Certified Copy

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Lianne Bedard, Town Clerk

**Solid Waste Ordinance for the Town of Hartford**

**Section 1.** Purpose

This Ordinance is designed to control solid waste material in the Town of Hartford, Maine, by providing for the establishment and enforcement of rules and regulations, establishing limitations, prohibiting certain acts causing solid waste disposal problems and providing for fines for violation of the provisions of this Ordinance.

**Section 2.** Applicability

This Ordinance applies to any person disposing of waste in the Town of Hartford.

**Section 3.** Authority

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 to the requirements of 38 M.R.S.A. §§ 1305 et. seq.

**Section 4.** Definitions

Except as provided below, the definitions set forth in 38 M.R.S.A. § 1303-C apply to this Ordinance and are incorporated herein. As a matter of convenience, several of the above referenced definitions are listed below. Any word not otherwise defined shall have its ordinary meaning.

1. *Biomedical waste* means waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.
2. *Construction and demolition debris* means debris resulting from construction, remodeling, repair, and demolition of structures. It excludes asbestos and other special wastes.
3. *Hazardous waste* means a waste substance or material, in any physical state, designated as hazardous by the board under section 1319-O. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or part or constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.
4. *Industrial waste* means solid waste generated by manufacturing facilities within the Town but not including a) hazardous waste or b) special waste, as defined in 38 M.R.S.A. Section 1303-C, which by reason of its composition, characteristics or other properties is not ordinarily acceptable for disposal at sites licensed for disposal of municipal solid waste. Excluded special waste shall include, but not be limited to friable asbestos and oil-contaminated soil.
5. *Solid waste* means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but does not include industrial waste, hazardous waste, biomedical waste, septage, or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

**Section 5.** Establishment of Curbside Collection of Solid Waste.

1. The Board of Selectmen, or its authorized agents, shall provide, or shall contract with a third-party to provide, for the curbside collection of solid waste.
2. Construction and demolition debris shall not be disposed of by means of the curbside collection program, but shall be collected and disposed of separately by the Town.
3. Septage shall not be disposed of by means of the curbside collection program, but shall be collected and disposed of separately by the Town.
4. The Board of Selectmen shall establish rules and regulations implementing the collection and disposal of solid waste in accordance with this Section including, the time, manner, and method of disposal and collection.

**Section 6.** Prohibited Activities.

1. No waste of any type shall be disposed of in the Town of Hartford in any manner, except in accordance with this Ordinance and with state and federal laws and regulations.
2. No biomedical waste, hazardous waste, special waste, or industrial waste shall be disposed of, in any manner, in the Town of Hartford.
3. It shall be a violation of this Ordinance for anyone other than residents and/or taxpayers of the Town of Hartford to dispose of solid waste, construction debris, and/or septage in the Town of Hartford in any manner.
4. The burning of any type of waste, including solid waste, other than wood, trees, tree limbs, branches, logs, leaves, twigs, grass, and plant cuttings, under any circumstance, is expressly prohibited within the Town of Hartford.

**Section 6.** Administration and Enforcement

1. This Ordinance shall be administered by the Board of Selectmen and its duly appointed agents.
2. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance and solid waste regulations. If the Code Enforcement Officer finds any provision of this Ordinance or the solid waste rules and regulations has been violated, he or she shall:
	1. Notify the Board of Selectmen;
	2. Issue a notice of violation;
	3. Issue an order to correct the violation, if ongoing; and
	4. Impose a fine as follows: $25 for the first violation; $50 for the second violation; and $100 for each subsequent violation.
3. If the violator fails to remedy the violation after being ordered to do so, the Board of Selectmen, or its authorized agents, may take any steps necessary to remedy that violation, including disposing of any waste through proper channels. The Board of Selectmen may recover the cost of doing so from the violator.
4. The Board of Selectmen, or its authorized agent, may institute legal proceedings to enforce this Ordinance, including to collect fines and costs assessed hereunder.
5. The Town may recoup all fees and costs incurred in enforcing this Ordinance, including attorneys’ fees.
6. Any violation of this Ordinance or the rules and regulations hereunder shall be deemed a nuisance.
7. In addition to the remedies provided above, any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance or the rules and regulations shall be also be penalized in accordance with Title 30-A M.R.S. § 4452.
8. The Board of Selectmen, or its authorized agent, is authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance or the rules and regulations and recovering fines.
9. A permanent record of all violations and actions taken in response to violations shall be kept in the Town Office.

**Section 7.** Effective Date

This Ordinance shall become effective when adopted by a majority of the voters at any regular or special Town Meeting.

**Section 8.** Amendments

This Ordinance may be amended or revised only by the procedure required for its original enactment.

**Section 9.** Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. This Ordinance shall be posted on the Town’s website.

**Section 10.** Severability

If any provision of this Ordinance is found by a court of competent jurisdiction to be unenforceable or invalid, the remaining provisions shall remain in full force and effect.

**Section 11.** Conflict with Other Ordinances or Jurisdictions

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation, or statute, the more restrictive provision shall apply.

Approved June 15, 2013 at the Hartford Annual Town Meeting