

TOWN OF OAKLAND SOLID WASTE ORDINANCE

SECTION 1. TITLE AND AUTHORITY

The Solid Waste Ordinance of the Town of Oakland, hereinafter referred to as the Ordinance, is adopted under the Home Rule Authority of the Maine Constitution and 30-A M.R.S.A. Section 3001.

This ordinance was prepared in accordance with the provisions of Title 30 M.R.S.A. Sections 1971, 2151, 2153, 4101, 4102 and Title 38, M.R.S.A. Section 1304-B as amended, shall be known as, and may be cited as the "Ordinance for the Control and Regulation of Solid Waste Collection and Disposal within the Town of Oakland," and shall be known as the "Ordinance".

SECTION 2. PURPOSE

The purpose of the ordinance is to protect the health, safety and general well being of the citizens of Oakland; enhance and maintain the quality of the environment; conserve natural resources and prevent water and air pollution.

The ordinance is designed to provide for a comprehensive, rational and effective means of regulating the disposal of solid waste in the Town of Oakland. In accordance with the provisions of Title 38, M.R.S.A. Section 1305, Subsection 1, the Municipality has a statutory obligation to provide a solid waste facility for domestic and commercial waste generated within the municipality. Municipal solid waste contains recoverable resources, including energy, which, if recovered, may reduce the municipal cost of solid waste disposal as well as being environmentally sound.

SECTION 3. DEFINITIONS

Words not specifically defined in this section shall have the meanings ascribed to them in Chapter 400, Section 1 of the State of Maine Solid Waste Management Regulations as adopted in 1989 by the Board of Environmental Protection (BEP). In the absence of any definition in said BEP regulation, words used in this Ordinance that are not specifically defined in this section shall have the meanings commonly ascribed to them. Words used in the present tense include the future and the plural includes the singular.

For the purposes of this ordinance, the following terms shall have the following meanings:

ASHES shall mean residue from the burning of wood, coal, coke or combustible material.

ACCEPTABLE WASTE shall mean all solid waste of the type presently accepted at the municipal collection facility, including all ordinary household, municipal, institutional, commercial and industrial wastes.

ATTENDANT is a municipal employee appointed by the Town Manager for the purpose of employment in the day to day operation of the Transfer Facility. This individual will normally work under the direction and supervision of the Transfer Station Manager.

BROWN GOODS are electronic devices containing circuit boards, capacitors, resistors or transistors which are not included in the definition of white goods and which weigh more than ten (10) pounds.

BULKY WASTE is any item occupying a space of one cubic yard or more and includes, large furniture items, mattresses, rugs, etc.

COMMERCIAL HAULER shall mean any person, party, company, or corporation who handles and hauls solid waste over the road for compensation. **Note** - See Section 7

COMPOST MATERIALS are leaves, grass clippings, hay, straw, vegetable material, purely vegetable food wastes, herbaceous plants, and sawdust, etc.

DEMOLITION AND CONSTRUCTION DEBRIS shall include lumber, asphalt shingles, insulation, sheetrock and any other similar used, broken, demolished or discarded building materials, excepting asbestos.

DISPOSAL FACILITY shall mean the facility or facilities designated by the Town of Oakland as the storage and or disposal site for waste.

ENERGY RECOVERY FACILITY shall mean the facility designated herein which processes and recovers energy and or other useful materials from acceptable waste supplied to the Municipality.

FERROUS METALS shall mean any iron-containing commodity categorized as #1 and #2 steel, cast iron, and light iron white goods. Note - Barrels and drums must have one end removed to allow inspection. Paint cans must be open and have no more than one inch of paint. Gas tanks used to hold fuel of any kind must be empty and cut in half.

GARBAGE shall mean any putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

HE The word he shall also be interchangeable with the word she.

LITTER shall mean any material or form of solid waste or unacceptable material as defined in this ordinance which, if thrown, stored, or deposited as herein prohibited, tends to create a danger or nuisance to the public health, safety, and welfare.

MANUFACTURED WOOD WASTE is a manmade wood product that was milled or composite from a wood base and are normally manufactured objects, demolition or construction waste.

NATURAL WOOD WASTE shall mean logs, limbs, brush, bark, and wood chips.

NON-FERROUS METALS shall mean any metal devoid of iron content and categorized as copper, brass aluminum or lead.

PATRON shall have the same meaning as described in the word person below.

PERSON(S) shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

RECYCLABLE means discarded manufactured or similar residual material that may be reused or reprocessed into a similar or different use; any materials or substances that have useful physical or chemical properties and can be reclaimed for re-use or recycled for the same or other purposes including without limitation paper of any kind, cardboard, glass, plastic, ferrous and non-ferrous metal materials, and tires.

RECYCLING means the separating, collecting, and or reprocessing of manufactured materials or residues for re-use either in the same form or as part of a different product.

RESIDENT shall mean any person who resides within the geographic boundaries of the Town of Oakland, or who may pay property taxes to the Town. It shall also include seasonal person(s) who may own, rent or lease a private dwelling therein.

SEPTAGE is that waste, refuse, effluent, sludge or any other material from septic tanks, cesspools, or any other similar facilities, and industrial and commercial sludge.

SOLID WASTE shall mean any acceptable discarded or unwanted solid organic or inorganic material with insufficient liquid content to be free flowing and consists of all acceptable wastes as described herein, but does not include unacceptable wastes as described herein.

TRANSFER STATION MANAGER shall mean that individual appointed by the Town Manager as being responsible for compliance with this ordinance and for the proper day to day operation of the Transfer Facility.

UNACCEPTABLE WASTE

- (1) roadway construction materials including but not limited to roots, rocks, soil and other waste associated with this type of activity;
- (2) liquid waste or sludge including septic sludge;
- (3) aerosol cans;
- (4) special waste
- (5) hazardous waste, that is, waste with inherent properties that make it dangerous to manage by ordinary means, including but not limited to, chemicals, explosives, pathological wastes, biological waste, radioactive wastes, toxic wastes and other wastes defined as hazardous by the State of Maine or the Resource Conservation and Recovery Act of 1976, as amended, of other federal, state or local laws, regulations, orders or other actions promulgated or taken with respect thereto;
- (6) dead animals or portions thereof;
- (7) water treatment residues;
- (8) tree stumps;
- (9) tannery sludge;
- (10) any other item or material, which by its nature is determined to be unacceptable by the Transfer Station Manager;
- (11) agricultural wastes;
- (12) any solid waste not generated within the municipal limits of the Town of Oakland
- (13) Waste oil of any kind
- (14) ash
- (15) unused or junk automobiles or similar vehicles including but not limited to trucks, tractors etc.
- (16) septic tank sludge
- (17) empty or full freon or propane tanks
- (18) electric transformers

- (19) poisons
- (20) acids
- (21) infected materials
- (22) accelerants
- (23) flammable liquids
- (24) televisions, computers and fluorescent lights

(25) hospital wastes

(26) P.C.B.'s - No appliances containing capacitors, or fluorescent light fixtures containing ballasts, without exception, will be accepted unless all capacitors or ballasts, whether they contain PCB's or not, have been removed and, together with the appliance(s) or fluorescent light fixtures, have been inspected by the Transfer Station Manager prior to disposal in the following manner.

(1) all capacitors labeled as containing no PCB's may be disposed of with the white goods.

(2) All unlabeled capacitors and capacitors labeled as containing PCB's shall be treated as hazardous waste and will not be accepted by the Facility. (3) All appliances and fluorescent light fixtures shall be inspected by Facility personnel to verify removal or non-existence of any or all capacitors or ballasts, which may then be deposited in the white goods area if free of PCB's. It shall be the responsibility of the party wishing to dispose of any appliance to free the motor housing of each appliance of any covers, thus permitting landfill personnel to have an unimpeded view of the area where capacitors are commonly found. Similarly, any party wishing to dispose of fluorescent light fixtures shall expose the location of any ballasts, which have been removed to allow Facility personnel to inspect the fixtures.

WHITE GOODS means stoves, washing machines, clothes dryers, and other large, predominately metal household appliances including refrigerators, freezers, and air conditioning units.

SECTION 4. GENERAL DEPOSITING REGULATIONS

4.1 Residential Requirement. No solid waste shall be deposited at the facility except that which is generated within the Town of Oakland, or from any person holding a contractual agreement with the Town of Oakland that expressly authorizes use of the facility.

4.2 Transportation. All vehicles transporting any solid waste to be deposited at the Facility shall be duly identified as hereinafter provided. No person, while transporting solid waste or unacceptable materials along the streets or highways of the Town of Oakland shall permit or allow any portion of said material to be deposited on such street or highway. All loads shall be covered, secured, or fastened to the conveying vehicle to prevent any material from falling or blowing off while in transit.

4.3 Hours of Operation. Deposits of solid waste will only be allowed during the hours of operation. The Town Council shall establish the operating hours of the Transfer Facility. The hours of operation shall be visibly posted at the Transfer Facility.

4.4 Place of Deposit. All deposits of solid waste at the Facility shall be in areas designated by signs or as directed by the Transfer Station Manager.

Generally:

- * Household trash shall be deposited in the designated container or other designated area;
- * White and brown goods and ferrous and non-ferrous metal objects shall be deposited in the white good pile;
- * White goods containing freon: freezers, air conditioners, dehumidifiers will be placed separately from other white goods;
- * Manufactured and natural wood wastes as directed by the Transfer Station Manager;
- * Tires shall be neatly stacked in the tire pile after the requisite fee has been paid.
- * Recyclables shall be deposited at the designated recycling collection location at the direction of the Transfer Station Manager or appropriate signage;
- * Barrels and drums must have one ends removed for inspection by Facility personnel;
- * Paint cans must be open and reasonably free of paint, containing less than 1" of dried paint;
- * Fuel tanks of any kind must be empty and cut in half.

4.5 Removal of Items From The Facility. At no time will any picking, salvaging or removal of materials or objects be conducted at the Facility unless the Transfer Station Manager has given his permission.

4.6 Trespassing. Use of, or presence within, the Facility other than during hours of operation as established herein shall be considered trespassing.

4.7 Unacceptable Materials. Unacceptable materials, as defined herein, shall have the same meaning as unacceptable waste and may not be disposed of at the Facility.

SECTION 5. STICKER PERMITS

5.1 Permits Required. After the date of adoption no person shall deposit any acceptable waste at the facility without first obtaining a permit as evidenced by a properly affixed sticker to a motor vehicle. In addition to the sticker permit requirement, commercial haulers will be required to obtain a commercial hauler license from the Town Clerk pursuant to Section 7 of this Ordinance.

5.2 Application. An application for a sticker to the Town Clerk or designee shall require the name and Town of Oakland address of the applicant, proof of residency or property ownership of sufficient need to warrant issuance of a sticker permit, and the registration number of the vehicle to which the permit shall be attached.

Residents shall be issued a sticker that may be changed from time to time upon a majority vote of the Town Council.

Non-residents owning property in the Town of Oakland shall be issued a permit upon a showing of sufficient need. All non-resident permit stickers shall be valid for a period of one year.

** Non-resident permits shall be valid from January 1st until December 31st.

5.3 Information to Appear on Sticker. Each sticker shall bear the word Oakland and an individual serial number.

5.4 Location of Sticker Permits. Stickers shall be applied by employees of the Town of Oakland. Stickers shall be applied to any window acceptable to both the owner of the vehicle and the Transfer Station employee.

5.5 Records. Transfer Station employees shall keep a computer record of all applications issued. The printout shall show the permit number, the registration number of the vehicle the permit was issued for and the name of the vehicle's owner.

5.6 Replacement. A new sticker must be obtained whenever a sticker in use becomes defaced, lost, or whenever the user's motor vehicle is sold or a new vehicle is purchased. A replacement sticker will be the same price as a new sticker.

5.7 Fraud. Any permit sticker found to have been obtained by fraudulent means will be revoked and the person so obtaining or attempting to obtain a sticker shall be prosecuted as provided in sections 9 and 10 of this Ordinance.

5.8 Misuse of Sticker Permit. Any person found to be depositing solid waste at the Facility, which originates outside of the Town of Oakland, or violating any other provision of this Ordinance shall be subject to the penalties of Section 10 of this Ordinance.

SECTION 6. TEMPORARY PASSES

6.1 Eligibility to Use. The Town's Transfer Station will be available for residents and property owners who may not necessarily be residents, both seasonal and year round. It will also be available to non-resident contractors doing work on properties in the Town of Oakland, such as renovating a building etc.. Non-resident and local contractors will be required to have the Oakland resident or property owner secure a temporary pass from the Town Office, signed by the Town Manager or designee, authorizing use of the Transfer Station for the period they anticipate they will be working on the project. Generally, passes will be for a seven (7) day period. Commercial haulers will also be entitled to use the facility. Commercial haulers may only discard refuse picked up at Oakland residences or businesses and such refuse must have originated in Oakland.

6.2 Application. An application for a temporary pass shall give;

- * The name and address and phone number of the Town of Oakland resident, business, or non-resident property owner for whom the work is being done;
- * The name, address, and telephone number of the hauler transporting materials to the Transfer Facility;
- * The vehicle registration number; the type of material to be carried to the Facility;
- * The date(s) when the material is to be deposited at the Facility;
- * The signatures of the applicant and the Town of Oakland official issuing the temporary pass.
- * The application may also contain a statement from the Town of Oakland Code Enforcement Officer that a permit is not required for the activity, or that a permit has been issued.
- * Certification - I hereby certify that the materials listed above have originated in the Town of Oakland, and that these are the only items which I have contracted for disposal. I further understand that all violations will be fined in accordance with Chapter #8 of the Transfer Facility ordinance,

which provides for fines of \$100.00 per violation for residential haulers. Commercial haulers first offense will result in a fine of \$1,000.00 and a three month, second offense \$1,500.00 and a six month suspension, and a third offense will result in a permanent suspension of privileges. In addition to applicable fines violators will be subject to all removal and legal costs.

6.3 Information to Appear on the Temporary Pass. Temporary passes shall be a duplicate copy of the approved application bearing a serial number.

6.4 Use of Temporary Passes. A temporary pass must be presented to the Transfer Station Manager or his designee at the facility when it has been approved and for each trip thereafter until completion of the work. On completion of the work, the pass shall be turned into the Transfer Station Manager. The expiration date of the temporary pass shall not be more than seven (7) days from the date of issue, except that a person engaged or employed by a Town of Oakland resident, business or non-resident property owner may be given a pass for a longer period of time, but not to exceed thirty (30) days, at the discretion of the Town Manager or designee for good cause.

6.5 Records. The original application for a temporary pass shall be kept on file at the Oakland Town Office for a one (1) year.

6.6 Fraud. Any temporary pass found to have been obtained by fraudulent means will be revoked and the person so-obtaining or attempting to obtain a temporary pass shall be prosecuted as provided by Sections 9 and 10 of this Ordinance.

6.7 Misuse of Temporary Pass. Any person found to be depositing at the Facility solid waste, which originates outside the Town of Oakland or violating any other provision of this Ordinance shall be subject to the penalties of Section 10 of this ordinance.

SECTION 7. COMMERCIAL HAULER LICENSES

7.1 Required. After the date of adoption no commercial hauler may deposit solid waste at the Facility unless that hauler has obtained a commercial hauler's license from the Town Clerk.

Commercial haulers shall have all loads being hauled into the Oakland Transfer Facility covered or secure at all times.

7.2 Application. Application for a commercial hauling license shall be made to the Town Clerk and shall require:

- * The name and business address of the hauler;
- * The registration number of each vehicle to be used;
- * The type of any solid waste that may be carried over the roads of the Town of Oakland by the hauler at any time;
- * The types and estimated quantities of solid waste to be deposited at the Facility on a weekly or monthly basis;
- * Signed verification by the Transfer Station Manager that the hauling vehicle is suitable for the type of waste being hauled into the Facility;
- * A list of the business and residential establishments the hauler services in the Town of Oakland may be required from any hauler that has been in violation of any provision of this ordinance or that has had a letter of non-compliance issued. This requirement shall apply to haulers that have violated either this ordinance or the previous Landfill Ordinance of the Town of Oakland. The commercial hauler must update this list on a monthly basis for a period of one (1) year from the date of the violation or notice of violation. A copy of this list shall be maintained at the Transfer Station for the use of the Transfer Station personnel.

Note: licenses are transferable from one traded, discarded or unserviceable vehicle to another replacement vehicle owned by the same corporation or entity.

7.3 Contents of the License. The license issued shall contain the name and business address of the hauler and registration numbers of the vehicles to be used. The license shall contain a warning that said license may be permanently revoked by the Town Council for violation(s) of this ordinance. Prior to revoking a commercial haulers license the Town Council shall hold an appeal hearing as part of due process.

7.4 Expiration of License. A commercial haulers license shall be valid for a one-year period commencing on January 1st through December 31st.

7.5 Suspension of License. A commercial hauler found to be depositing waste at the Facility, which originated outside of the Town of Oakland in violation of Section 5 of his Ordinance, or violating any other provision of this Ordinance, shall have his or her license suspended in accordance with Section 10 of this Ordinance.

7.6 Bulky Wastes/Demolition Debris. All Commercial Haulers transporting bulky waste or demolition debris material will be required to provide the Transfer Station Manager, or his/her designee with proof that these wastes originated and were used in Oakland. This proof will be in the form of a temporary pass obtained by the property owner lessee or tenant prior to disposal. As explained in Section 6., such passes shall be valid from 1 to 7 days unless provided otherwise by the Town Manager or his/her designees, and must be obtained at the Oakland Town Office.

SECTION 8. FEES

8.1 Application Fee For Sticker Permits. A fee for residents and for non-residents shall be paid to the Town Clerk or designee for a Sticker Permit. The Town Clerk or designee may not issue a sticker permit prior to the full payment of the application fee.

8.2 Application Fee For Temporary Passes. A fee shall be paid to the Town Clerk or designee upon application for Temporary Pass. The Town Clerk or designee may not issue a Temporary Pass prior to the full payment of the application fee.

8.3 Application Fee for Commercial Hauler's License. A fee per vehicle shall be paid to the Town Clerk or designee upon any application for a commercial hauler's license. The Town Clerk or designee shall not issue any commercial hauler's license prior to the full payment of the application fee and until the application has been reviewed and approved by the Town Clerk.

8.4 Other Fees. A list of Town Council approved items and their fees shall be posted at the Transfer Facility. These fees shall be payable to the Transfer Station Manager or designee before depositing any of the listed items at the Transfer Facility. The Town Council may modify the list of items or fees from time to time.

SECTION 9. VIOLATIONS

9.1 Disposition of Solid Waste at the Facility. The Transfer Station Manager will designate certain areas to discard certain types of refuse. These areas will be clearly marked with appropriate signs for the convenience of the patron. The Transfer Station personnel will be responsible for assuring that patrons do in fact dispose of their various types of refuse in the designated areas. Any patron who fails to follow the directions of the Transfer Station personnel will receive a letter of warning from the Town Manager's office, indicating that a subsequent failure to follow directions of the Transfer Station personnel will result in suspended privileges to use the facility. Discarding of refuse outside the front gate is prohibited and subject to a fine.

9.2 Disposition of Unacceptable Waste at the Facility. No person shall deposit at the facility any unacceptable waste as defined in this Ordinance or as deemed unacceptable by the Transfer Station Manager.

9.3 Disposition of Solid Waste not Generated in Oakland. No person shall deposit solid waste or recyclable waste at the facility that was not generated in the Town of Oakland unless in accordance with a contractual agreement with the Town of Oakland.

The Town Manager or designee shall have the authority to require the verification of the origination of any load or portion thereof being deposited at the Transfer Facility.

9.4 Discharging of Weapons. No weapons will be discharged at the Oakland Transfer Facility except in instances when it is deemed necessary to protect the general health of the public. When it is ascertained by the Health Officer that a condition exists, which could be alleviated by the elimination of birds, rodents or other creatures, then both the Health Officer and the Chief of Police will make a joint recommendation to the Town Manager that a permit be issued to shoot certain birds/animals. The Town Manager will then issue a permit to reduce or eliminate the birds/animals by shooting them. The only firearm allowed to be used will be a shotgun not exceeding 12 gauge. The use of birdshot larger than #2 birdshot will not be allowed. Firing of a weapon at the Transfer Facility will occur only when the facility is closed.

SECTION 10. PENALTIES

10.1 Violation of The Town of Oakland Waste Only Rule or Unacceptable Waste Rule. Violation of Section 9 shall be punishable by a fine not to exceed \$100.00 for the first offense, \$150.00 for the second offense and \$200.00 for the third offense, plus all costs associated with ultimately disposing of the unacceptable solid waste or solid waste not generated within the Town of Oakland, plus any legal costs incurred by the Town that were reasonably necessary to secure a judgment against a person found to be in violation of this Ordinance.

10.2 Violations by a Commercial Hauler. A violation of any provision of Section 9 or any other provision of this Ordinance, by a commercial hauler will result in a fine of \$1,000.00 (one thousand) dollars and a three month suspension of the use of the facility. A second offense will result in a fine of \$1,500.00 (fifteen hundred) dollars and a six month suspension. A third offense will result in a permanent suspension of privileges. Violators will also in addition to the imposed fine and suspension of privileges be responsible for the full cost for the proper disposal of the illegally deposited material and all legal costs.

Note - All monies collected for fines shall be returned to the Town's general fund.

10.3 Violation of Discharging a Weapon. Discharging a weapon except as outlined in section 9.4 of Section 9 shall be considered a violation, the violator shall be liable for both civil and criminal charges as appropriate as determined by the Oakland Police Department.

SECTION 11. CONSTRUCTION

11.1 Severability. The provisions of this Ordinance are severable. If any section, subsection, sentence, provision, or part of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this ordinance shall not be affected or impaired.

11.2 Supersession. This Ordinance supersedes and replaces all similar or comparable ordinances, policies, decisions or practices previously enacted by the Town and will remain in effect until revoked or superseded by action of the voters of the Town Council.

SECTION 12. ESTABLISHMENT AND AMENDMENT DATES

12.1 Establishment of Ordinance. This ordinance was adopted by the Oakland Town Council on December 28, 1988.

12.2 Amendment. This Ordinance becomes effective as amended by the Town Council on May 24, 1994, December 28, 1994, October 9, 1996, December 18, 1996 and August 26, 2009.

date/ord/solwaste

OAKLAND TRANSFER STATION

DISPOSAL FEES AND CHARGES

Resident fee per sticker.....	\$2.00
Nonresident fee per sticker.....	
\$3.00	
Temporary permit for facility.....	
\$5.00	
Commercial hauler permit.....	
\$100.00	
Automotive tires up to and including tires fitting on an 18” rim.....	\$ 2.00
(Please note - the Transfer Station Manager shall be the deciding authority as to the number of tires to be accepted from any one firm or individual.)	
Truck type tires up to a rim size of 22".....	\$5.00
All motorcycle tires.....	\$2.00

White goods..... \$5.00

White goods are as follows:
stoves, washing machines, clothes dryers, and any other
metal household appliances. This charge is per each item.

Appliances with Freon.....\$15.00 each

Bulky Waste (couches, mattresses, furniture etc.).....\$10.00 each

Demolition debris\$66.10 per
ton

Commercial Waste\$68.95 per ton

Brush hauled by commercial haulers or a business \$20.00 per ton