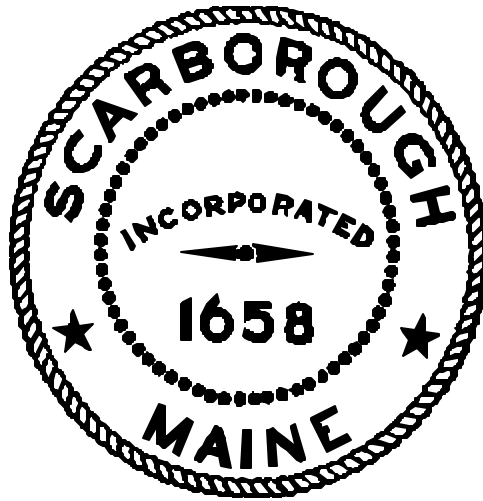


CHAPTER 902

TOWN OF SCARBOROUGH DISPOSAL OF SOLID WASTE



Adopted 7/85

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**CHAPTER 902
TOWN OF SCARBOROUGH
DISPOSAL OF SOLID WASTE**

ARTICLE 1

1.1 Short Title

This Ordinance shall be known as and may be cited as the “Ordinance Relating to the Disposal of Solid Waste within the Town of Scarborough, Maine, Prescribing Rules and Regulations Therefore: Providing Penalties for Violations Thereof” and shall be referred to herein as “Ordinance.”

1.2 Purposes

The purpose of the Ordinance is to protect the health, safety and general well-being of the citizens of Scarborough: enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing for a comprehensive, rational and effective means of regulating the disposal of solid waste in the Town of Scarborough in accordance with the provisions of Title 38 M.R.S.A. § 1305 as amended.

1.3 Definitions

For the purpose of this Ordinance, the following definitions shall be observed in the construction of this Ordinance.

1.3.2 “Ashes” shall mean that residue from the burning of wood, coal, coke or other combustible material.

1.3.3 “Board” shall mean the Town Council or Board of Selectmen, whichever is applicable.

1.3.4 “Disposal” shall mean the discharge, deposit, dumping or placing of any solid waste into or on any land.

1.3.5 “Hazardous Wastes” shall mean a waste substance or material in any physical state, designated as hazardous by the terms of a certain Waste Handling Agreement between the municipality and Regional Waste Systems, Inc. (R.W.S.).

1.3.6 “Infectious Waste” shall include those wastes so defined by the Solid Waste Management Regulations promulgated by the Department of Environmental Protection pursuant to Title 38 M.R.S.A. §1304.

1.3.7 “Municipality” shall mean the Town of Scarborough, Maine.

1.3.8 “Resource Recovery” shall mean the recovery of materials or substances 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.

1.3.9 “Solid Waste” shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitations, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscaping refuse, but shall not include septage tank sludge nor agricultural or hazardous wastes.

1.3.10 “Solid Waste Disposal Facility (Disposal Facility)” shall mean any land or structure or combination of land area and structures, including dumps and transfer stations used for storing, salvaging, reducing, incinerating or disposing of solid wastes.

ARTICLE II. MUNICIPAL SOLID WASTE DISPOSAL FACILITY

2.1 Designation

2.1.1 In accordance with the provisions of Title 30 M.R.S.A. §1305, the town hereby designates the Regional Waste Systems facility on Congress Street in Portland, Maine, as its public solid waste disposal facility for the purposes cited in 1.3.10 of this Ordinance. Subsequent to completion of the Disposal Facility or such other date as may be established by the Board, the dumping or depositing of any solid waste generated within the Municipality by any person at any place other than at this designated disposal facility is prohibited, provided however, the owner of any lot, or any other person with the permission of the lot owner, may deposit similar material for fill purposes only, subject to state of local land user regulations.

ARTICLE III. ADMINISTRATION

3.1 Governing Board

3.1.1 The Board shall establish the rules and regulations governing the availability and use of the disposal facility.

3.1.2 The operation of the disposal facility shall conform to all pertinent regulations or directives of all local, county, state or federal agencies which may have jurisdiction.

ARTICLE IV. RESTRICTIONS AND FEES FOR DISPOSAL

4.1 Restrictions

4.1.1 No person, firm or corporation shall permanently dispose of waste or refuse of any kind upon any land within the corporate limits of the Town of Scarborough, unless such land has been designated by the Town Council as a solid waste disposal facility.

4.1.2 Certain materials may be excluded by regulation from those refuse materials which may be deposited at a solid waste disposal facility. These excluded materials may include junk automobile bodies and similar bulky waste which may require special processing prior to disposal, trees and tree trunks and limbs, burning materials or materials containing hot or live coals; hazardous wastes; and other materials which the Town deems necessary to exclude. Hazardous wastes shall be handled in accordance with all applicable Federal, State and Local Regulations.

4.1.3 Except for licensed disposal of hazardous or infectious wastes, it shall be unlawful for any person, firm or corporation to burn or incinerate any solid waste within the Town other than trees, tree limbs, leaves and other wood waste.

ARTICLE V. RULES AND REGULATIONS

5.1 Authorized Disposal Facility Users

5.1.1 The availability and use of the disposal facility shall be limited to residents of the municipality, and to those residents of any other municipality which may, by mutual agreement, be authorized to use the disposal facility. As a means of user control, the municipality shall distribute vehicle permits to authorized users which shall be affixed to user vehicle(s). Failure to exhibit such permit shall result in denial of use of the facility.

5.2 Resource Recovery

5.2.1 The Municipality may require solid waste to be separated into such categories as may be established by Town regulations and disposed of only in such manner and at such sites and locations as designated.

5.3 Property Rights

5.3.1 Any solid waste deposited within the disposal facility shall become the property of the municipality or R.W.S., pursuant to the terms of said Waste Handling Agreement. No one shall salvage, remove, or carry off any such deposited solid waste without prior approval of the municipality.

VI. MISCELLANEOUS

6.1.1 The Board may establish by order a schedule of license fees to be charged to commercial refuse collectors for the use of the disposal facility which schedule shall be posted and published. All fees collected shall be for the use of the Town of Scarborough, Maine. Any license granted hereunder may be revoked upon any violation of this Ordinance.

6.1.2 It shall be the duty of the Board or its designee to enforce the provisions of this Ordinance.

6.1.3 All Ordinances or parts of Ordinances in conflict with this Ordinance is hereby repealed.

6.1.4 If any section, subsection, sentence or part of the 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.

6.1.5 Whoever violates any of the provisions of this ordinance shall be punished by a fine or not more than one hundred (\$100.00) dollars plus costs which fine shall be recovered on complaint to the use of the Town.