

Ordinance #03-01
Town of Sebago
Solid Waste Ordinance

Adopted: June 1, 2002
Amended: October 22, 2002
Amended: September 6, 2005

Purpose

This ordinance regulates the acceptance, transportation, and disposal of municipal solid waste generated within the borders of the Town of Sebago in order to protect the health, safety, and welfare of the residents and property owners thereof.

Section 1. Facility Use

- a. All residents, all property owners and resident businesses of the town shall have the right to use the solid waste facility operated by the town unless that privilege has been revoked as hereinafter provided.
- b. Use of the solid waste facility operated by the town shall be conditional upon display of the necessary permit.
- c. Permit stickers shall be available to residents and resident businesses only and must be renewed with each new automobile registration or as needed, beginning in 2002, on or before the date of registration of the vehicle to which the permit is affixed. Those wishing to obtain a permit must provide proof of a valid vehicle registration or other proof of residency in the Town of Sebago for each permit requested.
- d. Temporary permits for use of the solid waste facility may be issued to property owners and non-residents for the disposal of waste generated within the borders of the town. Those wishing to obtain a temporary permit must identify where the waste for which disposal is desired was generated.

Section 2. Authority of the Board

- a. The Town Manager or her/his designee shall have the authority to hire or appoint a "Solid Waste Manager" for the town.
- b. Establishment of Rules
 - 1) The Board has the authority and responsibility to establish rules as permitted or required by this ordinance.
 - 2) The Board may adopt or change any rule proposed in accordance with this ordinance only after consideration of said changes at a public meeting.
 - 3) The Board shall provide public notice seven (7) days in advance of the effective date of any rule adopted or changed by the Board except in the case of an "emergency."

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- c. The Board has authority to establish fees for disposal of construction and demolition debris, white goods, furniture, metals, and other acceptable waste, not to include municipal solid waste, generated within the borders of the town at the solid waste facility or facilities with which the town has disposal contracts. Those rules shall be based on but not limited to the following criteria:
 - 1) In the event that weight is difficult to determine, fees shall be levied on the basis of volume, determined as closely as possible. If reliable scales become available to the Town, fees shall be based on the basis of weight.
 - 2) All fees shall be levied in advance of disposal or deposit in receptacles at the solid waste facility for transfer to disposal site(s).
 - 3) Fees shall be based on the cost to the town for disposal and transportation of those wastes.
- d. The Board has authority to establish rules with respect to permits, such as placement of permits on vehicles, as deemed necessary.
- e. The Board has authority to establish operating hours for all town-owned solid waste facilities. These hours shall be established with the goal of providing the maximum safety and convenience to the greatest number of persons at the lowest possible cost.
- f. Board Authority as It Pertains to Commercial Haulers.
 - 1) The Board has authority to establish additional rules applicable to commercial haulers of waste including but not limited to requiring said haulers to transport collected materials to an end disposal site other than town-owned facilities.
 - 2) The Board shall also have authority to require additional information for licensing of commercial haulers as deemed necessary.
- g. The Board has authority to establish any other rules pertaining to the definition of illegal disposal deemed necessary for the protection of the health, safety and welfare of the residents of the town.
- h. The Board has the authority to establish additional rules regarding the transportation of waste within the borders of the town as are necessary to protect the health and safety of the residents of the town or to comply with State and/or Federal mandates.

Section 3. Solid Waste Manager

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- a. The Solid Waste Manager shall report to and work under the supervision of the Public Works Director and be given such authority as deemed necessary by the Board for the purpose of upholding State and Federal solid waste management laws, rules and regulations, the provisions of this ordinance, and any rules made in accordance with this ordinance.
- b. The Solid Waste Manager and/or the attendant(s) at the solid waste facility shall have the responsibility and authority to enforce established rules regarding fees for disposal and other rules.

Section 4. Commercial Haulers

- a. All commercial haulers, as defined herein, performing waste hauling services to residences, businesses, or any other entities for solid waste generated solely within the borders of the town must be licensed by the town annually.
- b. Information to be supplied by the commercial hauler in order to be licensed by the town shall include, but not be limited to:
 - 1) Proof of registration for each of the vehicles that will be used for waste hauling services.
 - 2) Proof of liability insurance in an amount no less than \$500,000 or as otherwise required by law and acceptable to the board.
- c. Fees for commercial hauler permits shall be established by rule. An annual fee of \$150.00 for each hauler permit begins as of October 1, 2005.
- d. Any commercial hauler who is not properly licensed shall be in violation of this ordinance.

Section 5. Transportation of Waste

- a. All waste transported over the roads, public or private, within the borders of the town must comply with State and Federal laws and standards.
- b. Failure to comply with the standards for transportation of waste established herein constitutes a violation of this ordinance, as well as State and Federal laws and regulations.

Section 6. Illegal Disposal

- a. Disposal of waste within the borders of the town at any location other than that which has been established by the Board shall constitute illegal disposal. Illegal disposal shall include the following:

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- 1) Disposal of waste in any location at the solid waste facility other than where instructed by attendant.
- 2) Disposal of waste in any location at the solid waste facility before or after designated operating hours.
- 3) Disposal of waste in any location within the borders of the town other than at the solid waste facility, or other approved locations.
- 4) Disposal of waste at the solid waste facility that is improperly prepared according to established rules.
- 5) Disposal of waste at the solid waste facility without displaying the proper permit(s) or paying any established disposal fees.
- 6) Disposal of any non-acceptable waste.
- 7) Disposal of any waste for which the solid waste facility has not been designed, licensed, and approved.
- 8) Composting of organic or agricultural materials on one's own property is not considered illegal disposal according to the provisions of State and Federal law and this ordinance.

Section 7. Hazardous Waste

- a. The dumping of any hazardous waste as defined in 38 M.R.S.A. Sec. 1303-A at the solid waste facility or other unapproved locations within the borders of the town is strictly forbidden, with the following exceptions:
 - 1) Waste motor oil, hydraulic fluid, and transmission fluid may be collected at the solid waste facility for safe transport if deemed appropriate by the Board.
 - 2) Household hazardous waste may be collected on designated collection days at the solid waste facility for safe transport in accordance with State and Federal laws as deemed necessary and appropriate by the Board.
 - 3) Items such as appliances which contain hazardous material within their normal working parts may be collected at the solid waste facility for safe transport as deemed necessary and appropriate by the Board.

Section 8. Violations

- a. Any person, business, or entity that violates any provision of this ordinance or any rule established in accordance with this ordinance is subject to revocation of permit for a minimum of one year and a fine not to exceed \$100.00.
- b. Any commercial hauler who violates any provision of this ordinance or any rule established in accordance with this ordinance is subject to revocation of town license for a minimum of one year and a fine not to exceed \$1,000.00.

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- c. Any person, business, or entity found in violation of this ordinance or any rule made in accordance with this ordinance shall be permitted to use the town solid waste facility only if twelve consecutive months have passed without their committing a subsequent violation.
- d. Any person, business, or entity charged with violation of this ordinance shall have the right to a hearing before the Board if so requested. A hearing shall be for the purpose of allowing both sides in the case to present testimony, both personal and from witnesses, which the Board shall consider in making its decision. In those cases where a penalty may be assessed the Board shall notify the person charged with violation of this ordinance of the right to a hearing. The person shall have seven (7) days from the date of notice to request a hearing, or that right will be considered waived. In the absence of a request for a hearing the Board shall make its decision based on the information available to it. All decisions of the Board are final.
- e. In addition to any of the civil penalties described herein, any person, firm or corporation found in violation of this ordinance or any rule made in accordance with this ordinance shall be liable to the town for all costs associated with the violation.

Section 9. Severability

- a. The invalidation of any section or part of this ordinance shall not invalidate any other section or part of this ordinance.

Section 10. Definitions

The following definitions apply to this ordinance.

- a. “Board” means the Board of Selectmen.
- b. “Commercial Hauler” means any person, firm, corporation, or partnership whose business is handling or hauling waste for compensation.
- c. “Construction and Demolition Debris” includes lumber, bricks, masonry, asphalt, shingles, insulation and other similar materials. It does not include asbestos.
- d. “Disposal” means the discharge, deposit, spilling, leaking or placing of waste into or on land, air or water.
- e. “Hazardous Waste” means any material or substance which, by reason of its compositions or characteristics, is defined as toxic or hazardous under the applicable laws, and any other material or substance which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic or dangerous or otherwise ineligible for

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transfer through or disposal from a licensed transfer station or licensed disposal facility.

- f. “Municipal Solid Waste” shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, scrap metal, junk, refuse, inert fill material and landscape refuse, front end process residue from the processing of municipal solid waste, but shall not include septic tank sludge nor agricultural or hazardous wastes.
- g. “Non-Acceptable Waste” means any of the following: (i) hazardous waste; (ii) special waste; (iii) septic tank waste; (iv) liquid wastes or sludge; (v) water treatment residues; (vi) waste oil, propane tanks, and other flammable materials; (vii) metal industrial wastes or metal objects other than those commonly found and associated with ordinary household waste; (viii) abandoned or junk vehicles; (ix) dead animals or portions thereof, or any other pathological wastes; (x) tree stumps, yard waste, and brush; and (xi) waste which may reasonably be expected to cause jam-ups, slowdowns, stoppages, failures or damage to the transfer station or a licensed disposal facility.
- h. “Secure” with respect to transporting waste means containing said material in such a fashion as to prevent any of said material escaping from the vehicle during any stage of transporting said waste from initial location to the disposal site.
- i. “Solid Waste Facility” means the Town of Sebago licensed transfer station which has all applicable State permits, licenses, and approvals necessary to accept the municipal solid waste for temporary holding and processing pending transportation to a licensed disposal facility.
- j. “Town” means the Town of Sebago.
- k. “Waste” includes hazardous waste, solid waste, special waste, sludge, and septic tank waste.

Section 14. Effective Date

This ordinance shall take effect thirty (30) days following public notice given by the Board of its adoption.

Date Adopted: June 1, 2002

Attest: _____
Town Clerk

Amended: October 22, 2002

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