

SOLID WASTE MANAGEMENT (2024)

*An ordinance to replace and codify ordinance of the Town of Bowdoinham
- Solid Waste Management (1994)*

This ordinance shall supersede and rescind any ordinance pertaining to Solid Waste management in the Town of Bowdoinham, County of Sagadahoc, State of Maine.

TABLE OF CONTENTS

Section 1 - Purpose

Section 2 - Authority

Section 3 - Applicability

Section 4 - Definitions

Section 5 - Authority to Established Rules and Amend Ordinance

Section 6 - General Provisions

Section 7 - Trash

Section 8 - Recycling

Section 9 - Enforcement and Penalties

Section 10 - Conflict with other Ordinances

Section 11 - Severability Clause

Section 1. PURPOSE

The purposes of this ordinance are several.

- 1.1 To protect the health, safety and general well being of Bowdoinham residents.
- 1.2 To enhance and maintain the quality of the environment, to conserve natural resources, and to prevent water and air pollution.
- 1.3 To deliver Solid Waste programs that are consistent with Bowdoinham's commitment as an Age Friendly Community.
- 1.4 To deliver Solid Waste programs that are fiscally responsible, balancing wants and needs in program development and delivery.
- 1.5 To adhere to all federal and state laws and regulations, all local zoning, land use and other applicable local ordinances, and other governing contracts or agreements pertaining to Solid Waste management.

Section 2. AUTHORITY

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

Section 3. APPLICABILITY

This ordinance regulates storage, collection, transportation, transfer, treatment, use, processing, recycling, or disposal, or any combination thereof, of Solid Waste in the Town. This ordinance regulates fees related thereto and the enforcement of this ordinance.

Section 4. DEFINITIONS

AGRICULTURAL WASTE - waste resulting from the growing of vegetables, fruit, seeds, nursery crops, poultry, livestock, field crops cultivated or pasture hay, and farm woodlot products.

BIOMEDICAL WASTE - Shall mean Waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

BULKY WASTE - Any items whose large size or weight precludes or complicates their handling by normal collection, processing or disposal methods (includes, but is not limited to, old furniture; carpeting; appliances such as stoves, dryers, washing machines) or as further defined by the rules and regulations of Solid Waste Department.

CODES ENFORCEMENT OFFICER - Individual employed by the Town who performs many functions, including but not limited to: Building Inspector, Plumbing Inspector, Land Use/Shoreland Zoning Officer, and E-911 Addressing Officer.

COMMERCIAL HAULER - Any non Town appointed person engaged in the collection and transportation of solid waste for a fee or other compensation.

COMPOSTABLE MATERIALS - Material that can disintegrate into non-toxic, natural elements at a rate consistent with similar organic materials.

CONSTRUCTION WASTE - Debris resulting from construction, remodeling, repair or demolition of structures. It included, but is not limited to building materials, asphalt, and any similar materials. It does not include asbestos and other special wastes as defined by the State.

FORCE MAJEURE - an extraordinary and unforeseen event whose occurrence would prevent the Town from performing a service as outlined in this Ordinance, including but not limited to natural disasters, epidemics, emergency, and civil unrest.

GOODS LEFT ROADSIDE - Items left outside by Town residents for other individuals to take most often without cost to that individual.

HEALTH OFFICER - individual with medical training appointed by the Town to monitor and provide recommendations regarding situations that may jeopardize the health of Town residents.

HAZARDOUS WASTE - Shall mean waste which by reason of its composition, characteristics or other inherent properties is dangerous to handle by ordinary means, or which may present a substantial endangerment to public health or safety. Includes all material designated as hazardous by Federal and/or State statutes or laws.

INERT SUBSTANCE - Material which does not chemically or biologically decompose, including but not limited to sand, gravel, bricks, and/or rocks.

LAWN WASTE - Grass, leaves, plant cuttings, garden waste, Does not include, plastic bags or other plastic containers used to collect, store or transport Lawn Waste.

NON-STANDARD TRASH - Includes, but is not limited to, bulky waste, construction waste, and hazardous waste as defined above. Also as defined by reference material posted on the Town's web-site.

PERSON - Any natural person, corporation, partnership, or sole proprietorship, association or other legal entity.

RECYCLABLE MATERIALS - Materials that shall be determined by the Town Manager under advisement of the Solid Waste Director that can be reasonably be separated from household, commercial, municipal refuse, including but not limited to scrap metal, plastic that has a recycling symbol on it, corrugated cardboard, mixed paper, magazines, and/or newspaper. A more complete list of recyclable materials can be found on the Town's website.

RECYCLING FACILITY - any facility constructed and managed for separating, collecting, and/or processing of manufactured materials for reuse either in the same form or as part of a different product.

SELECTBOARD - Governing board for the Town responsible for administration and enforcement of the provisions of this ordinance.

SEPTAGE - Waste, refuse, effluent, sludge and other materials from septic tanks, cesspools, or other similar facilities.

SOLID WASTE - Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including but not limited to rubbish, garbage, scrape materials, junk, refuse, inert fill material and landscape refuse, but shall not include septage or agricultural, biomedical or hazardous wastes.

SOLID WASTE COMMITTEE - Volunteer board consisting of individuals appointed by the Selectboard who are responsible for evaluating and providing advise on solid waste matters to the Selectboard.

SOLID WASTE DIRECTOR - Duly appointed Town official responsible for overseeing the operations covered by this ordinance and the operations of the Transfer Station.

TOWN - Town of Bowdoinham, County of Sagadahoc, State of Maine.

TOWN MANAGER - Individual appointed by the Selectboard who acts as Chief Executive and Administrative Official of the Town, and is responsible for the day-to-day operations and functions of Town Government. The Town Manager is responsible to the Select Board and is an appointed official under contract.

TOWN'S WEBSITE - Internet site owned and operated by the Town to provide information to the general public. The current town website can be found at <https://www.bowdoinham.com>.

TRANSFER STATION - Facility in the Town constructed and managed by the Town for storage and placement of waste in large containers or other storage methods held for movement to another disposal facility. Must be licensed in accordance with applicable Maine State Law.

TRASH - Unwanted or discarded solid materials not specified in other categories, resulting from the ordinary conduct of business or housekeeping, excluding recyclable and compostable materials.

WHITE GOODS - Large appliances, including but not limited to stoves, refrigerators, washing machines, dishwashers, and air conditioners.

WOOD WASTE - means brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash and sawdust, which are not mixed with other Solid or liquid waste. "Lumber is entirely made of wood and is free from metal, plastics, paint, varnish, stain, and any other coatings.

Section 5. AUTHORITY TO ESTABLISH RULES AND AMEND

The Selectboard is granted authority, after a duly noticed public hearing, to establish rules and regulations to govern the collection, transportation, separation, recycling and disposal of solid wastes generated by, or located on the premises, of residents. Rules and regulations may be enacted to implement any aspect of solid waste requirements for residents. 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 costs the Town may incur to provide Solid Waste management services to residents. The Selectboard shall establish an effective date for rules and regulations, which are adopted. The rules and regulations shall be on file in the Town Hall and published on the Town's website.

This ordinance may be amended by vote during Bowdoinham's annual Town Meeting. All proposed amendments should be proposed by the Solid Waste Committee or the Town's Solid Waste Director. These proposed amendments must follow a process that involves public hearings.

This ordinance will also be amended, without public hearings or Town Meeting approval, to meet any changes in State and Federal Laws and Regulations that apply to provisions that may be in conflict with those changes.

If the Town cannot adhere to this ordinance in part or in whole due to force majeure the Town shall be exempted in part or in whole according to the influence of force majeure.

Section 6. GENERAL PROVISIONS

6.1 Dumping: No owner, occupant, tenant or lessee of any property in the Town shall deposit, store, or permit to accumulate any solid waste, other than trees, tree limbs, leaves and other wood waste, upon his or her property that is not stored or disposed of in a manner prescribed by this ordinance, or any other Local, State or Federal law. However, any person, subject to state and local laws and ordinances, may deposit or dump inert substance for fill purposes only on any land with the permission of the owner. Composting is permissible.

6.1.1 Waterways: No person shall dispose of any solid waste in any waterways in the Town.

6.2 Burning: Except for licensed disposal of Hazardous or Biomedical Wastes as specified in State laws, no person, firm or corporation shall burn or incinerate within the Town any solid waste, other than trees, tree limbs, leaves and other wood waste, generated within Bowdoinham. Any solid waste burning is required to be permitted as outlined in State and local laws.

6.3 Construction Waste: As defined in the Maine Solid Waste Management Rules will be considered bulky waste and may be disposed of at the Town's transfer station at the discretion of the Solid Waste Department. All such waste must be generated in the Town.

6.4 Hazardous and Biomedical Waste: All hazardous and biomedical waste generated within the Town are the responsibility of the person generating such waste and must be disposed of in accordance with all applicable Federal and State regulations, unless otherwise approved for disposal in Bowdoinham's facility as recommended by the Solid Waste Director and approved by the Town Manager.

6.4.1 Hazardous and Biomedical Waste incident fees: Any costs incurred by the Town during hazardous or biomedical materials incidents within Bowdoinham will be billed for the total cost of any clean up costs incurred by the Town as determined by the Fire Chief as allowed by Maine law, 38 M.R.S.A §1381A, as may be amended. These costs shall be billed to the responsible party or person, by their acts and/or omissions, causing the discharge of the discard of the hazardous or biomedical waste materials.

6.5 Transfer Station: The Town shall maintain a licensed transfer station to serve the town for Non-Standard trash and recycling for solid waste materials generated in the Town.

6.6 Goods left roadside: From time to time residents may leave goods at the roadside end of their driveway to be claimed by other citizens. Such goods may not be left roadside for more than one (1) months. Should goods remain unclaimed after that period of time they need to be; reclaimed by the resident or disposed of in accordance with other provisions of this ordinance

6.7 Compostable materials: Certain compostable materials will be accepted at the Town's facility at the discretion of the Solid Waste Department. A list of acceptable compostable materials will be published on the Town's web-site, or is available by calling the Solid Waste Department.

6.8 Lawn waste: *Certain lawn waste will be accepted at the Town's facility at the discretion of the Solid Waste Department. A list of acceptable lawn waste will be published on the Town's web-site, or is available by calling the Solid Waste Department.*

6.9 Waste material generated outside municipal limits: No person may dispose of any waste material covered by this ordinance unless it is generated from within the geographical limits of the Town. The Town reserves the right to make spot inspections of waste material for purposes of determining origin of waste. Any person disposing of solid waste that is not generated within the Town's geographic limits may be subject to penalties as described later in this section.

6.10 Resident Disposal Permit: All residents who deliver separated acceptable materials to the Town 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 may not be loaned, sold or otherwise transferred to any other person not residing in the household.

Section 7. PROVISIONS REGARDING DISPOSAL OF TRASH

7.1 Trash removal program: The Town shall establish and maintain a municipal curbside collection, transportation and disposition of acceptable residential rubbish program to operate on a weekly basis. This program may change from time to time as outlined in Section 5 above. Such changes shall be codified in amendments to this ordinance.

7.1.1. Containers: Containers of rubbish to be collected roadside shall not exceed twenty five (25) pounds in weight or thirty (30) gallons in volume. Town appointed municipal haulers shall only collect containers which meet the these restrictions.

7.1.2 Fees: The Town shall fund rubbish collection through a usage based fee. This fee shall be set by the Selectboard and shall be set at a level projected to cover all costs of rubbish collection, transportation and disposal.

7.1.2.1 Subsidy program(s): The Selectboard shall establish and fund a program to provide substantive, but not necessarily full, relief from the cost of these fees for lower income residents of the town.

7.1.3 Private ways: Acceptable curbside waste will only be collected from public roads within the Town from lots with an occupied residence and an occupancy permit. Residents on public roads will receive curbside pickup. Residents on private roads can receive trash pickup by bringing their trash to the junction of the nearest public road, or as directed by the Town.

7.1.4 Solid Waste not subject to curbside collection: Including, but not limited to used motor oil, antifreeze, liquid paint, or other toxic liquids or toxic materials shall not be placed for curbside collection. These materials shall be disposed of in accordance with rules established by the Solid Waste Director and approved by the Town Manager. This list may be changed time to time by the Solid Waste Director as approved by the Town Manager. Any such changes will be published on the Town's website and must be posted at least 30 days prior to effective date of changes.

7.2 White goods: May be accepted at the transfer station as directed by the Solid Waste Department.

7.3 Commercial Hauler: Commercial pick-up waste shall be in covered metal or plastic trash cans to keep animals out and reduce moisture contents. Private haulers must collect in vehicles designed to prevent loose flying trash and moisture leakage.

7.3.1 Commercial Hauler: All Commercial Haulers who operate within the Town must have a valid Commercial Hauler Permit issued by the town and pay a Commercial Hauler fee. Said fee shall be established by the Selectboard and shall reflect Commercial Hauler operation, e.g. one time pick up fees shall differ from regularly scheduled pick up fees. All Commercial Haulers must report to the Solid Waste Director on activity each year based on reporting parameters established by the Solid Waste Director.

7.4 Other Acceptable Solid Waste: Other acceptable solid wastes that are bulky, and/or require special handling, will be accepted at the Transfer Station for a fee. Items subject to this provision will be published on the Town's web site and may be changed from time to time by the Town Manager as advised by the Solid Waste Director.

Section 8. PROVISIONS REGARDING DISPOSAL OF RECYCLABLE MATERIALS

8.1 Recycling program: In accordance with the State's policy to actively promote and encourage waste reduction measures from all sources and maximize waste diversion efforts (Title 38, Chapter 24, §2101.2) the Town shall operate a recycling program that accepts all properly separated recyclables materials generated with the Town without fees. Items subject to this provision will be published on the Town's web site and may be changed from time to time by the Solid Waste Director.

8.2 Separation: The Town recognizes that markets for recyclables materials will change from time to time. Therefore the Town Manager, with advice from the Solid Waste Director, shall periodically define categories of recyclable materials and how those categories shall be separated prior to processing the Town. Any change of definitions and instructions shall be published at least 30 days prior to effective date on the Town's web-site.

8.3 Designation of Recycling Facility: The Town shall designate a specific facility as its Recycling Facility. The Solid Waste Director shall advise the Town Manager of written rules governing the availability and operation of the Recycling Center, including days and hours of operation, reasonable fees for non-recyclable materials, inspection of materials, and other matters pertaining to the day-to-day operation of the facility. The operation of the facility shall conform to all pertinent regulations or directives of all local, county, state or federal agencies which may have jurisdiction. These rules shall be published on the Town's web site and any changes to these rules shall be published 30 days prior to effective date.

8.3.1 Private Recycling Facilities: Any privately owned and operated recycling facilities, as defined by Maine State Waste Management Rules, within the Town shall conform to all pertinent regulations or directives of all local, county, state or federal agencies which may have jurisdiction. Such facilities shall also hold the Town harmless for any liability arising from the operation of their facility. All Private Recycling Facilities must report to the Solid Waste Director on activity each year based on reporting parameters established by the Solid Waste Director.

Section 9 - ENFORCEMENT AND PENALTIES

9.1 Enforcement: This ordinance shall be enforced by the Solid Waste Director, the Health Officer, the Codes Enforcement officer and all appropriate Law Enforcement departments.

9.2 Penalty: Any person who violates this chapter shall be punished by a civil penalty of not more than three thousand dollars (\$3000) for each offense, plus cost and attorneys fees for each civil penalty. Such penalty amount may be changed annually and must be published on the Town's web

site. In any case, the violator shall reimburse the town for the cost of abating any damage caused by the violation.

9.3.1 Penalty forgiveness: The Selectboard may, on an individual violation level, based on income and other pertinent circumstances, approve that part or all of a civil penalty be forgiven.

Section 10 - CONFLICT WITH OTHER ORDINANCES

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

Section 11 - SEVERABILITY CLAUSE

The sections and subsections of this ordinance are severable. If any section, clause, sentence, part or provision thereof is held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or invalidate any of the remaining sections or subsections of this ordinance.