

Chapter 12.5

SLUDGE AND RESIDUAL FREE ZONE*

* **Editors Note:** At the direction of the town, provisions enacted by §§ I-IX of an ordinance adopted August 15, 1994, have been included as a chapter in this Code, and designated at the discretion of the editor as Ch. 12.5, §§ 12.5-1--12.5-9. Further, Ord. of 9--7-99, adopted Sept. 7, 1999, did not specifically amend this Code. Hence, its inclusion as 12.5-1--12.5-9 was at the discretion of the editor to read as herein set out. See the Code Comparative Table.

Cross References: Solid waste, Ch. 13; utilities, Ch. 16.

Sec. 12.5-1. Title.

This chapter shall be known as the Town of Brunswick Sludge and Residual Free Zone Ordinance. (Ord. of 8-15-94, § I; Ord. of 9-7-99, § I)

Sec. 12.5-2. Authority.

This chapter is adopted pursuant to [M.R.S.A.] Title 30-A, Section 3001. (Ord. of 8-15-94, § II; Ord. of 9-7-99, § II)

Sec. 12.5-3. Purpose.

The purpose of this chapter is to protect the public health of the residents of the town, to maintain the quality of the environment, and conserve and protect Brunswick's natural and marine resources through prohibition of storage and land application of municipal and industrial wastewater treatment plant sludge and other residuals in certain areas of Brunswick.

(Ord. of 8-15-94, § III; Ord. of 9-7-99, § III)

Sec. 12.5-4. Definitions.

[As used in this chapter the following words and terms shall have the meanings respectively ascribed:]

Brunswick sludge and residual free area means this area is defined as the CP1, Flight Zone (Harpwell Cove) and FF3 as shown by the Town of Brunswick Zoning Map dated January 2, 2002 which map is made a part of the Brunswick Zoning Ordinance and is on file in the office of the codes enforcement office.

Residual shall mean those materials including but not limited to pulp and paper mill wastewater treatment plant sludge, food and fiber processing wastes, municipal wastewater treatment plant sludge, and vegetable and fish processing residuals generated from municipal, commercial or industrial facilities or any combination of the above materials. Specifically excluded is wood ash from biomass boilers burning exclusively wood chips; and liming materials which meet Maine Department of Environmental Protections Rules and Regulations Chapter 419 for Agronomic Utilization of Residuals; and any other product that has received program approval for general distribution under Chapter 419.

Sludge means the semi-solid, solid or liquid residual generated by municipal, commercial, or industrial wastewater treatment plants or companies that use sludge in a product used as a soil additive.

(Ord. of 8-15-94, § IV; Ord. of 9-7-99, § IV; Emergency/Regular Ord. of 10-7-02; Ord. of 4-18-07)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 12.5-5. Prohibitions.

No sludge or residual may be stored or spread in Brunswick's designated sludge and residual free area.

(Ord. of 8-15-94, § V; Ord. of 9-7-99, § V)

Sec. 12.5-6. Enforcement.

The Brunswick code enforcement office or Brunswick police department shall enforce this chapter.

(Ord. of 8-15-94, § VI; Ord. of 9-7-99, § VI)

Sec. 12.5-7. Penalty.

Any person, firm, corporation, association or other entity violating the provisions of this chapter shall be subject to a civil penalty of up to \$2500.00. Each day a violation is allowed to continue shall be a separate offense. Any civil penalty assessed shall be recovered for the use of the town.

(Ord. of 8-15-94, § VII; Ord. of 9-7-99, § VII)

Sec. 12.5-8. Invalidity.

The invalidity of a provision of this chapter shall not invalidate any other provision of the chapter.

(Ord. of 8-15-94, § VIII; Ord. of 9-7-99, § VIII)

Sec. 12.5-9. Effective date.

This chapter shall become effective thirty (30) days after passage [October 7, 1999] by the Brunswick town council.

(Ord. of 8-15-94, § IX; Ord. of 9-7-99, § IX)