

Attest:

Sylvia Edmonds
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Clerk

SOLID WASTE MANAGEMENT (1994)

An Ordinance to Amend the Bowdoinham Code by Repealing Article 7 and Enacting Article 7—Solid Waste Management (1994).

1. PURPOSE

The purposes of this ordinance are several.

1.1. SATISFY STATE MANDATES

The State of Maine requires all municipalities to reduce the volume of solid waste directed to landfills and waste-to-energy plants. This will be accomplished by recycling and composting.

1.2. PROTECT THE ENVIRONMENT

As current methods of solid waste disposal may harm the air and water we breath and drink, it is necessary to minimize the volume of waste placed on landfills or burned at waste-to-energy plants. This will be accomplished by recycling, composting and producing less waste.

1.3. MANAGE COST OF SOLID WASTE DISPOSAL

In order to manage solid waste disposal costs, it is necessary to exercise local control of as many cost factors as possible. This will be accomplished by encouraging separation of wastes at their origin, by recycling and selling as many materials as feasible and by reducing the volume of waste to be hauled out of town.

1.4. GOVERN WASTE DISPOSAL

In order to ensure that the Town adheres to state and federal environmental statutes and regulations, it is necessary to govern waste collection and disposal within the Town.

2. AUTHORITY

This ordinance is adopted pursuant to Home Rule powers as granted in Article VIII-A of the Maine Constitution, Title 30A, M.R.S.A. Sections 3001, and Title 38, M.R.S.A. Section 1305.

The Selectmen of the Town of Bowdoinham will administer and enforce the provisions of this ordinance.

The Selectmen may hire a Solid Waste Manager to administer the Town's Waste Facilities in compliance with this ordinance.

The Selectmen of the Town of Bowdoinham shall appoint at least five (5) citizens of the Town of Bowdoinham to serve as the Waste Advisory Committee on such matters related to waste management and recycling as may be requested by the Selectmen. Preference for appointment to the committee shall be given to abutters of the Solid Waste Facilities. The appointments shall be for two (2) year terms, which shall be staggered by the Selectmen.

3. DEFINITIONS

3.1. APPROVED CONTAINER

—any leakproof container which meets the minimum criteria of preventing dispersal of waste materials by wind, by animal or by hauling, keeping

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waste materials dry during inclement weather, and allowing waste inside the container to be visually categorized without being unwrapped, including by way of example, and not by limitation, lined plastic or galvanized metal trash cans or clear plastic garbage bags.

3.2. COMMERCIAL HAULER

—any person who has been permitted by the Town to collect and/or transport commercial waste for a profit as herein prescribed.

3.3. COMMERCIAL WASTE

—all wastes generated at commercial establishments, businesses, apartment buildings and construction/demolition sites within the Town.

3.4. COMPOSTABLE MATERIALS

—all kitchen and table organic refuse, vegetable matter, wet paper, pet litter, disposable diapers, vacuum cleaner waste, cold stove ashes and all similar waste that will, when subjected to composting, be reduced to an organic/inorganic soil mixture.

3.5. CONSTRUCTION/DEMOLITION DEBRIS AND HOUSEHOLD FURNISHINGS

—all scrap and remnants which are the by-product of normal residential construction and demolition, including by example, and not by limitation, wood products, plywood, particle board, small metal scraps, insulation, wire clippings, empty containers, other inorganic debris, furniture and mattresses.

3.6. HAZARDOUS MATERIALS

—all wastes and used containers which are subject to special handling by such state and federal environmental and safety laws and regulations as may exist from time to time.

3.7. HOUSEHOLD TOXIC WASTE

—all empty, full or partially full containers of toxic materials sold for household use, including by example, and not by limitation, pesticides, fertilizers, paints, solvents, oils and aerosol propellants.

3.8. INERT FILL

—all material which does not chemically or biologically decompose, including by way of example, and not by limitation, sand, gravel, bricks, rocks etc.

3.9. LIQUID WASTE

—all unwanted or discarded material with sufficient liquid content to be free flowing, including by way of example, and not by limitation, waste motor oil, antifreeze, paints, motor fuels, solvents, rinse water and septic tank sludge.

3.10. MUNICIPAL HAULER

—any person who has been franchised by the Town to collect and/or transport separated, acceptable residential waste.

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3.11. PERSON

—any individual, firm, corporation, partnership, association, municipality, quasi-municipal corporation, state agency or any other legal entity.

3.12. RECYCLABLE MATERIALS

—all materials that the Selectmen have determined can reasonably be separated from household, commercial, municipal or school refuse, including by way of example, and not by limitation, containers of glass, metal and plastic, corrugated cardboard, mixed paper, magazines, newspaper, rags, small batteries and waste motor oil.

3.13. RESIDENTIAL WASTE

—all waste generated at households within the Town.

3.14. RUBBISH

—all solid materials not specified in other categories, resulting from the ordinary conduct of business or housekeeping, excluding recyclable and compostable materials and including by example, and not by limitation, bottle tops, paper cans, writing instruments, pottery and light construction debris.

3.15. SOLID WASTE

—all unwanted or discarded material without sufficient liquid content to be free flowing, including by way of example, and not by limitation, compostable garbage, construction and demolition debris, recyclable materials, rubbish, tires, white goods and wood products.

3.16. TIRES & LEAD ACID BATTERIES

—all tires and lead acid batteries.

3.17. TOWN

—the Town of Bowdoinham, Sagadahoc County, Maine.

3.18. WASTE FACILITY

—any land area or structure or combination of land area and structures, owned, leased by or contracted by the Town, and operated by or for the Town, used for storing, salvaging, processing, reducing, composting, incinerating or disposing of wastes, including by way of example, and not by limitation, collection trailers, landfills, dumps, recycling facilities, transfer stations and composting facilities.

3.19. WHITE GOODS AND SCRAP METAL

—all large appliances, including by way of example, and not by limitation, stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers and air conditioners

—all scrap metals, including by way of example, and not by limitation, wire, metal fencing, sheet metals, clean metal barrels, and bar stock.

3.20. WOOD PRODUCTS

—brush, lumber, leaves, trees, limbs and stumps.

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4. APPLICABILITY

This ordinance shall apply to all persons using the Waste Facility of the Town of Bowdoinham, including residents, commercial and industrial establishments, and commercial and municipal haulers.

This ordinance shall be effective as soon as it is adopted by Town Meeting.

5. RESPONSIBILITY

It shall be the responsibility of all persons to provide proper separation and disposition of all solid waste generated on their premises in accordance with the provisions of this ordinance.

It shall be the responsibility of the Town to arrange for collection and disposition of recyclables, compostables and rubbish.

5.1 GENERAL PROVISIONS

5.1.1. WEIGHT AND VOLUME RESTRICTION

Containers of recyclable materials or compostable garbage and rubbish placed for curbside pickup or delivered to the Waste Facility shall not exceed thirty (30) pounds in weight or thirty (30) gallons in volume or five (5) feet in length. Municipal haulers shall only collect containers which meet the weight and volume restrictions.

Volumes of any waste exceeding that normally generated by a household may be delivered directly to the appropriate Waste Facility by appointment with the Solid Waste Manager or Selectmen and shall be placed as directed by the attendant.

5.1.2. SEPARATION

The Town recognizes that markets for recyclable materials will change, the technology of solid waste disposal will change, and federal and state solid waste and environmental regulations will change. Therefore, the Selectmen, with the advice of the Waste Advisory Committee and the Solid Waste Manager, shall periodically define categories of solid waste, how those categories shall be separated and packaged prior to processing by the Town and how those materials shall be processed by the Town. Administrative definitions and instructions shall be publicly posted to provide at least 30 days notice to residents of the Town.

Materials shall be separated into the broad categories listed below.

5.1.2.1. RECYCLABLE MATERIALS

The Town will accept properly separated recyclable materials generated within the Town without fees.

The Selectmen shall determine the degree of separation to be achieved prior to acceptance by the Town.

5.1.2.2. COMPOSTABLE MATERIALS

Compostable materials shall be placed in approved containers. The Town will accept compostable materials

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generated within the Town without fees, unless determined by Town Meeting.

Note: Residents of the Town are encouraged to compost organic wastes, such as kitchen and table scraps, animal and vegetable matter and small brush at home.

5.1.2.3. RUBBISH

Rubbish may be intermixed and shall be placed in approved containers. The Town will consider improperly separated recyclable materials to be rubbish. The Town will accept rubbish generated within the Town for a fee.

5.1.2.4. OTHER ACCEPTABLE SOLID WASTE

Other acceptable solid wastes are bulky, require special handling, cannot be placed on a landfill or cannot be incinerated. The Town will handle other acceptable solid wastes generated within the Town for a fee.

5.1.3. COLLECTION

The Town will provide for municipal collection, transportation and disposition of acceptable residential wastes, including recyclable materials, compostable garbage, and rubbish. The Town will fund collection through a usage based fee.

Pickup days will be announced by the Selectmen.

5.2. ACCEPTABLE WASTES

Materials shall be separated according to the categories listed below and shall be placed curbside in approved containers on pickup days or delivered to the designated Waste Facility. Materials which are not separated and wrapped to prevent leakage and dispersal while being hauled will not be collected.

5.2.1. RUBBISH

5.2.2. RECYCLABLE MATERIALS

5.2.3. COMPOSTABLE GARBAGE

5.2.4. HOUSEHOLD TOXIC WASTES

—shall be separated from other wastes and placed in approved containers.

—shall be left curbside for municipal collection ONLY as scheduled by the Selectmen.

5.2.5. CONSTRUCTION/DEMOLITION DEBRIS AND HOUSEHOLD FURNISHINGS

—shall be free of toxic and recyclable materials.

—shall be delivered.

5.2.6. INERT FILL

—shall be delivered.

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5.2.7. TIRES & LEAD ACID BATTERIES

—shall be delivered.

5.2.8. WHITE GOODS AND SCRAP METALS

—shall be delivered to the Waste Facility with doors removed.

5.2.9. WOOD PRODUCTS

—shall be delivered.

5.3. UNACCEPTABLE WASTES

The following categories of wastes are not accepted by the Town. They shall not be mixed with other categories or delivered to the Waste Facility.

5.3.1. OUTSIDE WASTES

—any wastes generated outside the Town.

5.3.2. DRUMS

—larger than five (5) gallons shall not be accepted unless one end is opened and the drum has been cleaned.

5.3.3. HAZARDOUS MATERIALS

Hazardous materials and other residues and substances associated with commercial and industrial processes and operations are the responsibility of the person generating such wastes, unless otherwise approved for disposal in the Waste Facility by vote of the Town.

5.3.4. LIQUID WASTES

Liquid wastes shall not be accepted for disposal at the Waste Facility, except for waste motor oil (see Recyclable Materials).

5.3.5. MOTOR VEHICLES

—shall not be accepted for disposal at the Waste Facility.

—shall be disposed of via licensed mechanics or licensed junk yards.

6.0. ADMINISTRATION

6.1 RESIDENT DISPOSAL PERMIT

All residents who wish to deliver separated acceptable materials directly to the Waste Facility must display a free Resident Disposal Permit issued by the Town on their vehicle. No more than two permits may be held by each household, and permits shall not be loaned, sold or otherwise transferred to any other person not residing in the household.

6.2. COMMERCIAL HAULER PERMIT

Any person who seeks to operate within the Town as a Commercial Hauler must have a valid Commercial Hauler Permit issued by the Town. Permitted Commercial Haulers must report annually to the Selectmen the amounts of waste hauled from the Town.

6.3. MUNICIPAL HAULER FRANCHISE

Municipal Haulers will be franchised periodically by the Town. Franchises shall be awarded, canceled or renewed at the discretion of the Selectmen. The Selectmen shall approve fee structures for Municipal Haulers based upon such factors as frequency of pickup, volume and distance to be hauled.

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Names, addresses and telephone numbers of franchised haulers shall be available at the Town Office.

6.4. MATERIAL SEPARATION, DELIVERY AND PLACEMENT

The Solid Waste Manager, Waste Facility attendants and Municipal Haulers shall enforce the provisions of this ordinance by inspecting materials placed for curbside pickup or received at the Waste Facility, ensuring relevant fees have been paid and by directing the handling and placement of all materials.

6.5. ACCOUNTING

The Selectmen shall establish procedures which reduce the need for the Solid Waste Manager, Waste Facility attendants and Municipal Haulers to handle cash and which simplify administration of this ordinance. Written descriptions of the procedures shall be posted in public places in the Town. Such procedures may include, by way of example, but not of limitation, a "by the bag" sticker system.

6.6. SOLID WASTE FACILITY OPERATIONS REVIEW

The Solid Waste Committee shall provide the Town with an annual review of operations at the Town's Solid Waste Facility, to ensure that operations there remain within guidelines established in the Operations Manual section of the Town's transfer station permit from the Maine Department of Environmental Protection. Violations identified by the Solid Waste Committee of any provisions of the Operations Manual must be corrected within thirty days of notification.

7. FEES AND PENALTIES

7.1 FEES

The residents of the Town shall approve a structure of maximum fees annually at Town Meeting, based upon the Selectmen's recommendation and the Town's experience with solid waste management under this ordinance.

7.1.1. COMMERCIAL HAULER

The Selectmen shall recommend the annual permit fee for a Commercial Hauler to operate within the Town.

7.1.2. MUNICIPAL HAULER

The Selectmen shall recommend the annual franchise fee for a Municipal Hauler to operate within the Town.

7.1.3. COLLECTION AND PROCESSING

The Selectmen shall recommend collection and processing fees which provide incentives for recycling and offset handling costs. Fees shall be recommended based upon such considerations as volume, type of material and frequency of delivery.

7.2. PENALTIES

Any person convicted of violating the provisions of this ordinance which govern source of wastes, unacceptable wastes and placement of materials shall be punished by a fine not to exceed \$1000.00 for each violation.

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8. VALIDITY AND SEVERABILITY

Should any section or provision of this Article be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Article.

9. CONFLICT WITH OTHER ARTICLES

Whenever the requirements of this Article are inconsistent with the requirement of any other Article, Code or Statute, the more restrictive requirements shall apply.