

Ordinance Regulating Solid Waste Collection, Recycling & Disposal



Town of York, Maine

Most Recently Amended: May 16, 2015

Prior Dates of Amendment:

Date of Original Enactment: May 17, 2003

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: May 16, 2015.

Certified by the Town Clerk:

Mary-Ann [Signature]
(signature)

on June 19, 2015.
(date)

**THE TOWN OF YORK ORDINANCE
REGULATING SOLID WASTE
COLLECTION, RECYCLING & DISPOSAL**

Adopted May 17, 2003

SECTION 1: PURPOSE.

1.1 **REGULATE WASTE DISPOSITION.** To allow the Town to regulate the disposal of solid waste to ensure that wastes are properly and cost effectively separated, collected, transported and disposed, to adhere to respective State and Federal environmental regulations and statutes, and to effectively manage the Town's transfer station and compost facility.

1.2 **REQUIRE AND ENCOURAGE RECYCLING.** To allow the Town to mandate and encourage the recycling of solid waste materials, to ensure that State goals regarding recycling are met, lessen degradation to the environment by reducing the volume of waste placed in landfills or burned at waste-to-energy plants and to manage solid waste disposal costs.

1.3 **MANAGE THE COST OF WASTE DISPOSAL.** To allow the Town to exercise local management of as many solid waste disposal costs as possible.

SECTION 2: AUTHORITY.

This Ordinance is adopted pursuant to the authority granted under Article Vill-A of the Maine Constitution, 30A MRSA § 3001 and 38 MRSA § 1304B and § 1305.

SECTION 3: APPLICABILITY.

This Ordinance shall apply to any person, firm, company or other legal entity generating, collecting, transporting, recycling or disposing solid waste materials within or from the Town of York, Maine.

SECTION 4: DEFINITIONS.

For purposes of this Ordinance and for rules and regulations adopted by the Board of Selectmen to implement this Ordinance, the following terms shall have the following meanings. Terms not defined shall have the customary dictionary meaning.

4.1 **APPROVED RECYCLING CONTAINERS** – Containers or bins approved by the Town, which shall be used for the purpose of separating recyclable materials and allowing the collection of these materials.

4.2 **APPROVED REFUSE CONTAINERS** – Tied plastic bags which may be placed in a covered metal or plastic container manufactured for the purpose of storing solid waste; or other containers approved by the Town, which shall be used for the purpose of separating

refuse and allowing the collection of these materials. Containers shall not have a capacity of more than 30 gallons nor weigh, when filled, more than 60 pounds.

4.3 BOARD OF SELECTMEN - The Board of Selectmen of the Town of York, Maine.

4.4 COMMERCIAL ESTABLISHMENT – Any and all commercial businesses, industrial facilities and structures containing five or more dwelling units that are not defined as "Residences" in this Ordinance.

4.5 COMMERCIAL HAULER – Any person, firm, company or other legal entity that collects and/or transports commercial or industrial solid waste of any kind as a business or for compensation, operating within the Town of York, Maine.

4.6 DISPOSAL FACILITY – A facility approved by the Board of Selectmen for use by the Town for the purpose of disposing Solid Waste, Refuse and/or Recyclable Materials.

4.7 FERROUS METALS – Any iron containing material categorized as #1 and #2 steel, cast iron and/or white goods containing light iron.

4.8 HAZARDOUS WASTE - Waste with inherent properties which make such waste dangerous to manage by ordinary means, including, but not limited to, chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes and other wastes defined as hazardous at any time by the State of Maine or the Resource Conservation and Recovery Act of 1976, as amended, or other Federal, State or local laws, regulations, orders, or other actions promulgated or taken with respect thereto.

4.9 LIQUID WASTE – All unwanted or discarded material with sufficient liquid content to be free flowing, including by way of example and not by limitation, waste motor oil, antifreeze, paints, motor fuels, solvents, rinse water and septic tank sludge.

4.10 MANDATORY RECYCLABLE MATERIALS – All solid waste materials that the Board of Selectmen have determined by regulations adopted pursuant to this Ordinance that residences shall separate for the purposes of recycling.

4.11 MANDATORY RECYCLING – The requirement that person(s) must separate recyclables from their trash.

4.12 NON-FERROUS METALS – Any metal devoid of iron content, such as copper, brass, aluminum or lead.

4.13 PERSON – Any individual, firm, corporation, partnership, association, municipality, quasi-municipal corporation, school, State agency or any other legal entity.

4.14 RECYCLABLES - Manufactured and/or non-manufactured materials, substances and /or residues that may be re-used or reprocessed into a similar or different use.

4.15 RECYCLING -The separating, collecting and/or reprocessing of recyclables.

4.16 RESIDENCES – Any home, apartment or condominium. The term, "residence," shall not include motels, hotels, rooming houses, tourist cottages and similar establishments; structures containing five or more dwelling units; and any commercial or industrial establishment.

4.17 SOLID WASTES – any acceptable discarded or unwanted solid organic or inorganic material with insufficient liquid content (except waste oil) to be free flowing.

4.18 TOWN – The Town of York, York County, Maine.

4.19 TOWN HAULER – The hauler(s) contracted or designated by the Town of York to collect and transport solid waste and/or recyclable materials from residences.

4.20 UNACCEPTABLE WASTE -Includes the following materials:

- a. Hazardous waste
- b. Bulk demolition or construction debris from building and roadway project or locations
- c. Liquid wastes
- d. Abandoned or junk vehicles
- e. Dead animals or portions thereof, or other pathological wastes
- f. Water treatment residues
- g. Tree stumps
- h. Automobile batteries

4.21 VOLUNTARY RECYCLABLE MATERIALS – All solid waste materials that the Board of Selectmen determine, by regulations established pursuant to this "Ordinance," that the Town will encourage, but not require, residences to separate for the purpose of recycling.

4.22 VOLUNTARY RECYCLING – The standard that requests and encourages residences and commercial establishments to voluntarily separate recyclables from their trash.

4.23 WHITE GOODS AND SCRAP METAL – All large appliances, including by example and not by limitation, stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers and air conditioners and all scrap metal, including by example and not by limitation, wire, metal fencing, sheet metals, clean metal barrels and bar stock.

SECTION 5: COLLECTION, TRANSPORTATION, RECYCLING AND DISPOSAL OF SOLID WASTES FROM RESIDENCES.

5.1 BOARD OF SELECTMEN AUTHORITY TO ESTABLISH RULES AND REGULATIONS – The Board of Selectmen is hereby granted the 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 residences. Rules and regulations may be enacted to implement any aspect of solid waste requirements for residences. 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 residences. The Board of Selectmen shall establish an effective date for rules and regulations, which are adopted. The rules and regulations shall be on file in the Town Hall.

The Selectmen are specifically authorized to adopt rules and regulations to require residences to perform mandatory recycling and to request and encourage participation in Voluntary Recycling. The rules and regulations adopted to implement Mandatory Recycling and/or Voluntary Recycling requirements shall, at a minimum, identify the solid waste materials that shall be subject to these requirements, the containers used to separate recyclables for collection, the frequency and method of collection, and the Town official responsible for implementing these rules and regulations.

The Board of Selectmen is specifically authorized to adopt rules and regulations to require refuse collected from residences to be delivered to a Town designated disposal facility.

5.2 PROVISION OF TOWN HAULER (S) – The Board of Selectmen shall ensure that all residences of the Town shall be provided with curbside collection service for refuse, not subject to mandatory recycling requirements, that is delivered to a disposal facility, by the Town Hauler(s). The originally scheduled routes, and any major amendments thereto, shall be published in a local newspaper widely circulated within the Town. The Board of Selectmen shall be authorized to enter into any contract necessary and to prescribe rules and regulations necessary to provide this service.

The Board of Selectmen shall be authorized to establish the method and frequency of collection of all mandatory recyclables and voluntary recyclables for residences and to enter into any contract necessary to provide a Town Hauler(s) involved with providing this service. If a Town Hauler(s) is contracted to provide the collection of mandatory recyclables and/or voluntary recyclables, the originally scheduled routes, and any major amendments thereto, shall be published in a local newspaper widely circulated within the Town. The Board of Selectmen shall be authorized to enter into any contract necessary to provide this service.

The Town shall be responsible for providing the service to residences located on streets or roads not maintained by the Town or the State of Maine, only in the event that the conditions of such streets or roads reasonably allow such collection. The Town shall use the following criteria to determine if road conditions are acceptable for the purpose of providing collection services: the road conforms to the road standards identified in Town ordinances and Planning Board Subdivision Regulations; and/or the road is a minimum of fourteen feet in width, is regularly maintained to easily allow year-round access and is less than one-quarter mile in length. The Public Works Director shall be designated as the Town official responsible for determining if a private road satisfies Town collection standards.

Only refuse, mandatory recyclables and voluntary recyclables shall be collected, subject to the rules and regulations adopted pursuant to this ordinance .

SECTION 6: COLLECTION, TRANSPORTATION, RECYCLING AND DISPOSAL OF SOLID WASTE FROM COMMERCIAL ESTABLISHMENTS.

6.1 REQUIREMENT TO DISPOSE OF SOLID WASTE – All Commercial Establishments are required to ensure all solid wastes, generated by or located on the premises of their establishments, are properly collected, transported, separated, recycled and/or disposed in accordance with the provisions of the ordinance and the laws of the State of Maine. Effective July 1, 2003 the Town shall not pay for the cost of disposing of commercial waste.

SECTION 7: YORK TRANSFER STATION AND COMPOSTING FACILITY.

7.1 BOARD OF SELECTMEN AUTHORITY – The Board of Selectmen is hereby granted authority, after a duly noticed public hearing, to establish detailed operating rules and regulations for the York Transfer Station and Composting Facility. The rules and regulations shall be entitled, "Rules and Regulations to Operate the York Transfer Station and Composting Facility". 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 the economics of operating the Transfer Station and Composting Facility. The Board of Selectmen shall establish the effective date for all rules and regulations enacted. The rules and regulations shall be prominently displayed at the site and on file in the Town Hall.

The rules and regulations shall identify the following operating concerns and may address other operating concerns identified by the Selectmen:

- a. The Town official responsible for supervising operation of the York Transfer Station and Composting Facility;
- b. The hours of operation of the York Transfer Station and Composting Facility; and,
- c. Fees for use of the York Transfer Station and Composting Facility and method of paying such fees.

7.2 YORK TRANSFER STATION AND COMPOSTING FACILITY USER IDENTIFICATION REQUIREMENT – All vehicles using the York Transfer Station and Composting Facility shall have attached in a conspicuous place a permit sticker, which shall be available at the Town Clerk's office, Town Hall, York, Maine. The Board of Selectmen, after a duly noticed and called public hearing, is authorized to establish the cost of the permit sticker.

7.3 ACCEPTABLE WASTES – Only solid waste generated in the Town of York will be accepted at the Transfer Station and Composting Facility. The following solid waste materials will **not** be accepted:

- a. Mandatory and Voluntary Recyclable materials from residences and commercial establishments as defined by rules and regulations adopted pursuant to the Ordinance.
- b. Grubbing, stumps and tree butts
- c. Septic sludge, pesticides and chemicals
- d. Hazardous wastes
- e. Excessive quantities of brush unless prior approval is obtained from the Town official responsible for supervising the Transfer Station and Composting Facility operations.
- f. Dead animals or portions thereof or other pathological wastes.
- g. Other wastes identified by the Board of Selectmen.

7.4 REMOVAL OF ITEMS – No picking of solid waste or other materials within the Transfer Station and Composting Facility is permitted and no person shall remove materials from the facility unless prior approval is obtained from the Town official responsible for supervising the facility operations.

7.5 LOITERING PROHIBITED – Loitering in or on the Transfer Station and Composting Facility property shall not be allowed. Use of or presence within the property without permission of the Town official responsible for supervising the facility operations, other than during posted hours of operation, shall be considered trespassing.

SECTION 8: PENALTIES

Any person, firm or corporation who violate any provision of the Ordinance shall be subject to a fine of \$100.00 for each violation. Each day such a violation is continued is a separate offense.

SECTION 9: WAIVER/PAYMENT OF FINES

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney’s fees, and prosecution costs may apply.

SECTION 10: IMPLEMENTATION

The Board of Selectmen shall be authorized to enter into any contract necessary to implement this Ordinance.

SECTION 11: EFFECTIVE DATE

The Ordinance shall become effective upon its adoption by Town vote.