

**SOLID WASTE ORDINANCE
FOR THE
TOWN OF ANSON, MAINE**

Section I: Purpose

The purpose of this Ordinance is to protect the health, safety and general well being of the citizens of Anson; enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing a comprehensive, rational and effective means of regulating, reducing, reusing and recycling the solid waste of the Town of Anson in accordance with the provisions of Title 38 M.R.S.A. Section 1301 et seq. as amended and the Home Rule Authority as granted in Article VIII-A of the Maine Constitution, Title 30-A M.R.S.A. Section 3001 et seq.

Section II: Applicability

This ordinance shall apply to all domestic, commercial and industrial producers of solid waste and recyclable materials in the Town of Anson.

Section III: Validity and Severability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

Section IV: Amendments and Effective Date

- A. This ordinance may be amended in the same manner as any other ordinance of the Town, subject to any contractual obligations the Town may have.
- B. This ordinance, and any amendment thereto, will become effective by a vote of a majority of voters at any regular or special town meeting.

Section V: Definitions

- A. The definitions set forth in 38 M.R.S.A. Section 1303-C apply to this ordinance and are incorporated herein. Any word not otherwise defined shall have its ordinary meaning.

- B. Board of Selectmen: "Board of Selectmen" means the Board of Selectmen of the Town of Anson.
- C. Licensed Commercial Hauler: "Licensed Commercial Hauler" means any person, firm or organization that transports waste materials in Anson for a fee or other remuneration and has met all the administrative obligations set forth in Section 7.
- D. Disposal Facility: "Disposal Facility" means the facility which accepts solid waste under contract from the Town of Anson.
- E. Recyclable: "Recyclable" means any material that is considered recyclable under the Town of Anson Recycling Ordinance or through the guidelines set forth by the Kennebec Valley Regional Waste Corp.
- F. Town: "Town" means the Town of Anson.
- G. Waste Disposal Contract: "Waste Disposal Contract" means any contract between the Town of Anson and a licensed disposal facility.
- H. Acceptable Waste: "Acceptable Waste" is any waste not defined as "unacceptable" and may include but is not limited to: household waste, garbage, recyclables, white goods, construction/demolition debris and yard waste.

Section VI: Administration

- A. The Board of Selectmen of the Town of Anson will administer the provisions of this ordinance.
- B. The Board of Selectmen shall adopt, and amend, after public hearing, written rules and regulations governing the right of inspection of materials, preparation of materials before drop off and other matters pertaining to the disposal of solid waste. The rules and regulations shall be periodically reviewed and revised to satisfy the needs of the Town of Anson as well as State and Federal Laws.
- C. The Selectmen will consider all license applications and grant or deny each application within fifteen (15) days after receipt of a completed application at the Town Office or within such other time as the Municipal Officers and the applicant shall agree reasonable.

- D. The Selectmen will review any alleged violations of this ordinance.
- E. The Selectmen or their designee shall institute necessary proceedings, either legal or equitable, to enforce this Ordinance.

Section VII: Permitting

- A. All commercial haulers must obtain a "Non-hazardous Waste Transporters License" from the Department of Environmental Protection.
- B. Any person who seeks to serve the Town as a commercial hauler, to collect and deliver waste to any disposal facility must have a valid commercial haulers license issued by the Town. This must be applied for on an annual basis and the license shall expire on December 31 of the year of issue unless otherwise stated on the license or revoked or suspended sooner in accordance with the provisions of this ordinance.
- C. The collection and transportation of waste and recyclable material by a commercial hauler, generated in the Town of Anson, is prohibited unless the hauler is licensed as provided in this ordinance.
- D. The following items must be submitted to the Town of Anson when applying for a commercial haulers license:
 - 1. Current vehicle registration for all vehicles that will be used in the ordinary course of business.
 - 2. A certificate of insurance generated for the Town of Anson showing at a minimum General Liability coverage of \$500,000.00.
 - 3. Annual fee for Commercial Hauler License for the Town of Anson will be \$25.00.
 - 4. Name, address, and telephone number of the hauler.
 - 5. Types and quantities of solid waste to be deposited at the facility on a weekly or monthly basis. (For example: commercial, industrial, residential)
 - 6. State of Maine Department of Environmental Protection Non-Hazardous Waste Transporters Licenses.
 - 7. Route sheets for all routes serviced in the Town of Anson with the number of customers located on each route.

Section VIII: General Provisions

- A. Licensed Commercial Haulers are obligated to comply and adhere to any ordinances now in effect or passed in the future by the Town of Anson.
- B. All commercial solid waste haulers shall transport solid waste in a completely enclosed vehicle or have the waste covered in such a way which will render the waste or refuse material completely enclosed.
- C. No person operating a vehicle shall permit or cause any solid waste to leave such vehicle before reaching its final destination at a properly licensed disposal facility. No person shall transport any solid waste over any public way, street or place within the limits of the Town except when the material is covered in a manner that the refuse shall not be strewn along public ways. Proof that such solid waste has blown from or fallen from any truck or vehicle shall be prima facia evidence that said truck or vehicle was not sufficiently enclosed or covered.
- D. Solid waste may only be disposed of at a properly licensed disposal facility. No person shall throw or deposit or cause to be thrown or deposited any solid waste within the Town in any street, gutter, sidewalk, parking area, park or other public place or on any body of water within or adjacent to the Town.
- E. It is a violation of this ordinance to dispose of any solid or liquid waste, or to accumulate any solid or liquid 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.
- F. In the event that the Town of Anson has a tax based tipping fee, it shall be illegal for any hauler to mix loads from the Town of Anson with loads from any other location.
- G. The Town of Anson shall not be responsible for the tipping fees related to demolition debris or tires.

- H. In the event that the Town of Anson should provide a “leaf, grass or stump” dumping or recycling facility or area, commercial haulers shall not transport these items to the commercial facility unless the tipping fee is to be paid by the commercial hauler.

Section IX: Permit, Denial, Suspension or Revocation

- A. Issuance of a permit may be denied and any permit or license may be suspended or revoked by the Board of Selectmen, the Code Enforcement Officer or any Law Enforcement Officer for the following causes:
1. Violation of this ordinance;
 2. Violation of any provision of any state or local law, ordinance, code or regulation which relates directly to the provisions of this ordinance;
 3. Violations of any license condition(s);
 4. Falsehoods, misrepresentations or omissions in the license application; and
 5. Violation of any provision of the Recycling Ordinance for the Town of Anson.

Section X: Hearings

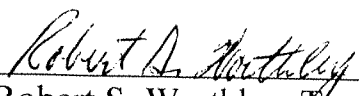
- A. Anyone denied a permit or license, or whose permit or license is suspended or revoked pursuant to Section 9, shall be entitled to notice and hearing before the Board of Selectmen if such a request is made, in writing, within thirty (30) days of the denial, suspension or revocation.
- B. Such hearing shall be held within thirty (30) days after receipt of the written request for a hearing.
- C. The permittee, licensee or applicant shall be notified, in writing, as to the date, time and place of the hearing at least ten (10) days prior to the hearing date. The permittee, licensee or applicant shall be notified by certified mail, return receipt requested.
- D. The Board of Selectmen’s final determination, relative to denial, suspension or revocation of a permit or license and the period of suspension or revocation shall take effect as provided in the notice, but not later than ten (10) days after the date on which such notice has been mailed to the permittee, licensee or applicant and shall be conclusive.

- E. Notice of decision of the final determination shall set forth the reasons for denial, suspension or revocation and the effective dates thereof together with a statement that such decision may be appealed as provided in the Ordinance.
- F. Any controversy or claim arising out of or relating to the Board of Selectmen determinations shall be directly reviewable by the Anson Board of Appeals.

Section XI: Enforcement

- A. Enforcement of this ordinance shall be the responsibility of the Code Enforcement Officer, the Board of Selectmen or their designee, or any local, county or state law enforcement agency. Enforcement will include denial, suspension or revocation of a permit as outlined in Sections 9 and 10 and may involve any action necessary to protect the integrity of this ordinance, including any process either civil or criminal that is authorized by the State Statute.
- B. The minimum fine for violating this ordinance will be one hundred dollars (\$100.00) per offense. Each day that a violation continues will be a separate offense.
- C. Whoever violates any of the provisions of this Ordinance, if convicted, shall be punished by a fine as outlined above plus the cost of enforcement including reasonable attorney fees, which fines and costs shall be recovered on complaint to the Town.

Attest: A true copy of "Solid Waste Ordinance for the Town of Anson, Maine" as certified to me by the Anson Board of Selectmen on February 10, 2004.


Robert S. Worthley, Town Clerk

Adopted: March 6, 2004

**Town of Anson
Solid Waste Management
Rules and Regulations**

I. Authority

These rules and regulations are promulgated pursuant to the Solid Waste Ordinance for the Town of Anson, Maine.

II. Purpose

These rules and regulations provide a regulatory framework for the safe and efficient disposal of solid waste.

III. Definitions

The definitions provided in the Solid Waste Ordinance for the Town of Anson, Maine, and in Title 38 MRSA Section 1303 apply to these regulations. Any word not otherwise defined shall have its ordinary meaning.

IV. Amendment

These rules and regulations may be amended by a majority vote of the Board of Selectmen following at least 14 days public notice and a public hearing.

V. Rules and Regulations

- A. All persons shall comply with the provisions of the Solid Waste Ordinance for the Town of Anson.
- B. All persons shall comply with the provisions of the Recycling Ordinance for the Town of Anson.
- C. The Board of Selectmen, or its designated agent, may randomly inspect hauler's cargo to insure compliance with all appropriate rules, regulations, ordinances or laws.

Public hearing held on: APRIL 13, 2004

Dated:

APRIL 13, 2004

Anson Board of Selectmen

[Signature]
Carol J. [Signature]
Douglas Cabell
Frederic A. [Signature]
Kerry Moody