

# Solid Waste Ordinance

## TOWN OF BUXTON SOLID WASTE ORDINANCE

TOWN OF BUXTON SOLID WASTE ORDINANCE Enacted March 7, 1987, Amended June 2003, Amended February, 2005, Amended November 8, 2011, Amended June 2021, Amended June 15, 2024.

### ARTICLE I -

#### SOLID WASTE

1.1 Short Title This Ordinance shall be known and may be cited as the "Buxton Solid Waste Ordinance" and referred to herein as the "Ordinance".

1.2 Purpose The purpose of this Ordinance is to protect the health, safety, and general well being of the citizens of Buxton. This Ordinance is also meant to enhance and maintain the quality of the environment, conserve natural resources, promote recycling, and prevent land, water, and air pollution. This Ordinance provides for a comprehensive, rational, and effective means of regulating the transportation, Resource Recovery, and Disposal of Solid Waste in and for the Town of Buxton and its residents in accordance with the provisions of 38 M.R.S.A. sec. 1304-B.

#### Definitions

1.3.a. Acceptable Curbside Waste: Wastes acceptable for curbside pickup shall include all non-commercial ordinary household and municipal Solid Wastes which consist primarily of combustible materials, and are not listed under the definition of Unacceptable Curbside Waste.

1.3.b. Approved Disposal Facilities: Shall mean any land or structure, or combination of land area and structures used to legally dispose of waste. Such facilities include, but are not limited to, landfills, transfer stations, indoor storage facilities, salvage yards, recycling centers, compost facilities, and incinerators.

1.3.c. Commercial Waste: Shall mean any waste from residential dwellings or trailer parks with more than three units, and any waste from a business or institution that is not considered a home based business or occupation. All such commercial properties shall be responsible for providing their own waste removal services. A home based business or occupation is defined in section 11.10 of the Buxton planning ordinance. For the purposes of curbside waste removal services, home based businesses or occupations shall not be considered commercial. Any building(s) under construction or demolition, whether commercial, institutional, or residential, are considered commercial for the TOWN OF BUXTON SOLID WASTE ORDINANCE 2 purposes of curbside waste removal services.

1.3.d. Disposal: Shall mean the discharge, deposit, dumping, or placing of any Solid Waste into or on any land or body of water, or the incineration of any solid waste.

1.3.e. Hazardous Waste: Shall mean any waste which by reason of its composition, characteristics or other inherent properties is dangerous to handle by ordinary means, or which may present a substantial risk to health or safety, or which presents a reasonable possibility of adversely affecting the operation of the disposal facilities. Hazardous Waste shall also mean waste which is defined as harmful, toxic, dangerous, or hazardous at any time, pursuant to (I) the Solid Waste Disposal Act, 42 U.S.C. 6901 et seq., as amended; and (II) the Maine Hazardous Waste, Septage and Solid Waste Act, 38 M.R.S.A. 1301 et seq., as amended; and (III) any other federal, state, county or local codes, statutes or laws; and (IV) any regulations, orders or other actions promulgated or taken with respect to the items listed in (I) through (III) above, provided however; that any such materials which are later determined not to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction shall not be considered "Hazardous Waste" unless a contrary determination has been or is made by any other governmental agency or unit having appropriate jurisdiction. Examples of Hazardous Waste include, but are not limited to, antifreeze, pesticides, explosives, mercury containing items, and biological or pathological wastes.

1.3.f. Municipality: Shall mean the Town of Buxton.

1.3.g. Resource Recovery: Shall mean the recovery of materials that still have useful physical or chemical properties after serving a specific purpose, and can be reused or recycled for the same or other purposes.

1.3.h. Solid Waste: Shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing. Solid Waste includes, but is not limited to, rubbish, garbage, trash, scrap materials, junk, refuse, and inert fill materials. Solid Waste does not include sludges from air or water pollution control facilities, septic tank sludge, oil sludge, or agricultural wastes.

1.3.i. Stump Dump Waste: Tree and bush stumps or roots

1.3.j Unacceptable Curbside Waste: Wastes that are not acceptable for curbside pickup include, but are not limited to, the following items:

1.3.j.1. Any waste not enclosed in a closed container such as a garbage bag or trash can.

1.3.j.2. Car Batteries TOWN OF BUXTON SOLID WASTE ORDINANCE 3

1.3.j.3. Commercial Waste

1.3.j.4. Computers, monitors, television sets, or cell phones

1.3.j.5. Dead animals or portions thereof, or other pathological or biological wastes

1.3.j.6. Demolition or construction debris

1.3.j.7. Hazardous Waste

1.3.j.8. Inert wastes such as bricks, concrete, asphalt, soil, porcelain fixtures, or rocks

1.3.j.9. Junk vehicles or other bulky metal items including White Goods

1.3.j.10. Leaves, brush, grass, or garden clippings

1.3.j.11. Liquid wastes, sludge, or oils (including motor oil)

1.3.j.12. Mercury containing items such as fluorescent bulbs, thermometers, and thermostats

1.3.j.13. Pressure treated wood

1.3.j.14. Tires

1.3.j.15. Tree or bush stumps, trunks, limbs, or ashes

1.3.j.16. Water treatment residues

1.3.k. Waste Hauler: Any entity, person, or vehicle, which collects and hauls Solid Waste in the Town of Buxton.

1.3.I. White Goods: Such items as refrigerators, freezers, stoves, metal bath tubs, washing machines, dryers, and other large miscellaneous metal items

## II - MUNICIPAL SOLID WASTE DISPOSAL FACILITIES 2.1

### Designation

2.1.1. In accordance with the provisions of 38 M.R.S.A. sec. 1304-B, and effective on the TOWN OF BUXTON SOLID WASTE ORDINANCE 4 commencement date of this ordinance, the Town hereby designates Approved Disposal Facilities as the exclusive facilities for disposal of wastes generated within the boundaries of the Municipality. The disposal of any waste by any person at any place other than Approved Disposal Facilities is prohibited. The owner of any lot, or any other person with the permission of the lot owner, may deposit or dump inert substances such as uncontaminated soil, rocks, concrete or similar material for fill purposes, subject to state or local land use regulations. The owner of any lot, or any other person with the permission of the lot owner, may compost leaves, kitchen scraps, grass, or garden clippings, provided such composting complies with all state and federal regulations.

### ARTICLE III -

#### ADMINISTRATION AND REGULATION

##### 3.1 Governing Body

3.1.1. The Selectmen shall establish by the authority of this Ordinance, such rules and regulations, as they deem necessary or convenient to carry out the purposes of this Ordinance. Such rules and regulations may govern the availability and use of the Approved Disposal Facilities for disposal of Solid Wastes generated within the Municipality, and govern the operation and licensing of Waste Haulers.

3.1.2. The operation of the Approved Disposal Facilities shall conform to all pertinent regulations and directives of all local, county, state, or federal agencies that may have jurisdiction.

ARTICLE IV - RESTRICTIONS AND FEES FOR DISPOSAL 4.1 Restrictions 4.1.1. No person, firm, corporation, or other entity shall permanently dispose of any waste into or upon any water or land within the boundaries of the Municipality unless such site has been designated by Selectmen as an Approved Disposal Facility through this Ordinance. 4.1.2. Except for licensed disposal of Hazardous Waste, it shall be unlawful for any person, firm or corporation to burn or incinerate any solid waste within the Municipality, other than untreated wood, tree limbs, branches, logs, leaves, twigs, grass and plant cuttings.

### ARTICLE V - RULES AND REGULATIONS

#### 5.1 Authorized Disposal Facility Users

5.1.1. The availability and use of Approved Disposal Facilities owned by the Municipality shall be limited to residents of the Municipality and their contractors and agents for the sole TOWN OF BUXTON SOLID WASTE ORDINANCE 5 purpose of disposing of waste generated within the boundaries of the Municipality. As a means of user control, the Selectmen are authorized to distribute vehicle permits to authorized users, which shall be affixed to user vehicles. Temporary permits may be issued in lieu of vehicle permits at the discretion of the Municipality. Failure to exhibit a permit may result in denial of the use of the Approved Disposal Facilities.

#### 5.2 Resource Recovery

5.2.1. For the purpose of Resource Recovery, the Municipality may require Solid Waste to be separated into such categories as may be established by order of the Selectmen or their representatives.

#### 5.3 Property Rights

5.3.1. Any waste accepted at or within any portion of the Approved Disposal Facilities owned by the Municipality shall become the property of the Municipality. No person, business, or other entity shall salvage, remove or carry off any such waste, or engage in other Resource Recovery, without prior approval of authorized representatives of the Municipality.

#### 5.4 Municipal Collection and Delivery

5.4.1. The Selectmen may establish a system for the collection and transportation of waste, and may adopt such rules, regulations, and schedule of charges for such collection and transportation services as may be appropriate.

5.4.2. Acceptable Curbside Waste will only be collected from public roads within the Municipality from lots with an occupied residence and an occupancy permit. Residents on public roads will receive curbside pickup. Residents on private roads can receive trash pickup by bringing their trash to the junction of the nearest public road, or as directed by the Town. Lots without a legally occupied residence are not eligible for curbside pickup.

5.4.3. Acceptable Curbside Waste must be sealed in a trash bag and placed in a Town Provided trash can with the lid of the can closed in order to be picked up by the trash truck. Trash cans must be placed curbside in a manner that allows access for the trash truck. No more than 96 gallons of Acceptable curbside waste will be picked up per household unit per week.

5.4.4. Acceptable Curbside Waste must be placed within four (4) feet of the road no later than six (6) am of the day of scheduled pickup, but not before six (6) pm of the previous evening. TOWN OF BUXTON SOLID WASTE ORDINANCE 6 5

5.4.5. Acceptable Curbside Waste must be contained in a sealed container such as a garbage bag or trash can, sufficient to prevent waste from escaping said container. It is the responsibility of residents to clean up any waste that escapes from their container(s).

5.4.6. Empty trash cans, unacceptable curbside waste, or any other items not approved by the town, may not be stored by the side of the road within the Town's right of way. Trash cans or other portable rubbish receptacles must not be placed curbside before 6 pm the night before the scheduled pick-up day and must be removed by 11 pm the day of scheduled pick-up. Permanent curbside trash storage bins approved by the Town are exempt from this rule.

### ARTICLE VI -

#### FINES AND PENALTIES

6.1 Whomever violates any of the provisions of this Ordinance, or rules and regulations established by the Selectmen under this Ordinance, shall be punished by a fine of not more than three thousand dollars (\$3,000.00) plus costs. Fines shall be recovered on complaint to the Town of Buxton. Each load of waste or each day of violation shall be considered a separate violation and subject to a separate fine. Any other costs incurred or caused as a result of the violation will be charged to the violator and recovered by the Town of Buxton.

### ARTICLE VII -

#### MISCELLANEOUS

7.1 The Selectmen may establish by order, schedules of waste disposal charges for the use of those Approved Disposal Facilities owned by the municipality. The schedules may also include different fees for disposal of different kinds of Solid Waste. All fees collected shall be for the use of the Town of Buxton.

7.2 It shall be the duty of the Selectmen to enforce the provisions of this Ordinance, and the Selectmen may authorize a representative(s) to do so.

**7.3 All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, effective on the enactment date of this Ordinance, any revision date of this Ordinance, or any other date as may be determined by order of the Selectmen.**

**7.4 If any section, subsection, sentence, or part of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.**

**7.5 This Ordinance shall not limit in any way, recourse imposed by other governmental agencies or courts for Solid Waste or Hazardous Wastes violations**