

ORDINANCE REGULATING THE STORAGE AND DISPOSAL OF GARBAGE AND JUNK

ARTICLE V

SOLID WASTE

A. Definitions

- 1 “Garbage,” means all animal and vegetable waste and all decayable matter including waste resulting from the handling, sale, storage, preparation, cooking and consumption of feed and food products. For the purpose of this Article, garbage shall not mean or include organic matter contained in properly maintained compost piles or covered subsurface packaged garbage decomposing units so long as no health hazard or other nuisance is created, shall not include leaves, pine needles, grass clippings, tree trimmings or similar plant materials used for fill or mulching purposes, and shall not include agricultural wastes produced by a farm or farm operation conforming with best management practice as defined in 17 M.R.S.A s2805.
- 2 “Junk”, means all rubbish and trash, including discarded, worn out or junked household appliances, furniture, plumbing and heating supplies; discarded scrap and junked lumber and wood products; old or scrap metal of any kind, paper products, bedding, glass, plastic, rags, rope, batteries and other scrapped or junked manufactured items or materials, but excluding garbage.
- 3 “Solid Waste Landfill,” means a waste disposal facility for the disposal of garbage, junk or other solid waste, on or in land, except as provided by statute. Terms used in this definition, not defined herein, shall have the same definitions as provided in 38 M.R.S.A. s1303-C.

B. Prohibition

1. Storage. It shall be unlawful to store any garbage or junk outside of a closed structure within three hundred (300) feet of any dwelling, retail or service establishment, or public road within the Town, unless such garbage or junk is stored in closed rigid containers that provide protection against animals, insects, wind and precipitation, except that:
 - (a) Garbage may be stored in sealed plastic bags outside a closed structure or container for a period not to exceed five (5) days, provided that such garbage will be removed from the premises within said period.
 - (b) Any item or junk that does not fit within a standard container may be stored outside a closed structure or container for a period not to exceed thirty (30) days;
 - (c) Junk stored within a licensed junkyard or salvage facility may be stored with in three hundred (300) feet of any structure used solely for the purpose of storing, processing, salvaging, or selling such junk, to the extent permitted by law.
 - (d) Junk which is to be salvaged or repaired may be stored for a period not to exceed sixty (60) days with three hundred (300) feet of a repair establishment.

- (e) Garbage dumpsters and other similar containers used to hold garbage which as a result of high temperatures expel strong odors of decaying materials shall be required to be made empty of garbage and sanitized and treated to eliminate all offensive odors. When the town CEO (Code Enforcement Officer) or LHO (Local Health Officer) determine that said emptying and sanitation steps are necessary, attempts to notify the owner or manager of the property shall be made by one of the two above officials. The property owner or manager shall cause the required necessary removal of the odors within 24 hours of being notified. Should the Town not be able to notify one of the above persons within 24 hours, the CEO or LHO shall have the garbage and odors removed and the Town shall bill the property owner along with the regular real estate tax bill to recover the money spent on solid waste garbage and trash removed.
 - 2 Disposal. It shall be unlawful to operate or maintain a solid waste landfill within three hundred (300) feet of any dwelling, commercial or institutional structure, public road or water body with the Town.
- C. Enforcement: Remedies.
1. Enforcement. The Code Enforcement Officer shall enforce the provisions of this Article as provided in 30-A M.R.S.A. s4452.
 2. Penalties and Other Remedies. Any person, including but not limited to a landowner, the landowner's agent, or a contractor who violates the provisions of the Article is liable for the civil penalties and remedies set forth in 30-A M.R.S.A. s4452. The minimum penalty for a specific violation is One Hundred Dollars (\$100) and the maximum penalty is Twenty-Five Hundred Dollars (\$2500). A specific violation occurs on each day a violation continues to exist after written notice of violation has been sent to the land owner. Civil penalties may be assessed on a per day basis.

D. Authority: Provisions Supplementary to Statute.

The provisions contained herein are intended to be supplementary to provisions of the Maine Revised Statutes relating to public nuisances (Title 30-a) and solid waste (Title 38).

E. Appeal Procedure.

1. Making an appeal:

- (a) An administrative appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer in the administration of this ordinance. Such appeal shall be taken within five (5) days of the date of the decision being appealed.

Ordinance was adopted in July 1998 at Town Meeting

Ordinance amended by adding Section B.1.(e) in July 2011 at Town Meeting