

Ann R. Chadwick

TOWN OF PITTSTON

Ordinance 94.1

An Ordinance to License the Collection, Transportation and Disposal of Solid Waste and Promote Recycling in the Town of Pittston, Maine.

SECTION

- 1 Purpose
- 2 Definitions
- 3 Licenses
- 4 Recycling Collection
- 5 Violations
- 6 Penalties

Section 1. PURPOSE AND SCOPE

The intent of this ordinance is to protect the health, safety and general well-being of the residents of the town of Pittston by licensing and regulating commercial collectors/haulers of solid waste; to require said haulers provide recycling services to the residents of Pittston; to preserve and enhance the quality of our common environment; and to comply with State waste reduction laws.

Section 2 DEFINITIONS

2.1. Commercial Waste Collector/Hauler. "Commercial Waste Collector" or "Hauler", means any person engaged in the collection and transportation of solid waste for a fee or other compensation (within the town of Pittston, ME).

2.2. Dispose; Disposal. "Dispose means to discharge, dispose, deposit, dump, incinerate, spill or place any solid waste into or on any land facility or deliver to a facility for incineration. Disposal means the discharge, disposal, deposit, dumping, spilling or placing of any solid waste.

2.3. Person. "Person" means any individual, firm, corporation, partnership, association or any other legal entity or agents of any of the above, and the term shall include the singular and plural as appropriate.

2.4. Recycling. "Recycling" means the separation, collection, recovery, reprocessing, and reuse or resale of materials or residues that would otherwise be disposed of. Recycling includes reuse in the same form or as part of a different product, other than through combustion or use as fuel for the generation of electricity.

2.5. Recyclable Materials. for the purpose of this ordinance, "recyclable materials" means those materials, or categories of materials identified by the town or the hauler as having a viable secondary reuse or needing to be separated from the waste stream

for environmental safety reasons. The materials/categories covered under this ordinance can include but are not limited to: source separated ferrous and non-ferrous metals, bi-metal cans, clear glass bottles and jars, natural HDPE plastic (#2) milk containers, newspapers, organics, cardboard, office paper, magazines, catalogs, phone directories, and tires. This list may be amended from time to time as new markets or end-uses develop.

2.6. Resident "Resident" is any person who owns or rents a dwelling or other property approved for occupation or for conducting business within the Town of Pittston.

2.7. Trash. For the purpose of this ordinance, trash means solid waste.

2.8. Solid Waste. For the purpose of this ordinance, "Solid Waste" means useless, unwanted solid materials with insufficient liquid content to be free flowing. Other common words used for solid waste include trash, rubbish, garbage, junk, refuse, etc. Solid Waste includes refuse-derived fuel, but does not include source separated recyclables/compostables, septic tank sludge, or waste water treatment sludge.

2.9 Per Bag Fee. For the purpose of this ordinance, "Per Bag Fee" means the hauler must charge their resident clients a set fee for each bag of trash to be disposed of regardless of whether the client participates in recycling or not.

Section 3. LICENSES;

3.1. Required. After _____ no person/hauler may engage in the business of collecting or transporting trash for compensation within the town of Pittston unless that hauler has obtained a commercial trash haulers license from the Pittston Select Board.

3.2. The application form, (see attached) available from the Pittston Town office, shall be made to the Select Board and shall require the following information:

1. the name and business address of the hauler;
2. valid registration numbers of each vehicle to be used;
3. a list of their Pittston business and residential clients.
4. proof of proper insurance of all licensed vehicles.
5. such further information as the Town of Pittston might reasonably require.
6. the per bag fee to be charged all customers.

3.3 Contents of the License. The license shall contain the name and business address of the hauler and the registration numbers of the vehicles to be used. The license will contain a warning that said license may be revoked and collection operations ceased, by the Select Board for any violation of this ordinance.

3.4 Term of issue. All applications shall be submitted within 30

days of passage of this ordinance. All applications will be reviewed within 30 days of receipt. All approved hauler licenses shall expire one year from that date and require annual renewal.

3.5 Fees. There will be no initial fee for this application. However, each collection vehicle to be operated in Pittston by the same applicant must be licensed. The Select Board may not issue a license prior to the receipt of complete application form, or a renewal of license without a complete recycling report.

3.5 Noncompliance with this ordinance by any trash collector/hauler will result in penalty and/or fines listed below.

3.6 All fees or penalty fees received by the Town shall be used for the purpose of solid waste reduction and management.

3.7 Recipients of a license shall receive a permit sticker/decal for each vehicle which is to be prominently displayed on each vehicle at all times within the Town of Pittston.

3.8 Amendment of License. If during the term of issue of any license issued under this section there is any reason to add to or amend the information provided to the Select Board, it shall be the responsibility of the license holder to notify the Select Board of those additions or amendments in a timely manner.

3.9 Disposal. Each licensed trash collector shall be responsible for the proper disposal of all the trash that s/he collects within the Town of Pittston. A per capita fee is paid by Pittston for access to disposal; therefore, trash collected in Pittston should be disposed of at the Hatch Hill Landfill located adjacent to Route 105 in Augusta.

3.10 Reporting. All trash collectors must submit a quarterly report on the types and amounts of materials recycled and total weights of Pittston trash disposed of.

3.11 Renewals. All licenses shall be renewable annually. Thirty (30) days prior to expiration date, trash collectors must submit a renewal application form (available at Town office). License/permit renewal will require an annual summary of quarterly reports of types and amounts of material recycled and disposed of during the preceding year. Late applications or renewal applications will effect the expiration date.

SECTION 4 RECYCLING COLLECTION.

4.1 Licensed trash collectors must provide collection services for materials designated as recyclable by the Town of Pittston, (and/or determined as recyclable by the collector), at least once per month to all their Pittston clients.

4.2. Trash collectors shall make their initial monthly recycling collection no later than 60 days after license approval.

4.3. The licensed collector shall be responsible for marketing and delivering materials collected for recycling to an established processor or end user of collected materials/categories. Access to recycling some materials or material categories is available at the Hatch Hill Landfill in Augusta. Other local processors/endusers may be utilized so long as reported as required.

4.4 The licensed collector shall submit quarterly reports on the types and amounts of materials recycled/composted, and include reasonable documentation. Failure to do so will be cause for revocation of license, plus a fine or penalty.

4.5 The same per bag fee for trash disposal must be charged all resident clients regardless of whether that client participates in recycling or not. Fee will be set by individual haulers but, must be structured to cover any recycling costs so that recycling services are offered at no charge. The set fee must be included in the license application.

SECTION 5. VIOLATIONS

5.1 The Pittston Code Enforcement Officer under the direction of the Select Board shall be responsible for enforcement of this ordinance.

5.2 Disposal of Solid Waste in Public Places. No person shall deposit, throw, sweep, dump or scatter any solid waste, including litter, in or upon any street, park or other public place, or into any pond, stream, or other body of water within the town, except in authorized public receptacles.

5.3 Disposal of Solid Waste on Private Property. No person shall deposit, throw, sweep, dump or scatter any solid waste, including litter, on any occupied, open or vacant private property within the town, including property used for the carrying on of a trade, business, or any other purpose, whether owned by such person or not, except that the owner or person in control of the private property may maintain private receptacles for collection and storage of all solid waste such that it will be prevented from being carried, or deposited by the elements upon any street, sidewalk, or other public place or upon any private property.

Section 6, PENALTIES

6.1 The penalty for violation of any portion of this ordinance will be \$300. for the first offense, and \$450. for any and every subsequent offense. Each day of unresolved violation will be considered a separate offense.

6.2 In the event that court action is necessary and the town prevails, the violator will be responsible for the towns reasonable attorney fees and court costs as well as any fines, and that all fines recovered shall accrue to the town to be used for waste

reduction and management activities.

6.3 In the event that any provision of this ordinance is found to be void or invalid, the remaining provisions shall continue in full force effect.