

Town of South Thomaston
Ordinance Regulating the Storage
of Solid Waste and Junk
(final draft date 05-11-22)

FOR 5/24/22 PUBLIC HEARING

A. Purpose

The purpose of this ordinance is to protect the health, safety and welfare of the residents of and visitors to the Town of South Thomaston, Maine.

B. Area of Applicability

This ordinance shall apply to all property located within the boundaries of the Town of South Thomaston, Maine

C. Definitions

1. For purposes of this ordinance “Solid Waste” shall mean unusable or discarded solid material commonly known as refuse, trash, rubbish or garbage. Examples include, food scraps, offal, diapers, pet waste, rags, tarps, newspapers, magazines, flyers, bags, and packaging materials, including bottles and cans, whether made from paper, cardboard, plastic, Styrofoam, metal or other material. Solid waste does not include hazardous waste, biomedical waste, septic tank sludge or agricultural wastes.
2. For purposes of this ordinance “Junk”, shall mean unusable or discarded:
 - ◆ household appliances, including, but not limited to, refrigerators, washers, dryers, ranges/ stoves, microwave ovens, dishwashers, toasters and coffee makers.
 - ◆ furniture and other household items, including, but not limited to, sofas, couches, chairs, tables, bureaus, mattresses, box springs lawn furniture, televisions, computers and printers.
 - ◆ plumbing, heating, cooling and electrical fixtures including, but not limited to, sinks, bathtubs, shower stalls, water heaters, furnaces, boilers, air conditioning units and fuel tanks.
 - ◆ household equipment, including, but not limited, to lawn mowers, rototillers, play equipment, gas grills, snowblowers, ATVs, and snowmobiles.
 - ◆ tires, vehicle parts and lubricants.
 - ◆ such other materials determined by the Code Enforcement Officer to be unusable or discarded.

The fact that junk may have some value or may have other uses, may be intended for repair, or may be sold or exchanged, does not exclude it from this definition.

3. "Unusable" shall mean an item that in its current condition does not function as intended at time of manufacture.

D. Prohibitions.

1. It shall be unlawful to store any:

- ◆ solid waste or junk (as defined above) outside of an enclosed structure, unless such waste or junk is stored in securely closed containers that prevent it from escaping its container due to wind, precipitation, animal activities, including birds and insects, or other forces. Plastic and paper bags shall not be deemed as securely closed containers.
- ◆ solid waste (as defined above), even if stored in an enclosed structure or contained as required above, if the waste due to decomposition or other factors is emitting foul odors or gasses.

E. Exemptions

1. The following are exempt from the prohibitions enumerated in this ordinance:

- ◆ solid waste enclosed in paper or plastic bags set out on the day scheduled for pickup by a commercial or other hauler.
- ◆ watercraft, including, but not limited to, boats, skiffs, punts, canoes and kayaks.
- ◆ equipment or gear used seasonally or occasionally in agricultural, fishing, or commercial activities, including but not limited to, agricultural equipment, tractors and their attachments, backhoes, excavators, trailers, ladders, staging, lobster traps, nets, drags, and ropes.
- ◆ junk stored outside of a structure or enclosed container, related to temporary storage of less than 30 days due to a building cleanout, move, or construction activity, or a yard sale lasting no more than three (3) days
- ◆ household or commercially licensed composting sites.
- ◆ items otherwise lawfully stored on property properly licensed as a junkyard or salvage facility.

F. Enforcement - Remedies.

1. Enforcement. The CEO shall enforce the provisions of this Ordinance as provided in Title 30-A M.R.S. Section 4452 et seq.

2. Upon finding a violation of this Ordinance, the CEO shall issue a written warning to the responsible property owner and/or occupant by hand-delivery or by posting on the property.
 3. For violations related to accumulation of solid waste, the owner/occupant shall have three (3) days from the date of service of the written warning to remedy the violation(s). For violations related to accumulation of junk, the owner/occupant shall have thirty (30) days from the date of service of the warning to remedy the violation.
 4. If the violations are not remedied by the stated deadlines, the CEO shall issue a Notice of Violation to the owner and/or occupant in the same manner, and setting the same stated deadlines as above, and ordering the owner and/or occupant to pay a penalty of \$150. For the second violation of this Ordinance in a one-year period, the penalty shall be \$250, and for the third violation of this Ordinance in a one-year period, the penalty shall be \$350.
 5. If the violations are not remedied by the deadlines stated in the Notice of Violation by proper removal of the solid waste and/or junk and payment of the applicable penalty, the CEO and Select Board shall have the authority to pursue enforcement action in court, including all civil penalties and remedies set forth in Title 30-A M.R.S. Section 4452.
- G. Nothing in this Ordinance shall affect or limit the provisions of Title 30-A M.R.S. Sections 3751-3760, commonly known as the state junkyard law, which the Town may enforce in parallel with this Ordinance.

For Public Hearing

A true copy attest:

John Spear

Terri Baines, Town Clerk

Walter Reitz

Date

Jeff Northgraves