

# Waste Disposal & Littering Ordinance

Town of Dedham, Maine

Adopted February 4, 2021

## Section 1. Purpose

The purpose of this ordinance is to prohibit waste and litter from being discarded throughout the Town of Dedham, endangering the free utilization and enjoyment of a clean and healthy environment by the people, and which may constitute a health hazard.

## Section 2. Authority

This waste disposal ordinance is active pursuant to Article 8, part 2, section 1, of the Constitution of the State of Maine, title 30-A, section 2261 of the MSRA.

## Section 3. Waste Disposal Prohibited

No person shall transport to the Town of Dedham and/or deposit, discard, throw, drop, or dump in a yard, field, gravel pit, or other area used as storage within the boundaries of the Town of Dedham.

## Section 4. Prevention of Scattering

No persons shall upset or tamper with a public or private receptacle, designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place, private premises or major watercourse, such as great ponds as designated by the State of Maine.

All trash in any container cannot be placed out for collection more than 12 hours before scheduled pick-up window, which is 7am until 8pm on the designated day of pick-up for the area of town.

All containers and scattered debris must be retrieved within 12 hours after pick-up window.

## Section 5. Owner to Maintain Private Premises

- A. The owner or person in control of any private premises shall always maintain the premises free of waste and/or litter.
- B. The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such manner that waste and/or litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

## Section 6. Littering from Vehicles

No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.

## Section 7. Litter in Parks

No person shall deposit litter in any park within the Town except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

### Section 8. Construction Sites

- A. Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.
- B. Litter or other debris or waste as defined in section 3 and section 17 of this ordinance, including dirt and mud, deposited as a result of normal construction process upon any public place or private premises, shall be removed by the contractor.

### Section 9. Abandoned Ice Fishing Shacks

No person may abandon an ice fishing shack upon any property not owned by the person owning the structure without permission of the landowner, or leave on the ice of a great pond or any body of water for more than 15 days after that inland waters on which the shack or structure was located are closed to fishing.

### Section 10. Litter upon Inland Waters and Ice

No person shall deposit litter upon the waters or upon the ice of such waters. All litter must be retained in a safe receptacle or contained in a manner that will prevent the litter from being carried or deposited by the elements upon any part of the water or ice. All litter shall be removed from the waters or ice by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

### Section 11. Selectmen May Adopt Rules

The Selectmen are hereby authorized and empowered to prepare written guidelines on how to comply with this ordinance. In doing so applicable federal, state and local standards regarding fire protection, pollution control, public safety, nuisance, and health shall be given due consideration.

### Section 12. Clearing of Waste or Litter from Open Private Property by the Selectmen

The procedure for the removal of litter from private premises and the charging of expenses thereof as a lien upon such property to be collected, shall be in accordance with State statutes. The Selectmen or their agent(s) shall be responsible for the implementation of this enforcement program.

### Section 13. Inspection

The Selectmen or their agent(s) shall have the right to enter at all reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement and observance of the provisions of this ordinance.

### Section 14. Duty to Give Notice of Violations; Notice to Be in Writing and Describe Violations

Whenever the Selectmen or their agent(s) determine there has been a violation of any provision of this ordinance or any regulation adopted pursuant thereon, they shall give notice of such alleged violation to the person or persons responsible as hereinafter provided. Such notice shall be in writing and describe the violation.

### Section 15. Authority to Refuse Waste: Owners Duty to Dispose

The Town may refuse to accept for disposal any waste, which has been transported from another community and/or disposed of upon private or public property in violation of any provision of this ordinance. The owner of such waste has the responsibility of promptly disposing of it in a proper manner. The Town may refuse any private waste that is deemed inappropriate or dangerous. The Town may also refuse any waste from any property owner with continued violations of this Ordinance.

### Section 16. Unlawful to Place, Deposit Waste

It shall be unlawful for any person to place, deposit, transport or allow to be placed or deposited, discarded or dumped on his premises any waste deemed to be in violation of this ordinance.

### Section 17. Penalty

Any person, firm or corporation violating this ordinance will be subject to the fines and penalties contained in 30-A M.R.S. Sec. 4452. Section 4452 sets a minimum civil penalty for a land use violation of \$100.00, and a maximum penalty of \$2,500.00, and states that **“EACH DAY A VIOLATION(S) CONTINUES MAY CONSTITUTE A SEPARATE OFFENSE”**. In other words, the Court may assess a civil penalty against you of \$100.00 to \$2,500.00 for **EACH DAY A VIOLATION(S) CONTINUES**. In addition, Section 4452 provides that a prevailing town, in most circumstances, must also be awarded its reasonable attorney’s fees, expert witness fees, and costs incurred in prosecuting the court action against you.

### Section 18. Definitions

For the purpose of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein.

- A. "Authorized private receptacle" is a container of watertight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection points and shall be any compliance with the regulations promulgated.
- B. "Construction and demolition debris" means debris resulting from construction, remodeling, repair and demolition of structures.
- C. "Construction sites" means any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.
- D. "Litter" means all waste materials including, but not limited to: bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, feathers, except that is from live birds while being transported, abandoned ice fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposal packages or containers thrown or deposited as prohibited in this ordinance but not including the waste of the primary process of logging, saw-milling, or farming which is thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- E. "Private premises" means all property including, but not limited to: vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox and other structure of appurtenant thereto.
- F. "Public place" means any and all streets, sidewalks, or public ways, beaches, lakes, rivers, watercourses or fountains and any and all public parks, spaces, grounds, and buildings.
- G. "Public receptacles" means any receptacle provided by or authorized by the town.
- H. "Vehicle" is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationery rails or tracks
- I. "Owner/Person in Charge" means any person in charge of any rental, apartment complex, tenement, business, single or multi-family residential structures or any other trash producing entity.
- J. "Waste" means, worn out junked plumbing, heating supplies, household appliances, furniture, scrap and junked lumber, old or scraped iron, steel or other scrap ferrous or nonferrous metals, insulation, wire, rope, tires, railroad ties, construction and demolition debris.