatment of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

RECYCLING CENTER: "Recycling Center" shall mean the facility at which recycling processes occur.

RESIDENTIAL PROPERTY: "Residential property" shall mean any property upon which is situated a residential structure containing at least one dwelling unit but not more than four (4) dwelling units, to include single family homes, mobile homes, and apartment buildings.

SALVAGE: "Salvage" is the removal of solid waste or parts or portions thereof, for reuse, recycling, composting, or incineration.

SCRAP METAL: "Scrap metal" shall mean metal objects, to include white goods, that are suitable for salvage or recycling.

SEPTAGE: "Septage" shall mean waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools, or any similar facility.

SLUDGE: "Sludge" shall mean any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or wet process air pollution control facility or any other such waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under Section 401 of the Federal Water Pollution Control Act, as amended.

SOLID WASTE: "Solid Waste" shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including but not limited to

rubbish, garbage, refuse derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse, but does not include hazardous waste, biomedical waste, septic tank sludge, or agricultural wastes. The fact that a solid waste, or constituent of the waste, may have value or other use or may be sold or exchanged does not exclude it from this definition.

SOLID WASTE DEPARTMENT: "Solid Waste Department" shall be a department of the City that shall manage programs and operations for the City, in connection with the Solid Waste Facilities owned and/or operated by the City.

SOLID WASTE FACILITY: "Solid waste facility" shall mean a waste facility used for the handling of solid waste, to include the transfer station, landfill, and recycling center.

SPECIAL WASTE: "Special waste" shall mean any solid waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety of the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

- A. Oil, coal, wood and multi-fuel boiler and incinerator ash;
- B. Industrial and industrial process waste;
- C. Wastewater treatment plant sludge, paper mill sludge and other sludge waste;
- D. Debris and residuals from non-hazardous chemical spills and cleanup of those spills;
- E. Contaminated soils and dredge spoils;
- F. Asbestos and asbestos-containing waste;
- G. Sand blast grit and non-liquid paint waste;
- H. High and low pH waste;
- I. Spent filter media residue;
- J. Shredder residue; and
- K. Other waste designated by the Board of Environmental Protection, by rule.

THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: "Threat to the public health, safety, or welfare" shall mean any violation of the provisions of this Solid Waste Ordinance.

TIRES: "Tires" shall mean all tires, tubes and rubber protective flaps. Tire rims are not included under this definition.

TRANSFER STATION: "Transfer Station" shall mean any solid waste facility constructed and managed for storage, compaction and/or placement of solid waste for movement to another solid waste facility.

USER: "User" shall mean any person using the solid waste facilities provided for disposal/handling of solid waste.

VEGETATIVE WASTES: "Vegetative wastes" shall mean wastes consisting of plant matter from farms, homes, plant nurseries, and greenhouses. These shall include plant stalks and hulls.

WHITE GOODS: "White goods" shall mean large appliances, including but not limited to stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers and air conditioners.

WOOD WASTE: "Wood waste" shall mean brush, tree branches, tree limbs, lumber, bark, wood chips, shavings, slabs, edgings, slash, and sawdust, which are not mixed with other solid or liquid waste. For the purposes of this definition, "lumber" is entirely made of untreated wood free from metal, plastic, and coatings.

YARD WASTE: "Yard waste" shall mean grass clippings, leaves, prunings and tree branches and tree limbs of not more than one-half inch (1/2") in diameter; and other similar debris generated from lawn care and gardening.

## **Section 2 General**

- 2.1 Conformity: This Chapter shall conform to all applicable Federal and State laws.
- 2.2 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.
- 2.3 Severability: In the event any portion of this Chapter or Article herein is held to be invalid, that balance of this Chapter or said Article shall remain unaffected hereby.
- 2.4 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 an independent third party, and/or revenue otherwise not received by the community because of the action of the violator.
- 2.5 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.
- 2.6 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. The City shall be the recipient of all fines.

## **Section 3 Solid Waste Handling**

- 3.1 Responsibility: The City, acting through the Director, assumes overall supervision and responsibility for the recycling center, landfill, and any other facilities used in the operation of the Department.
- 3.2 No person shall handle solid waste, including recyclable materials, in a manner that would pose a threat to the public health, safety, or welfare. Any person who handles solid waste in a manner that poses a threat to the public health, safety, or welfare, and such handling occurs at solid waste facilities, or on property on which solid waste facilities are sited, shall be in violation of this Chapter. Handling of solid waste on any other property within the City of Presque Isle that poses a threat to the public health, safety, or welfare shall be a violation of Chapter 13: Litter and Illegal Dumping Ordinance.
- 3.3 All solid waste must be handled at the designated solid waste facility, or at such other place as determined by the Director.
- 3.4 Solid waste shall be handled at the designated solid waste facility only during the times designated by the City and shall handle same during such times, only in areas designated for such purposes.
- 3.5 No person(s) shall separate, collect, convey off or otherwise salvage any part or portion of the solid waste at any solid waste facility unless authorized, in writing, by the Director to do so.
- 3.6 Solid waste shall be separated by users into the following categories for handling at the landfill:
1. scrap metal;
  2. tires;
  3. wood waste;
  4. hot loads;
  5. special waste;
  6. compostable waste;
  7. other waste designated for separation by the Director.

Notwithstanding any provisions of Section 3.6 to the contrary, the following solid waste shall only be accepted at the following facilities, namely:

- a. Recyclable cardboard will only be accepted and deposited in designated areas at the landfill and/or recycling center.
- b. Wood waste will only be accepted and deposited in designated areas at the landfill.
- c. Yard waste will only be accepted and deposited in designated areas at the landfill.

The Director reserves the right to change the location of the "designated areas" from time to time.

- 3.7 Only recyclable materials, as determined by the Department, may be deposited at the recycling center. No user shall deposit contaminated waste, or other materials not determined to be recyclable, at the recycling center.

The Department has the right to refuse materials, which in the opinion of the Department, are contaminated or not suitable for the recycling center.

- 3.8 The City reserves the right to require any user to bundle or otherwise contain any material sought to be deposited, when in its sole discretion, such material would, if discarded loose, create a problem in the management of the solid waste facility.
- 3.9 Users found depositing unseparated materials at the solid waste facilities, when permitted to use that facility, shall be in violation of this Chapter.
- 3.10 The City, through its designated agent, is authorized to inspect all solid waste and/or recyclable material before it is deposited, to insure proper separation and whether or not it is acceptable. Any material or substance that is believed to possess contaminants or be in violation of environmental law or regulations, or this Section 2, may be refused at the solid waste facilities, until approved for acceptance by the Department or governing authority. The City reserves the right to request any person desiring to so deposit of such waste to have such waste inspected and tested by a recognized and acceptable testing service before such waste is permitted to be deposited at the solid waste facility. All costs incurred thereby shall be borne by the person seeking to deposit such waste.

Users who refuse an inspection or testing of their solid waste or material sought to be deposited shall be denied the use of the facility.

- 3.11 The solid waste facilities operated and maintained by the City, shall be for the handling of solid waste produced and originating within the municipality of Presque Isle, and any other community that has entered into a contractual relationship with the City for use of the City's landfill and/or other facilities operated by the Department.
- 3.12 The following solid waste shall be considered unacceptable wastes for handling at the Department's solid waste facilities namely:
- A. All hazardous wastes and substances including, but not limited to, poison, commercial pesticides, industrial waste, acids, caustics, infected materials, explosives, ammunition, flammable liquids and gas, biomedical waste, and waste of unknown origins and/or substances, or contents; and any containers or packages which were used in connection with any such hazardous waste or substances.
- For the purpose of this Ordinance, the burden of proof shall be the responsibility of the person attempting to deposit such at the solid waste facility.
- B. Any material of any kind or nature that contains any hot, live coals or fire; unless placed in a designated "hot load area" and in accordance with requisites established by the City, or its designated agent.



- C. Unusual quantities of material, as determined by the Director, resulting from (a) the construction or demolition of buildings and structures, or (b) manufacturing, industrial or agricultural processes, or (c) any other process or activity.
- D. All large and bulky materials such as auto car bodies that may require special preparation or processing for handling. Exceptions may be granted if special preparation and processing are accomplished prior to depositing at the solid waste facility.
- E. All carrion over ten (10) pounds as a whole, dismembered carrion, slaughter house wastes, and entrails without special written permission from the Director.
- F. All sludge material and septage material.
- G. All potatoes, potato waste, or potato by products.
- H. Inert debris unless approved by the Director.
- I. Land clearing debris unless approved by the Director.
- J. Solid Waste generated outside the boundaries of the City that is delivered to the City's landfill unless the solid waste is generated within a contracted community, or unless approved by the Director.

3.13 Users of the solid waste facilities maintained by the City, in carrying out their responsibilities, shall abide by all rules adopted by the City covering the operation of the solid waste facilities, including without limitation, restricted areas, hours of operation, prohibiting the use of firearms, etc.

3.14 Any person refusing to comply with this Chapter or any part thereof, may be refused use of the solid waste facility by the City Council upon recommendation of the Director.

#### **Section 4 Permitting of Users**

4.1 The City reserves the right to assess and collect a fee for user permits. The amount of such permit fees and the application thereof shall be determined by the City Council.

4.2 The City reserves the right to assess and collect tip fees, in addition to user permit fees, from users of the City's solid waste facilities for all solid waste, or specific types or categories thereof, when the City deems it to be in the City's best interest to do so. Such tip fees shall be based on weight, volume, per item charge, or any other method that the City chooses. The amount of such tip fees and the application thereof shall be determined by the City Council.

#### **Section 5 Licensing of Solid Waste Collectors**

5.1 It shall be unlawful for any person to engage in the business of collection or handling of solid waste within the City of Presque Isle without a valid Solid Waste Collector License issued by the City Council. Each applicant for a Solid Waste Collector License shall make application to the City Council. The number of licenses issued shall solely determined by the City Council.

5.2 Any licensed Solid Waste Collector shall agree as part of it's Solid Waste Collector License, to keep all recyclable materials separated, which have been previously separated for recycling by the use of blue bags, dedicated containers, or by any other means, and shall not mix said separated recyclable materials with other solid waste for handling at the City's Solid Waste facilities.

### 5.3 Suspension and License Revocation:

Any Solid Waste Collector who violates any provisions of this Chapter 42 may receive temporary suspension of his or its Solid Waste Collector License revocation thereof, provided, that if in the opinion of the Director, the violation(s) is considered to be a serious breech of the provisions of this Chapter.

Written notice of hearing shall be given to such Solid Waste Collector of the alleged violation(s), to be held at least seven (7) days prior to such hearing date, before the City Manager. At such time the Solid Waste Collector may appear with or without legal counsel. Said notice of hearing shall state, in brief terms the alleged violation(s). At such hearing the Director shall present documentation or testimony of the alleged violation, and may produce witnesses. The Solid Waste Collector may produce witnesses on his or its behalf.

If the City Manager, upon hearing, upholds the Director's opinion, then the City Manager may temporarily suspend or permanently revoke the Solid Waste Collector License, or remove the handling of the alleged violator directly to the City Council for disposition thereof.

The Solid Waste Collector shall have the right to appeal the findings of the City Manager to the City Council, and it shall be heard by the City Council at its next regularly scheduled meeting that is held more than eight (8) days from the date of the City Manager's findings. Such appeal must be entered within twenty-four (24) hours after the date of the City Manager's findings.

Upon hearing before the City Council, which hearing shall be posted in the public notices of scheduled City Council meetings, and shall be held de nova and in public.

The City Council may affirm the City Manager's findings, and penalty, or issue new findings with or without penalty, which may include temporary suspension or permanent revocation of the license.

The City Council shall have the right to refuse to grant a Solid Waste Collector License to the said Solid Waste Collector in the future.

## **Section 6 Pay As You Throw Collection**

- 6.1 Right to enact Pay As You Throw: This Ordinance gives the Presque Isle City Council the authority to enact a Pay As You Throw Program that includes rules, regulations, policies, and procedures.
- 6.2 Services: The City’s contractor shall provide weekly curbside trash collection and recycling services for all residential properties in the City. On the effective date of the implementation of the Pay As You Throw program, all residential waste must be placed in the City-approved plastic bags acquired from an approved vendor. The price of the bags shall be established by the City Council.
- 6.3 Prohibited Materials: The following solid waste, by way of example and not limitation, shall be considered unacceptable for curbside collection. These materials will not be picked up at curbside:
1. Materials not in a City-approved plastic bag,
  2. White goods such as stoves, refrigerators, washers and other large appliances,
  3. Material from the major repair of, excavation for, construction or destruction of buildings or structures, such as piping, earth, plaster, mortar, bricks, building blocks, septic tanks, trees, or tree stumps, and any other similar materials commonly called demolition debris,
  4. Grass clippings, weeds, plants, shrubs, leaves, brush or branches unless they are in a City-approved plastic bag,
  5. Mattresses and box springs,
  6. Hazardous waste: All hazardous waste as defined by federal and state regulatory agencies,
  7. Hospital Waste: All contaminated hospital waste as defined by federal and state laws, i.e., “red bag” pathological anatomical waste,
  8. Infectious waste: Wastes which are hazardous by reason of their contamination with infection materials i.e., “red bag” waste body parts, pathology lab waste, etc.,
  9. Human fecal waste,
  10. Animal fecal waste which is not contained in a plastic bag,
  11. Flammable liquids,
  12. Powder and liquid pesticides, herbicides, and fungicides,
  13. Liquid paint waste and pigments,
  14. Electrical capacitors: Contain oils that may contain P.C.B.’s.
  15. Special wastes as defined by state law and this Chapter,
  16. Laboratory chemicals, and
  17. Hot ashes.
- 6.4 Non-Contracted Collection Services: Owners of commercial properties that are not included in the Pay As You Throw collection services contract must make arrangements for the collection of solid waste from their properties.

## **Section 7 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 the said effective date; and unless recommended and required by the City Council to remain effective, prior to such expiration date.