

ARTICLE V - SOLID WASTE [3-94]

1. GENERAL PROVISIONS

1.1 No person shall accumulate or permit to accumulate on private property or on any public way in the Town of Wiscasset garbage, rubbish or other waste materials except earth fill material. Except, however, it is permissible to accumulate garbage, rubbish and other waste materials upon private property in such limited quantities and for such limited periods of time as shall insure that no annoyance, nuisance, health or fire hazard is created thereby. Compost piles or covered subsurface packaged garbage decomposing units are permitted so long as no annoyance, nuisance, ground or surface water pollution or any other health hazard is created thereby. Any unauthorized accumulation of garbage, refuse, rubbish, or other waste materials within thirty days after the effective date of this Ordinance shall be deemed a violation of this Ordinance.

1.2 No person shall dump or dispose of any refuse or garbage upon any shore or in any harbor or upon any waters within or adjacent to the Town of Wiscasset providing that this Section shall not apply to licensed sewage systems.

1.3 No person shall allow any refuse or garbage to be scattered from any vehicle onto any public way.

1.4 It shall be unlawful for any person to burn or incinerate any garbage or refuse within the Town of Wiscasset. However, this Section does not forbid the burning of any materials being used as fuel in a furnace, boiler, fireplace, stove or cooking device. This Section shall not apply to burning authorized by the Fire Chief and at any town solid waste facility, nor to any burning conducted under the direction of, or permit granted by, the fire department of the Town of Wiscasset.

1.5 The separation and recycling of materials saves in disposal costs, conserves materials, energy, and natural resources, and has a long term desirable effect on the environment. In order to increase participation in recycling, and thereby make solid waste handling, processing, and disposal more effective and less costly, this article makes source separation mandatory effective on October 1, 2011. [6-11]

2. TOWN SOLID WASTE FACILITIES

2.1 The Selectmen shall designate one or more suitable places as town solid waste facilities, but no place shall be designated as a town solid waste facility, the location of which has been disapproved by the inhabitants in a town meeting.

2.2 The Selectmen shall appoint and supervise a superintendent of solid waste for the Town of Wiscasset who shall, in turn, be responsible to supervise all personnel assigned to any solid waste facility in the Town of Wiscasset.

2.3 The Selectmen shall see that all town solid waste facilities are treated, when needed, with proper pest exterminating agents.

2.4 No person shall deposit any materials at the town solid waste facilities except in compliance with this Ordinance and pursuant to the instructions of the Selectmen or the attendant in charge.

2.5 No person may deposit at the town solid waste facilities automobile bodies or any bulky wastes, which may require special processing prior to disposal.

2.6 The town solid waste facilities shall be available only to persons residing within the limits of the Town of Wiscasset, or other municipalities authorized by contract, commercial establishments located within those towns, and haulers licensed by the Town of Wiscasset pursuant to this Ordinance.

2.7 No person shall dispose at the town solid waste facilities any garbage, rubbish, waste materials or other substances brought from outside the boundaries of the Town of Wiscasset or other municipalities authorized by contract.

2.8 The Selectmen shall designate, by the posting of suitable signs, areas of the solid waste facilities where different kinds of waste materials shall be deposited.

2.9 The Selectmen shall designate the hours for refuse disposal and shall post the hours at the town solid waste facilities.

2.10 Deposit of dead animals is prohibited in any solid waste facility.

3. PERMITS

3.1 All persons using the town solid waste facilities must display valid permits affixed to their vehicles. Permits will be issued at the solid waste facility on proof of residency or ownership of a commercial establishment. The resident or commercial establishment to whom the permit is issued is the permit holder.

3.2 Any permit holder who loses or misplaces a permit must report the same immediately to the solid waste facility.

3.3 If a vehicle displaying a permit or the occupants thereof violate this Ordinance, regardless of whether the permit holder consented or knew of the violation, the permit holder is in violation of this Ordinance, unless the permit holder had previously reported the loss of his permit to the solid waste facility.

4. HAULERS

4.1 No person shall, for hire, collect, haul, transport or dispose of waste materials for disposal at the Town of Wiscasset solid waste facilities without first

obtaining a license therefor from the Selectmen. Such licenses shall be issued for a period of not more than one year.

4.2 Any person or commercial establishment desiring a hauling license shall submit to the Town Office a written application by May 1 each year. Licenses shall be valid from June 1 to May 31 the following year. The application fee shall be ten dollars for residents of Wiscasset and those towns authorized to use the transfer station; for others the fee is thirty dollars. The Selectmen may conduct an investigation of the applicant. The Selectmen, after notice to the applicant, shall hold a public hearing for new applicants. Licenses may be refused, and the Selectmen reserve the right to limit the number of licenses issued.

4.3 The Selectmen may revoke the license of any hauler who fails to comply with any provision of this Ordinance. No license shall be revoked until the Selectmen, after reasonable notice to the hauler, hold a public hearing on the matter.

5. PENALTIES AND REPEAL

5.1 The penalty for non-separation of recyclables from unrecyclable goods shall be \$2.00 per bag. The fine shall be charged to and payable by the person, business or commercial hauler which brings the unrecycled waste to the facility to be disposed of. In addition, such person shall reimburse the Town for all expenses incurred by the Town as a result of the violation. [6-11]

5.2 Whoever violates any other provisions of this Ordinance shall be punished by a fine of not less than \$50 and not more than \$200 plus costs of prosecution, which fine shall be recovered on complaint to the use of the Town of Wiscasset, or by imprisonment for not more than three months. In addition, such person shall reimburse the Town for all expenses incurred by the Town as a result of the violation.

5.2 Any licensed hauler who violates any provision of this Ordinance shall be subject to revocation of his license.

5.3 Any permit holder who violates any provision of this Ordinance shall be subject to revocation of his permit.

5.4 The Selectmen are authorized to prosecute violations of the preceding regulations, and are hereby authorized to remove at the expense of the owner of the property any pile of garbage, refuse or waste matter, accumulated on any property which after 24 hours notice has not been removed.

6. VALIDITY/SEVERABILITY CLAUSE

If any part of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remainder of this Ordinance.