

Town of New Sharon

Mandatory Recycling and Solid Waste Ordinance

1. **Title and Purpose:** This ordinance shall be known as the Town of New Sharon Mandatory Recycling and Solid Waste 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 of New Sharon, and to improve the efforts to recover and reuse valuable resources now being wasted.
2. **Scope:** This Ordinance applies to all domestic, residential, public institutions, commercial, and industrial producers of solid waste in the Town of New Sharon.
3. **Authority:** This Ordinance is adopted pursuant to the Home Rule Powers granted in the Maine Constitution, 30-A M.R.S.A. section 3001 et seq., and 38 M.R.S.A. section 1301 et seq.
4. **Definitions:** the definitions set forth in 38 M.R.S.A. section 1303 apply to this Ordinance and are incorporated herein. Any word not otherwise defined shall have its ordinary meaning.
5. **Solid Waste and Recycling Requirement:** All solid waste shall have the following commodities (recyclable materials) separated out in preparation for collection by a contractor designated by the Selectmen of the Town of New Sharon. The details of the separation, frequency of collection, and the nature of the containers to be used for the separated materials will be published and distributed to all New Sharon residents by the Town of New Sharon Selectmen. The selectmen are hereby granted the authority to modify the requirements for collection and separation of recyclables and solid waste as the markets for recyclable materials vary.

A. Primary Recyclables.

1. Corrugated cardboard
2. Newsprint
3. HDPE #2 plastic
4. Glass- clear
5. Glass- green and brown
6. Tin and steel cans
7. Aluminum
8. High grade paper
9. Mixed paper
10. Magazines

B. Secondary Recyclables.

1. Tires
2. White goods- refrigerators, etc.
3. Steel, copper, and brass
4. Waste oil
5. Household batteries

C. Other Waste Products.

1. Garbage
2. Yard and leaf waste
3. Furniture and mattresses
4. Wood
5. Inert fill
6. Demolition debris
7. Ash

6. Administration: The Selectmen or their duly appointed agents shall administer and enforce this Ordinance. The Selectmen shall adopt written regulations governing inspection of materials, the days and hours on which waste will be picked up at roadside, the nature of containers that must be used, and the criteria that the collector or collectors must use to accept wastes or to refuse to pick up wastes. These criteria must include the observance of all Federal and State laws governing the handling of hazardous or toxic substances or any substances that could have an adverse effect on the environment. The Selectmen have further authority to negotiate and contract with any person, corporation, agency, partnership, or other entity for the collection and disposal of recyclable and non-recyclable waste. The Selectmen may appoint one or more persons to assist them in determining how best to dispose of recyclable materials.

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

Dumping of trash at any locations within the Town of New Sharon is a violation of this Ordinance and may be penalized as stated in this Ordinance.

Each violation of this Ordinance shall be recorded against the violator in a separate account maintained by the Town of New Sharon. A violation shall be erased from the violator's record when the violation becomes one year old, and thereafter the erased violation will not be used in determining the appropriate procedure under this section.

a) Any person violating this Ordinance and whose violation record is zero (0) or one (1) shall be given a written warning.

b) Any person violating this Ordinance and whose violation record is two (2) or more may be brought to court pursuant to the Maine rules of Civil Procedure.

Each failure to separate recyclable materials under Section 5 of this Ordinance, or each disposal of recyclable materials or any other waste materials which is in violation of this Ordinance, or any other violation of this Ordinance is deemed to be a separate violation. Every day that a violation exists shall be deemed to be a separate violation.

8. Waiver Procedure: The Selectmen and the violator may agree to waive court proceeding. In the event of such an agreement, the waiver penalty for each violation shall be as follows:

a) Third violation - \$5.00

b) Fourth violation - \$10.00

c) Fifth violation - \$50.00

d) Sixth violation - \$100.00

Payment of the penalty under this procedure by the violator shall be deemed an admission of the violation and a waiver of any court proceedings. The violator shall pay the appropriate amount to the Town Of New Sharon in cash or by check made payable to the Treasurer of the Town of New Sharon.

9. Penalties: Any person who violates any provision of this Ordinance after two warnings of violations pursuant to Section 7 shall be subject to a civil penalty of up to \$1000.00 for each violation. Any person who violates any provision of this Ordinance shall be ordered to correct or abate the violations.

10. Amendments: This Ordinance may be amended as provided in 30-A M.R.S.A. section 3004(4).

11. Severability and Effective Date: 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.

This ordinance was adopted at a Town Meeting on March, 1995

Ellen C. Gismald
Town Clerk