

**TOWN OF SEBEC**  
**DISPOSAL OF SOLID WASTE ORDINANCE**

An Ordinance relating to the Disposal of Solid Waste within the Town of Sebec.  
Prescribing Rules and Regulations Therefore; Providing Penalties for Violation Thereof.

**ARTICLE I. GENERAL**

**1.1 Short Title**

This Ordinance, prepared in accordance with the provisions of Title 30, MSRA § 1971, 2151, 2153, 4101, 4102 and Title 38, MSRA § 1304-B, as amended, shall be known as and may be cited as the “Ordinance for the Control and Regulation of Solid Waste Collection and storage with the Town of Sebec”, and shall be referred to herein as the “Ordinance”.

**1.2 Purpose**

The purpose of the Ordinance is to protect the health, safety and general well-being of the citizens of Sebec, enhance and maintain the quality of the environment; conserve natural resources and prevent water and air pollution.

and to

Provide for a comprehensive, rational and effective means of regulating the disposal of solid waste in the Town of Sebec. In accordance with the provisions of Title 38, MSRA § 1305, sub-section 1. the municipality has a statutory obligation to provide a solid waste disposal facility for domestic and commercial waste generated within the municipality. Municipal solid waste contains recoverable resources, including energy which, if recovered, may reduce the municipal cost of solid waste disposal. And since, the municipality, in accordance with the terms of a contract with a waste energy recovery facility, is required to guarantee a steady supply of solid waste during the life of said contract, the municipality must exercise its legal authority to collect, transport and dispose of solid waste generated within its borders to ensure such delivery of solid waste to the said energy recovery facility. The municipality finds that the use of an energy recovery facility, to process acceptable solid waste, is an environmentally sound and economically viable solution to the municipality’s solid waste disposal program.

**1.3 Definitions**

For the purpose of this Ordinance, the following definitions shall be observed in the construction of this Ordinance. All terms not specifically defined herein shall have their ordinary meaning; words used in the present tense include the future and the plural includes the singular.

- 1.3.1 “Acceptable Waste” shall mean all solid wastes of the type presently accepted at the municipal collection facility, including all ordinary household, municipal, institutional, commercial and industrial wastes with the following exceptions:
- 1) Demolition or construction debris from roadway project or locations;
  - 2) Liquid waste or sludges;
  - 3) Abandoned or junk vehicles;
  - 4) Hazardous waste, that is, waste with inherent properties that make it dangerous to manage by ordinary means, including but not limited to, chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes and other wastes defined as hazardous by the State of Maine or the Resource Conservation and Recovery Act of 1976, as amended, or other federal, state or local laws, regulation, orders or other actions promulgated or taken with respect thereto;
  - 5) Dead animals or portions thereof or other pathological wastes;
  - 6) Water treatment residues;
  - 7) Tree stumps;
  - 8) Tannery sludge;
  - 9) Waste oil; and tree length wood
- 1.3.2 “Board” shall mean the Sebec Board of Selectmen.
- 1.3.3 “Collection Facility” shall mean a building or container or designated area in which acceptable waste is deposited and temporarily stored for shipment to the energy recovery facility.
- 1.3.4 “Disposal” shall mean the discharge, deposit, dumping, or placing of any solid waste within or upon a municipality designated collection facility, or disposal facility or an energy recovery facility approved by the Board of Environmental Protection.
- 1.3.5 “Disposal Facility” shall mean the facility(ies) designated by the municipality as the storage and/or disposal site(s) for unacceptable wastes.
- 1.3.6 “Energy Recovery Facility” shall mean the facility designated herein which processes and recovers energy and/or useful materials from acceptable waste supplied by the municipality.
- 1.3.7 “Municipal” shall mean the Town of Sebec.
- 1.3.8 “Municipal Officers” shall mean the Sebec Board of Selectmen.
- 1.3.9 “Resident” shall mean any person who is domiciled within the Town of Sebec or within any town which may be a party to a solid waste agreement with the Town of Sebec.

It shall include seasonal person(s) who may own, rent or lease a private dwelling therein.

- 1.3.10 “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 septage tank sludge, agricultural wastes; tree stumps nor tree length logs.
- 1.3.11 “Waste Generated Outside of the Town” shall mean material that is brought into the Town and that subsequently undergoes a change in form or content, the result of which is an actual or potential economic gain for the owner or possessor of the material, shall not be considered waste; by way of example, and not by way of limitation, white goods that have salvageable parts at the time that they enter the Town shall not be excluded from the dump so long as the salvageable parts are removed prior to the disposal of the goods.
- 1.3.12 “Unacceptable Waste” shall mean all solid waste of the type municipalities are required to regulate by Title 38, MSRA § 1305, as amended, which specifically excludes industrial and sewage treatment plant sludge, and not included in the definition of acceptable waste. Waste-water treatment plant sludge shall be disposed of in accordance with the Town of Sebec Sewer Use Ordinance and pertinent state and federal laws and regulations.

## **ARTICLE II. COLLECTION FACILITY**

### **2.1 Designation**

- 2.1.1 The municipality shall, in accordance with the provisions of Title 38 MSRA § 1304-B, as amended, provide and designate a collection facility for the purposes cited in 1.3.3 of this Ordinance. The deposit of acceptable waste by any person or persons at any place other than at the municipality designated collection facility or any other facility approved by the Board of Environmental Protection, is prohibited.

## **ARTICLE III. TRANSFER STATION/STORAGE FACILITY**

### **3.1 Designation**

- 3.1.1 The municipality shall, in accordance with the provisions of Title 38, MSRA, Section 1305, provide and designate a transfer facility for the purposes cited in Article I, Section 1.3.5 of this Ordinance. The dumping or depositing of any solid waste by any person or persons at any place other than at the municipality designated disposal facility or any other facility approved by the Board of

Environmental Protection, is prohibited, however, the owner of any lot, or any other person or persons, with the permission of the lot owner, may deposit or dump such substances as earth, rocks, ledge, concrete or like material for the fill purposes only.

#### **ARTICLE IV. ENERGY RECOVERY FACILITY**

##### **4.1 Designation**

4.1.1 In accordance with the provisions of Title 38, MSRA § 1304-B, the municipality hereby designates the Penobscot Energy Recovery Corporation facility, located in Orrington, Maine, as its energy recovery facility for the purpose cited in Article I of this Ordinance.

#### **ARTICLE V. ADMINISTRATION**

##### **5.1 Governing Board**

5.1.1 The Board of Selectmen shall establish the rules and regulations, which shall be consistent with the standards established by the Ordinance. Specifically:

- 1) To ensure that the operation of the collection and storage facility shall conform to all pertinent regulations or directives of all local, county, state or federal agencies which may have jurisdiction;
- 2) To adopt reasonable rules and regulations as needed to enforce this Ordinance;
- 3) To consider all license applications and to grant or deny each application within ten (10) days after receipt of a completed application at the municipal offices or within such other time as the municipal officers and the applicant shall agree is reasonable;
- 4) To review any alleged violation of this Ordinance, and to take appropriate action therefore after notice and hearing, as required by this Ordinance;
- 5) To institute necessary proceedings, either legal or equitable, to enforce this Ordinance.

#### **ARTICLE VI. RULES AND REGULATIONS**

##### **6.1**

The accumulation, collection, transportation and storage of acceptable waste and unacceptable waste within the municipality shall be regulated in the following manner.

6.1.1 All acceptable waste shall be deposited at a collection facility or directly at the energy recovery facility.

6.1.2 All unacceptable waste shall be deposited at the storage facility. (Exception, see 3.1.1)

## 6.2 Authorized Collection & Storage Facilities Users

6.2.1 The availability and use of collection and/or storage facilities shall be limited to the residents of the municipality and to the solid waste generated within the municipality. The municipality may, through mutual agreement, authorize the availability and use of its collection and storage facilities by another community and the solid waste generated therein. Such mutual agreements must be approved by the voters of the respective municipality, or, if authorized by the voters, by the respective boards of Selectmen.

6.2.2 As a means of user control of the collection and storage facilities, the municipality shall distribute vehicle permits to all authorized collection and storage facilities users which shall be affixed to user vehicles. Such permits shall be prominently displayed and affixed in a manner prescribed by the board.

## 6.3 Waste Separation

6.3.1 Solid waste deposited at the storage facility shall be separated into the following general categories and disposed of only in those sites and locations as designated to receive same:

- 1) All inert metals, including but not limited to, iron, copper, lead, aluminum, brass, bronze, tin and composites thereof.
- 2) All wood materials including, but not limited to, shrubs, limbs, branches, leaves, construction lumber and timbers (see exception below), composition boards, plywood, and like substances. EXCEPTION: wood construction materials treated with wood preservatives, including but not limited to, pentachlorophenol, cooper naphthenate, and water-borne salt preservatives shall be separated from other wood debris and deposited in those sites so designated.

## 6.4 Excluded Waste

6.4.1 Certain materials cited as hazardous waste (see 1.3.1.) shall not be accepted for disposal, storage, or in any other manner handled at the collection and/or disposal facility. All such hazardous wastes shall be deposited of in accordance with Title 38, MSRA, as amended.

## 6.5 Exempted Waste

6.5.1 The following categories of waste shall be exempted from regulation from regulation by this Ordinance:

- 1) Materials from manufacturing, processing or packaging operations which are segregated from solid waste and salvaged for alternate use or reuse by the generator or sold to third parties.
- 2) Glass, metal or other non-combustible materials which are separated from acceptable waste by the generator as a part of a recycling program by municipal officers.
- 3) Cardboard, paper or other combustible materials which are separated from acceptable waste by the generator as a part of a recycling program approved by the municipal officers, provided that any such recycling program shall not reduce the BTU level acceptable to the energy recovery facility.

## **ARTICLE VII. PROPERTY RIGHTS**

### **7.1 Waste Property Rights**

7.1.1 Any solid waste deposited within the storage facility becomes the property of the municipality. No one shall salvage, remove, or carry off any such deposited solid waste without prior approval of the municipality.

## **ARTICLE VIII. COLLECTION AND DISPOSAL**

### **8.1 On Site Operator**

- 8.1.1 The solid waste collection and storage facilities site(s) shall be directly managed and operated by a person appointed by Selectmen.
- 8.1.2 The collection and storage facilities operator or his/her designated alternate shall be present at all times when the facilities are open to public use.
- 8.1.3 The collection and storage facilities operator shall ensure that the operation of these facilities conform to pertinent Maine Department of Environmental Protection directives and regulations and those rules and regulations as adopted by the municipal board.
- 8.1.4 The storage facility operator shall report any infraction of the rules and regulations governing these facilities to the Piscataquis County Sheriff's Office or municipal officers.

**ARTICLE IX. VIOLATIONS AND PENALTIES**

9.1 Any person or persons who violate any provisions of this Ordinance shall, upon conviction in Maine District Court, be subject to the penalties and provisions of 30, MSRA § 4966. All fines shall inure to the benefit of the municipality.

For the purpose of this Ordinance, each offense shall constitute a separate violation.

**ARTICLE X. VARIANCES**

10.1

The municipal officers may, on written application, grant a variance from a specific provision of this Ordinance in a specific case, subject to appropriate conditions, where such variance is in harmony with the general purpose and intent of this Ordinance and the agreement between the municipality and the energy recovery facility.

**ARTICLE XI. CONSTRUCTION**

11.1 Severability

11.1.1 Severability is intended within and throughout the provisions of this Ordinance. Should any provision, including interalia, any exceptions, parts, phrases or terms or the application thereof, to any person or circumstances be held valid, the application of other provisions of this Ordinance shall not be affected thereby and the validity of this Ordinance in any and all other respects shall not be adversely affected.

11.2 Supersession

11.2.1 This Ordinance supersedes and replaces any and all like or comparable ordinances, policies or decisions previously enacted and in force within the municipality, and shall remain in effect until, or unless, revoked or superseded by action of the voters of the municipality.

11.3 Amendments

11.3.1 From time to time, circumstances may require that portions or sections of this Ordinance be amended, revised or deleted. Such actions shall be proposed to the voters of Sebec at a town meeting by the Selectmen. Approval of any amendments, revisions, or deletions rest exclusively with the voters of the municipality.

**ARTICLE XII. ADOPTION**

12.1

This Ordinance was submitted to the voters of the municipality and adopted at Annual Town Meeting on the 1st of May, 1989.

ATTEST: A true copy of an ordinance entitled "Sebec Solid Waste Ordinance" as certified to me by the municipal officers of Sebec on the First day of May, 1989.

Signature\_\_\_\_\_

Carol Cress- Town Clerk of Sebec