



TOWN OF FREEPORT, MAINE

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ITEM # 49-19 SOLID WASTE
ORDINANCE

MEMORANDUM

TO: Freeport Town Council
FROM: Peter Joseph, Town Manager
DATE: 03/14/19
RE: Ordinance Changes to Solid Waste Disposal Ordinance

The intent of the attached ordinance amendment is to allow the Town to be reimbursed for any charges for contaminated recycling assessed to the Town by ecomaine as a result of the delivery of contaminated recycling materials by licensed haulers to ecomaine's recycling facility.

The conceptual intent of this amendment was approved by the Ordinance Committee, however minimal changes have been made at the recommendation of Town Attorney.

If you have any questions, please don't hesitate to contact me prior to Tuesday's meeting.

**CHAPTER 28
SOLID WASTE DISPOSAL ORDINANCE
TOWN OF FREEPORT**

ARTICLE I

Section 28-101

Purpose: The purpose of this Ordinance is to protect the health, safety and general well-being of the citizens of Freeport, to enhance and maintain the quality of the environment, to conserve natural resources and prevent water and air pollution and to reduce/stabilize solid waste disposal costs by providing for a comprehensive, rational and effective means of regulating the disposal of solid waste in Freeport in accordance with the provisions of 38 MRSA ss. 1304-B et seq.

Section 28-102

Repealed: Chapters 28, 29, and 30 of Freeport's ordinances are herewith repealed. Chapter 28 is herewith replaced and enacted.

Section 28-103

Definitions:

- A. Residential Waste is waste generated by single family and two-unit dwellings, home occupations (including bed and breakfasts with three or fewer units), and public and private non-profit organizations such as schools and churches. It includes construction or demolition debris and bulky waste generated from a residence located in Freeport and delivered in a vehicle no larger than a one-ton truck to the designated disposal facility.
- B. Commercial Waste is waste generated by businesses or organizations except as noted above.
- C. Construction or demolition debris includes debris resulting from construction, remodeling, repair, or demolition of structures. It includes, but is not limited to building materials, asphalt, and any similar materials. It does not include asbestos and other special wastes.
- D. Bulky wastes include solid waste consisting of such things as furniture or furnishings, mattresses, ropes, cable, fencing, carpet and carpet padding.

- E. Recyclables include items that can be reused or reclaimed to produce a new product and includes, but is not limited to, the items identified in Article 3 below.
- F. Compostable leaf or yard waste includes leaves, grass clippings, prunings and other similar items generated by lawn care and gardening. Leaf and yard waste is not considered as residential waste.
- G. Unacceptable waste is waste that cannot be accepted at the Town's designated location for disposal, including but not limited to, liquid wastes, hazardous wastes, biomedical waste, containers that previously contained pesticides, infectious waste, and asbestos. Special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, is unacceptable waste. Unacceptable waste also includes "special waste" as defined by 38 MRSA s1303 (10-b). Questions pertaining to the acceptability of materials may be directed to the Solid Waste Director.
- H. Freeport's Recycling Facilities - Facilities include recycling containers located at the Soule School (next to the Village Store on South Freeport Road), Doherty's Market (Wardtown Road), West Street Fire Barn (behind Police/Fire Station) and the Freeport Recycling/Transfer Station located on Hedgehog Mountain Road (off Pownal Road). Recycling facilities may include other recycling containers
- I. sited from time to time at other locations within the Town

ARTICLE 2
WASTE HAULERS

Section 28-201

No person shall engage in the business of collection, transportation or disposal of solid waste generated or collected in Freeport without a license to do so from the Solid Waste/Recycling Director.

Such licenses shall be for a period of 1 year unless sooner revoked

for cause. The non-refundable fee for such licenses is \$275 for waste haulers who haul only residential waste to the designated disposal facility, \$275 for waste haulers who deliver only commercial waste to the designated disposal facility, or \$550 for those waste haulers who haul both residential and commercial waste to the designated disposal facility. Waste haulers delivering commercial waste to the designated disposal facility must first sign a commercial waste hauling agreement prior to applying or reapplying for a commercial waste license. There shall be no proration of license fees applied after 1 June. License fees shall be paid before the license is issued. A license can only be used by the business and/or applicant identified on an application. A license is not transferable.

All renewal licenses shall be applied for by 24 June and, if granted, will be effective on 1 July. New licenses may be applied for at anytime. Any person applying for a new or renewal license hereunder shall provide satisfactory proof of both irrevocable commercial general liability insurance naming the Town of Freeport as “additional insured” and irrevocable automobile liability insurance each in the amount of \$1,000,000.00, and shall have no outstanding fees or charges under this ordinance. Application forms shall be available at the Town Office.

Such waste haulers licensed by Freeport hereunder shall:

1. Pick up residential waste between 6:00 a.m. and 6:00 p.m. Monday through Saturday and pick up commercial waste in Zoning District Village I and Zoning District Village Commercial I between 6:00 a.m. and 6:00 p.m. Monday through Saturday.
2. Strictly segregate such residential waste from commercial waste.
3. Operate their lawful vehicles lawfully, safely and insure that they are driven by current holders of Maine drivers licenses.
4. Not be permitted to deliver loads containing both commercial and residential waste to the Town's designated disposal facility.
5. Deliver all recyclable materials collected in the manner prescribed by the receiving facility. Should recyclable materials be delivered in a manner that result in additional charges from the receiving facility (for example, excess contamination levels in recyclable materials), the license

holder is responsible for such charges and shall reimburse the Town for all such charges assessed to the Town. Notwithstanding 1M.R.S. §302 this obligation applies to existing license holders as of January 1, 2019.

6. Cover and secure all loads.

ARTICLE 3 RECYCLING

Section 28-301

Freeport operates three neighborhood recycling containers (silver bullets) and the Recycling/Transfer Station located on Landfill Road. The Town Council, by order, sets the hours and conditions of operation of the Recycling/Transfer Station. Disposal/Recycling of any material is permitted only during the hours the Recycling/Transfer Station is open and as otherwise permitted by this Ordinance. Individuals leaving materials after operating hours will be subject to summons and penalty. A fee established by the Town Council may be charged for some items accepted at the Recycling/Transfer Station Facility. A list of fees and associated items will be maintained at the Recycling Facility and posted at the Town Office.

No person shall remove anything from the Recycling Facility or recycling containers except as permitted by the Town Council or Solid Waste Director.

Any Freeport resident or property owner may discard recyclable materials at one of Freeport's recycling facilities or contract with its solid waste hauler to pick-up the recyclables.

Residential solid waste may have recyclable materials separated out prior to pick-up by a licensed residential hauler or delivery to Freeport's Recycling Center. Recyclable materials delivered to a recycling container do not need to be sorted, and may consist of the following (mixed) materials:

- a. Paper Items: newspapers, magazines, phone books, mail, brochures, catalogues, office/computer paper, brown bags with all plastic removed.
- b. Paperboard: cereal and food boxes, and egg cartons with plastic

- and metal removed
- c. Clean Glass and Cans: clear, green and brown glass containers, steel cans, aluminum foil and plates, empty paint cans (no dishes, ceramics, mirrors, light bulbs).
 - d. Plastics: Clean consumer plastic containers (labeled #1 through #7), such as clear milk jugs and beverage, food and detergent containers.
 - e. Other materials identified on the containers and/or allowed by ecomaine.

Certain materials may also be delivered to the Freeport Recycling/Transfer Station located on Hedgehog Mountain Road (off Pownal Road) or, if the service is provided, collected by a residential solid waste hauler. There will be a charge for some items. These materials include:

- a. Clear #2 HDPE containers, such as milk jugs.
- b. Clean used motor oil (free of other chemicals and materials)
- c. Leaves, grass clippings, garden wastes
- d. Christmas trees
- e. Returnable bottles (proceeds donated to Freeport Community Services)
- f. Auto batteries (with non-broken case) and household batteries
- g. Brush (charge)
- h. Wood waste (charge) (free of metal, plaster, sheetrock, insulation, etc.)
- i. Metal (charge) bedsprings, metal furniture, car parts, lawn mowers, etc.
- j. Tires (charge)
- k. Asphalt shingles (charge) free of wood and flashing
- l. Appliances (charge) refrigerators, stoves, etc.
- m. Furniture (charge) chairs, sofas, tables, etc.
- n. Household junk (charge) carpets, insulation, etc.
- o. Goodwill Donation Box for good used clothing, shoes, games, etc.
- p. Anti-freeze and gasoline (charge)
- q. Corrugated cardboard (boxes and packaging materials) - no waxed containers
- r. Swap Shop - (items of reusable value that are workable and that are not broken and that can be swapped or donated for reuse. No bedding nor children's car seats are accepted. A disposal fee will be charged for such items.
- s. Computers, TV's, fluorescent light bulbs, thermostats (charge)

ARTICLE 4

DESIGNATED DISPOSAL FACILITY

Section 28-401

Under 38 MRSA s 1304-B, as amended, Freeport hereby designates the Ecomaine Disposal Facility on Blueberry Road, off Congress Street in Portland, Maine, as the residential and commercial disposal facility.

ARTICLE 5 DISPOSAL OF UNACCEPTABLE WASTE

Section 28-501

No person without a license shall dispose of unacceptable solid waste in Freeport. Such licenses require requisite final approvals from each state, federal and other municipal agency for disposing of the unacceptable waste in the manner proposed;

Section 28-502

Residents without licenses wishing to dispose of unacceptable waste shall contract with public companies licensed to specially handle and dispose of such unacceptable waste.

ARTICLE 6 CITIZEN RESPONSIBILITIES

Section 28-601

No person shall dump, discard or otherwise deposit refuse of any sort at any place other than at the Freeport Recycling/Transfer Station during operating hours or at curbside for delivery to the recycling facilities or designated disposal facility, as allowable by this Ordinance. However, any person, subject to state and local laws and ordinances, may deposit or dump inert substances for fill purposes only on any land in Freeport, with the permission of its owner. Backyard composting is permissible.

No person shall include any commercial or unacceptable waste in with its residential waste.

No person shall put out for curbside pickup any items that are dangerous, or otherwise unsuited for pickup. It is also prohibited for

a licensed hauler to pick up or collect leaf and grass clippings unless these items are segregated from residential waste by the homeowner. Any other person who collects leaves, grass clippings, or other yard waste must also segregate such waste from other residential waste and must deliver the yard waste to 1) the Freeport Recycling/Transfer Station's composting area; 2) to a facility which meets the specific criteria for the State of Maine Sludge and Residuals Composting Rules, Chapter 567, Rules for Land Application of Sludge and Residuals; or 3) to a private compost pile. No person may compost more than 50 cubic yards of leaves, grass clippings, or yard waste at his or her place of residence.

All demolition materials delivered to Freeport Recycling/Transfer Station shall be separated and placed in designated areas. Separation can occur on or off site.

Every producer of residential waste in Freeport must contract with a waste hauler licensed for and by Freeport or bring their residential waste to the Freeport Recycling/Transfer Station for a fee unless the producer takes their waste to ecomaine and pays the tipping fee..

ARTICLE 7 MANDATORY RECYCLING

Section 28-701

Every producer of commercial waste in Freeport must recycle cardboard waste. Such waste may be delivered to Freeport's Recycling Facility, or recycled otherwise. It must not be disposed of with other commercial waste.

ARTICLE 8 ENFORCEMENT

Section 28-801

The Chief of Police and his designees are charged by Freeport with the enforcement of this Ordinance. In pursuance of these duties, the officers charged with enforcement responsibilities herein may:

- (a) Enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent

to inspect the property or building for compliance with this Ordinance. A municipal official's entry onto property under this paragraph is not a trespass.

- (b) Issue a summons to any person who violates this Ordinance which the official is authorized to enforce;
- (c) When specifically authorized by the Freeport Town Council, represent the municipality in District Court in the prosecution of the alleged violations of this Ordinance, which the official is authorized to enforce.

Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the provisions of this Ordinance is liable for the penalties as set forth below.

The minimum penalty for undertaking an activity prohibited by this Ordinance is \$100, and maximum penalty is \$1,000. The violator may be ordered to correct or abate the violations. In the case of willful violations, the violator shall be ordered to correct or abate the violation. In the event that abatement is not feasible, the Court may permit Freeport to decline to pick up and handle the violator's waste for a given period of time.

Any waste hauler who co-mingles non-Freeport or non-residential waste into Freeport's residential waste shall forfeit his license in accordance with these provisions on Enforcement.

Any waste hauler who operates in violation of Article 2, paragraph numbered 3 above may forfeit his license in accordance with these provisions on Enforcement.

In setting a penalty, the court shall consider, but is not limited to, the following:

- (a) Prior violations by the same party;
- (b) The degree of environmental damage that cannot be abated or corrected;
- (c) The extent to which the violation continued following a municipal order to stop; and
- (d) The extent to which Freeport contributed to the violation

by providing the violator with incorrect information or by failing to take timely action.