

Chapter 220. Solid Waste

Article I. ~~Deposit, Storage and Transportation~~In General

§ 220-1. ~~Deposit of w~~Waste, refuse, rubbish or garbage.

- A. No person shall throw, ~~drop, or~~ deposit, ~~discard, dump, or otherwise dispose of~~ any garbage, tobacco product, yard waste, solid waste, ~~construction and demolition debris, vehicle,~~ prohibited waste, ~~hazardous waste, litter~~ or waste matter ~~in general~~, or cause the same to be thrown, ~~dropped,~~ ~~or deposited,~~ ~~discarded, dumped, or otherwise disposed~~ upon any street, sidewalk, alley, gutter, park, or other public way, or ~~throw or deposit the same in or~~ upon any premises, ~~private property,~~ ~~public property~~ or vacant lot or in any water, or store or keep the same except in suitable containers ~~as required by this article~~ or in litter baskets as supplied by the City or deposited at ~~a disposal facility~~ or the transfer station in an appropriate manner.
- B. Where the City has supplied litter baskets, no person shall use the litter basket for the disposal of large volumes of solid waste from residential or commercial activity.

§ 220-1A. ~~(Reserved)~~Definitions.

The definitions set forth in 38 M.R.S.A. § 1303-C, as amended herein, apply to this chapter. For the purposes of this chapter, the terms below are defined as follows. Any word not otherwise defined in 38 M.R.S.A. § 1303-C or below shall have its ordinary meaning:

CONSTRUCTION AND DEMOLITION DEBRIS. Waste generated through the construction, repair or demolition of structures including, but not limited to discarded, collapsed, or detached parts of a building or structure thereof and including but not limited to inert material plaster, lath, plumbing fixtures, insulation, asphalt, asphalt shingles, wall board, pipes, treated wood (wood products which have been treated with copper, chromium, arsenic and or creosote), and conduit; but does not include partially filled containers, friable asbestos or other special waste.

SOLID WASTE. 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 material, junk, refuse, but shall not include septic tank sludge nor agricultural, biomedical or hazardous waste; it shall also include recyclable material, acceptable waste, and unacceptable waste as defined herein. The fact that a solid waste or constituent of the waste may have value or other use, or may be recycled, or may be sold or exchanged does not exclude it from this definition.

SUITABLE CONTAINER. For material other than recyclable material, yard waste, or construction or demolition debris; a city-approved plastic bag or a dumpster as herein defined in this chapter.

SUITABLE RECYCLING CONTAINER. For recyclable material as herein defined in this chapter, a rectangular plastic bin obtained from the Public Works Department or other container so designated with a "sticker" obtained from the Public Works Department.

§ 220-2. ~~Outside s~~Storage of waste, garbage or refuse.

No person shall keep ~~out of doors~~ any solid waste, acceptable waste, unacceptable waste, construction and demolition debris, garbage, rubbish, scrap metal, offal, swill or refuse, or scraps of meat or fish, or any decayed matter, vegetable or animal, unless confined in suitable ~~covered~~ containers.

§ 220-3. Violations and penalties.

Any person, firm, or corporation person who violates any provision of this chapter may be penalized in the following manner:

- A. Civil penalties. Violating any provision of this chapter is a civil penalty enforced by the Police Department or enforced by the Code Enforcement Officer pursuant to 30-A M.R.S.A. § 4452. In any such proceeding, the City may order abatement of any violations, pay a penalty between \$100 and \$2,500 per violation, per day, and pay the court costs, attorneys and expert witness fees incurred by the City.
- B. Littering penalties. In addition to other penalties in this chapter, littering, as defined in the "Maine Litter Control Act," 17 M.R.S.A. § 2261 et seq. is a civil penalty and may be enforced and prosecuted pursuant to 17 M.R.S.A. § 2261 et seq.

~~Violation of this article is a civil violation. The penalty for said offense shall be \$100, plus attorneys' fees, and costs of the proper disposal of the material.~~

§ 220-~~373A~~. AppealsHearings.

Anyone who has had their collection of acceptable waste or recyclables from residences or use of the transfer station denied or suspended pursuant to § 220-36B, § 220-5, or § 220-6 shall be entitled to a hearing before the City Manager, Public Works Director if such request is made in writing within 3015 days of the denial or suspension. The decision of the City Manager, Public Works Director shall be final.

Article II. Transfer Station

§ 220-4. ~~Removal of items from transfer station.~~Use of transfer station.

- A. Residents with a single dwelling vehicle permit may use the transfer station to bring certain waste specified in § 220-8 from the residential premises of which they have direct control and dispose of that waste according to § 220-6.
- B. A property owner with a multiple dwelling permit may use the transfer station to bring city-approved plastic bags and recyclables as herein defined in this chapter from a specified residential premises, campground, or mobile home park of which they have direct control and dispose of that waste according to § 220-6. In addition, a property owner may contract with a private waste hauler as herein described in this chapter to bring city-approved plastic bags and recyclables as herein defined in this chapter from a specified residential premises, campground, or mobile home park. Such private waste hauler may only bring waste from a single residential premises, campground, or mobile home park on a trip to the transfer station.

~~It shall be unlawful for any person to remove items from the transfer station except that the Public Works Director or designee may organize a swap shop allowing City residents to remove certain items from the transfer station that can be reused.~~

§ 220-5. Junked automobiles. Procedures.

A. A single dwelling vehicle permit application shall be made at the transfer station facility and shall include furnishing proof of residency such as a utility bill, tax bill, or vehicle registration. Such vehicle permit may be issued by the transfer station facility attendant unless the applicant has been found to be in violation and the use of the transfer station has been denied or suspended.

B. A multiple dwelling permit application shall be made to the Public Works Director on a form provided by the Public Works Director for such purpose and shall include the following information:

(1) The address and contact information of the applicant and sufficient description of the residential premises, campground, or mobile home park of which the applicant has direct control.

(2) The license plate number and a copy of the vehicle registration for the vehicle which will bring waste to the transfer station or the name of the licensed waste hauler which the applicant intends to contract with to bring waste to the transfer station.

(3) The number of dwellings, campground sites, or mobile homes present on the premises and a general description of the dwellings.

(4) An estimate or actual count from the prior year of the number of city-approved plastic bags and volume and tonnage of recyclables that will be brought to the transfer station annually from the residential premises, campground, or mobile home park.

(5) The City is under no obligation to issue any such multiple dwelling permit for use of the transfer station and the Public Works Director may deny any application at his or her sole discretion. Any permit issued shall be at cost to the City and if any such permit application is obviously disadvantageous to the City, such application shall be denied.

C. All permits expire annually on December 31. Permits issued in 2019 shall be for six months.

~~It shall be unlawful for any person to deposit or cause to be deposited at the transfer station old junked or discarded autos or auto bodies unless such autos or auto bodies are cut up so as to enable the attendant to compact them.~~

§ 220-5A. Fees; fee calculation.

A. The fee for a single dwelling vehicle permit and disposal of certain waste shall be as set forth in the solid waste fee schedule in § 120-21 as adopted by the City Council.

B. The Public Works director shall establish a reasonable methodology for calculating the fee, at cost to the City, for a multiple dwelling permit informed by the estimate or actual count, volume, and tonnage from the prior year of City-approved plastic bags and recyclables provided by the applicant.

(a) The fee shall be calculated as the net cost to the City for transportation and disposal of the proportion of waste brought to the transfer station by the residential premises, campground, or mobile home park less estimated city-approved plastic bag revenue less any proportional cost to the City for transportation and disposal of city-approved plastic bags.

(b) The calculation shall not include the cost of operating the transfer station.

(c) The calculation shall not include the curbside collection of city-approved plastic bags and recyclables by the City's contractor.

(d) Unless the calculated fee is obviously disadvantageous to the City, the fee shall be \$100.00

§ 220-6. Administration and enforcement.

A. The transfer station facility attendant shall enforce the provisions of this article and shall:

(1) Inspect material brought to and disposed of at the transfer station;

(2) Verify that the use of the transfer station is authorized pursuant to § 220-4;

(3) Collect permit and disposal fees; and

(4) Direct the handling and placement of material brought to the transfer station.

B. The transfer station facility attendant may refuse the disposal of any material brought to the transfer station.

§ 220-6A. Violations and Penalties.

In addition to or in lieu of other penalties described in this chapter, after one written warning the transfer station facility attendant may deny or suspend the use of the transfer station for vehicle permits, multiple dwelling permits, and licensed private waste haulers. Denial or suspension of the use of the transfer station shall be for an initial term of 30 days. Subsequent violations may result in a suspension of up to 90 days.

~~The supervision and control of the transfer station shall be administered by the Public Works Director or other person designated by the City Manager.~~

§ 220-7. Days and hours of operation.

Use of the transfer station facility shall be permitted only during the hours of operation as posted at the site and only as directed by the ~~The Public Works Director or other person designated by the City Manager~~ shall regulate the days and hours when dumping will be permitted at the transfer station.

§ 220-8. ~~Violations and penalties.~~ Disposal of certain waste allowed.

Only the following categories of solid waste may be disposed at the transfer station:

A. Appliances

- (1) Large-sized (e.g. washing machine, dryer, kitchen range)
- (2) Freon containing (e.g. refrigerator, air conditioner)

B. Batteries

- (1) UPS unit
- (2) Automotive or large lead acid battery
- (3) Small battery
- (4) Rechargeable battery

C. City-approved plastic bag and content thereof

D. Construction and demolition debris

- (1) Construction and demolition debris
- (2) Inert debris

E. Electronics

- (1) Computer and laptop, desktop office equipment, miscellaneous medium-sized electronic/ appliance (e.g. printer, fax, scanner, copier, microwave, stereo, vacuum)
- (2) Computer peripheral, miscellaneous small electronic/ appliance (e.g. mouse, keyboard, blender)
- (3) Television, console
- (4) Television, non-console, CRT computer monitors, non-LCD, non-LED
- (5) Television, computer monitor, LCD, LED up to 30 inches
- (6) Television, computer monitor, LCD, LED over 30 inches

F. Furniture and Bulky items

- (1) Carpet, carpet padding
- (2) Large toy
- (3) Mattress/box spring
- (4) Sofa
- (5) Stuffed chair
- (6) Small furniture

G. Lamps and ballasts

- (1) Lighting ballast
- (2) Florescent tube lamp
- (3) Compact florescent/U-shaped lamp
- (4) HID lamp

H. Recyclables

I. Tires

- (1) Auto, off rim

- (2) Auto, on rim
- (3) Truck, off rim
- (4) Truck, on rim

J. Yard Waste

- (1) Brush (e.g. tree trunks, limbs, branches)
- (2) Grass/Leaves/garden debris

~~Violation of this article is a civil violation. The penalty for said offense shall be \$100, plus attorneys' fees, and costs of the proper disposal of the material.~~

Article III. Private Collection, Transportation and Disposal

§ 220-9. Definitions.

As used in this article, the following terms shall have the meanings indicated:

~~SOLID WASTE. Ordinary household waste, including, but not limited to, the following: garbage, trash, rubbish, paper, plastic, metal cans, glass, crockery, cold ashes, and refuse.~~

WASTE HAULER. A person, firm, corporation, or other entity that regularly collects and hauls the solid waste or recycling goods of another person, firm, corporation, or other entity for a fee.

§ 220-10. Transportation over streets.

No person, owner, driver, or private waste hauler of any truck or trailer, of any size whatsoever, shall transport any solid waste or recycling goods, including rubbish, refuse, ashes, garbage or putrescible waste or other waste material, over any public way, street, or place within the limits of the City except in properly constructed and maintained vehicles or containers.

- A. No such vehicle or container shall be allowed to become foul or offensive.
- B. Such vehicles and containers shall be covered so as to prevent said recycling goods, rubbish, refuse, ashes, garbage or other waste material from being blown or falling into the street while in transit to an approved disposal facility.
- C. No such vehicle or container shall be parked on private property without a license and as allowed by an approved site plan.
- D. No such vehicle or container shall park on a City street or in City parking lots.

§ 220-11. Private waste hauler license required.

No person, firm, or corporation shall operate as a waste hauler and collect or transport solid waste from another person, firm, or corporation for a fee within the corporate limits of the City without first obtaining a license for such purpose from the City Clerk. Licenses under this article shall not be issued unless the City Clerk receives affirmation from the Inspection Team that the applicant's proposed operation meets all applicable requirements. Any person carrying out such activity without a license is in violation of these provisions. Failure to comply with any of these requirements shall be deemed a

violation of this article and is adequate grounds for the denial, revocation, or suspension of a waste hauler license.

§ 220-12. Procedures and fees.

License applications under this article shall be processed according to the procedures established in this article and Chapter 149, Licensing. A license may be issued to a waste hauler after the annual fee required has been paid through the City Clerk's office. The fee for a waste hauler license shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code, for waste haulers.

§ 220-13. Application for license.

A license application shall be made to the City Clerk on a form furnished by the City Clerk for such purpose and shall include, in addition to any other required information established under Chapter 149, Licensing, the following information:

- A. If the applicant is a corporation, the names and addresses of its directors and officers;
- B. A description of the equipment to be used, including make, model, year of manufacture and license plate number of said equipment;
- C. A certificate of insurance showing evidence of vehicle liability and comprehensive liability coverage with limits of no less than \$400,000; and
- D. A copy of a current waste transporter license with the Maine Department of Environmental Protection.

§ 220-14. Placement of dumpsters.

Waste haulers shall meet all dumpster requirements specified in this chapter when placing dumpsters in compliance with this chapter.

§ 220-15. through § 220-25. (Reserved)

Article IV. Dumpsters

§ 220-26. Dumpster requirements.

Any dumpster or waste compactor unit (hereinafter "dumpster"), such as those used to receive the accumulation of solid waste on premises during the interval between waste collections, must comply with the following requirements:

- A. Each dumpster shall be covered at all times by a tight-fitting cover which is capable of being locked.
- B. Each dumpster shall be maintained in a clean, sanitary condition at all times with no solid waste on or outside the dumpster or the surrounding premises.
- C. Each dumpster shall be locked during hours of nonuse.

- D. Each dumpster shall not be located in the required setback area.
- E. Each dumpster shall be visually screened from public streets and abutting residential properties by its location or by opaque fencing and/or landscaping.
- F. Each dumpster shall be permanently labeled with the waste hauler's name and an identification number unique to the waste hauler. Such permanent label shall be orderly and shall not be drawn in spray paint without a proper stencil.

§ 220-27. ~~Violations and penalties.~~(Reserved)

~~Violation of this article is a civil violation. Each day that the violation continues shall be deemed a separate violation. The penalty for said offense shall be \$100, plus attorneys' fees. In addition, the City may bring a civil action for injunctive relief in a Maine court to abate a violation hereunder.~~

§ 220-28. Applicability.

This article shall apply to all dumpsters, including, without limitation, those in place as of the date of adoption of this article.

Article V. Residential Solid Waste and Recyclables Collection

§ 220-29. Title.

This article shall be known as the "City of Sanford Residential Solid Waste and Recyclables Collection Ordinance," hereinafter referred to as "this article."

§ 220-30. Purpose and authority.

The purpose of this article is to protect the health, safety and welfare of the citizens of the City of Sanford, Maine, by enhancing and maintaining the quality of the environment and by conserving natural resources through the regulation of the collection of solid waste and recyclables from residences pursuant to 30-A M.R.S.A. § 3001 et seq. (municipal home rule ordinance authority), 38 M.R.S.A. § 1301 et seq. (Waste Management Act) and 38 M.R.S.A. § 2101 et seq. (solid waste management and recycling).

§ 220-31. Applicability.

This article applies to domestic and residential generators of solid waste and recyclables located within the City of Sanford.

§ 220-32. Definitions.

The definitions set forth in 38 M.R.S.A. § 1303-C, as amended, apply to this article. For purposes of this article, the terms below are defined as follows. Any word not otherwise defined in 38 M.R.S.A. § 1303-C or below shall have its ordinary meaning.

ACCEPTABLE WASTE. Includes all ordinary household, municipal, institutional, commercial and industrial wastes which consist primarily of combustible materials and which are not unacceptable waste and are not recyclables as defined in this article.

CITY-APPROVED PLASTIC BAGS. ~~Officially designated and~~ specially marked bags designed for refuse collection and approved by the Public Works Director, sold by the City through various commercial vendors and/or City Departments and imprinted with the City seal.

RECYCLABLES. A list of certain materials, as published by and as may be amended from time to time by the Public Works Director including:

A. Paper: corrugated cardboard in sheets no larger than two feet by six feet, office paper, shredded paper, mixed paper, paper board, paper bags, newspaper, wrapping paper, phone books, books, magazines, paper cartons, aseptic containers;

B. Glass: all colors, bottles and jars; clear glass;

C. Metal: tin cans, aluminum cans, bimetal cans, foil, pots and pans, empty aerosol cans; magazines, mixed paper;

~~A.D. Plastic: all rigid contains marked #1 - #7 (e.g. water bottles, milk jugs, detergent bottles) high-density polyethylene, and other items as added by the Director of Public Works or his designee.~~

RESIDENCES. Properties which contain no more than four dwellings as defined in City Code § 90-2.

UNACCEPTABLE WASTE. All waste defined as such in the "Waste Handling Agreement between the City of Sanford, Maine, and Pine Tree Waste, Inc., and Casella Waste Systems, Inc.," dated ~~December 27, 2012~~ July, 2019, and includes, but is not limited to, abandoned or junk vehicles, trailers, agricultural equipment and boats and parts thereof; tires; hazardous waste; demolition or construction debris; putrefied waste; pathological waste; water treatment residues or by-products of any kind; tree stumps; grass clippings; leaves; brush or yard waste of any kind; brown goods; tannery and sewer sludge of any kind; waste oil or solvents; box springs, bedsprings, and mattresses; white goods such as freezers, refrigerators, washing machines or parts thereof; liquid wastes or sludges; stuffed furniture; fish nets; automotive batteries; wire, ~~rope~~, cable, and banding metal; carpets, rugs and underlayment of any dimension; rope (fiber) greater than six feet; hose, greater than six feet; wood greater than two feet in any dimension; wire fencing; pesticides and other organic fluids; magnetic computer tape; rolled material of any tube length exceeding a rolled diameter of four inches; and firearms, ammunition and explosives.

§ 220-33. Collection of acceptable waste from residences.

A. Curbside collection of residential solid waste. The City of Sanford or its agent or contractor will provide weekly curbside collection of acceptable waste generated by residences located within the City of Sanford. Effective September 16, 2013, all residential waste must be placed in City-approved plastic bags ~~acquired from an approved and authorized vendor. For purposes of this article, "residence" means a building which contains no more than four dwelling units as defined in § 280-5 of Chapter 280, Zoning, of the City Code.~~

B. The fee for the collection of City-approved plastic bags shall be as set forth in the solid waste fee schedule in § 120-20 as adopted by the City Council. ~~Bags shall cost \$1 per bag for eight-gallon bags, \$1.25 per bag for fifteen-gallon bags and \$2 per bag for thirty-three-gallon bags. The City Council may adjust the price of bags by amendment of this chapter.~~ The total net revenue from bag sales

shall be used to reduce the net costs of the City's Environmental Services budget for the next fiscal year and may not exceed the total amount of the Environmental Services budget for the next fiscal year and may not exceed the total amount of the Environmental Services budget.

- C. Curbside collection of acceptable waste from residences shall be subject to the following requirements:
- (1) No person shall place acceptable waste on any public street or sidewalk for collection before the hour of 6:00 p.m. on the day preceding a regularly or specially scheduled curbside collection of acceptable waste from residences. Acceptable waste must be placed at curbside no later than 7:00 a.m. on the day of collection.
 - (2) All acceptable waste shall be deposited in City-approved plastic bags which are tied securely and shall be placed at curbside in a conveniently accessible place for collection in a manner that does not obstruct the public way. Bags may be placed at curbside in a watertight container with handles, covered by a tight fitting lid free of sharp edges and such container shall be removed from the curbside on the day of collection. Bags may not weigh more than (30) pounds, as ~~the amount~~ printed on the bag, which is the maximum weight capacity.
 - (3) The Director of Public Works shall prepare and publicize a schedule and routes for curbside collection of acceptable waste from residences in the City of Sanford, which schedule and routes may be amended by the Director of Public Works from time to time.
 - (4) No person shall place unacceptable waste at curbside for collection.
 - (5) The City of Sanford may refuse to accept for collection any acceptable waste which has been placed at curbside for collection in a manner which does not comply with the requirements of this article or which is too large to fit into City-approved plastic bags~~standard containers~~. The City and its contractor may not sort, salvage, or remove portions of the waste set out for collection. The owner of the residence at which the acceptable waste has been placed at curbside in such a manner shall be responsible for disposing of such waste in a proper manner.
 - (6) The City of Sanford may refuse to accept for collection any acceptable waste which has been placed at curbside for collection that includes recyclables as defined in § 220-32.
 - (7) The owner of each building receiving collection services shall be responsible for cleaning up any spilled waste within 12 hours of collection.
 - (8) The owner of each building receiving collection services shall be responsible for removing emptied containers from the public right-of-way within 24 hours of collection.

§ 220-34. Collection of recyclables from residences.

- A. Curbside collection of residential recyclables. The City of Sanford or its agent or contractor may provide weekly or biweekly curbside collection of recyclables generated by residences located within the City of Sanford.
- B. Curbside collection of recyclables from residences shall be subject to the following requirements:

- (1) No person shall place recyclables on any public street or sidewalk for collection before the hour of 6:00 p.m. on the day preceding a regularly or specially scheduled curbside collection of recyclables from residences. Recyclables must be placed at curbside no later than 7:00 a.m. on the day of collection.
- (2) All recyclables shall be commingled and shall be placed at curbside in suitable recycling containers ~~approved by the City~~. These containers shall contain only recyclables and shall not contain any acceptable waste, unacceptable waste, garbage or rubbish.
- (3) Any and all recyclables placed at curbside become the property of the City of Sanford or its agent or contractor and may not be salvaged, removed or carried off by any person other than the City of Sanford or its agent or contractors.
- (4) The Director of Public Works shall prepare and publicize a schedule and routes for curbside collection of recyclables from residences in the City of Sanford, which schedule may be amended by the Director of Public Works from time to time.
- (5) It shall be unlawful to dispose of or mix recyclable material with acceptable waste.

(6) The City of Sanford may refuse to accept for collection any recyclables which have been placed at curbside for collection in a manner which does not comply with the requirements of this article or which is too large to fit into suitable recycling containers. The City and its contractor may not sort, salvage, or remove portions of the waste set out for collection. The owner of the residence at which the recyclables have been placed at curbside in such a manner shall be responsible for disposing of such waste in a proper manner.

- C. The fee for the collection of recyclables shall be as set forth in the solid waste fee schedule in § 120-20 as adopted by the City Council.

§ 220-35. Municipal collection from certain ~~establishments~~ locations prohibited.

- A. The City of Sanford and its agents and contractors shall not collect acceptable waste and recyclables from residences which consist of ~~buildings~~ properties containing more than four dwelling units nor from commercial, public and private institutional and industrial uses and activities in the City of Sanford.
- B. The City of Sanford and its agents and contractors shall only collect acceptable waste and recyclables from residences that are on City-maintained roads.

§ 220-36. Violations and penalties.

- ~~A. The Director of Public Works or his designee shall enforce this article. Violation of any of the provisions of this article is a civil violation for which the violator shall be fined not less than \$50 per violation. Each day that the violation continues shall be deemed a separate violation. In addition, the City may bring a civil action for injunctive relief in a Maine court of competent jurisdiction to abate a violation hereunder.~~

In addition to or in lieu of other penalties described in this chapter~~Subsection A~~, after one written warning the Director of Public Works or ~~his~~their designee may suspend the collection of acceptable waste and recyclables from any residence. Suspension of the collection service to a residence shall be for an initial term of not more than 30 days. Subsequent violations may result in a suspension of up to 90 days. During said suspension the violator is required to dispose of his/her waste lawfully and may be granted access to the transfer station at the discretion of the Public Works Director.

~~§ 220-37. Hearings.~~

~~Anyone who has had their collection suspended pursuant to § 220-36B shall be entitled to a hearing before the City Manager, if such request is made in writing within 15 days of the suspension. The decision of the City Manager shall be final.~~