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## Commercial Trash Hauler Policy

This policy replaces the Commercial Trash Hauler Policies approved by the Lamoine Town Meeting on April 18, 1997.

### *I. Purpose*

The purpose of this policy is to regulate the type and amount of trash entering the Lamoine Transfer Station; to provide the means to allow commercial trash haulers working in Lamoine to utilize the Transfer Station; and to provide flexibility to said haulers to efficiently use the facility, not interfere with intended residential use of the station, and to make the Town of Lamoine whole for trash generated outside of the town's borders.

### *II. Definitions*

Commercial Trash Hauler – any person or organization transporting household waste from a residence for a fee and in sufficient quantities to warrant regulation under this policy.

Lamoine Transfer Station – The facility at 212 Lamoine Beach Road consisting of several buildings and receptacles utilized to collect and transport refuse.

Household/Residential Trash – Those wastes normally generated by residential properties.

Commercial Waste – Those wastes generated by commercial establishments, excluding trash generated by home occupations.

Recyclable Material – Those materials collected at the Lamoine Transfer Station and separated from the Household/Residential trash for sale or shipment to another facility. Such materials include, but are not limited to cardboard, #2 plastics, clear glass, newspaper/magazines, white paper, tin cans and returnable containers.

Litter – Materials that are not natural to the area and not contained within the proper receptacles/vehicles at the transfer station.

### *III. Scope*

This policy shall apply to all commercial trash haulers using the Lamoine Transfer Station.

### *IV. Authority*

This policy is made and adopted by the Lamoine Town Meeting, pursuant to Municipal Home Rule and 38MRSA § 1304-B which authorizes municipalities to regulate the transportation of solid waste to specific waste facilities. The Board of Selectmen is charged with enforcing this policy.

### *V. Standards*

1. Registration Required – All commercial trash haulers shall submit to the Town of Lamoine a completed application approved by the Board of Selectmen prior to using the Lamoine Transfer Station.
2. Compaction Truck – Compactor trucks will not be allowed to dump solid waste at the transfer station because the design of the receptacles will not accommodate such use.
3. Bagged Trash Required – All trash hauled to the Lamoine Transfer Station shall be bagged. Loose trash is not acceptable, and commercial haulers shall refuse to transport loose trash.
4. Litter – Any litter generated by a commercial trash hauler, whether inside or outside of the Lamoine Transfer Station, shall be cleaned within 24-hours of notification of the commercial hauler by the town without charge to the town.
5. Residential Trash Only – No commercial waste is allowed to be brought to the Lamoine Transfer Station.
6. Customer List Required – Annually, all approved commercial haulers shall submit a confidential list of their customers to the Lamoine Town Office or the attendant at the Lamoine Transfer Station. The list will be kept on file at the Lamoine Town Office, and is considered proprietary property of the commercial hauler, not subject to public inspection. The purpose of the list is to determine the likely amount of trash generated by each hauler.
7. Open Hours – Commercial trash haulers may utilize the Lamoine Transfer Station only during those hours the facility is open to the general public. Access other than through the opened gate at the transfer station is prohibited. Any commercial hauler present at the transfer station at times other than open hours shall be considered in violation of this policy and shall be subject to penalties outlined in section VII.
8. Recycling Encouraged – Commercial haulers are to segregate and place recyclable materials in the proper receptacles at the transfer station. Commercial haulers, on their application, shall indicate the method used to

segregate recyclable materials. The attendant has the right to reject a commercial hauler's load if greater than 30-percent of that load could be recycled and is not segregated.

9. Covered Loads Required – In order to prevent littering along the public roads of Lamoine all loads shall be covered while being transported to the transfer station.
10. Out of Town Trash – Commercial Haulers bringing in trash from communities other than Lamoine shall identify to the transfer station attendant the number of residences included in their load. The hauler shall reimburse the town the equivalent of the average household waste generation weight multiplied by the full Penobscot Energy Recovery Company rate in effect at the time of disposal multiplied by each non-Lamoine household hauled. Any commercial hauler must receive written permission from the Board of Selectmen prior to hauling any trash generated outside of the borders of Lamoine. An application and application processing fee for such permission shall be developed by the Selectmen.
11. Loads subject to inspection – All commercial hauler trash is subject to inspection by the Attendant, Selectmen or their designees. The inspector shall identify themselves to the commercial hauler at the Transfer Station. The inspector may open bags of trash and examine the contents to ensure that the trash is not recyclable or unacceptable material, and generated from acceptable locations.

## *VI. Validity and Severability*

Should any section of this policy be declared illegal or unenforceable, it shall not invalidate any other section of this policy.

## *VII. Penalties*

1. Load Rejection – The Lamoine Transfer Station attendant has the right to reject any load from a commercial hauler that is not in compliance with acceptable solid waste for the facility. This includes, but is not limited to, hazardous wastes, hot loads, commercial waste, construction and demolition debris, non-segregated recycling, universal waste, medical waste, and an inordinate amount of household waste that would overwhelm the capacity of the transfer station.
2. Suspension of Privileges – The Board of Selectmen may suspend the privilege of any commercial trash hauler found to be in violation of this policy for up to one year. The Board must be notified of an alleged violation, notify the alleged violator in writing about the date and type of violation, set a hearing date and notify the violator of that date, close the hearing, and vote in public session on any penalty to be imposed. The violator will be notified in writing via certified mail of any suspension to be imposed.
3. Consent Agreement – The Board of Selectmen reserves the right to enter into consent agreements with any violators of this policy. All such agreements shall be approved by both parties in public session.

### *VIII. Amendment*

This policy may be amended by a majority vote of the Lamoine Board of Selectmen provided a public hearing is held and notice of said hearing is posted in the same manner as required by the statutes regarding notices of Town Meeting.

### *IX. Approval Date & Signatures*

This policy is approved as of the \_\_\_\_ day of \_\_\_\_\_, 2011. Any suspension of privileges previously imposed by the Board of Selectmen for violation of the previous commercial trash hauler policy are hereby lifted and all commercial haulers subject to the above policy provisions as of the approval date.

Signed:

\_\_\_\_\_  
Cynthia Donaldson                      S. Josephine Cooper, Chair    Richard Fennelly, Jr.

\_\_\_\_\_  
Gary McFarland                      William Brann

*The Lamoine Board of Selectmen*

Attest: A True Copy

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Stuart Marckoon, Deputy Town Clerk