1. TITLE

This Ordinance shall be known as the Solid Waste and Recycling Ordinance for the Town of Dayton Maine and referred to herein as the "Ordinance".

2. AUTHORITY

This Ordinance is adopted pursuant to the Town's Home Rule Powers under Article VIII-A of the Maine Constitution, 30-A MRSA §3001, *et seq.*, and 38 MRSA §1304 and §1305.

3. PURPOSE

The purposes of this Ordinance are:

A. 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 of, to adhere to State and federal environmental regulations and statutes, and to effectively manage the Town's transfer station facility.

B. To control the costs of solid waste management and to more fairly allocate the costs of waste disposal to those who generate the waste.

C. To allow the Town to encourage the recycling of solid waste materials to ensure that State goals regarding recycling are met, and to lessen degradation to the environment by reducing the volume of waste placed in landfills or burned at waste-to-energy plants.

4. ADMINISTRATION

This Ordinance shall be administered by the Municipal Officers and/or their designees, with the powers and duties as follow:

A. To institute all necessary procedures, either legal or equitable, to enforce this Ordinance.

B. To review any alleged violations of this Ordinance, and, after notice and hearing as required, to impose appropriate penalties for any such violations.

C. To provide education on a continuing basis concerning the methods of solid waste disposal and recycling, including any change in disposal and recycling requirements.

D. To provide necessary pickup and disposal contracts, consistent with the best cost and service.

E. To establish reasonable rules and regulations relating to curbside pickup, recycling, and the operation of the Transfer Station.

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

K. Recyclable Materials. Items that possess physical and economic characteristics which allow them to be recovered, separated, collected or reprocessed for sale or reuse other than use as fuel for generation of heat steam or electricity. These items include but are not limited to newspapers, magazines, phone books, mail, cereal boxes, used envelopes, white paper, colored paper, flattened and bundeled cardboard, paper bags, bottles, cans, glass and #1 and #2 plastic.

L. Recycling. The separating, collecting and/or processing of Recyclable Materials.

M. Residence. 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.

N. Solid Waste. Any acceptable discarded or unwanted solid organic or inorganic material with insufficient liquid content to be free flowing.

O. Special Waste. Any solid waste generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures. To the extent not included in the definition of Hazardous Waste, Special Waste includes, but is not limited to:

1. Oil, coal, wood and multifuel boiler and incinerator ash;
2. Industrial and industrial process waste;
3. Waste water treatment plant sludge, paper mill sludge and other sludge waste;
4. Debris and residuals from nonhazardous chemical spills and their cleanup;
5. Contaminated soils and dredge spoils;
6. Asbestos and asbestos-containing waste;
7. Sand blast grit and nonliquid paint waste;
8. High and low pH waste;
9. Spent filter media and residue; and
10. Other waste designated by the Board by rule.

SECTION 6. COLLECTION, TRANSPORTATION, RECYCLING, AND DISPOSAL OF SOLID WASTE FROM RESIDENCES.

A. The Board 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 and Commercial Establishments within the Town. 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 kept on file in the office of the Town Clerk.

Universal Waste, Special Waste and Hazardous Waste shall be disposed of at an Approved Disposal Facility licensed and certified to handle such wastes.

Unacceptable waste is not to be disposed of within the Town and shall be removed by the owner and shall be disposed of at an Approved Disposal Facility licensed and certified to handle such waste.

B. The Board shall ensure that all Residences of the Town will be provided with curbside collection service for Solid Waste. The Board shall be authorized to enter into any contract necessary and to prescribe rules and regulations necessary to provide this service, including but not limited to the method and frequency for collection of household waste and Recyclable Materials, Approved Container size(s), and amount of household waste allowed per Residence.

C. To ensure that State goals for recycling are met, the Board may institute a program for the voluntary or mandatory recycling of Recyclable Materials. The Town may provide for the curbside collection of recyclable materials to all Residences within the Town, and may provide for the collection of recyclable materials from Commercial Establishments without charge.

D. Acceptable Curbside Waste and Recyclable Materials will only be collected from public roads unless otherwise designated by the Town. Residents on private ways must bring their Acceptable Curbside Waste and Recyclable Materials to a collection point at the intersection of the public way with the private way.

SECTION 7. COLLECTION, TRANSPORTATION, RECYCLING AND DISPOSAL OF SOLID WASTE FROM COMMERCIAL ESTABLISHMENTS

Commercial Establishments are required to ensure that all Solid Wastes generated by or on the premises of the Commercial Establishment are properly collected, transported, separated, recycled and/or disposed of in accordance with the provisions of this Ordinance and the laws of the State of Maine.

<u>The Town of Dayton shall not be responsible for the collection and/or transportation of Commercial Waste.</u>

8. Household waste;

9. Partially filled containers of glues, tar, solvents, resins, paints, or caulking compounds; friable asbestos; and other special wastes; and

10. Other wastes identified by the Board by rule.

E. Once deposited at the Transfer Station, all items of waste shall become the property of the Town and no picking of such waste, including metal or other recyclable materials is permitted from the Transfer Station.

SECTION 9. LICENSING

A. Issuance of Licenses.

1. No person, firm or corporation shall accumulate, collect, store, transport or dispose of Acceptable Waste or Unacceptable Waste generated within the Town without first obtaining a license from the Board, except that a person, firm or corporation that accumulates, collects, stores, transports or disposes of less than 2 ton(s) per month of its own waste shall not be required to obtain such a license.

2. Any person, firm or corporation required by this Ordinance to obtain a license shall make application to the Board, providing the information required. Each initial application shall be accompanied by an annual, non-refundable application fee as set by the Board's fee schedule.

3. The application shall contain all information required by the Board, including but not limited to a description of the activity(ies) engaged in, e.g., collection, transporting, or disposal of Acceptable and/or Unacceptable Waste; type and amount of waste handled in each service area; description of the facility(ies) operated and used; and equipment inventory, including for vehicles a description - the make, model and year of each vehicle used for the collection or transportation of solid waste. All information provided shall be revised annually upon application for license renewal. If the Board determines the application is incomplete, they shall notify the applicant in writing of the specific information necessary to complete it. The Board shall be informed immediately in writing of any changes in or additions to equipment, including vehicles.