

Enacted Town Meeting March 24, 2005

## SOLID WASTE "USER FEE" ORDINANCE

Town of Jackman, Maine

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### 1. PURPOSE

The purpose of this ordinance is to establish a user fee system for disposal of domestic and commercial solid waste. Solid waste is a primary health, safety and environmental concern to all residents, and it is essential that the community develop a fair, efficient and cost-effective solid waste disposal program. The user fee plan promotes equity and fairness by linking the cost of waste disposal to the amount of waste actually generated by a person, household or business.

### 2. AUTHORITY

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

### 3. SCOPE

This ordinance applies to all domestic and commercial solid waste generated by authorized users of the Jackman Transfer Station.

### 4. DEFINITIONS

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

- (a) Solid waste: solid waste generated by residential households, dwelling units and or businesses; it includes but is not limited to food scraps, garbage, trash, refuse, and junk.
- (b) Transfer station: the municipal facility located in Jackman for the collection and processing of municipal solid waste, for eventual movement to another waste facility.
- (c) User fee tag: a tag, issued by the Town of Jackman pursuant to this ordinance, which allows a container of domestic solid waste to be disposed of at the transfer station.

## **5. USER FEE TAG REQUIRED**

No person may dispose of domestic solid waste at the transfer station unless a user fee tag is affixed to the container (plastic bag, box, or other) containing such waste. Each container must have its own tag and the tag shall be clearly visible on the container.

**6. FEES and ADMINISTRATION:** To charge fees set by legislative body per vote at town meeting.

The Selectmen shall administer this ordinance, and to this end shall have the following powers:

- (1) To adopt written rules for the day-to-day operation of the transfer station, including but not limited to hours of operation, inspection of materials delivered to the site, and sizes and types of solid waste containers allowed.
- (2) To designate where and when such user fee tags will be available. All user fees shall be used to offset the costs associated with solid waste disposal.
- (3) To appoint and oversee personnel to maintain and operate the transfer station.
- (4) To review alleged violations of this ordinance and to take (or authorize their duly appointed agents to take) appropriate action, including legal action, to enforce this ordinance.

## **7. PENALTIES**

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

In addition, any person attempting to dispose of solid waste in a manner which violates this ordinance (or rules) will not be allowed access to the transfer station.

## **8. SEVERABILITY**

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