

Title 5: Business & Occupations

CHAPTER 8

Solid Waste Collection

SECTION

- 581. Purpose
- 582. Definitions
- 583. Licenses; Application
- 584. Recycling Collection
- 585. Reporting
- 586. Enforcement

Purpose

Section 581. Purpose.

The intent of this chapter is to protect the health, safety, and general well-being of the residents of the City of Gardiner; to require the licensing of commercial haulers of solid waste and recyclable materials; to provide customers of said haulers with rubbish and recycling collection; to preserve and enhance the quality of our common environment; and to comply with State waste management and recycling laws and the city's contract with the Hatch Hill Solid Waste Disposal Facility.

Definitions

Section 582. Definitions.

- (A) Commercial Waste Hauler. "Commercial waste hauler" means any person engaged in the collection and transportation of solid waste for a fee or other compensation.
- (B) Dispose; Disposal. "Dispose" means to discharge, dispose, deposit, dump, incinerate, spill or place any solid waste into or on any land, air or water or facility. "Disposal" means the discharge, disposal, deposit, dumping, incineration, spilling or placing of any solid waste.
- (C) 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.
- (D) Recycling. "Recycling" means the collection, separation, recovery, reprocessing, and sale or reuse of manufactured materials or residues that would otherwise be disposed of or processed as waste for 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.
- (E) Recyclable Materials. For the purpose of this ordinance, "recyclable materials" means those materials, products or categories of solid waste designated on the City of Gardiner Recyclables Collection List by the city manager as requiring separation from the waste stream for recycling. The city manager may enlarge or otherwise modify the list of materials from time to time, in consultation with the Recycling Advisory Committee, and shall notify the city council and all licensed haulers of any such changes. The list shall be available to members of the public at the office of the city clerk.

(F) Resident. "Resident" is any person who owns or rents a dwelling or other property improved for occupation within the City of Gardiner.

(G) Rubbish. For the purpose of this ordinance, "rubbish" means solid waste generated by residents and nonresidential entities on an ongoing basis.

(H) Solid Waste. "Solid Waste" means useless, unwanted or discarded solid materials with insufficient liquid content to be free-flowing, including but not limited to rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but does not include septic tank sludge or agricultural wastes. The fact that a solid waste or constituent of the waste may have a value or another use or may be sold or exchanged does not exclude it from this definition.

(I) Solid Waste Disposal Facility. "Solid Waste Disposal Facility" means a solid waste facility for the incineration or landfilling of solid waste or refuse-derived fuel. Facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid waste disposal facilities.

(J) Solid Waste Processing Facility. "Solid Waste Processing Facility" means a land area, structure, equipment, machine, device, system or combination thereof, other than an incineration facility, that is operated to reduce the volume or change the chemical or physical characteristics of solid waste. "Solid waste processing facility" includes but is not limited to a facility that employs shredding, baling, mechanical and magnetic separation or composting or other stabilization technique to reduce or otherwise change the nature of solid waste.

Licenses; Application

Section 583. Licenses; Application.

(A) No person shall be engaged in the business of collecting or transporting rubbish and/or recyclable materials on a regularly scheduled basis for pay or compensation within the city unless s/he is licensed by the City Manager in accordance with this ordinance.

(B) Any such person shall make a written application for a license to the city manager that includes the following:

- (1) Proof of valid registration issued by the secretary of state of the State of Maine for all collection vehicles which are to operate in Gardiner;
- (2) Proof of valid inspection stickers for all vehicles;
- (3) Proof of a liability insurance policy, issued by an insurance company authorized to do business in the State of Maine, for all collection vehicles in accordance with State laws regulating commercial and solid waste transporters, which shall be in full effect for the duration of the licensing period;
- (4) A schedule of the hauler's usual fees for collection and disposal of rubbish and recyclable materials for all classes of customers. If, during the course of the license year, the hauler changes its fee schedule, the hauler shall provide a copy of the new fee schedule to the city; and

(5) Such further information as the city manager may reasonably require. Any changes to the application form will be reported to the city council.

(C) The fee for a license is ***\$25.00*** per year for one collection vehicle and an additional ***\$5.00*** for each additional collection vehicle to be operated in Gardiner by the same licensee. The license shall be valid from July 1 through June 30 of the following year. No license shall be issued or renewed unless the license application is complete. License denials and refusals to renew may be appealed to the City Council.

(D) Recipients of a license shall receive a permit sticker for each collection vehicle, which is to be prominently displayed on each collection vehicle at all times within the City of Gardiner.

(E) Each licensed hauler shall be responsible for the disposal of all rubbish and for recycling of all recyclable materials that s/he collects within the City of Gardiner, and for all tipping fees and other fees or costs associated with disposal or recycling.

(F) Rubbish collected in Gardiner shall be disposed of at the Hatch Hill Solid Waste Disposal Facility_ or at any other licensed solid waste disposal facility. Recyclable materials shall be recycled at Hatch Hill or at any other legally authorized recycling/solid waste processing facility.

(G) The City of Gardiner shall mail license renewal notices to all licensed haulers no later than June 1st of each year. The city shall also make available to haulers by reasonable means, including the City of Gardiner website, information to assist them in complying with the requirements of this ordinance.

Recycling Collection

Section 584. Recycling Collection.

(A) Licensed rubbish haulers shall provide collection of recyclable materials at least once per month to all of their customers.

(B) Haulers shall begin collection of materials added to the City of Gardiner Recyclables Collection List no later than 60 days after notification of the change(s).

(C) Haulers shall provide to their new customers, and to all customers at least once every six months, a list of the recyclable materials that they accept, a description of how those materials are to be prepared for collection, and a collection schedule. They shall also distribute to customers upon request by the city any educational material that from time to time the city may create for distribution.

Reporting

Section 585. Reporting.

(A) Licensed haulers shall submit quarterly reports to the city that include the following information:

(1) Average number of Gardiner residential and nonresidential customers;

(2) Tonnage of recyclable materials collected in Gardiner and taken to the Hatch Hill Solid Waste Disposal Facility;

(3) The identity of other facilities to which collected recyclable materials were taken and the tonnage of materials taken to each;

(4) Tonnage of non-recyclable materials collected in Gardiner and disposed of at the Hatch Hill Solid Waste Disposal Facility; and

(5) The identity of other facilities at which non-recyclable materials were disposed of and the tonnage of materials taken to each.

(B) Quarterly reports shall be due on October 15th, January 15th, April 15th and July 15th. If the due date falls on a weekend or holiday, reports shall be due on the next day on which the city is open for business.

Enforcement

Section 586. Enforcement.

Violations of this ordinance may result in an assessment of penalties and/or license revocation, as follows:

(A) A commercial hauler who is required to have a license under Subsection 583(A) and operates in the City of Gardiner without said license shall be liable for a penalty of \$200 per day for each business day of violation. The penalty shall increase to \$500 per day for violations that occur after a prior conviction of the same person or entity or principals of the entity.

(B) A commercial hauler who operates in the City of Gardiner with an expired license shall be liable for a penalty of \$50 per day for each business day of violation. After 30 days, the penalty shall increase to \$100 per business day.

(C) A licensed hauler who submits an incomplete quarterly report or who fails to submit a quarterly report in a timely manner shall be liable for a penalty in the amount of \$10 per day for each business day of violation.

(D) Failure to reasonably comply with the recycling requirements of Section 584 or other requirements of this ordinance may result in action by the City Manager, including refusal to renew a license and/or license revocation for up to two years, after notice and hearing. Said actions may be appealed to the City Council.

(E) If violations of this ordinance result in court action, the hauler shall be liable for the city's enforcement costs, including reasonable attorney fees.