

## Chapter 12

### GARBAGE, WASTES AND JUNK\*

- Art. I. In General, § 12-1 – 12-15**  
**Art. II. Garbage and Solid Waste Removal, §§12-16 – 12-45**  
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**Art. VI. Solid Waste Disposal, §§12-100 – 12-119**

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**\*Cross References**—Litter in cemeteries, § 7-131; disposal of wastes by food service establishments, § 11-26; littering prohibited in parks, § 18-22; litter removal from sidewalks, §25-171 et seq.

**State law references**—Litter control, 17 M.R.S.A. § 2261 et seq.; solid waste management, 38 M.R.S.A. § 1301 et seq.

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**Secs. 12-1 – 12-15. Reserved.**

### ARTICLE II. GARBAGE AND SOLID WASTE REMOVAL

#### **Sec. 12-16. Definitions.**

The following words and terms as used in this article shall have the meanings ascribed thereto, unless the context otherwise indicates:

*Authorized collector* shall mean employees or contractors of the public works authority or a private collector employed by the owner, occupant, agent or other person having custody of a building.

*Building* shall mean any structure or vessel, whether public or private, that is adapted to or used: for dwelling occupancy; for the transaction of business; for the rendering of professional services; amusement; the display, or sale or storage of goods, waste, merchandise articles or equipment; for the performance of work or labor; for office buildings, stores, theatres, markets, restaurants, warehouses, grain processing factories, abattoirs, worship, garages, bakeries; or structures where domestic or other animals or fowl are kept; for sheds, barns, outbuildings, or other structures or premises used as accessory to any such use.

*Bulky waste* shall mean any items whose large size or weight precludes or complicates their handling by normal collection, processing or disposal methods.

*Garbage* shall mean food or other putrescible wastes.

*Occupant* shall mean the person that has the use of or occupancy of any building or a portion thereof, whether the actual owner or tenant. In the case of vacant buildings or any vacant portion of a building, the owner, agent or other person having the custody of the building shall have the responsibility of an occupant of the building or portion thereof.

*Owner* shall mean the actual owner of the building, whether individual, partnership or corporation, or the agent of the building, or other person having custody of the building or to whom the rent is paid.

*Solid waste* shall mean useless, unwanted, discarded, nonfood and nonputrescible waste with insufficient liquid content to be free flowing.

*Suitable containers* shall mean (plastic or metal,) water-tight containers, covered by a tight fitting metal cover which is free from sharp edges. The maximum capacity of any container which must be dumped manually shall not exceed thirty (30) gallons and the combined weight of such a manually dumped container and contents shall not exceed seventy-\*75) pounds. Plastic liners, as used in metal solid waste containers for storage, when of suitable durability and strength and when tied securely, may be set out and accepted for collection only.

*Vermin* shall mean any noxious offensive animals which shall include but not be limited to insect larvae, flies, bedbugs, roaches, fleas, lice, ants wasps, beetles, mites, mice, rats, bats, pigeons, starlings and other nuisance birds.

(Code 1968, § 305.1; Ord. No. 155-76, 4-21-76)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

**Sec. 12-17. Containers furnished by occupant.**

It shall be the duty of every tenant, lessee or occupant of every dwelling occupied by not more than two (2) families to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of garbage and solid waste matter on the premises during the interval between collections.

(Code 1968, § 305.2; Ord. No. 155-76, 4-21-76)

**Sec. 12-18. Containers furnished by owner.**

It shall be the duty of the owner or agent of every flat or apartment house occupied or intended to be occupied by more than two (2) families to provide and keep within the building or upon the lot where the building is situated suitable and sufficient

containers to receive the accumulation of garbage and solid waste matter on the premises during the interval between collections.  
(Code 1968, § 305.3; Ord. No. 155-76, 4-21-76)

**Sec. 12-19. Containers to be furnished by occupants of commercial buildings.**

It shall be the duty of the occupant of a hotel, restaurant, boarding house, public warehouse, market, bakery, grocery store, fruit stand or other buildings not referred to in sections 12-17 and 12-18 to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of garbage and solid waste matter on the premises during the interval between collections.  
(Code 1968, § 305.4; Ord. No. 155-76, 4-21-76)

**Sec. 12-20. Waste not to accumulate except in suitable storage containers.**

The occupants of all buildings shall place or cause to be placed all garbage and solid substances in the suitable containers so provided and shall not permit any accumulation or deposit of such substances in or about the premises except in such suitable containers.  
(Code 1968, § 305.5; Ord. No. 155-76, 4-21-76)

**Sec. 12-21. Storage responsibility for commercial buildings.**

Any person owning, operating or being in charge of any public warehouse, market, grocery store, fruit stand, restaurant, kitchen, dining room, bakery, hotel, boarding house, or other building cited in section 12-19 shall require that garbage and solid waste matter be stored in suitable containers.  
(Code 1968, § 305.6; Ord. No. 155-76, 4-21-76)

**Sec. 12-22. Containers to be kept clean.**

All containers used for storage or disposal of garbage and solid waste shall be kept clean.  
(Code 1968, § 305.7; Ord. No. 155-76, 4-21-76)

**Sec. 12-23. Collection responsibility.**

(a) Solid waste and garbage will be collected by the town from all residences and apartments in the town.

(b) Solid waste and garbage shall not be collected by the town from any commercial or business activity or building.  
(Code 1968, §§ 305.8, 305.9; Ord. No. 155-76, 4-21-76; Ord. No. 63-78, §§ 2, 3, 2-6-78)

**Sec. 12-24. Placement for collection; scavenging prohibited.**

(a) *Municipal collection.* Suitable containers for collection shall be placed at the curb or on the esplanade between the sidewalk and the gutter not prior to 6:00 p.m. of the day before scheduled municipal collection. Containers placed in the public way on and after such time shall be considered as being intended for collection and, as such, shall be collected by none other than the authorized collector of the public works authority. All containers shall be removed prior to 8:00 p.m. on the day of scheduled collection. Such suitable containers shall be covered or securely tied as to prevent spillage, wind blown littering, or the ingress or egress of flies, rats or other vermin. No person except the occupant, owner of the premises, or the public works authority shall remove, take or otherwise disturb the waste matter, or any portion thereof so placed for removal.

(b) *Nonmunicipal collection.* The occupants or owners of every building shall place such suitable containers in a place convenient for the removal of the contents by the persons authorized to collect the same. Such occupants or owners shall place such containers only on or directly in front of the premises occupied or owned by them. No other person except the occupants, the owner of the premises, or an authorized collector shall remove, take or otherwise disturb the waste matter, or any portion thereof so placed for removal.

(Code 1968, §§ 305.10-305.12; Ord. No. 155-76, 4-21-76; Ord. No. 63-78, § 4, 2-6-78; Ord. No. 358-79, 12-3-79)

**Sec. 12-25. Containers not to be mutilated.**

No person shall willfully remove, destroy, mutilate or utilize for another purpose, other than the holding of garbage, ashes or solid waste matter, suitable containers which have been provided in accordance with the provisions of this article.

(Code 1968, § 305.13; Ord. No. 155-76, 4-21-76)

**Sec. 12-26. Disposal of unsafe containers and containers in poor condition.**

If a refuse container is found to be unsafe to handle or in poor condition, it shall be marked by the public works authority with a sticker or tag. If such a container is placed out for collection again in the same condition, it shall be considered as being intended for collection and shall be picked up and disposed of by the public works authority.

(Code 1968, § 305.14; Ord. No. 155-76, 4-21-76)

**Sec. 12-26.5 Placement of certain wastes prohibited.**

No person shall place any of the following wastes on the street for municipal collection:

- (1) Hazardous waste: All hazardous waste as defined by federal and state regulatory agencies;

- (2) Hospital waste: All contaminated hospital waste as defined by federal and state laws, i.e., “red bag” pathological anatomical waste:
- (3) Infectious waste: Wastes which are hazardous by reason of their contamination with infectious materials, i.e., “red bag” waste body parts, pathology lab waste, etc.;
- (4) Human and animal fecal waste;
- (5) Flammable liquids;
- (6) Powder and liquid pesticides, herbicides and fungicides;
- (7) Paint waste and pigments;
- (8) Demolition debris;
- (9) Electrical capacitors: contain oils that may contain P.C.B.’s;
- (10) Construction debris;
- (11) Laboratory chemicals;
- (12) Biohazard materials;
- (13) Plated metal parts;
- (14) Electrical transformers or parts.  
(Ord. No. 249-88, 11-28-88)

**Sec. 12-27. Waste not to be thrown in public places; misuse of litter baskets.**

No person shall throw or deposit any garbage or waste matter, or cause the same to be thrown or deposited upon any street, alley, gutter, park, or other public way, or throw or deposit the same in or upon any premises or vacant lot or in any water, or to store or keep the same except in suitable containers as required by this article or in litter baskets as supplied by the town. Where the town has supplied litter baskets, no person shall use the litter baskets for the disposal of large volumes of household or commercial garbage or other waste matter.

(Code 1968, § 305.15; Ord. No. 155-76, 4-21-76)

**Sec. 12-27.5 Unauthorized waste and other materials not to be left at transfer station.**

- (a) Except for household trash, no person shall throw, deposit, or leave any garbage or waste matter, furniture, building debris, appliances, or other material of any type without prior approval of transfer station attendant.
- (b) No person shall leave or deposit any garbage or waste matter outside the transfer station gate, other than in the receptacles left for that purpose. For purposes of this section, the definition of the words “in the receptacles” does not include “near, around, next to, on, or any other place but inside the container. If containers are all filled do not leave the trash at the transfer station, but notify transfer station attendant of this situation.
- (c) Penalty for violation of Sec. 12-27.5 will be not less than \$50.00 nor exceed \$500.00 as prescribed by Sec. 1-15.

**Sec. 12-28. Collection vehicles to be covered.**

No person shall transport any garbage or putrescible waste over any public way, street or place within the limits of the town except in property constructed, water-tight vehicles or in suitable containers. Vehicles and containers used to transport solid waste shall be so constructed as to prevent the spillage of such solid waste. Such vehicles and containers shall be covered except during the act of filling or emptying them and shall not be permitted to become foul or offensive.  
(Code 1968, § 305.16; Ord. No. 155-76, 4-21-76)

**Sec. 12-29. Refusal to collect.**

The public works authority may refuse to accept for collection any waste material which has been placed for collection in a manner which does not comply with the requirements of this article, which is prohibited hereunder or which is too large to fit into suitable containers or which is over the length, width, weight or bulk requirements set forth in this article.  
(Code 1968, § 305.17; Ord. No. 155-76, 4-21-76; Ord. No. 309-89, § 2, 1-30-89)

**Sec. 12-30. Reserved.**

**Sec. 12-31. Conflict with other laws.**

Whenever there shall appear in any chapter of this Code provisions which conflict with the provisions of this article, such other provisions shall control, except that wherever this article imposes greater restrictions, then such restrictions shall control.  
(Code 1968, § 305.19; Ord. No. 155-76, 4-21-76)

**Sec. 12-32. Enforcement.**

It shall be the duty of the Constable or the C>E>O> or their duly authorized representatives to cause the enforcement of the provisions of this article and to prosecute any and all persons violating any of such provisions. The owner of, and any person having responsibility for, property abutting the area of the street or sidewalk where waste material has been deposited shall be presumed to have deposited same and shall be liable for violations of this article in the absence of evidence to the contrary. Notwithstanding the aforesaid, any owner of and/or any person having responsibility for property abutting the area of the street where any garbage or waste material has been deposited in violation of this article shall cause it to be removed within twenty-four (24) hours of the issuance of an order of removal, either orally or in writing, issued by the constable or the C.E.O. or their duly authorized representatives. Failure to remove such waste within the time specified shall be a violation of the article.

(Code 1968, § 305.120; Ord. No. 155-76, 4-21-76; Ord. No. 249088; Ord. No. 308-89, § 1, 1-30-89; Ord. No. 40-91, 7-1-91)

**Sec. 12-32.5. Collection fee.**

After the issuance of three (3) orders of removal given under section 12-32 in any twelve-month period, the fee or charge for collecting waste material remaining on the street after the expiration of the period of time for compliance with the order shall be fifty dollars (\$50.00) for up to one (1) cubic yard of waste, or in the event the waste deposited exceeds one (1) cubic yard, the fee shall be fifty dollars (\$50.00) plus the cubic yard cost to collect and dispose of the waste at an approved facility. Such fees shall be charged each time that the town removes the waste material deposited in violation of this article from the streets or sidewalks abutting the property, whether additional notice has been given or not.

Charges assessed pursuant to this article shall be enforceable by lien for the benefit of the town pursuant to section 1-16 of this Code.

(Ord. No. 308-89, § 2, 1-30-89; Ord. No. 123-89, 10-2-89; Ord. No. 41-91, 7-1-91)

**Cross reference**—Uniform procedure for collecting assessments, § 1-16.

**Sec. 12-33. Notices of violation.**

Except as provided in sections 12-32 and 12-32.5, when any violation is found to exist within the meaning of this article, the constable or the health officer shall give the responsible party a written order or notice which shall set forth the violations and shall contain a reasonable time limit for the correction thereof.

(Code 1968, § 305.21; Ord. No. 155-76, 4-21-76; Ord. No. 308-89, § 3, 1-30-89)

**Sec. 12-34. Responsibilities hereunder not transferable.**

No contract or agreement between the owner or operator and occupant relating to compliance with the terms of this article shall be effective in relieving any

person of the responsibility for compliance with the provisions of this article as set forth herein.

(Code 1968, § 305.22; Ord. No. 155-76, 4-21-76)

**Sec. 12-35. Violations.**

Whoever violates any provisions of this article or any order of the health authority or obstructs or interferes with the execution of such order or regulation shall be guilty of an offense.

(Code 1968, § 305.23; Ord. No. 155-76, 4-21-76)

**Secs. 12-36 – 12-45. Reserved.**

### **ARTICLE III. HEALTH INSURANCES**

**Sec. 12-46. Waste not to be thrown in public places.**

No person shall throw or deposit or cause to be thrown or deposited in any street, sidewalk, court, square, lane, alley or public place any sawdust, soot, ashes, cinders, garbage, paper, shavings, hair, shreds or manure; oyster, clam or lobster shell; waste or dirty water or any animal, vegetable or offensive matter whatever. No person or persons shall throw or cast any dead animal or any foul or offensive matter in any dock or place between the channel and the shore; nor land any foul or offensive animal or vegetable substance within the town nor cast any dead animal into the waters of the harbor. No person shall throw, cast or place any living animal with intent to drown the same in any dock or place between the channel and the shore.

(Code 1968, § 306.1)

**Sec. 12-47. Removal from public places.**

If any of the substances mentioned in section 12-46 shall be thrown or carried into any street, sidewalk, court square, lane, alley or public place from any house, building cellar, yard or any other place, the occupant of such house or place and the person who actually threw and carried the same therefrom shall severally be liable for such violation of this article, and all such substances shall be removed at the expense of the occupant of the house or other place whence the same were thrown or carried within twenty-four (24) hours after personal notice in writing to that effect is given by the constable or health authority.

(Code 1968, § 306.2)



**Sec. 12-48. Removal from buildings at expense of owner or occupant.**

All dirt, sawdust, soot, ashes, cinders, garbage, paper, shavings, hair, shreds or manure; oyster, clam or lobster shells; or any animal or vegetable substances or filth of any kind in any house, building, cellar, yard or other place; which the health authority shall deem necessary for the health of the town to be removed, shall be carried therefrom by and at the expense of the owner or occupant of such house or other place where the same shall be found and removed to such place as directed within twenty-four (24) hours after notice in writing to that effect given by the constable or health authority. (code 1968, § 306.3)

**Sec. 12-29. Failure to comply with order of health authority or Constable.**

(a) Whenever any person shall have been duly notified to remove any of the substances mentioned in this article, or to perform any other act or thing which it may be his duty to perform for the preservation of the health of the city and the time limit for the performance of such duty shall have elapsed without compliance with such notice, the constable or health authority shall forthwith cause such substance to be removed at the expense of the person so notified. The constable or health authority shall cause all persons who shall violate or disobey any provisions of this article to be prosecuted and punished.

(b) If, in the opinion of the health authority, it shall be for the health or comfort of the inhabitants of the town that any particular substance should be removed forthwith and without delay, it shall be his duty to cause the same to be removed accordingly. If the substance existed in violation of this article or of any of the laws, regulations, or ordinances relating to the health of the town then the expense of removing the same shall be paid by the owner or occupant of the house or other place where the same was found, and if payment be refused on demand therefore by the constable, it shall be sued for in the name of the town.

(code 1968, § 306.4)

**Secs. 12-50 – 12.54. Reserved.**

**Sec. 12-55. Urinating in public.**

No person shall urinate or defecate in any sidewalk, street, avenue, lane, alley or other public way or any public park, cemetery, square, space, plaza, grounds or building, or in the immediate proximity thereto.

(Ord. No. 171-89, 12-4-89)

**Secs. 12-56 – 12-60. Reserved.**

## **ARTICLE IV. PUBLIC AND PRIVATE DUMPS\***

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**\*State law references**—Public dumps generally, 30 M.R.S.A. § 4101 et seq; fire prevention at dumps, 12 M.R.S.A. § 1351 et seq.

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### **Sec. 12-61. Public dumps established; waste matter not to be dumped elsewhere.**

Except as provided in article VI, the public works authority, with prior approval of the selectmen and health authority, shall designate certain places as dumping grounds for the dumping or depositing of refuse, rubbish, or other waste matter of a similar nature. The dumping or depositing of any refuse, rubbish, or other waste matter of a similar nature by any person at any other place, except as hereinafter provided, is unlawful.

(Code 1968, § 310.1; Ord. No. 137-75, 2-19.75; Ord. No. 260-85, § 2, 12-2-85)

### **Sec. 12-62. Permit to be issued for fill purposes.**

The public works authority, upon written application therefore, shall grant a permit to the owner of any lot, or to any other person with the consent of such owner, to dump or deposit refuse, rubbish, or other waste material of a similar nature upon such lot for fill purposes unless he or she determines that the activity is in violation of law or would amount to a nuisance. The selectmen may, by order, establish a reasonable fee for the application or issuance of such permit. Any owner of any lot who dumps or deposits on his or her own lot any refuse, rubbish, or other waste material of a similar nature, or permits any other person to do so, without a written permit from the public works authority, shall be guilty of an offense.

(Code 1968, § 310.2; Ord. No. 260-85, § 3, 12-2-85)

### **Sec. 12-63. Enforcement.**

The public works authority shall notify the constable of the location of every public dumping ground designated by the authority, and of every private fill for which the authority has issued a permit, and it shall be the duty of the constable to cause the removal of every deposit or accumulation of refuse, rubbish, or waste matter of a similar nature upon private property, other than those made in conformity with the provisions of this article.

(Code 1968, § 310.3)

### **Sec. 12-64. Failure to remove.**

Every owner or occupant of any premises, and every landlord or agent of a landlord having general charge of the same, or any other person, who shall throw, dump, or deposit any refuse, rubbish, or waste matter of a similar nature upon any premises without the permit in this article shall, after notice by constable, remove such refuse,

rubbish waste matter and material so thrown, dumped, or deposited on such premises to a designated dumping ground within forty-eight (48) hours after receiving such notice, and upon failure to do so the offender shall be guilty of an offense.

(Code 1968, § 310.4)

**Sec. 12-65. Dumping on premise of others.**

Any person who, without authority from the owner of the premises, dumps or deposits upon such premises, not his own, any refuse, rubbish or other waste matter of a similar nature, or any ashes, cinders, rock, concrete, asphalt or other similar material, shall be guilty of an offense.

(Code 1968, § 310.5)

**Secs. 12-66 –12-74. Reserved.**

**ARTICLE V. JUNKED MOTOR VEHICLES\***

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\*Cross reference—Traffic and motor vehicles, Ch. 28.

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**Sec. 12-75. Purpose.**

The purpose of the article is to protect the health, safety and general well-being of the citizens of Long Island to enhance and maintain the quality of the environment through the removal of junked motor vehicles from the public way and private property; and the recovery of the costs of removal of such vehicles from the owners of the vehicles or the owners of private property, whose property values are improved by the removal of the junked motor vehicles.

(Ord. No. 162-90, 12-10-90)

**Sec. 12-76. Placing on streets and public places.**

It shall be unlawful for any person to deposit, place, leave or abandon any old, discarded, worn out or junked motor vehicle, or parts thereof, on any public street or any public place in the town.

(Code 1968, § 317.1)

**Sec. 12-77. Removal from streets or public places.**

The town shall have the right to remove or cause to be removed any vehicle or part thereof in violation of section 12-76 from any public street or public place and dispose of it as it sees fit without any liability whatsoever.  
(Code 1968, § 317.2) (29A ss. 2069)

**Sec. 12-78. Placing on private property.**

It shall be unlawful for any person to deposit, place, leave or abandon any old, discarded, worn out or junked motor vehicle, or parts thereof, on any private property in the town except in duly authorized locations.  
(Code 1968, § 317.3)

**Sec. 12-79. Keeping on private property; notice to remove.**

It shall be unlawful for any person owning or occupying private property in the town to keep or allow to accumulate any old, discarded, worn out or junked motor vehicle, or parts thereof, on private property after having received written notice from the town by the selectmen or by an official designated by the selectmen ordering the removal from the property upon not less than thirty (30) days from receipt of the order of the old discarded, worn out or junked motor vehicle, or parts thereof.

A copy of the order shall be hand delivered or sent by certified mail to the owner or occupant of the private property, or to the owner of the motor vehicle if the owner's identity is known.

The order of removal may be appealed as provided in section 12-80. Failure to appeal such order shall render the order final. In the event of an appeal, the time frames established for the removal of the vehicle shall be stayed during the pendency of the appeal.  
(Code 1968, § 317.4; Ord. No. 260-8162-90, 12-10-90)

**Sec. 12-79.1 Vehicles on islands.**

In the case of junked motor vehicles located on private property on Long Island, the procedures established by 29 M.R.S.A. § 111-A, as amended hereafter, shall be substituted for those in this article. The appeal procedures set forth in section 12-80 of this article shall be applicable to vehicle removal proceedings on the islands.  
(Ord. No. 162-90, 12-10-90)

**Sec. 12-80. Appeals.**

(a) *Procedure.* An appeal to the selectmen may be taken by a person in receipt of a notice to remove any old, discarded, worn out or junked motor vehicle, or parts thereof, by filing a notice of appeal within thirty (30) days of the mailing of notice of the order, or

receipt of the order, whichever occurs first. The appeal shall be in writing and shall state the basis for appeal. The selectmen shall designate themselves or any agent or employee to act as hearing officer in the appeal. The hearing officer shall provide such person with the opportunity to be heard and to demonstrate why the vehicle is not subject to removal within the terms of this article.

(b) *Notice of hearing.* Notice of the hearing shall be given by regular United States mail at least seven (7) days in advance of the hearing data.

(c) *Action by hearing officer.* The hearing officer may affirm, modify or vacate the order of removal. The written decision of the hearing officer shall be issued to the appellant. Any person aggrieved by a decision of the hearing officer may obtain review available by law in the superior court in accordance with the Maine Rules of Civil Procedure 80B.

(Ord. No. 162-90, 12-10-90)

**Sec. 12-81. Removal from private property.**

If any person shall fail, within thirty (30) days after receipt of the order or within thirty (30) days of receipt of the decision of the hearing officer affirming order of removal of the vehicle, to remove any vehicle or parts thereof in violation of section 12-78 or 12-79, the town shall have the right by its duly authorized agent to remove the vehicle or part thereof from any private property and dispose of it as it sees fit without any liability whatsoever.

(Code 1968, § 317.5; Ord. No. 162-90, 12-10-90)

**Sec. 12-82. Cost to be recovered.**

(a) *Liability.* In addition to the fine provided for violation of this article, the person depositing or keeping such vehicle or parts thereof on the public highways, public places or private property shall be jointly and severally liable along with the owner of the private property to the town for the cost of removal thereof and shall pay the costs within thirty (30) days from the date of mailing of a bill assessing the costs of removal. For purposes of this article, there shall be a rebuttable presumption that the last owner of the vehicle deposited or kept the vehicle on the public way, public place or private property.

(b) *Collection.* The procedure for collecting assessments prescribed by section 1-16 of this Code shall apply to all assessments made under this article.

(c0) *Lien.* Assessments for the costs of removal shall be enforceable by lien against the owner of private property upon which the junked vehicle was deposited, in the manner prescribed by section 1-16 of this Code.

(Code 1968, § 317.7; Ord. No. 162-90, 12-10-90)

**Secs. 12-83 – 12-99. Reserved.**

## ARTICLE VI. SOLID WASTE DISPOSAL\*

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**\*Editor's note**—Ord. No. 192A-193, adopted Jan. 25, 1993, amended this article in its entirety, in effect repealing former §§12-100 – 12-110, relative to solid waste disposal, and adding similar new provisions as §§12-100 –12-109A, 12-110, 12-110A, and 12-111 – 12-113, which sections have been redesignated as §§ 12-100 –12-115 at the discretion of the editor. Formerly, this article derived from Ord. No. 260-85, § 1, adopted Dec. 2, 1985; Ord. No. 449-86, adopted Mar. 24, 1986; Ord. No. 80-89, adopted Aug. 7, 1989; Ord. No. 183-89, §§1-10, adopted Dec. 18, 1989; and Ord. 336-91, adopted May 6, 1991.

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### **Sec. 12-100. Purpose.**

The purpose of this article is to protect the health, safety and general well-being of the citizens of Long Island to enhance and maintain the quality of the environment; to conserve natural resources and prevent water and air pollution, by providing for financing the construction, repair and maintenance of a comprehensive, rational and effective disposal and reclamation through the production of energy and otherwise of solid waste in the town of Long Island.  
(Ord. No. 192A-93, 1-25-93)

### **Sec. 12-101. Definitions.**

The following words and terms shall have the meanings ascribed thereto, unless the context otherwise indicates:

*Acceptable waste* shall mean ordinary household, municipal, institutional, commercial and industrial solid waste including, but not limited to, the following:

- (1) Garbage, trash, rubbish, paper and cardboard, plastics, refuse, beds, mattresses, sofas, refrigerators, washing machines, bicycles, baby carriages and automobile or small vehicle tires, to the extent that the contracted facility determines that the air emission criteria and standards applicable to and at the disposal facility are not violated; and
- (2) Processable portions of commercial and industrial solid waste; and
- (3) Wood and lumber, tree limbs, branches, ties, logs and trees, if no more than four feet long and eight (8) inches in diameter, and leaves, twigs, grass and plant cuttings, provided that the municipality shall not be obligated to deliver or cause to be delivered any items listed in this subpart (3) to the disposal facility and further provided that such items may be delivered to the disposal facility by or on behalf of the municipality on an irregular basis only and shall represent an

insignificant portion of the total waste delivered to the disposal facility by or on behalf of the municipality within any calendar year.

Notwithstanding any provisions to the contrary, unacceptable waste, including hazardous waste, shall not be “acceptable waste” and is explicitly excluded therefrom. Furthermore, any substances which, as of the date of a certain waste handling agreement between the municipality and the contracted facility, are included as “acceptable waste” but which are later determined to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction shall not be “acceptable waste” under the terms of this article. However, any substances which, as of the date of such waste handling agreement, are not included within the definition of “acceptable waste” because they are considered harmful, toxic, dangerous or hazardous and which are later determined not to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction shall be considered “acceptable waste” unless a contrary decision has been or is made by any other governmental agency or unit having appropriate jurisdiction unless such substances are otherwise considered “unacceptable waste” or “hazardous waste.”

*Ashes* shall mean that residue from the burning of wood, coal, coke or other combustible material.

*Biomedical waste* shall mean waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

*Commercial refuse collector* shall mean a person, firm, corporation or other entity that regularly collects and hauls the solid waste or recycled goods of another person, firm, corporation or other entity for a fee.

*Construction and demolition debris* shall mean:

- (1) Construction/demolition debris;
- (2) Inert fill;
- (3) Land-clearing debris; and
- (4) Wood waste;

all as defined in Chapter 400 of the Maine Department of Environmental Protection regulations as may be amended from time to time, but excluding acceptable waste and hazardous waste and such other solid waste which the board may by order or regulation exclude.

*Disposal* shall mean the discharge, deposit, dumping, incineration, spilling, leaking or placing of any solid waste, sludge or septage into or on any land, air or water so that the

solid waste, sludge, or septage or any constituent thereof may enter the environment, be emitted into the air or be discharged into any waters.

*Hazardous waste* shall mean a waste substance or material in any physical state, designated as hazardous by chapter 400 of the Maine Dept. of Environmental Protection, and as set by the contracted waste facility.

*Infectious waste* shall include those wastes so defined by the solid waste management regulations promulgated by the Maine Department of Environmental Protection pursuant to Title 38 M.R.S.A. § 1304.

*Person* shall mean any natural person, corporation, partnership, sole proprietorship, association or other legal entity.

*Public solid waste disposal facility (disposal facility)* shall mean any land or structure or combination of land area and structures including the transfer stations used for storing, salvaging, reducing, incinerating, reclaiming or disposing of solid wastes:

*Public works authority* shall mean the Public Works Department of Long Island.

*Resource recovery* shall mean the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purpose.

*Solid waste* shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including, by way of example and not by limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse, but shall not include septic tank sludge nor agricultural, biomedical or hazardous wastes; it shall also include acceptable waste, unacceptable waste and construction and demolition debris as defined herein. The fact that a solid waste or constituent of the waste may have value or other use, or may be recycled, or may be sold or exchanged does not exclude it from this definition.

*Unacceptable waste* shall mean that portion of solid waste which is not acceptable waste and included, but is not limited to, sewage and its derivatives, construction and demolition debris, agricultural waste, biomedical waste, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and hazardous waste.

(Ord. No. 192A-93, 1-25-93)

**Sec. 12-102. Reserved.**



**Sec. 12-103. Solid waste delivery required.**

(a) The dumping, depositing or disposal by any person including, but not limited to, any licensed refuse collector, at any place other than at the designated public solid waste disposal facility of any acceptable waste generated within the Town of Long Island is prohibited.

(b) **Reserved.**

(c) Notwithstanding the provisions of this section, the owner of any lot, or any other person with the permission of the lot owner, may deposit or dump inert substances such as earth, rocks, concrete or similar material for fill purposes only, subject to state law and the provisions of article IV of this chapter.

(d) Unless excused by the public works authority in writing because the public solid waste disposal facility is not available for use, no person shall permanently dispose, upon any land within the corporate limits of the Town of Long Island other than at the designated disposal facility.

**Sec. 12-104. Incineration of solid waste prohibited.**

Except for licensed disposal of hazardous or infectious wastes, it shall be unlawful for any person to burn or incinerate any solid waste within the Town of Long Island. Provided, however, nothing in this section shall apply to the operation of a public solid waste disposal facility.

(Ord. No. 192A-93, 1-25-93)

**Sec. 12-105. Administration.**

(a) The director of the public works authority shall establish rules and regulations governing the availability and use of Long Island disposal facilities not inconsistent with applicable laws and ordinances including, but not limited to, the exclusion of materials from solid waste which may be deposited at a public solid waste disposal facility and any other rules or regulations that the director determines are needed to implement this article. These excluded materials may include junk automobile bodies and such other bulky waste as may require special processing prior to disposal; trees and tree trunks and limbs; burning materials or materials containing hot or live coals; hazardous wastes, and other materials which the public works authority deems necessary to exclude. Hazardous wastes shall be handled in accordance with Title 38 M.R.S.A. as amended.

(b) Before promulgating any rules or regulations or amendments to rules and regulations, except emergency rules or regulations or amendments, the public works authority shall publish a notice of rulemaking at least twice in a newspaper having a

general circulation in the community. The notice shall state that the public works authority will be promulgating rules, the general subject matter covered by the rules, that a copy of the proposed rules may be obtained at the public works authority and that a public hearing will be held at a specified date, time and place. The second newspaper notice must be published at least seven (7) days before the public hearing. The director may enact the proposed rules and regulations immediately after the public hearing. Rules enacted by the director shall go into effect five (5) days after enactment unless enacted on an emergency basis.

(b.1) Emergency rules:

(1) The director of public works may enact emergency rules when the director determines that such rules are necessary to address a situation that creates a threat of harm to the public health, welfare and safety, and the director's decision on the necessity for emergency rules shall be conclusive.

(2) Emergency rules shall be accompanied by a declaration of emergency, and the director may enact such rules without prior published notice or any public hearing.

(3) A notice describing the general subject matter of the rules shall be published in a newspaper of general circulation with five (5) days of enactment. Businesses affected by the emergency rules shall be given notice of the rules and a copy of them by mail sent to the business's last-known address within twenty-four (24) hours of the end of business on the date of promulgation.

(4) Emergency rules shall be in effect for a maximum of sixty (60) days.

Failure to give any notice required by this paragraph shall not invalidate any rule.

(c) The operation of any disposal facility shall conform to all pertinent provisions of this Code and applicable regulations or directives of all state or federal agencies which may have jurisdiction.

(d) Any rules and regulations promulgated by the director of the public works authority prior to the enactment of this section are hereby ratified and given the full effect of law.

(Ord. No. 192A-93, 1-25-93)

**Sec. 12-106. Authorized disposal facility users.**

As a means of user control, the public works authority may require the use of vehicle permits by authorized users which shall be affixed to user vehicles(s). Failure to exhibit such permit may result in denial of use of the city disposal facilities as well as constitute a violation of this chapter.

(Ord. No. 192A-93, 1-25-93)

**Sec. 12-107. Resource recovery.**

The public works authority may require solid waste to be separated into such categories as may be established by rule pursuant to section 12-105 and disposed of only in such manner and at such sites and locations as designated.  
(Ord. No. 192A-93, 1-25-93)

**Sec. 12-108. Property rights.**

No person shall salvage, remove or carry off any such deposited solid waste without prior approval of the municipality. The property rights created by this section shall apply only to solid waste as type of waste placed in a disposal container even if that material or waste is mixed with solid waste.  
(Ord. No. 192A-93, 1-25-93)

**Sec. 12-109. Licensing of refuse collectors.**

Effective October 15, 1988, no person shall collect solid waste within the corporate limits of the town without obtaining a license from the public works authority upon payment of such fees as the council may prescribe by order. Such license shall be issued for the calendar year and shall be subject to the provisions of chapter 15 of this Code, except that:

- (1) The public works authority shall be substituted for the clerk in all instances;
- (2) An additional fee of three (3) times the cost of the license and permit fee for each container shall be charged for the issuance of any license after expiration of the holder's prior license unless the application for renewal of the license was filed prior to such expiration; and
- (3) The fee for a license which is issued after January first of each calendar year shall be prorated for each full month the licensee will not have the use of the license only if the licensee provides verification that it is a business which was not in existence as of January first. In the event that the licensee is a new business, the license fee shall be reduced by ten (10) percent for each full month that the licensee shall not have use of the license, but in no case shall the license fee be reduced by more than fifty (50) percent.

**Sec. 12-110. Licensing, identification and use of roll-on roll-off containers.**

- (a) This licensing requirement applies only to roll-on roll-off containers.
- (b) No solid waste, construction and demolition debris or materials to be recycled, generated within the town may be placed in a roll-on roll-off container unless the container is licensed with the department of public works to hold such waste. In addition to the general container license, a separate permit and appropriate display

stickers shall be obtained each time a container is used to hold either construction and demolition debris or materials to be recycled. The office of building inspections shall issue the separate permit and stickers pursuant to section 12-111 of this article for construction and demolition debris for projects requiring a building or demolition permit. All other permits and stickers shall be issued by the public works authority.

(c) Every roll-on roll-off container used to transport solid waste, construction and demolition debris or materials to be recycled, generated within the city, shall be visibly marked as follows:

(1) On the two (2) largest sides:

Name of waste hauler company;

Company's address and telephone number; and

Size of container, stated in cubic yards.

(2) Lower left corner/driver side:

Long Island container license;

Demolition disposal sticker, if appropriate;

Recycling sticker, if appropriate.

(d) A container may not have a demolition disposal sticker and a recycling sticker on it at the same time.

(e) A container may only contain one (1) type of waste at a time. Acceptable waste, construction and demolition debris and unacceptable waste may not be placed in the same container at the same time.

(Ord. No. 192A-93, 1-25-93)

**Sec. 12-111. Disposal of construction and demolition debris generated within the Town.**

(a) **Reserved.**

(b) *Permit required.* No person shall collect, recycle, haul or transport construction and demolition debris without first obtaining a construction and demolition debris disposal facility permit as described in the section.

(1) All persons who obtain a building or demolition permit from the town shall simultaneously obtain a construction and demolition debris

disposal facility permit from the office of building inspections. This requirement shall not apply to a residential home-owner whose project will create three (3) cubic yards or less of construction and demolition debris.

(2) Prior to the issuance of a building or demolition permit, the town building inspector or his designed shall inspect the premises for which the building or demolition permit is sought to determine whether hazardous or special wastes are present on the premises; if hazardous or special wastes are present on the premises, the parties seeking the building or demolition permit, must furnish the town with evidence of lawful disposal of the hazardous or special wastes in order to receive the building or demolition permit and construction and demolition debris disposal facility permit.

(3) In any case where the town issued a building or demolition permit before the effective date of paragraph (b)(1) above, the construction and demolition debris disposal facility permit must be purchased from the public works authority by the person transporting the waste or the waste generator.

(4) The demolition debris disposal facility permit shall authorize the person to whom it is issued to dispose of construction and demolition debris from the premises for which the building or demolition permit is issued, at the town designated facility.

(c) *Permit fee.* The fee for the initial construction and demolition debris disposal permit shall be calculated by the office of building inspections on a case-by-case basis. It shall depend on fees established by selectmen.

The fee shall be nonrefundable. The disposal permit shall authorize the permittee to dispose of a specified amount of waste at the construction and demolition debris disposal facility and shall only be valid for the amount stated on the face of the permit.

If the amount of the original permit is too low, the permit holder shall purchase a subsequent permit or permits from the public works authority.

If the amount of disposal authorized by the original permit or subsequent permits is too high, the permit owner may obtain a transferable credit from the public works authority for future disposal at the construction and demolition disposal facility so long as the building inspector has issued a certificate of occupancy or completion and the owner applies within two (2) months of the date upon which the building inspector's certificate was issued. The maximum credit allowed will be fifty (50) percent of the total amount paid for construction and demolition debris permits for the project.

(d) *Sorting requirement.* At any site for which a building permit is issued, any person or entity that owns or controls the site must sort the waste generated by any construction project on the site in such a manner that acceptable solid waste, metal, and construction and demolition debris without metal, are distinct and can be separately moved. Under no circumstances may these types of waste be mixed in any type of disposal container or in any vehicle.

The metal sorting requirement does not apply to nails and other fastening devices made out of metal.

Wood waste may be separated and recycled at the discretion of the generator if it is unacceptable waste.

Metal waste may be recycled at the discretion of the generator if it is unacceptable waste. The Town may allow clean inert fill to be disposed of at a location designated by the town without a fee providing that applicants receive prior written approval from the town public works authority.

(e) *Rejected loads.* The city's public works authority is the only authority to designate a load of demolition debris as unacceptable for disposal at the town construction and demolition debris disposal facility. If a load is rejected, the public works authority will retain the transporter's trip ticket or coupon and give the waste transporter a reasonable opportunity to bring the load into compliance. If the load is not brought into compliance, the ticket or coupon and the value that it represents shall be forfeited to the town and the transporter shall be given permission to take the load out of the town.

### **Sec. 12-113. Violations.**

(a) Violations of rules promulgated pursuant to the chapter, and violations of this chapter by any person, shall be subject to the penalty provisions of section 12-114 of this Code.

(b) Licenses, renewals of licenses, and permits issued under this chapter may be denied, revoked or suspended by the public works authority as follows:

(1) The first violation by a licensed commercial refuse collector of any provision or provisions of this article shall result, in addition to any penalty or relief the town may seek under section 12-114 of this Code, in a thirty-day (30) suspension of that commercial refuse collector's license or, if on the date of the first violation such license will expire in less than thirty (30) days, the revocation of such license.

The first violation of the construction and demolition debris provisions of this chapter shall also result in the revocation of any construction and

demolition debris disposal facility permits for the project that generated the waste.

(2) The second violation, at any time, by a licensed commercial refuse collector of any provision or provisions of this article shall result, in addition to any penalty or relief the city may seek under section 12-114 of this Code, in a six-month suspension of that commercial refuse collector's license or, if on the date of the second violation such license will expire in less than six (6) months, the revocation of such license.

(3) The third violation, at any time, by a licensed commercial refuse collector of any provision or provisions of this article shall result, in addition to any penalty or relief the city may seek under section 12-114 of this Code, in revocation of that commercial refuse collector's license and in the denial of commercial refuse collector's licenses to that person for subsequent calendar years unless and until the public works authority determines that the commercial refuse collector may be allowed to apply for and receive a license under this article due to a change in the person's circumstances since the time of the third violation; provided, however, that any further violation shall result in the revocation of the commercial refuse collector's license and the barring of that commercial refuse collector from applying for a license under this article in subsequent calendar years.

(4) No commercial refuse collector's license may be suspended or revoked unless there first has been a hearing before the public works authority, with seven (7) days' prior written notice to the commercial refuse collector.

(c) Decisions of the public works authority and the office of building inspections may be appealed to the city manager within ten (10) days after receipt of written notice of the public works authority's or the office of building inspection's decision. Seven (7) days' prior written notice of the time and place of the appeals hearing shall be given to the licensee or applicant. The appeals hearing must be held within ten (10) business days of the date upon which the notice of appeal is received by the town unless the licensee and the town agree to extend the hearing date.

The taking of an appeal to the selectmen shall not stay the public works authority's or the office of building inspection's decision or any denial, revocation or suspension of a commercial refuse collector's license or construction and demolition debris disposal facility permit ordered by the public works authority unless the selectmen orders such a stay for good cause shown by the licensee.

**Sec. 12-114. Fines.**

Whoever violates any of the provisions of this article shall be punished by a fine of not less than two hundred dollars (\$200.00) per violation plus costs, which fine shall be recovered on complaint to the use of the city. Each day upon which any continuing violation of any provision of this article shall occur shall constitute a separate violation, and each incident of disposal of solid waste in violation of this article shall constitute a separate violation.

**Sec. 12-115. Right to inspect.**

Any official, officer or employee of the town shall have the right to inspect the contents of a solid waste container, including a construction and demolition debris container, at any time.  
(Ord. No. 192A-93, 1-25-93)

**Secs. 12-116 – 12-119. Reserved.**