

TOWN OF DAMARISCOTTA
Solid Waste and Recycling Ordinance
Enacted November 7, 2000

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Article 1. In General

Title: This ordinance shall be known and may be cited as the Damariscotta Solid Waste Ordinance (hereinafter the "Ordinance").

Purpose: The purpose of this Ordinance is to protect the health, safety, and general well being of the citizens

of Damariscotta; to provide a comprehensive, rational, and effective means of managing the collection, transportation, and disposal of solid waste in the town of Damariscotta by providing for the establishment of rules and regulations, establishing

limitations, prohibiting certain acts causing disposal problems, and providing for penalties and fines for violations of the provisions of this ordinance; to exercise control

over costs associated with these activities; and to define the limitations and conditions of the town of Damariscotta's obligation for those costs associated with the disposal of solid

waste

generated within the boundaries of the Town of Damariscotta.

Authority: This Ordinance is adopted in accordance with the provisions of Title 30-A MSRA

Sec. 3001 and Title 38 M.R.S.A. Sec. 1305, as amended.

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Definitions

Commercial solid waste: shall mean solid waste generated by commercial activities or uses. It shall not include unacceptable waste or material required by the designated disposal facility to be recycled or rejected as non-recyclable.

Commercial property: Shall mean any property upon which is situated a structure used for commercial or business activities or uses activities including but not limited to the following: Apartment units containing 4 or more dwelling units, hotels, warehouses, restaurants, markets, bakeries, grocery stores, fruit stands, business offices, office buildings, service stations, campgrounds, nursing homes, bed and breakfast inns, buildings containing a combination of apartments with one or more dwelling units and space used for commercial or business purposes.

Commercial solid waste collector: Shall mean a person, firm, corporation, or other entity that collects, and/or hauls the solid waste of another person, firm, corporation, or other entity for a fee.

Residential property: Shall mean any property upon which is situated a residential structure containing one, but not more than three dwelling units.

Residential solid waste: Shall mean any solid wastes generated by normal domestic activities at a single-family dwelling, two family dwelling, or multi family dwelling containing less than four dwelling units.

Town: Shall mean the town of Damariscotta.

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Designated Disposal Facility: Shall mean a facility permitted and licensed by the Maine Department of Environmental Protection to receive solid waste and designated by the Board of Selectmen as the receiver of the residential and commercial solid waste generated within the boundaries of the town of Damariscotta.

Article 2: General Rules and Regulations

1.) Billing for Commercial Solid Waste

Any person or entity owning any commercial property used for any purpose other than residential property as defined under the definition in this Ordinance for residential property and/or engaged in commercial activities or use, shall provide for private collection and disposal of commercial solid waste from the premises where such use, business or activity is operated.

Private collection shall include commercial solid waste collectors and businesses that collect, transport and dispose of their own waste using their own vehicles. Each commercial solid waste

collector or individual who collects commercial solid waste and transports it to the designated disposal facility shall reimburse the Town for the disposal fees paid by the Town of Damariscotta to the designated disposal facility for the commercial solid waste delivered by such commercial solid waste collector or individual.

Use of Revenues - All revenues, fees and penalties collected, through the administration of this

Ordinance, shall be used to reduce the amount of taxes needed to support the Town's following year Solid Waste budget.

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2.) Reimbursement Reimbursement for solid waste disposal fees must be made within 30 days of receipt of an invoice from the Town. Failure to do so may result in the suspension or revocation of solid waste disposal license or permit.

3.) Setting the Rate of Reimbursement The town shall be reimbursed for disposal of commercial solid waste at the designated disposal facility at a rate established by the Board of Selectmen in accordance with the fee schedule set by the facility. These fees may be adjusted from time to time to reflect changes in the charges levied by the disposal facility.

4.) Residential Solid Waste: The town of Damariscotta shall be responsible for the disposal fees at the designated disposal facility for residential solid waste generated at residential properties located in the town of Damariscotta only by its residential owners.

5.) Mixed Use Property: A building that both business and household share, where, the primary use, based on square footage, is non residential, shall be deemed to be commercial property.

6.) Non Mixing of Commercial and Residential Solid Waste: Residential and commercial solid waste collected in the town of Damariscotta, whether transported in private vehicles or by licensed commercial waste haulers, shall be delivered separated to the designated disposal facility.

7.) Facility hours to receive solid waste. The hours for the delivery of commercial and residential solid waste to the designated disposal facility shall be set by the facility.

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8.) Identification of Source At the direction of the attendants employed by the designated disposal facility, those delivering solid waste must identify: The composition of the material to be disposed, and whether the material is commercial solid waste or residential solid waste. The failure to provide the above information shall prevent access to the designated disposal facility. Providing false information shall be a violation of this ordinance

9.) Obligation to provide for the disposal of Solid Waste: The town of Damariscotta shall, from time to time, contract with a licensed solid waste transfer facility to provide for the disposal of solid waste generated within the borders of the town of Damariscotta. The Town will not be obligated for any costs associated with the collection, transportation and disposal of residential or commercial solid waste taken to any solid waste transfer or disposal facility other than the one under contract with the Town of Damariscotta.

Article 3: Licensing of Commercial Waste Collectors: No commercial solid waste collector shall collect, haul, transport, recycle, or dispose of solid waste generated within the boundaries of the municipality without first obtaining an annual license issued by the Town of Damariscotta. Any person wishing to obtain a commercial solid waste collector license shall complete an application and submit a twenty-five dollar (\$25.00) nonrefundable application fee. The application shall be submitted on the form provided by the Town Administrator and, at a minimum, shall contain the following information:

1. Applicants name
2. Address of the applicant's place of business.
3. Applicants residence

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4. If the applicant is a corporation, the names and addresses of each of its officers and directors.
5. A description of the vehicles and the equipment to be used, including the make, model, year of manufacture, and the license plate number of said vehicle and equipment.

License fee and Sticker: The License fee shall be \$30 per vehicle. The granting of any license shall be accompanied by the appropriate sticker, which shall be properly displayed on the licensed vehicle as determined by the designated disposal facility. **All Licenses shall expire December 31.**

Qualifications for license: In order to be eligible for a license, an applicant shall meet any qualifications established in law and shall pay any arrearage for taxes, fees, or any other obligation to the town.

Suspension or revocation of license. After notice and hearing, the Town Administrator may suspend or revoke the license of any commercial solid waste collector for violation of any provision or provisions of this Ordinance, including the failure to pay any disposal fee for which credit has been extended to the hauler or for failure to pay any penalty assessed. Suspension or revocation of license may be in addition to any penalty or relief the municipality may seek under Article (4) of this Ordinance.

A) A notice stating the alleged violation of the ordinance shall be mailed to the licensee via certified mail 30 days prior to the hearing date.

B) The Town Administrator shall conduct the hearing and shall cause a record to be made of the hearing.

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C) The Town Administrator shall render a decision within thirty days of the hearing.

Appeals of license suspension or revocation

A) The decision of the Town Administrator may be appealed to the Board of Selectmen within 30 days of notice of the decision.

B) The Board of Selectmen shall conduct an appeals hearing within thirty (30) days of its

receipt of a request for an appeal.

C) The appeals hearing shall be conducted in accordance with guidelines approved by the Town Attorney. A record shall be kept of the Appeal hearing.

D) Unless the appellant agrees to an extension in writing, the Board of Selectmen shall render a decision within thirty days of the appeals hearing.

Article 4: Enforcement and Penalties This ordinance shall be enforced by The Administrator, the Chief of Police and Codes Enforcement Officer. Any person who violates this Ordinance will be subject to a mandatory minimum fine of \$250.00 for the first offense and by a mandatory minimum fine of \$500.00 for a second offense. A third offense may result in the suspension or revocation of the commercial license and an order that the violator reimburse the town for any damage caused by the violation. The employer of any person who violates this ordinance within the scope of their employment shall be subject to the same penalties and charges as are outlined in this section. All fines must be paid to the Town Treasurer, P.O. Box 218, Damariscotta, ME, 04543 within 30 days of notice.

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Article 5: Changes, Modifications, and Amendments: The Board of Selectmen shall review this Ordinance periodically and may suggest changes to this Ordinance for consideration by the Town meeting, as amendments to this Ordinance.

Article 6: Severability: The invalidity of any section, subsection, paragraph, sentence, clause, phrase, or word of this ordinance shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase, or word, and to this end the provisions of this ordinance are hereby declared to be severable.