

**AN ORDINANCE CONTROLLING
SOLID WASTE
WITHIN THE TOWN OF ACTON**

Section 1: Purpose

This Municipality has a statutory obligation to provide a solid waste disposal facility for domestic and commercial waste generated within the Municipality, pursuant to 38 M.R.S.A §§ 1301. et seq. Solid waste contains valuable recoverable resources including energy, which if recovered reduce the cost of solid waste disposal.

This Municipality must exercise its legal authority to control the collection, transportation or its delivery to a specific facility, and disposal of solid waste generated within its borders. As solid waste disposal costs continually increase, it is necessary to exercise local control of as many cost factors as possible. This will be accomplished by separating wastes, recycling and by reducing the volume of waste to be hauled away for remote disposal.

Section 2: Definitions

- A. Collection Facility:** The Collection Facility, commonly referred to as the compactor, is the designated storage disposal site for wastes that are to be shipped to the Pine Tree Waste Facility.
- B. Disposal Facility:** The area designated as the storage or disposal site for those wastes that are not disposed of at the collection facility or recycling center.
- C. Waste Disposal Facility:** The Pine Tree Waste Facility in Westbrook, Maine, which processes and recovers materials from waste generated in the municipality, is designated as the “Waste Disposal Facility.”
- D. Commercial Hauler:** Any person, firm, or corporation who picks up or hauls refuse of any kind as a business or for compensation to be deposited at the Transfer Station.
- E. 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 or any other wastes defined as hazardous by Federal, State or Local laws, regulations or orders.
- F. Municipality:** The Town of Acton, Maine.
- G. Recyclable:** Materials which the town is separating as part of its recycling program, including but not limited to; glass, tin cans, aluminum cans, plastics, reusable (furniture, appliances, tools, toys, and other equipment).
- H. Recycling Center:** The area designated as the storage or disposal site for those items that have been designated as recyclable.

- I. **Mixed or Split Load:** Municipal solid waste generated by two or more municipalities and transported by a single waste vehicle for disposal at the Pine Tree Waste Facility and chargeable to the respective municipalities.
- J. **Transfer Station:** The facility designated as the site for storage or disposal of all acceptable wastes generated in the Town of Acton. It includes the collection facility, disposal facility and the recycling center.
- K. **Liquid Wastes:** All unwanted or discarded material with sufficient liquid content to be free flowing. This includes, but is not limited to: gasoline, kerosene, diesel fuel, antifreeze, solvents, hydraulic oil, transmission fluid, paint, septic tank waste or any other liquids containing chemicals that may be harmful to the environment.
- L. **Unacceptable Wastes:** The following materials will normally not be accepted for disposal at the waste disposal facility.
 - Any asbestos material
 - Barrels or cans with liquid contents in them (contents must be removed)
 - Liquid wastes. (except for used motor oil)
 - Tires (except at times specified by the Selectmen in a Public Notice)
 - Dead animals or parts thereof (including animal wastes)
 - Ammunition/explosives
 - Chemicals
 - Pathological wastes
 - Pesticides
 - Other hazardous wastes
 - Other materials as designated by the Board of Selectmen

As acceptable storage or disposal means become available, the Selectmen may change the above list of materials that are, normally, not accepted at the Waste Disposal Facility.

- M. **Demolition Debris:** Wood, sheetrock, plywood, paneling and insulation generally originating from demolition of a building or structure.

Section 3: Designation

In accordance with the provisions of 38 M.R.S.A. §§ 1304-B, the municipality hereby designates the Pine Tree Waste Facility located in Westbrook, Maine as its Waste Disposal Facility for the purposes cited in Section 1 of this ordinance.

Section 4: Regulated Activity

- A. The accumulation, collection, transportation and disposal of wastes generated within the Municipality shall be regulated in the following manner:
 - All Combustible Waste, which is acceptable for Pine Tree Waste and generated within the Municipality, shall be deposited at the Compactor.
 - All other Acceptable Waste generated within the municipality and all Recyclables shall be deposited at the Disposal Facility.

- Mixed or split loads are prohibited under this ordinance.
- B. No person shall deposit any material or wastes on any private or public properties without authorization by the property owner.
 - C. No person, firm, business, or corporation shall deposit any waste material at the Collection Facility or at the Disposal Facility that comes from outside the Town of Acton.
 - D. No person, firm, business, or corporation shall deposit any waste material at the Collection Facility or at the Disposal Facility without first having obtained a permit sticker from the Transfer Station Attendant and placed that sticker on the vehicle being used to deposit material according to Municipal rules.
 - E. No person other than residents or property owners of the Town of Acton, and no firm, business, corporation, or other legal entity not located in the Municipality shall deposit any waste material at the Collection Facility or at a Disposal Facility without first having obtained a permit or license to do so from the Municipal Officers. At their option, the Municipal Officers may require non-residents, or any non-resident legal entity to contract with the Municipality for the right to deposit at the Disposal Facility.
 - F. To reduce costs and to adhere to State and Federal environmental regulations, it is necessary to require separation of wastes being deposited at the waste disposal facility.

Section 5: Recycling Program

- A. Recyclable materials constitute a good portion of the solid waste stream and when properly handled, can help defray the Town's cost of waste disposal.
- B. All recyclable materials shall be deposited at the Recycling Center. Materials shall be clean and free of any food, oil, or chemical contamination.
- C. All commercial haulers shall be required to separate recyclable materials and deposit such at the Recycling Center.

Section 6: Collection Facility

Only wastes that are to be compacted and shipped to Pine Tree Waste shall be deposited at the Collection Facility. All other wastes or recyclable materials shall be deposited at the disposal facility or recycling center. Cans, bottles, glass, and other non-combustible materials are not to be deposited in the trash compactor.

The following wastes are unacceptable to the Pine Tree Waste Facility and shall not be disposed of at the collection facility:

- Abandoned or junk vehicles, trailers, agricultural equipment and boats and parts thereof
- Tires
- Hazardous waste
- Demolition or construction debris

- Putrefied waste
- Pathological waste
- Water treatment residues or by-products of any kind
- Tree stumps
- Brown goods (stereos, TVs, miscellaneous electronics), other than items commonly disposed of in ordinary household waste will not be deemed to be unacceptable waste if included in the small amounts customarily found in waste from residential sources so long as the disposal and processing of such material by Pine Tree Waste at the facility is permitted by applicable laws, statues, rules, regulations, and orders of all governmental entities have jurisdiction and sewer sludge of any kind
- Tannery and sewer sludge of any kind
- Waste oil or solvents
- Box springs, bedsprings, mattresses
- White goods such as freezers, refrigerators, washing machines, or parts thereof
- Liquid wastes or sludge
- Stuffed furniture
- Fish nets
- Automotive batteries
- Wire, rope, cable and banding metal
- Carpets, rugs, and underlayment of any dimension
- Rope, fiber greater than 6 feet
- Hose greater than 6 feet
- Wood greater than 24" in any direction
- Wire fencing
- Pesticides and other organic fluids
- Rolled material (e.g., rolled roofing) of any tube length exceeding a rolled diameter of 4"
- Firearms, ammunition, and explosives
- Other waste which is in the good faith judgment of Pine Tree Waste's delivery coordinator (a) could reasonable be expected to cause jam-ups, slowdowns, stoppages, failures or damage to the facility, (b) is an item similar in kind or effect to those enumerated above
- Any wastes deemed unacceptable for processing at the facility by federal, state or local law, ordinance, regulation rule or order

Section 7: Disposal Facility

The disposal facility currently comprises the following sites: compost pile, metal, demolition, white goods site, waste oil, e waste, brush and recycling building. Materials must be separated and disposed of in the designated areas. Directions and assistance shall be provided by an attendant.

Section 8: Property Rights

Prior to disposal of waste into the compactor, the Transfer Station Attendant at his/her discretion may open the bag to ensure all contents are acceptable waste. All acceptable waste collected for transfer to the energy recovery facility, or deposited at disposal facility, shall become the property of the Town. No one may salvage, remove or carry off any such waste without prior approval of the Board of Selectmen or its designee.

Section 9: Administration

This ordinance shall be administered by the Board of Selectmen. Their powers and duties are as follows:

- A. To adopt reasonable rules and regulations as needed to enforce this ordinance
- B. To consider all license applications and to grant or deny each application within 60 days after receipt of a completed application at the municipal offices or within such other time as they and the applicant shall agree is reasonable
- C. To review any alleged violation of this ordinance, and to impose appropriate penalties thereof after notice and hearing as required by this ordinance
- D. To institute necessary proceedings, either legal or equitable, to enforce this ordinance

Section 10: Licensing of Commercial Haulers

- A. No commercial hauler shall accumulate, collect, transport or dispose of Acceptable Waste or Waste Unacceptable at Pine Tree Waste generated within the Municipality without obtaining a license from the Board of Selectmen.
- B. Any person, firm or corporation required by this Ordinance to obtain a license shall make application to the Board of Selectmen providing the information required. Each application shall be accompanied by a nonrefundable application fee of \$25.00.
- C. The application shall contain all information required by the Board of Selectmen, including, but not limited to, description of the activity, e.g. collection, transport, or disposal of acceptable type and amount of waste handled in each service area, a description of the facility operated and used, and an equipment inventory, including, for vehicles, a description of the make, model and year of each vehicle used for the collection or transportation of solid waste, which information shall be revised annually upon license renewal. Proof of irrevocable liability insurance in the amount of \$1,000,000 and worker's compensation insurance coverage shall be included. The liability insurance shall name the Town of Acton as an additional insured. If the Board of Selectmen determines the application to be incomplete, they shall notify the applicant in writing of the specific information necessary to complete it. The Board of Selectmen shall be informed immediately of any changes in, or additions to equipment, including vehicles.
- D. Licenses are not transferable.
- E. All licenses shall expire one (1) year from the date of issue unless otherwise stated on the license, or revoked or suspended sooner in accordance with the provisions of this ordinance.
- F. In the event the Board of Selectmen denies a license application, they shall notify the applicant in writing and shall state the reasons for the denial. The applicant may request a public hearing in accordance with the procedures in Section 11.

- G.** In the event the Board of Selectmen grants a license application, the applicant shall pay a fee of \$250.00 for each vehicle licensed. This fee is in addition to the application fee. The Board of Selectmen may prorate this fee where appropriate. The Board of Selectmen may not refund any portion of this fee if the license is suspended or revoked.
- H.** The Board of Selectmen may grant a special license to a licensee for a limited period and upon such terms and conditions as it deems appropriate using a procedure that it deems appropriate for a replacement vehicle in the event of an emergency or a vehicle breakdown.
- I.** The Board of Selectmen may deny a license application upon a finding that applicant:
- Does not have the financial capacity and technical ability to conduct the activity described in the application
 - Has not made adequate provision for the control of offensive odors, or has not made adequate provision to prevent air and water pollution
 - Has not previously secured any necessary state or federal permits
 - Has failed to respond to inquires relative to source of waste or location of waste generators, including names, addresses and phone numbers of customers, during periods of time when the Board of Selectmen, or their designee, is monitoring tonnage being hauled by waste haulers. Failure to respond within 14 days of an inquiry shall be reason for denial
 - Failure to transport waste loads in covered containers or vehicles, such containers or vehicles shall be kept tightly covered and secured to prevent any spillage on public ways
 - Has failed to comply with any other provisions of this ordinance
- J.** Any license issued may be suspended or revoked by order of the Selectmen after benefit of a hearing in accordance with the procedures in Section 11, for the following causes:
- Violation of this ordinance
 - Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this ordinance
 - Violation of any license condition
 - Falsehoods, misrepresentations or omissions in the license application

Section 11: Fees

The Board of Selectmen may establish fees for the disposal of materials in the Disposal Facility.

Section 12: Hearings

- A.** Anyone denied a license or whose license is suspended or revoked pursuant to Section 10 is entitled to a hearing before the Board of Selectmen, if such request is made in writing within 10 days of the denial, suspension or revocation. Such hearings shall be held within thirty (30) days after receipt of the written request for a hearing.
- B.** The licensee or applicant shall be notified in writing as to the time and place of the hearing at least ten (10) days prior to the hearing date. The applicant or licensee has the right to be

represented by counsel, to offer evidence, and to cross-examine witnesses. But the hearing is not subject to rules of evidence or formal rules for Adjudicatory proceedings.

- C. A determination shall be made by the Board of Selectmen within ten (10) days after the conclusion of the hearing, and notice of the decision shall be served upon the applicant or licensee by registered mail, return receipt requested.
- D. The Board of Selectmen's final determination relative to the denial or suspension or revocation of a license and the period of suspension or revocation shall take effect as provided in the notice unless, at the time of final determination, the Board of Selectmen made it effective immediately. The Board of Selectmen's determination shall set forth the reasons for the denial, suspension or revocation and the effective dates thereof together with a statement that such decision may be appealed as provided in this ordinance.
- E. Any controversy or claim arising out of or relating to the Municipal Officers' determination may be appealed to Superior Court pursuant to M.R. Civ. P., Rule 80B, within thirty (30) days after the Board of Selectmen's final determination.

Section 13: Enforcement; Penalties

This Ordinance shall be enforced by the Board of Selectmen, or their designees. Any person violating any provision of this Ordinance commits a civil violation for which a forfeiture of not less than \$100.00 nor more than \$500.00 shall be adjudged. Each day of violation constitutes a separate offense. Any violation is deemed to be a nuisance and the Board of Selectmen may bring an action for equitable relief.

It shall be the duty of the law enforcement official designated by the Board of Selectmen to cause the removal of any deposit or accumulation of refuse, rubbish, or waste material of a similar nature deposited upon unauthorized property after the effective date of this ordinance.

Section 14: Transfer Station Manager

The Board of Selectmen shall appoint a Transfer Station Manager to manage all aspects of operation at the Transfer Station and provide supervision of the attendants.

Section 15: Caretaker

The municipal officers shall provide attendants under the supervision of the Transfer Station Manager for the Collection Facility and Disposal Facility and shall enumerate their powers and duties. The attendant may designate certain areas for the deposit of component parts of said waste material, including but not limited to metals, wood wastes, leaves/yard wastes, stumps, and demolition debris. No person shall deposit such component parts elsewhere than designated by said attendant.

- Open and close the gate at the beginning and end of the operating day
- Oversee the dumping, by users, of the solid waste to insure refuse is placed in the designated area
- Erect such movable signs, as necessary, to direct users to the proper dumping location

- Personally direct traffic if necessary, during periods of heavy traffic
- Place such litter barriers, as required, during periods of strong winds
- Pick up litter from litter fences, along the road, and over site in general, daily
- Provide assistance to those using the site including helping infirm or handicapped persons with their waste
- Make arrangements to contact a doctor, hospital or ambulance in the case of personal injury.
- In case of unforeseen problems or in doubt as to the correct procedure, contact supervising municipal official
- Observe and enforce safety rules and regulations

Section 16: Exemptions

This Ordinance in no way prevents any property owner, business or corporation from disposing of any materials or wastes on their own property that is allowed by state or federal laws, rules, or regulation.

Section 17: Conflict/Severability

- A. The provisions of this law shall supersede all other local laws, ordinances, resolutions, rules or regulations contrary thereto, or in conflict therewith.
- B. The provisions of this ordinance shall be severable and if any phrase, clause, sentence or provision, or the application thereof to any person or circumstances shall be held invalid, the remainder of this ordinance and the application thereof shall not be affected thereby.

Section 18: Effective Date

This Ordinance shall become effective on the date of adoption. Any person, firm or corporation required to obtain a license hereunder shall have sixty (60) days from the date of adoption of this ordinance to secure such license, which shall become effective on the date specified therein.

Adopted 03/13/1992; Amended by Town Meeting 04/28/2015; Amended by Town Meeting 11/10/2015