

TOWN OF JAY, MAINE

RECYCLING AND WASTE DISPOSAL

ORDINANCE

A TRUE COPY ATTEST CERTIFIED BY:

Ronda L. Palmer, Town Clerk

Adopted June 14, 2011

TABLE OF CONTENTS

SECTION 1.	TITLE, PURPOSES AND POLICIES	2
SECTION 2.	AUTHORITY AND APPLICATION	2
SECTION 3.	SEVERABILITY	2
SECTION 4.	EFFECTIVE DATE	2
SECTION 5.	REPEALER.....	2
SECTION 6.	DEFINITIONS	3
SECTION 7.	PROHIBITION	5
SECTION 8.	ANTI-SCAVENGING	5
SECTION 9.	EXCEPTIONS	5
SECTION 10.	SOLID WASTE BAGS AND RECYCLING CONTAINERS	5
SECTION 11.	WASTE SEGREGATION AND ARRANGEMENT	6
SECTION 12.	RECYCLING SEGREGATION	6
SECTION 13.	COLLECTION.....	6
SECTION 14.	THE FACILITY	7
SECTION 15.	FEES	7
SECTION 16.	AUTHORIZATIONS	8
SECTION 17.	INSPECTION AND REJECTION.....	8
SECTION 18.	STICKER PERMITS	8
SECTION 19.	NON-STICKER PERMITS	9
SECTION 20.	TEMPORARY PASSES	9
SECTION 21.	RULES AND REGULATIONS.....	9
SECTION 22.	TITLE AND USE OF WASTE.....	10
SECTION 23.	PENALTIES AND ENFORCEMENT	10

Section 1: TITLE, PURPOSES AND POLICIES

This Ordinance shall be known and may be cited as the “Town of Jay, Maine - Recycling and Waste Disposal Ordinance” herein after this “Ordinance”. The Town of Jay has enacted this Ordinance for the purpose of protecting the public health, safety and welfare of the inhabitants of the Town and for protecting and enhancing the Town’s environment. This Ordinance is intended to provide for a comprehensive, rational and effective means of regulating the collection, processing, transportation and disposal of solid waste in the Town by establishing rules governing the separation of Recyclable Materials from Waste and the Disposal of Waste generated within the Town. This Ordinance further provides for the establishment and enforcement of rules and regulations, establishing limitations, prohibiting certain acts causing solid waste disposal problems and providing for fines and or suspension of Facility privileges for violation of the provisions of this Ordinance. This Ordinance shall be liberally construed to effectuate its purposes and policies.

Section 2: AUTHORITY AND APPLICATION

This Ordinance is enacted pursuant to Article VIII Part Second of the Constitution of the State of Maine and the Laws of the State of Maine, including, without limitation: 30-A M.R.S.A. Section 3001 and 38 M.R.S.A. Sections 1304-B and 1305. This Ordinance applies to all Persons Disposing and generating Waste within the Town or using the Facility.

Section 3: SEVERABILITY

A. If any provision or section of this Ordinance, or the application thereof to any Person or circumstance, is held void or invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect in whole or in part without the invalid provision or application, and to this end each provision of this Ordinance is declared to be severable and independent. It is the intent of the Town that each and every part, clause, paragraph, section and subsection of this Ordinance be given effect to the degree possible.

B. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance or code of the Town the provision which established or establishes the higher standard for the promotion and protection of health and welfare for the community shall prevail.

Section 4: EFFECTIVE DATE

This Ordinance shall be effective upon its enactment at the Town Meeting on June 14, 2011.

Section 5: REPEALER

The Jay Recycling and Waste Disposal Ordinance enacted November 22, 1993 as amended April 29, 2002 is hereby repealed and replaced by this Ordinance. This Ordinance also supersedes and replaces all ordinances, regulations, policies, decisions and/or actions regarding solid waste previously enacted by the Town which are in conflict with it and will remain in effect until revoked or replaced by action of the voters of the Town.

Section 6: DEFINITIONS

Subject to additional definitions contained in the subsequent Parts of this Ordinance and unless the context otherwise requires, in this Ordinance the following terms have the following meanings.

Acceptable Liquid Waste. “Acceptable Liquid Waste” means the collective reference to Liquid Wastes that are Specially Approved Waste and Reclaimable Liquid Waste.

Acceptable Solid Waste. “Acceptable Solid Waste” means all damaged Recyclable Materials, ordinary household, municipal, institutional, commercial and industrial Waste, consisting primarily of garbage, trash, rubbish, refuse that is disposed of by or collected from residential, commercial, institutional, industrial establishments within the Town. Acceptable Solid Waste excludes the following items: Recyclable Materials, Other Solid Waste, Specially Approved Waste, Reclaimable Materials, Unacceptable Solid Waste and Liquid Waste.

Authorized Hauler. “Authorized Hauler” means a Person who has a contract with an Authorized Municipality to transport Processible Solid Waste and Acceptable Liquid Waste to the Facility for Persons generating such waste within the Authorized Municipality.

Authorized Municipality. “Authorized Municipality” means a municipality which has an existing contract with the Town for the Disposal of Processible Solid Waste and Acceptable Liquid Waste.

Authorized Resident. “Authorized Resident” means a Person who resides in the Town or conducts business in the Town and who has obtained a permit/sticker from the Town or is an Authorized Resident of an Authorized Municipality to deliver Processible Solid Waste and Acceptable Liquid Waste to the Facility.

Disposal. “Disposal” means the discharge, deposit, injection, incineration, dumping, spilling, leaking or placing of any Waste into or on any land, air or water.

Facility. “Facility” means the transfer station and recycling facility constructed and managed by the Town of Jay located on State Route 4 in Jay.

Liquid Waste. “Liquid Waste” means any waste that is determined to contain free liquids according to the Paint Filter Liquids Test (Method 9095 of E.P.A. SW-846, 3rd Edition). Liquid Waste is the collective reference to Acceptable Liquid Waste and Unacceptable Liquid Waste.

Other Solid Wastes. “Other Solid Wastes” is the collective reference to Brown Goods, Ash, Mattress, Box Springs, construction/demolition debris, Hot Loads, Burnable Debris, Vegetative Waste and Wood Waste.

Person. “Person” means an individual, corporation, partnership, consortium, joint venture association, commercial entity, trust, firm, municipality, county, state, federal or other governmental unit, or any combination thereof and the agents of same.

Processible Solid Waste. “Processible Solid Waste” means the collective reference to Acceptable Solid Waste, Reclaimable Material, Recyclable Material, Other Solid Waste and Specially Approved Waste.

Reclaimable Liquid Waste. “Reclaimable Liquid Wastes” are Acceptable Liquid Wastes that may be reclaimed such as Lead Acid Batteries and Waste Oil.

Reclaimable Materials. “Reclaimable Materials” are Solid Waste materials that may be reclaimed such as White Goods; Tires; and Metal Goods.

Recyclable Materials. “Recyclable Materials” are materials that can be reused either in the same form or as part of a different product and are as defined in Town of Jay Program List.

Solid Waste. “Solid Waste” means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing and is the collective reference to Processible Solid Waste and Unacceptable Solid Waste.

Specially Approved Wastes. “Specially Approved Wastes” are wastes that are Unacceptable Solid Waste and Unacceptable Liquid Waste that may be collected at the Facility by the Town from time to time as designated by the Jay Board of Selectmen. Specially Approved Waste materials include, but are not limited to: household hazardous wastes such as, Liquid and non-liquid paint, paint thinner, bleach, household cleaning solvents, household woodstove ash and antifreeze.

Town. “Town” is the Town of Jay Board of Selectmen, Town Manager or their designees, including the Code Enforcement Officer, the Recycling Coordinator and the Public Works Director.

Unacceptable Liquid Wastes. “Unacceptable Liquid Wastes” is the collective reference to hazardous waste and Special Waste that have sufficient liquid content to be free flowing, Sludge, and other Liquid Waste designated as Unacceptable Liquid Waste by the Jay Board of Selectmen.

Unacceptable Solid Wastes. “Unacceptable Solid Wastes” are materials not considered Acceptable Solid Waste, Recyclable Materials, Reclaimable Materials, Other Solid Wastes or Specially Approved Wastes. Unacceptable Solid Wastes include but are not limited to:

1. Junked or abandoned vehicles;
2. Snowmobiles or all-terrain vehicles;
3. Dead animals or portion thereof, other pathological— type solid waste;
4. Dredge Spoils;
5. Inert fill;
6. Hazardous wastes and Special Wastes with insufficient liquid content to be free flowing; and not specially approved;
7. Biomedical Waste;
8. Sludge;
9. Pathological Waste;
10. Special Waste;
11. Burn Barrel Debris;
12. Empty containers that contained regulated pesticides or herbicides;
13. Containers that have chemical residue inside
14. Ash (other than woodstove ash); and
15. Any other Solid Waste designated Unacceptable by the Jay Board of Selectmen or by the disposal facility to which Jay will be sending its Processible Solid Waste or Acceptable Liquid Waste;

Waste. “Waste” means all discarded materials or substances rejected as being spent, useless, worthless, unwanted or in excess to the owners at the time of such discard or rejection. Waste is the collective reference to Solid Waste and Liquid Waste.

Section 7: PROHIBITION

No Person shall Dispose of Waste in the Town except in accordance with this Ordinance. Waste not generated in the Town shall not be Disposed of in the Town. In particular, but not limited to, Disposing of Waste by burning, burying, dumping on roadsides or other Disposal not in conformance with this Ordinance shall be a violation of this Ordinance and the violator may be prosecuted under Section 23 of this Ordinance.

Section 8: ANTI-SCAVENGING

No Person shall remove, add to, tamper with or take possession of Acceptable Solid Waste or Recyclable Materials placed or set out for collection or located at the Facility without prior approval from the Town. No Person shall remove, add to, tamper with or take possession of any Processible Solid Waste or Acceptable Liquid Waste located at the Facility without prior approval from the Town.

Section 9: EXCEPTIONS

A. The Town may Dispose of Processible Solid Waste and Acceptable Liquid Waste in accordance with the laws of the State of Maine.

B. Any Person who has a license or permit to Dispose of Waste from any agency of the State of Maine including but not limited to Maine Department of Environmental Protection, and is in compliance with its license and permit may Dispose of Waste in the Town in accordance with such license or permit.

C. If the Disposal method is a Best Management Practice, then any Person who is engaged in an agricultural activity in the Town may Dispose of agricultural waste in the Town. "Best Management Practice" shall mean those management practices which are determined by the Maine Commissioner of Agricultural, Food and Rural Resources to be Best Management Practices.

D. Any Person who has a contract with the Town or has a permit from the Town may Dispose of Processible Solid Waste or Acceptable Liquid Waste in the Town provided that such person complies with the provisions of this Ordinance and their contract or permit.

E. Any Person may Dispose of inert fill in the Town provided that such Disposal is in accordance with all State and Federal laws, rules and regulations.

Section 10: SOLID WASTE BAGS AND RECYCLING CONTAINERS

The Town may sell Acceptable Solid Waste bags to Persons participating in the collection program. Persons may choose to purchase such bags from the Town or may purchase bags elsewhere. However all Acceptable Solid Waste bags shall be clear and transparent and of sufficient thickness to contain the maximum allowed weight. Dark green, dark brown, black or otherwise non-transparent bags are not allowed. All Acceptable Solid Waste bags set out for curbside pickup shall be no more than 33 gallons or more than 50 pounds of weight. Acceptable Solid Waste bags may be placed in containers so long as the containers are not metal. Bags that are not clear and transparent, of sufficient thickness, or exceeding 50 pounds will not be picked up or accepted at the Facility.

All Persons participating in the collection program shall place Recyclable Materials in a recycling container. Recycling containers shall be 33 gallon plastic barrels. The Town shall

provide recycling container stickers to all Persons participating in the collection program. Such stickers shall be affixed to the recycling container. Recyclable Materials only shall be placed in all such stickered containers. The amount of Recyclable Materials placed in one container shall not exceed fifty (50) pounds. Recyclable Materials which do not fit within the recycling containers may be set out for curbside collection provided that such Material is broken down, secured and bundled together so as not to exceed 50 pounds.

Section 11: WASTE SEGREGATION AND ARRANGEMENT

The Town shall publish and maintain a Program List outlining the items that are acceptable at the Facility, any segregation and preparation requirements as well as any other information pertinent to the processing of Solid Waste materials. As market conditions warrant or as the Town deems necessary, the Town may, from time to time, require further segregation of Solid Waste, add to or eliminate certain items of Waste as acceptable and may require further processing of Solid Waste prior to their acceptance.

The Town shall designate areas to discard of certain types of waste. These areas shall be clearly marked with appropriate signage. All Solid Waste shall be disposed of only in such manner and at such areas and locations as designated.

Unacceptable Liquid Waste, Unacceptable Solid Waste and items of Reclaimable Materials, Other Solid Waste and Reclaimable Liquid Waste which are not accepted by the Facility, shall be disposed of in accordance with the laws of the United States of America and the State of Maine and the rules and regulations of the United State Environmental Protection Agency and Maine Department of Environmental Protection Agency. No Unacceptable Liquid Waste, Unacceptable Solid Waste or items of Reclaimable Materials, Other Solid Waste and Reclaimable Liquid Waste which are not accepted by the Facility shall be disposed of within the Town unless such waste is designated Specially Approved Waste by the Town. No hazardous waste shall be delivered to the Facility. No industrial or commercial waste which creates a problem of disposal by virtue of federal, state or local statutes, rules, regulations, etc. controlling or prohibiting its disposal shall be delivered to the Facility.

Section 12: RECYCLING SEGREGATION

Recyclable Materials are materials that can be reused either in the same form or as part of a different product. Recyclable Materials may include but are not limited to: glass, newsprint, corrugated cardboard and brown paper bags, plastics, mixed paper, magazines, metal/aluminum food cans and high grade paper. The Town shall publish and maintain a Program List outlining the items that must be recycled, any segregation and preparation requirements as well as any other information pertinent to the processing of Recyclable Materials. As market conditions warrant or as the Town deems necessary, the Town may, from time to time, require further segregation of Recyclable Materials, add to or eliminate certain items of Waste as Recyclable Materials and may require further processing of Recyclable Materials prior to their acceptance.

Section 13: COLLECTION

Each Person shall place their Acceptable Solid Waste bags containing Acceptable Solid Waste and their recycling containers containing Recyclable Materials at curbside for collection, unless otherwise approved by the Town, in accordance with the route schedule established and published by the Town. Bags shall be placed at curbside no earlier than 4:00 P.M. on the day prior to the scheduled pick up but must be set out by 7:00 A.M. the morning of collection. All containers and any material not picked up shall be removed from the curbside by 7:00 A.M. following the day of collection.

Recyclable materials shall be placed at the curb separate from Solid Waste. All items shall be segregated and prepared as directed by the Town. Items not segregated and prepared as directed will be left at the curb. All Acceptable Solid Waste bags and recyclable containers set out for curbside pickup shall be no more than 33 gallons or more than 50 pounds of weight. Bags or containers exceeding 50 pounds will not be picked up. Recyclable Materials which do not fit within the recycling containers may be set out for curbside collection provided that such Material is broken down, secured and bundled together so as not to exceed 50 pounds. No bulky waste, construction debris or demolition debris shall be placed curbside.

Persons using curbside collection services will be responsible for the trash and recyclables from their bags that are strewn because of overweight bags, overstuffed bags or animals. All residents must ensure that solid waste stored on their premises does not create a nuisance.

Any Person of the Town of Jay or Authorized Municipalities or Persons who are otherwise designated or permitted by the Town may deliver their Acceptable Solid Waste, Recyclable Materials, items of Reclaimable Materials, Other Solid Waste, Reclaimable Liquid Waste and Specially Approved Waste that the Facility is accepting, to the Facility at times specified by the Town. Authorized Residents shall not deliver Waste to the Facility which has not been generated within the Town. Persons of the Town of Jay or Authorized Municipalities or Persons who are otherwise designated or permitted by the Town shall pay the fee for such disposal that is charged by the Town and deposit the items at the location designated by the Town

Section 14: THE FACILITY

The Facility shall be for the use of Persons of the Town of Jay or Authorized Municipalities or Persons who are otherwise designated or permitted by the Town and shall be used in compliance with this Ordinance. The Town may accept Recyclable Materials, Processible Solid Waste and Acceptable Liquid Waste from any other source, including without limitation, other municipalities or Persons.

Only wastes generated within the boundaries of the Town or Authorized Municipalities or Persons shall be accepted at the Facility. It is illegal to dispose of or deliver Wastes originating outside the Town or Authorized Municipalities or Persons to the Facility.

Section 15: FEES

For any Person of the Town there shall be no Fee for the disposal of Acceptable Solid Waste or Recyclable Materials appropriately segregated and delivered to the Facility or set out for curbside collection. The Town may establish, from time to time, a Town of Jay Recycling and Waste Disposal Fee Schedule for the disposal of an item of Other Solid Waste, Reclaimable Material or Specially Approved Waste. The Fee shall be reasonable and in establishing a Fee the Town shall consider all costs, including, without limitation, administrative costs, of handling and storing, the item; and all costs of transportation and ultimate disposal of the item. The Town may increase or decrease the fee or eliminate or add items, as it deems necessary and appropriate and in the best interest of the Town.

The Town of Jay Recycling and Waste Disposal Fee Schedule shall be available and posted at the Facility. All fees shall be payable to the Town of Jay and shall be due to the Town before depositing any of the listed items at the Facility, unless prior arrangements have been made with the Town.

Authorized Municipalities and Authorized Residents and Authorized Haulers of Authorized Municipalities shall pay fees for Disposal of Processible Solid Waste and Acceptable Liquid Waste as established in their Contract with the Town even if Jay Authorized Residents are not

required to pay any fee for the Disposal of a particular item of Waste.

Section 16: AUTHORIZATIONS

The Town shall take such steps as it deems necessary to insure the appropriate Disposal of all Processible Solid Waste and Acceptable Solid Waste, the operation and maintenance of the Facility and to enforce this Ordinance. The Jay Board of Selectmen may designate the Town Manager to assist them in carrying out their responsibilities and duties and obligations under this Ordinance. The Town may contract with private companies to carry out the provisions of this Ordinance. The Town may contract with other Persons for Processible Solid Waste and Acceptable Liquid Waste from any other source, including without limitation, other municipalities.

Section 17: INSPECTION AND REJECTION

Any Acceptable Solid Waste or Recyclable Materials set out for collection or any Processible Solid Waste and Acceptable Liquid Waste brought to the Facility may be inspected to insure compliance with this Ordinance. The Town shall have the authority to open or ask to be opened any bag or container which does not reasonably reveal the contents therein and to reject for non-compliance with this Ordinance, any Waste set out for collection or Waste brought to the Facility. If any Liquid Waste, Unacceptable Solid Waste, Other Solid Waste, Specially Approved Waste or Reclaimable Material is mixed with the Acceptable Solid Waste or Waste is mixed with the Recyclable Materials, the Waste will be rejected and if set out for collection it will not be picked up. Upon such rejection, the Person whose Waste has been rejected shall separate their Waste in accordance with this Ordinance and either deliver the Processible Solid Waste or Acceptable Liquid Waste to the Facility or set it out for collection.

The Town shall also have the authority to stop and inspect the load of any vehicle which has entered the Facility and inquire of any Person entering the Facility as to the origin and composition of the materials. Any Person who refuses to allow for the inspection of the materials contained in the vehicle, or who refuses to answer questions pertinent to determining whether this Ordinance or related regulations have been violated, may be refused access to the Facility and shall not be allowed to dispose of material.

Section 18: STICKER PERMITS

The Facility shall be for the use of Persons of the Town or Authorized Municipalities or Persons who are otherwise designated or permitted by the Town. As a means of user control, the Town shall distribute vehicle permits to Town of Jay residents which shall be affixed to user vehicle(s) by or in the presence of the facility attendant at the time of issuance. The name, address, proof of residency and the registration number of the vehicle to which the permit will be attached shall be required to obtain a permit. Failure to exhibit such a permit will result in denial of use of the Facility.

A new sticker must be obtained whenever a sticker in use becomes defaced, lost, or whenever the user's motor vehicle is sold or a new vehicle is purchased. Stickers may not be placed on other vehicles, transferred or sold. In the event of the change of ownership or transfer of the vehicle, the permit sticker shall be removed. Any permit sticker found to have been obtained by fraudulent means will be revoked and the person so obtaining or attempting to obtain a sticker

shall be prosecuted as provided in this Ordinance. Any person found to be depositing Waste at the Facility, which originates outside of the Town, or violating any other provision of this Ordinance shall be subject to the penalties of this Ordinance.

Section 19: NON-STICKER PERMITS

Other Authorized Municipalities or Persons who are otherwise designated or permitted by the Town shall not receive sticker permits from the Town of Jay but shall have limited use of the Facility as agreed upon by the Town. Commercial and non-residential property owners shall not receive sticker permits from the Town but are eligible for temporary passes as outlined below.

Section 20: TEMPORARY PASSES

The Facility is available to contractors doing work on properties in the Town of Jay, such as renovating a building, clearing a lot, etc. Contractors will be required to have the Jay resident or property owner secure a temporary pass from the Town authorizing use of the Facility for the period they anticipate they will be working on the project. Non-residential property owners shall also secure a temporary pass from the Town authorizing use of the Facility for the period they anticipate they will be working on a project. Generally, passes will be for a seven (7) day period. Commercial haulers are not entitled to use the facility and are not eligible for a temporary pass.

Applications for a temporary pass shall include: the name, address and phone number of the Town of Jay resident, business, or non-resident property owner for whom the work is being done; the name, address, and phone number of the hauler transporting materials to the Facility; the vehicle registration number; the type of material to be carried to the Facility; the date(s) when the material is to be deposited at the Facility; the signatures of the applicant and a signed certification stating that the materials originated in the Town and authorizing inspection and investigation of the materials and the origin of the materials with the understanding that violations will be penalized in accordance with Section 23 including removal cost and legal fees.

The temporary pass must be presented at the Facility each trip until completion of the work. On completion of the work, the pass shall be turned into the Town. Any temporary pass found to have been obtained by fraudulent means will be revoked and the person so-obtaining or attempting to obtain a temporary pass shall be prosecuted as provided by this Ordinance. Any person found to be depositing Waste at the Facility, which originates outside the Town or violating any other provision of this Ordinance shall be subject to the penalties of this Ordinance.

Section 21: RULES AND REGULATIONS

The Town may adopt such rules and regulations as it deems necessary for: Disposal of Processible Solid Waste and Recyclable Materials; contracts with Authorized Haulers and Authorized Municipalities; the operation and maintenance of the Facility; and any other matter that the Town deems necessary for the carrying out of this Ordinance.

The Town shall determine which items of Processible Solid Waste and Acceptable Liquid Waste will be accepted at the Facility. The Town from time to time may add or eliminate items of Processible Solid Waste or Acceptable Liquid Waste that the Town will or will not allow to be disposed of at the Facility.

The Town may issue Facility bulletins to notify all users of: (a) the current rules and regulations of the Facility; (b) the items of Processible Solid Waste and Acceptable Liquid Waste that are being accepted at the Facility; (c) any fee for disposal of any particular item; (d) the ultimate destination of Acceptable Solid Waste and the appropriate definition of Acceptable Solid Waste that is being used; and (e) any other matter that the Town deems necessary for the proper operation of the Facility.

Any violation of the rules and regulations, Program List or and Facility bulletins, shall be deemed a violation of this Ordinance.

Section 22: TITLE AND USE OF WASTE

All Acceptable Solid Waste and Recyclable Materials once segregated to be disposed of shall become the property of the Town. All Processible Waste and Acceptable Liquid Waste that is accepted at the Facility shall become, upon acceptance, the property of the Town. The Town may sell, donate, Dispose of or otherwise deal with the Processible Solid Waste or Acceptable Liquid Waste. Reclaimable Materials, Other Solid Waste, Reclaimable Liquid Waste or Specially Approved Waste, wherever located, shall not be or become the property of the Town except as provided in this Ordinance. Unacceptable Solid Waste and Unacceptable Liquid Waste shall not be or become the property of the Town.

Section 23: PENALTIES AND ENFORCEMENT

It is the responsibility of each Person to provide proper disposal of all Waste generated on their premises in accordance with the requirements of this Ordinance. This responsibility includes the separation of Waste, delivery of Waste to the facility or curbside pickup as outlined herein, proper home storage of Waste and proper methods of home disposal.

The Jay Board of Selectmen or its designees, including the Code Enforcement Officer, the Recycling Coordinator and the Public Works Director, may enforce the provisions of this Ordinance and shall review any alleged violation of this Ordinance and take appropriate action as required. The Board or its designees may institute necessary legal or equitable proceedings in the name of the Town to enforce the provisions of the Ordinance.

Any Person violating any provision of this Ordinance shall be considered to have committed a civil violation and shall be subject to penalties as set forth in 30-A M.R.S.A. §4452. Prohibited acts, and enforcement for any unlawful actions shall also be controlled by laws in 17 M.R.S.A. §2261- 2276, "Litter Control".

Fines shall be recovered on complaint made by the Town. Each act of violation and each day upon which any such violation continues shall constitute a separate offense. The Town shall be entitled to recover its attorney's fees and costs, including clean up costs, in any action in which the court finds that a violation has occurred. In addition to these penalties, the Town may seek injunctive relief to prevent the continuation or recurrence of a violation. All civil penalties shall be paid to the Town.

The Town may suspend curbside collection and deny entry and use of the Facility to any person found in violation of this Ordinance for up to 30 days for a first violation and up to 60 days for a second violation and any specified period of time for any subsequent violations. The Town shall notify such Persons of potential suspension or denial and shall hold a hearing prior to taking action on the suspension or denial.