SOLID WASTE FACILITY
ORDINANCE

of the Town of Chebeague Island
MAINe

Adopted by the Town Meeting:
Effective: June 4, 2011

Attest:

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) 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.

b) 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, fisherman and retail establishments.

c) Waste Items. Any item intended to be discarded including items considered as waste, refuse and debris within 38 M.R.S.A. § 1303C.

d) 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.

b) The Board of Selectmen may adopt rules by majority vote of the Board of Selectmen 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 Board of Selectmen 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:

<table>
<thead>
<tr>
<th>Waste Type</th>
<th>Can have a fee?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compactable</td>
<td>Fees may apply to commercial use only</td>
</tr>
<tr>
<td>Recycle</td>
<td>No fees may apply</td>
</tr>
<tr>
<td>Construction and Demolition</td>
<td>Fees may apply to all use</td>
</tr>
<tr>
<td>Metal Goods</td>
<td>Fees may apply to all use</td>
</tr>
<tr>
<td>White Goods</td>
<td>Fees may apply to all use</td>
</tr>
<tr>
<td>Universal Waste</td>
<td>Fees may apply to all use</td>
</tr>
<tr>
<td>Brush Pile</td>
<td>Fees may apply</td>
</tr>
<tr>
<td>Bulky Waste</td>
<td>No fees may apply</td>
</tr>
<tr>
<td>Hazardous Waste</td>
<td>No fees may apply</td>
</tr>
<tr>
<td>Waste Oil</td>
<td>No fees may apply</td>
</tr>
</tbody>
</table>

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 Board of Selectmen 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

The Town shall designate at least one weekend between June 1st and September 1st each year 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 may apply for commercial use bulky waste items.

The Board of Selectmen may suspend this service for a year if it finds insufficient demand for the service.

SECTION 108. HAZARDOUS WASTE

The Town shall designate at least one weekend between June 1st and September 1st 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 Board of Selectmen may suspend this service for a year if it finds insufficient demand for the service.

SECTION 109. MOTOR VEHICLE WASTE OIL

Motor vehicle waste oil may 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 Board of Selectmen 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 excepting holidays. The regular hours of operation must be clearly posted at the Facility entrance. The Board of Selectmen may temporarily close the Facility for Town Meeting, cemetery services, weather or any reason that might reasonably 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 Board of Selectmen, Code Enforcement Officer or Law Enforcement Officer with jurisdiction in the Town of Chebeague Island.

SECTION 112. WASTE REMOVAL

The Board of Selectmen 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 reasonable attorney fees and costs.

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.
Solid Waste Facility Policy

Operating Rules and Regulations

1. Purpose and Authority
   The Town of Chebeague Island adopted a Solid Waste Facility ordinance on June 4th, 2011 (Chapter 13, Article I). The ordinance authorizes the Board of Selectmen to create and maintain certain rules and regulations. The purpose of this document is to create operating rules and regulations in accordance with the Solid Waste Facility ordinance and applicable Maine Department of Environmental Protection rules and regulations.

2. Enactment
   This policy is enacted upon a majority vote of the Board of Selectmen (The Board) and may be amended or repealed from time to time by the Board or by Town Meeting.

3. Review and Amendments
   It is the policy of The Board that this document is reviewed annually by the solid waste facility attendant and the Town Administrator and recommendations considered by The Board.

4. Hours of Operation
   The regular operating hours for the solid waste facility are in the table below. The attendant may close the facility without warning in cases where public safety may be compromised. The Board of Selectmen, at any public meeting, may temporarily close the facility for special occasions as they deem appropriate. The exact date for the start of Summer and Winter hours is determined annually by the Town Administrator.

<table>
<thead>
<tr>
<th></th>
<th>WINTER</th>
<th>SUMMER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wednesday</td>
<td>1:30 pm to 4:00 pm</td>
<td>1:30 pm to 5:00 pm</td>
</tr>
<tr>
<td>Friday</td>
<td>1:30 pm to 4:00 pm</td>
<td>1:30 pm to 5:00 pm</td>
</tr>
<tr>
<td>Saturday</td>
<td>9:00 am to 4:00 pm</td>
<td>9:00 am to 5:00 pm</td>
</tr>
<tr>
<td>Sunday</td>
<td>9:00 am to 4:00 pm</td>
<td>9:00 am to 5:00 pm</td>
</tr>
</tbody>
</table>

No individuals, town employees, contractors or others may bring waste to the facility or remove items other than during operating hours without written consent from the Board of Selectmen.
5. Designated Waste Areas

The enabling ordinance designates separate areas for different waste items. This allows the town to optimize the handling of waste reducing the cost to the tax payers. The table below defines representative items for each stream. The attendant is ultimately responsible for directing a particular item to the proper area.

<table>
<thead>
<tr>
<th>Area</th>
<th>Type</th>
<th>Fee allowed</th>
<th>Acceptable Waste (Representative list)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste</td>
<td>Compactor</td>
<td>No</td>
<td>Regular waste produced by households or small commercial enterprises. No universal or hazardous waste should be placed in the waste compactors. Each compactor container can accept a limited number of Vehicle tires. Tires are placed in a separate staging area and the attendant will place them in the compactor at appropriate times.</td>
</tr>
<tr>
<td>Construction and Demolition</td>
<td>Container</td>
<td>Yes</td>
<td>Debris created during construction, demolition or remodeling except for items required to go into the universal, hazardous, metal or white goods waste stream.</td>
</tr>
<tr>
<td>Metal Goods</td>
<td>Container</td>
<td>Yes</td>
<td>Scrap metals are recycled.</td>
</tr>
<tr>
<td>White Goods</td>
<td>Area</td>
<td>Yes</td>
<td>Appliances such as refrigerators, freezers and air conditioners.</td>
</tr>
<tr>
<td>Universal Waste</td>
<td>Area</td>
<td>Yes</td>
<td>CRTs—Cathode Ray Tubes (computer monitors, TVs), Fluorescent lamps (also mercury vapor, neon, metal halide, HID and HPS, Mercury-containing thermostats, Intact PCD—containing lighting ballasts), Batteries (Ni-Cd, metal hydride, lithium... and including all vehicle batteries), Mercury thermometers.</td>
</tr>
<tr>
<td>Brush Pile</td>
<td>Area</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
6. Hazardous Waste Collection

The Town of Chebeague Island designates a weekend about once every two years where hazardous waste (particularly liquids) can be brought to the facility and are collected by a licensed hazardous waste transporter who transports them off island.


Also accepted as household hazardous waste are: NiCd batteries, Fluorescent lamps, Mercury & mercury devices, Television & computer monitors and Aerosols.

7. Bulky Waste

The Town of Chebeague Island designates a weekend about once every year where bulky waste can be brought to the facility, are collected by the public works crew, placed in containers and transported off the island.

The intent of this service is to allow large waste items generated by residents and other non-commercial entities to be disposed of with no fees applied. These are items that could normally be placed in the metal or construction and demolition containers that are too large for the compactors. During normal operation these items may be subject to a fee.

Waste items not allowed in the bulky waste containers include appliances requiring special handling (for example air conditioners and refrigerators with Freon), Special or hazardous waste items.

Residents are encouraged to notify the Town Office of their intent to bring large items such as small boats to assure that they can be safely and efficiently processed.

Adopted on: 06-04-2011  YES  NO
Revised on:  ________  YES  NO
Attested: ________________________.

Attested: ________________________.