

TOWN OF BELGRADE

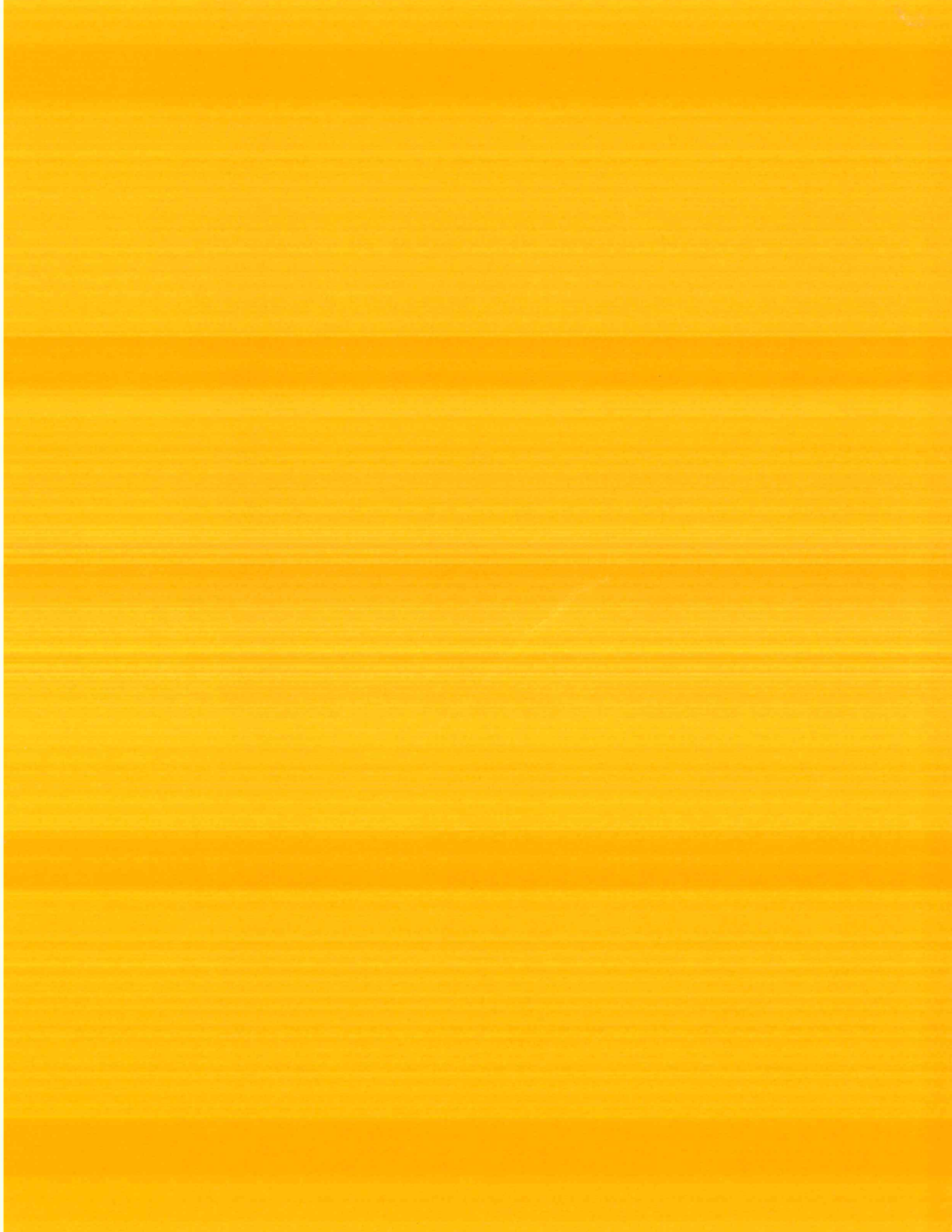
Town of Belgrade Solid Waste and Recycling Ordinance

Most recent update March 14, 2014 Article # 6

Approved on March 14, 2014/ Belgrade Town Meeting
Article #6

Approved on March 18th, 2006/ Belgrade Town Meeting
Article # 51

Amended on March 20, 2009 by referendum ballot. - Article # 3 to authorize
the Town to take enforcement actions against the illegal disposal of certain wastes within town boundaries.



FILE COPY

Town of Belgrade Solid Waste and Recycling Ordinance

Sec. 1. Purpose: The purposes of this ordinance are to protect public health and safety, promote environmental responsibility and clarify municipal responsibilities for solid waste management under Maine law.

Sec. 2. Authority for Ordinance: Prior Acts Repealed: This ordinance is adopted pursuant to home rule powers granted by 30-A MRSA section 3001 and 38 MRSA sections 1305 and 1319-P. It shall take effect upon its adoption by the Town Meeting on March 18, 2006 and repeals and replaces all ordinances, regulations, policies and/or actions regarding solid waste previously adopted by the Town Meeting or Select Board which are in conflict with it.

Sec. 3. Municipal Responsibilities: The Town Meeting shall approve ordinances, budgets, and appropriations of funds governing the operation and capital investment for the Towns solid waste facilities including transfer, recycling, storage, transportation and disposal of materials.

Select Board: The Select Board shall:

- Oversee solid waste management operations in accordance with State law, provisions of the solid waste license issued to the Town by DEP for operation of the transfer station, Town ordinances and appropriations.
- Assure that Town solid waste operations are conducted in accordance with generally recognized standards of public and employee safety, fire protection, sanitation, and good housekeeping.
- Approve the job descriptions of the Town solid waste management personnel and act as an appeal body for personnel decisions made by the Town Manager.
- Negotiate, approve and oversee the administration of contracts relating to Town solid waste management, recycling and disposal.
- Prepare and propose solid waste management budgets to request Town Meeting appropriations.

- Adopt, amend, and publish regulations, consistent with the provisions of this ordinance, to control public use of Town solid waste and recycling facilities.
- Adopt, amend, and publish as necessary and implement a schedule of charges for accepting certain materials at the transfer station, reflecting in so far as practical the Towns costs for their handling and disposal.
- Enforce State law, Town ordinances and published regulations relating to the operation and use of Belgrade solid waste facilities.
- Comply with State-mandated requirements for testing, storage, recycling and safeguarding of hazardous and special wastes and groundwater.
- Comply with State reporting requirements and schedules.
- Establish and maintain ongoing procedures to compare and report Belgrades solid waste recycling and cost effectiveness with State averages and comparable Central Maine communities.

The Select Board may:

- Delegate certain solid waste management responsibilities to the Town Manager or other Town official(s).
- Contract with qualified providers for certain solid waste management, recycling, transportation, disposal and testing functions.

Town Manager: The Town Manager shall:

- Act as directed by the Select Board in carrying out the Select Board's responsibilities under 3(B) above.
- Continuously research, recommend, and implement operational changes to improve the safety, effectiveness and economy of the Town's solid waste program.
- Appoint, supervise, and discipline municipal solid waste & recycling personnel.

Facility Manager: The facility manager shall manage the Transfer Station activities as directed.

Recycling Committee: The recycling committee shall:

- * Investigate, advise, recommend and report to the Select Board
- and Belgrade citizens on matters relating to Belgrade's programs for recycling, hazardous and special wastes.
- Consider safety, public education, processing, and storage, sales of materials, cost, revenue, legal compliance and recycling results in comparison with data for the State and for comparable communities in Central Maine.

Sec. 4. Administration:

- A. **Permits for use of transfer station:** Only individual residents (seasonal and year-round) and business residents of Belgrade and their authorized agents may use the Belgrade transfer station; however, the Belgrade Select Board reserves the right to contract or to enter into agreements with other Towns to use the facility. Use of the transfer station shall be limited to the disposal of wastes generated within the Town of Belgrade, unless otherwise agreed upon by the Belgrade Select Board, and shall be regulated by means of a permit system, by a, pay-by-the-bag, system, or by another system that may be approved by the Select Board. All vehicles transporting solid waste to the transfer station shall be required to show proof that they are allowed to use the facility as directed by regulations adopted by the Select Board. A Belgrade applicant for a permit sticker shall present to the designated Town official the current registration of the vehicle to which the sticker will be affixed. If the registration does not show the correct address, the applicant must provide proof of residence. Belgrade stickers may not be placed on other vehicles, transferred or sold. In the event of the change of ownership or transfer of the vehicle, the permit sticker shall be removed.
- B. **Temporary permits.** In those situations in which an individual resident or resident business has hired an individual to haul away debris from a one-time building project other than an established hauling company or individual, the Town may use its discretion to allow the individual resident or business to obtain a temporary Transfer Station permit valid only for the day(s) on which the hauling will take place.
- C. **Commercial Haulers.** Before using the Belgrade transfer station, a commercial hauler shall obtain a commercial haulers license from the Town pursuant to section 5 of this ordinance.
- D. **Fee structure.** Fees for the use of the transfer station shall be established by the Select Board following a public hearing. The fees established shall

be such as to defray the expense to the Town for operation of the facility and to encourage recycling.

- E. **Hours of operation.** The hours of operation of the transfer station shall be established by the Select Board following a public hearing. No solid waste shall be deposited at the transfer station except during normal or special scheduled operating hours; however, special arrangements for disposal may be made by the Town Manager with the provision that all deposited waste shall be immediately protected.
- F. **Proper disposal of waste.** All individuals and businesses and commercial haulers using the Town transfer station shall separate, deliver, place, and dispose of their solid waste and universal waste in accordance with regulations adopted by the Select Board Waste which is deemed unacceptable or prohibited based on State or federal law will not be accepted at the transfer station and includes:
- Waste generated outside the Town of Belgrade, unless otherwise agreed upon by the Select Board
 - Waste not prepared, bound or placed in containers as required by regulations adopted by the Select Board
 - Junk vehicles
 - Dead animals
 - Hazardous wastes
 - Hot Loads
 - Materials containing Asbestos
 - Other waste as identified by State or Federal Law or by the Select Board
- G. **Scavenging.** Materials accepted for disposal at the transfer station become the property of the Town of Belgrade. No person shall, except by permission of the Town Manager, (or his or her designee) remove any materials which have been accepted at the transfer station. Scavenging may be conditionally authorized by the Town Manager, under guidelines designed to reflect the Towns overall best interest, including: safety, operational economy, recycling efficiency, fairness and good housekeeping.
- H. **Recycling:** Users of the transfer station are encouraged to separate and recycle those metals, newspapers, magazines, glass, paper, plastic and other wastes which the Select Board have designated for recycling.

Depositing wastes in the recycling area which have not been designated as recyclable by the Select Board is prohibited.

- I. **Authority of the transfer station attendants:** The use of the transfer station by any person shall be at the strict direction of the attendants designated by the Town Manager. No person shall violate any directives of an attendant in the use of the facility. If any person refuses to obey a directive of a facility attendant, the attendant shall have the authority to immediately refuse access to the facility to that person. Any person who is refused access to the facility pursuant to this section may appeal the decision of the attendant to the Town Manager and then if not satisfied with the decision of the Town Manager the appeal shall go to the Select Board. All appeals to the Select Board shall be in writing and follow the same process as outlined in the "Town of Belgrade Employment Guidelines", Section XII.
- J. **Disposal:** No person shall dispose of Solid Waste, certain Special Wastes, or Universal Waste at any place other than at the appropriate and designated locations within the Town of Belgrade Transfer Stations and Recycling Center, unless the material is legally disposed at another facility licensed to receive the waste, except, however, the owner of any lot or any person or persons with the written permission of a lot owner may deposit or dump such inert solid waste as clean earth, rock, ledge, concrete or similar material for the sole purpose of providing fill for the lot. Violations of this subsection shall be subject to the enforcement pursuant to Section 7 of this ordinance.

Sec. 5. Commercial Haulers.

No person engaged in the business of solid waste hauling shall collect, transport or dispose of solid waste generated within the Town without obtaining a license from the Town and paying the required license fee. Such license shall be valid for one year from date of approval. An applicant for a commercial hauler license shall submit to the designated Town official the following information, together with the required fee:

- Name and business address of the applicant
- Applicants business telephone number
- A listing of the make, model, year and size of vehicles that will be utilized in the collection of solid waste within the town.

Once issued a license, a commercial hauler may use the Belgrade Transfer Station upon receiving a permit sticker. Commercial haulers

Must comply with the requirements of this ordinance and authorized Regulations of the Select Board and applicable State laws. Loads must be secured so as to prevent solid waste from escaping when being transported to the transfer station.

If a commercial hauler fails to comply with applicable local and State laws, or if the commercial haulers application for a license contained false information on which the Town relied in issuing the license, the Select Board may suspend or revoke the commercial haulers license after notice and opportunity for a hearing.

A suspension or revocation shall be limited as follows:

- First offense 30 days
- Second offense 90 days
- Third offense one year

A hearing shall be held within 30 days of providing written notice of violation to the holder of the commercial haulers license. The license holder shall have the right to be represented by an attorney, offer evidence, and cross-examine witnesses at the hearing. The Select Board shall make a decision within 10 days after the hearing is completed. The decision shall take effect within 10 days after a copy has been mailed by certified mail, return receipt requested to the license holder. A decision to suspend or revoke a license may be appealed to Superior Court pursuant to Rule 80B.

Any person who has received two or more suspensions during the prior year or whose license was revoked during the prior year may be denied a new or renewal license.

Sec. 6. Inspections.

In order to determine if the provisions of this ordinance or any regulations adopted by the Select Board are being violated, the Select Board and its authorized agents shall have the right to stop and inspect the load of any vehicle which has entered the transfer station facility and inquire of any individual entering the facility. Any occupant of a vehicle who refuses to allow designated Town officials to inspect the materials contained in the vehicle, or who refuses to answer questions pertinent to determining whether this ordinance or related regulations have been violated, may be refused access to the transfer station and shall not be allowed to dispose of materials.

Sec. 7. Enforcement; violations; penalties.

The Select Board or its authorized agents may enforce this ordinance. Any person who fails to comply with the provisions of this ordinance or duly adopted regulations regarding the use of the Towns Transfer Station commits a civil violation and shall be subject to a fine which the Town may recover upon complaint filed in court. The Town shall also be entitled to recover its attorney's fees and costs, including clean up costs, in any action in which the court finds that a violation has occurred. In addition to these penalties, the Town may seek injunctive relief to prevent the continuation or recurrence of a violation. The fine shall be an amount not less than \$50 or more than \$500 for each offense, except that the minimum fine for a second offense within a twelve month period shall be not less than \$250. All fines shall be paid to the Town.

With regard to violations by commercial haulers, these remedies shall be in addition to the authority to suspend or revoke a license as provided in section 5 of this ordinance.

Sec. 8. Severability; conflicts.

- 1. The provisions of this ordinance shall be severable. If any phrase, clause, sentence or provision is held invalid by a court, the remainder of this ordinance shall not be affected and remains enforceable.
- 2. Where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or regulation of the Town or any State or federal law, the provision which establishes the higher standard for the promotion and protection of health and welfare of the community shall prevail.

Sec. 9. Definitions.

- A. Solid Waste - Unwanted or discarded solid materials with insufficient liquid content to be free flowing, including without limitation, rubbish, garbage, junk, refuse, inert household wastes, landscape refuse, wood wastes and white goods.
- B. Hazardous Waste - Any substance designated as hazardous by the Maine Department of Environmental Protection.
- C. Commercial Hauler - A person or corporation that collects and transports solid waste and/or recyclable materials for compensation, with intent to deposit such materials at the Belgrade transfer station.

- D. Good Housekeeping - To keep the transfer station buildings, equipment and grounds in safe condition, good repair, clean and presentable.
- E. Hot Load - Any load of delivered material that is on fire, smoldering or potentially flammable by spontaneous combustion. Hot loads may include ashes, cigarette residue, residue from a fire, etc.
- F. Scavenging - The controlled removal of reusable discarded solid waste from the transfer station.
- G. Special Waste - This includes that fraction of solid waste designated by the Maine Department of Environmental Protection to be handled, stored, or disposed separately. Special waste includes but is not limited to ash, sludge, septage, spill debris, contaminated soils, asbestos, sand blast grit, non-liquid paint waste and high and low ph waste.
- H. Transfer Station - The Town-owned solid waste facility and grounds located on the north side of the Dunn Road in Belgrade, including the closed sanitary landfill on that site.
- I. Transfer Station Permit - Valid documentary evidence that a person or corporation delivering material to the transfer station is currently entitled to use that facility for the purpose. Such permit may take the form of a vehicle windshield sticker, a pay-by-the-bag system, or another system as may be approved by the Select Board. Special written documentation, from the Town Manager, may also be made available to the transfer station attendant allowing a delivery to be made.
- J. Universal Waste - Hazardous Waste that is widely generated and can be recycled. Examples include; batteries (lead, cadmium & mercury), cathode ray tubes (television and computer), fluorescent lamps, mercury thermometers, mercury thermostats and PCB ballasts.

**Approved on March 18th, 2006/ Belgrade Town Meeting
Article # 51**

Amended on March 20, 2009 by referendum ballot. - Article # 3 to authorize the Town to take enforcement actions against the illegal disposal of certain wastes within town boundaries.

Amended on March 14, 2014 by referendum ballot – Article #6 – To authorize the Belgrade Select Board to enter into inter-local agreements or contracts with outside municipalities that would allow non-residents, at a negotiated cost, to use the Belgrade Transfer Station

Signed by the Board of Selectpersons:

Chair: Ernest Rice

V. Chair: Wanda Jean
Bruce Ford
Whitney

_____ Town Manager

Attested by : Cheryl T. Cook Town Clerk

on April 17 2014

Town of Belgrade

Commercial Waste Hauler Violation Notice

Violation

Date:

- Recycle Material Not Disposed of in designated area.
- Recycle Material Not segregated From Solid Waste. Wet and soiled with Solid Waste.
- Load not secured. Required By Maine State Statute Title 29-A 2396 (2) & (3)

Safety Violation:

Explanation:

Solid Waste not contained and blowing or not properly disposed of in container.

Comments: _____

Haulers Signature : _____

Attendant Signature: _____

TSM : _____

Town Manager Acknowledgement: _____

- A description of how the Commercial Hauler will handle the recyclables that are collected.

7. List all municipalities where the Commercial Hauler has permits to haul Municipal Solid Waste (MSW):

8. The following must be submitted to the Belgrade Transfer Station Manager, Fifteen (15) days to the start of hauling.

- Number of year round customers _____
- Number of summer customers _____
- Names of Commercial customers:

9. Fee: \$100 non-refundable per year payable in full to the Transfer Station Manager, on behalf of the Town of Belgrade, at the time of application. Some items may require additional fees.

By signing this application, I am certifying that I am hauling solid waste generated only in the Town of Belgrade, pursuant to the Town of Belgrade Recycling Ordinance.

Signature of Hauler:

_____ Date: _____

Signature of Transfer Station Manager:

_____ Date: _____

Date: _____



**Town of Belgrade
APPLICATION FOR A COMMERCIAL HAULING PERMIT**

Note: This application must be submitted Fifteen (15) days prior to the start of hauling activity to the Transfer Station Manager.

1. Name / Business Name _____

or
DBA _____

Contact Person _____

2. Address: _____

Phone: _____ Cell : _____

Email: _____

3a. Vehicle Registration #: _____

b. Gross Vehicle Weight _____

4. Type of Solid Waste carried over the roads:

5. Types & estimated quantities of Solid Waste to be deposited at the facility on a weekly or monthly basis:

Check all Boxes that are applicable:

Non-Hazardous Quantity _____ Universal Waste Quantity _____

MSW Quantity _____ Recyclables Quantity _____

Other (Please Explain) _____
Quantity _____

6. **Submission of a plan to the Transfer Station Manager must be 15 days prior to the start of hauling.** The plan must describe how the Commercial Hauler will handle recyclables and **must** include:

- A notification to your customers encouraging recycling, and

u/files/townmanager/solidwaste/commercialhauler

Application approved 11/03/2009 by the Board of Selectpersons

- A description of how the Commercial Hauler will handle the recyclables that are collected.

7. List all municipalities where the Commercial Hauler has permits to haul Municipal Solid Waste (MSW):

8. The following must be submitted to the Belgrade Transfer Station Manager, Fifteen (15) days to the start of hauling.

- Number of year round customers _____
- Number of summer customers _____
- Names of Commercial customers:

9. Fee: \$100 non-refundable per year payable in full to the Transfer Station Manager, on behalf of the Town of Belgrade, at the time of application. Some items may require additional fees.

By signing this application, I am certifying that I am hauling solid waste generated only in the Town of Belgrade, pursuant to the Town of Belgrade Recycling Ordinance.

Signature of Hauler:

_____ Date: _____

Signature of Transfer Station Manager:

_____ Date: _____

Date: _____



Town of Belgrade APPLICATION FOR A COMMERCIAL HAULING PERMIT

Note: This application must be submitted Fifteen (15) days prior to the start of hauling activity to the Transfer Station Manager.

1. Name / Business Name

or

DBA _____

Contact Person _____

2. Address: _____

Phone: _____ Cell : _____

Email: _____

3a. Vehicle Registration #: _____

b. Gross Vehicle Weight _____

4. Type of Solid Waste carried over the roads:

5. Types & estimated quantities of Solid Waste to be deposited at the facility on a weekly or monthly basis:

Check all Boxes that are applicable:

Non-Hazardous

Quantity _____

Universal Waste

Quantity _____

MSW

Quantity _____

Recyclables

Quantity _____

Other (Please Explain) _____

Quantity _____

6. **Submission of a plan to the Transfer Station Manager must be 15 days prior to the start of hauling.** The plan must describe how the Commercial Hauler will handle recyclables and **must** include:

- A notification to your customers encouraging recycling, and

u/files/townmanager/solidwaste/commercialhauler

Application approved 11/03/2009 by the Board of Selectpersons

Town of Belgrade 2009 Town Meeting Warrant

State of Maine • Kennebec, S.S.

To Jeremy Damren, a Public Information Officer in the Town of Belgrade, in the said County and State:

Greetings:

In the name of the State, you are hereby required to notify and warn inhabitants of the Town of Belgrade, qualified to vote in Town affairs, to assemble at the Belgrade Community Center for All Seasons, in said Town, Friday March 20th, 2009 at 7:45 a.m. to elect a Moderator to preside at said meeting, to elect Town Officers for the ensuing year(s) and to vote by secret ballot on Articles 2 to 12. Polls are to be open from 8:00 a.m. to 8:00 p.m.

The inhabitants of the Town of Belgrade, qualified to vote in the Town affairs, are hereby also warned to assemble at the Belgrade Community Center For All Seasons, on Saturday, March 21st, 2009, at 1:00 P.M., to act on Article 13 to the end of the Warrant. In the event of inclement weather, a date of Monday, March 23, 2009, at 6:00 p.m., has been set, with the inhabitants of the Town of Belgrade to assemble and act on Article 13 to the end of the warrant, at the Belgrade Community Center For All Seasons.

ARTICLE 1 To elect a Moderator to preside at said meeting.

ARTICLE 2 To proceed with the voting, by secret ballot, as directed by statute, on the Election of Town Officers for the ensuing year (s):

Two Selectpersons-three year term
One Road Commissioner-one year term

ARTICLE 3 To proceed with the voting, by secret ballot, on the following question: Shall the Town adopt an amendment to the "Belgrade Transfer Station and Recycling Ordinance" that authorizes the Town to take enforcement actions against the illegal disposal of certain wastes within the town boundaries?

Selectpersons Recommend: For: 4 Against: 0 Absent: 1

ARTICLE 4 To proceed with the voting, by secret ballot, on the following question: Shall the Town raise and appropriate the sum of \$140,425 to support the Recreation budget.

Center for All Seasons\$50,925
Recreational Programs.....\$89,500

Selectpersons Recommend: For: 5 Against: 0

Budget Committee Recommends: For: 5 Against: 0

ARTICLE 5 To proceed with the voting, by secret ballot, on the following question: Shall the Town raise and appropriate the sum of \$41,320 to support the Library budget.

Selectpersons Recommend: For: 5 Against: 0

Budget Committee Recommends: For: 5 Against: 0

ARTICLE 6 To proceed with the voting, by secret ballot, on the following question: Shall the Town raise and/or appropriate the sum of \$4,500 to support the Belgrade Lakes Region Business Group's July 4th celebration.

Selectpersons Recommend: For: 5 Against: 0

Budget Committee Recommends: For: 5 Against: 0

ARTICLE 7 To proceed with the voting, by secret ballot, on the following question: Shall the Town raise and/or appropriate the sum of \$3,000 to support the Belgrade Regional Health Center.

Selectpersons Recommend: For: 5 Against: 0

Budget Committee Recommends: For: 5 Against: 0

and/or appropriate the sum of \$48,927 to support the Library budget?

2013 Budget: \$48,849 2014 Request: \$48,927

Selectpersons Recommend: For: 4 Against: 0 Absent: 1
Budget Committee Recommends: For: 4 Against: 0 Absent: 2

(ARTICLE 6) To proceed with the voting, by secret ballot, on the following question: Shall the Town adopt proposed amendments to the Town of Belgrade's March 18th, 2006 "Solid Waste Ordinance", that would allow the Belgrade Select Board to enter into inter-local agreements or contracts with outside municipalities that would allow non-residents, at a negotiated cost, to use the Belgrade Transfer Station Facility?

Selectpersons Recommend: For: 4 Against: 0 Absent: 1
Budget Committee Recommends: For: 4 Against: 0 Absent: 2

(ARTICLE 7) To proceed with the voting, by secret ballot, on the following question: Shall the town adopt proposed amendments to the March 14th, 2008 "Tree Ordinance for the Town of Belgrade", that would better define what land areas are covered by the ordinance, what guidelines need to be followed, and who is responsible for overseeing those defined land areas?

Selectpersons Recommend: For: 4 Against: 0 Absent: 1
Budget Committee Recommends: For: 4 Against: 0 Absent: 2

(ARTICLE 8) To see if the Town will raise and/or appropriate \$29,350 for a six month period (July 1st, 2014 through December 31st, 2014) to support the following two positions;

- One employee for Rescue/Fire Fighter I & II, (scheduled to work 40 hours per week) and;
- One per diem position (scheduled to work 10 hours per week)

2013 Budget: \$0 2014 Request: \$29,350

Selectpersons Recommend: For: 4 Against: 0 Absent: 0 Abstain: 1
Budget Committee Recommends: For: 4 Against: 0 Absent: 2

SOCIAL SERVICE DONATIONS

(ARTICLE 9) To proceed with the voting, by secret ballot, on the following question: Shall the Town of Belgrade authorize the Select Board to continue the agreement dated April 21st, 2009 between the Town and the Belgrade-Rome Special Needs Assistance Food Pantry with any associated costs to be considered as a donation by the Town to the Food Pantry?

Selectpersons Recommend: For: 5 Against: 0 Absent: 0
Budget Committee Recommends: For: 5 Against: 0 Absent: 1

Approved
3/14/2014

2014 Town Warrant
2013 Annual Report

