

Solid Waste Disposal Ordinance For The Town of Sullivan



ADOPTED 6-26-1995
AMENDED 6/24/2019
AMENDED 11/2019
ADOPTED 9/30/2020

ARTICLE 1. AUTHORITY

This Ordinance is hereby adopted under authority of Title 38 M.R.S.A. section 1301 et seq. (the Maine Hazardous Waste, Septage and Solid Waste Management Act), as amended, and shall be known as and may be cited as the "Solid Waste Disposal Ordinance" and Title 30 M.R.S.A. section 3001 et seq. (Ordinance of Municipalities and Counties).

ARTICLE 2. PURPOSE

- 2.1 To provide just and orderly operation of the Solid Waste Disposal Transfer Station within the Town of Sullivan.
- 2.2 To protect the health and safety of citizens of Sullivan, to promote the availability and use of the Transfer Station, and to create a fair and efficient regulation for the administration of this resource.
- 2.3 To control the costs of solid waste management to the taxpayers of the Town of Sullivan.
- 2.4 To encourage and expand solid waste recycling and waste reduction in the Town of Sullivan.
- 2.5 To control solid waste material in the Town of Sullivan and provide for fines for violations of the provisions of this ordinance.

ARTICLE 3. DEFINITIONS

The definitions set forth in Title 38 M.R.S.A. section 1303-C apply to this ordinance and are incorporated herein.

- 3.1 The term "REFUSE" is a broad term and is synonymous with "SOLID WASTE" and shall be defined as any variety of solid materials, as well as some liquids in containers, which are discarded or rejected as being spent, useless, worthless or in excess. In order to be more specific, solid waste will be classified in one of the following subclasses of refuse.
 - 3.1.1 AGRICULTURE SOLID WASTE - Waste produced from raising of plants and animals for food, including manure, plant stalks, hulls and leaves
 - 3.1.2 COMMERCIAL SOLID WASTE – Waste that originates in wholesale retail or service establishments, such as store, restaurants or garages.
 - 3.1.3 CONSTRUCTION AND DEMOLITION DEBRIS (CDD) – Solid waste resulting from the construction, remodeling, repair and demolition of structures. CDD includes, but is not limited to, lumber, bricks, masonry, shingles, building materials, discarded furniture, asphalt, insulation, wall board, pipes, metal structures and metal conduits and other similar material. The following items are excluded: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos; and other special wastes.

- 3.1.4 HAZARDOUS WASTE - Waste which by reason of its composition, characteristics or other inherent properties is dangerous to handle by ordinary means, or which may present a substantial endangerment to health or safety, "Hazardous Waste" shall also mean oil and petroleum products as well as waste which is defined as harmful, toxic, dangerous or hazardous at any time pursuant to (1) the Solid Waste Disposal Act, 42 U.S.C. Section 6901 et seq., as amended; (2) the Maine Hazardous Waste, Septage and Solid Waste Act, 38 M.R.S.A. Section 1301 et seq., as amended; (3) any other federal, state, county or local codes, statutes, regulations or ordinances; and (4) regulations, orders or other actions promulgated or taken with respect to the items listed in (1) through (4) above; provided however, that any such materials which are later determined not to be harmful, toxic, dangerous, or hazardous by any governmental agency or unit having appropriate jurisdiction shall not be considered "Hazardous Waste" unless a contrary determination has been or is made by any other government agency or unit having appropriate jurisdiction.
- 3.1.5 INDUSTRIAL WASTE - Waste generally discarded from industrial operations or derived from a manufacturing process.
- 3.1.6 MUNICIPAL WASTE - The combined residential and commercial waste generated in the Town of Sullivan.
- 3.1.7 RESIDENTIAL WASTE - Waste generated in homes, apartments, including paper, cardboard, beverage and food cans, plastics, food waste, glass containers and garden waste.
- 3.1.8 WOOD WASTE – Waste including brush, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust, and wood from production rejects that are not mixed with other solid or liquid waste. For the purpose of this definition, "lumber" is entirely made of wood and is free from metal, plastics, and coatings. Wood Waste does not include painted wood or pressure treated wood. These would be included with Construction and Demolition Debris, as defined.
- 3.1.9 ASHES - Residue, including cinders and fly ash, from the burning of solid fuels for cooking and heating, and from on-site incineration of refuse materials.
- 3.1.10 GARBAGE – Every accumulation of waste (animal, vegetable and other matter) derived from the preparation, processing, consumption, handling, packing, storage, transportation, decay of animal or vegetable matter from the handling, processing and storage in restaurants, fast food businesses, quick freeze industries and home and all putrescible or easily decomposable waste animal or vegetable matter.
- 3.1.11 BULKY OBJECTS – Abandoned vehicles, stoves, refrigerators, large furniture, tree trunks, stumps and brush.
- 3.1.12 SEWERAGE TREATMENT WASTE – Screenings, scum, dirt, grease or contents of a septic tank.
- 3.1.13 DEAD ANIMALS – Anatomical and pathological waste, cats, dogs, rodents, fish, cattle or horses.

- 3.2 TIPPING FEE – The fee charged to the Town of Sullivan by a disposal facility.
- 3.3 COMMERCIAL HAULER - any person, partnership or corporation, including d/b/a's who collect waste from any location and charges a fee for that service.

ARTICLE 4. RULES AND REGULATIONS

4.1 GENERAL REQUIREMENTS

- 4.1.1 All refuse shall be disposed in accordance with this ordinance.
- 4.1.2 A permit shall be required by all Sullivan residents and non-resident taxpayers to use the Town of Sullivan Transfer Station. The permit shall be prominently displayed and visible to the Transfer Station attendant.
- 4.1.3 The Town Manager shall have the authority to restrict the disposal of all types and volume of refuse if deemed to be in the best interest of the Town of Sullivan
- 4.1.4 The use of the Transfer Station during non-operating hours without the prior approval of the Board of Selectmen is prohibited.
- 4.1.5 No person, partnership or corporation, shall dispose of any refuse on any public property or roads except as allowed by this ordinance.
- 4.1.6 No person, partnership or corporation shall deposit or leave refuse upon the approach or any part of the Transfer Station in the Town of Sullivan.

4.2 MATERIAL DISPOSAL RESTRICTIONS

- 4.2.1 The following refuse items are not permitted at the Town of Sullivan Transfer Station: trees, stumps and brush; large demolition loads; fill materials; metal items; and any other items specified in the Town of Sullivan Solid Waste Disposal Policy.
- 4.2.2 DISPOSAL of refuse from other communities is prohibited at the Town of Sullivan Transfer Station.
- 4.2.3 All materials or containers of materials classified as HAZARDOUS by the Environmental Protection Agency (EPA) are prohibited.
- 4.2.4 Ashes at a combustible temperature are prohibited.
- 4.2.5 No commercial hauler loads shall be accepted at the Town of Sullivan Transfer Station.

ARTICLE 5. PERMITS

- 5.1 RESIDENTIAL USERS - All Sullivan residents and non-resident taxpayers shall "Pay-by-the-Bag" for the use of the Transfer Station and shall display a permit as defined in paragraph 4.1.2.
- 5.2 TAGS/PUNCH CARDS – "Pay-by-the-Bag" tags and punch cards may be obtained at the Town of Sullivan Municipal Office or from selected local business locations.
- 5.3 DEMO INVOICE – Residential users who leave demo material at the Town of Sullivan Transfer Station shall receive an invoice to be paid promptly at the Town Office.

ARTICLE 6. FEES

- 6.1 The Board of Selectmen shall establish solid waste disposal charges for the use of the Town of Sullivan Transfer Station.
- 6.2 The schedule of charges may include different schedules for disposal of different kinds of solid waste.
- 6.2 LATE FEES – Interest on late fees will be assessed on unpaid demo invoices at an interest rate of 1% per month (or \$1.00 minimum) for all fees that are unpaid after a period of 30 days from the date of the invoice.

ARTICLE 7. PENALTIES

- 7.1 Violations of this ordinance shall be enforced under the provision of Title 30-A M.S.R.A. section 4452 as amended (Enforcement of land use laws and ordinances) as land use violations.
- 7.2 LOSS OF USE – Any resident or non-resident taxpayer who does not pay their demo invoice after 60 days shall be assessed a fine and shall not be permitted to use the Transfer Station until all fees are paid.
- 7.3 In addition to the foregoing penalty provisions, any person violating any provision of this ordinance shall be liable to reimburse the Town of Sullivan for costs of enforcement including reasonable attorney fees and court costs.

ARTICLE 8. SEVERABILITY

Each of these sections shall be construed as separate. If any section, clause or phrase shall be invalid for any reason, the full remainder of that section and all other sections shall continue in full force.

Sullivan Board of Selectmen

Rusty Gordon, Chair

Raymond Daley

Roger Wakefield