

BURNHAM SOLID WASTE ORDINANCE

Adopted March 1993

1. PURPOSE

The purpose of this ordinance is to protect the health, safety and general well-being of the citizens of Burnham; enhance and maintain the quality of the environment; conserve natural resources and prevent water and air pollution.

This ordinance also provides for a comprehensive and rational means of minimizing and regulating the disposal of solid waste within the Town of Burnham. The Town of Burnham burns, recycles, and transfers solid waste for lawful disposal. The space available at the current transfer station is limited, and voluntary Recycling is necessary to maximize space available efficiently for our present waste stream. This ordinance preserves the life expectancy of the existing facility and ensures cost effective handling of all elements within the waste stream.

2. Definitions

As used in the following sections, these words have the following meanings:

2-1 Brown goods means an electric device containing circuit boards, capacitors, resistors or transistors which is not included in the definition of white goods and which weighs more than 10 pounds.

2-1 Commercial hauler means any hauler that is compensated for hauling solid waste or that hauls commercially generated solid waste including demolition and construction debris and restaurant waste. Persons hauling solid waste for apartment building, motels, hotels and inns shall be considered commercial haulers.

2-3 Contractors means any person who agrees with another to undertake special work according to price, specifications and terms agreed on and any person engaged in the construction, alteration or repair of buildings or other structures, sidewalks or driveway

pavements, or engaged in lawn maintenance and landscaping.

- 2-4 Demolition and construction debris means lumber, bricks, masonry, asphalt, shingles, insulation and other similiar materials.

**** It does not include asbestos.****

- 2-5 Facility means the Transfer station; structures, to include building that houses temporary storage containers, and attendants operations building, and any thing within the meets and bounds of the transfer station, as set out on the plans in effect and attached to the operation license granted by the State of Maine and located in the files of the Town of Burnham, and considered to be the property ot the Town of Burnham.

- 2-6 Household refuse means the combustable refuse commonly generated by usual domestic activities. It does not include material defined as demolition and construction debris and furniture, white goods, tires, abandoned automobiles and any item that exceeds 60 pounds in weight or four (4) feet in any dimension.

- 2-7 Person means any individual, association, partnership, firm, corporation or other entity or their agents.

- 2-8 Resident means any person who is domiciled within the Town of Burnham. It shall include persons who may own, lease, or rent any unit of property within the Town; as specified to qualify for residency by State of Maine Statutes. (??????).

- 2-9 Non-resident seasonal means any person who does not qualify under 2-8 above for residency, but allowed seasonal use as regulated by the Board of Selectmen.

- 2-10 Solid waste means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including but not limited to rubbish, garbage, scrap materials, junk, refuse and construction and demolition debris. It does not include septage or agricultural waste.

- 2-11 Restaurant waste means solid waste generated by

- restaurants, commercial dining facilities, and ready-to-eat food vending establishments
- 2-12 Unseparated trash means solid waste that is not separated into recyclable, burnable components.
- 2-13 White goods means refrigerators, stoves, freezers, washing machines, clothes dryers, air conditioners and other large, predominantly metal household appliances.
- 2-14 Burning pad means locations on the operations plan and license for burning of approved types of debris.
3. ADMINISTRATION
- 3-1 Rules and regulations The Selectmen shall establish the fees, rules and regulations required for the municipality to conform to the standards and requirements set forth in this ordinance, subject to any requirements for public hearings. Rules and regulations shall also conform to all pertinent regulations or directives or all local, county, state or federal agencies which may have jurisdiction.
4. PERMIT REQUIREMENT AND FEES.
- 4-1 Permit required: Any resident (2-8), or non-resident or seasonal (2-9), disposing of solid waste at the facility shall be required to obtain an annual permit from the Town Office, for a fee established by the Board of Selectmen. Two forms of identification may be required to validate proof of residency.
- 4-2 Commercial permits: Any commercial hauler disposing of solid waste at the facility shall be required to obtain a permit from the Town Office or Board of Selectmen on an annual basis. At a fee established by the above authority.
- 4-3 Permit displayed: The disposal permit must be attached to a vehicle in a conspicuous place to gain access to the facility.

- 4-4. Permit fees: The Selectmen shall set fees for the following permits:
- 4-4-1 Commercial hauler
 - 4-4-2 Contractors
 - 4-4-3 Business (not serviced by commercial haulers)

- 4-5. Load fees: The Selectmen may set fees for the following:

- 4-5-1 A per load, or tonage fee for construction waste such as asphalt shingles, and drywall, sheetrock and or plaster. Fees may vary according to the size of the load.

*note, no fee charged for material that qualifies for burning.

- 4-5-2 A per gallon charge for waste oil

- 4-5-3 Tires all sizes

- 4-5-4 White goods.

- 4-5-5 Storage Batteries

- 4-5-6 Brown goods

5. DISPOSAL REQUIREMENTS

- 5-1 Responsibility: It is the responsibility of each resident to provide proper disposal of all solid waste generated on his premises in accordance with the requirements of this ordinance. This responsibility includes the separation of solid waste, delivery of solid waste to the facility, proper home storage of solid waste and proper methods of home disposal.

- 5-2 Separation of solid waste: To preserve the life of the facility, the Town of Burnham requires separation of solid waste delivered to the facility. Any solid waste that is not separated according to the requirement of this section shall be subject to the penalties for unseparated trash set forth in section 9.

- 5-2-1 Combustible solid waste: All combustible household refuse generated in households and commercial establishments. Large combustible items shall be broken down into pieces not exceeding four feet in any dimension. Hard to burn material must be delivered in manageable quantities for burning to specific burning.

pads after examination by attendant.

~note~ Valid Burning Permit must be in effect and posted after inspection and issuance from Fire Warden throughout burning season).

5-2-2 Recyclable materials: The following materials shall be separated from solid waste delivered to the facility and deposited in the designated area: at the direction of the attendant, prior to unloading.

5-2-2-1 Corrugated cardboard: All boxes packing and flat cardboard must be emptied of trash before burning on burning pad.

5-2-2-2 Newspaper: and magazines shall be included in the combustible trash.

5-2-2-3 Waste oil: Lubricating oil from machinery.

5-2-2-4 Storage batteries.

5-2-3 Other materials to separate: The following materials shall be separated from the solid waste stream and deposited in specially designated areas

5-2-3-1 Scrap metal: All metal items such as sinks, as well as all pieces of iron, steel and copper, wire galv materials metal fencing etc. . Deposited in specific area.

5-2-3-2 Leaves, brush, wood: Deposit on Burning pad

5-2-3-3 Construction and demolition debris: A permit is required before demolition and construction debris is taken at the Transfer Station. A permit is required in advance of disposal, and fees paid to the Town during normal business hours, and before off loading takes place the attendant will designate where construction and demolition debris shall be separated and placed in designated area's.

5-2-3-4 Tires: By Permit only all sizes.

5-2-3-5 White goods: By permit only all white goods.

5-2-3-6 Brown goods: all brown goods.

5-2-3-7 Aerosol cans.

5-2-3-8 Fiberglass insulation.

5-2-3-9 Propane cylinders.

5-2-3-10 Stump Dump: Selectmen to specify area for stumps.

5-2-3-11 Furniture and bedding: by permit only after fee payment to Town, attendant will specify area for storage.

5-3 Commercial waste requirements: *** Permits required.*** Commercial haulers are responsible for ensuring that solid waste they deliver to the facility is drained of liquid, properly separated and meets all requirements of this ordinance, and state regulations and is free of hazardous waste. Attendant must be notified before off loading as to content of load, and place of origin (see Section 7. Unacceptable categories, 7-1, 7-2, 7-2-1, -2-3-4-5-6-7-8-9, and 7-3 of section seven):

5-4 Delivery of Wastes: All wastes delivered to the facility must be transported in a manner to prevent littering.

Acceptable methods include:

5-4-1 In-covered containers, or bags.

5-4-2 Enclosed vehicles including compactors and containers.

5-4-3 Open body vehicles with the load secured to prevent spillage.

5-5 Disposal only at facility: No person shall dispose of waste, refuse, or trash of any kind anywhere within the limits of the Town of Burnham except at the facility. This does not include stumps leaves, brush, wood and yard wastes.

6. TRANSFER STATION OPERATION

6-1 Hours: The hours of operation for the facility shall be set by vote of the Town.

6-2 Access: Access to the facility shall be only during the hours of operation unless upon express permission from a majority of the Board of Selectmen.

6-3 Disposal: Wastes shall be disposed in separate designated areas.

6-4 Scavenging: No person may remove any article or object which has been disposed at the facility without permission from the facility attendant.

7. UNACCEPTABLE WASTES

- 7-1 Waste originating out of town: Only wastes generated within the boundaries of the Town of Burnham and properly sorted will be accepted at the facility. It is illegal to dispose of wastes originating from another municipality at the facility.
- 7-2 Unacceptable categories: The following categories of wastes will not be accepted at the facility:
 - 7-2-1 Hazardous wastes as defined by the State of Maine.
 - 7-2-2 Medical or infectious wastes as defined by the State of Maine.
 - 7-2-3 Explosives, including bullets and gunpowder.
 - 7-2-4 Sewage treatment and septic tank residues.
 - 7-2-5 Animal and agricultural wastes in large quantities.
 - 7-2-6 Radioactive materials.
 - 7-2-7 Automobiles- unless they conform to state requirements for vehicle disposal.
 - 7-2-8 Dead Animals.
 - 7-2-9 Gasoline and Kerosene.
- 7-3 Wet wastes: Solid waste that is not sufficiently drained of liquid to be combustible when delivered to the facility will not be accepted.

8. HOME STORAGE AND DISPOSAL

- 8-1 Storage: All residents or property owners must ensure that solid waste stored on their premises does not create a nuisance.
- 8-2 Composting: While refuse generated in households and commercial establishments should be taken to the facility for recycling and ultimate disposal, home composting of kitchen wastes, yard and garden wastes and other organic materials is encouraged.

9. PENALTIES, ENFORCEMENT AND REMEDIAL ACTION

- 9-1 Violation: The Selectmen shall review any alleged violation of this ordinance and take appropriate action as required. The Selectmen shall institute any necessary proceedings to enforce this ordinance.

9-2 Enforcement: Enforcement for this ordinance is the responsibility of the Law Enforcement Officers for the Town of Burnham and the Selectmen.

9-3 Penalties:

9-3-1 Any person found in violation of any of the provisions of this ordinance shall be subject to a civil penalty in an amount not less than \$50 nor more than \$500 for each offense, except the minimum penalty for a second offense within a twelve month period shall not be less than \$250. A commercial hauler which is found to be in violation for a second time within a twelve month period shall also have its license revoked by the Selectmen for a period of not less than three months.

9-3-2 Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

9-3-3 All civil penalties shall accrue to the Town of Burnham Town Office Burnham, Me. 04922

9-3-4 Remedial action: 2-2, Commercial waste haulers in violation of this ordinance are responsible for any remedial action and clean-up costs incurred by the Town. Remedial action must proceed in a timely fashion upon notification by selectmen.

9-3-4-1 Remedial action: 2-3, Contractor by definition who is in violation of this ordinance is responsible for Remedial action and clean-up costs incurred by the Town. Remedial action must proceed in a timely fashion upon notification by the Selectmen.

9-3-4-2 Remedial action: 2-7, Person means any individual, association, partnership, firm corporation or other entity or their agent, who is in violation of this ordinance is responsible for remedial action and clean-up costs incurred by the Town. Remedial action must proceed in a timely fashion upon notification by selectmen.

9-3-4-3 Remedial action: 2-8, Residents, and seasonal

Residents, means any person who is domiciled within the Town of Burnham, who is in violation of this ordinance is responsible for remedial action and clean-up costs incurred by the Town. Remedial action must proceed in a timely fashion upon notification by selectmen.

10. CONSTRUCTION

- 10-1 Severability: The provisions of this ordinance are severable. If any section, subsection, sentence, provision or part of this ordinance is held invalid, or unconstitutional, the remaining provision of this ordinance shall not be affected or impaired.
- 10-2 Supersession: This ordinance supercedes and replaces all similiar or comparable ordinances, policies or decisions previously enacted within the municipality and will remain in effect until revoked or superseded by action of the voters of the municipality.
- 10-3 Ammendments: Any ammendment to this ordinance shall be proposed to the voters of Burnham at an annual town meeting by the Selectmen. Approval of any ammendments, revisions, or deletions rest exclusively with the voters of the municipality.