

**Town of Livermore
Solid Waste Disposal Control Ordinance**

Section 1.

This Ordinance shall be known and be cited as the "Solid Waste Disposal Control Ordinance of the Town of Livermore, Maine".

Section 2.

1. **Declaration of Policy.** This Ordinance is designed to control the disposal and reuse and recycling of solid waste material in the Town of Livermore by providing for the establishment and enforcement of rules and establishing limitations and prohibitions to protect the health, safety and welfare of the citizens of Livermore, and to protect the environment and natural resources of the Town.

2. This Ordinance is adopted pursuant to the Home Rule powers granted in the Maine Constitution, 30-A M.R.S.A. §3001 et seq, and 38 M.R.S.A. §1301 et seq.

Section 3. Definitions

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

1. **Attendant.** The person(s) employed by the Town to operate the solid waste facility and and necessary equipment.
2. **Person.** Shall include, but is not limited to, individuals, partnerships, corporations and their agents.
3. **General Refuse or Waste.** Ordinary solid wastes generated by normal household operations, or as otherwise defined in the Rules. Also referred to as Municipal Solid Waste, or MSW.
4. **Town or Municipality.** The Town of Livermore, Maine.
5. **Solid Waste Board.** The Town of Livermore Solid Waste Board
6. **Municipal Officers.** The Town of Livermore Board of Selectpersons.
7. **Commercial Hauler.** Any person who receives compensation for the hauling of waste.

Section 4. Facility

The Town shall provide a facility for the collection and storage of general refuse and recyclable materials, located at a place or places to be designated by the Municipal Officers.

Section 5. Rules for Governing Solid Waste Management

1. The Municipal Officers, upon consultation with the Solid Waste Board, are hereby granted authority to establish, after public hearing, and amend operating Rules for all municipal waste collection, transfer, reuse, recycling and disposal systems and facilities. The Rules shall be reviewed and revised as required to satisfy the needs of the Municipality, State and Federal laws and regulations. The Rules shall include the operating hours of the facility, reasonable fees, inspection of materials, and other matters pertaining to the day-to-day operation of the facility. Rules shall be displayed at the Municipality's Solid Waste Facility and Town Office.
2. The Operations Manual for the Solid Waste Facility shall be a part of the Rules.

Section 6. Administration and Enforcement

The Municipal Officers or their duly-appointed agents shall administer and enforce this ordinance. The Municipal Officers have the further authority to contract with any person, corporation, agency, partnership, or other entity for the disposal of solid waste and recyclable materials. The Municipal Officers may appoint one or more persons to assist them in determining how to best dispose of recyclable materials.

Section 7. Use of the Facility

The use of the facility by any person shall be at the strict direction of the Attendant. No person shall violate any directives of the Attendant or Rules set forth by the Municipal Officers in the use of the facility. If any person refuses to obey any of the directives or Rules, the Attendant shall have the authority to refuse access to the facility to that person until the person complies with the directives and Rules, or until the Solid Waste Board has had the opportunity to hear the complaints.

Deposition of any general refuse, wastes or recyclables at locations, sites or areas within the Municipality which have not been designated as an acceptable facility or site by the Municipal Officers is a violation of this Ordinance.

No person shall use the facility outside of the set hours of operation.

Vehicles entering the facility shall display a current sticker or permit.

All general refuse must be source separated from recyclables, and delivered to the facility in transparent plastic bags.

Section 8. Hazardous and Special Wastes Prohibited

1. Hazardous and Special Wastes are as defined by 38 M.R.S.A. §1303 and the Operations Manual, which shall be a part of the Rules.
2. Hazardous and Special Wastes shall not be delivered, dumped or disposed at the Facility.

3. If any such waste is deposited at the Facility, the cleanup and all costs associated with proper disposal shall be borne by the person responsible for the deposition.

Section 9. Other Prohibited Wastes

The following types of waste or refuse shall not be accepted.

1. Sewage treatment plant and septic tank sludge or residues.
2. Animal and agricultural waste such as manure and crop residues.
3. Gasoline tanks including vehicle fuel tanks, pesticide containers, hazardous material containers, auto body parts and truck parts, excluding exhaust systems.
4. Dead animals or animal parts.
5. Liquid or viscous wastes.

Section 10. Waste Standards

The Municipal Officers have the right to:

1. Set standards on the acceptance of wastes generated by businesses which waste is not similar to General Refuse as defined herein.
2. Refuse to accept industrial wastes which waste is not similar to General Refuse.
3. Prohibit or establish rules for the use of the facility by Commercial Haulers.

Section 11. Recycling Required

Each person using the facility shall be required to separate from General Refuse all items determined to be recyclable, as determined by the Board. All categories of waste and recyclables shall be disposed of in accordance with the Rules.

Section 12. Violations and Penalties

Violations of this ordinance shall be enforced in accordance with the provisions of 30-A M.R.S.A. §4452 as land use violations. The penalties set forth in 30-A M.R.S.A. §4452 shall apply to violations of this ordinance.

Section 13. Validity and Conflict of Ordinances

1. If any section, subsection, paragraph, sentence, phrase or word of this Ordinance is found to be invalid, unconstitutional or inapplicable, it shall not affect or impair the remaining provisions of this Ordinance.
2. If this Ordinance conflicts with other town ordinances, then the strictest provisions shall apply.
3. Provisions of federal and state laws and rules adopted pursuant thereto shall govern if such provisions are more stringent than the provisions of this Ordinance.

Section 14. Amendments

This Ordinance may be amended as provided in 30-A M.R.S.A. §3004(4).

Section 15. Effective Date

This ordinance shall become effective when adopted by a majority of the voters at any regular or special town meeting.

Adopted – Livermore Town Meeting – June 16, 2005