

SOLID WASTE REDUCTION ORDINANCE FOR THE TOWN OF CANAAN

Title

- 1.1 This Ordinance shall be cited as the "Solid Waste Reduction Ordinance for the Town of Canaan."

Purpose

- 2.1 This Ordinance is intended to reduce the amount of solid waste generated in the Town of Canaan. It is also intended to reduce the Town's cost of disposal of solid waste through a variety of methods including but not limited to, grants, user fees, donation, and recycling revenues.
- 2.2 This Ordinance establishes Rules and provides for enforcement of these Rules in order for the Town to meet or exceed the recycling goals established by Maine's P.L. 1989 Ch. 585 "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation". These Rules are established to protect the health, safety and welfare of the citizens of Canaan and to protect the environment and natural resources of the Town.
- 2.3 A Solid Waste Reduction Board is created to administer this Ordinance and to develop ongoing strategies for the town to meet recycling goals.

Scope

- 3.1 This Ordinance applies to all residential, commercial, and industrial generators of solid waste in the Town of Canaan.

Authority

- 4.1 The Solid Waste Reduction Ordinance for the Town of Canaan is adopted pursuant to 30-A M.R.S.A. section 3001 et seq., and 38 M.R.S.A. section 1301 et seq..

Definitions

- 5.1 Board. "Board" means the Solid Waste Reduction Board for the Town of Canaan.
- 5.2 Generator. "Generator" means any entity that engages in the act or process of producing solid waste.
- 5.3 Hazardous waste. "Hazardous waste" means a waste substance or material, in any physical state, designated as hazardous by the Board of Environmental Protection. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

- 5.4 Recyclable materials. "Recyclable materials" means those materials possessing physical and economic characteristics that allow them to be recycled.
- 5.5 Recycling. "Recycling" means to recover, separate, collect and reprocess waste materials for sale or reuse other than use as a fuel for the generation of heat, steam, or electricity or use as a landfill waste.
- 5.6 Solid waste. "Solid waste" means 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 materials, junk, refuse, inert fill material and landscape refuse, but shall not include septic tank sludge or agricultural wastes.
- 5.7 Special waste. "Special waste" means any nonhazardous 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, which 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.
- 5.8 Any word not otherwise defined shall have its ordinary meaning. The definitions set forth in 38 M.R.S.A. section 1303-C also shall apply.

Solid Waste Reduction Board

- 6.1 The Board shall consist of the following: coordinator, two assistant coordinators, and two residents of the Town of Canaan appointed by the Board of Selectmen.
- 6.2 The Board shall have the authority to:
- a. Develop an active solid waste reduction plan and program consistent with the goals established by the Waste Management Division of the State Planning Office.
 - b. Update the solid waste reduction plan on a yearly basis.
 - c. Execute the solid waste reduction plan within the budget guidelines.
 - d. Conduct one public hearing each year to solicit comments from the public concerning the solid waste reduction plan.
 - e. Develop educational, training, and informational meetings and programs in order to promote community awareness and to maintain competent knowledge on the Board.
 - f. Establish Rules for all municipal waste collection, transfer, reuse, recycling, and disposal systems. This shall include Rules for any temporary or permanent solid waste or recycling sites and facilities within the Town of Canaan including, but not limited to, hours of operation, fees, and inspection of materials. The Rules shall be reviewed and revised as required to satisfy the needs of Municipal, State and Federal laws and regulations. This section does not grant authority to the Board to regulate private haulers of solid waste and recyclable materials.

- g. Plan for and designate temporary drop-off site(s) and/or a permanent facility for the collection, storage, processing, and transfer of solid waste and/or recyclable materials.
 - h. Create standards that pertain to the type of solid waste and recyclable materials to be accepted.
 - i. Establish a user fee system such as, but not limited to, "pay-per-bag" system.
 - j. Adopt Rules and amend Rules pursuant to this Ordinance.
 - k. To accept donations or pass-through funds that may be provided by business, associations, charitable groups, individuals, or other organization and to spend those funds for the purposes for which they were provided.
 - l. To accept donations of goods and services that may be provided by businesses, associations, charitable groups, individuals, or other organization and to use the goods and services for the purposes for which they were provided.
- 6.3 The Board shall submit a report of its activities in writing or in person at least once per year to the Board of Selectmen, Planning Board, and the Comprehensive Planning Committee.
- 6.4 All residents and/or businesses in the Town of Canaan using a dumpster must keep the cover closed to ensure the dryness of the solid waste. Any person and/or business in violation will be issued a written warning the first time. A second offense will result in the person or business incurring a \$100.00 fine. A third offense will result in the person and/or business paying the tipping fees in the future.

Recycling Requirement

- 7.1 Recyclable materials shall be separated from the solid waste of all residential, commercial, and industrial generators in the Town of Canaan.
- 7.2 The Board shall designate by Rule those recyclable materials that are to be collected (based on market conditions) and the manner in which they are handled.

Administration and Enforcement

- 8.1 The Town of Canaan Board of Selectmen or their duly appointed agent shall enforce this Ordinance.
- 8.2 The Board of Selectmen shall appoint one coordinator and two assistant coordinators to manage the solid waste reduction program. The Selectmen shall establish the respective job responsibilities of these positions.
- 8.3 The Board may negotiate, appointing, hiring, or contracting with an individual, partnership, or corporation to assist in the planning and management of solid waste and recyclable materials per approval of the Board of Selectmen.
- 8.4 The Board shall be responsible for negotiating and contracting with any person,

corporation, agency, partnership, or other entity for the collection, processing, or disposal of solid waste and recyclable materials per approval of the Board of Selectmen. The Town of Canaan shall retain an option to provide some or all of the services necessary to manage its solid waste and recyclable materials.

Violations and Penalties

- 9.1 When a violation of any provision of this ordinance shall be found to exist, the Board of Selectmen or their duly appointed agent shall institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance.
- 9.2 Any person, firm, or corporation who violates any of the provisions of this Ordinance or an Rules adopted pursuant to this ordinance shall be subject to a minimum civil penalty of (\$100) and a maximum penalty of (\$2,500).
- 9.3 Any person, firm, or corporation who violates any of the provisions of this Ordinance or any Rules adopted pursuant to this ordinance shall pay the Town's court cost and reasonable attorney's fees in the event that the Town takes court action to enforce this Ordinance.
- 9.4 Disposal of solid, hazardous, and special wastes and recyclable materials at locations, sites, or areas within the municipality which have not been designated as an acceptable facility or site is a violation of this Ordinance. The cost of clean-up and all costs associated with proper disposal shall be borne by, but not limited to, individuals, partnerships, corporations, and their agents responsible for the disposal.
- 9.5 Whenever the Board of Selectmen or their duly appointed agent finds any person, firm, partnership, or corporation to be in violation of this Ordinance, the following procedure shall apply:
 - a. A written violation notice shall be delivered or mailed to the person (first notice)
 - b. If the violation is found to exist five days following the first notice, then a second notice shall be delivered or mailed.
 - c. If the violation is found to exist 5 five days following the second notice, then the Board of Selectmen shall be authorized to pursue a civil penalty as stated in section 9.2.

Amendments

- 10.1 Amendments may be initiated by the Board of Selectmen, Solid Waste Reduction Board, or written petition by a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality in the last gubernatorial election.
- 10.2 This ordinance may be amended by a majority vote of the legally constituted municipal governing body at a regular or special Town meeting or by referendum ballot.

Severability, Conflict and Effective Date

- 11.1 If any provision of this Ordinance is found by a court of competent jurisdiction to be unenforceable, the remaining provisions shall continue in full force and effect.
- 11.2 If this ordinance conflicts with other town ordinances, then the strictest provisions shall apply.
- 11.3 Provisions of Federal and State laws and Rules adopted pursuant thereto shall govern if such provisions are more stringent than the provisions of this Ordinance.
- 11.4 This Ordinance shall become effective when adopted by a majority of the voters at regular or special Town meeting.