

Sample Warrant Article and Ordinance Language for Pay-as-you-throw Programs

Portland, Maine:

City of Portland Code of Ordinance:

Chapter 12, Article II, Section 12-16:

Suitable container for material other than recyclable material and yard waste shall mean a plastic bag of fifteen (15) gallon or thirty (30) gallon size officially designated for that purpose by council order. The maximum weight of any bag shall not exceed thirty (30) pounds. Bags may be placed in watertight containers with handles, covered by a tight fitting cover free of sharp edges.

*Editor's Note: Pursuant to council order #240-05/06 passed on 5/15/06 (effective July 1, 2006) and council order #208-09/10 passed on 5/17/10 (effective July 1, 2010) the blue trash bag fees are as follows:

15 gallon: \$1.00

30 gallon: \$2.00

*This definition is situated within the town ordinance regulating Solid Waste Management. For Complete Ordinance See: [Portland, ME, "Garbage, Wastes, and Junk" Ordinance.](#)

Brunswick, ME

Brunswick, Maine, Code of Ordinances

Chapter 13, Article III, Section 13-30

Sec. 13-30. - Collection of household refuse by town.

(a)

Effective January 1, 2007 all household refuse, in order to be collected by the town, must be placed in tightly sealed town approved plastic bags. All refuse is to be placed curbside for municipal collection not earlier than 4:00 p.m. the day before nor no later than the hour of pickup of the day of collection established by the public works director. Placing or allowing refuse to remain curbside at any other times is a violation of this chapter, subject to the remedies and penalties provided in subsection (h) below. Rubbish shall be collected weekly, insofar as is possible. It is the responsibility of the resident that solid waste placed curbside must be inaccessible to dogs, rodents and scavengers. The resident may place refuse contained in town-approved plastic bags within other containers not exceeding a capacity of

thirty-three (33) gallons. A refuse container which does not meet the requirements of this chapter (i.e. non town approved trash bags, paper bags, cardboard boxes, container without handles, etc.) or which weighs more than forty (40) pounds when filled, will not be collected by the town.

(b)

A vote of the town council shall determine the price and size of the approved plastic bags. The bags will initially be fifty cents (\$0.50) per 15-gallon bag and one dollar (\$1.00) per 33-gallon bag upon enactment of this ordinance.

(c)

The town requires all residents to minimize their refuse through recycling and the maximum amount of household refuse which will be collected per residential unit is the equivalent of four (4), thirty-two (32) gallon bags of household refuse per week. The maximum limit may be waived by the public works director due to holidays, make up collections, and other similar instances.

(d)

Wood and coal ash shall not be placed curbside for collection but should be taken to the disposal area.

(e)

No yard and garden refuse, leaves or brush will be collected with the regular refuse collection.

(f)

Used motor oil, antifreeze, paint or other toxic liquids shall not be placed curbside for collection. These materials shall be disposed of in accordance with rules established by the public works department.

(g)

It shall be the duty of the owner of every residential property occupied or intended to be occupied to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

(h)

Any owner, resident or person placing household refuse in violation of subsection (a) above shall be liable for violations of this chapter. Any owner or person placing household refuse in violation of subsection (a) above shall cause the household refuse to be removed within twenty-four (24) hours of the issuance of an order to remove by the chief of police, the codes enforcement officer or the duly authorized representative of either. Such order may be oral or written and shall be given to those persons who have registered their ownership or management interest in the property as required by [Chapter 8](#), Article III of this Code and any person placing household refuse in violation of subsection (a) above. An oral order shall be memorialized by a letter stating the date and time of the oral order and to whom it was given. Failure to remove such refuse within twenty-four (24) hours of the issuance of an order shall constitute a violation of this chapter. In the event of such failure to remove or in the event that the codes enforcement officer has received no registration of the ownership or management interest in the property abutting the area where the household refuse has been placed, the chief of police, the codes enforcement officer or the duly authorized

representative of either shall arrange to have the waste material removed and provide written notice of such removal to the owner of record of the property, who shall be responsible for the costs for collecting the household refuse.

(i)

After the issuance of one (1) order to remove and one (1) written notice of removal given under subsection (h) above during any twelve-month period, the fee for collecting all the household refuse which was not removed in compliance with subsection (h) shall be one hundred dollars (\$100.00) for up to one (1) cubic yard of refuse collected. If the refuse collected exceeds one (1) cubic yard, the fee shall be one hundred dollars (\$100.00) plus the cost per cubic yard to collect and dispose of the waste at an approved facility. Such collection and disposal fees shall thereafter be charged each time the town removes waste material deposited in violation of this chapter, without the need for additional order or notice under subsection (h).

(j)

At the inception of the program, there will be up to thirty (30) free 15-gallon bags provided on a one (1) time basis to each residence.

To view the complete Ordinance for Brunswick, ME, See: [Town of Brunswick, ME, Solid Waste Ordinance Complete.](#)

Sample Warrant Articles:

Example 1:

To see if the town will vote to authorize the Selectmen to establish and implement a mandatory "pay-as-you-throw" program and further to adopt the provisions of RSA31:95-c for the purpose of accounting for the sale of solid waste bags and tags or other receipts as budgeted annually, to be used to pay the cost of collection and disposal of residential solid waste and sue other direct and indirect costs as budgeted annually. Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Pay-as-you-throw fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue.

Example 2:

To see if the Town will vote to raise and appropriate the total sum of \$ 25000.00 to implement curbside recycling on a weekly basis and authorize the selectmen to adopt the provisions of RSA 31:95-c for the purpose of accounting for the sale of designated solid waste bags and other receipts as budgeted annually, to be used to offset the cost of collection and disposal of residential solid waste. Such revenues and expenditures shall be accounted for in a special revenue fund known as the Tilton recycling revenue fund, separate from the general fund. Recyclables will be disposed of at no charge.

Non-recyclable solid waste must be placed in approved bags. The first 50 bags per dwelling unit to be supplied at no charge, additional bags to be purchased at a nominal fee.

Example 3:

To see if the town will vote to authorize the board of Selectmen to establish and implement a mandatory "pay-as-you-throw" program and further to adopt the provision of RSA 31:95-c for the purpose of accounting for the sale of designated solid waste bags (and/or coupons and other receipts) as budgeted annually, to be used to offset the cost of collection and disposal of residential solid waste and such other direct costs as budgeted annually. Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Pay-as-you-throw fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue. (Majority vote required)

Example 4:

To see if the Town will raise and appropriate \$250,000 for the landfill capital reserve or will vote to authorize the Selectmen to institute a user fee (pay per bag) upon the use of the landfill with all the proceed going for the engineering and closure of the landfill and to adopt the provisions of F "A31:95-c to restrict the revenues from funds raised in this manner to expenditures for the purpose of landfill engineering, legal, and closure fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus an shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund and source of revenue. The suggested fee is \$1.00 per bag with equivalent fee for similar amount if upon a request made in advance; arrangements are made with the Board of Selectmen. (Pay per Bag option included in Article 7)

Example 5:

To see if the Town will vote to authorize the establishment and implementation of a mandatory Pay-by-Bag tern with the revenue generated to be used to offset the cost of solid waste disposal and reduce the tax rate accordingly: and furthermore to adopt the provisions of RSA 41:9- . Establishment of fees.

Article 23: Fees for Solid Waste Disposal

To see if the Town will vote to authorize the Selectmen to establish and administer a user fee system, such as a "Pay per Bag" program, to offset the cost of disposal of the town's solid waste. Recommended by the Solid Waste Committee

Example 6:

To see if the Town will vote to require residents to deposit refuse in specifically designated bags to be brought to the Transfer Station Recycling Center; furthermore such bags shall be sold by the town at are, reasonable price. Recommended by the Selectmen and the Budget Committee