

SOLID WASTE DISPOSAL – CURBSIDE PICKUP

ARTICLE 1. PURPOSE

SECTION 100. ESTABLISHMENT. Pursuant to the Constitution of the State of Maine, Title 30-A M.R.S.A. § 3001, and the Brewer City Charter, a Solid Waste Disposal Ordinance is established.

SECTION 101. PURPOSE. The purpose of Article 1 through Article 8 is to promote the general health and welfare of the citizenry of the City of Brewer to provide for the orderly disposal of solid waste, to upgrade the quality of human life and the environment, to control pollution and to provide for an adequate disposal facility for the future.

ARTICLE 2. GARBAGE AND SOLID WASTE REMOVAL

SECTION 200. DEFINITIONS. The following words and terms in Article 1 through Article 8, as used in this Chapter, shall have the meanings ascribed thereto, unless the context otherwise indicates:

SECTION 201. *Contractor* shall mean any person corporation partnership association or other legal entity under contract with the City to provide curbside garbage collection services.

SECTION 202. *Garbage* shall mean all waste from the preparation, cooking and consumption of food, market refuse waste from the handling storage and sale of produce shall be referred as Garbage.

SECTION 203. *Authorized collector* shall mean employees of a private collector employed by the owner, occupant, agent or other person having custody of a building.

SECTION 204. *Building* shall mean any structure or vessel, whether public or private, that is adapted to or used: for dwelling occupancy; for the transaction of business; for the rendering of professional services; amusement; the display, or sale or storage of goods waste, merchandise, articles or equipment; for the performance of work or labor; for office buildings, stores, theatres, markets, restaurants, warehouses, grain processing factories, abattoirs, worship, garages, bakeries; or structures where domestic or other animals or fowl are kept; for sheds, barns, outbuildings, or other structures or premises used as accessory to any such use.

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SECTION 205. *Bulky waste* shall mean any items whose large size and weight precludes or complicates their handling by normal collection processing or disposal methods, such as furniture, mattresses, carpet, etc.

SECTION 206. *Commercial property* shall mean any property upon which is situated a structure used for commercial or business purposes including, but not limited to, the following:

- (a) Apartment buildings containing more than four (4) dwelling units.
- (b) Hotels, restaurants, warehouses;
- (c) Markets, bakeries, grocery stores, fruit stands;
- (d) Manufacturing or industrial;
- (e) Business offices; and
- (f) Condominiums.
- (g) Trailer parks

SECTION 207. *Household* shall mean an occupied dwelling place not used for commercial purposes.

SECTION 208. *Householder* shall mean the head of a family unit or his or her agent living in the dwelling place.

SECTION 209. *Occupant* shall mean the person that has the use or occupancy of any building or a portion thereof, whether the actual owner or tenant. In the case of vacant buildings or any vacant portion of a building, the owner, agent or other person having the custody of the building shall have the responsibility of an occupant of the building or portion thereof.

SECTION 210. *Owner* shall mean the actual owner of the building, whether individual, partnership or corporation, or the agent of the building, or other person having custody of the building or to whom the rent is paid.

SECTION 211. *Public works authority* shall mean the City of Brewer Public Works Department.

SECTION 212. *Recyclable material* shall mean paperboard, newspaper, glass, magazines, junk mail, cardboard, #2 natural plastic and aluminum cans and foil, and any additional material so designated by the Public Works Department. Recyclable material shall be considered waste material for purposes of this Article.

SECTION 213. *Residential properties* shall mean any property upon which is situated a residential structure containing at least one dwelling unit but not more than four (4) dwelling units.

SECTION 214. *Suitable container* for material other than recyclable material and yard waste shall mean a plastic bag of fifteen (15) gallon or thirty (30) gallon size. The maximum weight of any container shall not exceed thirty (30) pounds. Bags may be placed in watertight containers with handles, covered by a tight fitting cover free of sharp edges.

SECTION 215. *Resident* shall mean any person who lives within the City of Brewer.

SECTION 216. *Rubbish* shall mean all combustible materials such as, but not limited to, paper cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture and bedding and non combustible material such as, but not limited to metals, tin cans, plastic containers, dirt, glass, crockery, and other mineral refuse.

SECTION 217. *Solid Waste* shall mean useless, 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 materials, junk, refuse, inert fill material and landscape refuse, but shall not include septic tank sludge nor agricultural, biomedical or hazardous wastes; it shall also include acceptable waste, unacceptable waste and construction and demolition debris 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 solid or exchanged does not exclude it from this definition.

SECTION 218. Any terms, phrases and words not defined herein shall have the generally accepted meaning or definition promulgated in *WEBSTER'S NEW WORLD COLLEGE DICTIONARY*, Third Edition, Copyright 1997, a copy of which is on file in the Brewer City Clerk's office.

ARTICLE 3. SOLID WASTE AND RECYCLABLE WASTE COLLECTION.

SECTION 300. SOLID WASTE AND RECYCLABLE WASTE COLLECTION.

SECTION 301. Solid waste and recyclable material will be collected by the City's contractor from all residential properties.

SECTION 302. Solid waste and recyclable material shall not be collected by the City from any commercial property.

**ARTICLE 4. STREET COLLECTION –
BREWER CITIZEN RESPONSIBILITIES**

SECTION 400. STREET COLLECTION.

SECTION 401. Solid Waste placed in suitable containers for collection shall be placed at the curb or on the esplanade between the sidewalk and gutter, in accordance with the rules and regulations established by the Director of Public Works and approved by the City Council, on the day designated for collection along the designated route prior to 7:00 A.M. Containers placed in the public way on or after such time shall be considered to be intended for collection and as such shall be collected by none other than the authorized collector / contractor of the Public Works Department.

SECTION 402.1. No person, partnership, corporation, association or other legal entity, not licensed or contracted to do so by the City of Brewer, shall take any solid waste or recyclable item placed by any resident or business for pick-up and removal by the City of Brewer or its licensee and/or contractors. Each removal or taking of such items from each separate collection pile shall constitute a separate and distinct violation. .

Section 402.2. Any person, firm, corporation, or other legal entity violating any of the provisions of Section 402.1 shall be subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation. Additional violations of Section 402.1 within a one (1) year period shall be subject to a civil penalty as follows:

Number Of Violations	Penalty
1	\$ 500.00
2	\$ 750.00
3	\$1000.00
4	\$1250.00
5	\$1500.00

SECTION 403. It shall be the duty of every tenant, lessee or occupant of every residential property to provide and keep within the building or upon the lot where the

building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

SECTION 404. It shall be the duty of the owner or owner's agent of ever residential property occupied or intended to be occupied by more than one (1) but not more than four (4) families to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

SECTION 405. It shall be the duty of the occupant and/or owner or owner's agent of a hotel, restaurant boarding house, public warehouse, bakery, grocery store, fruit stand or other buildings not referred to in Section 404 of this Article to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

SECTION 406. Containers must have covers, which shall be kept on containers at all times. The containers shall be rodent proof, leak proof and essentially air tight.

SECTION 407. WASTE NOT TO BE ACCUMULATED EXCEPT IN SUITABLE STORAGE CONTAINERS.

SECTION 407.1. The occupants and/or owners of all residential properties shall place or cause to be places all solid waste material in suitable containers and shall not permit any accumulation or deposit of such substances in or about the premises except in such suitable containers.

SECTION 407.2. Any person owning, operating or being in charge of any commercial property shall require that solid waste material be stored in suitable containers.

SECTION 407.3. Householders are encouraged to keep refuse in plastic bags within the rodent proof, leak proof ad essentially air tight containers.

SECTION 407.4. Containers placed for collection must be in individual lots, which do not exceed thirty (30) pounds in weight. Metal 55 – gallon drums will not be acceptable solid waste containers under the terms of the Article.

SECTION 407.5. Refuse which has been placed in containers for collection which have been pilfered by animals and which constitute litter will not be picked up by the City's refuse Collection Contractor.

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SECTION 408. CONDITION OF CONTAINERS.

SECTION 408.1. All containers used for storage or disposal of solid waste material shall be kept clean.

SECTION 408.2. Containers provided in accordance with provisions of this Article shall not be removed, destroyed, mutilated or utilized for any purpose other than holding solid waste.

SECTION 409. PLACEMENT FOR COLLECTION

SECTION 409.1. *Non-municipal collection.* The occupants, owners or authorized agents of every building shall place such suitable containers in a place convenient for the removal of the contents by the persons authorized to collect the same. Such occupants, owners or authorized agents shall place such containers only on the premises occupied or owned by them. No other person except the occupants, the owner of the premises or authorized agent, or an authorized collector shall remove, take or otherwise disturb the waste matter, or any portion thereof so placed for the removal.

SECTION 410. PROHIBITED WASTES.

SECTION 410.1. The following rubbish, by way of example and not limitation shall be considered unacceptable for curbside collection. These materials will not be picked up by the contractor of the City of Brewer:

- (a) Materials which have not been prepared, bound, containerized or properly placed for collection,
- (b) White goods such as stoves refrigerators, washers and other large appliances,
- (c) Material from the major repair of, excavation for, construction, or destruction of buildings or structures, such as piping, earth, plaster, mortar, bricks, building blocks, septic tanks, trees or tree stumps over six inches in diameter, and any other similar materials, commonly called demolition debris,
- (d) Grass clippings, weeds, garden plants, and shrubs unless they are properly prepared. Leaves, branches, limbs and brush unless they are placed in small bundles,

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- (e) Mattresses and box springs,

- (f) Hazardous waste: All hazardous waste as defined by federal and state regulatory agencies,
- (g) Hospital waste: All contaminated hospital waste as defined by federal and state laws, i.e., “red bag” pathological anatomical waste,
- (h) Infectious waste: Wastes which are hazardous by reason of their contamination with infection materials i.e., “red bag” waste body parts, pathology lab waste, etc.,
- (i) Human fecal waste;
- (j) Animal fecal waste which is not contained in a plastic bag;
- (k) Flammable liquids;
- (l) Powder and liquid pesticides, herbicides and fungicides;
- (m) Paint waste and pigments;
- (n) Construction and demolition debris,
- (o) Electrical capacitors: Contain oils that may contain P.C.B.’s;
- (p) Special waste as defined by state law, including but not limited to, Asbestos,
- (q) Laboratory chemicals;
- (r) Biohazard materials;
- (s) Plated metal parts;
- (t) Electrical transformers or parts;
- (u) Hot ashes,
- (v) Tree stumps and logs; and
- (w) Junkyard Waste.

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SECTION 411. WASTE NOT TO BE THROWN IN PUBLIC PLACES.

SECTION 411.1. No person, partnership, corporation, association, or other legal entity from inside or outside the boundaries of Brewer shall throw or deposit any garbage, yard waste, waste matter, bulky waste, construction demolition debris, universal waste, hazardous waste, dead animals, biological waste, rubbish or any other related solid waste or cause the same to be thrown or deposited upon any street, alley, gutter, park, or other public way, or throw or deposit the same in or upon any premises or vacant lot or in any water, or to store or keep the same except in suitable containers as required by this Article,

SECTION 411.2 Whoever violates Section 411.1 of the Article shall be guilty of an offense and be subject to a civil penalty of Five Hundred Dollars (\$500.00) for each offense. The Penalty for said offense shall be plus recoverable attorneys' fees, costs and costs of the proper disposal of the material. Additional violations of Section 411.1 within a one (1) year period shall be subject to a civil penalty as follows:

Number Of Violations	Penalty
1	\$ 500.00
2	\$ 750.00
3	\$1000.00
4	\$1250.00
5	\$1500.00

SECTION 412. COLLECTION VEHICLES TO BE COVERED.

SECTION 412.1. No person shall transport any garbage or recyclable waste over any public way, street or place within the limits of the City except in properly constructed, watertight vehicles or in suitable containers. Vehicles and containers used to transport solid waste shall be so constructed as to prevent the spillage of such solid waste. Such vehicles and containers shall be covered except during the act of filling or emptying them and shall not be permitted to become foul or offensive.

SECTION 413. REFUSAL TO COLLECT.

SECTION 413.1. The contractor may refuse to accept for collection any waste material which:

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- (a) Is in a container found to be unsafe to handle or in poor condition. Said container shall be marked by the contractor with a sticker or tag. If such a container is placed out for collection again in the same condition, it shall be

- (b) considered as being intended for collection and shall be picked up and disposed of by the Public Works Department or its agent.
- (c) Any solid waste which collection is prohibited hereunder or which is too large to fit into suitable containers or which is over the length, width, weight or bulk requirements set forth in this Article.
- (d) Is in a container other than a suitable container as defined in this Article.
- (e) Is included in the prohibited waste list as unacceptable for collection curbside.

SECTION 414. CONFLICT WITH OTHER LAWS.

Whenever there shall appear provisions which conflict with Articles 1 through 8 of this Chapter, such other provisions shall control, except that wherever Articles 1 through 8 of this Chapter imposes greater restrictions, then such restrictions shall control.

SECTION 415. ENFORCEMENT.

SECTION 415.1. It shall be the duty of the Chief of Police or the Code Enforcement Officer or their duly authorized representatives to cause the enforcement of the provisions of Articles 1 through 8 of this Chapter and to prosecute any and all persons violation any such provisions. The owner of, and any person having responsibility for, property abutting the area of the street or sidewalk where waste material has been deposited shall be presumed to have deposited same and shall be liable for violations of Articles 1 through 8 of this Chapter in the absence of evidence to the contrary. Notwithstanding the aforesaid, any owner of and/or any person having responsibility for property abutting the area of the street where any garbage or waste material has been deposited in violation of

Articles 1 through 8 of this Chapter shall cause it to be removed within four (4) hours of the issuance of an order of removal, issued by the Chief of Police or the Code Enforcement Officer or their duly authorized representatives. Failure to remove such waste within the time specified shall be a violation of Articles 1 through 8 of this Chapter.

SECTION 415.2. In the event that the Code Enforcement Officer has received no registration of the ownership or management interest of the property abutting the area where the waste material has been deposited, the Code Enforcement Officer shall

arrange to have the waste material removed and shall provide written notice of such removal to the owner of record. The owner of record shall be responsible for the fee for collecting the waste material.

SECTION 416. COLLECTION FEE

SECTION 416.1. After the issuance of three (3) oral orders or written notices for removal in any twelve (12) month period, the fee or charge for collecting waste material remaining on the street after the expiration of the period of time for compliance with the order shall be One Hundred Dollars (\$100.00) for up to one (1) cubic yard. In the event waste deposited exceeds one (1) cubic yard, the fee shall be One Hundred Dollars (\$100.00) plus the cubic yard cost to collect and dispose of this waste at an approved facility. Such fees shall be charged each time that the City removes the waste material deposited in violation of Articles 1 through 8 of this Chapter from the streets or sidewalks abutting the property, whether or not additional notice has been given.

SECTION 416.2. Charges assessed pursuant to Articles 1 through 8 of this Chapter shall be enforceable by lien for the benefit of the city.

SECTION 417. RESPONSIBILITIES HEREUNDER NOT TRANSFERABLE.

SECTION 417.1. No contract or agreement between the owner or operator and occupant relating to compliance with the terms of ~~this~~ Articles 1 through 8 of this Chapter shall be effective in relieving any person of the responsibility for compliance with the provisions of Articles 1 through 8 of this Chapter as set forth herein.

**ARTICLE 5. RESIDENTIAL/MUNICIPAL GARBAGE, REFUSE &
RECYCLING COLLECTION, OPERATION &
MAINTENANCE FOR THE CITY OF BREWER**

SECTION 500. GENERAL DESCRIPTION.

SECTION 500.1. The work to be performed consists of the complete curbside collection of all garbage, refuse and recyclables in the City of Brewer, the operation and maintenance and disposal thereof. Garbage and refuse collection service from the Contractor for all residences within the City of Brewer shall be mandatory with the exception of trailer parks and apartment buildings containing over four (4) units. All stops currently on the route will continue to be picked up.

SECTION 500.2. It shall be the Contractor's duty to report, in writing, any violation of the City's Ordinances in respect to the condition and location of garbage cans,

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detachable containers and garbage units to the Director of Public Works or his or her authorized representative. The Director of Public Works, or his or her authorized representative, shall be the final judge as to such conditions and location.

SECTION 501. COLLECTION SCHEDULE.

SECTION 501.1. All residential collections shall be made between the hours of 7:00 A.M. to dusk but no later than 6:00 P.M., Monday through Friday.

SECTION 502. MEANING OF TERMS

SECTION 502.1. In performing the operations described herein, the Contractor shall abide in all respects with applicable Ordinances of the City of Brewer, or applicable State and Federal laws, as the same may be amended from time to time.

SECTION 503. EMPLOYEES TO BE COURTEOUS, ETC.

SECTION 503.1. The Contractor shall require all employees to be courteous at all times and not to use loud or profane language and to do their work as quietly as possible. Employees, in collecting garbage, refuse and recyclables shall follow the regular walks for pedestrians while on private property.

SECTION 504. COLLECTION REQUIREMENTS

SECTION 504.1. The Contractor shall not be required to pick up the debris of remodeling or construction projects such as bricks, stones, concrete slabs, lumber and like material that is considered unacceptable for disposal at PERC. The Contractor shall not be required to pick up any refuse that is unacceptable to PERC or any alternate disposal facility. The Contractor will be responsible for determining the suitability of all refuse collected.

SECTION 504.2. Contractor shall collect torn bags when the bag contents can be picked up using two (2) hands.

SECTION 504.3. Contractor shall not impose individual limits on the amount of refuse collected where trash is grouped for collection.

SECTION 504.4. Contractor shall accept refuse brought to the truck by residents as the truck passes the residence.

SECTION 504.5. Contractor shall use care in returning empty cans off the edge of the roadway. Cans are to be returned off of the roadway in an upright position with the lid placed back on top of, or inside of, the can. Cans shall not be placed back in driveways, in front of mailboxes or on the paved portion of the roadway. Failure to abide by this provision may result in assessment of liquidated damages.

SECTION 504.6. Contractor shall pick up and/or clean up any trash, glass, etc. dropped on the roadway while in the process of collections, i.e. anything dropped or spilled in the process of transporting cans or bags from the curbside to the trucks or items pushed from the hopper while in the packing cycle shall be cleaned immediately before leaving the pick up site. (Brooms and shovels shall be carried on the trucks for the purpose).

SECTION 504.7. Contractor shall not use private driveways for a turnaround on dead end streets. The Contractor will be responsible for the repair of any damage that may occur due to trucks using private areas for a turnaround. Trucks shall back into or out of streets or roads not having an adequate turnaround. Contractor will be required to collect refuse and recyclables on all City streets and roads unless otherwise indicated.

SECTION 505. EMPLOYEES NOT TO TRESPASS

SECTION 505.1. Employees shall not trespass or loiter, cross property to adjoining premises, or meddle with property, which does not concern them.

SECTION 506. LOADING

SECTION 506.1. Extra care shall be taken in the loading and transportation of garbage, refuse and recyclables so that none of the material to be collected is left either on private property or on the streets. Any garbage and refuse left on the streets by the Contractor shall immediately be cleaned up by the Contractor before leaving the pick up site.

SECTION 507. EMERGENCY COLLECTIONS

SECTION 507.1. Adequate provisions shall be made by the Contractor to provide special collections when garbage, refuse, recyclables and other waste has not been collected during the regularly scheduled trip. Special pickups for missed collections shall be made by the Contractor when ordered by the City at no cost to the City or the occupant. The sum of Fifteen Dollars (\$15.00) for each such missed pickup shall be billed to the Contractor, if in the judgment of the Director of Public Works or his or her designee, the missed pickup was due to the negligence or omission of the Contractor.

SECTION 508. COLLECTION EQUIPMENT

SECTION 508.1. In collecting garbage, refuse and other waste under Articles 1 through 8 of this Chapter the contractor shall use all metal, watertight, completely enclosed “packer type” bodies that are designed and manufactured for the collection of garbage and refuse. The level of compaction shall at all times be equal to that specified by the vehicle’s manufacturer. In collecting recyclables, the Contractor must use equipment specifically designed for recyclable collection. The equipment must have adequate capacity and enough compartments to collect the material designed for recycling.

SECTION 508.2. The compacting mechanism in the body shall be capable of compressing the collected material to one – half or less in original volume. The number and type of collection vehicles furnished by the Contractor shall be sufficient for the collection of all garbage, refuse and recyclables. The Contractor shall be required to submit detailed specifications on its equipment, with the bid to secure prior written approval from the City.

SECTION 508.3. Additionally, the Contractor shall ensure that all pieces of equipment are in safe and sound mechanical condition. The Contractor shall provide, if requested by the Director of Public Works or his or her designee, appropriate documentation to the City every three (3) months regarding inspection and maintenance of any vehicle used for rubbish collection. The City reserves the right to request additional documentation from the Contractor concerning the mechanical condition of said vehicle(s).

SECTION 508.4. Truck hopper plugs shall be in place at all times. Trucks found performing collections without the appropriate plugs in the drain holes of the hopper will be stopped from the collections until the hopper plugs are replaced.

SECTION 508.5. Equipment failure resulting in delay of collection must be reported to the Public Works Department within one half (½) hour of the occurrence. The Contractor will be required to dispatch backup equipment and continue the route within one (1) hour of notification of breakdown.

SECTION 508.6. The Contractor shall be responsible for all maintenance of trash collection equipment.

SECTION 508.7. All vehicles used by the Contractor shall be equipped with two – way radio equipment or cellular telephone capable of communicating with the Contractor’s office and the Brewer Public Works Department. A cellular telephone must be provided to the truck driver as well as responsible contractor personnel to assure an immediate response to any issue that may arise regarding the City’s refuse and recyclable collection

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program. Telephone numbers of responsible personnel must be provided to the Brewer Public Works Department prior to the July 1, of each year.

SECTION 508.8. Contractor shall carry litter clean-up equipment and use it in the event of spillage or breakage by collection crew.

SECTION 508.9. All vehicles shall be inspected prior to the beginning of the contract period by an authorized State of Maine inspection station and Contractor shall provide the City with a copy of each record of inspection.

SECTION 509. METHOD OF DISPOSAL

SECTION 509.1. The Contractor shall deliver at the Contractor cost all garbage, refuse or other waste acceptable to PERC, to the PERC facility, Orrington, Maine or an alternative site approved by the City. The Contractor agrees that it will operate under applicable rules and regulations that may be a requirement of using said facilities. If at any time during the life of this contract, the Orrington incinerator, solid waste recovery plant is closed, the Contractor shall deliver all refuse collected in the City of Brewer to an approved alternate facility, within a ten (10) mile radius of Brewer City Hall, at no additional cost to the City of Brewer. Transportation fees for delivery to an approved facility beyond this radius shall be paid to the Contractor based on rates to be established by negotiation.

SECTION 510. OWNERSHIP OF EQUIPMENT

SECTION 510.1. All vehicles, facilities, equipment and property used shall be wholly owned by the Contractor; provided, leasing or rental agreements shall be allowed and conditional sales contracts, mortgages, or other contractual arrangements for financing the purchase of such equipment shall be allowed. All such leasing or rental agreements shall provide that in the event of default of this contract, or of such leasing or rental agreement, the City, at its option, shall have the right to take possession of and operate collection equipment covered by such leasing or rental agreement, assuming all remaining liabilities, payments and insurance, for the unexpired term of this contract.

SECTION 511. CLEANING FACILITIES

SECTION 511.1. The Contractor shall provide adequate cleaning facilities for its vehicles and equipment, approved as to type and location by the City. All vehicles shall be kept in a clean and sanitary condition, and all vehicles shall be steam-cleaned inside and out and washed with soap or detergent at least once a week and more frequently in the summer months to prevent foul odors. Any cleaning conducted within the City limits shall be done on a paved area, which is curbed to prevent drainage

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to surrounding areas and which is provided with an approved catch basin which is connected to a sanitary sewer system, septic tank or holding tank acceptable to the City.

These facilities shall be used for all washing and steam cleaning of equipment and be kept in a clean and sanitary condition.

SECTION 512. PAINTING OF VEHICLES AND EQUIPMENT

SECTION 512.1. All collection vehicles shall be painted and numbered and shall have the Contractor's name and number of the vehicle painted in letters of a contrasting color, at least six (6) inches high, on each side of each vehicle, and the number painted on the rear. No advertising shall be permitted other than the name of the Contractor. The vehicle must be inspected by the Director of Public Works or his or her designee prior to the start of every contract on July 1. Due to the shortness of the contract, no painting will be necessary provided the vehicle passes the initial inspection.

SECTION 513. PARKING OF VEHICLES

SECTION 513.1. The Contractor shall not use property in or adjacent to that zoned as residential, nor adjacent to the disposal site for parking, standing, washing, cleaning, or storing of Contractor's ~~its~~ vehicles or equipment without the approval of the City.

SECTION 513.2. Areas used by the Contractor within the City for the storing, parking or repair of vehicles shall be kept in a clean and orderly condition.

SECTION 514. REPORTS, MAPS AND ROUTING

SECTION 514.1. The Contractor shall furnish a report, at the end of each month and an annual report at the end of each fiscal year, to the City showing the number of loads of garbage and refuse hauled by the Contractor to the disposal site, the number of tons per load and the total number of tons of garbage and refuse hauled to the disposal site for each month and annually. The monthly report will contain the number of stops per route and the total number of stops on a weekly basis.

SECTION 514.2. The Contractor shall also, prior to executing a Contract, submit a schedule, on maps furnished by the City, showing the residential collection routes for City approval. The Contractor shall give not less than thirty (30) days' notice to the City of Brewer of any changes in the boundary of any residential route or of the day or time of collection.

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SECTION 514.3. Any changes in either the collection route or of the day or time of collection, due to actions of the Contractor, must be published by the Contractor, at least two (2) weeks in advance of the change, in a newspaper with general circulation within

the corporate limits of the City. The City will pay fifty percent (50%) of the cost if the change can be incorporated with the City's holiday schedule.

SECTION 515. CONTRACTOR'S OFFICE

SECTION 515.1. The Contractor shall be required to maintain an office provided with telephones and such attendants as may be necessary to take care of complaints, orders for special service or instructions from the City. This office shall be in operation between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, except holidays or as otherwise directed by the City.

SECTION 516. SPECIAL AGREEMENT

SECTION 516.1. The Contractor agrees to remove and dispose of garbage, office paper, recyclables and refuse from the Public Safety Building, City Hall, Library, Municipal Garage, Auditorium, Treatment Plant and other City owned and occupied buildings used only for governmental purposes on each and every day that a collection is made, and the City parks within the City limits of Brewer provided that the same is placed in cans conveniently located for collection. Office paper will be picked up at the above locations as a part of this the Contract and an annual report on the tonnage provided to the City. Additions, deletions or changes in collection are subject to change as directed by the City providing the modification does not materially change the scope and duty of the Contractor's responsibility under the contract.

SECTION 517. PERMITS

SECTION 517.1. The Contractor shall take out and pay for any permits required by the City or any other governmental authority, which may be required under the Contract. Further, the contractor shall be obligated to protect all public and private property. If such utilities are damage by reason of the Contractor's operations under this Chapter, the Contractor shall repair or replace same or, failing to do so promptly, the City shall cause repairs replacements to be made and the cost of doing so shall be deducted from the Contractor's monthly payment from the City.

SECTION 518. INSURANCE

SECTION 518.1. The Contractor shall carry an insurance policy providing complete broad form comprehensive general liability including, but not limited to, manufacturer's and contractor's liability, independent contractor's liability, contractual liability,

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completed operations liability, and automobile insurance including hired and non – owned insuring the contractor and the City of Brewer, limits of which shall not be less than Two Million Dollars (\$2,000,000) for combined bodily injury and property damage. Said insurance shall be provided by an insurance company licensed to do business in the

State of Maine. The City of Brewer shall be named as an additional insured with the Contractor under the aforesaid insurance policies. The Contractor also shall carry adequate insurance to cover the risk and requirements specified under the worker's Compensation Laws of the State of Maine. The successful bidder shall, within (10) days after receipt of notification that the Contract has been awarded, furnish certificates evidencing its compliance with the provisions of this Paragraph.

SECTION 518.2. Such insurance Policy shall provide that the City be given a minimum of thirty (30) days written notice regarding any change, cancellation or lapse of such policy.

SECTION 518.3. The Contractor shall indemnify and save the City harmless from and against any and all loss, damage, actions, claims, suits, judgments and liability and reasonable attorney's fees in connection with loss of life, personal injury and/or damage to property arising from or out of any occurrence, conduct or operation of or by contractor under the Contract. Contractor shall also pay all costs, expenses and reasonable attorney fees that may be incurred or paid by City in enforcing any and all terms and covenants hereunder. Contractor's indemnity obligations shall not be limited by the Workers Compensation laws, and Contractor expressly waives all immunities and defenses it may have under these laws as applied to its indemnity obligations.

SECTION 519. PERFORMANCE BOND/IRREVOCABLE LETTER OF CREDIT OR OTHER SECURITY

SECTION 519.1. Before the Contract between the Contractor and the City shall be valid or binding against the City of Brewer, the Contractor shall furnish unto the City a proper performance bond, or irrevocable letter of credit or some other security acceptable to the City to be approved by the City Solicitor, conditioned that the Contractor shall faithfully perform all the provisions and terms of the Contract and related documents and pay all laborers, mechanics, and subcontractors, and all persons who shall supply such Contractor with provisions and supplies for the carry on of such work, which bond, or letter of credit, shall be signed by the Contractor and bonding surety company or bank licensed to do business in the State of Maine, and shall be in the amount of Seventy-five Thousand Dollars (\$75,000) for the contract term, unless otherwise modified by the Brewer City Council which shall at all times be kept in full force and effect.

SECTION 520. CONTRACTOR TO MAKE EXAMINATION

Brewer City Ordinances
Chapter 22, Article 5
Section 520.1– 524.1

SECTION 520.1. The Contractor shall make its own examination, investigation and research regarding the proper method of doing the work, and all conditions affecting the work to be done, and the labor, equipment and materials needed thereon, and the quantity of the work to be performed. The Contractor agrees that it has satisfied itself by its own

investigation and research regarding all of such conditions, and that its conclusion to enter into any Contract is based upon such investigation and research, and that the Contractor shall make no claim against the City because of any of the estimates, statements or interpretations made by any officer or agent of the City which may prove to be in any respect erroneous.

SECTION 521. COMPLIANCE WITH LAWS

SECTION 521.1. Contractor shall keep itself fully informed of all national and state laws and all municipal ordinances and regulations in any manner affecting the work or performance of the Contract or any extra work, and shall at all times observe and comply with such laws, ordinances and regulations, whether or not such laws, ordinances or regulations are mentioned herein, and shall indemnify the City, its officers, agents and employees against any claim or liability arising from or based on the violation of any such laws, ordinances or regulations.

SECTION 522. COMPETENCE AND SKILL

SECTION 522.1. All workers employed by the Contractor shall be competent and skilled in the performance of the work to which they may be assigned. Failure or delay in the performance of the Contract due to the Contractor's inability to obtain workers of the number and skill required shall constitute default of the Contract.

SECTION 522.2. In addition all workers who operate vehicles shall possess a clean driving record and all laborers shall be in good health and physical condition. The City reserves the right to request documentation from the Contractor concerning the above requirements.

SECTION 523. COMPANY NAME

SECTION 523.1. The Contractor shall not use a firm name containing the words "Brewer", "City", or any words implying municipal ownership.

SECTION 524. LIQUIDATED DAMAGES

SECTION 524.1. As a breach of the service provided by the contract would cause serious and substantial damage to the City and its occupants, and the nature of the

Brewer City Ordinances
Chapter 22, Article 5
Section 524.1 – 524.5

Contract would render it impracticable or extremely difficult to fix the actual damage sustained by the City by such breach, it is agreed that in case of breach of service the City may elect to collect liquidated damages for each such breach and the contractor will pay to the City as liquidated damage and not as a penalty, the amounts set forth below, such sums being agreed as the amount which the City will be damaged by the breach of such

service. An election to seek such remedies shall not be construed as a waiver of any legal remedies the City may have as to any subsequent breach of service under this contract.

SECTION 524.2. Failure to complete any route on the specified collection day will result in a Two Hundred Fifty Dollar (\$250.00) penalty charge for each occurrence, for each route, for each collection day. Charges will be deducted from payment owed the Contractor.

SECTION 524.3. Failure to submit revised street by street schedules as noted herein thirty (30) days prior to route change during the contract period, will result in Ten Dollars (\$10.00) in liquidated damages per working day until schedules are submitted. Liquidated damages will be deducted from payments owed the Contractor.

SECTION 524.4. Failure of the collection trucks to follow the street by street schedule as noted in will result in Twenty-five Dollars (\$25.00) liquidated damages per occurrence unless the schedule cannot be followed due to road construction or deviation is approved by the Director of Public Works or his or her designee.

SECTION 524.5. The following liquidated damages will be imposed if City personnel perform any of the activities specified below to correct deficiencies in Contractor performance. Each occurrence will result in a separate damage charge.

Trash cans moved from the roadway after left by Contractor	\$ 10.00
Cans moved from the middle of driveways after left by Contractor	\$ 10.00
Cans moved from the front of mailboxes impeding mail delivery	\$ 10.00
Collectable refuse not collected by Contractor that is collected by the City (each stop)	\$100.00
Early Start (before 7:00 a.m.) or late stop (6:00 p.m.) of route without prior permission	\$ 25.00
Cans and lids not replaced properly acquired	\$ 10.00
The repetition of complaints on a rout after notification	\$ 5.00
To replace cans or detachable containers in designated locations, spilling, crossing planted areas, or similar violations not corrected within four (4) hours after notification of the Contractor.	(Each not to exceed ten (10) complaints per truck per day.)

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Chapter 22, Article 5
Section 524.6 - 525.1

SECTION 524.6 All liquidated damages will be deducted from the monthly payment to the Contractor or shall be payable by Contractor if no sums are due from the Contractor.

SECTION 524.7. Damaged or Missing cans and Lids: It shall be the Contractor's responsibility to rectify claims of missing and damaged trashcans, containers, lids and container enclosures. If all cans lids and containers are replaced properly as indicated

herein, there should be few property damage claims. The City of Brewer will take wind into consideration as a cause for cans and lids blowing away from replacement areas.

SECTION 524.8. Mixed Loads: Under no circumstances shall refuse from another municipality or commercial customer be included in any load charged to the City of Brewer unless approved by the Brewer City Council. Such action will result in a Five Thousand Dollar (\$5,000.00) fine and constitute default of the Contract.

Section 524.9. Mixing Municipal Solid Waste and recyclables: Under no circumstances shall the municipal solid waste collection contractor collect material set curbside for recycling. If the recyclable material is set curbside in the blue recycling bins provided by the City the material must be collected by the employees of the recycling truck. The recycling truck employees shall also collect all cardboard and newspaper that are stacked on or near the blue recycling if it is obvious that it is intended for recycling.

Section 524.10. If a contractor fails to comply with Article 5, Section 524.9 they will be subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation. Additional violations of Section 524.9 within one (1) year period shall be subject to civil penalty as follows:

Number of Violations	Pentalty
1	\$500.00
2	\$750.00
3	\$1,000.00
4	\$1,250.00
5	\$1,500.00

SECTION 525. HOLIDAYS

SECTION 525.1. No refuse will be picked up on the following holidays: New Years Day, Memorial day, July 4th, Labor Day, Thanksgiving and Christmas. When a holiday, which the Contractor observes occurs on a scheduled collection day, that day's collection shall be delayed one day. In the event that a holiday occurs on a Friday, collections must

Brewer City Ordinances
Chapter 22, Article 5
Section 525.1 - 529.1

be made on Saturday to complete the week. Sunday collections will not be permitted at any time. If a holiday occurs on a Monday, collection will occur on Tuesday and the rest of the week's schedule will remain intact.

SECTION 525.2. The change in the collection schedule due to holidays must be published by the Contractor at least two (2) weeks in advance of the change, in a newspaper with general circulation within the corporate limits of the City.

SECTION 526. DISAGREEMENTS

SECTION 526.1. To prevent all disputes or litigation, it is understood that all question arising as to the proper performance and the amount of work to be paid under Contract shall be the final and sole decision of the City Manager or his or her designee.

SECTION 527. BILLING & PAYMENT TO CONTRACTOR

SECTION 527.1. The City shall make payments on a monthly “arrears” basis. The Contractor shall issue an invoice to the City at the end of each calendar month for the total amount of the monthly installment with fifteen (15) terms specified on the invoice. Upon receipt of the monthly invoice, the City shall make payment to the Contractor in accordance with its normal invoice payment cycle. From the total amount of the monthly payment, the City shall deduct any charges for liquidated damages or for any other breach of service or Contractor negligence as specified herein. In the event the Contractor has outstanding past due accounts receivable due to the City, monthly payments will be withheld until such account is current with the City.

SECTION 528. NONASSIGNABILITY & TERMINATION OF CONTRACT

SECTION 528.1. The Contract or any interest therein or part thereof, shall not be assigned, whether by operation of law or otherwise, nor shall any part thereof be subcontracted, without prior written consent of the City Council first having been obtained. The City reserves the right to cancel or terminate the Contract at any time in case the Contractor fails or neglects to perform or adhere to any provisions, terms or regulations of the Contract or fails to abide by any of the conditions or covenants therein contained.

SECTION 529. ADDITIONAL SERVICES

SECTION 529.1. The Contractor shall provide services to supplement the collection of the normal household trash for materials that are not part of the normal collection, but are accepted at PERC. The cost of these services will not encumber the Contract but will be borne by the individual homeowner on an as needed basis.

Brewer City Ordinances
Chapter 22, Article 5
Section 530 - 535

SECTION 530. JUNK OR SALVAGE

SECTION 530.1. All junk or salvage of any kind or nature collected by the Contractor shall become it's property and the Contractor agrees to make proper provision for the disposition of any such junk or salvage as the case may be.

SECTION 531. SPECIAL ANNUAL COLLECTION PROGRAMS

SECTION 531.1. The City of Brewer's annual spring cleanup and fall leaf collection programs are separate from regular solid waste collection services and are excluded from the Contract.

SECTION 531.2. If the city discontinues the annual spring cleanup and fall leaf collection and requests that the Contractor provides these services, such event shall be treated as a modification under the terms of the Contract.

SECTION 532. UNACCEPTABLE CONTAINERS

SECTION 532.1

SECTION 533. LOCAL IMPROVEMENTS

SECTION 533.1. The City reserves the right to construct any improvement or to permit any such construction in any street or way in such a manner as it may direct, which may have the effect for a time of preventing the Contractor from traveling it's accustomed route or routes for collection. The Contractor, shall however, by whatever method he elects, continue to collect the garbage, rubbish and recyclables to the same extent as though no interference existed upon the streets or ways formerly traversed. This shall be done without extra cost to the City of Brewer.

SECTION 534. PERC DELAYS

SECTION 534.1. It is the responsibility of the Contractor to be aware of the potential for delays in the dumping at the PERC incinerator in Orrington. The Contractor should be aware of the existence of school bus hours when trash trucks are not supposed to be traveling on the roads in Orrington and the fact that PERC is required by the Town to hold trash trucks during the school bus hours and release them at the end of the school bus period. These time periods are 7:30 A.M. – 8:20 A.M., 11:00 A.M. to 12:00 noon, and 2:10 P.M. to 3:15 P.M.

SECTION 535. TRANSFERABILITY

Brewer City Ordinances
Chapter 22, Articles 6 & 7
Section 535.1 - 602.1

SECTION 535.1. No portion of the Contract shall be transferred to another individual, corporation, partnership or legal entity without the written consent of the City, acting through its City Manager or his or her designee.

ARTICLE 6. HEALTH NUISANCES

SECTION 600. WASTE NOT TO BE THROWN IN PUBLIC PLACES

SECTION 600.1 No person shall throw or deposit or cause to be thrown or deposited in any street, sidewalk, court, square, lane, alley or public place any garbage, refuse, bulky waste, construction demolition debris, universal waste, hazardous waste, dead animals, biological waste, rubbish or any other related solid waste. No person or persons shall throw or cast any dead animal or any foul or offensive matter in any waters in the City of Brewer. No person shall throw, cast or place any living animal with intent to drown the same in any waters in the boundaries of the City.

SECTION 601. REMOVAL FROM PUBLIC PLACES

SECTION 601.1. If any of the substances mentioned in the previous Section shall be thrown or carried into any street, sidewalk, court, square, lane, alley or public place from any house building, cellar, yard or any other place, the occupant of such house or place and the person who actually threw and carried the same therefrom shall severally be liable for such violation of this Article, and all such substances shall be removed at the expense of the occupant of the house or other place whence the same were thrown or carried within twenty-four (24) hours after personal notice in writing to that effect is given by the Chief of Police or Code Enforcement Officer or their designee.

SECTION 602. REMOVAL FROM BUILDINGS AT EXPENSE OF OWNER OR OCCUPANT

SECTION 602.1. All garbage, refuse, bulky waste, construction demolition debris, universal waste, hazardous waste, dead animals, biological waste, rubbish or any other related solid waste or filth of any kind in any house, building, cellar, yard or any other place; which the health authority shall deem necessary for the health of the City to be removed, shall be carried therefrom by and at the expense of the owner or occupant of such house or other place where the same shall be found and removed to such place as directed within twenty-four (24) hours after notice in writing to that effect given by the Chief of Police, health authority or Code Enforcement Officer.

Brewer City Ordinances
Chapter 22, Articles 6 & 7
Section 603 - 701.1

SECTION 603. FAILURE TO COMPLY WITH ORDER OF HEALTH AUTHORITY, CHIEF OF POLICE, CODE ENFORCEMENT OFFICER OR THEIR DESIGNEE.

SECTION 603.1. Whenever any person shall have been duly notified to remove any of the substances mentioned in this Article, or to perform any other act or thing which it may be his or her duty to perform for the preservation of the health of the City and the time limit for the performance of such duty shall have elapsed without compliance with such notice, the Chief of Police, or Code Enforcement Officer or their designee shall

forthwith cause such substance to be removed at the expense of the person so notified. The Chief of Police, or Code Enforcement Officer or their designee shall cause all persons who shall violate or disobey any provision of the Article to be prosecuted and punished.

SECTION 603.2. If, in the opinion of the Health Authority, it shall be for the health or comfort of the inhabitants of the City that any particular substance should be removed forthwith and without delay, it shall be his or her duty to cause the same to be removed accordingly. If the substance existed in violation of this Article or of any of the laws, regulations or ordinances relating to the health of the City, then the expense of removing the same shall be paid by the owner or occupant of the house or other place where the same was found, and if payment be refused on demand therefore by the Chief of Police or —Code Enforcement Officer or their designee.

ARTICLE 7. PUBLIC AND PRIVATE DUMPS

SECTION 700. FAILURE TO REMOVE

SECTION 700.1. Every owner or occupant of any premises, and every landlord or agent of a landlord having general charge of the same, or any other person, who shall throw, dump, or deposit any refuse, rubbish, or waste matter of a similar nature upon any premises without the permit in this article shall, after notice by Chief of Police, Code Enforcement Officer or their designee remove such refuse, rubbish, waste matter and material so thrown, dumped or deposited on such premises to a designated dumping ground within forty-eight (48) hours after receiving such notice, and upon failure to do so the offender shall be guilty of an offense.

SECTION 701. DUMPING ON PREMISES OF OTHERS

SECTION 701.1. Any person, partnership, corporation, association or other legal entity who without authority from the owner of the premises, dumps or deposits upon such premises, not his own, any refuse, rubbish, bulky waste, construction demolition debris, universal waste, hazardous waste, dead animals, biological waste or other solid waste matter of a similar nature, shall be guilty of an offense.

Brewer City Ordinances
Chapter 22, Articles 6 & 7
Section 701.2 - 803.1

701.2. If any person, partnership, corporation, association or other legal entity fails to comply with Article 75, Section 701.1, they will be subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation plus reasonable attorney fees costs. Additional violations of Section 701.1 within one (1) year period shall be subject to civil penalty as follows:

Number of Violations	Penalty
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1	\$500.00
2	\$750.00
3	\$1,000.00
4	\$1,250.00
6	\$1,500.00

ARTICLE 8. JUNKED MOTOR VEHICLES

SECTION 800. PURPOSE

SECTION 800.1. The purpose of the Article is to protect the health, safety and general well-being of the citizens of Brewer; to enhance and maintain the quality of the environment through the removal of junked motor vehicles from the public way and private property; and the recovery of the costs of removal of such vehicles from the owners of the vehicles or the owners of private property, whose property values are improved by the removal of the junked motor vehicles.

SECTION 801. PLACING ON STREETS AND PUBLIC PLACES

SECTION 801.1. It shall be unlawful for any person to deposit, place, leave or abandon any old, discarded worn out or junked motor vehicle, or parts thereof, on any public street or any public place in the city.

SECTION 802. REMOVAL FROM STREETS OR PUBLIC PLACES

SECTION 802.1. The City shall have the right to remove or cause to be removed any vehicle or part thereof in violation of this section from any public street or public place an dispose of it as it sees fit without any liability whatsoever.

SECTION 803. PLACING ON PRIVATE PROPERTY

SECTION 803.1. It shall be unlawful for any person to deposit, place, leave or abandon any old, discarded, worn out or junked motor vehicle, or parts thereof, on any private property in the City, except in duly authorized locations.

Brewer City Ordinances
Chapter 22, Article 8
Section 804 - 806.1

SECTION 804. KEEPING ON PRIVATE PROPERTY; NOTICE TO REMOVE

SECTION 804.1. It shall be unlawful for any person owning or occupying private property in the City to keep or allow to accumulate any old, discarded, worn out or junked motor, vehicle, or parts thereof, on private property after having received written notice from the City, by the City Manager or by official designated by the City Manager,

ordering the removal from the property upon not less than thirty (30) days from receipt of the order of the old, discarded, worn out or junked motor vehicle, or parts thereof.

SECTION 804.2. A copy of the order shall be hand delivered or sent by certified mail to the owner or occupant of the private property, or to the owner of the motor vehicle if the owner's identity is known.

SECTION 804.3. The order of removal may be appealed as provided for herein. Failure to appeal such order shall render the order final. In the event of an appeal, the time frames established for the removal of the vehicle shall be stayed during the pendency of the appeal.

SECTION 805. APPEALS

SECTION 805.1. PROCEDURE. An appeal to the City Manager may be taken by a person in receipt of a notice to remove any old, discarded, worn out or junked motor vehicle, or parts thereof, by filing a notice of appeal within thirty (30) days of the mailing of notice of the order, or receipt of the order, whichever occurs first. The appeal shall be in writing and shall state the basis for appeal. The City Manager shall designate himself or any agent or employee to act as hearing officer in the appeal. The hearing officer shall provide such person with the opportunity to be heard and to demonstrate why the vehicle is not subject to removal within the terms of this article.

SECTION 805.2. NOTICE OF HEARING. Notice of the hearing shall be given by regular United States mail at least seven (7) days in advance of the hearing data.

SECTION 805.3. ACTION BY HEARING OFFICER. The hearing officer may affirm, modify or vacate the order of removal. The written decision of the hearing officer shall be issued to the appellant. Any person aggrieved by a decision of the hearing officer may obtain review available by law in the superior court in accordance with the Maine Rules of Civil Procedure 80-B.

SECTION 806. REMOVAL FROM PRIVATE PROPERTY

Brewer City Ordinances
Chapter 22, Article 8
Section 806.1 – 807.3

SECTION 806.1. If any person shall fail, within thirty (30) days after receipt of the order of within thirty (30) days of receipt of the decision of the hearing officer affirming order of removal of the vehicle, to remove any vehicle or parts thereof in violation of this

Article, the City shall have the right by its duly authorized agent to remove the vehicle or part thereof from any private property and dispose of it as it sees fit without any liability whatsoever.

SECTION 807. COST TO BE RECOVERED

SECTION 807.1. LIABILITY. In addition to the fine provided for violation of this Article, the person depositing or keeping such vehicle or parts thereof on the public highways, public places or private property shall be jointly and severally liable along with the owner of the private property to the City for the cost of removal thereof and shall pay the costs within thirty (30) days from the date of mailing of a bill assessing the costs of removal. For purposes of this Article, there shall be a rebuttable presumption that the last owner of the vehicle deposited or kept the vehicle on the public way, public place or private property.

SECTION 807.2. ATTORNEY FEES AND COSTS. The City shall be entitled to its attorney fees and costs for the successful prosecution of all violations under this Article.

SECTION 807.3. LIEN. Assessments for the costs of removal shall be enforceable by lien against the owner of private property upon which junked vehicle was deposited, in the manner prescribed by this Article.

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Chap. 22 – Art. 9
Sec. 901 – 902.1

**ARTICLE 9. THE REGISTRATION AND LICENSING OF NON –
MUNICIPAL USERS OF THE PERC FACILITIES IN ORRINGTON, MAINE**

SECTION 901. . PURPOSE. The purpose of this Article is to promote the public health, safety and welfare; to gain management control over solid waste and enable the

reclamation of resources, including energy therefrom; to provide for the orderly operation of a solid waste disposal facility pursuant to Title 38 M.R.S.A. § 1305 (1) to allow the City to contract with the Penobscot Energy Recovery Company hereinafter referred to as PERC; and to control commercial haulers, non-commercial haulers and users which generate and/or collect solid waste within the limits of the City of Brewer.

The accumulation, collection, transportation and disposal of acceptable solid waste generated by users within the City of Brewer shall be regulated by the Article. All acceptable solid waste generated within the City of Brewer shall be deposited at the PERC facilities in Orrington, Maine, by licenses commercial and non-commercial haulers in accordance with the provisions of this Article.

SECTION 902. DEFINITIONS. The terms, phrases and words in the Article shall have the following meanings: Any terms, phrases and words not defined herein shall have the generally accepted meaning or definition promulgated in *WEBSTER'S NEW WORLD COLLEGE DICTIONARY*, Third Edition, Copyright 1997, a copy of which is on file in the Brewer City Clerk's office.

SECTION 902.1 ACCEPTABLE SOLID WASTE. Acceptable solid waste shall mean all waste, which PERC will accept at its facilities including all ordinary household, municipal, institutional, commercial and industrial wastes, which consist primarily of combustible materials, except for the following:

(The following shall be considered unacceptable solid waste as it pertains to this Article)

- (a) Hazardous waste: All hazardous waste as defined by federal and state regulatory agencies;
- (b) Hospital waste: All contaminated hospital waste as defined by federal and state laws, i.e., "red bag" pathological anatomical waste;
- (c) Infectious waste: Wastes, which are hazardous by reason of their contamination with infection materials i.e., "red bag", waste body parts, pathology lab waste, etc.
- (d) Human fecal waste;
- (e) Animal fecal waste which is not contained in a plastic bag;
- (f) Flammable liquids;
- (g) Powder and liquid pesticides, herbicides and fungicides;

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Chap. 22 – Art. 9
Sec. 902.1 – 902.5

- (h) Paint waste and pigments;
- (i) Construction demolition debris;
- (j) Electrical capacitors: Contain oils that may contain P.C.B.'s;
- (k) Special waste as defined by state law, including but not limited to, asbestos;
- (l) Laboratory chemicals;
- (m) Biohazard materials;
- (n) Plated metal parts;
- (o) Electrical transformers or parts; and
- (p) Hot ashes.
- (q) Mercury containing products – Batteries, Fluorescent light bulbs, thermometers, thermostats.
- (r) Universal waste – CRT's (Computer Monitors / TVs)

SECTION 902.3 COMMERCIAL HAULER. A commercial hauler is an individual, corporation, partnership or other legal entity, which hauls the solid waste for another from within the City limits of the City of Brewer for compensation. Commercial haulers shall not include the City of Brewer or a commercial hauler who has a contract with the City of Brewer for curbside solid waste pickup, which is collected and disposed of pursuant to the terms of a Contract.

SECTION 902.4. CONTRACTOR. Any person, corporation, partnership, association or other legal entity under contract with the City to provide refuse collection services.

SECTION 902.5 DIRECTOR. Shall mean the Director of Public Works.

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Chap. 22 – Art. 9
Sec. 902.6-905.1

SECTION 902.6 .NON – COMMERCIAL HAULER. A non – commercial hauler is an individual, corporation, partnership or other legal entity who hauls solid waste for herself, himself, itself or another from within the limits of the City without compensation.

SECTION 903. SOLID WASTE. Shall mean useless, 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 materials, junk, refuse, inert fill material

and landscape refuse, but shall not include septic tank sludge nor agricultural, biomedical or hazardous wastes; it shall also include acceptable waste, unacceptable waste and construction and demolition debris 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 solid or exchanged does not exclude it from this definition.

Solid waste shall have the same definition as set forth in Title 38 M.R.S.A. § 1303₂, as the same may be amended from time to time.

SECTION 903.1. UNACCEPTABLE SOLID WASTE Unacceptable solid waste shall mean all waste that is not Acceptable Solid Waste and will not be accepted by PERC at its Orrington, Maine facilities.

SECTION 904. USER A user is an individual, corporation, partnership or other legal entity, which either resides in the City of Brewer and/or has a business in the City of Brewer, which produces solid waste that is disposed of by a commercial or non commercial hauler.

SECTION 904.1. VEHICLES. Only vehicles which are capable of discharging their loads on the PERC facilities tipping floor by mechanical means shall be licensed by the City of Brewer. Included within the category of vehicles permitted to tip are: standard solid waste packer trucks, transfer trailers and hydraulic dump trucks. In addition, all solid waste vehicles entering the PERC facilities in Orrington, Maine, shall have their loads enclosed with a container or covered securely by means of a tarp. No pick up trucks, or other vehicle, which requires manual unloading, either by design or by reason of malfunction, shall be permitted to haul solid waste to the PERC facilities.

SECTION 905. ENERGY RECOVERY AND DISPOSAL FACILITY DESIGNATED

SECTION 905.1. In accordance with the provisions of Title 38 M.R.S.A. § 1304-B, the City hereby designates the Penobscot Energy Recovery Company facility located in Orrington, Maine, (PERC) as the energy recovery facility and disposal facility for acceptable waste.

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Chap. 22 – Art. 9
Sec. 905.2-909

SECTION 905.2. The City reserves the right to designate an alternate disposal facility for a specified time period for acceptable waste should circumstances require it, upon a majority vote of the Brewer City Council.

SECTION 906. REGULATED ACTIVITY.

SECTION 906.1. The accumulation, collection, transportation, delivery and disposal of acceptable waste and unacceptable waste generated within the City of Brewer shall be

regulated in the following manner:

(a) All acceptable wastes generated within the municipality shall be deposited at the energy recovery facility (PERC).

(b) All unacceptable waste generated within the municipality shall be deposited only at a suitable disposal facility, which is designed for the express purpose of handling such unacceptable waste.

SECTION 907. LICENSING. January 1 of each year, all commercial haulers must obtain an annual license from the office of the Brewer City Clerk. The license shall end on the thirty-first (31st) day of December of each year.

SECTION 907.1. A copy of each commercial haulers license issued and of each application therefore shall be sent by the City to PERC.

SECTION 907.2. PERC is authorized and directed to admit waste generated in the City for processing in its facilities only from Brewer commercial haulers who are licensed.

SECTION 907.3. All licenses are non-transferable.

SECTION 908. FEES. Commercial haulers shall pay the following annual non refundable vehicle fees to the City of Brewer for their licenses:

- (a) Commercial Haulers – A basic fee of Twenty - Five Dollars (\$25.00) plus an additional Five Dollars (\$5.00) for each vehicle licensed.

SECTION 908.1. All fees must be paid to the City Clerk when the application is made for the annual license and shall not be prorated.

SECTION 909. RECORDS. The City of Brewer may require all commercial haulers to provide the Director of Public Works the following information on an accurate basis:

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Sec. 909.1-910.2

- (a) Name, address and telephone number of the commercial hauler or commercial hauler filing the report;
- (b) Name and address of all users serviced by the hauler;
- (c) Frequency of pick up;
- (d) Size of container, if a container is used;
- (e) List of new users or users deleted from prior report;
- (f) Location of disposal of the solid waste;
- (g) Such other information as the Director of Public Works may require relating to users and amount of solid waste picked up.

- (h) The amount of solid waste tonnage collected and transported per haul during the preceding twelve (12) months.

SECTION 909.1. The Director of Public Works or his or her agent shall have the right, upon reasonable notice, to inspect the records of any commercial hauler and non – commercial hauler as to solid waste generated and collected within the limits of the City of Brewer as it may relate to users and the quantities generated by them.

SECTION 909.2. In addition to the foregoing, all commercial haulers shall provide a current and accurate record of all vehicles used by them, including make, model, serial number, vehicle identification number and vehicle license plate number.

SECTION 910. CREDIT FOR TONNAGE. It shall be the responsibility of the commercial hauler, non-commercial hauler and users to see the City of Brewer is given credit by PERC for all acceptable waste generated within the limits of the City of Brewer by the user and collected therein and delivered to the PERC facility by the commercial hauler and/or non-commercial hauler.

SECTION 910.1. Acceptable solid waste collected by a commercial hauler and/or non commercial hauler in the City of Brewer shall not be comingled in a vehicle with any other solid waste collected in any other municipality provided however, the City Council by Council order may authorize the Director of Public Works to enter into a reciprocal arrangement, as the same is permitted by law, with other municipalities, which allows the co mingling of acceptable solid waste collected by licensed commercial haulers if there is a means recommended by the Director of Public Works and approved by the City Council to allocate the relative share of each load to the municipality where the original solid waste was generated.

SECTION 910.2. Users who fail to use a licensed hauler or fail to see that acceptable solid waste generated by them is delivered to the PERC facilities in Orrington, Maine, shall be subject to the penalties set forth in this Article.

Brewer City Ordinances
Chap. 22 – Art. 9
Sec. 910-913

SECTION 910. SOLID WASTE DELIVERY REQUIRED

SECTION 910.1. Within the city, the dumping, disposal by any person including, but not limited to, any commercial hauler, non commercial hauler and users at any place other than at PERC of any acceptable waste is prohibited.

SECTION 910.2. It shall be a violation of this Article for a person disposing of solid waste at a public disposal facility to misrepresent to PERC that the solid waste is chargeable to the city.

SECTION 911. INCINERATION OF SOLID WASTE PROHIBITED.

It shall be unlawful for any person to burn or incinerate any solid waste within the City of Brewer.

SECTION 912. ADMINISTRATION

SECTION 912.1 The Director of the Public Works shall establish rules and regulations governing the availability and use of PERC inconsistent materials from solid waste which may be deposited at PERC and any other rules or regulations that the Director determines are needed to implement this Article. These excluded materials may include junk auto bodies and such other bulky waste as may require special processing prior to disposal; trees and tree trunks and limbs; burning materials or materials containing hot or live coals; hazardous waste, and other materials which the Director of Public Works deems necessary to exclude. Hazardous waste shall be handled in accordance with Title 38 M.R.S.A., as amended

SECTION 912.2. Before promulgating any rules or regulations or amendments to rules and amendments the Director of Public Works shall publish a notice of rule making at least twice in a newspaper having a general circulation in the community. The notice shall state that the Public Works will be promulgating rules, the general subject matter covered by the rules, that a copy of the proposed rules may be obtained at the Public Works Department and that a Council Meeting will be held at a specified date, time and place. The second newspaper notice must be published at least seven (7) days before the Council Meeting. The Director may enact the proposed rules and regulations immediately after the Council Meeting. Rules enacted by the Director of Public Works shall go into effect (5) days after enactment, unless enacted on an emergency basis.

Brewer City Ordinances
Chap. 22 – Art. 9
Sec. 913-915.1

SECTION 913. EMERGENCY RULES

The Director of Public Works may enact emergency rules when the Director determines that such rules are necessary to address a situation that creates a threat of harm to the

public health, welfare and safety, and the Director's decision on the necessity for emergency rules shall be conclusive.

SECTION 913.1. Emergency rules shall be accompanied by a declaration of emergency, and the Director may enact such rules without prior published notice or any public hearing.

SECTION 913.2. A notice describing the general subject matter of the rules shall be published in a newspaper of general circulation within five (5) days of enactment. Businesses affected by the emergency rules shall be given notice of the rules and a copy of them by mail sent to the business last known address within twenty-four (24) hours of the end of business on the date of promulgation.

Emergency rules shall be in effect for a maximum of sixty (60) days.
Failure to give any notice required by this paragraph shall not invalidate any rule.

SECTION 913.3. The operation of any disposal facility shall conform to all pertinent provisions of this Article and applicable regulations or directives of all state or federal agencies, which may have jurisdiction.

SECTION 913.4. Any rules and regulations promulgated by the Director of Public Works prior to the enactment of this section are hereby ratified and given the full effect of law.

SECTION 914. PROHIBITION OF OPERATION. No commercial hauler or non-commercial hauler shall operate within the limits of the City of Brewer without a license as herein before provided. Any commercial hauler found operating shall be subject to a temporary restraining order, preliminary injunction and permanent injunction issued by a court of competent jurisdiction at the request of the City and the penalties set forth under this Article.

SECTION 915. PAYMENT OF TIPPING FEE AND ADMINISTRATION FEES.
In the event that PERC requires the City of Brewer to pay directly for all acceptable solid wastes delivered to the PERC facilities by commercial and non-commercial haulers the City of Brewer shall bill the commercial and non-commercial haulers for the acceptable solid waste at the City's agreed upon tipping fee, any administrative fees charged to support multi-jurisdictional solid waste activities and a City of Brewer administration fee.

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Chap. 22 – Art. 9
Sec. 915.1-917

SECTION 915.1. As of June 1, 2002, the following fees shall be charged.

PERC Fee	\$58.81
Municipal Review Committee	\$00.75
Penobscot Valley Regional Disposal District	\$00.30
Sub Total	\$59.86

City of Brewer administration fee of 1 % of the PERC fee,
Municipal Review Committee Fee and Penobscot Valley

Regional Disposal District fee (rounded off to the nearest cent)	<u>\$00.60</u>
Total	\$60.46

SECTION 915.2. The fee shall be automatically adjusted on the first day of each quarter thereafter (September 1, January 1, April 1, June 1) to reflect the fees charged and/or assessed to the City on the first day of each quarter by PERC, or it's successor, the Municipal Review Committee and the Penobscot Valley Regional Disposal District.

SECTION 915.3. The Brewer City Council shall also have the authority to establish by City Council Order additional fees on a quarterly basis, if it deems it necessary.

SECTION 915.4. Failure to pay the City within thirty (30) days shall result in an interests penalty being applied to the outstanding balance at the same maximum rate as specified by the State of Maine for unpaid real estate taxes. Failure to pay any bill within ninety (90) days shall result in an automatic revocation of any license.

SECTION 916. RESPONSIBILITY OF HAULERS FOR UNACCEPTABLE WASTES.

As part of the application for a license, commercial and non commercial haulers shall agree to assume liability for and reimburse the City for any expenses incurred, and/or remove immediately any unacceptable solid waste delivered to the PERC facilities in violation of the contract between PERC and the City of Brewer. Repeated deliveries of unacceptable solid waste may result in forfeiture of the hauler's license by the Brewer City Council, after notice and hearing.

SECTION 917. PENALTIES AND LICENSE REVOCATION. Any Commercial hauler who fails to obtain a license as provided by this Article and picks up solid waste within the limits of the City of Brewer shall be subject to a fine of Two Hundred Fifty Dollars (\$250.00) per day, with each date of collection being considered a separate offense.

Brewer City Ordinances
 Chap. 22 – Art. 9
 Sec. 917.1-919

SECTION 917.1. In the event a commercial hauler shall have violated the licensing provision of this Article for five (5) days or more, the City Council shall, after notice and hearing, have the right to revoke any existing license and refuse to grant a license in the future.

SECTION 917.2. Users who violate any other provisions of this Article shall be subject to a penalty of One Hundred Fifty Dollars (\$150.00) per day, with each day being a separate violation.

SECTION 917.3. In addition to any penalty, injunction and/or license violation any commercial hauler, non-commercial hauler and user who has failed to insure that the City

of Brewer has been given credit by PERC for all acceptable solid waste generated within the limits of the City of Brewer shall be jointly and severally liable to the City for any penalties, fees or expenses incurred by the City in failing to meet the City's minimum annual solid waste tonnage requirements under the City's contract with PERC. The percentage of penalties, fees and expenses to be paid by the commercial hauler, non-commercial, hauler and user shall be calculated by multiplying the penalty, fees and expenses incurred by the percentage of tonnage the commercial hauler, non-commercial hauler and user failed to report to PERC in relation to all other non reported tonnage known by the City.

SECTION 917.4. In addition to any penalties provided in this Article, the City shall also be entitled to its reasonable attorney fees and costs for successfully prosecuting a violation of this Article.

SECTION 918. SEVERABILITY. In the event of a conflict with the provisions of this Article or other Codes and Ordinances of the City of Brewer, the more stringent provisions shall apply.

SECTION 918.1. In the event any portion of this Article is held to be invalid, the balance of this Article shall remain unaffected thereby.

SECTION 919. AMENDMENTS. This Article may be amended by the Brewer City Council from time to time, as it deems appropriate.

Brewer City Ordinances
Chapter 22, Article 10
Section 1000 – 1004.1

ARTICLE 10. CITY OF BREWER RECYCLING ORDINANCE

SECTION 1000. TITLE AND PURPOSE. This Article shall be known as the Recycling Ordinance for the City of Brewer. This Ordinance has several purposes: to preserve and protect environmental resources, to protect the health, safety, and welfare of the public, to enhance the quality and character of life in the City, and to improve efforts to recover and reuse valuable resources currently being wasted.

SECTION 1001. SCOPE.

SECTION 1001.1. This Chapter applies to all domestic, commercial and industrial producers of solid waste in the City of Brewer.

SECTION 1002. AUTHORITY.

SECTION 1002.1. This Chapter is adopted pursuant to the Home Rule powers granted in the Maine Constitution; 30–A M.R.S.A. § 3001, *et seq.*; 38 M.R.S.A § 1301, *et seq.*; and the Brewer City Charter.

SECTION 1003. DEFINITIONS.

SECTION 1003.1. The definitions set forth in 38 M.R.S.A. § 1303 apply to this Chapter and are incorporated herein. Any terms, phrases and words not defined herein shall have the generally accepted meaning or definition promulgated in *WEBSTER'S NEW WORLD COLLEGE DICTIONARY*, Third Edition, Copyright 1997, a copy of which is on file in the Brewer City Clerk's office.

SECTION 1004. RECYCLING REQUIREMENT.

SECTION 1004.1. All solid waste shall have the following commodities (“recyclable materials”) separated out in a readily manageable form when delivered to the City recycling facility and / or when placed curbside during the first week of each month for collection by the City Contractor:

- (a) Newspapers, catalogs, magazines, telephone books
- (b) Cardboard
- (c) Glass – all colors
- (d) Tin and aluminum cans
- (e) #2 plastic – milk jugs, laundry detergent bottles, water jugs, bleach jugs etc.

Brewer City Ordinances
Chapter 22, Article 10
Section 1005 – 1006.7

SECTION 1005. RECYCLING FACILITY AND CURBSIDE PICKUP

SECTION 1005.1. The City shall provide a facility for the collection and storage of recyclable materials, located at a place or places to be designated by the City Council.

SECTION 1005.2. The Recycling drop-off area is located at the CDD Landfill at 403 Elm Street in Brewer.

SECTION 1006. PROCEDURES AND COLLECTION CURBSIDE PICKUP

SECTION 1006.1. The Contractor shall make collections the first week of the month on the same day and route that municipal waste is collected.

SECTION 1006.2. The Contractor shall be expected to take all recyclables to Bangor Regional Recycling Center.

SECTION 1006.3. The Contractor shall provide monthly reports by the 15th of the following month and will include:

- (a) Discussion of Problems, successful experiences in the program and complaints.
- (b) Number of stops collected on each day of the week.
- (c) Weights of material collected each day of the week. Weights of materials can be determined by utilizing the “weight to volume ration method” currently being used by most contractors delivering recyclable material to the Bangor Regional Recycling Center.

SECTION 1006.4. The Contractor and the City will work together to prepare a flyer twice per year for Public Awareness. The City and the Contractor will share equally the cost of developing, publishing and distributing the flyer.

SECTION 1006.5. All revenues from curbside recycling will be paid to the City.

SECTION 1006.6. The City will contract leaf pickup in the fall separate from recycling.

SECTION 1006.7. No collection will be required from inside any building.

Brewer City Ordinances
Chapter 22, Article 10
Section 1006.8 –1006.16.

SECTION 1006.8. Recyclables shall be placed at the curb no later than 7:00 a.m., prevailing time, on the day of collection and the Contractor shall commence collections at that time.

SECTION 1006.9. The Contractor shall be responsible for any damaged recyclable containers. The Contractor shall replace any recycling bin if, in the opinion of the Director of Public Works, the collectors did not exercise sufficient care. No truck shall be emptied or partially emptied or load transferred in any street in the City or in any other place within the City boundary, except the Recycling Processing Facility in Bangor unless approved by the Director of Public Works.

SECTION 1006.10. All recyclables collected pursuant to these specifications shall be collected by vehicles, which shall be emptied and void of all recyclables prior to the commencement of a day’s collection route. No non-residential or commercial recyclables shall be mixed with City recyclables by the Contractor unless approved by the Brewer City Council.

SECTION 1006.11. All municipal recyclables collected by the Contractor, shall be transported the same day it is collected by the Contractor, unless permission is received from the Director of Public Works. All collection trucks provided by the Contractor shall be equipped with bin type devices that can store and dump separated recyclables. The Contractor shall comply with State and Federal Laws and Regulations and City Ordinances relating to the collection and transporting of municipal recyclables.

SECTION 1006.12. Holiday recycling collection shall be performed the next day trash is picked up.

SECTION 1006.13. The Contractor, after notifying the City, shall be responsible for placing newspaper advertisements notifying the public of the holiday collection schedule.

SECTION 1006.14. The vehicles used for collection shall be vehicles designed and manufactured for curbside recycling collection and must be approved by the City. They shall also be identified as vehicles for recycling. The vehicles must have the capability of unloading at the City's Recycling Facility.

SECTION 1006.15. In emptying recycling containers, the Contractor shall place, not drop, them on sidewalks or any other place and shall not handle them so as to damage them and shall place them at least two (2) feet off the travel way. No scavenging shall be permitted and all recyclables dropped in handling shall be picked up by the Contractor.

Brewer City Ordinances
Chapter 22, Article 10
Section 1006.16 – 1010

SECTION 1006.16. Recycling containers shall be provided to residents by the City. The Containers are blue and are 14 gallons in size.

SECTION 1006.17. The Container will be required to do a separation of goods at the truck. This means the Contractor will separate the items in the containers and place them in the appropriate bin in the truck.

SECTION 1006.18. The Contractor shall transport the items collected to the Bangor Recycling Facility, where these items will be deposited in specific locations for processing. The items will then be marketed by the City through the Maine Resource Recovery Association cooperative. The Contractor will be responsible for removing the contaminants deposited. The collection vehicles must have the capability of unloading in the specified areas within the Recycling Facility.

SECTION 1007. OWNERSHIP OF RECYCLABLE MATERIALS

All recyclable materials shall become the property of the City or its authorized agent

when said materials are placed at the curbside for collection.

SECTION 1008. Unauthorized taking of recyclable materials

SECTION 1008.1. It shall be unlawful for any person, firm or corporation not authorized by the city to remove or take any item placed at the curbside for recyclable collection. Each removal or taking of any such item from each separate collection point shall constitute a separate and distinct violation.

SECTION 1009. CIVIL PENALTIES

SECTION 1009.1. Any person, firm, corporation, or other legal entity violating any of the provisions of Section 1008 shall be subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation. Additional violations of Section 1008.1 within a one (1) year period shall be subject to a civil penalty as follows:

<u>Number Of Violations</u>	<u>Penalty</u>
1	\$ 500.00
2	\$ 750.00
3	\$1000.00
4	\$1250.00
5	\$1500.00

SECTION 1010. ADMINISTRATION AND ENFORCEMENT

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Chapter 22, Article 10
Section 1010.1 – 1013.1

SECTION 1010.1. The City Council or its duly appointed agents shall administer and enforce this Chapter. The City Council shall adopt written regulations governing operation of the recycling facility, including hours, fees, inspection of materials, and other matters pertaining to operation of the facility.

The City Council has the further authority to negotiate and contract with any person, corporation, agency, partnership, or other entity for the disposal of recyclable materials. The City Council may appoint one or more persons to assist them in determining how to best dispose of recyclable materials.

SECTION 1011. VIOLATIONS AND PENALTIES

SECTION 1011.1. A violation of this Article shall be enforced in accordance with the provisions of 30–A M.R.S.A. § 4452 as a land use violation. The penalties set forth in 30–A M.R.S.A. § 4452 shall apply to violations of this Chapter, except as provided in Section 1009.1 of this Article.

The City shall be entitled to its attorney fees and costs for successfully prosecuting any violation of this Chapter.

SECTION 1013. SEVERABILITY AND EFFECTIVE DATE

SECTION 1013.1 If any provision of this Chapter is found by a court of competent jurisdiction to be unenforceable, the remaining provisions shall continue in full force and effect.

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Chap. 22 – Art. 11
Sec. 1100 – 1101.3

ARTICLE 11. CONSTRUCTION DEMOLITION DEBRIS LANDFILL

SECTION 1100. PURPOSE. The purpose of this Article is to promote the general health and welfare of the citizenry of the City of Brewer to provide for the orderly disposal of construction demolition debris, bulky waste and the recycling of brush, leaves and metal.

It is the intent of the City to provide a disposal area for wastes generated within the municipal boundaries that are not acceptable for curbside collection or are not acceptable for delivery at PERC utilized by the City.

SECTION 1101. DEFINITIONS

The following words and terms used in this Chapter shall have the meanings ascribed thereto, unless the context otherwise indicates:

SECTION 1101.1. *Acceptable waste* Shall mean all waste acceptable for disposal in a Construction Demolition Debris Landfill as follows:

- a. Wood
- b. Sheetrock
- c. Insulation
- d. Furniture
- e. Box Springs and Mattresses
- f. Dirt
- g. Masonry
- h. Building Debris
- i. Dried up latex paint
- j. Plastic toys
- k. Incidental quantities of newsprint, office paper, cardboard, glass, plastics.

Any other such items allowed for disposal by Maine Department of Environmental Protection regulators for Construction Demolition Debris landfill.

SECTION 1101.2. *Ashes* shall mean that residue from the burning of wood, coal, coke or other combustible material.

SECTION 1101.3. *Biomedical waste* shall mean waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

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Sec. 1101.4 – 1101.13

SECTION 1101.4. *Brewer waste* shall mean solid waste generated by any person, corporation,, partnership, association, or other legal entity within the City of Brewer except waste generated by the City government or school system, that is hauled by a commercial refuse collector or a refuse transporter.

SECTION 1101.5. *Commercial haulers* shall mean any person, corporation partnership association or other legal entity which hauls or carries solid waste for compensation shall be referred to as a commercial Hauler.

SECTION 1101.6. *Construction Demolition Debris Landfill (CDD)* shall mean the landfill at 403 Elm St. belonging to the City where CDD related acceptable material can be disposed of by Brewer residents.

SECTION 1101.7. *Contracting Municipality* shall mean any municipality which contracts with the city of Brewer for the use of the CDD landfill shall be referred to as a contracting Municipality (Lucerne, Denham, Eddington, Orrington, and Holden).

SECTION 1101.8. *Disposal* shall mean the discharge, deposit, dumping, incineration, spilling leaking or placing of any solid waste, sludge or septage into or on any land, air or

water so that the solid waste, sludge or septage or any constituent thereof may enter the environment, be emitted into the air or be discharged into any waters.

SECTION 1101.9. *Fiscal year* means July 1 to June 30 or any twelve – month period established as the city’s fiscal year by the city council.

SECTION 1101.10. *Garbage* shall mean all waste from the preparation, cooking and consumption of food, market refuse waste from the handling storage and sale of produce shall be referred to as garbage.

SECTION 1101.11. *Hazardous waste* shall mean a waste substance or material in any physical state, designated as hazardous by the terms of a certain waste handling agreement between the municipality.

SECTION 1101.12. *Infectious waste* shall include those wastes so defined by the solid waste management regulations promulgated by the Maine Department of Environmental Protection Pursuant to Title 38 M.R.S.A § 1304.

SECTION 1101.13. *Non- Resident* shall mean any person who lives outside of the City of Brewer shall be referred to as a Non- Resident except for a Permitted User from contracting municipalities.

Brewer City Ordinances
Chap. 22 – Art. 11
Sec. 1101.14 – 1101.21

SECTION 1101.14. *Non- Resident Business* shall mean any commercial, professional, retail, wholesale or other business conducted by a person corporation partnership, association or other legal entity existing outside the City of Brewer shall be referred to as a Non-Resident Business, except for Permitted User.

SECTION 1101.15. *Permitted User* shall mean any Brewer Resident or Brewer Business and residents from municipalities, which have contracted with the City of Brewer for the use of the Construction Demolition Debris Landfill shall be referred to as a Permitted User.

SECTION 1101.16. *Resident* shall mean any person who lives within the City of Brewer.

SECTION 1101.17. *Resident Business* shall mean any commercial, professional retail, wholesale or other business conducted by a person, corporation, partnership, association or other legal entity, existing within the City of Brewer.

SECTION 1101.18. *Resource recovery* shall mean the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purpose.

SECTION 1101.19. *Rubbish* shall mean all combustible materials such as, but not limited to, paper cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture, and bedding and non – combustible material such as, but not limited to metals, tin cans, plastic containers, dirt, glass crockery, and other mineral refuse.

SECTION 1101.20. *Solid waste* shall mean useless, 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 materials, junk, refuse, inert fill material and landscape refuse, but shall not include septic tank sludge nor agricultural, biomedical or hazardous wastes; it shall also include acceptable waste, unacceptable waste and construction and demolition debris 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 solid or exchanged does not exclude it from this definition.

SECTION 1101.21. *Unacceptable waste* shall mean that portion of solid waste, which is not acceptable waste for disposal at a CDD landfill (garbage, trash, refuse, paints, appliances, metal, kerosene, gas, diesel, propane tanks, tires, medical waste, hazardous chemicals, batteries, vehicles, vehicle parts, stumps, logs, mercury containing products, universal waste, animal parts, infectious waste pesticides, herbicides, etc.)

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Sec. 1101.22 – 1103.3

SECTION 1101.22. *User* shall mean an individual, corporation partnership or other legal entity which is either a resident, resident business, or a permitted user from a contracted municipality who delivers CDD related material or hires a commercial hauler to deliver CDD related material to the City of Brewer CDD landfill for disposal.

SECTION 1101.23. Any terms, phrases and words not defined herein shall have the generally accepted meaning or definition promulgated in *WEBSTER'S NEW WORLD COLLEGE DICTIONARY*, Third Edition, Copyright 1997, a copy of which is on file in the Brewer City Clerk's office.

SECTION 1102. CONSTRUCTION DEMOLITION DEBRIS LANDFILL

SECTION 1102.1. The Construction Demolition Debris landfill shall be under the direction and control of the Director of Public Works.

SECTION 1102.2. The Director of Public Works shall appoint such agents as he deems necessary to act in his stead in carrying out an enforcing this Article.. All such appointments shall be ratified by a majority of the City Council at the time the Director of Public Works makes the appointment and at annually thereafter.

SECTION 1102.3. The Director of Public Works shall establish rules and regulations relating to the use of the Construction Demolition Debris Disposal Area and Street Collection. All rules and regulations must be approved by a majority of the City Council.

SECTION 1102.4. All rules and regulations shall be posted at the entrance of the Construction Demolition Debris landfill and placed on file at the office of the City Clerk.

SECTION 1103. CONSTRUCTION DEMOLITION DEBRIS LANDFILL

SECTION 1103.1. The use of the Construction Demolition Debris Disposal Area is limited exclusively to Residents, Resident Businesses, and Commercial Haulers hauling Brewer waste and Permitted Users from contracting municipalities, subject to this Article.

SECTION 1103.2. Commercial haulers may use the Construction Demolition Debris landfill so long as the Construction Demolition Debris related material, which they wish to deposit is derived solely from the dwelling of Resident, the businesses of Brewer or the Permitted Users located in a Contracting Municipality.

SECTION 1103.3 Resident Businesses are allowed to deposit Construction Demolition Debris related material at the Construction Demolition Debris landfill, so
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Sec. 1103.4 – 1103.8

long as the Construction Demolition Debris material is derived from and associated with the occupancy of their dwellings located within the City of Brewer or of Contracting Municipalities.

SECTION 1103.4 Resident Businesses are allowed to deposit Construction Demolition Debris related material at the Construction Demolition Debris landfill, so long as the Construction Demolition Debris material is derived from and associated with their businesses conducted exclusively in the City of Brewer or contracting Municipalities.

SECTION 1103.5 Permitted Users from Brewer and Contracting Municipalities are allowed to deposit Construction Demolition Debris related material at the Construction Demolition Debris landfill so long as the Construction Demolition Debris Material is derived from or associated with the occupancy of their dwellings exclusively within the City of Brewer or a Contracting Municipality.

SECTION 1103.6. It is the intent of the City to control and limit deposit of waste at the Construction Demolition Debris Landfill to only acceptable wastes that are generated within the municipal and contracted municipalities boundaries.

SECTION 1103.7. Each vehicle entering Construction Demolition Debris Disposal Area

shall have a permit card in their possession. Residents, Commercial haulers hauling Brewer waste, and resident businesses shall obtain their permit from the Brewer Public Works Department. Commercial Haulers hauling for contracting municipalities and Citizen from contracting municipalities must obtain permits to dispose of Construction Demolition Debris related material from the municipal offices of the contracting municipality. Not more than one permit will be issued per resident household or resident business. Permit cards for the City of Brewer residents being different from the Permit card for non-resident users. Commercial haulers shall obtain a permit for each unit entering the disposal area.

SECTION 1103.8. Each applicant for a permit will inform the secretary at the Brewer Public Works Department in the case of Resident, Resident Businesses and Commercial haulers of the following:

- (a) Name of Applicant
- (b) Address of the Applicant
- (c) License # and/or
- (d) Vehicle registration number

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Sec.1103.9 – 1103.12.2

SECTION 1103.9. The permit card may be used by the permittee to dispose of Construction Demolition Debris material at the Construction Demolition Debris landfill for the remainder of the calendar year in which it was purchased. It may not be transferred or sold. A new permit card must be purchased after January 1st of each year.

SECTION 1103.10. The annual vehicle fee shall be as follows:

<u>PERMIT CHARGES</u>	<u>VEHICLES</u>	<u>PERMIT FEE</u>	<u>PERMIT DURATION</u>
	Resident	\$1.00	One Year
	Commercial	\$1.00	One Year

SECTION 1103.11. City Construction Demolition Debris Landfill Schedule

April 1 through October 31: Landfill will be open every Saturday.

Tuesday	8:00 am – 3:00 pm
Wed/Thurs/Fri	10:00 am – 3:00 pm
Saturday	9:00 am – 1:00 pm

November 1 through March 31: Landfill will be open the first Saturday of each month.

Tuesday	8:00 am – 3:00 pm
Thursday	10:00 am - 3:00 pm
Saturday	9:00 am – 1:00 pm

SECTION 1103.12. The user fee for the dumping of the following materials at the Construction Demolition Debris landfill will be as follows:

SECTION 1103.12.1.Tires. Disposal charges for tires shall be:

1. Two Dollars (\$2.00) each for passenger car and pick – up truck tires without rims.
2. Five Dollars (\$5.00) each for commercial truck tires without rims.

Tires shall be placed by the permittee in the designated location for tire storage.

SECTION 1103.12.2.White Goods. White goods shall include only ordinary household appliances and hot water heaters. The disposal fee shall be Five Dollars (\$5.00) for each
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item. Disposal fee for refrigerators, air conditioners, freezers etc shall be Fifteen Dollars (\$15.00). White goods shall be placed by the permittee in the designated location for white good storage.

SECTION 1103.12.3.Construction and Demolition Debris. The charge for dumping construction and demolition debris, and any additional acceptable materials, which the Maine Department of Environmental Protection would allow in a licensed demolition debris facility, shall be based on either of the following options except as provided for passenger vehicles and vans:

Commercial Rates:

- (a) Thirty-five Dollars (\$35.00) per cubic yard – load volume shall be determined by the Public Works Director or his authorized agent. This will also apply to residential if the material is being hauled in a large dump truck.
- (b) One Hundred Ten Dollars (\$110.00) per ton – commercial haulers load tonnage shall be weighed on certified sealed truck scales approved by the Director of Public Works or his authorized agent. Any costs associated with weighting of loads shall be the expense of the loader or his/her customer.

Residential Rates:

- (c) Three Dollars (\$3.00) for passenger sedan – type vehicles, exclusive of station wagons and passenger vans.
- (d) Five Dollars (\$5.00) for station wagons passenger vans (limited to vans such as Dodge Caravan; Plymouth Voyager and 4 wheel drive vehicles such as Chevrolet Blazer).
- (e) Fifteen Dollars (\$15.00) for pick-up trucks (½ ton or ¾ ton) without sideboards and small trailers (not exceeding the size of a pick-up truck body usually 8 feet long, 5 ½ feet wide and 1 ½ feet high). Because they can haul twice as much material, pickups and trailers with sideboards will be charged \$30.00.
- (f) There shall be no waiver of construction of demolition debris fees for any disposal of material from any private property whether business or residential, or any publicly owned properties to be sold or transferred to private interests unless approved by formal vote of the City Council.

Brewer City Ordinances
Chap. 22 – Art. 11
Sec. 1103.12.4 – 1104.6

SECTION 1103.12.4 Propane Tanks Disposal Charges for propane tanks

1. 20# propane tanks can be recycled at the landfill for free.
2. For all propane tanks larger than 20#'s there will be a \$10.00 disposal fee. This includes 30, 33, 100 #, etc.
3. The landfill will not accept any propane tank less than 20#'s. This includes 10#, 16 and 12 ounces, etc.

SECTION 1104. RULES OF CONSTRUCTION DEMOLITION DEBRIS LANDFILL USE

SECTION 1104.1. All users of the Construction Demolition Debris landfill must have a permit for disposal.

SECTION 1104.2. All who enter the Construction Demolition Debris landfill shall stop at the gatehouse prior to entering the disposal area

SECTION 1104.3. All users shall pay a disposal fee to the gatekeeper prior to entering the Construction Demolition Debris disposal area. Commercial haulers will pay a commercial fee and be billed monthly.

SECTION 1104.4. A disposal fee payment will be required unless the Director of Public Works has authorized free dumping which first must be approved by the City Council.

SECTION 1104.5. All users shall be responsible for separating their loads and placing non-Construction Demolition Debris related material in designated areas in the landfill

SECTION 1104.6. Only the following wastes generated within the municipal boundaries will be accepted at the disposal site:

- a.. Brush, which may be ground into log fuel. The user must help keep the brush pile free of contamination.
- b. Demolition debris, including earth, plaster, mortar, bricks, building blocks, roofing material, sheetrock, plastics and any similar materials that shall be buried in the Construction Demolition Debris landfill
- c. White goods including discarded washers, dryers and stoves must be placed in the metal pile. Refrigerators, air conditioners, and freezers will be placed in the designated area for freon removal prior to disposal.
- d. Heavy and light metal material must be placed in the metal pile.
- e. Tires, without rims must be placed in the tire pile.
- f. Leaves must be placed in the compost piles.

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Chap. 22 – Art. 11
Sec. 1105 – 1108

SECTION 1105. *Brush* shall be separate from all other material handled in the landfill. It shall be placed by the user in the brush pile, which is licensed by Maine Department of Environmental Protection, located behind the Construction Demolition Debris landfill at 403 Elm Street. Only clean brush will be allowed to be disposed of in the brush pile. Stumps will not be allowed to be disposed of in the brush pile and must be removed from the site. No other contaminants will be allowed. All other wood related products will be considered contamination and must be disposed of at the Construction Demolition Debris landfill

SECTION 1106. *Demolition debris.* Only acceptable construction demolition debris will be disposed of in the Construction Demolition Debris landfill (see acceptable waste in definition). Users will be monitored while unloading their Construction Demolition Debris material. All unacceptable material shall be removed from the site immediately by the user, and disposed of in an environmentally safe method.

SECTION 1107. *White Goods* shall be placed in designated areas by the users. Refrigerators, air conditioners and freezers (freon containing appliances) must be placed in the area designated for storage of freon containing white goods awaiting freon recycling. All other white goods must be disposed of by the user in the metal storage pile located across from the Construction Demolition Debris landfill in an area licensed by Maine Department of Environmental Protection for metal storage.

SECTION 1108. *Metal.* Light and heavy metal must be placed by the user in the metal storage pile located on a pad licensed by Maine Department of Environmental Protection

for metal storage. All metal must be free of contamination such as oil, grease, and hazardous and special wastes. Once the metal passes through the landfill gate, the metal becomes the property of the City of Brewer. The landfill operators will use its best effort to prevent others from picking over the accumulated metal. The following foreign materials and non-metallic debris will not be allowed to be disposed of in the metal pile:

- b. Containers such as barrels and drums; gasoline and fuel oil tanks or freon and propane cylinders. Tanks and drums must be cut in half or have both ends removed and cylinders must be cut in half to be accepted for recycling.
- c. Containers with residues such as paints, greases, oils, aerosols, propellants and chemicals. Special waste or hazardous waste.
- d. Insulated steel wire.
- e. Loose wet type capacitors from small appliances such as air conditioners and microwave ovens.

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Sec. 1108. – 1111.1.

- f. Mattresses and furniture
- g. “Brown goods” Such as TV’S, Radios, VCR’S, computer monitors and other electronic devices.
- h. Freon

SECTION 1109. Tires. Only passenger car and small truck tires without rims will be accepted for disposal at the Construction Demolition Debris landfill the tires must be placed by the user in the tire pile area that is licensed by Maine Department of Environmental Protection for tire storage.

SECTION 1110. Leaves. The city collects leaves annually for one week each in October and November. Brewer citizens are encouraged to use paper bags when placing their leaves curbside for pickup. All leaves picked up that are in plastic bags will be buried in the Construction Demolition Debris landfill. All leaves delivered to the landfill shall be disposed of in the leaf compost pile. Leaves delivered in plastic bags must be dumped out in the compost pile and the bags disposed of separately in the CDD landfill. All leaves delivered loose to the landfill in trailers, trucks, etc must be disposed of in the leaf compost pile. Each spring, compost will be made available to Brewer citizens at a “first come first serve basis”.

SECTION 1111. UNACCEPTABLE WASTE

SECTION 1111.1. The following materials will not be accepted at the disposal site.

- (a) Septage and sludges.

- (b) Industrial wastes.
- (c) Hazardous wastes, as that term may now or in the future be defined by federal or state law whichever definition is more encompassing.
- (d) Five gallon or larger drums or containers unless one end is open and the drums or containers are cleaned.
- (e) Any wastes found to be generated outside of the municipal boundaries except for contracted municipalities.
- (f) Motor vehicles.
- (g) Tires with rims

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Sec. 1111.1 – 1113.5

- (h) Recyclables – All recyclables must be recycled.
- (i) Garbage (food waste, market waste, produce waste, cooking waste), trash, refuse, paint, unusual waste, animal parts, infectious waste, pesticides, herbicides, mercury containing products, fluorescent light bulbs, fuel containing items, oil, kerosene, gas, diesel, propane tanks, tires with rims, equipment tiers medical waste, chemicals, batteries, stumps, logs.
- (j) Universal waste- televisions, computers, fluorescent light bulbs, rechargeable batteries, mercury containing products, ballast.

SECTION 1112. SALVAGING OF WASTE

SECTION 1112.1. Salvaging of waste – Salvaging of any wastes at the Construction Demolition Debris landfill will not be allowed unless written permission has been issued by the City Manager.

SECTION 1113. COMMERCIAL HAULERS.

SECTION 1113.1. All apartment building owners with more than 4 units, contractors; private commercial haulers and business owners will be considered commercial haulers and must pay the commercial disposal rate. All the above must weigh up their trailer or truck prior to arriving at the landfill to dispose of Construction Demolition Debris material.

SECTION 1113.2. All commercial haulers will pay a commercial rate, which is based on the weight of the material being hauled (One Hundred Ten Dollars (\$110.00)/ton).

SECTION 1113.3. All commercial haulers must separate the recyclables, metals, tires, brush and appliances from the loads prior to dumping Construction Demolition Debris material in the landfill.

SECTION 1113.4. All commercial haulers must purchase their own permits at the Public Works Department. Commercial haulers will no longer be allowed to use a residential permit to dispose of Construction Demolition Debris material.

SECTION 1113.5. All commercial haulers must stop at the gate house and fill out a City of Brewer Construction Demolition Debris landfill commercial haulers log, allow the gate house attendant to inspect the load, and receive a copy of the weight slip prior to disposing of material at the Brewer Construction Demolition Debris landfill.

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Chap. 22 – Art. 11
Sec. 1114 – 1116.1

SECTION 1114. PENALTIES

SECTION 1114.1. Any commercial hauler caught violating this Chapter will be restricted from utilizing the Construction Demolition Debris landfill for one (1) month. If the same hauler continues to violate the policy they will be banned from the landfill for good.

SECTION 1114.2. All commercial haulers will be subjected to cursory inspection by the gate attendant and the facility operator. If the gate attendant and facility operator finds any material that does not meet the criteria of disposal, the material must be removed from the landfill immediately by the hauler.

SECTION 1115. COMMERCIAL HOURS CDD LANDFILL

(a) The landfill hours have been expanded to include every Saturday from April 1st through October 31st.

(b) Starting April 1, 2002 the days and time that commercial haulers are allowed to dispose of material has been revised as follows:

April 1 through October 31: Landfill will be open every Saturday.

Tuesday	8:00 am – 2:00 pm
Wed/Thurs/Fri	10:00 am – 2:00 pm
Saturday	9:00 am – 12:00 pm

November 1 through March 31: Landfill will be open the first Saturday of each month.

Tuesday	8:00 am – 2:00 pm
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Thursday	10:00 am - 2:00 pm
Saturday	9:00 am – 12:00 pm

No commercial hauler will be allowed to dispose of material at the Construction Demolition Debris landfill after 2:00 pm on Tuesday through Friday or after 12:00 pm on Saturday.

SECTION 1116. ENFORCEMENT

SECTION 1116.1. The Director of Public Works, or his authorized agent, shall have the right to stop and inspect any vehicle, and inquire of any person entering the Construction Demolition Debris landfill to determine whether the provisions of this Article, or any rules and regulations adopted pursuant hereto, are being complicated with.

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Chap. 22 – Art. 11
Sec. 1116.2 – 1117.1

SECTION 1116.2. Any occupant of any vehicle who refuses to allow the Director of Public Works, or his authorized agent, to inspect the vehicle or the Solid Waste contained therein, or refuses to answer questions pertinent to determining whether this Article or rules and regulations adopted pursuant hereto have been violated, may be refused access to the Construction Demolition Debris landfill by the Director of Public Works or his authorized agent, and shall not be allowed to deposit his Construction Demolition Debris material.

SECTION 1116.3. If any provision of this Article or rules and regulations adopted pursuant hereto is found to have been violated, the Director of Public Works, or his authorized agent shall have the right to refuse access to the Construction Demolition Debris landfill by the occupants of the vehicles and refuse to allow them to deposit their Construction Demolition Debris material.

SECTION 1116.4. The Director of Public Works, or his authorized agent, shall have the right to deny any Resident, Resident Business, Commercial hauler or Permitted user the right to dispose Waste at the Construction Demolition Debris landfill for violating any provision of this Article or rules and regulations adopted pursuant hereto.

SECTION 1116.5. The Director of Public Works or his authorized agent, shall prosecute any violations of this Article and seek such other legal remedies as may be required.

SECTION 1116.6. The Cit shall be entitled to its reasonable attorney fees and costs for successfully prosecuting any violation under this Article.

SECTION 1117. VIOLATION.

SECTION 1117.1. Any person, partnership, corporation, association or other legal entity who violates Sections of this Article or rules and regulations adopted thereto shall be

subject to a fine of One Hundred Dollars (\$100.00) for the initial violation. Additional violations thereafter within a one (1) year period shall be subject to larger fines as follows:

<u>No. Of Violations</u>	<u>Fine</u>
2	\$ 200.00
3	\$ 350.00
4	\$ 500.00
5	\$1000.00

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Chap. 22 – Art. 11
Sec. 1117.2 – 1119.7

SECTION 1117.2. In the event a person, partnership, corporation, association or other legal entity willfully disposes of unacceptable waste at the Construction Demolition Debris in violation of this Article or rules and regulations adopted pursuant hereto, he shall remove the unacceptable waste deposited. If after being requested to do so he refuses, he shall be liable for the cost of disposal said removal.

SECTION 1118. SEVERABILITY. If any of the provisions of this Article or the application thereof is held invalid by court of law, such invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Article are declared to be severable.

SECTION 1119. Household Hazardous Waste.

SECTION 1119.1. The City of Brewer Construction Demolition Debris will not accept household hazardous waste for disposal.

SECTION 1119.2. Household Hazardous waste is defined as items generated by households that is corrosive, toxic, ignitable, or reactive and as such are hazardous to human and/or to the environment if disposed of improperly.

SECTION 1119.3. All vehicle entering the landfill will be inspected by the gate attendant and the Facility Operator for household hazardous waste.

SECTION 1119.4. If any household hazardous waste is found during inspections, the material will be considered unacceptable for disposal and shall be removed from the site by the customer immediately.

SECTION 1119.5. Specific items considered as household hazardous waste are as follows: Oil based paint, flammable liquids, pressurized aerosols, liquid poisons, acids,

pesticides, antifreeze, household chemicals and cleaners.

SECTION 1119.6. All Brewer residents must collect and store any household hazardous waste during the year and deliver it to the annual regional household hazardous waste collection and disposal program.

SECTION 1119.7. The City of Brewer funds this program and the residents get free disposal. The program is scheduled each year for early October.

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Chap. 22 – Art. 11
Sec. 1120 – 1120.8

SECTION 1120. Universal Waste

SECTION 1120.1. The City of Brewer Construction Demolition Debris will not accept Universal Waste for disposal.

SECTION 1120.2. Universal Waste is defined as wastes that may contain hazardous amounts of toxic materials such as mercury, lead and PCB's.

SECTION 1120.3 Universal Waste includes Cathode Ray Tubes (computer monitors and televisions), fluorescent light bulbs, mercury containing thermostats and thermometers, non-leaking ballast's, and the following rechargeable batteries. (lithium, mercuric oxide, nickel cadmium, nickel metal hydride, and silver oxide)

SECTION 1120.4. All vehicle entering the landfill will be inspected by the gate attendant and the Facility Operator for Universal Waste.

SECTION 1120.5. If any Universal waste is found during inspections, the material will be considered unacceptable for disposal and shall be removed from the site by the customer immediately.

SECTION 1120.6. All Brewer residents must collect and store any Universal waste and deliver it to the Universal Waste Collection and Recycling Building located at the Brewer water Pollution Control Facility at 37 Oak Street in Brewer.

SECTION 1120.7. The City of Brewer funds this program and the residents get free disposal.

SECTION 1120.8. Universal Waste Building Schedule- Open from 9:00 am to 1:00 pm on the following days:

January through April
May

First Saturday of the month
Every Saturday of the month

June through October
November and December

First and third Saturday of the month
First Saturday of the month

Brewer City Ordinances
Chap. 22 – Art. 11
Sec. 1121 – 1121.1

SECTION 1121. Enforcement

SECTION 1121.1. Any person, partnership, corporation, association or other legal entity who violates Sections 1119 and 1120 of this Article or rules and regulations adopted thereto shall be subject to a fine of One Hundred Dollars (\$100.00) for the initial violation. Additional violations thereafter within a one – year period shall be subject to larger fines as follows:

<u>No. Of Violations</u>	<u>Fine</u>
2	\$ 200.00
3	\$ 350.00
4	\$ 500.00
5	\$1000.00

ARTICLE 12. SOLID WASTE ADVISORY COMMITTEE

SECTION 12.1 ESTABLISHMENT. There is hereby established by ordinance a Solid Waste Advisory Committee in and for the City of Brewer to replace the current Solid Waste Advisory Committee established by order of the City Council on October 16, 2001, as amended on May 11, 2004. The committee shall consist of five (5) members, all of whom shall be residents of the City of Brewer. Committee members shall serve without pay and no one of whom shall be a wage or salaried employee of the Environmental Services Department or the Public Works Department.

SECTION 12.2. TERM OF OFFICE OF COMMITTEE MEMBERS. The members of the Committee shall be chosen by the City Council for three (3) year terms. Notwithstanding the above, the members of the committee established by order of the City Council and appointed by the City Council on July 13, 2004, are herewith appointed to serve on the committee established by this ordinance. Such members shall serve until March 31, 2005 or until their successors are appointed and qualified.

SECTION 12.3. CHAIRMAN AND SECRETARY. The Committee shall elect its own chairman from among its members who shall serve for one (1) year or until his or her successor is appointed, and any vacancy in the office of chairman shall be filled by the Committee to serve the unexpired period of the term.

SECTION 12.4. The Committee may, by majority vote, elect a secretary from among its own members. The secretary shall keep a record of all the committee's meetings and activities and of all orders, resolutions and recommendations made at such meetings, and such other duties as may be delegated to him or her by the Committee. In the absence of an elected secretary the Director of Environmental Services will prepare and maintain meeting records.

SECTION 12.5 POWER AND DUTIES. The Committee shall meet with the Director of Environmental Services on a regularly scheduled basis as determined by the Committee and the Environmental Services Director. The presence of three or more

Committee members and the Director shall constitute a quorum for the conduct of business. The Committee shall work in conjunction with and advise the Environmental Services Director, the City Manager and the City Council on matters relative to curbside pickup of household trash, recyclables, landfill operation and other solid waste issues as brought forth by the Environmental Services Director, Committee members, or made known to the Director or Committee members by private citizens. It shall also advise on the expenditure of all monies appropriated for the improvement of the same.

Brewer City Ordinances
Chap. 22 – Art. 12
Sec. 1122.6

SECTION 12.6. MISSION STATEMENT. The mission of the Commission will be to assist the Director of Environmental Services in his continuing effort to offer the residents of Brewer a “user friendly and cost effective” Integrated Solid Waste program that will meet all solid waste regulatory requirements while identifying cost saving alternatives and offering additional programs, as needed, at little or no cost to Brewer residents.

END OF CHAPTER NOTATIONS

1. Enacted Feb. 8, 2005 Effective Feb. 13, 2005 (2005-C003)