

CHAPTER 42
SOLID WASTE DISPOSAL ORDINANCE

1. DEFINITIONS

- 1.0.0 The term “refuse” is a broad term and is synonymous with “Solid Waste” and shall be defined as any of a wide variety of solid materials as well as some liquids in containers, which are discarded or rejected as being spent, useless, worthless, or in excess. In order to be more specific, solid wastes will be classified in one of the following subclassifications of refuse:
- 1.0.1 Agricultural Solid Wastes Wastes produced from the raising of plants and animals for food, including manure, plant stalks, hulls and leaves.
- 1.0.2 Commercial Solid Wastes Wastes that originate in wholesale, retail, or service establishments, such as office buildings, stores, markets, theaters, hotels and warehouses.
- 1.0.3 Construction Wastes Wastes produced in the course of construction of homes, office buildings, dams, industrial plants, schools, etc. The materials usually include used lumber, miscellaneous metal parts, packaging materials, cans, boxes, wire, excess sheet metal, etc.
- 1.0.4 Demolition Wastes Wastes produced from the destruction of buildings, roads, sidewalks, etc. These wastes usually include large broken pieces of concrete pipe, radiators, ductwork, electrical wire, bricks, glass, etc.
- 1.0.5 Hazardous Waste Wastes that by their nature are inherently dangerous to handle or dispose of. These wastes include flammable wastes and explosives, and/or as defined by the U.S. Environmental Protection Agency.
- 1.0.6 Industrial Waste Wastes generally discarded from industrial operations or derived from manufacturing processes.
- 1.0.7 Municipal Wastes The combined residential and commercial wastes generated in a given municipal area.
- 1.0.8 Residential Wastes Wastes generated in houses and apartments, including paper, cardboard, beverage and food cans, plastics, food wastes, glass containers, and garden wastes.
- 1.0.9 Commercial Demolition Wastes Wastes produced from the destruction or renovation of commercial or industrial structures, office buildings, apartment houses of three or more units, dams, schools, roads, sidewalks, etc.
- 1.1.0 Ashes Residue, including cinders and fly ash, from the burning of solid fuels for cooking and heating, and from on-site incineration of refuse materials.
- 1.1.1 Tipping Fee is that fee charged to the City of Ellsworth by a disposal facility such as PERC(or some other disposal facility).
- 1.2.0 Garbage Putrescible wastes derived from the preparation, cooking and serving of foods; from their handling, processing and storage on abattoirs, canneries, and quick freeze industries.
- 1.3.0 Special Wastes
- 1.3.1 Street Refuse Sweepings, litter, leaves and dirt.
- 1.3.2 Dead Animals Anatomical and pathological wastes, cats, dogs, rodents, birds, fish, cattle, horses and zoo specimens.
- 1.3.3 Bulky Objects Abandoned vehicles, stoves and refrigerators, large furniture, tree trunks, stumps and brush.
- 1.3.4 Sewerage Treatment Wastes Screenings, grease, scum and grit.
- 1.4.0 Commercial Hauler Any person, partnership, or corporation, including

d/b/a's, who collects solid waste from any location and for that service charges a fee or other compensation.

1.4.1. Commercial Hauler of Residential Waste Any person, partnership or corporation, including d/b/a's, who collects solid waste from any location and for that service charges a fee or other compensation.

1.4.2 Commercial Hauler of Commercial Waste Any person, partnership or corporation, including d/b/a's, who collects any waste other than that from residential dwellings and for that service charges a fee.

1.5.0 Wood Waste

1.5.1 Wood Waste means brush, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust, and wood from production rejects that are not mixed with other solid or liquid waste. For the purpose of this definition, "lumber" is entirely made of wood and is free from metal, plastics, and coatings. Wood Waste does not include painted wood or pressure treated wood. These would be disposed of as Construction and Demolition Debris.

1.5.2 Green Wood means land clearing debris that is reasonably free of soil material and rock and bark, shavings, slash, and plant and vegetable matter from gardens and landscapes. Stumps are not accepted.

2. RULES AND REGULATIONS

2.0.0 General Requirements All refuse shall be disposed in accordance with this Ordinance.

2.0.1 The City Manager shall have the authority to restrict the disposal of all types and volumes of refuse, if deemed in the best interests of the City.

2.0.2 Use of Ellsworth Waste Disposal Facilities during non-operating hours without prior written approval of the City Manager is prohibited.

2.0.3 No person, partnership or corporation, shall deposit or leave refuse upon any of the approaches or upon any part of Ellsworth Waste Disposal Facility except as designated by the City.

2.0.4 All loads coming into an Ellsworth Waste Disposal Facility shall be covered. This includes commercial and residential vehicles. The following exceptions are permitted:

- A. Trees, brush, stumps, if tied down
- B. Demolition or fill material
- C. Large metal items, if secured

2.1 Materials Disposal Restrictions

2.1.0 Disposal of refuse at an Ellsworth Waste Disposal Facility from other communities is prohibited.

2.1.1 All Materials or containers of materials classified as hazardous by the Environmental Protection Agency(EPA) are prohibited.

2.1.2 Ashes at a combustible temperature are prohibited.

2.1.3 Trees, limbs of trees, or tree trunks greater than 6 inches diameter and 3 foot lengths are prohibited.

3. LICENSES AND PERMITS

3.1 Commercial Refuse Haulers

3.1.0 Each person, partnership or corporation shall, before engaging in the business of the collection of refuse within the City of Ellsworth, obtain a license from

the City of Ellsworth.

3.1.1 Commercial Refuse Haulers shall, prior to disposing of any waste, have all vehicles measured and certified by the City.

3.1.2 Commercial Refuse Haulers, including those that haul only residential waste, shall be charged in accordance with the fee schedule for the disposal of wastes disposed of at the Transfer Station.

3.1.3 Commercial refuse Haulers shall keep a manifest of the source of all commercial and industrial materials being disposed of at the landfill. This manifest shall be supplied to the City Manager on request.

3.2 Commercial and Industrial Business

3.2.0 All commercial and industrial businesses shall be charged for the use of the Ellsworth Waste Disposal Facility in accordance with the fee schedule.

This includes businesses that dispose of their own waste using their own vehicles.

3.2.1 Commercial and industrial businesses shall have vehicles used for the disposing of any waste at the Ellsworth Waste Disposal Facility measured and certified.

3.3 Disposal of Residential Solid Waste Occupants of residential property shall ¹dispose of regular municipal solid waste in one of the following methods:

A. City provided collection service

Eligibility to the city provided collection service shall be limited to seasonal and year-round dwelling and apartments or mobile home parks containing three or fewer dwelling units.

Residents who participate in the city provided collection service will be Required to purchase and affix a solid waste disposal sticker to each bag. The cost of the disposal sticker shall be determined by the City Council. There will be no charge for disposal of recycled materials.

Bags of trash to which a sticker is affixed shall be limited to no more than fifty (50) pounds per bag. Bags exceeding fifty pounds will not be picked up or permitted to be disposed of at the transfer station.

Materials to be disposed of in bags shall be limited to solid waste acceptable to the regional waste incinerator. Residents will be responsible for trash from their bags that is that is strewn because of faulty bags, overweight bags or animals.

Trash will be collected on a weekly basis. Bags are to be placed at curbside no sooner than 6:30 a.m. of the morning of the collection day. Stickered bags may be placed within garbage cans or containers.

Residents along private ways or public easements shall place their bags of trash at designated locations proximate to the private way or public easement.

B. Use of Ellsworth Transfer Station

All residents may continue to take their trash to the Ellsworth Transfer Station

¹ Repealed and replaced 7/31/95 – Effective 8/14/95

for disposal. All trash to be disposed shall be contained within bags to which a disposal sticker is attached. Bag weight limitation shall be fifty (50) pounds. Disposal shall be limited to those hours the transfer station is open.

C. Hire a Private Hauler

Residents of any dwelling may contract with a private hauler for disposal of residential solid waste. Residents shall be responsible for all costs associated with disposal.

3.4 Residential Disposal of Demolition Debris, Bulky Waste, Metals, Wood Waste, & Tires

Occupants of each residence in Ellsworth shall be charged the commercial rate for disposal of demolition debris, bulky waste, metals, wood waste, and tires.²

4. FEES

4.1.1 Residential Dwellings \$2.00/sticker per bag
 4.1.2 Commercial Fees:

<u>Ellsworth Transfer Station</u>	<u>Resident</u>	<u>Non-Resident</u>
Municipal Solid Waste (including tires)	Tipping Fee + \$40/ton	Tipping Fee + \$45/ton
Wood Waste	\$73/ton	\$78/ton
Green Wood	\$47/ton	\$52/ton
Demo Debris	\$105/ton	\$110/ton
Recycled Materials	No Charge	\$15/ton
Metal	\$25/ton	\$30/ton
Freon Evacuation	\$25/per item	\$30/per item
Propane Cylinders (20#)	\$5/per cylinder	\$10/per cylinder ³
Propane Cylinders (40# maximum)	\$25/per cylinder	\$30/per cylinder
Acetylene Tanks	\$25/per cylinder	\$30/per cylinder
<i>Commercial Truck Weigh</i>	<i>N/A</i>	<i>\$5.00 per weigh</i>
<u>Disposal Site (PERC)</u>		
Municipal Solid Waste (including tires) ⁴	Tipping Fee + \$7.50	Not Applicable

⁵ Interest on Late Payments Residents and commercial customers charged fees in accordance with Section 4 shall be assessed and interest rate of one and one-half percent (1½%) per month for all such fees that are still unpaid after a period of thirty days from the date of billing.

5.0 PENALTIES

5.1 In the event of an alleged violation, the City Manager shall schedule a hearing for the alleged violator.

² Amended on 10-21-02

³ Amended on 11/10/03

⁴ Amended on 10/21/02

⁵ Adopted 5/20/96-Effective 6/1/96

⁶ Amended on 4/21/08

5.2 The penalty for any violation of these regulations shall be as follows:

Commercial Hauler	First Offense	Up to 30 days suspension
	Second Offense	30 to 59 days suspension
	Third Offense	60 days or more including permanent revocation

A. Offenses mean number of offenses within 365 days of the last offense.

B. Day means Waste Disposal Facility operating days.

6.0 Severability

Each of these sections shall be construed as separate. If any section, sentence, clause, or phrase shall be held invalid for any reason, the remainder of that section and all other sections shall continue in force.

Adopted by the Ellsworth City Council on April 15, 1991
Amendments through April 21, 2008

Attest: _____ City Clerk