

Attachment A

Underlined text shall be added to the ordinance, while strike-through text shall be removed.

ARTICLE V. SOLID WASTE*

DIVISION 1. GENERALLY

Sec. 6-341. Purpose.

The purpose of this article is to promote the public health, safety and general welfare of residents and businesses in the city.

Sec. 6-342. Authority.

This article has been prepared in accordance with Title 1, Title 30-A and Title 38 of Maine Revised Statutes Annotated.

Sec. 6-343. Applicability.

- (a) This article applies to all properties in Augusta; sets standards for storage, collection and disposal of solid waste and rubbish/recyclables generated in the city; and outlines operating standards for public (municipal) and private collection and disposal operations.
- (b) In accordance with the provisions of Title 38 M.R.S.A., Section 1304-B, the city hereby designates the Hatch Hill Solid Waste Facility as its waste facility as defined in Title 38 M.R.S.A., Section 1303-C(40) for the disposal of solid waste as defined in Title 38 M.R.S.A., Section 1303-C(29). The disposal of any solid waste generated within the city by any person, corporation or other legal entity at any place other than at this designated waste facility is prohibited. However, the owner of any lot, or any other person with the permission of the lot owner, may dispose or dump inert substances such as earth, rocks, concrete, or similar material for fill purposes only, subject to state and local land use regulations. Materials from buildings which are being taken down, constructed or renovated shall be disposed of in accordance with the provisions of Division 5 of this article.
- (c) Rules and regulations for the safe and efficient operation of the Hatch Hill Solid Waste Facility are outlined in Division 4 of this article.
- (d) Rules regarding commercial solid waste and/or septage waste facilities are found in Chapter 11, Article III of the city Code of Ordinances, as amended.
- (e) Special wastes, as defined in Chapter 400 of the Department of Environmental Protection, Bureau of Solid Waste Management, Solid Waste Management Rules shall be stored, handled, managed and disposed of in accordance with said rules.

- (f) This article is not intended to prohibit residential composting on privately owned property so long as the compost is handled in accordance with the "composting" specification sheet available through the Public Works Bureau, does not create a nuisance, and does not pose a health threat.

Sec. 6-344. Conflicts/severability.

This article shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, article, bylaw, permit, or provision of law. Where conflicts arise within this article, the stricter provision or requirement shall prevail.

Should any section or part of a section or any provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not be deemed to affect the validity of any other section, subsection, or other portion of this article.

Sec. 6-345. Definitions.

In the interpretation and enforcement of this article, all words shall carry their customary dictionary meanings. Unless otherwise stated, for purposes of this article, certain words and terms used herein are defined in the city land use ordinance and/or as follows:

Ash, domestic. Domestic ash means the residue generated after the combustion of a material such as coal, wood, coke or any residue of combustion from residential use.

Collection. Pick-up of solid waste by the Public Works Department or by private waste haulers.

Compost. As used in this article, compost is the biological decomposition and stabilization of organic matter from residential properties, under controlled aerobic conditions of high temperature.

Curbside. The area between private property and the travelled way of a public street. In portions of the city where there are no curbs, curbside shall mean the shoulder of the road.

Deposit or accumulation. either word, or both used in a phrase, includes, but is not limited to a mattress, a white good, bags of rubbish not stored in a plastic or metal container when outside (except as allowed by this ordinance on pickup days), any volume of unrelated material displayed in a disorderly manner on a property for more than a week even if the items change over the course of a week.

Effective date: Thirty (30) days from the date of City Council approval. Passage date: December 16, 1996; effective date: January 15, 1997.

Garbage. See "rubbish."

Hazardous waste. As defined in 38 M.R.S.A., Section 1303(5) means a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S.A., Section 1303-A. It does not include waste resulting from normal household or agricultural activities. The fact that hazardous waste or a part or a constituent may have value or other use may be sold or exchanged does not exclude it from this definition.

Nonresidential. Activities involving agriculture, forestry, fishing, finance, insurance, real estate, including but not limited to, multifamily dwellings with five (5) or more units, service, wholesale/retail trade and manufacturing activities as characterized in the Standard Industrial Classification Manual published by the Executive Office of the President, Office of Management and Budget and on file in the City Services Department, and any and all other commercial enterprises and businesses. Waste generated from construction sites of all types shall be considered nonresidential waste.

Permits. Valid permanently attached Hatch Hill sticker or valid city residential three-trip pass.

Recyclables. Those items collected by the city as outlined in section 6-353.

Residential. Single and multifamily dwellings (up to four (4) units) including home occupations operating in accordance with the city land use ordinance, boarding homes, land-leased communities and group homes. For purposes of this article, "residential" does not include nursing homes or rooming houses of more than three (3) rooms which are considered nonresidential under the category of "services".

Rubbish. Collectable residential and nonresidential solid waste. Rubbish does not include wood waste, scrap metal, white goods, tires, special wastes, domestic ash and processing waste.

Solid waste. As defined in 38 M.R.S.A., Section ~~1303(10)~~ 1303-C(29) means 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, refuse-derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse, but shall not include septic tank sludge or agricultural wastes. The fact that a solid waste, or a part or constituent of the waste, may have value or other use or may be sold or exchanged does not exclude it from the definition of "solid waste." The term includes any residue or material which exists in excess to the owner at the time of such discard or rejection. Material located on a property in an unkempt or disorderly fashion shall be prima facie evidence that it is solid waste that is useless, unwanted, or discarded.

Special collections. Special collections include domestic ash collection, clean-up weeks, and others that may be scheduled by the City Manager in accordance with section 6-349 and section 6-353.

Special drop-offs. Special drop-offs include, but are not limited to, Christmas trees and leaf drop-offs.

Special waste. As defined in 38 M.R.S.A., Section 1363 (10-B), means any nonhazardous waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, which may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures.

Storage. The temporary placement of solid waste, rubbish or recyclables.

DIVISION 2. STORAGE

Sec. 6-346. Storage at nonresidential properties.

Any person owning, operating or supervising any nonresidential activity where waste matter or other rubbish accumulates shall not permit the deposit or accumulation of such waste matter or other rubbish in or upon the building or premises controlled by him or her, except in suitable watertight, covered containers, including dumpsters, during the interval between collections.

Sec. 6-347. Storage at residential properties; suitable containers required.

- (a) It shall be the duty of the owner of every residential building to provide suitable and sufficient watertight covered containers, including dumpsters, to receive the accumulation of solid waste and rubbish/recyclables on the premises during the interval between collections.
- (b) The occupants of all residential buildings shall place or cause to be placed all rubbish/recyclables and solid waste in the watertight containers, including dumpsters, and shall not permit any accumulation or deposit of such substances in or about the premises except in such containers.
- (c) Recyclables shall be stored in a manner that maintains their integrity as a recyclable material (i.e. newspapers must be kept dry).

DIVISION 3. COLLECTION

Subdivision I. Public (Municipal) Collection

Sec. 6-348. Public rubbish/recyclable collection.

Public rubbish/recyclable collection shall be provided to all residential and nonresidential properties receiving pick-up services as of December 16, 1996; however, as of January 15, 1997, public rubbish/recyclable collection shall not be provided to:

Conversions or expansions of existing properties to five (5) or more living units; and/or

New nonresidential properties including conversions of residential properties to nonresidential; and/or

Existing nonresidential properties receiving rubbish/recycling collection as of December 16, 1996 when such nonresidential properties change ownership. Properties located on private roads which are not receiving any public works services as of January 15, 1997, except for residential public rubbish/recyclable collection on private roads which the city has accepted a public easement and with consent of the private road association.

Sec. 6-349. Scheduling of collections.

The scheduling of rubbish/recyclable collection or special collections shall be established by the City Manager. The City Manager shall also, from time to time, schedule special drop-offs.

Sec. 6-350. Supervision of collections.

The ~~Director of City Services~~ Director of Public Works shall be responsible for the municipal collections of rubbish/recyclables and other solid waste within the city.

Sec. 6-351. Preparation for collection.

- (a) *General.* Only rubbish which is generated in Augusta shall be placed curbside for pick-up.

Municipal employees are hereby prohibited from entering upon private property for the purpose of rubbish/recyclables and solid waste collection.

- (b) *Container specifications.* Rubbish shall be placed in solid, whole plastic bags of adequate strength that are tied or sealed securely with a minimum of four (4) cubic feet capacity. Plastic bags stored outside a structure prior to 6:00 a.m. on the day of collection ~~may~~ shall be placed in metal cans or rigid plastic containers with covers, with a minimum height of twenty (20) inches and a maximum height of thirty (30) inches and a maximum of twenty (20) inches in diameter.

Bags or containers shall not exceed a gross weight of one hundred (100) pounds.

The city shall not be responsible for the loss of or damage to metal or plastic containers.

Sec. 6-352. Location of containers; time for setting out; responsibility for clean-up.

- (a) Rubbish/recyclable containers and solid waste for special collections shall be placed next to the curb on city property immediately adjacent to the property owned, rented or leased by the person or persons placing the containers. It shall be unlawful to place containers of rubbish/recyclables and solid waste on property of another without the consent of the property owner or on city property other than as provided for in this section. During the winter months containers will be placed as near to driveways or walkway openings as possible.
- (b) Rubbish/recyclable containers and solid waste for special collections shall not be set out for collection prior to 4:00 p.m. the day before the scheduled pick-up. Containers must be at the curb prior to 7:00 a.m. on the scheduled pick-up day and shall be removed from the curbside no later than 9:00 p.m. following collection.
- (c) Clean-up of rubbish/recyclables which are not contained at time of pick-up shall be the responsibility of the property owner or tenant.

Sec. 6-353. Special collections/drop-offs.

- (a) Cardboard boxes broken down and securely tied in bundles not exceeding fifteen (15) cartons or weight in excess of one hundred (100) pounds will be accepted for rubbish pick-up.
- (b) The city offers a voluntary recycling program. Augusta residents who wish to participate in the voluntary program shall separate and prepare recyclables in accordance with the "materials preparation" specification sheet as adopted by the City Council and made available through the Public Works Bureau. The "materials preparation" specification sheet shall be revised as necessary.
- (c) Cold domestic ash pick-up will be made in accordance with a schedule set by the City Manager. Ashes must be placed at the curb or roadside in plastic or metal containers not larger than twenty-two (22) gallons in size. Total weight of the container, including contents, must not exceed one hundred (100) pounds.
- (d) In the spring of each year, the City Manager may designate special clean-up weeks for accumulations of household, property debris, and other debris as specified in the "clean-up" specification sheet at City Center and Public Works Bureau. Such collection shall provide for pick-up of items not acceptable for regular weekly collections. Each clean-up week shall be on a fee system established annually by the City Manager.

- (e) The city may offer special drop-off programs including, but not limited, to leaves, Christmas trees and curbside recyclables. Drop-off points and times shall be designated in accordance with section 6-349.

Subdivision II. Private (Non-Municipal) Collection

Sec. 6-354. Occupants to cover containers set out for collection.

The occupants of every property not using public collection services shall place the containers required by section 6-347 in a place convenient for removal of the contents by private waste haulers to collect the same and shall keep such containers covered.

Sec. 6-355. Private waste haulers shall comply.

Private waste haulers shall conduct their operations in a safe, sanitary and healthful manner without obstructing public access. Private waste haulers shall comply with the applicable state solid waste management rules/regulations.

Sec. 6-356. Transportation of rubbish/recyclables and solid waste.

Cover required for vehicles transporting rubbish/recyclables and solid waste. No person shall transport by open vehicle for a distance of more than five hundred (500) feet, without collection stops, rubbish/recyclables or solid waste by way of any street without covering such vehicle body with tarpaulin, metal, wood, wire or other material, so that the contents of such vehicle cannot be dislodged onto public or private property. (This provision also applies to Division 3, Subdivision 1, Public (Municipal) Collection.) This section shall not be applicable to vehicles carrying rubbish/recyclables and solid waste containers that are secured in such vehicle.

DIVISION 4. DISPOSAL AREA

Sec. 6-357. Use of Hatch Hill Facility.

The Hatch Hill Solid Waste Disposal Facility, hereafter referred to as the Hatch Hill Facility, is a regional disposal facility which provides services to Augusta and contracting communities, as well as state, federal, and county agencies. It shall be unlawful to use the Hatch Hill Facility without a lawful permit issued by the city. This permit will be issued as provided in a contractual agreement between the contracting municipality and the city or as provided in the arrangement between the city and state, county, or federal government within the service area.

The General Rules for Use of the Hatch Hill Disposal Facility, hereafter referred to as the "general rules," will be posted at the scale house and may be periodically changed as conditions warrant such change.

All solid waste shall be placed at the Hatch Hill Facility as directed by the Bureau of Solid Waste and the general rules.

Sec. 6-358. Location; hours.

The Hatch Hill Facility, located on the Hatch Hill Road, shall be open from 8:00 a.m. to 4:00 p.m. daily, Tuesday through Saturday, inclusive. The Hatch Hill Facility will be closed on all legal holidays as determined by the holidays taken by the Bureau of Solid Waste. Special hours may be set with prior approval by the Bureau of Solid Waste.

Sec. 6-359. Material collected outside city limits.

Solid waste collected outside of Augusta or the service area of the contracting community shall not be deposited at the Hatch Hill Facility.

Sec. 6-360. Unauthorized removal of materials.

It shall be unlawful to remove any contents (dump picking) of the Hatch Hill Facility without prior permission of the Bureau of Solid Waste.

Sec. 6-361. Burning solid waste.

No person shall set fire to any solid waste at the Hatch Hill Facility.

Sec. 6-362. Bulky waste disposal.

White goods, scrap wood, tires, and other bulky objects may be disposed of at the Hatch Hill Facility in a special section maintained for this purpose as per the general rules.

Sec. 6-363. Permits required to enter the Hatch Hill Facility; terms; temporary permits; fees.

- (a) Entry into the Hatch Hill Facility is restricted to vehicles or operators of vehicles that display a legal permit. Permits will be issued to taxpayers, residents, temporary residents, private haulers with pre-approved collection routes, and any contracting community or agency. Permits issued during the first eight (8) months of the calendar year will expire on December 31 of the following year. Permits issued during the last four (4) months of the calendar year will expire on December 31 of the second following year. Permits shall be issued by the City Treasurer's Office or at the Hatch Hill scale house. Temporary permits may be issued to individuals engaged in short-term projects within the city or contracting communities as approved by the Director of Solid Waste for a period of one (1) to thirty (30) days for the current fee.
- (b) Private haulers whose place of business is outside of the service area and are working within the service area shall provide an established collection route prior to being issued a permit.
- (c) Permit fees shall be set from time to time and a schedule of such fees is on file in the City Clerk's Office.

Sec. 6-364. Disposal fees.

- (a) No vehicle shall enter the Hatch Hill Facility without first displaying a valid, permanently attached permit to the gate attendant. Fees will be collected at the scale house and a proper receipt will be issued.
- (b) Disposal fees shall be set from time to time and a schedule of such fees is on file in the City Clerk's office.

Sec. 6-365. Review of costs, fees, operating procedures.

The City Manager will periodically submit the Hatch Hill Facility operating procedures and fees to the City Council. Operating procedures and fees will be changed by the City Manager as necessary for the complete and proper operation of the facility.

Sec. 6-366. Contracts for use by other municipalities, collectors, etc.

The City Council may enter into contracts with other municipalities or agencies for the use of the Hatch Hill Facility under such terms and conditions as the City Council may deem appropriate.

DIVISION 5. MISCELLANEOUS

Sec. 6-367. Disposal of material from the demolition, renovation, construction of buildings or additions.

- (a) Material from buildings which are being taken down, constructed or renovated shall be disposed of at the city's solid waste disposal facility except as provided in this section. Prior to delivery to the facility, materials shall be separated so that wood materials and metal materials are not mixed in with other debris such as roofing, insulation, plaster, sheetrock, plastics, concrete, mortar, cured concrete, bricks and other items. Materials shall be disposed of at the city's solid waste facility in accordance with the Hatch Hill Facility General Rules for the Disposal of Solid Waste unless the owner or the agent of the owner has received written approval from the Department of City Services to dispose of the material in another location. Such approval must state the exact location and how the material will be disposed of. All work shall be in conformance with Department of City Services administrative rules and performance standards. The purpose of these rules and standards shall be to protect abutting property, the environment, and to control dust, noise and nuisances associated with the handling of all demolition debris. These shall be available at the Office of the Director of City Services.
- (b) Upon written approval of the Department of City Services, material that can be classified as inert fill, which is defined as clean soil material, rocks, bricks and cured concrete, that is not mixed with other solid or liquid waste and that is not derived from an ore mining activity may be disposed of at a fill site. The area where the material is to be disposed of must be an approved fill site and shall

comply with all applicable state and local rules and regulations and any special conditions which may be established for that site.

Sec. 6-368. Storage or disposal of radioactive waste prohibited.

The permanent storage or disposal of either or both high level and low level radioactive waste as defined in 38 M.R.S.A., Section 1451, within the boundaries of the city is prohibited.

DIVISION 6. VIOLATION AND ENFORCEMENT

Sec. 6-369. Deposits or accumulations in violation.

Deposits or accumulations of rubbish/recyclables and solid waste shall not be permitted anywhere in the city except as provided in this article. Any such deposit or accumulation made or permitted contrary to this article is hereby declared to be illegal and shall be punishable in accordance with section 1-10 of the City Code of Ordinances.

Sec. 6-370. Unlawful deposits or accumulations; prosecution of violators.

- (a) It shall be the duty of the Police Chief to cause the abatement and/or removal of every fill, deposit or accumulation of substances upon private premises which are in violation of the provisions of this article and to prosecute all violators.
- (b) Except as provided for in section 6-343(f), any person upon whose premises there is found any unsanitary or unsafe accumulation of solid wastes shall within twenty-four (24) hours after written notification by ~~the~~ a Code Enforcement ~~Director~~ Officer, cause the same to be removed to the Hatch Hill Solid Waste Facility. In the case where the property is occupied by one or more tenants, the property owner and all tenants shall receive the same written notification requiring clean up.

Sec. 6-371. Waste burning.

No person shall set fire to any solid waste. Burning of clean wood waste or the burning of condemned or abandoned buildings (for purposes of fire training) may be allowed, with permission of the Fire Department.

Sec. 6-372. Removal, destruction, misuse of city recycling containers.

No person shall willfully remove, destroy, mutilate or use for another purpose other than the holding of recyclables, the containers which have been provided in accordance with this article.

Sec. 6-373. Contents of containers placed at curbside for collection become property of city.

The contents of any and all containers or special items, placed at curbside for collection and disposal by the city, shall become the exclusive property of the city at the time the container is placed at the curbside for collection. The removal of any such container or any of the contents thereof by any individual other than the

owner of the container or contents shall constitute a misdemeanor punishable by a fine in accordance with section 1-10.

Sec. 6-374. Noncomplying containers; notice to abate; penalty.

Any person placing for collection any solid waste or rubbish/recyclables in containers not in compliance with the provisions of this article shall receive a written notice of warning from the Public Works Bureau or the Police Department. Further violation after such written warning shall be punishable in accordance with City Code of Ordinances, Chapter 1, Section 1-10.

Sec. 6-375. General.

Noncompliance with any provision of this article by any individual or business corporation shall be punishable by a fine in accordance with section 1-10.

Sec. 6-376. Trespassing during closed hours; posting of signs.

- (a) The presence of any individual beyond the entrance gate of the Hatch Hill Facility at any time other than during the hours that the area is posted as being open or during the hours set by prior special arrangement shall constitute criminal trespass and any individual found guilty of that offense shall be subject to a fine in accordance with section 1-10. The Director of Solid Waste is hereby authorized and directed to maintain a sign of suitable size at the entrance gate to the facility bearing the words "No Trespassing" and bearing thereunder the substance of the first sentence of this subsection.
- (b) The entire Hatch Hill Facility boundaries shall be posted "No Hunting, No Fishing, No Trespassing."

Sec. 6-377. Illegal use or display of permit.

- (a) A permit will be issued in the form of a sticker and is to be used only with the vehicle to which it is permitted. A copy of the permit application form shall act as the permit for temporary permit holders. The transfer of a permit to an unauthorized vehicle or allowing the use of a permit by an unauthorized vehicle shall result in the immediate revocation of the permit and shall constitute a misdemeanor chargeable against the person making the transfer or allowing the unauthorized use. Such misdemeanor shall be punishable by a fine in accordance with section 1-10.
- (b) The unauthorized use or display of a permit also shall constitute a misdemeanor chargeable against the person displaying or attempting to use the permit and shall be punishable by a fine in accordance with section 1-10.

Sec. 6-378. Improper entry and failure to pay fee.

- (a) Entering or attempting to enter the Hatch Hill Facility without displaying a valid permit to the attendant on duty, or dumping or attempting to dump refuse of any kind at the facility without displaying a valid permit to the attendant on duty and paying the required fee, or dumping refuse in an area not designated for that

refuse shall be a misdemeanor and shall be punishable by a fine in accordance with section 1-10.

- (b) Whenever any individual fails to display a permit or pay the required fee as required by subsection (a) of this section, the registration of a vehicle in the name of an individual or business corporation shall be prima facie evidence that the individual or business corporation to whom the vehicle is registered has entered the disposal facility and has disposed of refuse in violation of subsection (a) of this section.

Sec. 13-25. Unregistered motor vehicles.

Motor vehicles that have not been registered and inspected for two (2) consecutive years may not be stored within one hundred and fifty (150) ~~(50)~~ feet of a public right-of-way ~~in a residential zone~~ unless the vehicle or vehicles are garaged or buffered by plantings or fences from public view.

Exceptions to this section are antique autos pursuant to 29-A of the Maine Revised Statutes, vehicle dealers licensed pursuant to 29-A Maine Revised Statutes Annotated, documented illness or ~~an~~ a documented absence from the city for at least one (1) year by the owner or owners of the property where the vehicle or vehicles are located.

No court action to enforce the provisions of this section may be taken by the city until and unless the owner or owners of the property where the vehicle or vehicles are located have received a thirty (30) day notice in writing from the city advising said owner or owners of a violation of this section.