

Chapter 31
Town of Skowhegan

**Solid Waste Management Ordinance
Adopted 1994 Annual Town Meeting
Amended 1996 Annual Town Meeting
Amended 2002 Annual Town Meeting**

SECTION 1. Title

This document shall be known as the “Town of Skowhegan Solid Waste Management Ordinance.”

SECTION 2. Purpose and Authority

To ensure that wastes are properly separated to minimize the volume of waste placed at the solid waste management facility, to encourage recycling and to enable effective management of waste, it is necessary to regulate the disposition of waste within the Town of Skowhegan.

This Ordinance is adopted pursuant to Home Rule Powers as granted in Article VIII-A of the Maine Constitution, Title 30-A M.R.S.A., Section 3001 et. seq., and Title 38 M.R.S.A., Section 1305 et. seq.

SECTION 3. Applicability

This Ordinance shall apply to all domestic, commercial, and industrial producers of solid waste in the Town of Skowhegan.

SECTION 4. Validity and Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

SECTION 5. Amendments and Effective Date

This Ordinance may be amended as provided in 30-A M.R.S.A. Section 3004 (4).

This Ordinance, and any amendments thereto, will become effective by a vote of a majority of the voters at any regular or special town meeting.

SECTION 6. Abrogation

This Ordinance repeals and replaces any municipal ordinances previously enacted to control the management of solid waste.

SECTION 7. Definitions

The definitions set forth in 38 M.R.S.A. Section 1303 apply to this Ordinance and are incorporated herein. Any word not otherwise defined shall have its ordinary meaning.

Staff: “Staff” means the person/persons employed by the Town of Skowhegan to work at the Skowhegan Solid Waste Management Facility.

Board of Selectpersons: “Board of Selectpersons” means the Board of Selectpersons of the Town of Skowhegan.

Licensed Commercial Hauler: “Licensed Commercial Hauler” means any person, firm or organization that transports waste or recyclable materials in Skowhegan for a fee or other remuneration and has met all the administrative obligations set forth in section 9.1.

Disposal Facility: “Disposal Facility” means the facility, which accepts solid waste under contract from the Town of Skowhegan.

Operations and Maintenance Manual: “Operations and Maintenance Manual” means the manual that is used for operations and maintenance of the Skowhegan Solid Waste Management Facility.

Recyclable: “Recyclable” means any material that is considered recyclable in the general provisions section of this Ordinance.

Residential Disposal Permit: “Residential Disposal Permit” means the sticker type permit that authorizes Skowhegan residents to use the Skowhegan Solid Waste Management Facility.

Solid Waste Management Facility: “Solid Waste Management Facility” meant the recycling areas and transfer station located on the Steward Hill Road.

Temporary Disposal Permit: “Temporary Disposal Permit” means the permit that is issued temporarily to non-resident taxpayers, contractors and others for access to and use of the Skowhegan Solid Waste Management Facility to dispose of waste generated within the Town of Skowhegan.

Town: “Town” means the Town of Skowhegan.

Waste Disposal Contract: “Waste Disposal Contract” means any contract between the Town of Skowhegan and a licensed Disposal Facility.

SECTION 8. Administration

The Board of Selectpersons of the Town of Skowhegan will administer the provisions of this Ordinance.

The Board of Selectpersons shall adopt, and amend, after public hearing, written Rules and Regulations governing operation of the Solid Waste Management Facility including permitting fees and terms for permits, right of inspection of materials, preparation of materials before drop-off and other matters pertaining to the disposal of Solid Waste. The Rules and Regulations of this Ordinance shall be periodically reviewed and revised to satisfy the needs of the Town as well as State and Federal laws.

Administrative definitions and instructions shall be publicly posted to provide at least thirty (30) days notice to residents prior to adoption.

The Board of Selectperson shall approve a structure of maximum fees, based upon the Town's experience with solid waste management under this ordinance.

The Board of Selectpersons shall adopt processing fees on items, other than municipal solid waste, which provide incentives for recycling and offset increased handling costs resulting from disposal of non-recyclable acceptable solid wastes. Fees shall be adopted based upon such considerations as volume, type of material, and frequency of delivery.

SECTION 9. Permitting

The collection and transportation of waste and recyclable material, generated in the Town of Skowhegan, is prohibited unless authorized by the Board of Selectpersons.

All residents who wish to deliver waste to the Solid Waste Management Facility must display a Residential Disposal Permit, issued by the Town, on their vehicle. The vehicles current registration is required to obtain a Residential Disposal Permit. Only one permit will be issued to any vehicle at any time; to receive an additional permit a previous permit must be voided.

Any non-resident taxpayer, contractor, or person who wishes to use a vehicle not registered in the Town of Skowhegan to transport waste generated within Skowhegan to the Facility, may purchase a "Temporary Disposal Permit" for that particular vehicle. This Temporary Disposal Permit must be with the vehicle it is assigned to at all times for inspection by a Facility Attendant. The vehicles current registration is required to obtain a "Temporary Disposal Permit."

9.1

Any person who seeks to serve the Town as a commercial hauler, to collect and deliver waste to any disposal facility or to transport recyclable materials to the Solid Waste Management Facility, must have a valid commercial haulers license issued by the Town.

The following items must be submitted to the Town of Skowhegan when applying for a commercial haulers license:

1. Current vehicle registrations for all vehicles that will be used in the ordinary course of business.

2. A certificate of insurance generated for the Town of Skowhegan showing at a minimum General Liability coverage of \$400,000.00.
3. Annual fee for Commercial Hauler License as stated in the Rules and Regulations section.

In addition, upon request, the following information must be provided to the Town for review:

1. State of Maine Department of Environmental Protection Non-Hazardous Waste Transporters License.
2. Route sheets for all routes serviced in the Town of Skowhegan.
3. Disposal tickets for up to two years prior to any request by the Town to review such records.

SECTION 10. General Provisions

The Town of Skowhegan Solid Waste Management Facility is for the use of residents of Skowhegan, non-resident tax payers, contractors generating waste from projects within Skowhegan, commercial businesses located within Skowhegan and other entities that the Selectpersons have a contractual agreement with.

The facility is closed on all declared legal holidays as designated under the Town of Skowhegan Personnel Policy.

The use of the Facility by any person shall be at the strict direction of the Staff. If any person violates any directives of the Staff that are within this Ordinance, or that have been adopted by the Board of Selectpersons in the “Rules and Regulations” hereunder, that person will immediately be refused access to the Facility and may be subject to prosecution and a fine as provided for under SECTION 11 and 12 of this Ordinance.

The following items are prohibited from the Skowhegan Solid Waste Management Facility as well as any other disposal facility designated by this Ordinance or its Rules and Regulations:

- A. Hazardous Waste;
- B. Closed Containers;

- C. Dead Animals or Animal parts;
- D. Any material that may be classified as Unacceptable Waste as defined in any contractual agreement for disposal with the Town.

Any clean up and all costs associated with proper disposal of the above-mentioned wastes, shall be borne by the person responsible for the disposition of same.

All aspects of the Operations and Maintenance Manual for the Transfer Station will be part of the Rules and Regulations.

All aspects of the Waste Disposal Contract will be part of the Rules and Regulations.

All of the following components of the municipal solid waste stream will be source separated for recycling purposes or for the purpose of the current method of disposal of that item:

- A. Corrugated cardboard;
- B. Newspapers/telephone books;
- C. Magazines
- D. Brown craft paper bags;
- E. Glass jars - clear, brown and green separated;
- F. Cans - tin and aluminum separated;
- G. Plastics - P.E.T. (polyethylene terephthalate)
H.D.P.E. (High density polyethylene) separately;
- H. White goods;
- I. Brown goods;
- J. Tires;
- K. Lead acid batteries;
- L. Metals and light irons;
- M. Mixed waste paper;
- N. Construction/demolition debris;
- O. Brush, limbs, clean wood waste; and
- P. Leaves

All separation and recycling areas are designated by sign and/or instructions from staff.

No salvaging is permitted except as provided for in the Solid Waste Management Facility "Rules and Regulations".

The Skowhegan Solid Waste Management Facility is not available for the dumping of industrial waste, rocks, debris, stumps, and Special Waste as defined in M.R.S.A. 38 Section 1303 and materials of a similar nature. Refuse is not to be deposited or left along the road leading to the site. Persons doing so will be subject to prosecution and a fine as provided for under SECTION 11 and 12 of this Ordinance and Maine State Law.

SECTION 11. Permit Denial, Suspension or Revocation

Issuance of a permit may be denied and any permit or license issued may be suspended or revoked by the Solid Waste Management Facility Supervisor or Code Enforcement Officer, for the following causes:

- A. Violation of this Ordinance;
- B. Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this Ordinance;
- C. Violation of any license condition(s); and
- D. Falsehoods, misrepresentations or omissions in the license application.

SECTION 12. Hearings

Anyone denied a permit or license, or whose permit or license is suspended or revoked pursuant to SECTION 11, shall be entitled to notice and hearing before the Board of Selectpersons if such request is made, in writing, within thirty (30) days of denial, suspension or revocation.

Such hearings shall be held within thirty (30) days after receipt of the written request for a hearing.

The permittee, licensee or applicant shall be notified, in writing, as to the date, time and place of the hearing at least ten (10) days prior to the hearing date. The permittee, licensee or applicant by certified mail, return receipt requested.

The Board of Selectpersons final determination relative to the denial, suspension or revocation of a permit or license and the period of suspension or revocation shall take effect as provided in the notice, but no later than ten (10) days after the date on which such notice has been mailed to the permittee, licensee or applicant, and shall be conclusive.

Notice of decision of the final determination shall set forth the reasons for the denial, suspension or revocation and the effective dates thereof together with a statement that such decision may be appealed as provided in the Ordinance.

Any controversy or claim arising out of, or, relating to the Board of Selectpersons determination shall be directly reviewable by Superior Court pursuant to Maine Rules of Civil Procedure, Rule 80B.

SECTION 13. Enforcement

Enforcement of this Ordinance shall be the responsibility of the Code Enforcement Officer, or the Chief of Police, depending on the type and nature of the offense committed. Enforcement will include denial, suspension or revocation of a permit as

outlined in SECTION 11 and 12 and may involve any action necessary to protect the integrity of this ordinance, including any process either civil, or criminal that is authorized by State Statute.

The minimum fine for violating this Ordinance will be one hundred dollars (\$100.00) per offense. Each day that a violation continues will be a separate offense.

**TOWN OF SKOWHEGAN
SOLID WASTE MANAGEMENT FACILITY
RULES AND REGULATIONS**

ADOPTED 3/8/94 SELECTMEN'S MEETING. EFFECTIVE DATE 3/8/94
AMENDED 10/11/94 SELECTMEN'S MEETING. EFFECTIVE DATE 11/12/94
AMENDED 9/26/95 SELECTMEN'S MEETING. EFFECTIVE DATE 10/26/95
AMENDED 8/27/96 SELECTMEN'S MEETING. EFFECTIVE DATE 9/27/96
AMENDED 7/8/97 SELECTMEN'S MEETING. EFFECTIVE DATE 8/8/97
AMENDED 9/8/98 SELECTMEN'S MEETING. EFFECTIVE DATE 10/8/98
AMENDED 10/13/98 SELECTMEN'S MEETING. EFFECTIVE DATE 11/13/98
AMENDED 7/27/99 SELECTMEN'S MEETING. EFFECTIVE DATE 8/27/99
AMENDED 1/26/00 SELECTMEN'S MEETING. EFFECTIVE DATE 2/26/00
AMENDED 2/12/02 SELECTMEN'S MEETING. EFFECTIVE DATE 3/14/02
AMENDED 10/22/02 SELECTMEN'S MEETING. EFFECTIVE DATE 11/22/02

I.

AUTHORITY: These rules and regulations are promulgated pursuant to the Town of Skowhegan Solid Waste Management Ordinance.

II.

PURPOSE: To efficiently operate the Skowhegan Solid Waste Management Facility, it is necessary to establish rules and regulations that provide guidance to both Municipal Staff and the public.

III.

DEFINITIONS: The definitions provided in the Skowhegan Solid Waste Management Ordinance and in 38 M.R.S.A. Section 1303 apply to these regulations. Any word not otherwise defined shall have its ordinary meaning.

IV.

AMENDMENT: These rules and regulations may be amended by a majority vote of the Selectpersons following 30 days public notice and a public hearing.

V.

RULES AND REGULATIONS:

A. HOURS OF OPERATIONS

The Skowhegan Solid Waste Management Facility will be open as follows:

Summer hours: April 1 to September 30.
 Tuesday's from 7:00 A.M. to 5:45P.M.
 Wednesday through Saturday from 7:00 A.M. to 3:45 P.M.

Winter hours: October 1 to March 31
 Tuesday through Saturday 7:00 A.M. to 3:45 P.M.

Closed: Sunday, Monday and scheduled holidays.

B. FEES

Disposal

1. Tires:

Motorcycle	\$ 2.00
Race Car	\$ 2.50
Passenger vehicle (17" and under)	\$ 2.50
Truck (over 17")	\$ 12.00
Truck (over 17") on rim	\$ 12.00
Super Single	\$ 12.00

OFF ROAD:

Super single and small OTR 10 inch and under	\$ 50.00
Medium OTR 11 inches to 18 inches	\$ 75.00
Large OTR 19 inch and up	\$100.00

2. White Goods:

Freon containing appliances	\$ 10.00
Non-Freon containing appliances	\$ 5.00

3. Brown Goods:

TVs, stereos, radios, furniture, and computer monitors, etc.	\$ 5.00
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Permits and Licenses

1. Commercial Hauler License	\$350.00
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Reuse and Resale

Reuse and resale are encouraged as a form of recycling. An administrative fee will be charged for items not in the designated area. Any item in the resale area will be sold as marked.

2. A. Residential Sticker Permits	\$ 10.00
B. Temporary Written Permit	\$ 10.00

C. PREPARATION OF RECYCLABLES

The following items require source separation and special preparation before being delivered to the Skowhegan Solid Waste Management Facility.

1. Corrugate cardboard:
Reasonably dry, no larger than 30" in any dimension, loose or bundled. Asian and waxed cardboard as well as chipboard (cereal boxes, shoe boxes) are not to be recycled with corrugated cardboard.
2. Newspaper/Telephone books:
Reasonably dry, bundled in bags or with twine, with all original inserts.
3. Mixed Paper:
All cereal boxes, shoe boxes, unwanted mail and other similar paper materials should be reasonably dry, placed in separate storage from other specific types of recyclable paper.
4. Magazines:
Reasonably dry, bundled with twine, separate from other types of paper.
5. Brown Paper Bags:
Reasonably dry, emptied, several placed inside one large brown paper bag.
6. Glass Jars:
Clear-Brown-Green
Rinsed, no lids, whole (not broken), separated by color.
7. Cans:
Tin and aluminum: rinsed, labels removed. Crushing is preferred, but is optional.
8. Plastics:
P.E.T. and H.D.P.E. type plastic containers. Symbols and numbers are on bottoms of most containers. Rinse and remove covers, crushing is preferred. NOTE: Containers to be recycled must have symbol and correct number. All other plastics are not collected for recycling at this time and must be disposed of at the Transfer Station.
9. White Goods:
Major Appliances need no special preparation.
10. Lead Acid Batteries:
Must not be leaking, handled upright.
11. Metals and light irons:
Metals and light irons must have other materials removed and deposited in designated disposal areas.
12. Office paper required by State Law:

Office paper must be packaged in clear/transparent bags, not to exceed weight limit of the bag.

D. PREPARATION OF MATERIAL FOR DISPOSAL

1. All municipal household waste to be disposed of at the Waste Transfer Station will be deposited at the facility in trash bags that are transparent enough to allow for visual inspection of the contents.
2. Facility staff will periodically inspect Municipal Solid Waste to ensure that the items that are hazardous are not being deposited at the Waste Transfer Station. Inspections will also be carried out to prevent disposal of recyclable items.
3. Demolition debris will be accepted at the Waste Transfer Station under the following conditions:
 - a. Prior approval will be required from the Waste Management Supervisor.
 - b. Material will be separated into three (3) basic elements; wood, metal, other.
 - c. No load greater than two (2) cubic yards will be accepted at the Waste Transfer Station during any 48-hour period. Quantities exceeding this amount will be hauled directly to the designated Waste Disposal Facility.
4. Brown Goods:
Stereos, microwaves, TVs etc. do not need special preparation for disposal.
Attendants will designate the proper container for Brown Goods disposal.
5. Tires:
Tires do not require special preparation. Attendants will designate the proper area for tire disposal.
6. Burnable brush, limbs and clean wood waste:
Brush and limbs should be no longer than twelve feet (12'). Brush and limbs or any other part of the tree should be less than two feet (2') in diameter. Wood larger than two feet in diameter will require prior approval from the Waste Management Supervisor.
7. Leaves:
Leaves will be deposited at the storage area specified by the attendant on duty.