

**SOLID WASTE ORDINANCE
TOWN of WATERFORD**

ARTICLE I

A. Title and Purpose: This ordinance shall be known as the Solid Waste Ordinance for the Town of Waterford and shall govern solid waste disposal and recycling in the Town of Waterford and at the Town's Solid Waste Facility which shall serve the towns of Waterford, Albany TWP, Stoneham and Mason TWP, here forward known as W.A.S.T.E.

The purpose of this Ordinance is to protect the health, safety and general well-being of the citizens of Waterford and the W.A.S.T.E. member communities and to enhance and maintain the quality of the environment, to conserve natural resources and prevent water and air pollution and to reduce/stabilize solid waste disposal costs by providing for a comprehensive, rational and effective means of regulating the transfer, disposal and recycling of solid waste in the above towns.

B. Authority: This ordinance is adopted pursuant to the Home Rule powers granted in the Maine Constitution, 30-A M.R.S.A. §3001 et seq., and 38 M.R.S.A. §1301 et seq.

C. Applicability: This ordinance applies to all domestic, residential, public, commercial and industrial producers of solid waste and commercial waste collectors/haulers doing business in the Town of Waterford and other W.A.S.T.E. communities that use the W.A.S.T.E. Transfer Station.

D. Facility: The above mentioned towns and townships shall provide and maintain a site for the transfer or recycling of items generated by the population of their towns as outlined in this Ordinance. The present site, known as the W.A.S.T.E. Transfer Station is located on the eastern side of State Route 5 in Albany TWP. The Waterford Selectmen have the sole responsibility for the management of the W.A.S.T.E. Transfer Station.

E. Stickers:

1. All vehicles entering the W.A.S.T.E. Transfer Station property for the purpose of off loading any waste or recyclable goods must have a valid W.A.S.T.E. sticker, as issued by the W.A.S.T.E. member towns, unless pre-authorized by the Selectmen of Waterford Landlords shall be responsible for obtaining single use passes for short term renters that may need to use the W.A.S.T.E. Transfer Station during their stay.
2. New stickers shall be required each year and will be made available by April 1. It is recommended that stickers be affixed to the lower left

corner of vehicle windshield.

3. Replacement stickers shall be issued during the year provided that the person requesting the sticker return a reasonably sized portion of the old sticker or attest to its destruction.

4. The driver of any vehicle without a valid sticker from which material is unloaded at the W.A.S.T.E. Transfer Station shall be in violation of this ordinance and may also be prosecuted for littering and trespassing.

F. Definitions:

1. **Brush:** unprocessed tree parts not to exceed 10 inches in diameter.

2. **Bulky Waste:** any waste which by nature of size, weight, and/or composition cannot be handled in the compactor or recycling bins including furniture or furnishings, mattresses, ropes, cable, fencing, carpet and carpet padding.

3. **Clean Wood:** processed wood, such as lumber and other wooden building materials, that has no metal content, paint, stain or glue, and has not been pressure treated.

4. **Commercial Waste:** waste generated by businesses, non-profits or governmental entities.

5. **Commercial Waste Hauler:** Any person engaged in the business of collection, transport, or disposal of solid waste generated or collected in W.A.S.T.E. member communities using the W.A.S.T.E. Transfer Station.

6. **Compostable Leaf or Yard Waste:** Organic wastes generated by yard care at residences, businesses, and non-profit and governmental entities. The waste shall not contain large diameter wood debris, stones, gravel, sand or other inerts. It shall be readily compostable including leaves, grass clippings, prunings and other similar items.

7. **Construction and Demolition Debris:** waste resulting from construction, remodeling, repair, or demolition of structures. It includes, but is not limited to building materials, asphalt shingles and roofing, and any similar materials. It does not include asbestos and other special wastes.

8. **Household Medical:** Sharps (needles and syringes), bandages and other infectious medical waste generated within a household.

9. **Inert Fill:** clean non-reactive materials such as soil from road ditching, sand from winter cleanup, rocks, bricks, crushed clean glass or porcelain, and cured concrete, that are not mixed with other solid waste, and are not derived from an ore mining activity.

10. **Municipal Solid Waste (also referred to as MSW):** waste emanating from households, normal commercial sources, non-profit and governmental entities that is

solid, i.e. not free flowing, and is generated by normal household and commercial business activities.

11. **Recyclables:** items that can be reused or reclaimed to produce a new product. They include, but are not limited to the items identified in the W.A.S.T.E. recycling brochure.

12. **Unacceptable Waste:** materials that cannot be accepted at the W.A.S.T.E. Transfer Station for disposal, reuse, or recycling including but not limited to junk vehicles, hazardous wastes, lead acid batteries, biomedical waste, pesticides containers, uncontained infectious waste, asbestos, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended It shall also include "Special Waste" as defined by 38 MRSA s1303-c(34 a-k).

13. **Universal waste:** waste that is designated by the State Department of Environmental Protection as provided by 38 MRSA..... including but not limited to T.V. sets, Cathode Ray Tubes (CRTs), computer monitors , fluorescent light bulbs, mercury thermostats and rechargeable batteries.

ARTICLE II COMMERCIAL WASTE HAULERS

A. **Permit :** Any person engaged in the business of collection, transport, or disposal of solid waste generated or collected in W.A.S.T.E. member communities and using the W.A.S.T.E. Transfer Station shall be required to have a permit issued by the Selectmen of Waterford.

B. **Fee:** The non-refundable fee for such permits is \$50.00 for Waste Haulers who transport materials to the W.A.S.T.E. Transfer Station. Fee shall be paid before the permit is issued. Application forms shall be available at the Waterford Town Office.

C. **Use:** A permit can only be used by the business and/or applicant identified on an application. A permit is not transferable.

D. **Period:** All renewal permits shall be applied for by March 15 and, if granted, will be effective on April 1. New permits may be applied for at anytime. There shall be no prorating of permit fees. Such permits shall be valid for a period of one (1) year unless revoked for cause.

E. **Restrictions:** Permit applicants will be required to attest that they will only dispose of waste that has been generated in W.A.S.T.E communities. In the event that it is determined that waste from non-member communities is disposed of or recycled in the W.A.S.T.E Transfer Station, the hauler will be in violation of this ordinance and subject to the penalties contained in Article VII.

ARTICLE III DISPOSAL AND RECYCLING

A. Operating Hours: Disposal/Recycling is permitted only during the hours the W.A.S.T.E. Transfer Station is open. Individuals leaving materials other than during operating hours will be in violation of this ordinance and may also be prosecuted for littering and trespassing.

B. Picking: No person shall remove anything from the transfer station except as permitted by the Transfer Station Manager.

C. Recycling: Recyclable materials should be separated from all solid waste brought to the W.A.S.T.E. Transfer Station. Recyclables should be sorted and placed into the designated recycling containers available at the W.A.S.T.E. Transfer Station. For more information please refer to the W.A.S.T.E. recycling brochure.

D. Household Medical: Sharps (needles and syringes), bandages and other infectious medical waste generated within households must be properly contained and disposed of with MSW in the compactor, unless otherwise prohibited by state law.

ARTICLE IV DISPOSAL OF UNACCEPTABLE WASTE

Residents and businesses wishing to dispose of unacceptable waste shall insure that such wastes are disposed of in accordance with Federal and State Law and the Rules of the Maine Department of Environmental Protection. Residents and businesses may contract with companies licensed by the State of Maine to specially handle and dispose of such unacceptable waste.

ARTICLE V CITIZEN RESPONSIBILITIES

A. Prohibited Dumping : No person shall dump, discard or otherwise deposit Municipal Solid Waste or refuse of any sort at any place in Waterford. other than at the W.A.S.T.E. Transfer Station. Waste shall be deposited during operating hours only.

B. Unacceptable Waste : No person shall deliver to the Transfer Station or put out for commercial pickup any items that are dangerous due to safety or environmental concerns or are otherwise unacceptable. Examples include but are not limited to ammunition, ether, uncontained infectious wastes and animal carcasses.

C. Separation Required: Materials delivered to the W.A.S.T.E. Transfer Station shall be separated according to the definitions contained herein and placed in areas designated for each. Separation of traditional recyclables, such as paper, glass and plastic is not mandated but highly encouraged.

**ARTICLE VI
COMMERCIAL RECYCLING**

Every producer of commercial waste in W.A.S.T.E. member communities must recycle corrugated cardboard if it is to be delivered to W.A.S.T.E. Transfer Station.

**ARTICLE VII
ADMINISTRATION AND ENFORCEMENT**

A. **Administration and Enforcement**: The Waterford Board of Selectmen, or their duly appointed agents, shall administer and enforce this Ordinance.

B. **Loss of Privileges**: The use of the facility by any person shall be at the strict direction of the Transfer Station Attendant. No person shall violate any directives of the Attendant or Rules set forth by the Town and/or Transfer Station Committee in the use of the facility. If any person refuses to obey any of the directives or Rules, the Attendant shall have the authority to refuse access to the facility to that person until the person complies with the directives and Rules or until the Selectmen have had the opportunity to hear the complaints.

C. **Loss of Privileges**: Any person who brings waste from non-member communities to the W.A.S.T.E. Transfer Station shall forfeit the privilege to use the W.A.S.T.E. Transfer Station by decision of the Board of Selectmen based upon consideration of the criteria listed in Article VII, Section D.

D. **Violations**: Any person, including, but not limited to the waste generator, landowner, landowner's agent or a contractor, who violates any of the provisions of this Ordinance is liable for the penalties as set forth below.

E. **Penalties**: Violations of this Ordinance shall be enforced within the provisions of 30-A MRSA § 4452 as land use violations. The penalties set forth in 30-A MRSA § 4452 shall apply to violations of this Ordinance. In addition to the foregoing penalty provisions, any person violating any provision of this ordinance shall be liable to reimburse the Town of Waterford for costs of enforcement including reasonable attorney fees and court costs and any disposal costs.

1. Any Licensed Commercial Hauler who violates any provision of this Ordinance may, in addition to the fine above, have his/her permit revoked for up to two years and forfeit all permit fees. The Waterford Board of Selectmen may revoke a permit after notifying an operator of a violation and conducting a hearing on the matter.

**ARTICLE VIII
FEES: CONSTRUCTION AND DEMOLITION DEBRIS**

A. Purpose

This article shall establish a fee schedule for Construction and Demolition Material disposed of at the W.A.S.T.E. Station. The intent of the fees are to partially recover the hauling and tipping costs incurred by W.A.S.T.E. having to dispose of such material in a State and/or DEP approved facility.

B. Fee Schedule

- Small, less than 1 ton pickup truck: \$ 50/ load
- 1 ton pickup truck \$100/ load
- Dump truck/dump trailer \$200/ load

In the event of partial loads it will be the Attendant's estimate of volume that will determine final fee paid.

C. Payments

The fee amount will be prepaid before disposal. Vouchers may be obtained from the Waterford Town Office or at participating stores located within the W.A.S.T.E. member towns.

D. Fee Changes

- The Waterford selectmen may change the fee schedule in order to compensate for any major changes in costs incurred and passed on by either the contracted commercial hauler or tipping fees.
- Fees for materials other than Construction and Demolition Debris that are disposed at the W.A.S.T.E. Station are subject to approval by the Waterford voters at the annual town meeting.

E. Amendments

1. An amendment to this Ordinance may be initiated by:

a. The Waterford Board of Selectmen or the W.A.S.T.E Transfer Station Committee.

b. Written petition of a majority of the voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

2. **Public Hearing:** The Board of Selectmen shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing.

3. **Adoption of the Amendment:** An amendment to this Ordinance shall be adopted by a majority vote of a Waterford Town Meeting.

F. Severability

If any provision of this Ordinance is found by a court of competent jurisdiction to be unenforceable, the remaining provisions shall continue in full force and effect. This Ordinance shall become effective when adopted by a majority of the voters at any regular or special town meeting.