

SOLID WASTE FACILITY ORDINANCE

of the Town of Chebeague Island
MAINE

Adopted by the Town Meeting:

Adopted June 11, 2022

Attest:

Christie A. Auffart

Town Clerk

Seal:



SECTION 101. TITLE

This Ordinance shall be known as and may be cited as the "SOLID WASTE FACILITY ORDINANCE in the Town of Chebeague Island, Maine," and shall be referred to herein as "this Ordinance" or "this chapter".

SECTION 102. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to protect public health and safety while complying with 38 M.R.S.A. §1305 which requires a municipality to accept locally generated waste. This Ordinance is adopted pursuant to 30-A M.R.S.A. §3001 and 38 M.R.S.A. §1310-U.

SECTION 103. DEFINITIONS

- a) **Bulk Wood:** Wood 6-28" in diameter
- b) **Brush:** Wood from small branches on a tree or bush, no larger than 6" in diameter
- c) **Bulky Waste:** Items too large to fit into regular service containers, including mattresses and box springs, bed frames, chairs, sofas, sleep sofas, hot water heaters, water tanks, lobster traps
- d) **Commercial Use:** For the purpose of this ordinance commercial use of the facility occurs whenever waste items brought to the facility are generated as a result of commercial activity including but not limited to: food preparation, building contractors, service providers, fishermen, retail establishments, and other commercial materials.
- e) **Construction and Demolition:** Steel, wood products, drywall and plaster, brick and clay tile, asphalt shingles, concrete, and asphalt concrete. These materials are used in buildings, roads and bridges, and other sectors.
- f) **Hazardous Waste:** Waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment.
- g) **Household Trash:** The unwanted things and waste material produced in the running of a household, such as used paper, empty tins and bottle and waste food. Commercial users pay a fee.
- h) **Metal Goods:** Discarded metal and products containing metal, including ferrous metal, such as iron and steel, and non-ferrous metal, such as copper, brass, aluminum, magnesium, tin, lead, and nickel.
- i) **Recycling:** As defined by the provider.
- j) **Solid Waste Facility:** The term 'Solid Waste Facility' or 'the Facility' shall refer to the waste transfer station centrally located on the Parcel identified on Tax Map 16 as Lot 6. For the purpose of this ordinance the Facility includes the closed landfill, the brush pile and wood chip area and the fenced in area on this Parcel.
It does not include the wooded area beyond. It does not include the Public Works Garage and Yard on the Northerly portion of the Parcel.
- k) **Universal Waste:** Universal wastes are hazardous wastes that are widely produced by households and many different types of businesses. Universal wastes include televisions,

computers and other electronic devices as well as batteries, fluorescent lamps, mercury thermostats, and other mercury containing equipment, among others.

- **Electronic devices:** Includes any electronic device that is a hazardous waste (with or without a Cathode Ray Tube (CRT)), including televisions, computer monitors, cellphones, VCRs, computer CPUs and portable DVD players.
 - **Batteries:** Most household-type batteries, including rechargeable nickel-cadmium batteries, silver button batteries, mercury batteries, alkaline batteries and other batteries that exhibit a characteristic of a hazardous waste.
 - **Electric lamps:** Fluorescent tubes and bulbs, high intensity discharge lamps, sodium vapor lamps and electric lamps that contain added mercury, as well as any other lamp that exhibits a characteristic of a hazardous waste. (e.g., lead).
 - **Mercury-containing equipment:** Thermostats, mercury switches, mercury thermometers, pressure or vacuum gauges, dilators and weighted tubing, mercury rubber flooring, mercury gas flow regulators, dental amalgams, counterweights, dampers and mercury-added novelties such as jewelry, ornaments and footwear.
 - **CRTs:** The glass picture tubes removed from devices such as televisions and computer monitors.
 - **CRT glass:** A cathode ray tube that has been accidentally broken or processed for recycling.
 - **Non-empty aerosol cans**
 - **Photovoltaic Modules (PV modules)**
- l) **Waste Items:** Any item intended to be discarded including items considered as waste, refuse and debris within 38 M.R.S.A. §1303C.
- m) **Waste Oil:** A petroleum-based oil which, through use or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.
- n) **White Goods:** Discarded “major appliances” of any color, often enamel-coated. Examples include: washing machines, clothes dryers, hot water heaters, stoves, ovens, refrigerators, and dishwashers
- o) Definitions in 38 M.R.S.A. §1303C shall apply to this chapter. Any words not otherwise defined therein shall be given their common and ordinary meaning.

SECTION 104. WASTE AREAS

- a) The Facility may have the following designated areas to accept specific waste streams: Compactable, Recyclable, Construction and Demolition, Metal Goods, White Goods, Universal Waste and Brush Pile/Bulk Wood Pile.
- b) The Selectboard may adopt rules by majority vote in order to specify acceptable and not acceptable waste items for each of the waste areas identified in Section 104(a), 0, Section 107, Section 108 and Section 109 in compliance with 38 M.R.S.A. §1305.

- c) The attendant may temporarily refuse any of the waste items identified in Section 104(a), 0, Section 107, Section 108 and Section 109 if areas or containers are full. The attendant may also temporarily provide alternate methods of handling these waste items as long as public safety is protected and these practices do not conflict with State rules and regulations. It is a violation of this ordinance to place waste items in areas that have been closed by the attendant under this section.
- d) It is a violation of this ordinance to dispose of waste items in any area within the municipality (land or sea) not specifically designated for that item under this chapter. Each waste item may be considered a separate violation under this chapter.

SECTION 105. FEES

The Selectboard may, in accordance with Ch 11 Art. II Section 109(s) of the Town Code of Ordinances, establish a fee schedule for waste items consistent with this section. This is a pay as you go facility.

Waste Type	Can have a fee?
Household Trash	Fees apply to commercial use only
Recycling	No fees
Construction and Demolition	Fees will apply
Metal Goods	Fees will apply
White Goods	Fees will apply
Universal Waste	Fees will apply
Brush Pile/Bulk Wood Pile	Fees may apply
Bulky Waste Weekend	Fees may apply
Hazardous Waste	Fees may apply
Waste Oil	Fees may apply
Wood Pile	Fees may apply

Nonprofit civic, social or charitable organizations with a principal place of business in the Town of Chebeague Island that are eligible for federal income tax exemption by being described in Section 501(c) of the U.S. Internal Revenue Code are exempt from all fees at the Facility.

SECTION 106. OTHER AREAS

The Selectboard may define other areas of the Facility for the purposes listed in this section and create rules for their operation including agreements with island organizations (e.g. Chedemption) or businesses to operate these services for the benefit of the public as long as they do not interfere with the uses defined in other sections of this chapter.

- a) Returnable Bottle Area.
- b) Swap Area.

SECTION 107. BULKY WASTE WEEKEND

The Selectboard may designate at least one weekend annually as "Bulky Waste Weekend" and advertise it to the community in advance. Items too large to be considered 'compactable' may be brought to the Facility during regular operating hours where Public Works employees will accept them and place them in waste containers for transport off-island. Except for commercial use no disposal fees are imposed for bulky waste during this period; at other times these items may be brought to the facility but they will be subject to any fees set for construction and demolition debris. Fees will apply for commercial use bulky waste items.

The Selectboard may suspend this service for a year.

SECTION 108. HAZARDOUS WASTE WEEKEND

Hazardous Waste will not be accepted or stored at the facility, but the Town shall designate at least one weekend every other year as "Hazardous Waste Weekend" and advertise it to the community in advance. The Town will contract with a licensed hazardous waste hauler to collect specific waste items designated as hazardous at the Facility, Public Works Garage or any other designated site and transport it off-island to a suitable facility.

The Selectboard may suspend this service for a year.

SECTION 109. MOTOR VEHICLE WASTE OIL

Motor vehicle waste oil will not be accepted or stored at the Facility but may be collected at the Public Works Garage for the purpose of burning in the building heating plant. Public works employees may refuse to accept waste oil if there is inadequate storage or it cannot be reused in the heating plant for any reason. Waste oil will be safely and securely stored at the Public Works Garage prior to reuse.

SECTION 110. HOURS OF OPERATION

The Selectboard may adopt rules setting the regular hours of operation for the Facility except that the Facility must open for at least two days per week during the winter season and at least three days per week in the summer season except holidays. The regular hours of operation must be clearly posted at the Facility entrance. The Selectboard and/or Town Administrator may temporarily close the Facility for Town Meeting, cemetery services, weather or any reason that might endanger or inconvenience public health, safety and wellbeing. An attendant must be at the facility during all hours of operation.

SECTION 111. ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be administered by the Town Administrator and may be enforced by the Selectboard, Code Enforcement Officer or Law Enforcement Officer with jurisdiction in the Town of Chebeague Island.

SECTION 112. WASTE REMOVAL

The Selectboard is authorized to enter into contracts or agreements with entities to properly dispose of all items collected at the facility.

SECTION 113. PENALTIES

Any violation of this Ordinance shall be a civil infraction subject to a fine of \$100. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of prosecution and/or damages caused by infraction.

SECTION 114. AMENDMENTS

This Ordinance may be amended by Town Meeting at any properly noticed meeting.

SECTION 115. SEVERABILITY

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.