

# TOWN OF FARMINGTON

## Solid Waste and Recycling Ordinance

ENACTED: August 1, 1992

AMENDED: April 9, 2002  
March 28, 2016

CERTIFIED BY:

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Affix Seal

**Town of Farmington**  
**Chapter 7 — Solid Waste and Recycling Ordinance**  
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## **Chapter 7**

### **Solid Waste and Recycling Ordinance**

#### **Article 1. General**

**WHEREAS**, the Town of Farmington desires to reduce the volume of solid waste generated within its borders which requires disposal and to dispose of solid waste in an environmentally acceptable manner; and

**WHEREAS**, the Town of Farmington has a goal of recycling eighty percent (80%) of the municipal solid waste;

**NOW, THEREFORE**, Be it ordained by the Town Meeting, that the following regulations for the disposal and recycling of certain wastes generated in the Town of Farmington are hereby established.

#### **7-1.1 Title and Purpose:**

This ordinance shall be known as the "Town of Farmington Solid Waste and Recycling Ordinance" hereinafter referred to as "this Ordinance". This Ordinance has several purposes: to preserve and protect environmental resources, to protect the health, safety and welfare of the public, to enhance the quality and character of life in the Town, to provide for licensing and regulation of commercial haulers, to improve efforts to recover and reuse valuable resources currently being wasted, and to regulate the operation of the Town of Farmington Bulky Waste and Recycling Facility.

#### **7-1.2 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 38 M.R.S.A. §1301 et seq.

#### **7-1.3 Applicability:**

This Ordinance applies to all domestic, residential, public, commercial and industrial producers of solid waste and commercial waste collectors/haulers doing business in the Town of Farmington.

#### **7-1.4 Definitions:**

The definitions set forth in 38 M.R.S.A. §1303 and Chapter 400 of the Maine Solid Waste Management Regulations apply to this Ordinance and are incorporated herein. Any word not otherwise defined shall have its ordinary meaning.

- a. **Bulky Wastes** are items that are not considered Municipal Solid Waste (garbage), including, but not limited to, furnishings and/or construction/demolition debris.
- b. **Commercial Waste Collector/Hauler** means any person engaged in the

collection and transportation of solid waste and/or recyclable materials for a fee or other compensation within the limits of the Town of Farmington.

- c. **Load** as used in this Ordinance shall include but not be limited to garbage, trash, refuse, scrap, metal, glass, sawdust, and shavings.
- d. **Motor vehicle** shall include trucks and passenger cars transporting any of the items named in this Ordinance.
- e. **Person** means any individual, firm, corporation, partnership, association or any other legal entity or agents of any of the above. The term shall include the singular and plural as appropriate.
- f. **Recyclable Materials** means those materials, or categories of materials identified by the Town, by regulation, or the hauler as having a viable secondary use.
- g. **Resident** means any individual residing in or conducting business in the Town of Farmington part or all of the year.
- h. **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 not including hazardous waste, biomedical waste, septic tank sludge 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.
- i. **Universal Wastes** are wastes that may contain hazardous amounts of toxic materials such as mercury, lead, and PCBs. They include, but are not limited to, cathode ray tubes (computer monitors, televisions), fluorescent light bulbs, mercury-containing thermostats, non-leaking PCB lighting ballasts, mercury thermometers and certain batteries.
- j. **White Goods** include appliances, refrigerators (with Freon removed) and water heaters.

## **Article 2. Town of Farmington Bulky Waste and Recycling Facility**

### **7-2.1 Fires:**

No fires shall be set at the Town of Farmington Bulky Waste and Recycling Facility.

### **7-2.2 Authorized Use:**

Use of the Facility is restricted to persons authorized by the Town. Each authorized person shall obtain a permit from his/her Municipal Office, which shall be affixed to the

vehicle or displayed to the attendant.

**7-2.3 Motor Vehicle:**

No motor vehicle or parts thereof shall be deposited at the Facility unless any such vehicle has been cut into pieces weighing less than fifty (50) pounds and in such manner that it will not take up an excessive amount of space. Gasoline tanks that are gas free can be accepted,

**7-2.4 Salvage Rights:**

The Municipal Officers may contract with any individual or corporation to grant salvage rights as partial compensation for supervision and/or maintenance of the Facility. Residents may take any items left in the swap shop.

**7-2.5 Firearms:**

No firearms shall be discharged within the limits of the Facility except for law enforcement officer training, which shall be allowed.

**7-2.6 Hours:**

The Municipal Officers may regulate the hours that the Facility is open for operation.

**7-2.7 Fees:**

The Municipal Officers shall set fees for the deposit of bulky materials at the facility and the fees collected shall be used to offset the cost of Solid Waste Management Services. There shall be no charge for the deposit of properly separated recyclable materials, metals or useable items left at the swap shop.

**7-2.8 Unacceptable Waste:**

Unacceptable waste includes the following wastes:

- a. Hazardous waste of any kind including, but not limited to, pathological wastes, chemicals, explosives, radioactive materials, other special wastes, toxic wastes and other wastes defined by the Department of Environmental Protection as hazardous.
- b. Septic tank residues.
- c. Animal and agricultural wastes such as manure and crop residues.
- d. Dead animals or portions thereof.
- e. Asbestos.

- f. Pesticides.
- g. Liquid or viscous wastes with the exception of biosolids generated by the Farmington Wastewater Treatment Facility.
- h. Universal wastes from non-residential sources.

If any such waste is deposited at the Town of Farmington Bulky Waste and Recycling Facility, or a contracted site, the cleanup and all costs associated with proper disposal shall be borne by the person responsible for the disposition.

### **Article 3. Covered Loads and Illegal Dumping**

#### **7-3.1 Loaded Vehicles:**

No person shall operate or cause or permit to be operated upon a public way a motor vehicle with a load, unless such load is fastened, secured, or confined so as to prevent any danger of any portion of the load from falling to the ground.

#### **7-3.2 Illegal Dumping:**

Dumping of trash at locations or sites within the municipality, which have not been designated as an acceptable facility or site by the Town, is a violation of this Ordinance.

### **Article 4. Mandatory Recycling**

#### **7-4.1 Recycling Requirements:**

- a. All solid waste shall have the following commodities (recyclable materials) separated out in a readily manageable form when delivered to the Town of Farmington Bulky Waste and Recycling Center and/or when delivered to any waste management facility under the Town's contract.

- |  |   |
|--|---|
| 1. Corrugated cardboard                | 12. Tires   |
| 2. Newsprint                           | 13. Wood  |
| 3. HDPE #2 Plastic                     | 14. Inert fill                                      |
| 4. Tin & steel cans                    | 15. White goods                                     |
| 5. Glass (clear, green, brown)         | 16. Steel, copper, brass                            |
| 6. Aluminum                            | 17. Waste oil                                       |
| 7. High grade paper                    | 18. Demolition debris                               |
| 8. Yard & leaf waste                   | 19. <u>Empty</u> paint cans                         |
| 9. Furniture & mattresses              | 20. Ash   |
| 10. Mixed household paper              | 21. Batteries (rechargeable, mercury button & auto) |
| 11. Fluorescent lights from residences | 22. Universal wastes from residential sources       |
|  | 23. Antifreeze                                      |

- b. Collection and separation priorities reflect short-term needs of our recycling goals, and will be changed as markets evolve. The Municipal Officers can change the list of items that must be separated from the solid waste following a public hearing.
- c. To ensure that residents comply with the mandatory recycling requirement, solid waste for disposal should be placed in clear plastic bags or in suitable containers where contents are clearly visible.
- d. Owners of multi-family residential buildings shall provide a convenient means for tenants to separate the above commodities for recycling.

## **Article 5, Licensing Requirements for Commercial Waste Collectors/Haulers**

### **7-5.1 Commercial Hauler Vehicles:**

Commercial haulers shall transport solid waste in completely enclosed vehicles that shall prevent waste from blowing or falling from the vehicle.

### **7-5.2 Licensing:**

Each commercial hauler shall obtain a license from the Town Manager in order to operate within the municipality. The license shall be valid from July 1 to June 30 of the following year. Possession of a commercial hauler's license does not make the hauler an agent, employee, or contractor of the Town. In order to obtain a license, an applicant must:

- a. Obtain the approval of the Town Manager that the applicant's price structure encourages or requires recycling, reuse and reduction of solid waste.
- b. Agree to provide curbside collection of recyclables at least once per month and in accordance with a. above.
- c. Provide evidence of general liability insurance, minimum of \$100,000; provide evidence of vehicle insurance. Insurance certificates shall name the Town of Farmington as an additional insured and provide the Town with a thirty (30) day notice of policy cancellation.
- d. Provide vehicle registration information for each vehicle to be used for collecting solid waste within the municipal borders. Notify the Town Manager or his/her designee, of any changes in vehicle registrations during the license year. Allow the Town Manager, or his/her designee, access to inspect each vehicle annually.
- e. Pay any fees established by the Municipal Officers.
- f. Provide evidence of possession of a valid non-hazardous waste transporter license issued by the Department of Environmental Protection.

- g. Certify that he/she shall not mix waste from any other town with loads from Farmington.

**7-5.3 Renewal:**

All commercial haulers must submit an annual reporting form at least thirty (30) days prior to license expiration. Such form shall indicate the amount (in pounds) of solid waste and recyclable materials (by category) collected by the hauler within the limits of the municipality during the previous year as well as the disposition of those items. No renewal license will be issued to an applicant who does not submit an annual reporting form.

**7-5.4 Hauler Responsibilities:**

- a. Payment of Tipping Fees, Collection and Transportation Fees. The municipality has an agreement with a licensed solid waste facility to accept solid waste generated within the town. Only haulers who have a license with the Town can bring waste to the facility under this agreement and at the contract rate. The Town does not pay the tipping fee. The commercial hauler is responsible for the tipping fee as well as the costs of collection and transportation to the disposal site. Fees charged to customers shall encourage or require recycling, reuse and reduction of solid waste.
- b. Marketing Recyclables. The municipality contracts with a commercial hauler for handling recyclable materials. The commercial hauler provides containers for residential recycling at the Bulky Waste and Recycling Facility. The commercial hauler is responsible for the costs of collection and transportation of recyclable materials to end facilities of his/her choice. The commercial hauler shall provide his/her customers with detailed information on which materials are recyclable and in preparing materials for recycling.

**7-5.5 Curbside Collection:**

Any person using curbside collection of solid waste and recyclables shall contract with a commercial hauler who is licensed by the Town. Materials shall be placed in containers acceptable to the hauler and in such a manner as to prevent waste from falling or blowing to the street. Recyclable materials must be clean and prepared in accordance with the haulers instructions. No materials shall be placed curbside more than twenty-four (24) hours before scheduled pick-up.

**Article 6. Administration, Enforcement and Penalties**

**7-6.1 Administration and Enforcement:**

The Municipal Officers, or their duly appointed agents, shall administer and enforce this Ordinance.

### **7-6.2 Penalties:**

Violations of this Ordinance shall be enforced within the provisions of 30-A MRSA § 4452 as land use violations. The penalties set forth in 30-A MRSA § 4452 shall apply to violations of this Ordinance. In addition to the foregoing penalty provisions, any person violating any provision of this Ordinance shall be liable to reimburse the Town for costs of enforcement, including reasonable attorney fees and court costs.

- a. In addition, any Licensed Commercial Hauler who violates any provision of this Ordinance may, in addition to the fine above, have his/her license revoked for up to two (2) years and forfeit all license and permit fees. The Municipal Officers may revoke a license after notifying an operator of a violation and conducting a hearing on the matter. Public notice of the hearing will be posted in the normal posting places within the town.
- b. In instances of illegal dumping upon the land of another, the landowner shall notify the Town of Farmington Police Department in order to pursue identification and prosecution.

### **7-6.3 Amendments and Severability:**

- a. An amendment to this Ordinance may be initiated by:
  1. The Municipal Officers provided a majority of the Board has so voted;
  2. Written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality at the last gubernatorial election.
- b. Public Hearing: The Municipal Officers shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing.
- c. Adoption of the Amendment: An amendment to this Ordinance shall be adopted by a majority vote of a Town Meeting.
- d. If any provision of this Ordinance is found by a court of competent jurisdiction to be unenforceable, the remaining provisions shall continue in full force and effect. This Ordinance shall become effective when adopted by a majority of the voters at any regular or special town meeting.