

TOWN OF LITCHFIELD
SOLID WASTE AND RECYCLING
ORDINANCE

ADOPTED 10/29/02
AMENDED 6/12/04

Town of Litchfield Solid Waste and Recycling Ordinance

Whereas, the Litchfield Landfill is expected to close permanently for the acceptance of municipal solid waste not later than December 31, 1992; and

Whereas, after the landfill is closed, the town will enter into contracts with regional facilities to process and market recyclables and process and dispose of other wastes;

Whereas, after the landfill is closed, the Town will license waste haulers to collect recyclable and disposable solid waste at the curbside for delivery to designated processing facilities and the town will operate a bulky waste drop-off facility for the convenience of its citizens;

Whereas, after the landfill closed, open burning of waste materials (including brush, construction and demolition debris) at the site of the landfill will be prohibited thereby creating a shortage of appropriate disposal areas within the Town of Litchfield; and

Whereas, it is necessary to regulate the disposal of waste items to insure the safety and well being of the town and its citizens and to protect environmental resources including soil, air and water; and

Whereas, the citizens of Litchfield wish to manage solid waste generated within the town of Litchfield by using a combination of waste reduction, reuse, recycling, composting and waste-to-energy strategies and to encourage all individuals within the Town to become aware of the waste they generate and participate in its management; and

Whereas, the cost of managing solid waste is likely to increase significantly and the citizens of Litchfield feel that these costs are best borne by those who generate waste rather than owners of real estate based on property valuations;

Now, Therefore, Be it ordained by the Town Meeting, the following regulations for the disposal and recycling of certain wastes generated in the Town of Litchfield are hereby established:

1 IDENTIFICATION AND DEFINITION OF ORDINANCE

1.1 **Identification.** This ordinance shall be known as the TOWN of LITCHFIELD SOLID WASTE AND RECYCLING ORDINANCE herein referred to as “the ordinance”.

1.2 **Purpose.** The purpose of the Ordinance is to protect the health, safety and general well being of the citizens of Litchfield, Maine, enhance and maintain the quality of the environment and conserve natural resources by providing for a comprehensive, rational and effective means of regulating the disposal of solid waste in the Town of Litchfield in accordance with the provisions of Title 38, M.R.S.A., 1301 et seq. (the Maine Hazardous waste, Septage and solid Waste Management act) and title 30-A M.R.S.A., 3001 et seq. (Ordinance Powers of Municipalities and Counties).

1.3 **Applicability.** This ordinance applies to all domestic, residential, public and private institutional, commercial and industrial generators of solid waste in the Town of Litchfield

1.4 **Definitions.** Except as provided below, the definitions set forth in Title 38 M.R.S.A. 1303-c as amended (Solid Waste Definitions) apply to the Ordinance and are incorporated herein by reference. Any word not otherwise defined shall have its ordinary meaning.

1.4.A **Acceptable Waste** is that solid waste generated in the Town of Litchfield which may include, but is not limited to: household waste, garbage, commercial waste, recyclables, white goods, construction and demolition debris, yard waste. Acceptable waste also includes uncontaminated waste oil in containers of 5 gallons or less.

1.4.B Unacceptable Waste is that portion of solid waste which is not defined as acceptable waste and includes, but is not limited to: sewage and its derivatives, junk vehicles, wet cell batteries, dead animals or portions thereof, hazardous waste, infectious waste or special waste such as asbestos, industrial process waste, or contaminated soils.

1.4.C Commercial Hauler is any person who carries solid waste for compensation.

1.4.D Universal Waste: a hazardous waste regulated by the State within the amended Hazardous Waste Management Rules and including:

CRT's- Cathode Ray Tubes:

Computers, Electronic Equipment, Monitors, Mainframes, Generators, TV's, VCR's Stereos, Telephones, Copiers, Faxes, and all Medical/Lab Equipment

Fluorescent Lamps:

Coated, Uncoated, U-Lamps, Circles & Compacts, HID Lamps, Sodium & Mercury Vapor

Batteries:

NiCd, Lead Acid, Alkaline, Magnesium, Lithium, Silver Oxide

PCB Ballasts:

Must Be <499 ppm

Mercury Contaminated Manufactured Articles (MCMA):

Mercury Relays, Thermometers, Thermostats, Manometers,

Etc.

1.5 Designation of Solid Waste Facilities.

1.5.A Disposal Facility. The Town of Litchfield hereby designates the Mid-Maine Waste Action Corporation located on Goldthwaite road, Auburn, Maine as its designated disposal facility.

1.5.B. Recycling Processing Facility. The Town designates the recycling facility currently under contract with the Town to receive and process recyclable materials;

1.5.C Local Drop-off Facility. The Town hereby designates the Litchfield Drop-off Facility located on Hallowell Road, Litchfield, Maine as its disposal facility for material designated under 3.2 below.

2 REGULATION AND ENFORCEMENT

2.1 RULE Making Powers. The Board of Selectmen shall adopt written solid waste rules and regulations for the processing, recycling and disposal of solid waste at the designated facilities. The Board of Selectmen shall have the authority to establish and collect fees for the use of these facilities and for the licensing of commercial haulers. Fees established hereunder shall reflect actual administrative costs incurred by the town related to solid waste disposal and recycling.

2.2 Enforcement Powers. Town Officials as designated by the Board of Selectmen are authorized to enforce the requirements of this ordinance and such Solid Waste Rules and Regulations as are enacted under 2.1

2.3 Unlawful Dumping Activities

2.3.A No Dumping. No person shall permanently dispose of waste or refuse of any kind upon any land within the corporate limits of the Town of Litchfield unless such land has been designated by the town as a solid waste disposal facility, except that land clearing debris and yard waste may be disposed of on land as permitted by regulations of the Maine Department of Environmental Protection.

- 2.3.B **No Littering.** No person shall throw or deposit or cause to be thrown or deposited any solid waste within the Town on any street, gutter, sidewalk, parking area, park, any other public place, or into or on any body of water within or adjacent to the Town.
- 2.3.C **No Strewing from Vehicles.** No person operating a vehicle shall permit or cause any solid waste to leave such vehicle in violation of 2.3.A or B above. No person shall transport any solid waste over the public way, street or place within the limits of the Town except when the material is covered in such a manner that the refuse shall not be strewn along public ways. Proof that solid waste has blown from or fallen from any vehicle shall be prima facie evidence that said vehicle was not sufficiently covered.
- 2.3.D **Enclosed Vehicles.** Commercial Haulers shall transport solid waste only in completely enclosed vehicles, which shall render the waste or refuse material completely enclosed.

COLLECTION AND TRANSPORT

- 3.1 Curbside Collection.** Any person using curbside collection of solid waste or recyclables shall contract with a commercial hauler who is licensed to operate in the Town of Litchfield under 6.1 below.
- 3.1.A **Curbside Baggage Waste.** Material to be placed at curbside for disposal must be placed in a bag or container which is acceptable to the hauler and containing not more than 33 gal or more than 50 pounds of weight. Bags shall contain no unacceptable waste and shall be placed at curbside not more than 24 hours before scheduled pick up.
- 3.1.B **Fees.** Commercial haulers may charge fees for services according to fee schedules approved under 5 below. Persons contracting for services from commercial haulers are responsible for the payment of fees billed.

- 3.1.C **Home Storage.** Storage of material prior to disposal or recycling shall be the responsibility of the dwelling, commercial or industrial facility owner or the primary occupants. Storage shall be in closed containers or by other similar methods to preclude odors, rodents, insects or other public nuisances. Recyclables shall be kept clean and dry.
- 3.2 **Drop-off Facility.** Any person using the drop-off facility shall deliver or cause to be delivered material during the hours of operation of the facility. Material shall be prepared in the manner prescribed by the rules and regulations adopted under 2.1 and deposited at the station under the supervision of the drop-off facility attendant. The attendant may reject any material not meeting specifications and require its removal from the site.
- 3.2.A **Fees.** Any person using the drop –off facility may be assessed a fee according to a schedule adopted under 2.1 and is responsible for paying this fee to the town prior to depositing items in the drop-off facility.
- 3.3 **Direct Delivery to Designated Facility.** Acceptable solid waste may be delivered directly to the designated disposal and recycling facilities. A permit must be obtained from the town and displayed on the vehicle. Any fees charged by the facility are the responsibility of the user.

4 FLOW CONTROL

- 4.1 **Direction of Solid Waste to Designated Facilities.** The Town has entered into one or more binding contracts to deliver all waste to the designated facilities. As authorized by 38 M.R.S.A. 1304-B as amended (Flow Control- delivery of solid Wastes to Specific Waste Facilities), the Town hereby controls and directs acceptable solid waste to be delivered only to those facilities designated in 1.5 any person who delivers acceptable solid waste to any other facility is in violation of this ordinance.

- 4.2 **No Scavenging.** No person shall scavenge, salvage or otherwise divert any acceptable waste once it is deposited at curbside or in a designated disposal facility without the prior approval of the Town.

5 **COMMERCIAL HAULING**

- 5.1 **Licensing.** Each commercial hauler shall secure a license from the town Clerk in order to operate within the borders of the Town. The license shall be valid from July 1 to June 30 of the following year. In order to obtain a license, an applicant must:

- a. obtain the approval of the Board of Selectmen that the applicant's pricing structure encourages and/or require recycling, reuse and reduction of solid waste over disposal. A licensee may request approval of changes to its pricing structure no sooner than 90 days from its last approval or within 30 days of a Town change of designated facilities under 1.5,
- b. provide evidence of general liability insurance coverage at a minimum of \$300,000,
- c. provide evidence of worker's compensation insurance coverage if such coverage is required by law, and
- d. pay an administrative licensing fee, if so established under 2.1

- 5.2 **Collection Costs.** Each commercial hauler is responsible for the costs of providing collection and transportation services.

- 5.2.A Disposal Tipping Fees.** Each commercial hauler may transport solid waste only to a solid waste disposal facility designated by the Town. All tipping and other fees associated with solid waste disposal will be paid by the commercial hauler within 30 days to the designated payee.

6 VIOLATIONS AND PENALTIES

- 6.1 **General.** Violations of this ordinance shall be enforced under the provision of 30-A M.R.S.A. 4452 as amended (Enforcement of land use laws and ordinances) as land use violations. The penalties set forth in the aforementioned statute shall apply to violations of this ordinance. (Currently these penalties include fines of not less than \$100 nor more than \$2,500 for each day of a violation.)
- 6.2 **Municipal Costs of Enforcement.** In addition to the foregoing penalty provisions, any person violating any provision of this ordinance shall be liable to reimburse the town for costs of enforcement including reasonable attorney fees and court costs. This provision shall not preclude the town for seeking and obtaining equitable relief.
- 6.3 **Suspension of Licenses.** In addition to the foregoing penalty provisions, any commercial hauler who violates any provision of this ordinance may be punished by the revocation of his/her license to operate in the Town of Litchfield for up to two years and the forfeiture of all license and permit fees. The Board of Selectmen may revoke a license after notifying an operator of a violation and conducting a hearing on the matter.
- 6.4 **Costs of Disposal.** In the case of illegal dumping upon private or public land, the costs of clean up and disposal shall be borne by the person so dumping, unless no person is so charged. The Town may pay the tipping fee for disposal of illegally dumped material if the land owner reports the violation to the Town Police Department or Town Officers and the person or persons responsible for the act cannot be determined.

7 STIPULATIONS

- 7.1 **Severability.** If any provision of this ordinance or the application thereof is held invalid by any court of law, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of the ordinance are declared to be severable.
- 7.2 **Repeal.** All existing ordinances and/or parts of existing ordinances inconsistent with this ordinance are hereby repealed.