

SOLID WASTE DISPOSAL FLOW CONTROL ORDINANCE

Section 1, Title.

This ordinance shall be known as the Town of West Gardiner's Solid Waste Disposal Flow Control Ordinance and shall be referred to hereinafter as the "Flow Control Ordinance".

Section 2, Explanation.

The Municipality is required by state law to provide for disposal facilities for domestic and commercial non-hazardous acceptable waste generated within the Town of West Gardiner to protect the health, safety and general welfare of the citizens of West Gardiner; enhance and maintain the quality of the environment; prevent water and air pollution; gain management control over solid waste; and enable the reclamation of energy from solid waste by providing a comprehensive, rational and effective means of regulating the disposal of solid waste generated in the Town of West Gardiner.

Section 3, Purpose.

This Flow Control Ordinance is to better provide the town assurance of the annual tonnage of solid waste generated within its boundaries.

Section 4, Governing body.

(a) The Board of Selectmen of the Town of West Gardiner shall establish any necessary rules and regulations governing the availability and use of the Disposal Facility; provided, any such rules and regulations shall be subject to and consistent with the terms of the Town's Solid Waste Transfer and Disposal Agreement.

(b) The operation of the Disposal Facility shall conform to all pertinent regulations or directives of all local, county, state or federal agencies which may have jurisdiction.

Section 5, Authorized disposal facility users and restrictions.

(a) The availability and use of the Disposal Facility shall be limited to residents of the Town of West Gardiner only. As a means of user control, the town shall distribute vehicle permits to authorized users which shall be affixed to user vehicle(s). Failure to exhibit such permit shall result in denial of use of the facility.

(b) All commercial haulers will not dispose of any solid waste at this facility generated from outside the boundaries of the Town of West Gardiner; nor will they dispose of any solid waste generated in West Gardiner; nor will they dispose of any solid waste generated in West Gardiner to any outside facility unless authorized by the governing body.

(c) No resident or non-resident of the Town of West Gardiner may dispose of solid waste at the disposal facility generated from outside the boundaries of the Town of West Gardiner.

Section 6. Penalties.

(a) Whoever violates any of the provisions of this ordinance or the rules and regulations promulgated by the Board of Selectmen pursuant to this ordinance shall be subject to the following penalties:

1. First violation - written notice of offense.
2. Second and all other violations - \$100.00 fine for each separate offense together with costs which shall be recovered on complaint to the use of the municipality.

(b) The Town may seek injunctive relief to insure compliance with the terms of this ordinance.

(c) The governing body may revoke any permit issued pursuant to this ordinance if the holder of the permit violates any provision of this ordinance or rules and regulations promulgated thereunder.

Section 7. Miscellaneous.

(a) It shall be the duty of the Town or its designee to enforce the provisions of this ordinance.

(b) In case of conflict with other inconsistent ordinances, the provisions of this ordinance shall prevail.

(c) If any section, subsection, sentence or part of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Given under our hands this 19th day of February, A.D. 1987

Victor A. Goodwin, Sr.

Charles J. Flynn

William Y. Stevens

Selectmen Town of West Gardiner

ATTEST:

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Milton B. Libby
Constable of West Gardiner

Town of West Gardiner
West Gardiner, Maine

March 23, 1987

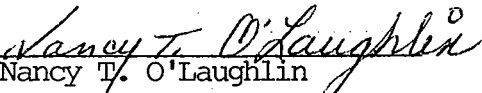
I Nancy O'Laughlin, secretary to the Selectmen for the Town of West Gardiner, made a typographical error in Section 5., par. (b), of the Solid Waste Disposal Flow Control Ordinance, passed by the Town at the Annual Meeting, March 21, 1987.

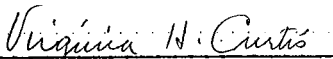
The following words will be deleted in Section 5., par. (b) of the Ordinance: nor will they dispose of any solid waste generated in West Gardiner;

The correct wording for this paragraph is as follows:

(b) All commercial haulers will not dispose of any solid waste at this facility generated from outside the boundaries of the Town of West Gardiner; nor will they dispose of any solid waste generated in West Gardiner to any outside facility unless authorized by the governing body.

This will be amended at a future Town Meeting.


Nancy T. O'Laughlin


Virginia H. Curtis
Town Clerk
Town of West Gardiner

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