

**TOWN OF NEWPORT
RECYCLING ORDINANCE**

SECTION 1. PURPOSE: The purpose of the recycling ordinance is to establish a system of administrative controls that are consistent with both local and state commitments relating to waste reduction under the state's solid waste management law.

SECTION 2. RECYCLING COMMITTEE:

- A. A recycling committee is hereby established. The Board of Selectmen shall appoint ten (10) members to serve on the committee. Members shall serve for one (1) year terms and may be reappointed to additional terms at the discretion of the selectmen.
- B. The committee shall make recommendations to the selectmen regarding the operation and maintenance of a recycling program for the town.
- C. The chairperson of the committee shall be elected by the members of the committee to moderate the committee's meetings. The chairperson shall also perform the following duties:
 - 1. Monitor the establishment and maintenance of the town's recycling program;
 - 2. Ensure that the program is consistent with both local and state requirements;
 - 3. Represent the recycling committee's views at town meetings or any other meeting;
 - 4. Record, maintain and file minutes with the town clerk and ensure that the public is kept aware of recycling initiatives.

SECTION 3. RECYCLING PROGRAM:

- A. Effective August 1, 1991, all persons, businesses and haulers of solid waste disposing of solid waste at the town's solid waste facility shall separate that waste by recycling categories designated pursuant to this ordinance and deposit it in the areas designated by the attendant for that purpose. The term "solid waste" shall be defined as provided in 38 MRSA 1303-C.
- B. The following items are declared to be recyclable and shall be separated as outlined below for disposal at the town's solid waste facility:
 - 1. GLASS:
 - a. Must be clean.
 - b. Must be separated by color.
 - c. No lids, labels are permitted.

2. CORRUGATED CARDBOARD & BROWN PAPER BAGS:
 - a. No waxed cardboard.
 - b. No recycled or foreign cardboard

3. TIRES:
 - a. Must be off rim.
 - b. There will be a fee:
 1. \$.50 for each passenger car tire, size up to 800 (1995).
 2. \$2.00 for each truck tire, size 800-1200 (1995).
 3. \$12.50 for each equipment tire, size over 1200 (1995).

4. NEWSPRINT:
 - a. Newspapers and all inserts.
 - b. No magazines
 - c. Not necessary to be tied; just contained.

5. ALL METALS:
 - a. No automotive parts
 - b. White goods-\$0.00 each (1995).
 1. Freon containing appliances - \$10.00 each (1995).
 - c. Brown goods-\$2.00 each, TV's, etc.
 - d. Tin cans (must be clean) and other metals-no charge.

6. MOTOR OILS:
 - a. Must be contained.

(NOTE: CATEGORIES/FEEES/REQUIREMENTS IN PARAGRAPH 7,8,9,10 BELOW ADDED AND ADOPTED BY BOARD OF SELECTMEN IN JUNE OF 1995)

7. BULKY FURNITURE:
 - a. Sofas, couches, stuffed chairs, box springs and mattresses-\$5.00 each.

8. SHINGLES & ROOFING MATERIALS:
 - a. Per ton-\$33.00.
 - b. Attendant will estimate tonnage based on cu.yds. for shingles and roofing materials if load has not been weighed by user.

9. DEMOLITION DEBRIS:
 - a. Contractors-\$33.00 per ton, all size loads.
 - b. Residential-\$15.00 for regular size pickup, ¼ to full load.
 1. No charge for less than ¼ load.

- c. Demolition debris is sheetrock, treated wood, scrap wood, insulation and flooring materials.
 - d. Attendant will estimate tonnage based on cu. yds. for demolition debris if load has not been weighed by user.
10. BURNABLE NON-TREATED WOOD & BRUSH:
- a. Four (4) or more cu. yds. per load-\$50.00.
 - b. Brush must be four-inch diameter or less.

- C. The Selectmen upon recommendation of the recycling committee may revise the list of recyclable waste appearing in Section 3 (B) from time to time by adding and/or deleting categories and sub-categories of wastes. A decision to revise the list shall be preceded by a public hearing. Notice of the hearing shall be given seven days in advance by posting an attested copy of the public hearing notice. A copy of the proposed revisions or reasonable summary) shall be included with the notice.

Deletion of any item from the list shall result from a factual determination by the selectmen that there is no longer any reasonable market for a particular recyclable item, that determination shall be based on (1) the lack of any person or business interested in purchasing that recyclable item or (2) a cost/benefit analysis showing that it is costing the town more to pay for the recycling of that item than the town is saving by keeping that item out of the town's waste disposal stream.

Additions to the list shall be based on a finding by the selectmen that there is a reasonable market for a recyclable item. That determination shall be based on a finding that there exists a person or business interested in purchasing the item from the town and that it will not cost the town more to recycle the item that it will derive in savings by keeping the item out of the town's waste stream.

- D. The selectmen may also revise the fee schedule in Section 3 (B) from time to time to reflect the town's actual cost of handling and recycling a particular recyclable item. Revisions to the fee schedule must be accomplished in the same manner as revisions to the list of recyclable matter, as described in Subsection (C) above.

SECTION 4. ENFORCEMENT/PENALTIES:

- A. This ordinance shall be enforced by the Board of Selectmen.
- B. Each failure to separate or to dispose of waste as provided in this ordinance and each failure to comply with any other provision of this ordinance is deemed to be a separate violation.

- C. Each violation of this ordinance shall be recorded by the attendant against the violator in a separate account maintained by the town. A violation will be erased by the public works director from the violator's record when the violation becomes one year old and thereafter the erased violation will not be used in determining appropriate procedure under this section.
- D. Any person violating this ordinance whose violation record is zero (0) or one (1) shall be given a written warning by the public works director stating the nature of the violation and the date on which it occurred. Any person violating this ordinance whose violation record is two (2) or more may be brought to court pursuant to Maine Rules of Civil Procedure.
- E. The selectmen and the violator may agree to waiver of court proceedings. In the event of such agreement, the waiver penalty for each violation shall be as follows:
 - 1. Second violation-verbal warning
 - 2. Third violation-\$5.00
 - 3. Fourth violation-\$10.00
 - 4. Fifth violation-\$50.00
 - 5. Sixth violation-\$100.00

Payment of the penalty under this procedure by the violator shall be deemed an admission of the violation and a waiver of any court proceeding. The violator shall pay the appropriate amount to the Town of Newport pursuant to this Subsection.

- F. Any person prosecuted for violation of any provision of this ordinance after two violations pursuant to Subsection (D) shall be subject to a civil penalty up to \$2,500.00 for each violation. Such a person shall be ordered to correct or abate the violation.

If economic benefit resulting from the violation exceeds the applicable penalty, the maximum penalty may be increased for each day of the violation. The actual civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit shall, without limitation, include the cost avoided or enhanced value accrued to the time of violation by the violator for not complying with the applicable legal requirements. In setting penalties, the court shall consider, but is not limited to the following:

- 1. Prior violation by the same person;
- 2. The degree of the damage that cannot be abated or corrected;
- 3. The extent which the violation continued following a notice to stop.
- 4. The benefit derived by a person as a result of the violation;
- 5. The importance of setting a civil penalty substantial enough to deter future violations; and whether penalties have been imposed by any other governmental agency for the same incidence.

Payment of the penalty assessed shall be in cash, bank check, money order, or by certified clerk drawn on a recognized financial institution made payable to the Town of Newport in an amount full extent of the penalty.

SECTION 5. AMENDMENTS:

This ordinance shall remain in effect until amended or repealed by a majority of the town at a town meeting.

SECTION 6. SEVERABILITY:

Should any section of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

SECTION 7. CONFLICT WITH OTHER ORDINANCES:

This ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. Where this ordinance imposes a greater restriction upon the use of Newport's Transfer Station, Demolition Debris Dump or any other facility or equipment used by the town or its agent to haul or handle its solid waste, the provisions of this ordinance shall prevail.

Approved at Town Meeting 9/18/1991

“Attest, a true copy of an ordinance entitled Town of Newport Recycling Ordinance, as certified by the municipal officers of the Town of Newport, Maine, and adopted by the Town meeting on the 18th day of September 1991.”

Date: 08/31/2012

Signature: Paula A. Scott CMC
Municipal Clerk