

SOLID WASTE

Chapter 204

From the

CODE

of the

TOWN OF WINDHAM

COUNTY OF CUMBERLAND

STATE OF MAINE

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SOLID WASTE

Chapter 204

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ARTICLE I Disposal [adopted 9/12/1989]

§ 204—1. Title.

This Article shall be known as and may be cited as the “Ordinance Relating to the Disposal of Solid Waste Within the Town of Windham, Maine, Prescribing Rules and Regulations Therefor; Providing Penalties for Violation Thereof” and shall be referred to herein as “this Article.”

§ 204—2. Purpose.

The purpose of this Article is to protect the health, safety and general well-being of the citizens of the town; to enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing for a comprehensive, rational and effective means of regulating the disposal of solid waste in the town in accordance with the provisions of 38 M.R.S.A. §§ 1304—B and 1305 as amended.

§ 204—3. Definitions.

For the purposes of this Article, the following definitions shall be observed in the construction of this Article.

ACCEPTABLE WASTE:

- A. Ordinary household, municipal, institutional, commercial and industrial solid waste, including but not limited to the following:
 - 1. Garbage, trash, rubbish, paper and cardboard, plastics, refuse, beds, mattresses, sofas, refrigerators, washing machines, bicycles, baby carriages and automobile or small vehicle tires, to the extent that Regional Waste Systems, Inc. (RWS) determines that the air emissions criteria and standards applicable to and at the RWS disposal facility are not violated.
 - 2. Processable portions of commercial and industrial solid waste.
 - 3. Wood and lumber, tree limbs, branches, ties, logs and trees, if no more than four and one-half (4½) feet long and eight (8) inches in diameter, leaves, twigs, grass and plant cuttings, provided that the municipality shall not be obligated to deliver or cause to be delivered any items listed in this Subsection (3) to the RWS disposal facility, and further provided that such items may be delivered to the RWS disposal facility by or on behalf of the municipality on an irregular basis only and shall represent an insignificant portion of the total waste delivered to the RWS disposal facility by or on behalf of the municipality within any calendar year.
- B. Notwithstanding any provisions to the contrary, unacceptable waste, including hazardous waste, shall not be “acceptable waste” and is explicitly excluded therefrom. Furthermore, any substances which, as of the date of a certain waste-handling agreement between the municipality and Regional Waste Systems, Inc. (RWS), are included as “acceptable waste” but which are later determined to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction shall not be “acceptable waste” under the terms of this Article. However, any substances which, as of the date of said waste-handling agreement, are not included within the definition of “acceptable waste” because they are considered harmful, toxic, dangerous or hazardous and which are later determined not to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction shall be considered “acceptable waste” unless a contrary determination has been or is made by any other governmental agency or unit having appropriate jurisdiction or unless such substances are otherwise considered unacceptable waste or hazardous waste.

ASHES — That residue from the burning of wood, coal, coke or other combustible material.

BOARD — The Town Council or Board of Selectmen, whichever is applicable.

COMMERCIAL REFUSE COLLECTOR — A person, firm, corporation or other entity that collects and hauls the solid waste of another person, firm, corporation or other entity for a fee.

CONSTRUCTION AND DEMOLITION DEBRIS — Construction/demolition debris, inert fill, land-clearing debris and woodwaste, all as defined in Chapter 400 of the Maine Department of Environmental Protection regulations, but excluding acceptable waste and hazardous waste.

DISPOSAL — The discharge, deposit, dumping or placing of any solid waste into or on any land.

HAZARDOUS WASTE — A waste substance or material in any physical state designated as hazardous by the terms of a certain waste-handling agreement between the municipality and Regional Waste Systems, Inc. (RWS)

INFECTIOUS WASTE — Includes those wastes so defined by the Solid Waste Management Regulations promulgated by the Department of Environmental Protection pursuant to 38 M.R.S.A. § 1304.

MUNICIPALITY — The town.

PERSON — Any natural person, corporation, partnership, sole proprietorship, association or other legal entity.

PUBLIC SOLID WASTE DISPOSAL FACILITY or DISPOSAL FACILITY — Any land or structure or combination of land area and structures, including dumps and transfer stations, used for storing, salvaging, reducing, incinerating, reclaiming or disposing of solid wastes. This term shall include the RWS and town disposal facilities and RWS construction and demolition debris facilities.

RESOURCE RECOVERY — 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 purposes.

RWS CONSTRUCTION AND DEMOLITION DEBRIS DISPOSAL FACILITY — Any land or structure or combination of land area and structures, including dumps and transfer stations, owned or operated by or under a contract with Regional Waste Systems, Inc. (RWS) and/or any other site designated by RWS or its assignee used for storing, salvaging, incinerating, reclaiming or disposing of construction and demolition debris pursuant to the waste-handling agreement and amendments thereto entered into between the town and RWS.

RWS DISPOSAL FACILITY — Any land or structure or combination of land area and structures, including dumps and transfer stations, owned or operated by or under a contract with Regional Waste Systems, Inc. (RWS) and/or any other site designated by RWS or its assignee used for storing, salvaging, reducing, incinerating, reclaiming or disposing of acceptable waste pursuant to the waste-handling agreement and amendments thereto entered into between the town and RWS.

RWS or REGIONAL WASTE SYSTEMS, INC. — Regional Waste Systems, Inc., a noncapital stock, nonprofit corporation created pursuant to Title 30, Chapter 203, and Title 13, Chapter 81, of the Maine Revised Statutes, or any successor thereto or assignee thereof.

SOLID WASTE — 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 septage tank sludge nor agricultural or hazardous wastes: it shall include acceptable waste, unacceptable waste and construction and demolition debris as defined herein.

TOWN — The town of Windham.

TOWN DISPOSAL FACILITIES — Any land or structure or combinations of land area and structures owned or operated by or under a contract with the town, including a transfer station or similar facility, used in connection with the disposal of acceptable waste, whether such facilities are constructed before or after the completion of the RWS disposal facilities.

UNACCEPTABLE WASTE — That portion of solid waste which is not acceptable waste and includes, but is not limited to, sewage and its derivatives, construction and demolition debris, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and hazardous waste.

§ 204—4 Designation of solid waste disposal facility.

In accordance with the provisions of 38 M.R.S.A. § 1304-B, as amended from time to time, the town hereby designates the RWS disposal facility on Congress Street in Portland, Maine, and the town disposal facilities as its public solid waste disposal facilities for the purposes cited in this Article and designates the RWS construction and demolition debris disposal facility as its public solid waste disposal facility for construction and demolition debris. The dumping or depositing by any person at any place other than at the town disposal facilities or the RWS disposal facility of any acceptable waste generated within the municipality is prohibited, and subsequent to receipt by the town of notice from RWS of commencement of operations of the RWS construction and demolition debris disposal facility of any construction and demolition debris generated within the municipality is prohibited; provided, however, that the owner of any lot or any other person with the permission of the lot owner may deposit or dump inert substances such as earth, rocks, concrete or similar material for fill purposes only, subject to state or local land use regulations.

§ 204—5 Rules and regulations for use of facility.

- A. The Board shall establish the rules and regulations governing the availability and use of the designated public solid waste disposal facilities.
- B. The operation of the designated public solid waste disposal facilities shall conform to all pertinent regulations or directives of all local, county, state or federal agencies which may have jurisdiction.

§ 204—6 Restrictions.

- A. No person, firm or corporation shall permanently dispose of, upon any land within the corporate limits of the town, solid waste of any kind generated within the municipality, unless such land has been designated by the Town Council as public solid waste disposal facility.
- B. Certain materials may be excluded by regulation from that solid waste which may be deposited at a public solid waste disposal facility. These excluded materials may include junk automobile bodies and similar bulky waste which may require special processing prior to disposal, burning materials or materials containing hot or live coals; hazardous wastes; and other materials which the municipality deems necessary to exclude. Hazardous wastes shall be handled in accordance with 38 M.R.S.A § 1319.0 as amended from time to time.
- C. Except for licensed disposal of hazardous or infectious wastes, it shall be unlawful for any person, firm or corporation to burn or incinerate any solid waste within the municipality other than leaves.

§ 204—7 Authorized disposal facility users; permit required.

- A. The availability and use of the designated public solid waste disposal facilities shall be limited to residents of the municipality and to those residents of any other municipality which may, by mutual agreement, be authorized to use the designated public solid waste disposal facilities.
- B. As a means of user control, the municipality shall distribute vehicle permits to authorized users which shall be affixed to user vehicles(s). Failure to exhibit such permit shall result in denial of use of the facility.

§ 204—8 Resource recovery.

The municipality may require solid waste to be separated into such categories as may be established by municipal regulation and disposed of only in such manner and at such sites and locations as designated.

§ 204—9 Property rights; salvage or removal.

Any solid waste deposited within the designated public solid waste disposal facilities shall become the property of the municipality or Regional Waste Systems, Inc., pursuant to the terms of said waste-handling Agreements. No one shall salvage, remove or carry off any such deposited solid waste without prior approval of the municipality.

§ 204—10 License fees; revocation of license; enforcement.

- A. The Board may establish, by order, a schedule of license fees to be charged to commercial refuse collectors for the use of the designated public solid waste disposal facilities, which schedule shall be posted and published. All fees collected shall be for the use of the town.
- B. Any license granted hereunder may be revoked upon any violation of this Article.

C. It shall be the duty of the Board or its designee to enforce the provisions of this Article.

§ 204—11 Violations and penalties. [Amended 10-24-1989]

Whoever violates any of the provisions of this Article shall be punished by a fine of not more than one hundred dollars (\$100.00) per day, plus costs, including reasonable attorney's fees, which fine shall be recovered on complaint to the use of the municipality. In addition, the municipality may seek injunctive relief, including attorney's fees, to ensure compliance with the terms of this Article.

ARTICLE II

Transporters

[Adopted at time of adoption of Code; see Ch.1, General Provisions, Art. I]

§ 204—12 Definitions and word usage.

A. The following words and terms, as used in this Article, shall have the meanings ascribed thereto, unless the context indicates a different meaning:

ACCEPTABLE WASTE:

1. Ordinary household, municipal, institutional, commercial and industrial solid waste, including but not limited to the following:
 - a. Garbage, trash, rubbish, paper and cardboard, plastics, refuse, beds, mattresses, sofas, refrigerators, washing machines, bicycles, baby carriages and automobile or small vehicle tires, to the extent that RWS determines that the air emission criteria and standards applicable to and at the facility are not violated.
 - b. Processible portions of commercial and industrial solid waste.
 - c. Wood and lumber, tree limbs, branches, ties, logs and trees, if no more than four and one-half (4½) feet long and eight (8) inches in diameter, and leaves, twigs, grass and plant cuttings, provided that the town shall not be obligated to deliver or cause to be delivered any items listed in this subsection to the facility, and further provided that such items may be delivered to the facility by or on behalf of the town on an irregular basis only and shall represent an insignificant portion of the total waste delivered to the facility by or on behalf of the town within any calendar year.
2. Notwithstanding any provisions to the contrary, Unacceptable waste, including hazardous waste, shall not be "acceptable waste" and is explicitly excluded therefrom. Furthermore, any substances which, as of the date of the waste-handling agreement between the Town of Windham and Regional Waste Systems, Inc., which date is May 1, 1985, are included as "acceptable waste" but which are later determined to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction shall not be "acceptable waste" under the terms of this Article. However, any substances which, as of the date of said agreement, are not included within the definition of "acceptable waste"

because they are considered harmful, toxic, dangerous or hazardous and which are later determined not to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction shall be considered “acceptable waste”, unless a contrary determination has been or is made by any other governmental agency or unit having appropriate jurisdiction or unless such substances are otherwise considered unacceptable waste or hazardous waste.

COMMERCIAL SOLID WASTE — Acceptable waste generated by a commercial or industrial use or activity located within the town, and acceptable waste generated by occupants of dwellings within the town which contain more than two (2) dwellings units and which are occupied by more than two (2) families.

COMMERCIAL OR INDUSTRIAL SOLID WASTE HAULER — Any person, firm, partnership, association, municipality, corporation or other legal entity who has been licensed by the town to collect, transport and dispose of acceptable commercial or industrial solid waste for a fee as herein prescribed.

DWELLING — A building designed or used exclusively as the living quarters for one (1) or more families. The term includes single-family dwellings, multifamily dwellings, apartments and condominiums, but shall not be deemed to include a hotel, motel, boardinghouse or lodging house.

DWELLING, MULTIFAMILY — A freestanding building exclusively for residential use by two (2) or more families living independently of each other and consisting of two (2) or more dwelling units.

DWELLING, SINGLE-FAMILY — A freestanding building exclusively for residential use by one (1) family and constituting one (1) dwelling unit.

DWELLING UNIT — One (1) or more rooms with private bath and kitchen facilities intended for occupancy by a single family.

FACILITY — The facility described in the waste-handling agreement between the Town of Windham and Regional Waste Systems, Inc., dated May 1, 1985, and subsequent amendments thereto.

FAMILY — One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house, hotel or motels as herein defined.

GARBAGE — Every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter, including, but not by way of limitation, used tin cans and other food containers; and all putrescible or easily decomposable waste, animal or vegetable matter that is likely to attract flies or rodents; provided, however, that all garbage within this definition must be composed of acceptable waste.

HANDLE — To store, transfer, collect, separate, bale, salvage, process, reduce, recover, incinerate, treat or dispose of.

HAZARDOUS WASTE — Waste which, by reason of its composition, characteristics or other inherent properties, is dangerous to handle by ordinary means or which may present a substantial endangerment to health or safety or which presents a reasonable possibility of adversely affecting the operation of the facility. “Hazardous waste” shall also mean waste which is defined as harmful, toxic, dangerous or hazardous at any time during the term of the waste-handling agreement between the Town of Windham and Regional Waste Systems, inc., dated May 1, 1985, pursuant to the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., as amended; the Maine Hazardous Waste, Septage and Solid Waste Act, 38 M.R.S.A. § 1301 et seq., as amended; any other federal, state, county or local codes, statutes or laws; and any regulations, orders or other actions promulgated or taken with respect to the items listed above; provided, however, that any such materials which are later determined not to be harmful, toxic, dangerous by any governmental agency or unit having appropriate jurisdiction shall not be considered “hazardous waste” unless a contrary determination has been or is made by any other governmental agency or unit having appropriate jurisdiction.

INERT FILL — That material which does not chemically or biologically decompose, i.e. sand, gravel, bricks, rocks, etc.

PERSON — Any individual, firm, corporation, partnership, association, municipality, quasi-municipal corporation, state agency, or any other legal entity.

PRODUCER — The occupant(s) of a residential unit who generates acceptable waste.

RESIDENTIAL REFUSE — All acceptable waste generated within the town by producers at residential units.

RESIDENTIAL REFUSE HAULER — Any person, firm, partnership, association, municipality, corporation or other legal entity licensed by the town to collect, transport and dispose of residential refuse for a fee as herein prescribed.

RESIDENTIAL UNIT — A dwelling with the town consisting of no more than two (2) dwelling units and occupied by no more than two (2) families. A “residential unit” shall be deemed occupied when either water or domestic light and power services are being supplied thereto.

RUBBISH — All waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging or wrapping crockery and glass, floor sweepings, glass, mineral or metallic substances; provided, however, that all “rubbish” within this definition must be composed of acceptable waste.

RWS — Regional Waste Systems, Inc.

SOLID WASTE — Unless, 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. “Solid waste” shall in no case include sludge’s from air or water pollution control facilities, septic tank sludge or agricultural wastes.

SOLID WASTE DISPOSAL FACILITY OR DISPOSAL FACILITY — Any land area or structure or combination of land area and structures, including dumps, used for storing, salvaging, processing, reducing, incinerating or disposing of solid wastes.

TIPPING FEE — The payments required to be made by the town or commercial or industrial solid waste haulers, persons hauling their own commercial industrial solid waste and residential refuse haulers under this Article for the handling of acceptable waste received at the facility.

TOWN — The Town of Windham, Cumberland County, State of Maine.

UNACCEPTABLE WASTE — That portion of solid waste which is not acceptable waste and includes, but is not limited to, sewage and its derivatives, construction and demolition debris, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and hazardous waste.

WASTE — Items, materials or substances delivered to the facility by the town, its employees, agents or contractors.

WHITE GOODS — All large appliances, including but not limited to stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers and air conditioners.

- B. In this Article, the singular shall include the plural, and the masculine shall include the feminine and the neuter, except where the context indicates differently.

§ 204—13 Hauling, Collection, Renewal, Transportation and Disposal

- A. Every commercial or industrial use or activity located within the town shall haul, collect, remove, transport and dispose of commercial solid waste generated within the town by itself or by agreement with a licensed commercial refuse transporter, provided, however, that all such hauling, collection, removal, transportation and disposal must be consistent with this Ordinance. Residential units shall haul, collect, remove, transport and dispose of residential refuse generated within the town by agreement with a licensed residential refuse transporter or by hauling, collecting, removing, transporting and disposing of their own residential refuse generated within the town at a solid waste disposal facility designated by the Town Council; provided, however, that all such hauling, collection, removal, transportation and disposal must be consistent with this Ordinance.

- B. Any agreement for the hauling, collection, removal, transportation and disposal ofcommercial solid waste or residential refuse generated within the town shall be by private contract between the person and the commercial refuse transporter or residential refuse transporter licensed by the town for the purpose of hauling, collection, removal, transportation and disposal of such commercial solid waste or residential refuse.
- C. Care shall be taken in the loading and unloading of commercial solid waste and residential refuse so that none is scattered or spilled during its hauling, collection, removal, transportation and disposal; the commercial refuse transporter or the person hauling his own commercial waste or the residential transporter or the person hauling his own residential refuse shall immediately clean up and remove all commercial solid waste or residential refuse that may be scattered or spilled.

§ 204—14 License required; application.

- A. It shall be unlawful for any person, except a person with his own commercial solid waste, to haul, collect, remove, transport and dispose of commercial solid waste, or residential refuse generated within the town over the streets of the town for a fee without first securing a commercial refuse transporter or residential refuse transporter's license. The town, upon application and after investigation, may issue said licenses for a period of one (1) year, beginning on July 1st
- B. All licenses shall expire on June 30th of each year, unless revoked or suspended pursuant to this Ordinance. All renewal licenses shall be applied for by May 1st and, if granted, will be effective on July 1st. Any person applying for a license shall provide a certificate of insurance showing evidence of vehicle liability and comprehensive general liability coverages with limits of no less than \$300,000.
- C. Any person wishing to obtain a commercial or residential refuse collector license shall present a written application therefor on a form provided by the town, accompanied by payment of a fee of five hundred dollars (\$500) for each license requested. A commercial or residential refuse collector license shall be issued by the Town Manager (the "Issuing Authority"). All fees collected shall be for the use of the town.
- D. An application for a commercial or residential refuse collector license shall contain the following information:
 - 1. Applicant's name;
 - 2. Applicant's residence;

3. Address of the applicant's place(s) of business;
 4. If the applicant is a corporation, the names and addresses of each of its directors and officers;
 5. A description of the vehicles and equipment to be used, including the make, model, year of manufacture and license plate number of said vehicles and equipment; and
 6. Whether applicant will be collecting, recycling or hauling solid waste generated by residences, by commercial activities or uses and/or by industrial activities or uses; if the applicant intends to collect, recycle or haul solid waste generated by commercial and/or industrial activities or uses, the applicant shall describe the location of any dumpster(s) or other container(s) used by the commercial or industrial activity or used to store solid waste.
 7. A copy of the commercial or residential refuse transporter's current license with the Maine Department of Environmental Protection, if required.
- E. A copy of each commercial or residential refuse transporter license issued may be sent by the town to Regional Waste Systems (RWS). Upon issuing a license hereunder, the town also may issue to the commercial or residential refuse transporter for each vehicle to be used by it a numbered sticker, provided by RWS, and shall inform RWS of the number on the sticker assigned to the commercial or residential refuse transporter. If the town provides said stickers, each commercial or residential refuse transporter shall affix this numbered sticker to the lower left-hand corner of the front windshield of each vehicle owned or operated by it. RWS may refuse to accept solid waste from vehicles lacking this numbered sticker.
- F. All licensed commercial or residential refuse transporters shall comply with such rules and regulations as the Town Council may adopt by order from time to time; failure to comply with such rules and regulations shall be a violation of this Ordinance. Each licensed commercial refuse transporter shall send RWS a copy of each category A manifest that it provides to the Department of Environmental Protection pursuant to Chapter 411, Section 6 of the Department's Rules as amended from time to time.

§ 204—15 Tipping fees, Payment of Invoices.

- A. In addition to any other payments for solid waste disposal that may be required, each commercial or residential refuse transporter shall be responsible for payment of tipping fees at RWS for the commercial or industrial solid waste and residential refuse hauled, collected, removed, transported or disposed of by it. However, residential refuse transporters shall enter into an agreement with the town so as to allow the residential refuse transporter to pay a portion of the RWS tipping fee for disposal of residential refuse at the facility based on a formula to be determined by the Town Manager, and approved by the Town Council, for

each license year. Any such agreement shall require the residential refuse transporter to maintain a valid current license under this Ordinance, to indemnify the town for personal injury and property damage, to provide proof of adequate workers' compensation and public liability and property damage insurance, and shall require that the residential refuse transporter only dispose of residential refuse generated within the town at the agreed upon tipping fee.

- B. All licensed commercial or residential refuse transporters must pay all appropriate tipping fees for deliveries to RWS; said payments to be made within fourteen (14) days and to be based on invoices from the town. If payments are not made within said fourteen (14) days, the town may charge interest to the unpaid portion of the invoiced amount at the same interest rate allowed in the then current year for municipal real estate taxes.
- C. If an invoice or any portion thereof, remains unpaid after ninety (90) days, a violation of the license shall exist and the licensed refuse transporter will be subject to penalties under this Ordinance including the possibility of license suspension and revocation.

§ 204—16 License Denial, Revocation or Suspension.

- A. Licenses and renewals of licenses issued under this Ordinance may be denied, revoked or suspended by the issuing authority as follows:
 - 1. The first violation by a licensed commercial or residential refuse transporter of any provision or provisions of this Ordinance may result, in addition to any penalty or relief that the town may seek, in a suspension of up to thirty (30) days of that commercial or residential refuse transporter license, or if on the date of the first violation, said license shall expire in less than thirty (30) days, said license may be revoked.
 - 2. The second violation, at any time, by a licensed commercial or residential refuse transporter of any provision or provisions of this Ordinance, may result, in addition to any penalty or relief the Town may seek, in a suspension of up to six (6) months of the commercial or residential transport license or, if on the date of the second violation, said license will expire in less than six (6) months, the license may be revoked.
 - 3. The third violation, at any time, by a licensed commercial or residential refuse transporter of any provision or provisions of this Ordinance may result, in addition to any penalty or relief the town may seek, in revocation of that commercial or residential refuse transporter's license and in the denial of commercial and residential refuse transporter licenses to that person for subsequent license years unless and until the Town Council determines that the commercial or residential refuse transporter may be allowed to apply for and receive all licenses under this Ordinance due to a change in the person's circumstances since the time of the third violation; provided, however, that any further violation shall result in the revocation of the commercial or residential refuse transporter license and the barring of that commercial or residential refuse transporter from applying for a license under this Ordinance for a period of five (5) years.

- B. Licenses and renewals of commercial and residential refuse transporters licenses may be denied, suspended or revoked by the Town Manager for violation of or failure to comply with any of the provisions of this Ordinance or with the provisions of any other applicable Ordinance of the town. Determination of the severity of the violation and whether a denial, suspension or revocation is warranted shall be made by the Town Manager after notice and hearing. Appeals from the Town Manager's decision may be taken to the Town Council by filing a written notice of the appeal with the Town Clerk within thirty (30) days after the Town Manager's decision. Upon notice and hearing, the Town Council may affirm, reverse or modify the Town Manger's decision.
- C. If any license application is denied or license revoked, the applicant/licensee may not reapply for a period to be determined by the Town Manager based on the provisions of sections 204-16A 1, 2, and 3.
- D. The town shall inform RWS immediately in writing whenever it denies, suspends or revokes a commercial or residential refuse transporter license hereunder.

§ 204—17 Penalties for Civil Violations.

Whoever violates any of the provisions of this Ordinance shall be subject to a civil violation and may be punished by a fine of not more than One Thousand Dollars (\$1,000) for the first violation and not more than Two Thousand Dollars (\$2,000) for the second and subsequent violations, plus costs, including attorney's fees and costs, which fine shall be recovered on complaint to the use of the town. Each day upon which any continuing violation of any provisions of this Ordinance shall occur shall constitute a separate violation, and each incident of disposal of solid waste in violation of this Ordinance shall constitute a separate violation. In addition, the town may seek equitable relief, including but not limited to injunctive relief and indemnification of the town's liquidated damages to RWS, and attorney's fees and costs to ensure compliance with the terms of this ordinance.

Payment of fines must be made within fourteen (14) days of notice. The town may charge interest to the unpaid portion of any fine at the same interest rate allowed in the then current year for municipal real estate taxes. Further, outstanding fines will be considered as grounds for denying a license renewal in accordance with Section 204-16B.

§ 204—18 Miscellaneous.

- A. It shall be the duty of the Town Manager to enforce the provisions of this Ordinance.
- B. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.
- C. If any section, subsection, sentence or part of the Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance..