



CASTINE MAINE U.S.A.

Castine Municipal Solid Waste Ordinance

ARTICLE 1 - PURPOSE

- 1.1 The purpose of this ordinance is to protect the health, safety and general well-being of the citizens of Castine. The goal of this ordinance is to put in place measures that will conserve natural resources while preventing air and water pollution by utilizing comprehensive and effective means to regulate, reduce, reuse, recycle and process the disposal of municipal solid waste in the Town of Castine in accordance with the provisions of Maine Title 38 M.R.S.A. § 1304-B, as amended, and Castine's Home Rule powers. This ordinance will provide procedures for the control of the Castine municipal solid waste disposal facility, otherwise known as the Transfer Station, and all Town of Castine owned trash receptacles and dumpsters.

ARTICLE 2 - AUTHORITY

- 2.1 This Ordinance is adopted in accordance with the provisions of 30-A M.R.S.A. §3001 et seq, and 38 M.R.S.A. Chapter 13.

ARTICLE 3 - APPLICABILITY

- 3.1 This Ordinance shall apply to the disposal of solid waste at the town's Transfer Station, as well as any other trash receptacles, bins or dumpsters owned or operated by the Town of Castine. This Ordinance will also govern the town sponsored pick-up of acceptable waste and recyclables.

ARTICLE 4 - SEVERABILITY AND CONFLICT

- 4.1 If a court finds any provision of this ordinance to be invalid, the court's decision may not invalidate any other provisions of this ordinance.
- 4.2 If any provision of this ordinance conflicts with another provision of this ordinance or any other ordinance, regulation or statute, the more restrictive provision will govern.

ARTICLE 5 - ADMINISTRATION

- 5.1 This ordinance shall be administered by the Municipal Officers of Castine and/or their designees, who shall be responsible for ensuring that all requirements of this ordinance are met. The Town of Castine Municipal Officer's powers and duties shall be as follows:
 - 5.1.1 To adopt reasonable rules, regulations, fees, and penalties as needed to enforce this Ordinance.
 - 5.1.2 To review any alleged violation of this Ordinance, and to impose appropriate penalties therefor after notice and hearing if required by this Ordinance.
 - 5.1.3 To institute necessary proceedings, either legal or equitable, to enforce this Ordinance.

ARTICLE 6 - AUTHORIZED USERS

- 6.1 The use of the Transfer Station is limited to Castine residents, resident businesses, and to those residents of any other municipality or other public entity who may, by mutual agreement be authorized to use the Transfer Station due to work they are conducting within the boundaries of the Town of Castine.
- 6.2 The use of Castine owned trash receptacles and the Transfer Station are exclusively provided for the purpose of disposing of acceptable waste derived from or associated with residences or businesses within the boundaries of the Town of Castine.
 - 6.2.1 Visiting boaters as defined in Article 15, will be afforded the privilege of disposing of acceptable waste generated while they are underway for a fee. Boaters may dispose of up to one bag of trash per week and each bag of waste shall weigh no more than 15 pounds.

ARTICLE 7 - PROPERTY RIGHTS

- 7.1 Any acceptable waste legally deposited within the Transfer Station shall become the property of the Town of Castine. The Municipal Officers may assign this acceptable waste to such person or persons as it deems appropriate.
- 7.2 No one shall salvage, remove, or carry off any such deposited acceptable waste without prior approval of Municipal Officers or designee.

ARTICLE 8 - LITTER

- 8.1 Residents of Castine shall transport acceptable waste to the Transfer Station in a completely enclosed vehicle or have the waste covered or enclosed in such a way which shall render the waste or refuse material completely enclosed.
- 8.2 No person operating a vehicle shall permit or cause any waste to leave such vehicle. No person shall transport any waste over any public way, street or place within the limits of the Town except when the material is covered in a manner that the refuse shall not be strewn along public ways. Proof that waste has blown from or fallen from any truck or vehicle shall be prima facie evidence that said truck or vehicle was not sufficiently enclosed or covered.
- 8.3 No person shall throw or deposit or cause to be thrown or deposited any waste into any street, gutter, sidewalk, parking area, park, public place or on any body of water within or adjacent to the Town of Castine.

ARTICLE 9 – TRASH AND RECYCLING PICK-UP

- 9.1 The Town will provide curbside pick-up of acceptable waste each Monday. Recycling will be picked up on the first and third Tuesday of each month. Any changes to the pick-up schedule due to the summer population increase, holidays or other events will be posted on the town website.
 - 9.1.1 Curbside recycling must be placed on the curb no later than 7:30 am and be enclosed in a clear plastic bag.
 - 9.1.2 Curbside trash must be placed on the property owner's curb no later than 7:30 am and have an appropriate trash sticker affixed to the bag.
 - 9.1.3 Trash stickers are available for purchase by residents, property owners or Castine businesses at Emerson Hall.
 - 9.1.4 Trash may only be left for pickup on the curb of Castine private residences, Castine businesses or privately owned lots within the boundaries of the town. Trash left for pickup in a parking area, park or public space will be considered litter in accordance with Article 8 of this Ordinance.
- 9.2 The fee schedule for trash sticker purchase, acceptable waste drop-off and all other municipal solid waste related fees at the Transfer Station will be published yearly by approval of the Castine Selectboard. The fee schedule will be published in both hard copy and web page formats.

ARTICLE 10 – CASTINE TRANSFER STATION

- 10.1 The Selectboard shall have the authority to establish rules and regulations for the operation of the Transfer Station in furtherance of this Ordinance. All rules and regulations shall be available at the Town Office or on the town web page. Immediate rule changes in furtherance of public safety may be made by the Town Manager but shall be taken up at the next scheduled meeting of the Castine Selectboard. Any other change to transfer station standing rules or regulations shall be approved by the Castine Selectboard in a public meeting following normal order.
 - 10.2 The Transfer Station shall be operated by an attendant who shall be an employee of the Town. In consideration for maintaining the Transfer Station and for enforcing this ordinance, the attendant may be granted exclusive rights by the Municipal Officers to reclaim any item deposited at the Transfer Station.
 - 10.3 All acceptable waste, to include clean wood waste, will be inspected by the attendant. Only waste generated within the Town will be accepted at the Transfer Station.
 - 10.4 No person shall deposit any waste permitted to be deposited within the Transfer Station except at a place or area designated by the attendant. No person shall deposit any waste beside or on the access road or turnaround in or near the Transfer Station.
 - 10.5 "White goods" such as refrigerators or freezers, can be deposited at the Transfer Station upon the guidance of the attendant, but only after the door or other closing device is removed.
 - 10.6 "Electronic Waste or E-Waste" such as TVs, radios, VCRs, computers, printers and other electronic devices can be deposited at the Transfer Station upon the guidance of the attendant.
 - 10.7 Provided that the material emanated from within the boundaries of Castine, landscape maintenance material such as leaves, grass clippings and acceptable sized brush can be deposited at the Transfer Station upon the guidance of the attendant.
 - 10.8 No unauthorized person shall light any fire within the Transfer Station.
 - 10.9 No firearms shall be discharged within the Transfer Station site or property.
 - 10.10 No unauthorized person shall deposit any waste in or enter the Transfer Station except during the hours of operation as posted.
 - 10.11 The Municipal Officers are authorized to determine the hours of operation of the Transfer Station and to post, as conditions shall warrant, the days and hours of operation.
 - 10.12 No organic waste other than acceptable clean brush or wood waste shall be placed into the brush pile.
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- 10.13 Recyclable items may be dropped off at the recycling dumpsters at the Transfer Station and the Town will arrange for the transportation of recycled materials to market for purposes of bailing, re-marketing and disposal. Acceptable recyclable items will be posted, as they are subject to change.

ARTICLE 11 – VIOLATIONS

- 11.1 Any person or persons who violate any of the provisions of this ordinance may be punished by a fine of not less than one-hundred (100) dollars and not more than three hundred (300) dollars, per person, for each day of the violation. In addition, the Town of Castine may also recover costs of enforcement including reasonable attorney fees which shall be recovered upon complaint. All revenue generated from fines or costs recovered shall be for the use of the Town. This provision shall not preclude the Municipal Officers from simultaneously seeking appropriate equitable relief.

ARTICLE 12 - SUSPENSION OR REVOCATION

- 12.1 The use of the Transfer Station or other municipal facilities are privileges, not rights. Access to the services provided at the Transfer Station or any other municipal facility may be suspended or revoked by order of the Municipal Officers or their designees, for the following reasons:
- 12.1.1 A violation of this Ordinance.
- 12.1.2 A violation of a State or local law, ordinance, code or regulation which directly relates to the provisions of this Ordinance.
- 12.1.3 Falsehoods, misrepresentations, or omissions as to the location where acceptable waste was generated.
- 12.1.4 Knowingly failing to follow the instructions of the Transfer Station Attendant or any other duly appointed municipal officer.
- 12.1.5 Failure to pay a fine in accordance with Article 11 of this Ordinance.

ARTICLE - 13 HEARINGS

- 13.1 Any person or persons whose access to the municipal solid waste facility, or any other municipal facility, is denied pursuant to Article 12, shall be entitled to a hearing before the Municipal Officers if such a request is made, in writing, within thirty (30) days of the denial, suspension or revocation of access.
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- 13.2 Such hearings shall be held within thirty (30) days after receipt of a written request for a hearing.
- 13.3 The person or persons whose access has been revoked shall be notified, in writing, as to the date, time and place of the hearing at least ten (10) days prior to the hearing date.
- 13.4 A determination shall be made by the Municipal Officers within ten (10) days after the conclusion of the hearing, and notice of the decision shall be served upon the applicant by certified mail, return receipt requested.
- 13.4.1 Notice of the final determination shall set forth the reason(s) for the denial, suspension or revocation and the effective dates thereof together with a statement that such decision may be appealed as provided in this Ordinance.
- 13.5 Any controversy or claim arising out of or relating to the Municipal Officer's determination shall be directly reviewable by Superior Court pursuant to Maine Rules of Civil Procedure, Rule 80B.

ARTICLE 14 - FEES

- 14.1 The Selectboard may establish by order a schedule of fees to be charged to authorized users and such schedule of fees shall be posted and published. A copy of the fee schedule shall be maintained at Town Hall and the Transfer Station.

ARTICLE 15 – DEFINITIONS

- 15.1 Acceptable Waste is that waste which is generated within the boundaries of Castine and defined as acceptable and may include but is not limited to: household waste, garbage, recyclables, white goods, construction/ demolition debris and yard/tree waste, but does not include Unacceptable Waste.
 - 15.2 Acceptable Wood Waste for the brush pile is that organic yard or clean wood waste which includes: brush, tree trimmings, and tree trunks of no more than 24 inches in diameter.
 - 15.3 Electronic Waste (E-Waste) shall mean goods such as televisions, radios, computers, VCRs or other electronic devices.
 - 15.4 Brush Pile shall mean the 54,000 square foot area designated at the back, or eastern side, of the Transfer Station which shall be utilized for the disposal of clean brush and wood waste.
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- 15.5 Transfer Station is the transfer station located at the landfill property at 315 The Shore Road and further defined as Map 08, Lot 03 on the Castine Tax Maps.
- 15.6 Disposal shall mean the discharge, deposit, dumping or placing of any waste into or on any land or body of water.
- 15.7 Hazardous Waste shall mean waste with inherent properties that make it dangerous to manage by ordinary means. Hazardous Waste includes but is not limited to: chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes and other wastes as defined as hazardous by the State of Maine or the United States Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. §6901 et seq.), or other Federal, State or Local laws, regulations, orders or other action promulgated or taken with respect thereto.
- 15.8 Municipal Officers shall mean the elected members of the Castine Selectboard and, where appropriate, the Town Manager.
- 15.09 Person includes individuals, partnerships, corporations and agents of any of the above, and the term shall include the singular and plural as appropriate.
- 15.10 Resident is any person who owns or rents a dwelling or other property improved for occupation within the Town.
- 15.11 Resident Business is any commercial, professional, retail, wholesale or other business conducted within the Town of Castine limits.
- 15.12 Solid Waste shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, junk, garbage, scrap materials, refuse, inert fill material, small brush and landscape refuse, but shall not include: septage, sludge from air or water pollution control facilities, nor agricultural or hazardous waste.
- 15.13 Town is the Town of Castine, Maine which includes all land within the borders of the Town as established by the Maine State Legislature.
- 15.14 Unacceptable Waste shall mean that portion of solid waste which is not defined as Acceptable Waste and includes, but is not limited to sewage and its derivatives, junk vehicles, dead animals or portions thereof or pathological wastes, water treatment residues, tannery sludge, asbestos, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and Hazardous Waste.
- 15.15 Unacceptable Wood Waste for the brush pile shall mean wood waste such as, but not limited to: treated wood, construction or demolition debris and painted or unpainted construction material. No asphalt products, tires, white or brown waste or paper or cardboard will be deposited at the brush pile. Tree trunks that measure over 24 inches in
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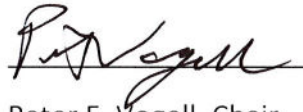
diameter will not be accepted unless the logs are split to bring them into conformance with this Ordinance.

15.16 Visiting Boater shall mean any boat that is moored in Castine Harbor or temporarily visiting the Town Dock at the Castine Harbor.

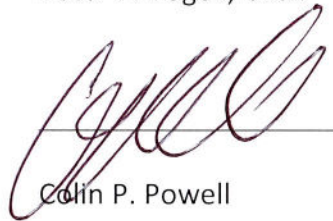
15.17 White Good Waste shall mean refrigerators or freezers or other similar appliances.

The provisions of this ordinance were adopted by a vote of the Town of Castine on May 14, 2022.

Selectboard of Castine



Peter F. Vogell, Chair



Colin P. Powell



Gordon B. MacArthur
