SOLID WASTE ORDINANCE

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Sabattus, Maine – Code of Ordinances

Section 1. Title

This ordinance shall be known as the "Solid Waste Disposal Control Ordinance" of the Town of Sabattus.

Section 2. Purpose and Authority

This ordinance is designed to control the disposal of solid waste material in the Town of Sabattus by providing for the establishment and enforcement or rules and establishing limitation and prohibitions to protect the health, safety and welfare of the citizens of Sabattus and to protect the environment and material resources of the town.

Authority of this ordinance is the M.R.S.A., Title 38, Section 1305.

Section 3. Definitions

For the purposes of this ordinance, unless the context otherwise indicates, the following words and phrases have the following meaning.

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

Board - Board of Selectmen, Town of Sabattus.

Bulky waste - means discarded tires, construction and demolition debris, and durable goods, such as household appliances, furniture furnishing and bicycles.

Biomedical waste - as defined in 38 M.R.S.A., section 1303-C, subsection 1-A, means waste that may contain human pathogens of sufficient virulence and in sufficient concentration that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

Clean wood - Branches, brush, trees or branches 3 to 18 inches in diameter and boards, dimensional lumber or any other lumber that has no man made coating such as plastic, tar or metal and does not qualify as contaminated wood.

Commercial waste - means solid waste that is generated as a result of commercial or industrial activity, excluding industrial or special waste.

Construction and demolition debris - as defined in 38 M.R.S.A., Section 1030-C subsection 8, means debris resulting from construction, remodeling, repair and demolition of structures. It excludes asbestos and other special wastes.

Contaminated wood - means any man made wood product such as plywood, particle board, flakeboard, etc. also wood that contains any chemical substance such as stains, paint, varnish, etc. and pressure treated wood.

Hazardous waste - as defined in 38 M.R.S.A., section 1030-C, subsection 15, means a waste substance or material, in any physical state, designated as hazardous by the Board under 38 M.R.S.A., section 1319-0. It does not includes waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

Incineration - means the combustion of solid waste, including combustion for the generation of heat, steam or electricity.

Industrial waste - means solid waste generated by a manufacturing process, but does not include office waste.

Inert fill - as defined in 38 M.R.S.A., section 1303-C, subsection 17, means clean soil material, rocks, bricks, and cured concrete, that are not mixed with other waste, and that are not derived from an ore mining activity.

Land clearing debris - as defined in 38 M.R.S.A., section 1030-C subsection 18, means solid waste resulting from the clearing of land and consisting solely of brush, stumps, soil material and rocks.

Municipality - means a city or town.

Municipal Solid Waste or *MSW* - means residential and commercial solid waste. MSW includes solid waste that is delivered to a facility and processed into material-separated, refuse-derived fuel.

Ordinance - Town of Sabattus Solid Waste Disposal Control Ordinance.

Permit - Special form required which will allow second party use of the facility when hauling acceptable waste, as defined in the ordinance, which is generated in the Town of Sabattus.

Police power - means the power of the state and municipalities to enact laws to regulate public activities for the health, safety and welfare of the people.

Private hauler - means contracted private hauler hired by an individual.

Recycle - as defined in 38 M.R.S.A., section 1303-C, subsection 21, means to recover, separate, collect and process waste materials for sale or reuse other than use as a fuel for the generation of heat, steam or electricity.

Residential solid waste - means solid waste generated by individual and family activity within and around homes and includes, but is not limited to bulky wastes, yard wastes, wood waste, books, magazines and other paper, glass, plastic and metal containers, clothing and other fabric, cat litter, packaging, dry cell batteries and other objects used in households that may be placed within a common 30 Gallon garbage bag.

Septage - as defined in 38 M.R.S.A., Section 1303-C, subsection 27, means waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools or any other similar facilities.

Site/Facility - Demolition Debris site, Pleasant Hill Road, Sabattus, Maine.

Solid waste - as defined in 38 M.R.S.A., section 1030-C, subsection 29, means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material, landscape refuse, construction and demolition debris, land clearing debris and special waste, but does not include hazardous waste, biomedical waste, agricultural waste returned to the soil as fertilizers, or septage. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

Solid waste disposal facility - means a facility for the incineration or landfilling of municipal solid waste or refuse-derived fuel, but excludes facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuel.

Special waste - as defined in 38 M.R.S.A., section 1303-C, subsection 34, means any solid waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or therein the public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

1. Oil, coal, and multi-fuel boiler and incinerator ash
2. Industrial and industrial process waste
3. Waste water treatment plant sludge, paper mill sludge and other sludge waste
4. Debris and residual from nonhazardous chemical spills and cleanup of those spills.
5. Contaminated soils and dredge spoils
6. Asbestos and asbestos-containing waste
7. Sand blast grit and non-liquid paint waste
8. High and low pH waste
9. Spent filter media and residue
10. Other waste designated by the Board, by rule

Sticker - Self adhering tag which must be affixed on a visible area of the vehicle which will allow use of the facility.

Town - Town of Sabattus, Maine

Transfer Station - means a site designed for the collection of solid waste for the specific purpose of transferring such waste to solid waste disposal facility or other facility.

Wood wastes - as defined in 38 M.R.S.A., section 1303-C, subsection 46, means brush, stumps, lumber bar, woodchips, shavings, slab edgings, slash and sawdust, which are not mixed with other waste.

Section 4. Authority to amend ordinance

The Board of Selectmen is hereby granted the authority to establish and amend this ordinance, after public hearing, for all municipal waste collection transfer, reuse and disposal methods, systems and facilities. Public hearings will not be required to make changes to comply with Federal and State laws. The ordinance shall be reviewed and revised as required to meet the needs of the Municipality, Federal and State Laws and Regulations. The Board of Selectmen will set the operating hours of the facility. The use of the facility shall not be allowed outside of its normal operating hours.

Section 5. Permits/Stickers

1. The solid waste facility is operated for the benefit of Sabattus residents only. Admission to the facility will be by permit or sticker. Permits and stickers are issued at the Town Office during normal business hours. See the Town of Sabattus Fee Schedule for Permit/Sticker Fee's.

2. Permits

   a. Permits to be issued at the Town Office for the disposition of acceptable solid waste generated in the Town of Sabattus only. The permit is to be issued to the resident having the work done. It will be valid for one day.

   b. Permits issued to private haulers bringing waste to the Town Transfer Station will be issued annually. Said waste must be generated in the Town of Sabattus only.

3. Permits must be presented to attendant for review and/or collection prior to use of the facility. Sticker must be displayed on vehicles to gain access to the facility. Permits may be revoked by the Board of Selectmen for violation of the ordinance.

4. Disposition of solid waste at the site during non-hours or at locations, sites or areas within the municipality which have not been designated as acceptable sites by the Board of Selectmen will be deemed illegal dumping and is a violation of this ordinance and subject to fine as outlined in Schedule 2. Fines.

5. Disposition of solid waste not generated in the Town of Sabattus will be subject to fine and/or revocation of permit.

Section 6. Attendant Authority

The use if the facility by any person shall be at the direction of the attendant. No person shall violate any directives of the attendant or rules set forth by the Board of Selectmen in the use of the facility. The attendant shall have the authority to refuse access to the facility to any person violating any of the directives or rules.

Section 7. Hazardous and Special Wastes prohibitions

Hazardous and special waste, *see "definitions".*

Hazardous and Special wastes shall not be delivered to, dumped at or disposed of at the facility.

In the event that hazardous or special waste is deposited at the facility or illegally dumped, the cleanup and all costs associated with the proper disposal of, shall be borne by the person/persons responsible for the disposition, along with appropriate fines as outlined in Schedule 2. Fines.

Section 8. Waste disposition

1. Waste will be deposited in appropriate areas after being inspected by the attendant. The areas will be designated by on site signs and/or the attendant. The following areas are included:

   A. Recycling area

   B. Demolition debris / contaminated wood and household waste

   C. Whitegoods / metal area

   D. Tire area

   E. Hot load area

   F. Clean wood only, and leaves.

2. All vehicles must be off loaded by hand.

3. Private Hauler curb side pick-up waste shall be in covered metal or plastic trash cans or sealed garbage bags. Covered cans keep animals out and reduce moisture contents. Trash may be placed curb side no earlier than 4:00 p.m. the day prior to the scheduled pick-up day. When a private hauler uses the Town site, item lists of acceptable and non-acceptable waste contained in this ordinance must be adhered to.

4. Residential household waste brought to the site by residents/private haulers must be in containers which will prevent loose flying trash and moisture penetration and allow easy attendant inspection.

5. White goods/metals. White goods/metals shall be placed in the designated storage area. Doors on refrigerators and freezers shall be removed prior to disposal. A fee will be charged for all items which rely on Freon for their operation. *Example*: Freezers, refrigerators, air conditioners, etc... This is to comply with the proper disposal of Freon mandated by the State and Federal Governments.

6. Tires. Tires will be deposited at the proper designated area after the appropriate fee has been paid. Tires With rims will not be accepted.

Section 9. Fees

The Board of Selectmen shall establish fees by rule for the deposition of all items accepted at the site. If there is no cost incurred by the Town for the disposition of an item no fee shall be charged. See Schedule 1. Fees.

Section 10. Enforcement - Penalties

1. The Sabattus Police Department will enforce this ordinance.

2. Any person convicted of a violation of this ordinance adopted pursuant here to will be subject to a fine(s). Each violation will be considered a separate violation and subjected to the proper fine(s) as outlined in Schedule 2. Fines.

3. The person or persons cited or convicted for violating the provisions of this ordinance will be liable for all cost incurred in the enforcement, legal cost and fines, including the cost for the proper disposition of the waste.

Section 11. Acceptable - Non Acceptable Waste

1. Demolition Debris

***Acceptable*:**

All debris which is the results of the demolition and construction of building in the town.

Furniture

Metals

Tires

Clean wood

Contaminated wood, remove glass

Leaves

Brush

Parts of trees no longer than 4 feet in length unless diameter is small than 3 inches, no larger than 12 inches in diameter for recycled wood or up to 18 inches in diameter after fees are paid.

TVs, stereo, etc.

Appliances

Car parts with no fluids, no gas tanks

***Non-Acceptable*:**

Hazardous waste

Special waste

Stumps

Commercial waste

Agricultural waste

Biomedical waste

Industrial waste

Residential solid waste which is accepted curb-side

Food waste

Garden waste

Dead animals or parts of

Pressurized containers

Gas Tanks

Trees that are longer than 4 feet

Wood larger than 18 inches in diameter

2. *Private hauler using town facility*

Acceptable:

Residential solid waste no larger than 2 feet x 2 feet

Pressurized containers such as spray paint, hair spray, etc. this also includes small propane tanks no larger than one quart. Example: small soldering torch tank.

Paint cans with covers removed & paint dried

All ordinary household waste with all recyclables removed

Plastic sheeting which is bundled and tied to dimensions no larger than 2’ x 2’

Non-Acceptable:

Hazardous waste

Special waste

Pathological waste

Stumps

Waste oil or solvents, etc.

Fire arms, ammunition and explosives

Dead animals or parts thereof

Garden waste

Lawn clippings

Gas tanks

Oil tanks, drums, etc.

3. *Private haulers using other facilities*

These haulers to be responsible for all possible cost and fees.

Acceptable items to be outlined by private hauler's agreement with residents.

Non-acceptable items to be determined by private hauler's agreement with residents.

Section 12. Conflict with other Ordinances

This ordinance shall supersede and rescind any ordinance pertaining to the Sabattus "*Stump Dump*" the "*Dump*" and /or "*Land Fill*" issued or passed prior to November 1992.

Section 13. Severity

If any section, subsection, sentence or part of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 14. Effective date

This ordinance will go into effect on July 1, 1993.

Sabattus, Maine – Code of Ordinances

Accepted:

_____

Original Adoption:

_____

Revision Dates:

_____

_____

_____

_____

SOLID WASTE / TRANSFER STATION

Schedule 1. Fee Schedule

Purpose: To defray the cost of the disposition of the waste accepted at the Sabattus Demolition Debris Transfer Station.

Due to large variety of bulk waste not all fees are listed.

Mattress & Box spring	$5.00 or $2.50 each
Stuffed chair - recliner	$3.00
Couch, regular	$5.00
Sleeper couch	$7.00
Automobile seat	$4.00
Bucket seat	$2.00
Roofing	$80.00 per ton or $30.00 cubic yd.
Sheet rock	$80.00 per ton or $44.00 cubic yd.
TVs 19” portable & below	$2.00
TVs larger than 19” and console	$4.00
Wood - contaminated	$6.00 cubic yd.
Clean wood - Branches - Brush - Leaves	$2.50 cubic yd.
Bagged leaves	.50 cents per 30 gal. bag

Tree trucks - Wood 3” in diameter or larger up to 18” in diameter, $10.00 cubic yd. (If this wood is cut 12”, 16”, 24” or 48” and is 12” in diameter or smaller and set aside for re-use, as directed by the attendant, there will be no charge.)

Refrigerators, freezers, air conditioners or any item which uses Freon in its operation, $15.00. This fee must be charged even if Freon was removed prior to disposal.

Tires:	13” - 15”	$ 1.50
	16”	$ 3.00
	20”	$ 5.00
Tractor & loader		$ 25.00

* *Suggest tires be left with dealer when purchase is made.*

Due to the large variety of items brought to the transfer station this is solely an example of the type of fees to be charged.

Fees will be adjusted as tipping and disposal cost fluctuate.

SOLID WASTE / TRANSFER STATION

Schedule 2. Fines

1. Use during non-hours/illegal dumping a fine of not less than $50.00 and not more than $500.00 will be imposed to the violator of this provision of the ordinance. The violator will also be liable for the cost of all legal expenses in the collection of said fine. Also the full cost of cleanup, handling and disposition of said waste including any legal cost incurred by the town, in the event that legal action becomes necessary, will be included in the total liability of the violator.

2. Hazardous or special waste deposited at the facility or illegally dumped in the town. A fine of no less than $5,000.00 plus all cost incurred by the Town for the conviction of the person or persons found liable for the violation of the provision of the ordinance will be imposed for each violation. The violator/violators will also be liable for the cost of all legal expenses in the collection of said fine, the full cost of cleanup, handling and disposition of said waste. This also includes any legal cost in the event that legal action becomes necessary for the collection said fines and expenses.

Accepted:

_____

Original Adoption:

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Revision Dates:

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