

WARRANT FOR A SPECIAL TOWN MEETING

OF THE

TOWN OF OGUNQUIT

TO: WILLIAM P. HANCOCK, JR., Chief of Police in the Town of Ogunquit, County of York and State of Maine.

GREETINGS:

In the name of the State of Maine, you are hereby requested to notify and warn the Inhabitants of the Town of Ogunquit, qualified by law to vote in Town affairs, to meet in the Dunaway Community Center on School Street in said Town on Tuesday, August 15, 1989, A.D. at seven o'clock in the evening, then and there to act on Articles 1 through 13.

ARTICLE 1: To elect a Moderator to preside over said Meeting.

ARTICLE 2: Shall the Town vote to authorize the Board of Selectmen to enter into and adopt a Demolition Materials Handling Agreement dated as of August 1, 1989 on behalf of the Town with Regional Waste Systems, Inc. for the disposal of all or any portion of the solid waste generated within the Town upon such terms and conditions as the Selectmen deem advisable, and to authorize that among such terms and conditions the contract may be for a period of twenty-four years from completion of financing of the waste disposal system, may require that the Town pay fees, assessments and any other payments as its proportionate share of the costs of said system, and may require enactment of a waste flow control ordinance?

ARTICLE 3: Shall the Town vote to repeal the present Title III, Chapter 5, of the Ogunquit Municipal Code entitled "An Ordinance Relating to the Disposal of Solid Waste within the Town of Ogunquit; Prescribing Rules and Regulations Therefore; Providing Penalties for Violations Thereof," and adopt the following Ordinance with the same Title which governs the disposal of solid waste including "Construction and Demolition Debris" as defined therein?

Title III Public Services

Chapter 5 An Ordinance Relating to the Disposal of Solid Waste within the Town of Ogunquit; Prescribing Rules and Regulations Therefore; Providing Penalties for Violation Thereof:

501 Short Title

This Ordinance shall be known as and may be cited as the "Ordinance Relating to the Disposal of Solid Waste within the Town of Ogunquit, Maine; Prescribing Rules and Regulations Therefore; Providing Penalties for Violations Thereof" and shall be referred to herein as the "Ordinance".

502 Purpose

The purpose of this Ordinance is to protect the health, safety and general well being of the citizens of the Town; 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 Title 38 M.R.S.A. Section 1304-B and 1305 as amended.

503 Definitions

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

ARTICLE 3: (Continued)

503.1

"Acceptable Waste" shall mean 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 emission criteria and standards applicable to and at the RWS Disposal Facility are not violated; and

(2) Processible portions of commercial and industrial Solid Waste; and

(3) Wood and lumber, tree limbs, branches, ties, logs and trees, if no more than four and one-half (4½') feet long and eight inches (8") in diameter, and 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 subpart (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; and

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 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 Ordinance. 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".

503.2

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

503.3

"Board" shall mean the Board of Selectmen for the Town of Ogunquit.

503.4

"Commercial Refuse Collector" shall mean 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.

503.5

"Construction and Demolition Debris" shall mean

- (a) Construction/Demolition Debris
- (b) Inert Fill
- (c) Landscaping Debris and
- (d) Woodwaste

all as defined in Chapter 400 of the Maine Department of Environmental Protection Regulations, but excluding

- (i) Acceptable Waste and
- (ii) Hazardous Waste

ARTICLE 3: (Continued)

503.1 "Acceptable Waste" shall mean 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 emission criteria and standards applicable to and at the RWS Disposal Facility are not violated; and

(2) Processible portions of commercial and industrial Solid Waste; and

(3) Wood and lumber, tree limbs, branches, ties, logs and trees, if no more than four and one-half (4½') feet long and eight inches (8") in diameter, and 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 subpart (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; and

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 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 Ordinance. 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".

503.2 "Ashes" shall mean that residue from the burning of wood, coal, coke or other combustible material.

503.3 "Board" shall mean the Board of Selectmen for the Town of Ogunquit.

503.4 "Commercial Refuse Collector" shall mean 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.

503.5 "Construction and Demolition Debris" shall mean

- (a) Construction/Demolition Debris
- (b) Inert Fill
- (c) Landscaping Debris and
- (d) Woodwaste

all as defined in Chapter 400 of the Maine Department of Environmental Protection Regulations, but excluding

- (i) Acceptable Waste and
- (ii) Hazardous Waste

ARTICLE 3: (Continued)

- 503.6 "Disposal" shall mean the discharge, deposit, dumping or placing of any solid waste into or on any land.
- 503.7 "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 and Regional Waste Systems, Inc. (RWS).
- 503.8 "Infectious Waste" shall include those wastes so defined by the Solid Waste Management Regulations promulgated by the Department of Environmental Protection pursuant to Title 38 M.R.S.A. Section 1304.
- 503.9 "Municipality" shall mean the Town.
- 503.10 "Person" shall mean any natural person, corporation, partnership, sole proprietorship, association or other legal entity.
- 503.11 "Public Solid Waste Disposal Facility (Disposal Facility)" shall mean 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.
- 503.12 "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 purposes.
- 503.13 "RWS Disposal Facility" shall mean 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.
- 503.14 "RWS Construction and Demolition Debris Disposal Facility" shall mean 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.
- 503.15 "RWS or Regional Waste Systems, Inc." shall mean Regional Waste Systems, Inc., a non-capital stock, non-profit 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.
- 503.16 "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 septage tank sludge nor agricultural or Hazardous Wastes; it shall include Acceptable Waste, Unacceptable Waste and Construction and Demolition Debris as defined herein.

ARTICLE 3: (Continued)

503.17 "Town Disposal Facilities" shall mean 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.

503.18 "Town" shall mean the Town of Ogunquit.

503.19 "Unacceptable Waste" shall mean 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.

504 Public Solid Waste Disposal Facilities

504.1 In accordance with the provisions of Title 38 M.R.S.A. Section 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 Ordinance, 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 except as otherwise provided in this Ordinance, and, subsequent to receipt by the Town of notice from RWS of commencement of operations of the RWS Construction and Demolition Debris Disposal Facility, the dumping or depositing by any person at any place other than the RWS Construction and Demolition Debris Disposal Facility of any Construction and Demolition Debris generated within the Municipality is prohibited except as otherwise provided in this Ordinance.

504.2 Nothing in this Ordinance shall prohibit the Town from its continued use of a Stump/Demolition Area as described in a Lease Agreement between the Town and Leonard W. Wyman dated March 4, 1980, as amended on May 13, 1982, and as amended on March 7, 1989, or for the Municipality exercising any option for the disposal within the Municipality of leaves, trees, tree limbs and other wood wastes.

504.3 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 user regulations.

505 Administration

505.1 The Board shall establish the rules and regulations governing the availability and use of the designated public solid waste disposal facilities.

505.2 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.

ARTICLE 3: (Continued)

506 Restrictions and Fees for Disposal

- 506.1 No person, firm or corporation shall permanently dispose 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 as a public solid waste disposal facility.
- 506.2 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 Title 38 M.R.S.A. Section 1319-0 as amended from time to time.
- 506.3 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, trees, tree limbs and other wood waste.

507 Rules and Regulations

- 507.1 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. As a means of user control, the Municipality shall distribute vehicle permits to authorized users which shall be affixed to user vehicle(s). Failure to exhibit such permit shall result in denial of use of the facility.
- 507.2 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.
- 507.3 Any solid waste deposited within the designated public solid waste disposal facilities shall become the property of the Municipality or Regional Waste Systems, Inc. (RWS) 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.

508 Miscellaneous

- 508.1 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. Any license granted hereunder may be revoked upon any violation of this Ordinance. The Board may also require any person who utilizes the public solid waste disposal facility, to pay a disposal fee directly to the facility.
- 508.2 It shall be the duty of the Board or its designee to enforce the provisions of this Ordinance.
- 508.3 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- 508.4 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.

ARTICLE 3: (Continued)

508.5 Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than One Hundred Dollars (\$100) per violation, plus costs and attorneys' fees, which fines shall be recovered on complaint to the use of the Municipality. The Board shall also be authorized to order the clean-up of any Solid Waste disposed of in violation of this Ordinance, and if the violator fails to clean up this Solid Waste after thirty (30) days notice, the Municipality may on its own initiative provide for the clean-up, and recover the expense from the violator, including all court costs and attorneys' fees.

509 Effective Date

This Ordinance shall become effective immediately upon adoption by the citizens of the Municipality.

ARTICLE 4: Shall the Town vote to authorize the Board of Selectmen to enter into a contract with the State Office of Comprehensive Planning to accept a planning grant in the amount of \$14,255 and to utilize the grant for the purposes provided for in the contract?

ARTICLE 5: Shall the Town vote to raise and appropriate the sum of Eight Thousand Dollars (\$8,000) for the General Government Administration Account for Tax Collection Expenses?

BUDGET COMMITTEE RECOMMENDS: Yes 3/0

ARTICLE 6: Shall the Town vote to raise and appropriate the sum of Four Thousand, Eight Hundred Dollars (\$4,800) for additional Insurance costs?

BUDGET COMMITTEE RECOMMENDS: Yes 3/0

ARTICLE 7: Shall the Town vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000) for additional Fire Department Insurance costs?

BUDGET COMMITTEE RECOMMENDS: Yes 3/0

ARTICLE 8: Shall the Town vote to raise and appropriate the sum of One Thousand, Five Hundred Dollars (\$1,500) for the Board of Appeals Account?

BUDGET COMMITTEE RECOMMENDS: Yes 3/0

ARTICLE 9: Shall the Town vote to raise and appropriate the sum of Two Thousand Dollars (\$2,000) for the Perkins Cove Account?

BUDGET COMMITTEE RECOMMENDS: Yes 3/0

ARTICLE 10: Shall the Town vote to raise and appropriate the sum of Four Hundred Dollars (\$400) for the Meals On Wheels Program?

BUDGET COMMITTEE RECOMMENDS: Yes 3/0

ARTICLE 11: Shall the Town vote to raise and appropriate the sum of Two Thousand Dollars (\$2,000) for the General Government Operations Account?

BUDGET COMMITTEE RECOMMENDS: Yes 3/0

ARTICLE 12: Shall the Town vote to raise and appropriate the sum of Two Thousand Dollars (\$2,000) for the Employees Benefits Account?

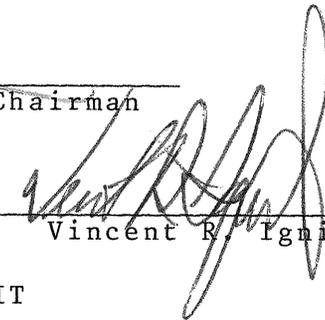
BUDGET COMMITTEE RECOMMENDS: Yes 3/0

ARTICLE 13: Shall the Town vote to accept the recreation easement for Moody Pond as provided for in the will of the late Roby Littlefield?

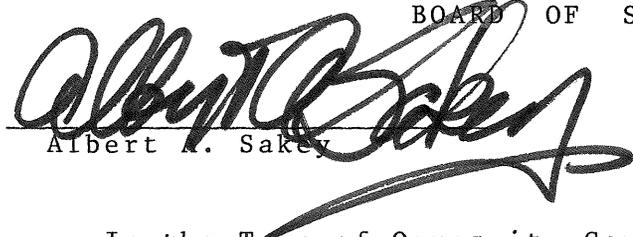
The Board of Selectmen hereby give Notice that the Meeting will be held at seven o'clock in the evening of said day. Given under our hands this seventh day of August, 1989 A.D.

  
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Steven R. Einstein, Chairman

\_\_\_\_\_  
Michael R. Goddard

  
\_\_\_\_\_  
Vincent R. Ignico

TOWN OF OGUNQUIT  
BOARD OF SELECTMEN

  
\_\_\_\_\_  
Albert R. Sakey

  
\_\_\_\_\_  
Larry E. Stevens

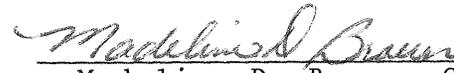
In the Town of Ogunquit, Count of York, and State of Maine,

ss:

Pursuant to Warrant to me as directed, I have notified and warned the Inhabitants of the Town of Ogunquit herein named to meet at the time and place for the purposes herein stated by posting within Warrant at the Dunaway Community Center, Village Food Market and Ogunquit Post Office, those being three (3) conspicuous and public places in said Town.

  
\_\_\_\_\_  
William P. Hancock, Jr., Police Chief  
TOWN OF OGUNQUIT

A TRUE COPY:

ATTEST:   
\_\_\_\_\_  
Madeline D. Brown, CMC  
TOWN OF OGUNQUIT