

# **WASTE ORDINANCE ST. MAARTEN**

**AB1993, No. 03**

Island Ordinance of February 23, 1993 concerning regulations regarding the collection and disposal of residential waste, bulky wastes, liquid wastes, commercial waste, car wrecks and other categories of waste. (Waste Ordinance Sint Maarten)

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THE ISLAND COUNCIL OF THE ISLAND TERRITORY OF SINT MAARTEN

### *Considering:*

That it is imperative in the interest of the protection of the environment to limit the burden waste has on the environment and to establish regulations regarding the collection and disposal of residential waste, bulky waste, liquid waste, commercial waste, car wrecks and other categories of waste;

### *Has decided:*

To decree the following Island Ordinance:

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## **SECTION I: GENERAL**

### **ARTICLE 1**

For the purpose of applying this Ordinance, the following terms mean:

- |                        |  |
|------------------------|--|
| (a) Inspector:         | the civil servant or replacement designated as such;   |
| (b) Residential Waste: | waste and waste originating from residences;   |
| (c) Bulky Waste:       | residential waste of such a size that it cannot be stored in waste bags, waste containers or waste cans; |

- (d) Liquid Waste: waste originating from a cesspool, a cistern, a pit, cesspit or an installation that is meant or used for the collection of liquids, feces, used oils and the like;
- (e) Commercial Waste: everything that is not residential waste, bulky wastes or liquid wastes;
- (f) Used Oils: mineral grease and oils that either by means of mixing with other materials or by other means is no longer useable for the purpose it was originally intended;
- (g) Motor Vehicle: what is considered to be a motor vehicle in accordance with the Traffic Ordinance Windward Islands (AB 1963, nr. 5);
- (h) Car Wrecks: motor vehicles with more than two wheels that in terms of driving are in an insufficiently maintained and apparently neglected condition;
- (i) Waste Service: the Island service responsible for collecting waste or those businesses that have contracted by the Executive Committee to do so;
- (j) Roads: all roads and paths open to public vehicular traffic or other traffic, including bridges and culverts as well as the roads' sidewalks, curbs and paths.

## **ARTICLE 2**

1. By means of a General Island Resolution it can be determined that other categories of vehicles than motor vehicles or driving mechanisms that are insufficiently maintained and apparently neglected condition are equal to motor vehicles with regards to the application of this Ordinance and the provisions based thereon.
2. Car wrecks also include a large number of component parts of a motor vehicle with more than two wheels and of other categories of vehicles or driving mechanisms as mentioned in the first paragraph.

## **SECTION II: DISPOSING OF WASTE**

### **ARTICLE 3**

1. The Executive Committee determines the days and the times for the offering of residential waste for collection as well as for the disposal of residential waste at the indicated dump.
2. It is forbidden to offer residential waste as meant in the first paragraph to the waste service for collection at other dates and times than as determined on the basis of that paragraph or to leave it at the dump.

### **ARTICLE 4**

The Executive Committee sees to the collection at least twice per week of the residential waste that can accumulate in a private household on a regular basis.

### **ARTICLE 5**

It is forbidden to offer residential waste to the waste service for collection other than:

- (a) in trash cans, or
- (b) in closed boxes or other proper packing materials, or

- (c) if made available for that purpose, in containers provided by the government to each household.

#### **ARTICLE 6**

The offering of residential waste has to take place in an orderly manner by means of placing it on a collection day as determined in accordance with Article 3, paragraph one, by the side of the road in a manner as described in Article 5 in such a way that it is clearly visible to the persons responsible for collection or in the allocated containers.

#### **ARTICLE 7**

1. The Executive Committee can determine that residential waste must be offered for collection in the allocated containers.
2. This offering must take place in closed packaging and in such a way that no waste is left behind outside of the containers.

#### **ARTICLE 8**

The Executive Committee can establish regulations regarding the offering of residential waste to the waste service on demand in special cases.

#### **ARTICLE 9**

The Executive Committee can establish regulations regarding the offering for disposal of:

- (a) garden waste,
- (b) glass,
- (c) small chemical waste,
- (d) paper,
- (e) used oils.

#### **ARTICLE 10**

A General Island Resolution can indicate categories of waste that according to their nature or origin correspond with residential waste and for the application of this chapter or parts thereof are equated to residential waste.

### **SECTION III: DISPOSAL OF BULKY WASTES**

#### **ARTICLE 11**

It is forbidden to offer bulky waste for collection in an other way or other place than as determined by this chapter.

#### **ARTICLE 12**

The Executive Committee establishes the place, times and manner in which bulky wastes are offered to the waste service for collection.

#### **ARTICLE 13**

When offered, a bulky waste cannot be longer than 2 meters.

#### **ARTICLE 14**

Article 8 also applies to the offering and placing for collection of bulky waste.

#### **SECTION IV: DISPOSAL OF LIQUID WASTE**

##### **ARTICLE 15**

It is forbidden to place, to dump, to throw, to pour, to drop, to flow or to keep liquid waste or another similar substance that can lead to pollution, damage or insufficient drainage of the roads or that can lead to hindering or negatively effecting the environment on or in the soil.

##### **ARTICLE 16**

The transportation of liquid waste takes place in proper and waterproof motor vehicles.

##### **ARTICLE 17**

The Executive Committee determines in which way and where liquid waste can be left behind.

##### **ARTICLE 18**

The Executive Committee can establish regulations regarding the manner in which liquid waste can be collected by the waste service.

#### **SECTION V: DISPOSAL OF COMMERCIAL WASTE**

##### **ARTICLE 19**

It is forbidden to offer commercial waste to the waste service for collection.

##### **ARTICLE 20**

1. Those who produce commercial waste must bring it to the government indicated dumpsite on a regular basis and at their own expense.
2. They are authorized to place a third party in charge of this.
3. Those meant in paragraphs 1 and 2 must take such measures that the collection and transportation of commercial waste take place in a practical and effective manner.

##### **ARTICLE 21**

The Executive Committee can establish regulations regarding the days, times and manner in which commercial waste can be collected and transported.

#### **SECTION VI: CAR WRECKS**

##### **ARTICLE 22**

It is forbidden to have a car wreck on a real estate property other than in the course of conducting business activities.

##### **ARTICLE 23**

It is forbidden to get rid of a car wreck other than to the proprietor of an establishment for the storage, treatment, processing, or destruction of car wrecks.

#### **ARTICLE 24**

The Executive Committee sees to it that private persons are given the opportunity to hand in car wrecks if there is no establishment as meant in Article 23.

### **SECTION VII: DISPOSING OF OTHER CATEGORIES OF WASTE**

#### **ARTICLE 25**

1. The Executive Committee can indicate other categories of waste other than residential waste or bulky waste that is offered to the waste service for collection.
2. Other motor vehicles with more than two wheels than car wrecks can be handed over for disposal.
3. The Executive Committee can establish regulations regarding the days, times, places and manners in which the waste as meant in paragraphs one and two are offered to the waste service.

#### **ARTICLE 26**

It is forbidden to get rid of all sorts of waste by giving it to another if in all reasonableness it must be assumed that this party will perform actions with it that conflict with this Island Ordinance.

#### **ARTICLE 27**

By means of a General Island Resolution it can be determined that it is forbidden to get rid of waste belonging to a thereby indicated category not being residential waste or car wrecks by placing it on or in the ground.

#### **ARTICLE 28**

The owner of a real estate property is forbidden:

- (a) to use or allow the use of the real estate property - in its entirety or in part - for the storage of vehicles, boats or planes or parts thereof, old metal, glass, trash, scrap, debris or other old materials that are unusable or no longer in use;
- (b) to use or allow the use of the real estate property - in its entirety or in part – as apparent storage for the sale or lease of used vehicles or vehicles that are made up in whole or in part of used parts;
- (c) on this real estate property, to remove from sight or keep out of sight by use of any means that is visible from a location open to the public one or more materials or objects as meant under sub-paragraph (a) or one or more vehicles as meant under sub-paragraph (b).

#### **ARTICLE 29**

The Executive Committee can grant exemption from the prohibition meant in Article 28.

#### **ARTICLE 30**

The prohibition in Article 28 sub-paragraph (a) is not applicable:

- (a) regarding having scrap, debris and other old building materials on a real estate property for the execution of public works there or in the direct proximity;

- (b) regarding having scrap, debris and other old building materials on a real estate property where maintenance, building, repair or demolition activities are carried-out if these materials are necessary for the activities to be conducted or originate from the object being repaired or demolished.

## **SECTION VIII: OTHER PROVISIONS**

### **ARTICLE 31**

1. It is forbidden to throw, put down or leave behind trash or remnants of provisions, paper, cans, bottles or other packaging on or by the road that is open to the public or a place nearby.
2. This prohibition is not applicable if use is made of the trash cans placed and meant for this purpose.

### **ARTICLE 32**

It is forbidden to sift through, remove, or disturb the neatness of residential waste, bulky waste or other waste placed for collection without the authority to do so. The prohibition in the previous sentence is also applicable regarding residential waste, bulky waste or other waste that has been dumped at the government indicated dumpsite.

### **ARTICLE 33**

It is forbidden in areas that are visible from the road or from a location that is open to the public to store or keep for storage debris, old metals, glass, construction tools or parts thereof, unusable motor vehicles or motor vehicles no longer in use or vehicles – with or without an engine - or parts thereof.

### **ARTICLE 34**

It is forbidden for the owner or user of a real estate property that is visible from a location that is open to the public to store, display or have on this property materials, debris and waste as well as objects, including vehicles, after the Inspector has notified the owner/user in writing that he is of the opinion that the environment is thereby being affected.

### **ARTICLE 35**

1. If the Executive Committee by means of registered mail has declared to the owner or user that the condition of any real estate property in its judgment is polluted or faulty, then the owner must take the measures as indicated and within the period of time as indicated by the Executive Committee.
2. Without prejudice to the first paragraph, the owner or user of a real estate property must allow the measures that the civil servant as appointed for that purpose by the Executive Committee deems necessary to protect the environment and allow him access to execute such measures.

### **ARTICLE 36**

The Executive Committee has the authority to – at the expense of the offenders - remove or prevent that which is undertaken in conflict with this Ordinance and to have carried-out all that is omitted in conflict with this Ordinance.

### **ARTICLE 37**

The Executive Committee determines an instruction for the Inspector that is to be made publicly known.

## **SECTION IX: CRIMINAL AND OTHER PROVISIONS**

### **ARTICLE 38**

1. Violation of one of the prohibitions as determined by this Ordinance and failure to uphold one of the obligations as established by this Ordinance is punished by imprisonment for a maximum of two months or a maximum monetary fine of ANG 1,000=.
2. If as the violation or the failure to uphold the obligation takes place not a year as passed since an earlier conviction of the guilty party for a similar violation became irrevocable or since the voluntary compliance with a condition as set by the authorized civil servant of the Public Prosecutor on the basis of Article 76 of the Criminal Code of the Netherlands Antilles, the maximum term of imprisonment or monetary fine for sentencing can be doubled.

### **ARTICLE 39**

The facts that are determined to be crimes by this Ordinance are considered to be felonies.

### **ARTICLE 40**

If a fact that is determined to be a crime by this Ordinance is committed by or on behalf of a legal entity, a company, an association of persons or a fund, criminal prosecution and sentencing can take place of either the administrators, members of the board of directors, or officers or of those who gave the instruction to the fact or had the actual command of the forbidden act or omission, or of both.

### **ARTICLE 41**

1. Besides the civil servants mentioned in Article 8 the Code of Criminal Procedure of the Netherlands Antilles, civil servants as thus appointed by the Executive Committee are in charge of monitoring compliance with this Island Ordinance and of tracing of the facts that it determines to be criminal.
2. The persons appointed on the basis of paragraph one plead, promise or confirm to the Lieutenant Governor as follows:  
“ I swear (promise, declare) that I will fill my duties with determination and without prejudice to persons. So help me God Almighty (That I promise, that I declare). “

### **ARTICLE 42**

Everyone is obliged to cooperate with a civil servant appointed on the basis of Article 41 if so requested and to provide information regarding the waste that he has or that he is disposing or has disposed that that they in all reasonableness deem necessary for the execution of their duty as determined by this Ordinance.

### **ARTICLE 43**

1. The civil servants as meant in Article 42 at all times have free access to all premises and localities where in all reasonableness it is suspected that violation of this Ordinance is taking place.

2. If they are denied entrance, then if necessary they will gain entry with the help of the police.
3. If the premises are also a residence or only accessible via a residence, then they do not enter such against the wish of the resident other than on the basis of a special written order by the (assistant) Public Prosecutor or in his presence.
4. Within twice twenty-four hours, the civil servant makes an official report of such an entry, a copy of which is provided to the person whose residence was entered.

**ARTICLE 44**

1. This Ordinance comes into effect at the commencement of the first day of the month after that of its proclamation.
2. This Ordinance can be referred to as "Waste Ordinance Sint Maarten".

As determined in the public meeting of February 23, 1993.

The Secretary,  
L.L. Duzanson

The Chairman,  
W. Russell Voges

I proclaim this Ordinance today, February 24, 1993.

The Lieutenant Governor,  
W. Russell Voges