

## Chapter 10

## SOLID WASTE\*

- Art. I. In General, §§ 10 1-10°25  
 Art. II Transfer Station and Recycling Facility Operations §§ 10-26-10.28

## ARTICLE I. IN GENERAL

## Sec. 10-1. Purpose.

It is necessary to regulate the disposal of waste items to preserve and protect the health, safety, and welfare of the public and to enhance the quality and character of life in the town. The State of Maine has established priorities for reducing toxicity and volume of waste at its source by placing emphasis on procedures for waste disposal, recycling and composting of solid waste. The town fully supports the concept of recycling. Recycling is a wise and prudent solid waste management technique that reduces pollution and environmental degradation; keeps usable manufacturing material in the economy; saves energy; saves tipping fees; and signifies a sense of the importance of effective waste management procedures.

(Ord. No. C2002-2, 1-10-02)

## Sec. 10-2. Scope.

This chapter applies to all domestic, commercial, industrial, and agricultural producers of solid waste of the town.

(Ord. No. C2002-2, 1-10-02)

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\*Editor's note-Ord. No. C2001-29, amended Ch. 10 of the Code in its entirety to read as herein set out. Prior to amendment, former Ch. 10, §§ 10-26-10-32, 10-51-10-53, 10-61-10-73, pertained to similar subject matter and derived from Ord. No. 77-3, §§ 14Y, adopted Aug. 4, 1977; Ord. No. C81-7, §§ III-VI, adopted May 7, 1981; Ord. No. C92-7, §§ 1-13, adopted May 7, 1992; and Ord. No. C94-9, adopted Dec. 8, 1994.

Cross references-Administration, Ch. 2; housing, Ch. 6; removal of any animal deposits on public or private property required, § 3-28.

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**Sec. 10-3. Definitions.**

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

*Association* shall mean Mid-Maine Solid Waste Association (MMSWA), a non-profit corporation comprised of area communities and formed under 13 M.R.S.A. ch. 81 et seq., as amended, of which the town is a member.

*Compost* shall mean a residual that has undergone a process of biological decomposition of organic materials.

*Demolition debris* shall mean solid waste resulting from construction, remodeling, repair, and demolition of structures. It includes, but is not limited to building materials, discarded furniture, asphalt, wall board, pipes, and metal conduits. It excludes partially filled containers of glues, tars, solvents, resins, paints, caulking compounds, and other special wastes.

*Hazardous waste materials* shall mean a waste or substance or material, in any physical state, designated as hazardous by the state department of environmental protection or applicable state statutes. It does not include waste resulting from normal household or agricultural activities.

*Household hazardous waste* shall mean any hazardous waste material excluded from identification as a "hazardous waste" because it is generated by households, including single and multiple residences, hotels, motels, picnic grounds, and day-use recreational facilities.

*Inert fill material* shall mean clean soil material, including soil from road ditching and sand from winter sand cleanup; rock; bricks; crushed clean glass or porcelain; and cured concrete.

*Permit* shall mean any decal, ticket, or other form of identification properly issued by a governmental body which is a member of the Mid-Maine Solid Waste Association, or has contracted to use the association's solid waste processing facility.

*Putrescible waste* shall mean solid waste that contains organic matter that can be rapidly decomposed by microorganisms, which

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may give rise to foul smelling, offensive products during decomposition or which may attract or provide food for birds and potential disease carrying animals, insects or organisms.

*Refuse* shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example and not by limitation, rubbish, garbage, scrap materials, junk, inert fill material, yard waste, and all material subject to combustion or purification, excluding septic tank sludge or agricultural wastes. It does not include junked automobiles.

*Salvaging* shall mean the authorized removal of reusable or recyclable materials.

*Scavenging* shall mean the unauthorized removal of reusable or recyclable materials.

*Sludge* shall mean non-hazardous solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or wet process air pollution control facility.

*Solid waste* shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example and not by limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill material, and landscape refuse. It shall not include septic tank sludge or agricultural waste.

*Transfer station* shall mean any solid waste facility constructed and managed for the transfer of solid waste.

*Universal waste* shall mean any waste listed in section 3.A(13)(b) of Chapter 850 of the Maine Hazardous Waste Management Rules, including, but not limited to, cathode ray tubes; mercury-containing lamps; mercury-containing thermostats; and totally enclosed, non-leaking polychlorinated biphenyl (PCB) ballasts.

*Waste resulting from agricultural activities* shall mean waste which results from agricultural activities which are returned to the soils as fertilizers and includes waste pesticides when generated by a farmer for his/her own use.

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*White goods* shall mean large appliances, including but not limited to, stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers, and air conditioners.

*Wood waste* shall mean brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust, and wood from production rejects that are not mixed with other solid or liquid waste.

*Yard waste* shall mean grass clippings, leaves, and other vegetal matter other than wood wastes and land clearing debris. (Ord. No. C2002-2, 1-10-02)

**Sec. 10-4. Responsibility.**

(a) It shall be the responsibility of each resident or primary occupant of a dwelling, or commercial, industrial, or agricultural facility to provide for the following:

- (1) On-site storage of all solid waste in closed containers or by other similar methods to preclude odors, rodents, insects, etc. or becoming dangerous, offensive, or a nuisance.
- (2) The disposal of all solid waste generated therein in accordance with this chapter. (3) Owners of said facilities shall be ultimately responsible for compliance with this chapter.

(b) Anyone transporting solid waste within the town is responsible for securing such waste in a manner which prevents the littering of solid waste while in transit. Commercial haulers must insure their loads are covered. Violation of this requirement is subject to the issue of a citation and fine in accordance with section 10-6 of this chapter.

(c) Commercial haulers will identify to town authorities or MMSWA officials, those customers who fail to comply with this chapter. (Ord. No. C2002-2, 1-10-02)

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**Sec. 10-5. Enforcement.**

The code enforcement officer of the town shall administer and enforce this chapter.

(Ord. No. C2002-2, 1-10-02)

**Sec. 10-6. Violations and penalties.**

(a) Violations of this chapter shall be enforced in accordance with the provisions set forth in 30-A M.R.S.A. § 4452 as land-use violations. The penalty for violation of this chapter shall be not less than one hundred dollars (\$100.00) per day nor more than one thousand dollars (\$1,000.00) per day.

(b) In addition to the foregoing provision, any person, firm, partnership, corporation or other entity who fails to separate recyclable materials from the solid waste according to the rules set forth by the MMSWA, or otherwise violates this chapter, shall have their permit revoked and shall be denied access to the MMSWA facility for a period of time to be determined by the MMSWA board of directors.

(Ord. No. C2002-2, 1-10-02)

**Sec. 10-7. Amendments and separability.**

The town, upon its own motion or upon application and good cause shown, may modify, suspend, repeal, or amend the provisions of any rule, procedure, or regulation contained herein. The sections of this chapter and the parts thereof are separable. If any portion of this chapter shall be held invalid, the remainder shall remain valid and enforceable.

(Ord. No. C2002-2, 1-10-02)

**Secs. 10-S-10-25. Reserved.****ARTICLE II. TRANSFER STATION AND RECYCLING  
FACILITY OPERATIONS****Sec. 10-26. Administration.**

The board of directors of the Mid-Maine Solid Waste Association (MMSWA) establishes the policies and procedures for the

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operation of a regional transfer station and recycling facility. Under terms of an inter-local agreement, of which the town is a participant, the association's board of directors have the authority to establish rules concerning the following:

- (1) Operating hours of the solid waste facility, which includes the transfer station, recycling facilities, and all associated disposal sites.
- (2) Determine materials suitable for recycling.
- (3) Determine what constitutes a readily manageable form of solid waste to be deposited or recyclables to be processed at the facility.
- (4) Determine the location within the solid waste facility where each material, including non-recyclables, demolition debris, wood waste, white goods, and universal waste are to be deposited.
- (5) Establish permit fees.
- (6) Establish fees for depositing specific items such as tires, white goods, and appliances.
- (7) Establish fees to be charged to non-member use of the facility.
- (8) Establish salvage fees and conditions.

(Ord. No. C2002-2, 1-10-02)

#### Sec. 10-27. Permits.

Access to the MMSWA solid waste facility will be by permit only. Access without a permit shall constitute trespassing. Permits may be revoked by the MMSWA board of directors following appropriate notice and hearing.

- (1) *Resident permits.* All residents using the facility must display a valid resident permit on their vehicle. Resident permits may be obtained at the town office.
- (2) *Commercial permits.* Commercial haulers must display a valid commercial permit on each vehicle using the facility. Commercial permits may be acquired from a MMSWA representative at the transfer station.

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- (3) *Temporary permits.* Temporary permits are generally issued to contractors doing work in the town. Temporary permits may be obtained at the transfer station.  
(Ord. No. C2002-2, 1-10-02)

**Sec. 10-28. Prohibited activities.**

Actions described in this section are prohibited. Violators may be subject to a monetary fine and/or loss of privileges to use the facility.

- (1) Access other than during normal operating hours.
  - (2) Use of the facility without the appropriate permit.
  - (3) Disposal of solid waste generated outside MMSWA member communities, except as contractually approved by the board of directors.
  - (4) Scavenging of materials.
  - (5) Operation of a vehicle in excess of the posted speed limits.
  - (6) Failure to abide by the directions of the facility staff or posted procedures.
- (Ord. No. C2002-2, 1-10-02)