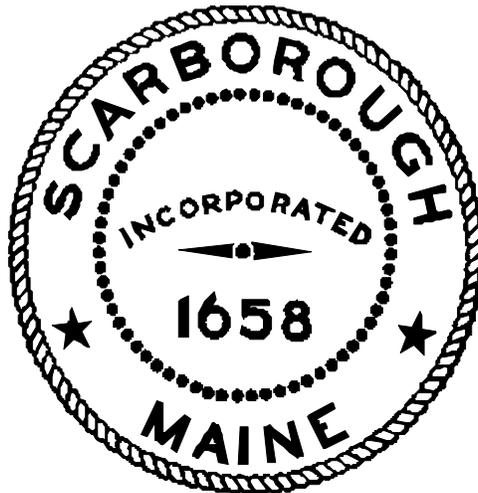


CHAPTER 417

TOWN OF SCARBOROUGH

LANDFILLS AND LANDFILL

EXPANSION ORDINANCE



Adopted November 3, 2004

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CHAPTER 417
TOWN OF SCARBOROUGH
ORDINANCE REGULATING LANDFILLS
AND LANDFILL EXPANSIONS
ADOPTED NOVEMBER 3, 2004

Section 1. DEFINITIONS

“Expand”

Means to increase the area of land onto or into which solid waste is disposed.

“Landfill”

Means a waste disposal facility for the disposal of solid waste on or in land.

“Regional association”

Means two or more municipalities that have formed a relationship to manage the solid waste generated within the participating municipalities, including, without limitation, Regional Waste Systems, Inc. A landfill owned or operated by a regional association shall not be considered a municipal use under the Scarborough Zoning Ordinance.

“Residue”

Means waste remaining after the handling, processing, incineration or recycling of solid waste, including, without limitation, front-end waste and ash from incineration facilities.

“Solid waste”

Means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material, landscape refuse and residue.

Section 2. LOCAL PERMIT REQUIRED

No person, including a regional association, shall establish or expand a landfill within the Town of Scarborough without first obtaining a local permit from the Scarborough Town Council.

Section 3. CRITERIA FOR THE ISSUANCE OF LOCAL PERMITS

Prior to issuing a local permit under this Ordinance, the Town Council must determine that the proposed landfill or land fill expansion:

A. Has been licensed by the State of Maine Department of Environmental Protection;

- B. Has been reviewed by the Scarborough Fire Department, the Fire Department has determined that the design of the proposed landfill makes adequate provision for the prevention of fires and the Fire Department has approved a plan for emergency response to the landfill.
- C. Has been reviewed by the Scarborough Conservation Commission, and the applicant has made a reasonable effort to incorporate comments from the Conservation Commission in the design and operation of the landfill.
- D. Has been reviewed by a consulting engineer selected by the Town and funded by the applicant and that the applicant has agreed to implement that engineer's recommendations for the protection of ground and surface waters.
- E. Has been reviewed and approved by the Scarborough Planning Board under the Town of Scarborough Site Plan Review Ordinance.
- F. Has received all permits and approvals required under the Town of Scarborough Zoning Ordinance and/or the Town of Scarborough Shoreland Zoning Ordinance.

Section 4. CONDITIONS OF APPROVAL

In granting a local permit under this Ordinance, the Town Council may impose such conditions on the development and operation of the landfill as the Council finds necessary to ensure compliance with the requirements of this Ordinance and the requirements of the license issued by the Maine Department of Environmental Protection.

Section 5. LANDFILLS OPERATED BY REGIONAL ASSOCIATIONS

- A. A regional association seeking to develop or expand a landfill within the Town of Scarborough must obtain the local permit under this Ordinance no later than 90 days after issuance of the license by the Department of Environmental Protection or 30 days after a final decision by the Department of Environmental Protection to re-license the landfill. In granting a local permit to a regional association under this Ordinance, the Town Council shall adopt the findings, conclusions and conditions contained in the license issued by the Department of Environmental Protection for the landfill.
- B. The Town Council may also attach to the local permit additional conditions for the operation of the landfill, provided such conditions address issues not specifically addressed in any condition of the license issued by the Department of Environmental Protection and do not unreasonably restrict the operation of the facility in compliance with the license issued by the Department of Environmental Protection.

Section 6. SETBACK REQUIRED

No landfill or portion of a landfill shall be located within 500 feet of any property located in a residential zone under the Town of Scarborough Zoning Ordinance or any property in residential use.

Section 7. FEES

The application and license fees under this Ordinance shall be as set forth in the Town of Scarborough Schedule of License, Permit and Application Fees established by order of the Town Council.

Section 8. ENFORCEMENT AND PENALTIES

This Ordinance shall be enforced by the Scarborough Code Enforcement Officer. Any person who establishes or expands a landfill without the local permit required by this Ordinance or who operates a landfill in violation of any conditions attached to the local permit under this Ordinance shall be subject to the penalties and remedies provided in 30-A M.R.S.A. § 4452. Each day a violation exists shall constitute a separate violation.

Section 9. SEPARABILITY

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.