

# **TOWN OF WATERBORO SOLID WASTE DISPOSAL & CONTROL ORDINANCE**

## **SECTION I: TITLE**

This Ordinance shall be known and may be cited as, “**SOLID WASTE DISPOSAL & CONTROL ORDINANCE** of the Town of Waterboro, Maine.”

## **SECTION II: GENERAL STATEMENT OF PURPOSE & AUTHORITY**

### **A. Declaration of Policy**

This Ordinance is designed to control solid waste material in the Town of Waterboro, Maine by providing 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 Transfer Station usage privileges for violation of the provisions of this ordinance.

1. This Ordinance, when enacted or amended, will not rescind the following existing ordinances as adopted:

- a. Bait/Animal Carcass Disposal ordinance adopted April 25, 2003
- b. Town of Waterboro, Maine Hazardous Waste Ordinance adopted March 8, 1986 and amended March 14, 1987 and June 3, 1995.

2. This Ordinance, when enacted or amended, will supersede and rescind the following ordinances and/or policies:

- a. An Ordinance relating to the Disposal of Solid Waste within the Town of Waterboro; Prescribing Rules and Regulations Therefore; Providing Penalties for Violation thereof passed at a Special Town Meeting held on May 28, 1985.
- b. Town of Waterboro Stump Dump Segregation Ordinance adopted September 27, 1988.
- c. Transfer Station/Stump Dump Policies as adopted by the Waterboro Board of Selectmen effective March 31, 1992.
- d. Waterboro Solid Waste Management Ordinance as passed November 8, 2005.

- B. Authority for this Ordinance is 38 M.R.S.A., Section 1305.

### **SECTION III: DESIGNATION OF FACILITIES**

- A. In accordance with the provisions of 38 M.R.S.A. Section 1304-B, the Town hereby designates the ecomaine solid waste facility located in Portland, Maine and the Waterboro Transfer Station and Recycling Facility (“Waterboro Transfer Station”) as its public solid waste disposal facilities. The dumping or depositing by any person, including any person licensed as a solid waste hauler under Section VI of this ordinance, of any acceptable waste, except commercial recyclable materials, generated within the Town at any place other than at the Waterboro Transfer Station or the ecomaine solid waste facility is prohibited; provided however, 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.
- B. Any person violating this Section shall be subject to a fine of not more than three thousand dollars (\$3,000.00) for each day of violation. Fines shall be recovered upon complaint made by the Town. Each day upon which a violation continues shall be considered a separate violation. The Town shall be entitled to recover its attorney’s fees and court costs in any action in which the court finds that a violation has occurred. In addition to penalties, the Town may seek injunctive relief to prevent the continuance of an ongoing or recurring violation.

### **SECTION IV: ADMINISTRATION & REGULATION**

A. The Board of Selectpersons is hereby granted authority to establish detailed operating rules and regulations for all municipal solid waste collection and disposal facilities. The rules and regulations shall be reviewed and revised as required to satisfy the needs of the Town, changes in state and federal laws and regulations and the economics of municipal solid waste disposal. The rules and regulations shall include the operating hours of the Waterboro Transfer Station.

No person shall use the Waterboro Transfer Station outside of said hours of operation without specific written consent of the Waterboro Board of Selectpersons or its authorized agent, the Waterboro Transfer Station Manager. The rules and regulations will become effective upon adoption by the Board of Selectpersons. Currently effective rules and regulations shall be prominently displayed at the Waterboro Transfer Station and on file at the Waterboro Town Office.

B. The use of the Waterboro Transfer Station by any person shall be at the strict direction of the attendants designated by the Board of Selectpersons/Transfer Station Manager. No person shall violate any directives put forth by the manager and attendants

in the use of the facility. If any person refuses to obey a directive of the manager or attendants, the manager and attendants shall have the authority to immediately refuse access to the Waterboro Transfer Station to that person.

**C.** No hazardous waste shall be delivered to the Waterboro Transfer Station (reference the Town of Waterboro, Maine – Hazardous Waste Ordinance adopted March 8, 1986 and amended March 14, 1987 and June 3, 1995).

**D.** The operation of the Waterboro Transfer Station and Recycling Facility shall conform to all regulations and directives of all local, county, state, or federal agencies that may have jurisdiction.

**E.** 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 Waterboro Transfer Station.

**F.** The Waterboro Transfer Station is operated solely for the benefit of Waterboro residents and taxpayers. Admission to the Facility will be by permit only. Waterboro residents and taxpayers will be issued permits upon application to the Transfer Station Office or the Waterboro Town Office. Cost of said permit shall be in accordance with the Town of Waterboro Waste Disposal, Recycling Fee Schedule. Residents and taxpayers must display a permit on their vehicle to gain access to the Waterboro Transfer Station. Resident and non-resident commercial haulers must obtain a permit for each vehicle accessing the Waterboro Transfer Station. Permits may be revoked by the Board of Selectpersons, following notice of hearing, for violations of this Ordinance or Rules and Regulations. Permits shall be renewed annually on or before July 1. Cost shall be in accordance to the Town of Waterboro Waste Disposal, Recycling Fee Schedule.

**G.** It shall be the responsibility of the Transfer Station Manager to keep all solid waste records up to date. Each year the manager shall submit two different solid waste reports to the State of Maine. One is the municipal solid waste management/recycling report to the State Planning Office (SPO), as required by 38 M.R.S.A. Section 2133. The other is the Town's solid waste transfer station annual report to the Department of Environmental Protection (DEP), as required by 38 M.R.S.A. Section 1310-N. Included with the DEP Report it is the responsibility of the manager to submit any changes to the Waterboro Transfer Station Operations Manual along with a revised plot plan showing any effect these changes have on the overall operation of the facility.

**H.** The Waterboro Transfer Station will be run in accordance with all applicable local, state and federal laws that pertain to the overall operation of the facility.

## **SECTION V: SOLID WASTE DISPOSAL STANDARDS & REGULATIONS**

**A.** All household waste shall have the following commodities separated out when brought to the Waterboro Transfer Station.

1. Glass
2. Cans (All tin and aluminum cans shall be separated)
3. Newspaper, magazines, cardboard, paperboard, books, catalogues, office paper, and junk mail.
4. Plastics number 1 through 7.

**B** The following commodities shall not be included in household waste.

1. Metals
2. Construction debris
3. Demolition and Bulky debris to be land-filled
4. Trees, brush, and limbs
5. Leaves, grass clippings, sawdust, hay, straw, manure, and non-woody plant material.

**C.** All residential household waste shall be delivered to the Waterboro Transfer Station in polyethylene or plastic P.V.C. bags.

**D.** All disposal of waste, other than household waste, within the Facility will be checked in with the facility Manager or Attendant and paid for prior to being allowed to unload.

**E.** The Facility may be used by other municipalities, if there is a mutually agreed upon executed contract approved by the Boards of Selectpersons, for the disposal of any waste excluding household waste. Fees are to be in accordance with the Town of Waterboro Waste Disposal, Recycling Fee Schedule.

**F.** Any waste accepted at or within any portion of the designated public solid waste disposal facilities shall become the property of the Town or Ecomaine. No person, business, or other entity shall salvage, remove or carry off any such waste, or engage in other Resource Recovery, without prior approval of the Transfer Station Manager or any other authorized representatives of the Town.

## **SECTION VI: SOLID WASTE HAULER PERMIT - LICENSING**

- A.** Permit required. No person shall collect or transport solid waste, including but not limited to garbage and recyclables, generated within the Town of Waterboro without obtaining a refuse haulers permit from the Town and paying the required fee. Such permits shall be subject to the terms and requirements set forth in this Section.
- B.** Permit fees. Fees for obtaining a permit for the collection or transport of solid waste generated within the Town shall be established by order of the Board of Selectpersons.
- C.** Application for permit. In order to acquire a permit for the collection of solid waste within the Town, the applicant shall submit to the Town such information, as the Board of Selectpersons deems necessary, together with the required fees.
- D.** Term of permit. A permit issued under this Ordinance shall be for the fiscal year of the Town.
- E.** Exemptions. The permit fee provisions of this Section VI shall not apply to a person or business that hauls solid waste generated solely by such person or business.
- F.** Violations. Any failure to comply with the requirements of this Section VI shall be considered a violation. In addition to the penalty provisions set forth in subsection G, the Board of Selectpersons may suspend a solid waste hauling permit for up to 30 days for the first violation of this Ordinance and for up to 60 days for the second violation. The Board of Selectpersons may suspend a solid waste hauler permit for any period of time for any subsequent violation or may revoke the permit for the remainder of the fiscal year. The Board of Selectpersons may deny a permit to any person who received two or more suspensions during the prior fiscal year or whose permit was revoked during the prior fiscal year. Prior to taking any action on a potential suspension or revocation of a permit, the Board of Selectpersons shall notify any person or business to which the permit was issued and shall hold a hearing.
- G.** Penalties. Any person violating this Section VI shall be subject to a fine of at least two hundred dollars (\$200.00) for each violation. Fines shall be recovered upon complaint made by the Town. Each day upon which a violation continues shall be considered a separate violation. The Town shall be entitled to recover its attorney's fees and court costs in any action in which the court finds that a violation has occurred. In addition to penalties, the Town may seek injunctive relief to prevent the continuance of an ongoing or recurring violation.

## SECTION VII: DEFINITIONS

For the purposes of this Ordinance, the following words and phrases shall have the meanings ascribed to them in this section:

- A.** “Acceptable waste” means 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, and automobile or small vehicle tires, to the extent that the town determines that the air emission criteria and standards applicable to and at the town 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 (4 1/2) feet long and six (6) inches in diameter, and leaves, twigs, grass, and plant cuttings; and
  4. Residential recyclable materials and commercial recyclable materials.
- B.** “Attendant” is any person employed or appointed by the Town of Waterboro to supervise the solid waste facility and operate any necessary equipment.
- C.** “Board” means the Board of Selectpersons for the Town of Waterboro.
- D.** “Commercial recyclable materials” means that portion of commercial solid waste which consists of recyclable materials.
- E.** “Commercial Solid Waste” means solid waste generated by a sole proprietorship, partnership, professional association, corporation or other business organization, provided that commercial waste shall not include residential solid waste, or solid waste generated by a municipal or quasi-municipal organization or by a state-approved school administration.
- F.** “Construction and demolition debris” means solid waste consisting of one or more of the following materials resulting from construction, remodeling, repair, and demolition of structures:
1. Inert fill;
  2. Land clearing debris;
  3. Asphalt;

4. Masonry
5. Wall board;
6. Shingles;
7. Pipes; and
8. Metal conduits

- G.** “Disposal” means the discharge, deposit, dumping or placing of any solid waste into or on any land.
- H.** “Ecomaine” means Ecomaine, a non-capital stock, non-profit corporation created pursuant to Title 30-A, Chapter 115 and Title 13-B, and Title 38, Section 1304-B(5) of the Maine Revised Statutes, or any successor thereto or assignee thereof.
- I.** “Facility” means the Town of Waterboro Transfer Station and Recycling Center. The facility may consist of more than one (1) site and more than one (1) system of disposal.
- J.** “Hazardous Waste” means any waste which the federal government and or the state government have determined to be hazardous in composition.
- K.** “Manager” is a person who is employed by the town to supervise the attendants and oversee the day to day operation of the Waterboro Transfer Station and Recycling Facility.
- L.** “Person” means any person, firm, partnership, association, corporation or organization of any kind whatsoever, and the agents of any of them.
- M.** “Recyclable materials” means solid waste which has useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes, including: newspapers, magazines, paperboard and other paper products; cardboard, plastics; tin and aluminum cans; and glass.
- N.** “Residential recyclables materials” means that portion of residential solid waste which consists of recyclable materials.
- O.** “Residential solid waste” means household waste and residential refuse generated in a residence.
- P.** “Solid waste” means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way or 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.

- Q.** “Unacceptable waste” means solid waste which is not acceptable waste and includes, but not limited to, sewage and its derivatives, products containing asbestos, junk vehicles, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and hazardous waste, including hazardous chemicals.

## **SECTION VIII: LITTER CONTROL & PENALTIES**

- A.** Prohibited acts, and enforcement for any unlawful proliferation or accumulation of litter discarded in the Town shall be controlled by laws in 17 M.R.S.A. Sections 2261 through 2276, “Litter Control”.
- B.** Penalties for illegal disposal of refuse shall be as established by Section III of this Ordinance.
- C.** Penalties for violations of solid waste hauler permit requirements shall be as established by Section VI of this Ordinance.
- D.** In addition, penalties for violation of this Ordinance may include suspension from the use of the Facility:
1. 1<sup>st</sup> Offense – 30 – Day Suspension of Transfer Station Privileges
  2. 2<sup>nd</sup> Offense - 6 – Month Suspension of Transfer Station Privileges
  3. 3<sup>rd</sup> Offense – 1 – Year Suspension of Transfer Station Privileges

## **SECTION IX: TRANSFER STATION/RECYCLING COMMITTEE**

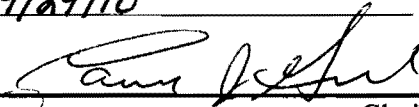
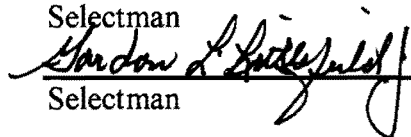
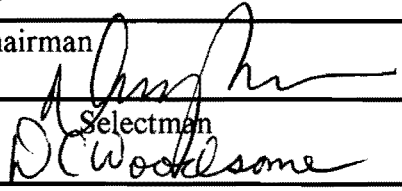
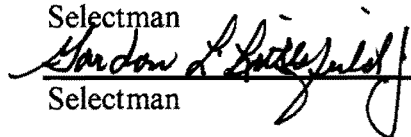

There shall be a committee to review and make recommendations to the Board of Selectmen on developing a plan to reduce the cost of disposing of waste, make recommendation on developing a plan for recycling and make recommendations on capital improvements. The Transfer Station/Recycling Committee will review budget and recycling reports and meet with the Transfer Station Manager to determine what plans and expenditures are in the community’s best interest then report to the Board of Selectmen. The committee shall be made up of five (5) Waterboro Residents and shall be appointed for three (3) year staggered terms and there shall be two (2) representatives from the Board of Selectmen. The committee shall meet on a monthly basis.



**SECTION X: VALIDITY & CONFLICT OF ORDINANCES**

- A. The invalidity of any section, subsection, paragraph, sentence, clause, phrase or word of this Ordinance shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance; and to this end, the provisions of this Ordinance are hereby declared to be severable.
  
- 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 of Waterboro existing on the effective date of this Ordinance as amended, the provision which establishes the higher standard for the promotion and protection of health and welfare for the community shall prevail.

Dated 9/29/10

	
_____	
Chairman	
	
_____	_____
Selectman	Selectman
	
_____	_____
Selectman	Selectman