

SOLID WASTE “USER FEE” ORDINANCE

ENACTED
March, 1993

REVISED BY: DAVE PROBERT, RECYCLING COORDINATOR
APPROVED BY: BOARD OF SELECTMEN
February, 2004

PURPOSE

The purpose of this Ordinance is to establish a user fee system for disposal of Municipal Solid Waste (MSW). Municipal Solid Waste is a primary health, safety and environmental concern to all residents. It is essential that the community develop a fair, efficient and cost effective solid waste disposal program. The user fee plan promotes equity and fairness by linking the cost of waste disposal to the amount of waste actually generated by a person or household.

AUTHORITY

This Ordinance is adopted pursuant to and in accordance with Article VIII, Part Second of the Constitution of the State of Maine, 30-A MRSA {3001 et seq. And 38 MRSA {1301 et seq.

DEFINITIONS

The following terms shall have the following definitions for the purposes of this Ordinance. Any undefined term shall be defined as set forth in 06-096 Code of Maine Rules 400.1 or, if not defined there, it shall have its common, ordinary meaning.

- a) **Municipal Solid Waste (MSW)**: Any refuse generated that does not come under Household Hazardous Waste (HHW), or Universal Waste..
- b) **Household Hazardous Waste (HHW)** – HHW are items generated by households that are corrosive, toxic, ignitable, or reactive and as such are hazardous to humans, and/or the environment if disposed of improperly. “Maine State Planning Office”
- c) **Universal Waste** – Universal Waste is a hazardous waste, which is which is widely generated. Items that come under this heading are batteries (not vehicle batteries), cathode ray tubes, lamps, mercury thermostats, and intact non-leaking PCB lighting ballasts.
- d) **Transfer Station**: The municipal facility located in Dresden for the collection of MSW, for eventual transfer to another waste facility.
- e) **User Fee Token**: A token issued by the Town of Dresden pursuant to this ordinance, which allows a container of MSW to be disposed of at the Transfer Station.

USER FEE TAG REQUIRED

No person may dispose of MSW at the Transfer Station unless a user fee token is presented to the Transfer Station Attendant. A token or tokens must pay for each container.

FEES AND ADMINISTRATION

User fee tokens comes in increments of \$1.00 for up to a 15 LB bag, and \$2.00 for up to a 35 LB bag.

Tokens are to be available for purchase at the Town Office and the Transfer Station. The Selectmen shall administer this Ordinance, and to this end shall have the following powers:

- 1) To adopt written rules for the day to day operation of the transfer station, including buy not limited to hours of operation, inspection of materials delivered to the site, and sizes and types of MSW containers allowed. (See “Operating Procedures for Solid Waste Transfer Station and Recycling Facility” dated August 2003.)
- 2) To designate where and when such user fee tokens will be available. All user fees shall be used to offset all the costs associated with solid waste disposal.
- 3) To appoint and oversee personnel to maintain and operate the Transfer Station. (Hourly pay rate to be established by vote of the Town at the Annual Town Meetings.)
- 4) To review alleged violations of this Ordinance and to take, (or authorize their duly appointed agents to take), appropriate action, including legal action, to enforce this Ordinance.

PENALTIES

A violation of this Ordinance (or rules adopted pursuant hereto) is a land use violation and may be enforced in accordance with 30-A MSRA {4452. The penalties set forth in 30-A MSRA {4452 shall apply to violations of this ordinance. Any fine assessed for a violation of this Ordinance shall accrue to the Town of Dresden.

SEVERABILITY

If any provision of this Ordinance is determined to be unenforceable, the remaining provisions shall continue in full force and effect. This Ordinance shall be come effective when adopted by a majority of the voters’ present and voting at any regular or special Town Meeting.