

SOLID WASTE/TRANSFER STATION ORDINANCE

Purpose

The purpose of this Ordinance is to provide for the orderly, safe and sanitary disposal of refuse, the recovery of discarded material which can be recycled, and the operation of the Town Transfer Station. This Ordinance provides for permits to be issued to limit disposal to residents and taxpayers and to specially authorized users.

Definitions

Bulky Waste means large items of waste such as appliances, other white/metal goods, furniture and large auto parts.

Business Waste means the waste resulting from the activity of a business situated in Berwick which waste is transported to the Transfer Station or other authorized disposal site by the business itself and not by a Commercial Hauler.

Commercial Hauler means a person or firm which hauls the refuse of another person or firm for a fee or other consideration.

Compactor means transfer station equipment consisting of a large pit hopper into which refuse is deposited and a hydraulic ram which compresses refuse into a special tractor trailer which transports the compacted refuse for further disposal.

Construction & Demolition Waste means the waste of building materials, shingles and the rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavement and other structures from within or without the Town of Berwick.

Domestic Waste means all types of refuse normally generated in a residential household from individual or family uses.

Hazardous Waste means wastes that can cause serious injury or disease during the normal storage, collection, and disposal cycle including, but not limited to, explosives, pathological and infectious wastes, radioactive materials and chemical wastes. Hazardous Waste is further described as being flammable (can catch fire easily), reactive (can react or explode), corrosive (can corrode) or toxic (can poison humans, plants, animals and the environment). All state and federal definitions of Hazardous Wastes are herein incorporated by reference.

Person means any individual, partnership, firm, association, corporation, or other legal entity or any agent, representative or employee thereof.

Refuse means putrescible and non-putrescible solid wastes including garbage but excluding body wastes.

Salvageable Waste means refuse that has use or value to a person, firm, corporation or establishment other than those who generated it.

Scavenge means the unauthorized removal of salvageable waste from the refuse disposal area.

Transfer Station means the refuse disposal area located off Route 236 in Berwick or any successor location that may be established in the future.

Yard Waste means grass clippings, leaves, sod, dirt, plants, Christmas trees and tree limbs and brush not more than 6 inches in diameter.

Disposal Prohibited

No person shall dispose of refuse within the Town of Berwick except at the Transfer Station and in accordance with the provisions of this Ordinance and any rules and regulations that may be adopted by the Board of Selectmen pursuant to it.

Permit Required

No person shall dispose of refuse at the Transfer Station unless a disposal permit has first been obtained according to the provisions of this Ordinance. It shall be the responsibility of the applicant for a permit to provide adequate proof of residency or taxpayer status.

Permits

The Town of Berwick shall issue refuse disposal permits and/or use permits. The permits shall be free and shall be issued at the Town Hall or other authorized location. Each resident is entitled to obtain a permit for each vehicle registered in Berwick. Each non-resident real property taxpayer is entitled to obtain a use permit for his/her use while in Berwick. Permits are non-transferrable and may be confiscated or voided if they have been transferred. Resident permits shall be displayed on a windshield on the vehicle to which it was issued. The Board of Selectmen is authorized to make exceptions for leased vehicles, automobile dealer vehicles owned or used by Berwick residents or real property taxpayers, vehicles of military personnel or other vehicle arrangements not contemplated by this Ordinance providing eligibility for a permit is established. Temporary refuse disposal permits may be issued when necessary to meet a temporary need or a situation not addressed in this Ordinance. Construction and Demolition Waste and waste hauled by a Commercial hauler shall not be accepted at the Transfer Station except as otherwise provided for in this ordinance. It must be taken to a licensed disposal site for disposal and the Town shall make arrangements with such a site to ensure acceptance of such waste from Berwick. Applicable charges shall be paid at the licensed disposal site by the user.

Permit Fees & Transfer Station Regulations

The Board of Selectmen is authorized to establish fees for refuse disposal and/or use permits in the future if it is deemed necessary to do so and to establish proportional fees based on the weight or volume of refuse and other categories of waste accepted at the Transfer Station in order to defray the disposal costs of that waste. Prior to instituting or increasing any fees, following the effective date of this Ordinance, the Board of Selectmen shall hold a Public Hearing to receive public comment. The Board of Selectmen is also authorized to adopt other rules and regulations governing the design and term of disposal permits, residency requirements, hours of operation, vehicle standards and any other related matters not inconsistent with the provisions and intent of this Ordinance.

Recycling

The Board of Selectmen is authorized to establish a voluntary recycling program for recyclable items including, but not limited to, entering into a contract for a curbside recycling program and establishing a "swap shop" at the Transfer Station where recyclable items may be deposited and removed.

Materials Accepted at the Transfer Station

A person shall dispose of Domestic Waste, Business Waste, and Bulky Waste at the Transfer Station or by use of a Commercial Hauler who shall dispose of such waste at a licensed disposal site. A person may dispose of Yard Waste at the Transfer Station only during those times of the year when it is being accepted as determined by the Board of Selectmen.

Materials Prohibited at the Transfer Station

A person shall not dispose of any of the following types of refuse:

Refuse from outside of Berwick except recyclable refuse as may be permitted by the Board of Selectmen;

Automobiles or other motor vehicles except that automobile parts such as doors, seats etc. may be accepted.

Construction & Demolition Waste except that the Board of Selectmen may authorize small quantities of such waste to be brought by individual homeowners when doing minor renovations etc. The Board of Selectmen may establish fees for this kind of waste to defray the cost of accepting it;

Hazardous Wastes except that the Board of Selectmen may authorize the collection and disposal of certain special wastes such as motor oil providing all state or federal requirements have been met.

Other Restrictions

A person may not scavenge materials unless a specific area for the recycling and reuse of discarded items has been established by the Board of Selectmen;

A person must transport refuse with appropriate protection against scattering, spillage or leakage and the Town reserves the right to reject loads that scatter, spill or leak;

A person shall not deposit refuse at the Transfer Station except at designated areas or at the direction of Transfer Station personnel.

Enforcement

Police Officers of the Town of Berwick are authorized to enforce the provisions of this Ordinance.

Penalties

Anyone who shall violate any of the provisions of this Ordinance or the rules and regulations promulgated under its authority shall be punished by a fine of not more than One Hundred dollars (\$100) for each violation plus costs which fine shall be recovered on complaint for the use of the Town.

Repeal of Earlier Ordinances

All earlier Ordinances dealing with refuse disposal and solid waste in the Town of Berwick not previously repealed are hereby repealed upon the adoption of this Ordinance.

Effective Date

This Ordinance shall become effective upon its enactment by the voters of the Town of Berwick at a legally called Town Meeting.