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**WALDOBORO  
SOLID WASTE DISPOSAL AND  
REQUIRED RECYCLING ORDINANCE**

**ARTICLE I. Title, Purpose, & Definitions**

- 1.1. Title: This Ordinance shall be known, and may be cited, as Amended and Restated Waldoboro Solid Waste Disposal and Required Recycling Ordinance. This Ordinance amends, restates, replaces and supersedes Chapter 65, Solid Waste Disposal dated March 24, 1980, as amended.
- 1.2. Purposes: This Ordinance:
  - 1.2.1. protects the health, safety and general well being of the citizens of Waldoboro;
  - 1.2.2. provides for the orderly and cost-effective disposal of solid waste;
  - 1.2.3. enhances and maintains the quality of the environment and conserves natural resources;
  - 1.2.4. prohibits littering and water and air pollution;
  - 1.2.5. provides for an adequate disposal facility and its maintenance;
  - 1.2.6. expressly limits use of the Transfer Station to Residents and Permitted Users;
  - 1.2.7. protects all Permitted Users and Residents from the misuse of taxes and fees they pay for the operation of the Transfer Station;
  - 1.2.8. requires the lawful disposal of Solid Waste to extend the useful life of the Landfill; and
  - 1.2.9. requires recycling to achieve all of the foregoing purposes.
- 1.3. Definitions
  - 1.3.1. Board means the Select Board of Waldoboro.

- 1.3.2. Bulky Waste includes but is not limited to furniture, drapes and other furnishings, mattresses, box springs, ropes, fencing, appliances, carpets and carpet padding and certain miscellaneous items, which are more fully described in Attachment A.
- 1.3.3. Compostable Waste includes leaves, grass clippings, prunings, and other similar wastes resulting from lawn care and gardening. Compostable Waste is more fully described in Section 2.7
- 1.3.4. Construction and Demolition Debris means mineral refuse and debris resulting from construction, remodeling, repair, or demolition of structures and is more fully described in Attachment A.
- 1.3.5. Disposal Methods refers to the methods Permitted Users and Residents use or may use to dispose of Solid Waste. Disposal methods may include Pay-Per-Bag or Single Stream or other generic methods of Disposing of Solid Waste.
- 1.3.6. Garbage or Trash mean everyday items Residents and Permitted Users generate and discard. It refers specifically to Solid Waste, which the Transfer Station does not recycle or place in the Landfill. Garbage and Trash do not include Bulky Waste, Compostable Waste, Construction and Demolition Debris, Recyclables, and Universal Waste.
- 1.3.7. Landfill means the area or areas the Board designates from time-to-time for the disposal of categories of Construction and Demolition Debris and the collection of Bulky Waste, and other items, which are not Garbage or Trash.
- 1.3.8. Partner means any town or municipality, which has joined or will join Waldoboro's efforts to collect, dispose of and recycle Solid Waste at the Transfer Station and the Landfill in accordance with the terms of this Ordinance.
- 1.3.9. Municipal Services Agreement means the agreement among Waldoboro and the Partners to share, among other things, the expenses of operating the Transfer Station. This Ordinance makes reference to The Municipal Services Agreement in Section 2.9.
- 1.3.10. Permitted User means any Resident, Resident Business, qualified part-time resident, or Waste Hauler holding a properly placed Transfer Station decal or permit.
- 1.3.11. Recyclables means items that can be reused or reclaimed to produce a new product. Recyclables include the items listed and described in Attachment A.

- 1.3.12. Resident means any person who maintains his, her, or its legal residence in Waldoboro or the Towns of Cushing or Friendship or any other town, which is or becomes a Partner. Resident also means summer residents or others who reside seasonally in Waldoboro or in one of the Partners and who may qualify to obtain a Transfer Station decal or permit.
- 1.3.13. Resident Business means any legally established commercial, professional, retail, wholesale or other business or legal entity conducting its operations within the boundaries of Waldoboro or a Partner.
- 1.3.14. Scale means the duly certified and annually tested instrument, which conforms to Maine and National Measurement Standards and which the Transfer Station uses to determine the weight of Solid Waste transported to the Transfer Station for disposal.
- 1.3.15. Solid Waste means Bulky Waste, Compostable Waste, Construction Demolition Debris, Garbage or Trash, Recyclables, and Universal Waste. Solid Waste does NOT include Unacceptable Waste.
- 1.3.16. Swap Shop means that area of the Transfer Station where Permitted Users may ~~recycle~~ place discarded items that are still useable. The rules for establishing and operating the Second Hand Shop are set forth in Attachment C.
- 1.3.17. Tax Collector means the Tax Collector of Waldoboro.
- 1.3.18. Transfer Station means the land, buildings, and other facilities the Board has set aside for the disposal of Solid Waste.
- 1.3.19. Transfer Station Committee means the committee more fully described in Article II, Section 2.4.
- 1.3.20. Unacceptable Waste includes, but is not limited to, hazardous wastes, biomedical wastes (except as noted in Attachment A), containers that previously contained pesticides, infectious waste, asbestos, and special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended. It also includes waste that is prohibited because it does not meet the requirements of Article II, Section 2.3.4 of this Ordinance. Unacceptable Waste is more fully described in Attachment A.
- 1.3.21. Universal Waste is a category of Recyclables. It refers to electrical appliances, including but not limited to, televisions, radios and computers, which are collected at the Transfer Station for a fee and transported to appropriate disposal areas. Universal Waste also includes compact fluorescent lamps (CFLs). Universal Waste is more fully described in Attachment A.

1.3.22. WTS Manager means the employee, whom the Town Manager of Waldoboro appoints to operate and manage the Transfer Station.

1.3.23. Waste Hauler means any person or company holding a valid Waste Hauler license or permit from the Town of Waldoboro and who charges a fee for hauling Solid Waste to the Transfer Station.

## **ARTICLE II. General Provisions**

2.1. Storage and Disposal Requirements: Storage of Solid Waste prior to removal to the Transfer Station shall be the responsibility of all dwellings and commercial and industrial facility owners or primary occupants, including Residents and Resident Businesses. All shall store their Solid Waste in closed containers or by using other similar methods to preclude odors, rodents, insects, and other vermin from becoming a nuisance or health hazard.

2.2. Transfer Station Area and Landfill

2.2.1. Transfer Station Area. The Board, in consultation with the Transfer Station Committee and subject to a vote of the citizens of Waldoboro, shall establish, from time-to-time, an area or areas for the Transfer Station and shall maintain a permanent posting of the Transfer Station's location on the Waldoboro website.

2.2.2. Landfill. The Board, in consultation with the Transfer Station Committee and after a public hearing, may designate from time-to-time a Landfill or Landfills for the disposal of categories of Demolition Debris.

2.3. Use of the Transfer Station and Landfill

2.3.1. Recycling Required. This Ordinance requires recycling. Recycling minimizes the costs of disposing of and transporting Solid Waste, offsets the cost of operating the Transfer Station, and extends the life of the Landfill. All Permitted Users shall dispose of all Solid Waste and shall recycle in accordance with this Ordinance and the regulations of the State of Maine. (Please refer to Attachment A for re-cycling rules and guidelines.) In the event of a conflict between this Ordinance and State of Maine regulations, the regulations of the State of Maine shall apply if they are more restrictive.

2.3.2. Sole Use for Permitted Users. The Transfer Station and Landfill are solely for the use of Permitted Users. All Permitted Users must hold a valid Transfer Station decal or permit to use the Transfer Station and/or Landfill. All others are strictly prohibited from using the Transfer Station and the Landfill(s).

- 2.3.3. Transfer Station Decals and Permits. Each vehicle entering the Transfer Station or the Landfill must display either a decal or a permit valid for the then current calendar year or a defined period falling within the then current calendar year. The decal or permit shall be affixed or displayed in accordance with its instructions. Transfer Station employees shall turn away, or may enlist the support of Waldoboro police to turn away, vehicles without valid decals or permits. Permitted Users shall obtain their decals or permits in the manner set forth in Attachment A.
- 2.3.4. Origin of Solid Waste. No person, firm, corporation or other legal entity residing or operating as one or more of the Partners shall deposit, or cause or permit to be deposited, Solid Waste or Unacceptable Waste in any structure or on, or under, any land within Waldoboro or areas owned or occupied by, or allocated to, a Permitted User or Partner, which originates or is collected from or is in any way gathered, generated, or collected from outside the borders of Waldoboro or the Permitted Users or the Partners. Permitted Users shall not deposit Solid Waste at the Transfer Station or Landfill that has been conveyed, or given to them by non-residents or individuals, entities, firms, or corporations which are not Permitted Users.
- 2.3.5. Disposal Methods, Dumping Fees, Unacceptable Waste and Littering. All Solid Waste, including all Recyclables, generated from within the confines of Waldoboro and the Partners shall be deposited at the Transfer Station and/or the Landfill, except those items specifically exempted in Attachment A.
- 2.3.5.1 Disposal Methods. A majority of the Voters of the Town of Waldoboro casting their ballots at Open Town Meeting or during a Referendum Vote shall determine all Disposal Methods. The Transfer Station Committee shall recommend Disposal Methods to the Board. The Board shall conduct public hearings prior to placing articles regarding Disposal Methods on the Town Warrant.
- 2.3.5.2. Dumping Fee: Permitted Users, who deposit Solid Waste, which is NOT accompanied by Recyclables of a weight or volume set forth in Attachment A, shall pay the Dumping Fee set forth in Attachment B. The Dumping Fee shall be due whether or not an exemption for such Solid Waste is set forth in Attachment A.
- 2.3.5.3. Unacceptable Waste Prohibited. Unacceptable Waste shall not be deposited at the Transfer Station or the Landfill; it must be handled in the manner set forth in Attachment A.
- 2.3.5.4. Littering Prohibited. This Ordinance prohibits littering; dumping along roads, by-ways, streets and highways; unauthorized junkyards; and other



activities, which result in the deposit of Solid Waste or Unacceptable Waste outside of the boundaries of the Transfer Station or Landfill. Littering and unauthorized dumping are subject to the penalties and fines set forth in Attachment B of this Ordinance.

#### 2.3.6. Waste Haulers and Waste Hauler Licenses.

2.3.6.1. Waste Hauler License Required. No person shall engage in the business or businesses of collection, transportation or disposal of Solid Waste within the borders of Waldoboro and the Partners without a valid license. Waste Haulers must apply for and obtain a license for use of the Transfer Station from the Tax Collector in accordance with Attachment A. Waste Hauler Licenses shall be valid for a period of one year, unless sooner revoked for cause. The Board may limit the number of Waste Hauler licenses the Tax Collector may issue. The Board shall from time-to-time establish the annual Waste Hauler license fees set forth in Attachment B. Waste Hauler licenses are not transferable and only the business and/or applicant identified on the application and the license itself may use them.

2.3.6.2. Separation of Solid Waste. Waste Hauler vehicles shall adequately accommodate the separation of Recyclables from other Solid Waste. Except as noted in Appendix A, Waste Haulers shall deposit at the Transfer Station all of the Recyclables they collect from their customers or pay the fees set forth in Attachment B.

2.3.6.3. Inspection Certificates. Waste Haulers shall transport their collected Solid Waste in vehicles with up-to-date inspection certificates. Waste Haulers shall not engage the services of drivers who do not carry valid drivers' licenses for the classes of vehicles the Waste Haulers operate.

2.3.6.4. Vehicles Covered. Waste Haulers shall cover their vehicles to keep their loads dry and to prevent the loss of any Solid Waste during collection, transport, and disposal operations. Waste Haulers cited for littering shall incur the fines and penalties set forth in Attachment B.

2.3.6.5. Sanitize Vehicles. Waste Haulers shall clean and disinfect their vehicles to eliminate possible odors and prevent vermin. Transfer Station employees may prevent unsanitary Waste Hauler vehicles from entering and using the Transfer Station and the Landfill.

2.3.6.6. Scale Weights. Transfer Station employees may require Waste Haulers to obtain full and empty weights at the Scale to determine dumping fees and penalties, if applicable.

2.3.6.7.Origins of Solid Waste. Waste Haulers must not collect and deposit at the Transfer Station Solid Waste or Universal Waste originating from or generated by clients located outside the borders of Waldoboro and the Transfer Station Partners.

2.3.6.8.Non-Compliance. A Waste Hauler's failure to comply with any provision of this Ordinance shall result in the payment of the fines and penalties set forth in Attachment B. Waste Hauler non-compliance with this ordinance shall constitute a civil violation and shall be sufficient cause for the Transfer Station Committee immediately to recommend to the Board the revocation of the Waste Hauler's license.

2.3.7. Scavenging and Salvaging. This Ordinance absolutely prohibits the scavenging and salvaging of materials from the Landfill because such activities can lead to injuries and other risks and hazards.

2.3.8. Unacceptable Waste.

2.3.8.1.Unacceptable Waste is more fully described in Attachment A. Only duly licensed companies and/or individuals may dispose of Unacceptable Waste. Licenses for the disposal of Unacceptable Waste require final approvals from the municipal, state, and federal agencies concerned. Unacceptable Waste must be disposed of in accordance with all applicable state and federal regulations.

2.3.8.2.Permitted Users who do not have licenses to dispose of Unacceptable Waste shall contract with companies the State of Maine has duly licensed to dispose of Unacceptable Waste.

2.3.8.3.The Transfer Station shall not take Unacceptable Waste. No person shall dispose of Unacceptable Waste anywhere within the borders of the Partners unless the Select Board has designated a site for Unacceptable Waste and Waldoboro or one of the Partners has obtained the required state and federal approvals for an Unacceptable Waste disposal site.

2.3.9. Attachments. This Ordinance hereby incorporates Attachments A and B, which are by reference made a part of it. The Board shall have the sole authority to amend and/or re-state or replace Attachments A and B, and to add attachments consistent with the terms of this Ordinance. Such amendments, restatements, replacements or additions shall occur only after the Board has held public hearings and has conducted openly public and televised consultations with the Transfer Station Committee.

## 2.4. Transfer Station Committee, Enforcement, Complaints, and Penalties

### 2.4.1 Purposes. The Transfer Station Committee shall:

- 2.4.1.1. Deliberate over and recommend Transfer Station Rules, which shall be consistent with the terms of this Ordinance and subject to the Board's approval;
- 2.4.1.2. Recommend the Transfer Station's hours of operation to the Board;
- 2.4.1.3. Recommend Recycling and Disposal Methods and policies to the Board;
- 2.4.1.4. Hear complaints and act upon them. The Committee may agree with the aggrieved party and recommend Ordinance changes or other actions to the Board. Alternatively the Committee may recommend sanctions or penalties for unacceptable behaviors or actions of Permitted Users. Penalties may include fines, revocation of licenses, requests for police action, sanctions, and any combination of the foregoing;
- 2.4.1.5. Recommend policies concerning Waste Haulers to the Board;
- 2.4.1.6. Make recommendations to the Board concerning signs at the Transfer Station;
- 2.4.1.7. Recommend changes or additions to the Transfer Station's physical layout and equipment. Such recommendations may relate, but not be limited, to reducing costs, improving service and efficiency, adding services and equipment, and containing the rate of growth of the cost of operating the Transfer Station and the Landfill;
- 2.4.1.8. Recommend fees charged to cover costs of operating the Transfer Station; and
- 2.4.1.9. On an as-needed basis, appoint Committee members to attend meetings of the Municipal Review Committee (MRC) and of the Penobscot Energy Recovery Company (PERC) and to report back to the Committee in order that the Committee may deliberate over MRC and PERC proceedings and make recommendations to the Board.

### 2.4.2 Transfer Station Committee Membership

The Transfer Station Committee shall consist of three seats from Waldoboro and two seats from each Partner. One of each Partner's two seats shall be allocated to a currently sitting select board member of such Partner – or former select board member -- and one seat shall be allocated to a Resident of such Partner. The select board of each Partner shall appoint its respective Transfer Station Committee members. One of the three Waldoboro Transfer Station Committee seats shall be allocated to a Waste Hauler, one seat shall be allocated to a currently sitting Board member, and the third seat shall be a non-seasonal Resident of Waldoboro. (If a Waste Hauler is not available to take the allocated

seat, the Board may appoint a non-seasonal Resident to the seat.) The select boards of Partners and the Board may choose alternates to attend Transfer Station Committee meetings. Alternates may vote at meetings at which their permanent members are not present. The Head of Waldoboro's Department of Public Works and the WTS Manager shall attend all Transfer Station Committee meetings in an advisory capacity. They shall not vote.

2.4.3. Transfer Station Committee Meetings. All Transfer Station Committee meetings shall be public and shall occur at least monthly in the Waldoboro Town Office, where they must be recorded for television broadcasts. During the first July meeting of each year, the Transfer Station Committee members shall elect a chairperson, a vice-chairperson, and a Secretary, all of whom may serve until the next succeeding July meeting. During each annual July meeting, the Chairperson of the Transfer Station Committee shall obtain the consensus of all Committee members regarding meeting schedules, creation of agendas, and rules for conducting business.

2.4.3.1. Quorum. A quorum shall be required at each Transfer Station Committee meeting. A quorum shall consist of the presence of a "majority plus one" Transfer Station Committee members.

2.4.3.2. Majority Vote. All actions or decisions of the Transfer Station Committee shall be by majority vote of the members present.

2.4.3.3. Failure to Attend Meetings. The failure of any Transfer Station Committee Member to attend three consecutive regularly scheduled Transfer Station Committee meetings without an excused absence from the Committee Chairperson, shall constitute sufficient grounds for the Committee Chairperson or, if applicable, the Committee Vice Chairperson, to remove such member from the Transfer Station Committee. The vacated seat shall be filled in the same manner of appointment as initially used to fill the seat.

2.4.3.4. Committee's Failure to Act. In the event the Transfer Station Committee fails to reach agreement, for whatever reason, concerning any matter for which this Ordinance bestows responsibility, then one or more of the Waldoboro members of the Committee may request in writing that the Board assume responsibility for the matter.

## 2.5 Enforcement of Transfer Station and Landfill Rules.

2.5.1 Inspections. Transfer Station employees shall have the authority to stop any vehicle and inquire of any person entering the Transfer Station and/or Landfill. They have the absolute right to examine any material a person brings to the

Transfer Station and/or Landfill to determine compliance with this Ordinance. Entry of Unacceptable Waste into the Transfer Station and/or Landfill is strictly prohibited. Entry of Solid Waste that is not separated in accordance with the terms of this Ordinance or which this Ordinance prohibits may, in the discretion of the WTS Manager, be subject to the fees set forth in Attachment B. Transfer Station employees shall prevent the entry of any and all vehicles without valid decals or permits. Police enforcement may be called upon. Violators of this Ordinance shall be called to account and, if the Board, by recommendation of the Transfer Station Committee, deems appropriate, prosecuted and/or barred from the use of the Transfer Station and the Landfill. A violation of this ordinance shall be deemed a civil violation.

2.5.2 Inspection Refusals. Any Transfer Station employee or the Head of Waldoboro's Department of Public Works may reasonably request the departure from the Transfer Station and/or Landfill of any occupant of any vehicle, who refuses to allow Transfer Station employees to inspect the Solid Waste contents of the vehicle or who refuses to answer questions about the nature of the contents of the vehicle or who behaves in an insulting or abusive manner. The refusal of such request may constitute trespassing. The police may be called upon to enforce the law.

2.5.3 Fines and Penalties. The Transfer Station Committee, upon recommendation of the WTS Manager, may request the Board to assess penalties and/or fines against violators of any provision of this Ordinance, including the provision against littering, in accordance with the fines, penalties and sanctions set forth in Attachment B of this Ordinance. The Board shall support the Transfer Station Committee's findings unless the facts of a case, as presented, require other actions.

## 2.6 Swap Shop

2.6.1 Purpose. The Swap Shop shall facilitate recycling of items left at the Transfer Station.

2.6.2 Swap Shop Management. The management procedures and policies of the Swap Shop shall be developed and recommended by the Transfer Station Committee and reviewed and approved by the Board. Swap Shop management procedures and policies, if adopted by the Board, shall become an additional attachment to this Ordinance.

## 2.7 Composting

2.7.1 Composting Encouraged. This Ordinance encourages Permitted Users to compost on their own property.

- 2.7.2 Compostable Waste. Compostable Waste shall consist only of biodegradable plant materials. Compostable Waste does not include animal and human waste. Farmers and growers may use the manure of their farm animals for composting and fertilizing on their own property.
- 2.7.3 Composting Principles and Sites. Residents shall compost in accordance with reasonable composting techniques and principles, which prevent odors and do not attract vermin. Compost piles must not be a nuisance to neighbors, and must be sited unobtrusively and away from the view of the public and neighbors. Composting shall not pollute the Medomak River watershed or its wetlands or compromise the use of the Medomak River watershed and wetlands for clamming, fishing and other commercial and recreational use. All composting shall be done in accordance with best management practices and the Waldoboro Land Use Ordinance.
- 2.7.4 Composting at Transfer Station. The Board, upon recommendation of the Transfer Station Committee, may direct the establishment of composting areas at the Transfer Station. The Maine Department of Environmental Protection must approve such areas, and the rules for composting, if any, shall be the subject of an additional attachment to this Ordinance. The Transfer Station Committee shall determine the uses and/or disposition of Transfer Station compost.
- 2.8 Validity/Separability: If a court of law finds any part of this Ordinance to be unenforceable or contrary to existing laws, such finding shall not affect the legality or enforceability of any other part of this Ordinance.
- 2.9 Effective Date: This Ordinance shall take effect 30 days after Waldoboro and the Partners have approved the Amended and Re-stated Municipal Services Agreement in accordance with its terms. The Amended and Restated Municipal Services Agreement governs the relationships between Waldoboro and the Partners.

Approved June 12, 2012 by Town Meeting.

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Craig Cooley

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Steve Cartwright

Attest to all:

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James Bodman

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John A. Spear, Town Manager

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Theodore Wooster

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Carl Cunningham

Attest: A true copy as certified to me by the Municipal Officers of Waldoboro, Maine on July 24, 2012.

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Linda E. Perry, Town Clerk

Town Seal