

# Town of Van Buren



## Solid Waste

An Ordinance to license the Collection, Transportation, and disposal of Solid Waste and to promote Recycling in Van Buren, Maine.

**Section 1. Title and Purpose**

An Ordinance shall be known as the Solid Waste Management and Recycling Ordinance for the Town of Van Buren, hereinafter referred to as "this ordinance." The purposes of this ordinance are to protect the health, safety, and welfare for the residents of Van Buren for an environmentally responsible means of solid waste management; to manage solid waste and to reduce the municipal tax burden; and to provide incentive to reduce and recycle waste.

**Section 2. Application**

This ordinance application is for residential, commercial, and industrial producers of solid waste in the Town of Van Buren, Maine.

**Section 3. Authority**

This ordinance is adopted pursuant to the home rule powers granted in the Maine Constitution, 30-A M.R.S.A. section 3001 et. seg., and 38 M.R.S.A. section 1301 et. seg.

**Section 4. Effective Date**

This Ordinance shall become effective when adopted by a majority of the voters at any regular or special Town Meeting.

**Section 5. Amendments**

This ordinance may be amended or revised only by the procedure required for its original enactment.

**Section 6. Availability**

A certified copy of this ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at a reasonable cost at the expense of the person making the request. Notice of the availability of this ordinance shall be posted.

**Section 7. Severability**

If any provision of this ordinance is found by a court of competent jurisdiction to be unenforceable or invalid, the remaining provisions shall remain in full force and effect.

**Section 8. Conflict with Other Ordinances or Jurisdictions**

Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or any other ordinance, regulation, or statute, the more restrictive provision shall apply.

**Section 9. Licenses**

1. **Required.** No person shall engage in the business of collecting or transporting trash for compensation within the Town of Van Buren unless that person has a commercial trash hauler's license issued by the municipality. Nothing in this Ordinance is intended to require a license for the through transportation of solid waste. No license is required for the transportation of solid waste for a fee or compensation provided that the said transportation begins outside the municipal boundary of Van

Buren and is disposed of outside of Van Buren without stoppage or additions within the municipal limits.

2. Application. The application form available from the Van Buren Municipal Office, shall be filed with the Municipal Clerk and shall require the following information:
  - a. The name and business address of the hauler;
  - b. Valid registration for each vehicle to be used in said business;
  - c. Proof of insurance of all licensed vehicles with copies of related insurance certification;
  - d. Such other and further information as the municipality may reasonably require.
  - e. Must show proof of Non Hazardous Waste Transportation Permits, or show proof of exemption. (DEP Requirement)
3. Contents of the License. The license shall contain the name and business address of the hauler and the registration numbers of the vehicles to be used.
4. Term of issue. All applications shall be submitted annually. All applications will be reviewed within thirty (30) days of receipt. Licenses shall be issued no later than 45 days from the day it was submitted. All approved hauler licenses shall expire one year from the date of issue and require annual renewal.
5. Renewals. All licenses shall be renewable annually. Thirty (30) days prior to expiration date, trash collectors must submit a renewal application form (available at the Municipal Office). License/permit renewal will require an annual summary of quarterly reports of types and amounts of material recycled and disposed of during the preceding year.
6. Fees. There will be a fee for the license of \$25 for the first truck and \$5 for each additional truck operating in the Town of Van Buren. The license shall not be issued prior to the receipt of license fee.
7. Amendment of License. If during the term of any license issued under this Ordinance there is any reason to add or amend the information provided to the municipality, it shall be the responsibility of the license holder to notify the Municipal Clerk of those additions or amendments within ten (10) days of the occurrence which necessitates the amendment.
8. Disposal. Each licensed trash collector shall be responsible for the proper disposal of all the trash that they collect within Van Buren. Acceptable Solid Waste will be deposited at the Van Buren Recycling Center. Any unwanted waste from Van Buren will be disposed at a facility licensed with the Maine Department of Environmental Protection. These unwanted material fees (Tipping & Hauling) are the responsibility of the trash collectors.
9. Approval. The Town Council shall approve and issue said licenses unless the Town Council determines the applicant is unable or unwilling to comply with the purpose and intent of this Ordinance. Any rejections of licenses shall be in writing and shall contain findings of fact upon which a decision is based.

10. Appeals. An appeal may be taken from the decision of the Municipal Manager to the Board of Appeals. Said appeal must be filed within thirty (30) days of the date of the decision.

#### **Section 10. Solid Waste Curbside Collection**

1. No person, firm, or corporation shall place any solid waste upon or near any public road or right-of-way for collection by the Town of Van Buren except in accordance with the provisions set forth in this ordinance. No person, firm, or corporation shall place or cause to be placed any solid waste in or on private property unless authorized by the owner of that property.
2. The only wastes acceptable for curbside collection are compatible solid waste and recyclable. Collection will be made each week. Residents will place their compatible solid waste and recyclable along the curbside or street side in suitable containers or bags that are designated by the hauler.
3. Collection of waste from dumpsters will be accomplished in accordance with subsection B. above, except that dumpsters need not be placed by the road for pick-up. The dumpster in question must be accessible to the Town's License Trash Collector.
4. Compatible Solid Waste shall not be picked up by the Trash Collector unless it is properly tagged and in an approved container or dumpster if they are used. Rejected waste shall be removed from the roadside within twenty-four (24) hours. The deficiency and the action necessary to correct it, shall be followed up by the town. The Trash Collector shall be responsible for any debris they drop or spill on the ground and they will clean it up before going to the next stop. Any garbage debris strewn around the yard or street due to the elements or animals shall be cleaned up by the owners or generators within twenty-four (24) hours.
5. Fees and Charges can be changed by a majority vote of the Councilors at a Council Meeting in the best interest of the Town. The collector shall be charged by the pound. Scaling shall be the responsibility of the collector.

#### **Section 11. Recycling Collection**

1. Licensed trash collectors must provide regular collection services for materials designated as recyclable by Van Buren. Regular collection services means collections at least once per month to all Van Buren clients of each licensed trash collectors.
2. Licensed trash collectors shall make their initial monthly recycling collection no later than sixty (60) days after license approval.
3. The licensed collector shall market and/or deliver materials collected for recycling to an established processor or end user of collected materials/categories. Access to recycling some materials or material categories is available at the disposal facility; other local processors/end users may be utilized so long as they are documented and reported as required.

4. Fees and Charges can be changed by a majority vote of the Councilors at a council meeting. The Town Councilors, if deem necessary in the best interest of the Town, can charge for recyclable materials.

### **Section 12. Penalties**

1. The penalty for violation of this Ordinance will be up to \$300 for the first offense and up to \$450 for any and every subsequent offense.
2. In the event that court action is necessary to enforce the terms of this Ordinance and the municipality prevails, the violator will pay the municipality's reasonable attorney fees and court costs as well as any fines. Any money thus recovered by the municipality shall be used for waste reduction and management activities.

### **Section 13. Administrative Action Against License**

1. The municipal manager, acting upon his/her own information or upon complaint, may after written notice to a licensed commercial waste collector/hauler, conduct a hearing in order to determine whether or not the said commercial waste collector/hauler has violated the terms and conditions of this Ordinance.
2. Said Notice shall be served either (a) personally, or (b) by Registered or Certified mail, return receipt requested to the address listed in the application form. Service by mail is complete upon mailing.
3. Said Notice shall set forth the violation of this Ordinance of which the said commercial waste collector/hauler is charged.
4. Said Notice shall give the said commercial waste collector/hauler at least fourteen (14) days notice prior to said hearing.
5. Said hearing shall be open to the public.
6. Evidence against the commercial waste collector/hauler shall be presented first. Witnesses shall be sworn and shall be subject to cross examination. Parties to the hearing may be represented by attorneys.
7. The decision of the Municipal Manager shall be based upon a finding of the preponderance of the evidence.
8. If the Municipal Manager finds the commercial waste collector/hauler violated this Ordinance, the Municipal Manager may suspend the license for any period of time or may revoke the license. The decision of the municipal manager shall be in writing and shall contain findings of fact upon which the decision is based.
9. An appeal may be taken from the decision of the Municipal Manager to the Board of Appeals; said appeal must be filed within thirty (30) days of the date of the decision. Suspension of said license as provided for in Section 13.8 of this Ordinance can be removed from the waste hauler for a period of 30 days until appeal hearing can be heard, depending on the

severity of the case.

10. The administrative procedure against the license of the commercial waste collector/ hauler can be instituted in addition to the enforcement action set forth in Section 12 of this Ordinance

**Section 14. Separability**

In the event that any provision of this Ordinance is found to be void or invalid, the remaining provisions shall continue in full force and effect.

**Section 15. Burn Barrels**

Bum barrels will not be authorized within the town lines of Van Buren.

**Section 16. Definitions**

- a. **Commercial Hauler** - is the hauler(s) contracted by the Town to provide curbside collection of compactable solid waste and recyclables.
- b. **Compactable Solid Waste** - is that solid waste generated in the Town of Van Buren from domestic and commercial sources that can be placed in, or crushed in, a compactor truck, and the material is not unacceptable waste as defined below.
- c. **Unacceptable Waste** - includes the following materials: Junked or abandoned vehicles; Asbestos or asbestos containing wastes; contaminated soils; liquid wastes; water, wastewater, paper mill or tannery sludges; dredge spoils; dead animals or parts thereof; medical or other potentially infectious or pathogenic wastes; sand blast grit; inert fill; commercial agricultural wastes; industrial process wastes; hazardous wastes not specifically approved by the Department of Environmental Protection; other special wastes so designated by the Department of Environmental Protection.
- d. **Bulky Waste**- is waste material that is not unacceptable waste, but that cannot be picked up by curbside collection service. These wastes include: White Goods - stoves, refrigerators, washing machines, clothes dryers, dishwashers, hot water tanks, air conditioners, etc.; Metal Goods - bikes, metal doors, window frames, fencing, screens, wire, cable, tools, pipe, metal electrical conduit, etc.; Tire with rims separated; Construction and Demolition Debris, non-bricks, concrete, etc.; Clean Wood Waste - brush, leaves, grass, lumber, bark, wood chips, wood shavings, plywood, concrete forms, edgings, sash, sawdust, etc.
- e. **Container** - is a receptacle made for the purpose of curbside placement of compactable solid waste with a capacity not to exceed thirty gallons, a loaded weight of fifty pounds, a tight fitting lid and handles of adequate strength for lifting.
- f. **Recyclables** - include, but are not limited to, newspapers, magazines, plastic milk jugs and colored plastic containers, comlgated cardboard, office paper, and steel cans separated in accordance with specifications established by the Municipal Officers.
- g. **Dumpster** - a commercially designed large metal container for the storage of compactable solid waste that has a closable top and/or side doors.

- h. **Commercial Waste Collector/Hauler** - any person engaged in the collection and transportation of solid waste for a fee or other compensation.
- i. **Dispose** - to discharge, deposit, dump, incinerate, spill or place any solid waste into or on any land facility or deliver to a facility for incineration. Disposal means the discharge, deposit, dumping, spilling or placing of any solid waste.
- j. **Person** - any individual, firm, corporation, partnership, association or any other legal entity or agents of any of the above, and the term shall include the singular and plural as appropriate.
- k. **Recyclable Materials** - materials, or categories of materials, identified by the municipality as having a viable secondary reuse or needing to be separated from the waste stream for environmental safety reasons. The materials/categories covered under this Ordinance can include, but are not limited to: source separated ferrous and non-ferrous metals (including bi-metal cans), clear glass bottles and jars, natural HDPE plastic (#2) milk containers, newspapers, organic matter, cardboard, office paper, magazines, catalogs, phone directories, and tires. This list may be amended from time to time as new markets or end-uses develop. The Municipal Manager shall maintain a list of materials and categories of materials to which this Ordinance shall apply.
- l. **Resident** - any person who owns or rents a dwelling or other property approved for occupation or for conducting business within Van Buren.
- m. **Trash** - solid waste.
- n. **Solid Waste** - useless, unwanted solid materials with insufficient liquid content to be free flowing. Other common words used for solid waste include trash, rubbish, garbage, junk and refuse. Solid Waste includes refuse-derived fuel, but does not include source separated recyclables/compostable, septic tank sludge, or waste water treatment sludge.

Enclosed is a list of expectable materials that the Recycling Center will take. This list can be changed by the council and all haulers will have a 30-day period which they must insure they conform to all changes. All unacceptable waste will be brought to a licensed area that will take these items for disposal. Any fees will be the responsibility of the hauler or person disposing of the material.

**All acceptable items will be charged by the pound except:**

Clean Glass	No Charge
Clean Tin and Aluminum Cans	No Charge
HDPE #2 Plastics (Milk Jugs)	No Charge
Newspaper into bundles not to exceed 25 lbs.	No Charge
Cardboard '(Non Waxed)	No Charge
White Goods	\$5.00 per item **
Furniture	\$5.00/\$10.00 per item

\*\* All Freon gas (such as in refrigerators, & air conditioners) must be removed and tag by a license person to do such removal, prior to delivery or a charge will be assessed for removal of Freon gas.

**Demolition:**

\$50 permits for contractors whose principle place of business is outside Van Buren. In addition all persons will be charged per pound. All burnable materials (wood) will be separated from non burnables (metal, sheetrock, insulation, and roofing).

**Roofing:**

It shall be required that contractors will haul all roofing material to a license landfill and pay all charges that are directly involved. Homeowners will have the option of hauling to a licensed and fill or bring in their roofing debris to the transfer station for a charged per pound.

**Unacceptable Items**

All other types (Unwanted) of material will be hauled to a licensed landfill. Unwanted material related cost will be the sole responsibility of the hauler.

**Contamination**

Any person bringing any material that is contaminated will be responsible of the clean-up cost, disposal cost, DEP fines and any other related cost. Example of contamination:

- Ashes that have metal or plastic residue.
- Building demolition that has asbestos, paint cans, metal, or roofing.

**Universal Waste**

CPU (Computers)	\$5.00
Laptop Computers	\$5.00
Televisions	\$5.00
UPS(Uninterrupted Power Supply)	\$5.00
Light Ballast	\$1.00
Florescent Light Bulb	\$0.20 p/ft

Printers	N/C
Scanners	N/C
Fax Machine	N/C
Photo Copiers	N/C
Mercury Devices	N/C
Batteries	N/C



Ordinance was reviewed and changed by Council on March 26, 2012.

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Council Chairman

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Council Secretary

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Councilman

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