

## Ordinance to Prohibit the Commercial Burning of Construction and Demolition Debris in the Town of Athens

### Purpose:

The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of the Town of Athens and the environment of the Town.

### Authority:

The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of the Town of Athens and the environment of the Town.

This Ordinance is enacted under the Town's Home Rule powers in 30-A M.R.S.A. §3001.

### Findings:

The voters of the Town of Athen" find that commercial burning of construction and demolition debris poses a serious and greater risk and threat to the health of those who live, work or are located in a municipality where the commercial burning of construction and demolition debris occurs than to others who do not live, work or are located near such a facility.

**Prohibition:** The "commercial burning" of "construction and demolition debris" in the Town of Athens is prohibited. The commercial burning of "wood waste" is not prohibited.

This Ordinance does not regulate the burning of any fuels for any residential or domestic purpose.

### Definitions:

"Commercial burning" means the burning of fuels and materials for space heating, energy production, hot water, manufacturing, processing, drying, disposal, volume reduction or any other purpose at a facility or at a location with at any time three or more employees, including the owners, other than a home occupation, where the purpose is the production of income, profits or savings, exclusive of the rental of residential buildings and/or dwelling units.

"Construction and Demolition Debris" means waste resulting from construction, remodeling, repair, and demolition of structures. It includes, but is not limited to, building materials, discarded furniture, asphalt, wallboard, pipes, metal conduits, pressure treated wood; containers with any residual glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos, painted and/or treated lumber, plastics, fiberglass, vinyls, and composite materials, and all special wastes including but not limited to treated railroad ties and telephone poles.

"Wood wastes" means brush, stumps, unpainted, uncoated and/or untreated lumber, bark, wood chips, shavings, slabs, pellets, edgings, slash, sawdust and wood from production rejects, that are not mixed with other solid or liquid waste.

**Severability:** "If any part of this ordinance shall be held invalid such part shall be deemed severable and the invalidity thereof shall not effect the remaining parts of this ordinance.