

WOOLWICH SOLID WASTE ORDINANCE

I. TITLE AND AUTHORITY

This Ordinance shall be known and may be cited and referred to as the "Woolwich Solid Waste Ordinance.

The Ordinance is adopted and pursuant to the home rule authority of the Town (including 30-A M.R.S.A. §2102 @ seq. and §2003, and 38 M.R.S.A. §1304-b).

II. PURPOSE

The purpose of this Ordinance is to promote and protect the public health, safety and welfare of the Town citizens by providing rules and standards governing the accumulation and disposal of solid waste. The Town Landfill located on Rte 127/Middle Road has been permanently closed since November 1, 1992 by order of the Maine Department of Environmental Protection (DEP). Solid waste disposal now occurs pursuant to other arrangements. The contract with the Town of Wiscasset Transfer Station facility which began November 1992 was terminated as of April 1999.

III. DEFINITIONS

The following definitions shall apply in the interpretation of this Ordinance:

A. **SOLID WASTE** means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including but not limited to rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but does not include hazardous waste, biomedical waste, septic tank sludge or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

B. **SOLID WASTE FACILITY** means any facility, whether located within or outside the Town for the collection, storage, transfer and/or disposal of solid waste from any source within the Town.

C. SOLID WASTE DISPOSAL ARRANGEMENT means the Town's arrangement(s), in effect at any given time, for the disposal of solid waste from any source within the Town. The arrangement(s) may be with any facility and by agreement, contract, ordinance or other means or a combination thereof.

IV. GENERAL PROVISION; VIOLATIONS

Unless otherwise authorized, it is a violation of this Ordinance for any person:

A. To dispose of any solid waste, or to accumulate any solid waste (or allow it to be accumulated) in a manner which would constitute an annoyance, nuisance, public health or fire safety hazard. This provision does not apply to earth fill materials and does not prohibit compost piles or covered subsurface packaged garbage decomposing units so long as no annoyance, nuisance, ground or surface water pollution or any other health hazard is created thereby.

Any unauthorized accumulation of solid waste existing on the effective date of this Ordinance, shall, within thirty days thereafter, if not removed be deemed a violation of this Ordinance.

B. To dispose of any solid waste upon any shore or into any harbor, bay, or other waters within the Town of Woolwich.

C. To dispose of any solid waste from a vehicle onto any public highway or adjacent grounds.

D. To bury, burn or incinerate any solid waste within the Town, provided however that this subsection does not prohibit burning of materials being used as a fuel in a furnace, boiler, fireplace, stove or cooking device and this section does not prohibit any burning authorized by the Fire Chief or conducted under the direction of and with a permit granted by the Town Fire Department. To dispose of any leaf/waste with his/her household refuse.

V. SOLID WASTE DISPOSAL ARRANGEMENTS

All disposal of solid waste within the town and from any source within the town shall be done in accordance with this Ordinance and with the

solid waste disposal arrangements in effect from time-to-time, as specified and/or recommended by the Woolwich Solid Waste Committee and publicized by the Selectmen.

VI. HAULERS

Each person intending to collect, haul, transport or dispose of solid waste for hire shall notify the Town of Woolwich Selectmen.

VII. ENFORCEMENT AND PENALTIES

A. The Selectmen are authorized and directed to institute legal proceedings to enforce the provisions of this Ordinance and to penalize any violations thereof. The Selectmen are also authorized to remove at the expense of the owner of the property, or the owner of the waste, any solid waste which has been disposed of or accumulated on any property in violation of this Ordinance and which remains there 10 business days from date of notice has been given from the Selectmen or Code Enforcement officer to remove it.

B. Fines up to, but not accumulatively exceeding \$500 may be assessed for total violations.

C. Any person who violates any of the provisions of this Ordinance shall be liable for the penalties and enforcement provisions set forth in Title 30-A M.R.S.A. §4452, as amended.

VIII. VALIDITY/SEVERABILITY CLAUSE

If any provision of this ordinance is ever declared invalid for any reason, such declaration shall not affect the validity of the other provisions of this Ordinance, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such a declaration.

IX. EFFECTIVE DATE

This Ordinance shall become effective upon enactment.

REPEAL OF PRIOR ORDINANCE PROVISIONS IN CONFLICT HEREWITH

Any prior provisions of the Town Ordinances which are in conflict with the provisions of this Ordinance are hereby repealed and superseded by the provisions of this Ordinance.

Adopted by Special Town Meeting vote on: May 11, 2000

Amendment adopted by Special Town Meeting vote on: May 9, 2002

Attest: A true copy of the ordinance enacted at a Special Town Meeting on May 11, 2000 and amended at a Special Town Meeting on May 9, 2002.

Lloyd F. Coombs, Jr.
Clerk of Woolwich, Maine

(First adopted by town meeting vote on August 15, 1995)
Revised by the Woolwich Solid Waste Committee April 2000