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TOWN OF GOULDSBORO, MAINE

SOLID WASTE AND RECYCLING ORDINANCE

Adopted: August 20, 2008

**Proposed Amendment: April 28, 2022**

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**Solid Waste and Recycling**

**Ordinance**

**Adopted: August 20, 2008**

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40 **Section 1- AUTHORITY**

41 This Ordinance is created under the authority granted the town by Title 38  
42 **M.R.S.A.**, 1301 et seq. (the Maine Hazardous Waste, Septage and Solid Waste  
43 Management Act) and Title 30-A **M.R.S.A.**, 3001 et seq. (Ordinance of  
44 Municipalities and Counties).  
45

46 **Section 2- PURPOSE**  
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- 48 2.01 To control costs of solid waste management which are increasing  
49 significantly and these costs are best borne by those who generate the  
50 waste.  
51  
52 2.02 To protect the health, safety and general well being of the citizens of  
53 Gouldsboro, Maine.  
54  
55 2.03 To enhance and maintain the quality of the environment, conserve natural  
56 resources and prevent water and air pollution by providing a comprehensive,  
57 rational and effective means of regulating the disposal of solid waste in the  
58 Town in accordance with the provisions of title 38 **M.R.S.A.**, Section 1304-  
59 B as amended.  
60  
61 2.04 To control solid waste material in the Town by establishing limitations,  
62 prohibiting certain acts causing solid waste disposal problems and to provide  
63 for fines for violations of the provisions of this Ordinance.  
64  
65 2.05 To encourage and expand solid waste recycling.  
66  
67 2.06 To encourage and expand environmentally sound home composting of yard,  
68 leaf and vegetable waste that meets all State requirements.  
69

70 **Section 3- APPLICABILITY**  
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72 This Ordinance applies to all waste and generators of solid waste in the Town of  
73 Gouldsboro, but excluding waste privately contracted for disposal outside the Town  
74 excepting the provisions of Section 7.09 which applies in all cases within the Town.  
75 Businesses and other parties that privately contract for waste storage (e.g. dumpster) and  
76 disposal shall accept responsibility to secure these facilities so they are available only for  
77 their own use.  
78

79 **Section 4. DEFINITIONS**  
80

81 **The definitions set forth in 38 M.R.S.A. §1303 apply to this ordinance**  
82 **and are incorporated herein. Any word not otherwise defined shall have**  
83 **its dictionary meaning.**  
84

- 85 4.01 ACCEPTABLE WASTE- Solid waste generated in the Town of Gouldsboro  
86 which may include. but is not limited to: household waste, garbage.  
87 commercial waste, recyclables, white goods containing no CFCs,

(chlorofluorocarbon - a fluorocarbon with chlorine; formerly used as a refrigerant and as a propellant in aerosol cans;) automotive tires (without rims), construction and demolition debris, yard waste, and restaurant waste.

- 4.02 UNACCEPTABLE WASTE- Solid or liquid waste which is not defined as acceptable waste and includes, but is not limited to: sewage and its derivations including toxic liquid, junk vehicles and parts therefrom (excluding tires), wet cell batteries, fluorescent lamps, compact fluorescent lights (CFL), dead animals including fish or fowl or portions thereof, appliances containing CFC gases, petroleum-based liquids, hazardous waste, infectious waste or special waste such as asbestos, industrial process waste, or contaminated soil.
- 4.03 RECYCLABLE MATERIALS - Items that possess physical and economic characteristics that allow them to be recovered, separated, collected or reprocessed for sale or reuse other than use as fuel for the generation of heat, steam or electricity. These items include but are not limited to newspapers, magazines, phone books, mail, cereal boxes, used envelopes, white paper, colored paper, flattened and bundled cardboard, paper bags, bottles, cans, glass and #1 and #2 plastic.
- 4.04 COMPOST MATERIAL is defined as material privately stored for decomposition by natural means and includes but is not limited to horticultural waste such as grass clippings and other fibers, vegetables and other food waste, meat and fish waste.
- 4.05 UNIVERSAL WASTE- Radios, televisions, other electronic elements, materials containing mercury, cadmium and lead such as rechargeable batteries, cathode raytubes, fluorescent lamps, mercury thermostats, motor vehicle switches, PCB ballast's and thermometers.
- 4.06 WHITE GOODS- Refrigerators, stoves, freezers, washing machines, clothes dryers, air conditioners and other large, predominantly metal household appliances.
- 4.07 CONSTRUCTION and DEMOLITION DEBRIS (CDD)-solid waste resulting from construction, remodeling, repair, and demolition of structures. It includes but is not limited to: lumber, bricks, masonry, shingles, building materials, discarded furniture, asphalt, insulation, wall board, pipes, metal structures, and metal conduits and other similar materials. It excludes: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos; and other special wastes.
- 4.08 GARBAGE- Every accumulation of waste (animal, vegetable, and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including but not by way of limitation, used tin cans and the food containers and all putrescible or easily decomposable waste animal

138 or vegetable matter that is likely to attract flies or rodents), except (in all  
139 cases) any matter included in the definition of bulky waste, construction and  
140 demolition debris, dead animals, hazardous waste, or stable matter.  
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143 4.09 SOLID WASTE- Unwanted or discarded material including, but not limited  
144 to: rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse and  
145 construction and demolition debris, inert fill material, and landscape refuse.  
146 It does not include hazardous waste, biomedical waste, septic tank sludge,  
147 or agricultural waste. The fact that a solid waste, or constituent of the waste,  
148 may have value, be beneficially used, have other use, or be sold or  
149 exchanged, does not exclude it from this definition.  
150

151 4.10 RESIDUAL WASTE- solid wastes generated from municipal, commercial  
152 or industrial facilities that may be suitable for agronomic utilization. These  
153 materials may include: food, fiber, vegetable and fish processing wastes;  
154 dredge materials; sludges; dewatered septage; and ash from wood or sludge  
155 fired boilers and must be EPA-suitable for agronomic application.  
156 Additionally:  
157

158 **Type I-A residual.** "Type IA residual" means a residual from a known  
159 source that does not contain hazardous substances above risk-based  
160 standards in Appendix 418.A of DEP rules and that has a carbon to nitrogen  
161 ratio greater than or equal to 25:1, such as leaf and yard waste, wood chips  
162 and some vegetative wastes.  
163

164 **Type 1-B residual.** "Type 1B residual" means a residual from a known  
165 source that does not contain hazardous substances above risk-based  
166 standards in Appendix 418.A and that has a carbon to nitrogen ratio greater  
167 than 15:1 but less than 25:1, such as animal manure and most produce and  
168 vegetable wastes.  
169

170 **Type 1-C residual.** "Type IC residual" means a residual from a known  
171 source that does not contain hazardous substances above risk- based  
172 standards in Appendix 418.A and that has a carbon to nitrogen ratio of 15:1  
173 or less, such as fish wastes.  
174

175 4.11 MUNICIPAL SOLID WASTE- solid waste emanating from household and  
176 normal commercial sources. Municipal solid waste includes front-end  
177 process residue from the processing of municipal solid waste.  
178

179 4.12 PUTRESCIBLE WASTE- solid waste that contains organic matter that can  
180 be rapidly decomposed by microorganisms, which may give rise to foul  
181 smelling, offensive products during such decomposition or which is capable  
182 of attracting or providing food for birds and potential disease carrying  
183 organisms such as rodents and flies.  
184

185 4.13 SPECIAL WASTE- waste designated by the Maine Board of Environmental  
186 Protection as Special Wastes.  
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188 4.14 APPROVED STICKER- a single-use tag purchased in quantity from the  
189 Town, which entitles the bearer to have a set maximum amount of solid

waste picked up at their public curbside once.

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- 4.15 COMMERCIAL HAULER- Any person who carries waste for compensation.
  - 4.16 PERMITTED USER- Any resident or resident business owner that lives in theTown of Gouldsboro.
  - 4.17 RESIDENT- A person who lives within the Town. It shall include persons whomay own, rent, or lease a dwelling seasonally.
  - 4.18 MUNICIPAL OFFICERS- The Selectmen of the Town of Gouldsboro.
  - 4.19 TOWN MANAGER- The Town Manager of the Town of Gouldsboro.
  - 4.20 SOLID WASTE COMMITTEE- The committee appointed by the MunicipalOfficers for the purpose of overseeing the management of solid waste.
  - 4.21 LIQUID WASTE- Sewerage or its by products, liquification of material subject to putrefaction.
  - 4.22 TOXIC LIQUID WASTE- Liquid deemed toxic under Maine Sate DEP standards.
  - 4.23 BAIT: A Type 1C Residual specifically held for fishing.

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## Section 5- ADMINISTRATION

217 This Ordinance shall be administered by the Municipal Officers and/or their  
218 designees. Their powers and duties are as follows:

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- 5.01 To institute all necessary procedures, either legal or equitable, to enforce this Ordinance.
  - 5.02 To review any alleged violation of this Ordinance, and impose appropriate penalties subsequent to notice and hearing as required.
  - 5.03 To provide education, on a continuing basis on the methods of solid waste disposal, including any changes in requirements.
  - 5.04 To provide necessary pickup and disposal contracts, consistent with the lowest best cost and service provided. In the interest of the Town, to establish within these contracts what portion of commercial/industrial waste disposal is to be municipally funded.
  - 5.05 To charge a fee for the purchase of stickers for curbside pickup and the disposal of household garbage. The amount of the fee shall be set by the Municipal Officers. Availability of these stickers will be the responsibility of the Municipal Officers and/or their designees. All fees collected shall be kept in a special account and used in the following year to offset solid waste disposal costs.

- 241  
242 5.06 To establish the maximum volume and/or weight of solid waste which is  
243 eligible for curbside pickup under a single sticker.  
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245 **Section 6- STORAGE REQUIREMENTS**

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247 It is the responsibility of each resident to provide proper storage of all solid waste  
248 generated on his or her premises in accordance with the requirements of this  
249 ordinance. This responsibility also includes the voluntary separation, composting  
250 and recycling of solid waste, and proper home storage of solid waste. Storage shall  
251 be in closed containers or by other similar methods to prevent problems with odors,  
252 animals, rodents, insects, or other public nuisances. Home composting of kitchen  
253 wastes, yard and garden wastes and other organic materials is encouraged.  
254

- 255 6.01 Residual, unacceptable, and putrescible waste may temporarily be stored in  
256 closed containers **4 yards in volume or less** until used or disposed so  
257 long as it does not present a public nuisance or safety hazard **with the**  
258 **following restrictions:** Disposal of this material, except that which can be  
259 successfully privately composted without public nuisance, shall **not be held**  
260 **within the Town and shall be removed** by legal means only. **Temporary storage**  
261 **for all Residual, Unacceptable, and putrescible waste except bait shall not**  
262 **exceed 10 days.**

263 **0 Section 7- COLLECTION AND TRANSPORTATION**

- 264 7.01 Household Garbage- Curbside collection is the approved means of disposing  
265 of garbage and other acceptable household wastes not held for composting.  
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267 7.02 Household Recyclables- Curbside collection is the approved means of  
268 disposing of recyclables. The provisions of Section 7.07 and 7.08 below do  
269 not apply to recyclables. However, if a recyclables tote or other container,  
270 intended to remain in the possession of the resident, is used to hold the  
271 separated recyclables, it should be removed within 12 hours after the  
272 scheduled pickup.  
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274 7.03 Universal waste, and other hazardous waste are to be disposed at regional  
275 universal waste collection sites or by waste disposal sites certified to handle  
276 such waste.  
277  
278 7.04 White goods are to be disposed of at the Town Transfer Station.  
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280 7.05 Construction and demolition debris is to be disposed of at the Town  
281 Transfer Station.  
282  
283 7.06 **Excepting the provision of 6.01 above for the temporary storage period,**  
284 **Unacceptable and Residual** waste is not to be disposed or **incinerated** within  
285 the Town and is to be removed from the Town by the owner of this waste  
286 by employing commercial businesses specializing in the type of waste to be  
287 removed.

- 289 7.07 Curbside Waste- Materials to be placed at curbside for disposal must be  
290 placed in a plastic bag with an APPROVED sticker attached. The plastic  
291 bag(s) may be placed in a container whose top must be larger than the bottom  
292 in order to facilitate ease of handling when emptying. Bags shall contain  
293 no unacceptable waste as defined by this ordinance and should be placed at  
294 curbside not more than 12 hours before the pickup. If placed to curbside  
295 pickup the night before, the bagged waste must be placed in solid containers  
296 with lids. Any empty container, such as wheeled carts, steel or plastic cans,  
297 etc. should be removed within 12 hours after the scheduled pickup.  
298
- 299 7.08 Curbside Pickup Stickers- One sticker shall be used for disposal of up to an  
300 amount of waste set by the Municipal Officers and contained in a bag, or in  
301 a container of bags, of a combined weight that does not exceed the approved  
302 maximum amount. When bags are contained within containers the sticker  
303 must be affixed to a bag and clearly visible. Items not fitting in either a  
304 container or bag must display separate stickers. Only a bag displaying a  
305 sticker, a container of bags where one clearly visible bag displays a sticker,  
306 or individual items displaying a sticker will be picked up by the municipally  
307 contracted hauler.  
308
- 309 7.09 Litter- No person operating a vehicle shall permit or cause any solid or liquid  
310 waste to leave such vehicle. No person shall transport any solid waste over  
311 any public way or street within the limits of the Town of Gouldsboro except  
312 when the material is covered in such a manner that the refuse shall not be  
313 strewn along public ways. Proof that solid or liquid waste or recyclables has  
314 blown or fallen from any truck or vehicle  
315 shall be prima facie evidence that said truck or vehicle was not sufficiently  
316 enclosed or covered.  
317
- 318 7.10 Illegal Dumping- No person shall throw or deposit or cause to be thrown or  
319 deposited any solid waste, liquid waste, or recyclables within the Town in  
320 any street, gutter, sidewalk, parking area, park, wooded area, any public  
321 place, private property, or into any body of water within or adjacent to the  
322 Town.  
323
- 324 7.11 Insurance- Commercial haulers shall provide proof of general liability  
325 insurance coverage at a minimum of \$1,000,000 and shall provide proof of  
326 workers compensation coverage, if applicable, at the time of applying for or  
327 renewing a license.  
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- 329 7.12 Financial Responsibility- Commercial haulers shall provide evidence of  
330 financial stability and may be required to obtain an irrevocable letter of credit  
331 or other financial guarantee for timely payment by the Town.  
332
- 333 7.13 Incinerators, landfills, ~~and~~ transfer stations, commercial oriented composting  
334 facilities, and waste to marketable product converters - Waste disposal  
335 operations such as these are permitted within the town only with the express  
336 approval of the Municipal Officers and the Town Planning Board as well as  
337 any State agencies having permitting responsibility and then only after full  
338 review of environmental and land use compatibility issues as well as  
339 acceptability within the Town Comprehensive plan and be grounded in

340 proven, and demonstrated scientific principal as successful at the scale  
341 requested by the applicant.  
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343 **Section 8- VIOLATIONS, ENFORCEMENT AND PENALTIES**

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344 8.01 General- Violations of this Ordinance shall be enforced under the  
345 provisions of 30-A M.R.S.A., 4452 as amended, as land use violations.  
346 The penalties set forth in the aforementioned statute shall apply to violations  
347 of this Ordinance.

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350 8.02 Violations- The Municipal Officers and/or their designee shall review any  
351 alleged violation of this Ordinance and the Municipal Officers shall take the  
352 appropriate action required.  
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354 8.03 Enforcement- Enforcement of this Ordinance is the responsibility of the  
355 Municipal Officers.  
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357 8.04 Penalties- Any person found in violation of any provision of this Ordinance  
358 shall be subject to a civil penalty in the amount of not less than \$100 nor  
359 more than \$500 for each offense. Each act of violation and every day upon  
360 which any violation shall occur shall constitute a separate offense. **After one**  
361 **year the civil penalty base of \$100 to \$500 shall double for each 60 day period**  
362 **the violation continues.** All civil penalties shall accrue to the Town and be  
363 deposited in the Special Solid Waste account.  
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366 8.05 Municipal Costs of Enforcement- In addition to the foregoing penalty  
367 provisions, any person violating any provision of this ordinance shall be  
368 liable for reimbursement to the Town for costs of enforcement including  
369 reasonable attorney fees and court costs. This provision shall not preclude  
370 the town from seeking and obtaining equitable relief.

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371 8.06 Costs of Disposal- In the case of illegal dumping upon private or public land,  
372 the costs of clean up and disposal shall be borne by the person or persons  
373 illegally dumping, unless no person is so charged. The Town may pay for the  
374 disposal of illegally dumped material if reported to the Town Police Department or  
375 Municipal Officers and the person or persons responsible for the act cannot be  
376 determined.  
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380 **Section 9- VALIDITY**  
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382 In any of the provisions of this Ordinance or the application thereof is held invalid  
383 by any court of law, such invalidity shall not affect other provisions or applications  
384 of this Ordinance which can be given effect without the invalid provisions of this  
385 Ordinance are declared to be servable.  
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387 **Section 10- REPEAL**



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All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed.

**Section 11- ORDINANCE IN FORCE**

This Ordinance shall be in full force and effect from and after its passage, recording, and publication as provided by law.

\_\_\_\_\_ *p* \_\_\_\_\_  
*Attest*  
*Yvonne P. Wilkinson, Town*  
*ClerkTown of*  
*Gouldsboro*  
  
*8/20/2008*  
*Date*

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