

**TOWN OF POWNAL SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE**

**Adopted at Town Meeting June 15, 2009**

**Amended June 17, 2019**

**Amended at Town Meeting June 17, 2024**

**ARTICLE I**

**A. TITLE**

This ordinance shall be known and may be cited as the Town of Pownal Solid Waste Collection and Disposal Ordinance

**B. PURPOSE**

The purposes of this ordinance are to protect the health, safety, and general well-being of the citizens of Pownal, to enhance the quality and character of life in the town, to enhance and maintain the quality of the environment, to conserve natural resources, and to prevent land, water, and air pollution. This ordinance shall provide a comprehensive, rational, effective, fair and economical means of regulating the collection and disposal of solid waste in the Town of Pownal in accordance with 38 M.R.S.A. §§ 1304-B, 1305, and others, as amended.

**C.** The Pownal solid waste management policy is to design and implement an integrated solid waste management program that encourages responsible solutions for the management of solid waste generated in the Town of Pownal. Pownal's solid waste management priorities are, in order of importance:

1. Reduction of waste at the source, including weight, volume, and toxicity;
2. Removal of hazardous wastes from the local waste stream, and the proper and responsible disposal thereof;
3. Reuse of items and materials;
4. Recycling of waste (reprocessing of waste to create a new useable material other than fuel);
5. Composting of biodegradable waste;
6. Waste processing that reduces the volume of waste needing disposal and that yields energy which can be recovered, including incineration and other waste-to-energy technologies.

**D. DEFINITIONS**

The definitions set forth in 38 M.R.S.A. §1303-C apply to this ordinance and are incorporated herein by reference, unless redefined in this section. Any word or term not otherwise defined shall have its ordinary meaning. As used in this ordinance, the following terms shall have the following meanings:

**Acceptable waste:** Solid waste which Ecomaine or other designated disposal facility will accept for disposal at its incinerator or other disposal facilities, as defined in agreements between the disposal facility and the Town of Pownal.

**Acceptable residential waste:** Ordinary domestic waste generated by the occupants of single family and/or multi-family residence, apartments, and condominiums, and by the operators of home occupations as defined in the town of Pownal Zoning Ordinance. Residential waste may also include solid waste generated by the Pownal town offices, highway department, and fire department. Acceptable residential waste excludes electronic waste, commercial waste, construction and demolition waste, household hazardous or toxic waste, universal waste, and other wastes defined as unacceptable in agreements between the designated disposal facility and the Town of Pownal.

**Bulky waste:** Residential waste which is too large to fit in a town-approved trash bag. For example, mattresses, beds, chairs, tires.

**Commercial waste:** Any waste generated in the conduct of business or occupation. For the purposes of this ordinance, waste generated in the conduct of a home occupation as defined in the Pownal Zoning Ordinance is not considered commercial waste.

**Construction and demolition waste:** Waste generated during the construction, remodeling, or demolition of a building.

**Contractor/temporary hauler:** Any person, such as a building contractor, construction company, developer, or landscaper, who generates, collects, or transports waste resulting from a specific job or project of limited duration, but is not a waste hauler.

**Designated disposal facility:** The Eecomaine facility located in Portland, Maine, or such other facility as the Select Board of Pownal may designate.

**Designated waste hauler:** The waste hauler hired by the Town of Pownal to collect acceptable residential waste generated within the town and to deliver the waste to the designated disposal facility.

**Electronic waste (e-waste):** E-waste consists of all unwanted or surplus electronic equipment, including but not limited to computers, televisions, and mobile phones.

**Household hazardous waste:** Waste materials generated from residential households that if improperly managed or disposed of, may pose substantial hazards to human health and the environment. These materials include but are not limited to paints, solvents, motor oil, antifreeze, insecticides, herbicides, fungicides, appliances containing refrigerants, unwanted electronic equipment, mercury-containing devices, propane cylinders, caustics and some cleaning agents, and some smoke-detectors.

**Universal waste:** Universal wastes are waste materials not designated hazardous waste, but which contain materials that need to be prevented from being released into the environment. Universal wastes include but are not limited to such items as batteries, mercury-containing equipment such as many thermostats and most electronic equipment, lamps containing mercury (e.g., fluorescent tubes and compact fluorescent lamps), and many pesticides.

**Waste hauler:** Any person engaged in the business of collecting, transporting, or transferring solid waste generated by or collected from any other person.

**White goods:** Refrigerators, freezers, and other large household appliances.

## **ARTICLE II. DISPOSAL OF WASTE**

### **A. Residential waste**

1. Recyclable and non-recyclable residential waste will be collected curbside by the designated waste hauler for the town on a weekly basis insofar as possible, and on a day agreed upon between the Select Board and the designated waste hauler. The waste may be set out for collection no earlier than 4:00PM the day before collection. It is the responsibility of the resident to protect all the waste placed curbside from dogs, raccoons, crows and other scavengers and weather.
2. The Town of Pownal requires acceptable residential waste to be separated into recyclable waste and non-recyclable waste, pursuant to 38 M.R.S.A. §1304-B(2).
3. Recyclable waste shall be set out for collection in suitable containers as defined in the agreement between the town and the designated waste hauler.

4. Non-recyclable waste shall be set out for collection in tightly-sealed ~~town-approved~~ plastic bags. ~~These town-approved bags may be purchased at designated locations.~~
5. The Town of Pownal strongly encourages all residents to keep biodegradable wastes such as garden and lawn waste and food scraps out of the waste stream by composting.
6. Everything which is not acceptable residential waste shall be removed from the town's waste stream by the homeowner ~~of~~ the operator of a home occupation and disposed of by the generator of such waste at an appropriate facility. Waste not generated within the Town of Pownal shall not be introduced into the Pownal waste stream.
7. Fees
  - ~~a. Receipts from sales of town-approved plastic bags will offset the costs of disposal of acceptable residential waste generated within the town.~~
  - ~~b. a.~~ The collection of acceptable household waste will be paid for through taxation.
  - ~~c. The Select Board will review the costs of disposal annually, and will adjust the bag costs to reflect changes in disposal costs. Should bag receipts exceed disposal costs, the excess shall be used to reduce taxation in the following fiscal years.~~

#### **B. Commercial waste**

1. Everything which is not acceptable waste shall be removed from the town's waste stream and disposed of by the generator of such waste at an appropriate facility.
  2. The Town of Pownal requires acceptable waste to be separated into recyclable waste and non-recyclable waste, pursuant to 38 M.R.S.A. §1304-B(2).
  3. Generators of commercial waste shall contract with their own haulers for the collection of both recyclable and non-recyclable waste and for its delivery to the town of Pownal's designated disposal facility. Contractors and others involved in construction or demolition activities and in landscaping may haul their own waste to the designated disposal facility.
- C.** Disposal of any waste generated in the Town of Pownal in any manner that is in violation of Federal, State or Pownal laws, statutes, rules or ordinances is prohibited. Specifically prohibited by this ordinance is any disposal of waste along roads, in forests, woodlands, swamps, fields, backyards, or by incineration other than at the designated disposal facility. This does not prohibit responsible composting of biodegradable waste.

#### **ARTICLE III. ENFORCEMENT AND PENALTIES**

- A.** This ordinance shall be enforced by the Codes Enforcement Officer, the Health Officer, the Road Commissioner, and the Select Board.
- B.** Any person or business violating the provisions of this ordinance may be subject to a fine of not more than \$100 per violation plus court costs, attorney's fees and reimbursement to the town for the cost of abatement of the violation.