

SIDNEY TRANSFER/RECYCLING FACILITY ORDINANCE

I. PURPOSE:

This ordinance is designed to control solid waste material in the Town of Sidney, Maine at its transfer/recycling facility when said facility goes on line, by providing for the establishment and enforcement of rules and regulations, establishing limitations, prohibiting certain acts causing solid waste disposal problems and providing for fines for violation of the provisions of this ordinance.

II. DEFINITIONS: The following definitions apply to this Ordinance:

- A. **Resident** means any person registered to vote in Sidney, Maine or whose permanent residence, whether renting or owning property is Sidney, or any non-resident real property owner. Should a determination be necessary to learn whether a person qualifies as a resident, it will be made by the Board of Selectpersons, and the decision of the Board will be final.
- B. **Person** includes individuals, partnerships, corporations, companies, and the agents of any of the aforementioned.
- C. **Refuse** includes garbage, household rubbish, construction or building materials, tires, metal products and plastics.
- D. **Household refuse** means combustible refuse commonly generated by usual domestic activities. It does not include material defined as demolition and construction debris and furniture, white goods, household hazardous waste, tires, abandoned automobiles, and any item that exceeds 60 pounds in weight or three feet in any dimension.
- E. **Transfer/Recycling Facility** means that area which has been set aside and designated as the Sidney Transfer/Recycling Facility for the disposal of refuse and recycling that originates within the Town of Sidney or any other facility or location that may be designated by the Selectpersons as a proper disposal site.
- F. **Commercial hauler** means any hauler that is compensated for hauling solid waste.
- G. **Contractor** means any person who agrees with another to undertake special work according to price, specifications and terms agreed on, and any person engaged in the construction, alteration or repair of buildings or other structures, sidewalks, or driveway pavements, or engaged in lawn maintenance and landscaping.
- H. **Dumping Fee** means that annual fee that a Commercial Collector must pay for the privilege of operating a refuse pick up service of refuse that originates in Sidney and dumping the refuse at the Transfer/Recycling Facility.
- I. **Land Developer** means any person who divides land into parcels or constructs multiple housing units approved under the Sidney Subdivision Ordinance.

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- J. **Window Sticker** means a permanent permit that authorizes a person operating the vehicle to which the window sticker is affixed to dispose of refuse at the Transfer/Recycling Facility.
- K. **Temporary Stump Permit** means a card or receipt which authorized the holder to dispose of stumps at the Transfer/Recycling Facility according to the terms and time limits appearing on the card or receipt.
- L. **Tipping Fee** means that per trip fee and weight of refuse load that a Contractor or Land Developer must pay at the Sidney Municipal Office before that person is authorized to dispose of any refuse at the Transfer/Recycling Facility.
- M. **Disposal Site** means an area designated by the Transfer/Recycling Facility Attendant or Selectpersons either verbally, or in writing for the proper placement of refuse at the Transfer/Recycling Facility.
- N. **Unauthorized Refuse** means the following refuse which cannot be dumped at the Sidney Transfer/Recycling Facility.
 - 1. Containers that contain flammables or once contained flammables, unless at least one end of the container has been removed and the container crushed.
 - 2. Propane tanks, whether empty or full.
 - 3. Electrical Transformers.
 - 4. Hazardous and special wastes, as defined by State and Federal Laws and Regulations.
 - 5. Dead animals or portions thereof, or other pathological waste.
 - 6. Drums or barrels of 5 gallons or larger size, unless one end has been removed and the drum or barrel is clean.
 - 7. Motor Vehicles.
 - 8. Asphalt shingles if a vehicle of disposal is unavailable.
- O. **Stump Fee** means that per trip fee that a person, Commercial Hauler, land developer, or contractor must pay to dump or otherwise dispose of stump(s) at the Town Owned Transfer/Recycling Facility.
- P. **Flow Through Fee** means that fee that must be paid by any one who uses a Town-assigned facility to dump or otherwise dispose of rubbish, stump(s) or unauthorized refuse.
- Q. **Anyone** means any Person, Commercial Hauler, Contractor, and Land Developer as defined in this Ordinance.
- R. **Demolition and construction debris** means lumber, bricks, masonry, as-

phalt shingles, insulation, and other similar materials. It does not include asbestos.

- S. **White goods** means refrigerators, stoves, freezers, washing machines, clothes dryers, air conditioners, and other large and predominantly metal household appliances.
- T. **Unseparated trash** means solid waste that is not separated into recyclable, burnable, and landfillable components.

III. PERMITS: A person is not authorized to dispose of refuse at the Transfer/Recycling Facility unless a window sticker is displayed on the person's vehicle or the person has a valid permit.

- A. Any resident may obtain a window sticker for two vehicles at no cost.
- B. A Commercial Hauler may obtain a window sticker for his vehicle upon providing a list of his resident customers to the Town.
- C. A Contractor or Land Developer may obtain a temporary permit for each load of refuse that originates within Sidney by paying a tipping fee according to the Provisions of this Ordinance. Tipping Fees will be collected at the Town Office by the Town Clerk and permits shall be surrendered to the Transfer/Recycling Facility Attendant.
- D. Permits will only be issued to a person who is a Resident, a Contractor, a Land Developer or a Commercial Hauler.
- E. A person, who has been issued a window sticker shall remove the sticker from the vehicle prior to selling or trading the vehicle in order to prevent unauthorized persons from using the Transfer/Recycling Facility.

IV. Conduct, Prohibited Activities, and Penalties:

- A. Any person using the Transfer/Recycling Facility shall segregate refuse, as required by the Transfer/Recycling Facility Attendant or the Selectpersons, and dump only at the sites within the Transfer/Recycling Facility that have been approved and designated for the types of refuse being disposed of. Violators shall be subject to a fine of \$100.00 to \$2,500.00 per violation, plus civil damages, injunctive rehab, attorneys fees, expert witness fees and costs incurred by the Town. Court action may be waived by the violator by payment of such fines and damages to the Town as determined by the Board of Selectpersons.
- B. The transportation or dumping of refuse, unauthorized or otherwise, from another municipality into the Sidney Transfer/Recycling Facility for disposal shall be subject to a fine of between \$300.00 and \$2,000.00 for the first offense, and by a fine of between \$750.00 and \$5,000.00 for the second offense and a fine of at least between \$1,500.00 and \$10,000.00 for any additional offenses, plus the cost of clean-up and disposal of such Unauthorized refuse and civil damages.

- C. The dumping of Unauthorized Refuse at the Transfer/Recycling Facility, except for the temporary storage of septage within the Septage Storage Tank, shall be subject to a fine of between \$300.00 and \$2,000.00 for the first offense, and by a fine between \$750.00 and \$5,000.00 for the second offense.
- D. Dumping stumps or refuse in front of the Transfer/Recycling Facility entrance, outside the Transfer/Recycling Facility perimeter, or at any unauthorized location outside the Transfer/Recycling Facility shall be subject to a fine of not less than \$200.00 for the first offense and not less than \$500.00 for any additional offense, plus the cost of clean-up and disposal of such Unauthorized refuse, and civil damages.
- E. Violation of this Ordinance for a third time will result in the revocation of all permits related to this Ordinance and a fine of not less than \$1,500.00.
- F. Unauthorized removal of refuse from the Transfer/Recycling Facility is prohibited and subject to the fines defined in Section IV Subsection D.
- G. A Flow Through Fee may be assessed to anyone using Town contracted disposal or storage services.
- H. This Ordinance shall also be enforceable as a Land Use Violation under Title 30, MRSA. Section 4966.

V. REGULATED ACTIVITIES

- A. The Selectpersons reserve the right to require commercial haulers to dump on a specific day.
- B. Compacted loads will be prohibited from dumping at the Transfer/Recycling Facility and shall proceed directly to a facility of choice by the Selectperson's. They will be charged a Flow Through Fee.
- C. Metal or white goods must be of a size that will conveniently fit in the container provided and a tipping fee may apply.
- D. Wood materials and demolition debris will be placed in the Demolition Debris Container and a tipping fee may apply.
- E. All refuse placed in the Transfer Container must be in 30 gallon or less plastic rubbish bags.
- F. Cardboard placed in the Transfer Container must be in 30 gallon or less plastic rubbish bags otherwise it will be placed in a container designated by the attendant or designated for recycling. A tipping fee may apply.
- G. Doors and freon must be removed from white goods before they will be accepted.
- H. All household trash is required to be bagged in plastic garbage bags, no larger than 30 gallons, with the Town of Sidney I.D. on them. The I.D.'s to be

sold at a price to be determined by the Selectpersons. Receipts shall be applied to offset expenses for refuse disposal.

- I. Mattresses will be deposited in the Demolition Debris Container and a tipping fee may apply.
- J. Brush will be accepted at the Transfer/Recycling Facility and placed at a designated spot to be determined by the Board of Selectmen and a tipping fee may apply.
- K. Tires will be accepted at the Transfer/Recycling Facility and a tipping fee may apply.
- L. Stumps will be accepted at the Transfer/Recycling Facility or may be directed to be disposed of at another location to be determined at the discretion of the Selectmen and a tipping fee may be required.
- M. Any item that is not mentioned in Section V. may be addressed by the Board of Selectmen and may have a tipping fee applied if it is required.

VI. RESPONSIBILITIES AND AUTHORIZATION:

- A. The Code Enforcement Officer, and all applicable Law Enforcement Officers shall be responsible for enforcement of this Ordinance.
- B. The Transfer/Recycling Facility Attendant, under the direction of the Selectperson's, is authorized and shall be responsible for directing dumping activities, and refusing to permit the dumping of refuse which has not been properly segregated or which can be identified as unauthorized refuse. The Attendant shall also be responsible for compiling such logs of dump activity as may be requested by the Selectpersons.
- C. The Town Clerk shall be responsible for issuing all permits and maintaining the lists of customers for each Commercial Hauler.
- D. Operational activities shall conform to all Sections of this Ordinance, State laws, regulations, and any recycling or segregation requirements directed by the Board of Selectpersons.
- E. The Board of Selectpersons or their designee(s) shall be responsible for the direction and/or overseeing of the operations at the Sidney Transfer/Recycling Facility may authorize collection of fees by a designated agent(s) and may pay that agent for his/her service.
- F. Every person or entity who has obtained a Transfer/Recycling Facility Permit under this Ordinance shall be responsible for the conduct of his/her agent(s) and the consequences of same. He/She shall also be aware of his/her responsibilities to utilize the Transfer/Recycling Facility in a manner consistent with the provisions of this Ordinance.

VII. TIPPING FEES:

Fees for use of the Transfer/Recycling Facility are as follows:

Tipping fees for all items accepted at either the Transfer/Recycling Facility or another designated area, will be determined by the Board of Selectmen.

VIII. Conflict and Severability:

The provisions of this Ordinance shall supersede all other local laws, ordinances, resolutions, rules, or regulations contrary thereto, or in conflict therewith. The provisions of this Ordinance shall be severable and if any phrase, clause, sentence or provision, or the application thereof to any person or circumstance shall be held invalid, the remainder of this Ordinance and the application thereof shall not be affected thereby.

IX. Effective Date:

This Ordinance shall become effective March 20, 1993.