

**Solid Waste Flow and Recycling Ordinance
Town of Stockton Springs, Maine**

§1 IDENTIFICATION AND DEFINITION OF ORDINANCE

§1.1 Identification.

This ordinance shall be known as the TOWN OF STOCKTON SPRINGS SOLID WASTE FLOW 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 Stockton Springs, 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 domestic solid waste in the Town of Stockton Springs 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).

An additional purpose of this ordinance is to validate the Town's user fee system for the curbside collection and disposal of domestic solid waste. The user fee plan promotes equity and fairness by linking the cost of waste disposal to the amount of waste actually generated by a person or household.

§1.3 Applicability.

This ordinance applies to all domestic, residential, and governmental generators of solid waste in the Town of Stockton Springs. This ordinance further applies to waste that is left curbside to be collected by commercial haulers under separate contracts with the Town.

§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 non-hazardous solid waste generated by domestic, residential, and governmental generators in the Town of Stockton Springs which may include, but is not limited to: household rubbish, garbage, recyclables, white goods, metals and construction and demolition debris.

§1.4.B Commercial Hauler is any company or individual who transports solid waste for compensation while being under contract with the Town.

§1.4.C Curbside is defined as a collection location, usually at the end of the driveway or private road, within Town or State road limits, but not on actual pavement.

§1.4.D Designated Facilities are those facilities for disposal and recycling processing that have entered into negotiated agreements or contracts with the Town of Stockton Springs.

§1.4.E Recyclable Materials are a type of acceptable waste that is collected curbside separate from other forms of acceptable waste, and which may include, but are not limited to: cardboard, newspapers & inserts, office paper, milk jugs, detergent bottles, rigid containers marked #1 thru #7, tin cans, empty aerosol cans, all glass bottles & jars.

§1.4.F Unacceptable Waste is that portion of solid waste which is not defined as acceptable waste and includes, but is not limited to: sewage, liquid waste or sludges, junk vehicles, wet cell batteries, dead animal carcasses or portions thereof, hazardous waste, infectious waste, special waste such as asbestos, industrial process waste, medical waste, contaminated soils, tree stumps, waste oil, and electronic waste, tires.

§1.4.E User Fee Sticker is a sticker, issued by the Town of Stockton Springs pursuant to this ordinance, which allows a container of domestic solid waste to be disposed of curbside.

§1.5 Designation of Solid Waste Facilities.

§1.5.A The Select Board is authorized to designate facilities for the disposal of acceptable waste and for recycling processing, subject to the constraints set upon them by Town Meeting Action.

§2 REGULATION AND ENFORCEMENT

§2.1 Rule Making Powers.

The Select Board shall adopt written solid waste rules and regulations for the processing, recycling and disposal of domestic solid waste. The Select Board shall have the authority to establish and collect fees for user fee stickers that are required for curbside collection.

§2.2 Enforcement Powers.

Town Officials, so designated by the Select Board, 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 Stockton Springs unless such land has been designated by the Town as a solid waste disposal facility and or the individual disposing of the waste has ownership of the property on which the waste was placed.

2.4 User Fee Sticker Required.

No person may dispose of domestic acceptable waste curbside unless a user fee sticker is affixed to the container (plastic bag, box, or other) containing such waste. Each container must have its own sticker and the sticker shall be clearly visible on the container.

§3 COLLECTION AND TRANSPORT

§3.1 Curbside Collection. Any person using curbside collection of acceptable solid waste or recyclables shall follow these regulations:

§3.1.A Curbside Acceptable Waste that is to be placed at curbside for disposal must be in plastic bags or other containers which are acceptable to the hauler and each of which contains no more than 40 pounds of waste. Bags and containers shall contain no unacceptable waste and shall be placed at curbside not more than 24 hours before scheduled pick up.

§3.1.B Curbside Recyclables that are to be placed at curbside for collection must be prepared according to current regulations and placed in an approved container. Haulers may reject material which is not prepared according to specifications. Recycling containers shall be placed at the curbside no earlier than 24 hours before scheduled pick up.

§3.3 C Curbside Special Collections are for the collection of demolition and wood debris and metal. Specific instructions will be issued in advance of each collection.

§4 FLOW CONTROL

§4.1 Direction of Applicable Solid Waste to Designated Facilities.

The Town has entered into one or more binding contracts to deliver all applicable waste to their 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 Commercial Hauler who delivers acceptable solid waste, and recyclables to any other facility is in violation of this ordinance.

§5 VIOLATIONS AND PENALTIES

§5.1 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.

§5.2 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.

§5.3 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. If no person is so charged, then the costs shall be borne by the land owner. The Town may pay the tipping fee for disposal of illegally dumped material if the land owner reports the violation to the Town's Police Department or to the Town's Code Enforcement Officer and the person or persons responsible for the act cannot be determined.

§6 STIPULATIONS

§6.1 Severability. If any provisions 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.