



City of Biddeford
Recycling and Waste Management Commission

July 17, 2024 at 6:30 PM

Biddeford Public Works

Join Zoom Meeting Online
Or call in by phone: +1 312 626 6799
Meeting ID:
Passcode:

1. Call to Order
2. Approval of Minutes for June 19, 2024
3. Discussion/Approval
 - 3.a Update on Waste Trucks
 - 3.b Update on Orange PAYT Bags / Discuss New Trash Ordinance
 - 3.c Update on New Transfer Station Fees
 - 3.d Discuss Allowing Residents back into Curbside Waste Collection. Sec. 58-1 Definitions of the City Ordinance
4. Other Business
5. Commission Roster Changes if Needed
6. Agenda for Next Meeting
7. Adjourn



2013.29

IN BOARD OF CITY COUNCIL..APRIL 16, 2013

BE IT ORDAINED by the City Council of Biddeford, Maine to amend the Code of Ordinances, Chapter 58, Solid Waste, by Adding or ~~deleting~~ to read as follows:

Chapter 58. SOLID WASTE

GENERAL REFERENCES

Littering — See Ch. 34, Art. II.
Streets, sidewalks and other public places — See Ch. 62.

ARTICLE I. IN GENERAL

GENERAL REFERENCES

Littering — See Ch. 34, Art. II.
Streets, sidewalks and other public places — See Ch. 62.

Sec. 58-1. Definitions.

[Ord. of 2-4-1992, § 11-4(1)-(7)]

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACCEPTABLE MUNICIPAL SOLID WASTE means all solid wastes as identified by the public works director annually in accordance with existing disposal agreements, disposal facility acceptance requirements, and permit authorizations of the type presently accepted at the landfill used by the City, including all ordinary household, municipal, institutional and industrial wastes, with the following exceptions:

All solid wastes as identified by the public works director annually in accordance with existing disposal agreements, disposal facility acceptance requirements, and permit authorizations of the type presently accepted at the landfill used by the City, including all ordinary household, municipal, institutional and industrial wastes, with the following exceptions:

- (1) Demolition or construction debris from building and roadway projects or locations;
- (2) Liquid wastes or sludges;

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24 (3) Abandoned or junk vehicles;

25 (4) Hazardous waste, that is, waste with inherent properties that make it dangerous
 26 to manage by ordinary means, including but not limited to chemicals, explosives,
 27 pathological wastes, radioactive wastes, toxic wastes and other wastes defined as
 28 hazardous by the state or the Resource Conservation and Recovery Act of 1976, as
 29 amended, or other federal, state and local laws, regulations, orders, or other actions
 30 promulgated or taken with respect thereto;

31 (5) Dead animals or portions thereof or other pathological wastes;

32 (6) Water treatment residues;

33 (7) Tree stumps;

34 (8) Tannery sludge;

35 (9) Waste oil; and

36 (10) Discarded white goods, including, but not limited to, freezers, stoves,
 37 refrigerators and washing machines.

38 ACCEPTABLE RECYCLABLE MATERIALS means all acceptable recyclables as
 39 identified by the public works director annually in accordance with existing recycling
 40 agreements, recycling facility acceptance requirements, and permit authorizations.

41

42 ASHES shall mean

43 That residue from the burning of wood, coal, coke or other combustible
 44 materials.

45 CITY shall mean

46 The City of Biddeford, Maine.

47 COLLECTION FACILITY CITY TRANSFER STATION

48 Means A-a City-owned building or container or designated area in which acceptable
 49 waste is disposed of for transshipment to another the energy recovery facility for disposal or
 50 material recovery.

51 COMMERCIAL GARBAGE, RUBBISH, or WASTE

52 Shall mean A any solid waste originating and/or generated within the boundaries of
 53 the City by any business, firm or person identified as paying personal property taxes
 54 through the City Assessor's records or required to obtain a business license under the City's
 55 definitions of licensed activities, excepting licenses for waste hauling only. For the purpose
 56 of this chapter this includes public organizations and facilities; condominiums; and mobile
 57 home parks; except for parish houses or parsonages and churches, excluding parish halls;
 58 as well as multifamily dwellings of six units or more. This definition excludes "grandfathered
 59 facilities". This definition excludes home occupations as defined and described in Article VI,
 60 Section 38 of the Biddeford Zoning Ordinance, being clearly secondary and incidental to the
 61 primary residential use.

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62 **DESIGNATED MUNICIPAL SOLID WASTE CONTAINER** shall mean a portable
63 container provided by the City for the sole purpose of storing acceptable municipal waste
64 prior to curbside collection. Bags designated for overflow are also considered designated
65 municipal solid waste containers.

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66 **DESIGNATED RECYCLING CONTAINER** shall mean a portable container provided
67 by the City for the sole purpose of storage of acceptable recyclables prior to curbside
68 collection.

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69 **DISPOSAL**

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70 shall mean ~~The~~the discharge, deposit, injection, dumping, leaking, spilling or placing
71 of any solid waste into or on any land or water.

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72 **DISPOSAL FACILITY**

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73 shall mean ~~One or more~~the facility or facilities controlled or designated by the City
74 asfor the storage and/or disposal site for unacceptableof wastes.

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75 **ENERGY RECOVERY FACILITY**

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76 shall mean aThe facility designated in this chapter which processes and recovers
77 energy and/or useful materials from acceptable waste generated within the City.

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78 **GRANDFATHERED FACILITY** shall mean any property that would otherwise
79 generate commercial garbage, rubbish, or waste and both (1) currently receives curbside
80 trash collection services from the City and (2) the owner of the property has not changed, as
81 of July 1, 2002.

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82 **HAZARDOUS WASTE**

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83 shall mean ~~The~~the waste substance or material in any physical state, designated as
84 hazardous by the terms of a certain agreement between the City of Biddeford and the
85 Maine Energy Recovery Company, or by definition by other federal, state or local laws.
86 Waste material that exhibits a characteristics of hazardous waste as defined in RCRA
87 (ignitability, corrosivity, reactivity, or toxicity), is listed specifically in RCRA 261.3 Subpart D,
88 is a mixture of either, or is designated locally or by the state as hazardous or undesirable for
89 handling as part of the municipal solid waste and would have to be treated as regulated
90 hazardous waste if not from a household.

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91 **HOUSEHOLD** shall mean each residential unit regardless of whether the residential
92 unit is owned by an individual or business entity.

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93 **HOUSEHOLD GARBAGE AND RUBBISH** shall mean any acceptable waste
94 originating and/or generated within the boundaries of the City, at the site of generation by a
95 homeowner or occupant. For the purpose of this Chapter, this does not include commercial
96 garbage, rubbish, or waste except that waste generated from a grandfathered facility.

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97 **MIXED OR SPLIT LOAD**

99 Municipal solid waste generated by two or more municipalities and
100 transported by a single waste vehicle for disposal at Maine Energy, and
101 chargeable to respective municipalities.

102 **OVERFLOW** shall mean that volume of acceptable municipal solid waste in excess
103 of the volume of the designated municipal solid waste container.

104 **PRIVATE TRANSFER STATION** shall mean a privately-owned building or container
105 or designated area in which waste is temporarily deposited and stored for transshipment to
106 a disposal facility.

107 **PRIVATE WAY** shall mean any street, lane road or other roadway not considered a
108 public way.

109 **PUBLIC WAY** shall mean any street, lane, road, or other roadway accepted by the
110 city council as a public way.

111 **RESOURCE RECOVERY** shall mean the recovery of materials or substances that
112 still have useful physical or chemical properties after serving a specific purpose and can be
113 reused or recycled for the same or other purposes.

114 **SELF-HAULER** shall mean any person involved in the collection and transportation
115 of self-generated recyclable material or solid waste.

116 **SOLID WASTE**

117 shall mean ~~Useless~~ useless, unwanted or discarded solid material with insufficient
118 liquid content to be free flowing, including, by way of example, and not by limitation, rubbish,
119 garbage, scrap materials, junk, refuse, inert fill material and landscape refuse, but shall not
120 include septic tank sludge or agricultural or hazardous wastes.

121 **UNACCEPTABLE WASTE**

122 means ~~All~~ all solid waste of the type municipalities are required to regulate by 38
123 M.R.S.A. § 1305, as amended, which specifically excludes industrial and sewage treatment
124 plant sludge, and not included in the definition of acceptable waste.

125 **WASTE HAULER** shall mean

126 ~~Any~~ any person, firm or corporation which collects residential, institutional,
127 commercial and/or industrial waste for a fee and transports it to a central collection or
128 disposal facility and any person, business or institution which transports its own waste to the
129 designated disposal facility.

130 [Amended 10-4-2011 by Ord. No. 2011.57]

131 **WHITE GOODS**

132 shall mean ~~Major~~ major appliances such as refrigerators, stoves, freezers, washing
133 machines, dryers, generally having a bulk in excess of 10 cubic feet or a single dimension
134 exceeding five feet.

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136 **Sec. 58-2. Authority.**

137 [Ord. of 2-4-1992, § 11-2]

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138 This chapter is enacted pursuant to the authority granted in 30-A M.R.S.A. §§ 2001, 2002,
139 3001~~3002~~ and 38 M.R.S.A. § 1304-B.

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140 **Sec. 58-3. Purpose.**

141 [Ord. of 2-4-1992, § 11-3]

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142 (a) The City has a statutory obligation to provide ~~a~~ solid waste disposal
143 facility services for domestic and commercial waste generated within the City and
144 is authorized to provide such a facility for industrial waste and sewage treatment
145 plant sludge, pursuant to 38 M.R.S.A. § 1305(1). Municipal solid waste contains
146 valuable recoverable resources, including energy, which if recovered reduce the
147 cost of solid waste disposal. ~~Because energy recovery technology is complex,~~
148 ~~most energy recovery facilities have high capital costs and long payback periods.~~
149 ~~To remain cost effective and operate efficiently during their useful lives, energy~~
150 ~~recovery facilities require a guaranteed steady supply of waste during their entire~~
151 ~~useful life. Consequently, a municipality that wants to utilize an energy recovery~~
152 ~~facility for processing municipal solid wastes generally must agree to provide the~~
153 ~~facility with a steady supply of solid waste for a relatively long period.~~

154 (b) The City must exercise its legal authority to control the collection, transportation
155 and disposal of solid waste generated within its borders ~~to ensure delivery of a~~
156 ~~steady supply of waste to the energy recovery facility designated in this chapter.~~

157 (c) The City shall establish a system of regular collection, subject to the requirements
158 of this chapter, for all household garbage and rubbish and recyclables, all as
159 defined herein. The City will not collect commercial garbage and rubbish, and
160 such commercial garbage and rubbish shall be removed from the premises and
161 disposed of at the expense of the owner or occupant of such premises. The City
162 shall not collect otherwise eligible waste from residences located on private ways
163 unless it is brought to the intersection of the private way and a public way and
164 otherwise complies with all other requirements of this Article. The director of
165 public works is expressly granted the authority to issue rules or regulations
166 governing the collection of containers on private ways, streets that are too narrow
167 to allow for routine collection, and for dead end streets where it is impractical for
168 the collection trucks to service the containers.

169 **Sec. 58-4. Regulated activity.**

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170 [Ord. of 2-4-1992, § 11-5]

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171 The accumulation, collection, transportation and disposal of ~~acceptable waste and~~
172 ~~unacceptable waste~~ the following materials generated within the City shall be regulated in
173 the following manner:

(1) All acceptable municipal solid waste generated within the City from eligible residential customers shall be deposited at a collection facility or directly at the energy recovery facility placed in a designated solid waste container and collected by the City at curbside on a weekly basis.

(2) All acceptable recyclable materials from eligible residential customers shall be placed in a designated recycling container and collected by a City authorized commercial hauler at curbside on a weekly basis.

(3) All recyclable materials designated as acceptable for delivery to the Biddeford Recycling Center may be delivered to the facility by any entity.

(4) All unacceptable waste generated within the City shall be deposited at in a disposal facility manner prescribed elsewhere in this Chapter and or as specified by the director of public works.

(5) All commercial waste shall be regulated in accordance with the most recent version of the International Property Management Code adopted by the City of Biddeford. Mixed or split loads are prohibited under this chapter.

Sec. 58-5. Property rights.

[Ord. of 2-4-1992, § 11-21]

(a) All acceptable solid waste collected by City vehicles for transfer to the energy recovery facility or deposited at the City transfer station or other designated area, disposal facility shall become the property of the City or its assignee. No one may salvage, remove or carry off any such waste without prior approval of the director of public works in accordance with a policy approved by the Biddeford City Council.

(b) All recyclable materials collected by a City authorized commercial hauler shall become the property of the City authorized commercial hauler unless otherwise specified in a written contract.

Sec. 58-6. Administration.

[Ord. of 2-4-1992, § 11-5]

This chapter shall be administered by the City Council. Their powers and duties are as follows described below:

(1) City Council. To a adopt reasonable rules and regulations as needed to enforce this chapter and institute and necessary proceedings, either legal or equitable, to enforce this article.

(2) City Clerk. To consider all license applications and to grant or deny each application within 60-10 days after receipt of a completed application at the City

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209 offices or ~~within such other a later~~ time as deemed reasonable by the Council city
210 clerk and the applicant ~~shall agree is reasonable~~.

211 (3) Codes Office.

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212 (i) To review any alleged violation of this chapter, and to impose appropriate
213 penalties ~~therefor after notice and hearing as required by this chapter~~.

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214 (4ii) To institute necessary proceedings, either legal or equitable, to enforce this
215 chapter.

216 (iii) To review all applications in consultation with the city clerk.

217 (4) Director of Public Works.

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218 (i3) The collection, transportation and disposal of all waste generated within the
219 municipality shall be under the supervision and direction of the ~~D~~director of
220 ~~P~~ublic ~~W~~works.

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221 (aii) The ~~D~~director of ~~P~~ublic ~~W~~works shall establish a collection schedule that
222 will allow for the collection of acceptable municipal solid waste and acceptable
223 recyclable materials on a regular basis and may make periodic changes to the
224 schedule as may be needed to facilitate the program in an efficient and
225 effective manner.

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226 (iii) The director of public works shall determine the manner in which unacceptable
227 waste shall be managed and deposited.

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229 (5) Solid Waste Management Commission.

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230 (i) To review the city's waste collection and management policies and propose
231 revisions as may be needed to facilitate the City's comprehensive solid waste
232 management plan, and reduce costs to the taxpayers of the city.

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233 (ii) Evaluate, propose, and conduct education and outreach to facilitate the
234 program in an efficient and effective manner.

235 **Sec. 58-16558-7. Regulated activities and administration.**

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236 [Ord. of 9-20-1994, § 11-5]

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237 The accumulation, collection, transportation and disposal of solid waste, both acceptable
238 and unacceptable, generated within the City of Biddeford shall be regulated in the following
239 manner:

~~(1) All acceptable waste generated within the municipality shall be deposited at a licensed collection or disposal facility, at a municipal collection facility or at the energy recovery facility designated by the City as the municipal disposal facility.~~

~~[Amended 10-4-2011 by Ord. No. 2011.57]~~

~~(2) All waste generated within the municipality that is not acceptable waste shall be deposited in a manner prescribed elsewhere in this article.~~

~~(1) b. Such City collection will be limited to properties whose primary use is residential in nature.~~

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~~c. The solid Waste Management Commission may review the City's waste collection policies and revise them as needed to facilitate the City comprehensive solid waste management plan, and reduce costs to the taxpayers of the City.~~

~~(42) The operating hours and general administration of any municipally owned and operated facilities, including the collection facility City transfer station, shall be set by the Street Committee of the City Council, except for holidays or emergencies where the Director of Public Works would have the authority to set emergency hours.~~

~~(53) When a holiday falls upon the day of collection, or a severe weathersnowstorm necessitates cancellation of collection services, waste and recycling services for the residents on that occurs upon such day's route, waste will be collected on the following day Saturday. Collection of waste shall be on the next day following the cancellation.~~

~~(64) In the event of two or more collection service cancellations in one week, the public works director shall publish an emergency collection schedule, which may include, but may not be limited to, no collection for one or more routes with collection occurring on the next week's regular schedule. The requirement that all acceptable municipal solid waste fit in the designated municipal solid waste container shall be waived during emergency collection events. This chapter shall be administered by the municipal officers, who may adopt such reasonable rules and regulations as needed, and institute any necessary proceedings, either legal or equitable, to enforce this chapter.~~

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~~[Amended 10-4-2011 by Ord. No. 2011.57]~~

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Sec. 58-758.8. Variances.

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[Ord. of 2-4-1992, § 11-14]

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(a) Evaluation of private ways for municipal waste collection and curbside collection of acceptable recyclables shall be reviewed through the variance process. The City Council director of public works may, on written application, grant a variance

from a specific provision of this ~~chapter~~ Chapter in a specific cases, subject to appropriate conditions, where such variance is in harmony with the general purpose and intent of this ~~chapter~~ Chapter ~~and the agreement between the City and the energy recovery facility.~~ Such variance, if granted, shall remain valid until such time as the condition or conditions warranting the variance are no longer valid. As an example and for the avoidance of doubt, the sale of property or the assignment of a new tenant shall terminate the variance, at which time the new property owner or tenant may apply for a variance.

- (b) ~~A variance to a fine may be allowed with an appeal to the City Solid Waste Committee. If approval from the Solid Waste Committee is granted, the fine may be revoked; if not, the violator must follow the thirty-day limit for payment of the fine. A grandfathered facility shall no longer be eligible to receive municipal curbside collection services following the date upon which ownership of the property changes or the property becomes otherwise ineligible for services.~~

Sec. 58-858-9. Penalties.

[Ord. of 2-4-1992, § 11-13]

Penalties associated with enforcement shall be waived for a period of ~~six~~three (63) months following the effective date of this Chapter to allow for education and awareness.

- (a) Criminal penalties. Any person who violates any portion of this chapter ~~Chapter shall be guilty of a Class E crime for each violation subject to penalties and enforcement as authorized under the provisions of 30-A M.R.S.A. §4452.~~

- (b) Civil penalties. Any person who violates this chapter shall be subject to a civil penalty, payable to the municipality, of not more than \$100 for each violation. ~~In no event does this section limit the City's ability to address a nuisance or take other action for equitable relief.~~

Sec. 58-3958-10. Enforcement; violations and penalties.

[Ord. of 2-4-1992, § 11-12; amended 10-4-2011 by Ord. No. 2011.57]

This chapter shall be enforced by the public works department, authorized commercial hauler, and code enforcement office as further described below. ~~city council or its designee. A person found in violation of any provision of this chapter commits a civil violation for which a forfeiture of not less than \$500 and not nor more than \$1,000 shall be adjudged. Each day of violation constitutes a separate offense. Any violation is deemed to be a nuisance and the City Council may bring an action for equitable relief.~~

- (1) A person who violates any provision of this chapter may be subject to a fine as hereinafter provided, if convicted. ~~Sunset Provision. Penalties associated with enforcement shall be waived for a period of ~~six~~three (63) months following the effective date of this Chapter to allow for education and awareness.~~

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314 (2) Upon observation of failure to place only acceptable municipal solid waste in the
315 designated solid waste container or to place only acceptable recyclable materials
316 in the designated recycling container, the receptacle will not be collected and a
317 warning notice shall be placed on the appropriate designated container by the
318 public works department or City authorized commercial hauler.
319 In addition to the above, a licensed hauler may be subject to revocation of its City-issued permit to
320 dispose of refuse at Maine Energy.

321 (i) The address, date, and nature of the non-conformance shall be forwarded
322 to the director of public works and the code enforcement officer.

323 (ii) The director of public works and code enforcement officer shall document
324 and review each non-conformance and determine the appropriate
325 enforcement action.

326 (A) Non-conformance notices corrected prior to the next scheduled
327 collection date shall be closed with no further action.

328 (B) Failure to correct a non-conformance notice prior to the next
329 scheduled collection date or two or more consecutive non-
330 conformance events shall warrant direct contact with the property
331 owner and responsible party to document education and outreach.

332 (C) Non-conformance notices issued after contact and education shall be
333 subject to penalties as per Sec. 58-9.

334 (3) Upon the determination by the code enforcement officer that a violation of this
335 Chapter exists or has occurred, the code enforcement officer shall give written
336 notice of the violation to the violator, which notice shall specify the section
337 violated, the nature of the violation, and a reasonable time period to cure the
338 violation.

339 (34) If a waste hauler is found to be unlicensed, penalties and enforcement shall be in
340 accordance with Sec. 58-9.
341 violation of this chapter is not cured within the time
342 period specified in the notice, or in the event of a second or subsequent violation
343 of the same nature occurring within six months from the delivery of a notice of
344 violation, the violator shall be liable for a civil penalty of not less than \$500 nor
345 more than \$2,500, except that, in the event of a second or subsequent violation by
346 the same party within two years, the maximum penalty may not exceed \$25,000.
347 In addition to the penalties provided in this section, the City shall be entitled to
348 recover its reasonable costs, including expert witness and attorney's fees. Each
349 day in which such violation is proved to exist shall constitute a separate violation
under this article.

350 **Sec. 58-1758-11. Severability.**

351 [Ord. of 9-20-1994, § 11-15; amended 10-4-2011 by Ord. No. 2011.57]

352 The provisions of this chapter shall supersede all other local laws, ordinances, resolutions,
353 rules or regulations contrary thereto, or in conflict therewith. If provisions of this chapter, or

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354 the applicability thereof to any person or circumstance, shall be held invalid, the remainder
355 of this chapter and the application thereof shall not be affected thereby.

356 Sec. ~~58-958-12~~. through Sec. 58-30. (Reserved)

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357 ARTICLE II. COLLECTION

358 Sec. 58-31. Effective date.

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359 [Ord. of 2-4-1992, § 11-16]

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360 This ~~article~~ Chapter shall become effective ~~on the date that the energy recovery facility~~
361 ~~begins commercial operations July 1, 2013~~, provided the City provides notice of
362 commencement in the manner required for publication of ordinances. ~~Any person required~~
363 ~~to obtain a license under this chapter shall have 60 days from the date of adoption of the~~
364 ~~ordinance from which this chapter derives to secure such license, which shall become~~
365 ~~effective on the date specified therein.~~

366 Sec. 58-32. ~~Applicability~~ Mandatory separation.

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367 [Ord. of 2-4-1992, § 11-6]

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368 ~~Every owner, tenant, licensee or occupant of property within the limits of the City who has~~
369 ~~supervision, custody or control of solid waste, garbage or other like waste substance shall:~~

370 ~~(1) Keep, place and store the solid waste, garbage and other like waste substances~~
371 ~~in a sanitary manner before it shall become foul and putrid, in covered containers~~
372 ~~to prevent the ingress of flies, rats and other animals.~~

373 ~~(2) Keep, place and store ashes in a separate noncombustible covered container.~~

374 ~~(3) Dismantle all empty boxes or crates, wooden or otherwise, and securely tie and~~
375 ~~bundle the pieces thereof. Boxes or crates used for the disposal of material shall~~
376 ~~meet the sanitary requirements of Subsection (1) of this section, shall not contain~~
377 ~~unacceptable materials as defined in Section 58-36, and shall be less than 10~~
378 ~~cubic feet in volume and 35 pounds in weight.~~

379 ~~(4) The energy recovery facility shall be exempt from the requirements of Subsection~~
380 ~~(3) of this section, provided nevertheless that it shall meet the requirements of~~
381 ~~Article III of this chapter. (a) Each ~~person~~household eligible for and receiving City~~
382 ~~curbside collection services for acceptable municipal solid waste or acceptable~~
383 ~~recyclable materials shall separate acceptable recyclable materials, acceptable~~
384 ~~municipal solid waste, and unacceptable waste.~~

385 ~~(b) Separated materials shall be managed as identified in this Chapter.~~

386 Sec. 58-33. ~~Classifications and responsibilities for disposal~~ Repealed.

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387 ~~[Ord. of 2-4-1992, § 11-4(8); Ord. No. 2002-60, 7-16-2002]~~

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388 ~~(a) Multifamily dwellings. For the purpose of solid waste collection, multifamily~~
389 ~~dwellings of six units and over are considered businesses. This is consistent with~~
390 ~~Part III, Article VI.~~

391 ~~(b) Condominiums. Condominium building owners are in the business of providing~~
392 ~~housing and are responsible for providing waste disposal.~~

393 ~~(c) Mobile home parks. Mobile home park owners are in the business of providing~~
394 ~~housing and are responsible for providing waste disposal.~~

395 ~~(d) Nonprofit organizations. Nonprofit organizations are businesses and are required~~
396 ~~to provide for their own waste disposal.~~

397 ~~(e) City-owned buildings. As the lessor of the building, the City is required to provide~~
398 ~~for waste disposal.~~

399 ~~(f) Church rectory or function hall. For the purpose of waste collection, the rectory is~~
400 ~~considered residential and therefore the responsibility of the City. The function hall~~
401 ~~is considered a business and is the responsibility of the church organization.~~

402 ~~(g) Businesses not covered above. Disposal of business-generated waste is the~~
403 ~~responsibility of the generating business. Multifamily dwellings of six units or more,~~
404 ~~where the City provided solid waste collection prior to July 1, 2002, shall continue~~
405 ~~to receive collection by the City. Any dispute regarding the collection of waste by~~
406 ~~the City shall first be brought before the Waste Management Commission. Any~~
407 ~~further appeal by either the City's enforcement department or the entity shall be~~
408 ~~before the full City Council.~~

409 ~~(h) Standards for private roads to qualify for residential trash collection services.~~

410 ~~[Added 5-3-2011 by Ord. No. 2011-22]~~

411 ~~(1) Roadway shall be constructed so that the waste collection vehicles do not have~~
412 ~~to back in or back out. A through road, roads with an adequate cul-de-sac or~~
413 ~~roads with an adequate hammerhead are examples that would meet the~~
414 ~~standard.~~

415 ~~(2) Roadway shall have an adequate width of travelled way and adequate width of~~
416 ~~clear air space above the traveled way. Traveled way shall be at least 18 feet~~
417 ~~wide and the clear air space above the traveled way shall be at least 30 feet~~
418 ~~wide.~~

419 ~~(3) The roadway construction shall be sufficient to carry the loads of potentially full~~
420 ~~waste collection vehicles. The City's Road Construction Standards for Minor~~
421 ~~Residential Non-Urban Streets shall be used to determine adequate~~
422 ~~construction, excepting the need to have the roadway paved. These standards~~

can be found in the Code of Ordinances, Chapter ~~62~~, Article IV, Division 3, Section ~~62-126~~, Table A.

~~(4) Waste collection vehicles shall not enter upon a private roadway that has not been adequately cleared of snow and/or ice and shall not enter upon flooded roadways. The clearing of snow and/or ice shall be the responsibility of the owners of the private road. The draining of flooded roadways also shall be the responsibility of the owners of the private road. The determination of whether a roadway has been adequately cleared of snow and/or ice or that a roadway is too flooded to enter upon shall be solely vested in the City as determined by the Public Works Department.~~

~~(5) Owners of private roadways that may qualify for the trash collection services shall be required to sign an indemnification document holding the City harmless and not liable for any damage done by the City's waste collection vehicles in the normal operations of delivering the service. Incidents of clear negligence of operations shall not be covered by the indemnification document.~~

~~(6) These standards shall apply to those private roads served by trash collection as of June 30, 2011. No other private roads shall receive trash pick up services.~~

Sec. 58-34. Exempted waste activities.

[Ord. of 2-4-1992, § 11-7]

~~The following categories of waste shall be exempted from regulation by this article:~~

~~(1a) Residents shall be exempt from the separation requirements identified in Sec. 58-32 and the overflow requirements identified in Sec. 58-35(A)(1) for the collection period coinciding with Thanksgiving and Christmas as specifically designated by the director of public works. Materials from manufacturing, processing or packaging operations which are segregated from solid waste and salvaged for alternate use or reuse by the generator or sold to third parties.~~

~~(2b) Nothing in this Chapter shall prevent a residential user from retaining materials from his or her acceptable municipal solid waste or acceptable recyclable materials for the purpose of sale or profit. Glass, metal or other noncombustible materials which are separated from acceptable waste by the generator as part of a recycling program approved by the City Council.~~

~~(3c) Nothing in the Chapter shall prohibit a residential user from hiring a fee-for-service provider for the collection of acceptable municipal solid waste or acceptable recyclable materials. In the event of such an arrangement the residential user shall not be eligible to receive a designated municipal solid waste container or a designated recycling container. Such containers shall be returned to the public works department if previously issued. Cardboard, paper or other combustible materials which are separated from acceptable waste by the generator as part of a recycling program approved by the City Council, provided~~

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that any such recycling program shall not reduce the Btu content of acceptable waste below the Btu level acceptable to the energy recovery facility.

Sec. 58-35. Portable receptacles.

[Ord. of 2-4-1992, § 11-8; Ord. No. 2005.112, 11-15-2005]

~~(a) The public works department shall issue two (2) designated collection containers, color-coded, to each residential dwelling unit receiving municipal waste collection and curbside recycling collection: one container, approximately 35 gallons shall be for acceptable municipal solid waste and one container, approximately 65 gallons, shall be for acceptable recyclable materials. All receptacles containing acceptable waste must be placed at the outer edge of the sidewalk or the edge of the roadway shoulder for removal on the day of collection and as short a time as possible before the hour of collection. Under no conditions shall the receptacles be placed for removal prior to 2:00 p.m. on the day before the day of collection. Except that grandfathered facilities shall not receive designated municipal solid waste containers and shall place acceptable municipal solid waste in designated bags for curbside collection. Designated recycling containers shall be assigned to grandfathered facilities, subject to space limitations, as determined by the director of public works.~~

(1) Weekly collection of acceptable municipal solid waste shall be limited to the volume of the designated municipal solid waste container such that the waste shall not spill out of the container or prevent the cover from closing.

(i) Overflow shall not be collected unless contained within a designated bag made available to residents on a fee-per-bag basis. The overflow bag may be placed on or adjacent to the designated municipal waste container or in a container separate from the designated municipal solid waste container. If overflow is placed in a separate container, the container shall not be larger than 45 gallons or weigh in excess of 35 pounds.

(ii) The city council shall establish the overflow bag price, which may be adjusted from time to time.

(iii) The director of public works shall maintain and make available a list of the locations at which residents may purchase overflow bags and the price of each bag as established by the City Council. The list and pricing shall be made available upon request, shall be posted to the City website, and shall be otherwise available as may be directed by the City Council.

(iv) Overflow restrictions may be waived during designated emergency collection schedules as defined in Sec. 58-7(D4).

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497 (2) Weekly collection of acceptable recyclable materials placed in the designated
498 recycling container shall not spill out of the container or prevent the cover from
499 closing.

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500 (b) Each designated container shall remain the sole property of the City of Biddeford
501 and may not be moved to any other location. All receptacles must be removed from
502 the sidewalk or edge of the roadway shoulder by 11:00 p.m. on the day of
503 collection.

504 (c) Residents may request larger or additional designated recycling containers from
505 the director of public works for good cause as determined by the director of public
506 works. Requests of any other nature shall be evaluated through the variance
507 process. The use of portable receptacles or containers larger than 45 gallons is
508 strictly prohibited. Commercial dumpsters shall not be considered portable
509 receptacles.

510 [Amended 7-20-2010 by Ord. No. 2010.63]

511 (d) The energy recovery facility is exempt from the requirements of this section.

512 **Sec. 58-36. Unacceptable waste Repealed.**

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513 [Ord. of 2-4-1992, § 11-9]

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514 (a) Earth, gravel, bricks, mortar, stones, lime, plaster, cement, concrete and refuse
515 from manufacturing establishments, institutions or yard accumulations will not be
516 removed by the City waste haulers.

517 (b) Any accumulation of animal or vegetable waste, swill, offal, garbage or other like
518 waste substances resulting from the operation of any store, industry, market,
519 restaurant, kitchen, dining room, catering business, farm stand, institution or other
520 similar place will not be collected by the City waste haulers, but must be collected
521 by a licensed waste hauler and transported to the designated collection facility or
522 disposal facility for that type of waste.

523 **Sec. 58-37. Transportation of wastes Repealed.**

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524 [Ord. of 2-4-1992, § 11-10]

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525 No person, business, firm, corporation, institution or industry shall transport solid waste,
526 swill, offal, garbage or other like waste substances over public ways within the City except
527 in completely enclosed containers or vehicles. Such containers or vehicles shall be kept
528 tightly covered and secured to prevent any spillage on the public ways. No such container
529 or vehicle shall be permitted to become foul or offensive.

530 **Sec. 58-38. License Repealed.**

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531 **Sec. 58-39. Repealed [Ord. of 2-4-1992, § 11-11; Ord. of 5-19-1992(1), § 11-12]**

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532 (a) No person, firm, corporation, institution, industry or business shall, within
533 the City, engage in the business of collecting and transporting solid waste,
534 garbage, swill, offal, rubbish, scrap metals, junk, refuse, inert fill material,
535 landscape refuse or other like waste substances generated within City limits
536 without first obtaining a license therefor from the City Council in accordance
537 with Sections 58-63 and 58-76 through 58-80.

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538 (b) The license required by this section shall normally be for a period of one
539 year from issue unless otherwise stated on the license, and may be revoked
540 at any time by the City Council in accordance with the provisions of
541 Sections 58-81 and 58-82.

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542 (c) Regular employees of the Public Works Department performing municipal
543 collection duties are exempted. The energy recovery facility is exempt from
544 the requirements of this section.

545 (d) Unlicensed trucks will be fined \$5,000 when found in violation of disposing
546 at Maine Energy without proper licensure. The fine must be paid within 30
547 days of violation or the license will be automatically revoked. Second
548 violation will mean a permanent revoking of license.

549 **Sec. 58-30. Enforcement, violations and penalties.**

550 ~~Ord. of 2-4-1992, § 11-12, amended 10-4-2011 by Ord. No. 2011-57.~~

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551 ~~This chapter shall be enforced by the city council or its designee. A person found in~~
552 ~~violation of any provision of this chapter commits a civil violation for which a~~
553 ~~forfeiture of not less than \$500 and not nor more than \$1,000 shall be adjudged. Each~~
554 ~~day of violation constitutes a separate offense. Any violation is deemed to be a~~
555 ~~nuisance and the City Council may bring an action for equitable relief.~~

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556 ~~(1) A person who violates any provision of this chapter may be subject to a fine as~~
557 ~~hereinafter provided, if convicted.~~

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558 ~~(2) In addition to the above, a licensed hauler may be subject to revocation of its City-~~
559 ~~issued permit to dispose of refuse at Maine Energy.~~

560 ~~(3) If a violation of this chapter is not cured within the time period specified in~~
561 ~~the notice, or in the event of a second or subsequent violation of the same~~
562 ~~nature occurring within six months from the delivery of a notice of violation,~~
563 ~~the violator shall be liable for a civil penalty of not less than \$500 nor more~~
564 ~~than \$2,500, except that, in the event of a second or subsequent violation by~~
565 ~~the same party within two years, the maximum penalty may not exceed~~
566 ~~\$25,000. In addition to the penalties provided in this section, the City shall~~
567 ~~be entitled to recover its reasonable costs, including expert witness and~~
568 ~~attorney's fees. Each day in which such violation is proved to exist shall~~
569 ~~constitute a separate violation under this article.~~

570

571

Sec. 58-40.— Container repair and replacement; stolen containers.

572

(a) Property owners shall be responsible for the proper use and security of their assigned containers. Each container is fitted with a radio frequency identification (RFID) tag to assist with assignment and identification.

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575

(b) If a designated container is damaged as a result of the City's collection service or authorized commercial hauler actions, normal wear and tear, or due to a manufacturer's defect, the City shall repair or replace the container; otherwise, the resident must pay for the cost of necessary repairs or replacement.

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(c) The director of public works shall post the replacement cost of each type of container on the City's website and update the posting annually.

580

581

(d) If a container is stolen, the responsible party must report the theft to the Biddeford Police Department and public works department and fill out any required reports. Any person who removes a designated container from a residence may be prosecuted for theft of city property and may have his or her collection privileges suspended.

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586

Sec. 58-16841. Portable receptacles Container placement and removal.

587

[Ord. of 9-20-1994, § 11-8; Ord. No. 2005.112, 11-15-2005]

588

(a) All receptacles designated municipal solid waste containers and designated recycling containers containing acceptable waste must be placed at the outer edge of the sidewalk or the edge of the roadway shoulder for removal on the day of collection providing a minimum one (1) foot spacing between containers, and as short a time as possible before the hour of collection. Under no conditions shall the receptacles containers be placed at the outer edge of the sidewalk or edge of the roadway for removal prior to 26:00 p.m. on the day before the day of collection.

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(b) All receptacles containers must be removed from the outer edge of the sidewalk or edge of the roadway shoulder by 116:00 p.m. on the day of collection.

597

598

(c) The use of portable receptacles or containers larger than 45 gallons is strictly prohibited. Commercial dumpsters shall not be considered portable receptacles.

599

600

[Amended 7-20-2010 by Ord. No. 2010.63]

601

(d) The energy facility is exempt from the requirements of this section.

602

Sec. 58-4058-412. through Sec. 58-60. (Reserved)

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603 ARTICLE III. WASTE FLOW CONTROL AND DISPOSAL
604 FACILITY TRANSFER STATION

605 DIVISION 1. GENERALLY

606 Sec. 58-61. Purpose.

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607 [Ord. of 2-4-1992, § 11-20(1)]

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608 ~~The energy recovery facility, operated by Maine Energy, is not designed to receive certain~~
609 ~~types of solid wastes. Those types of solid wastes are listed in Section 58-1. It is important~~
610 ~~that the~~ The City shall provide a disposal facility (also referred to in this article as "transfer
611 station") for the receipt of unacceptable waste other than hazardous waste. This article sets
612 out the procedure for the operation of the transfer station, to be operated pursuant to a
613 management agreement between the City and Astro Waste executed from January 1, 1992
614 to June 30, 1992 by the City of Biddeford Public Works Department.

615 Sec. 58-62. Use of transfer station.

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616 [Ord. of 2-4-1992, § 11-20(2)]

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617 Any resident, taxpayer, commercial entity, or property owner of the City of Biddeford person
618 who has a valid license issued under Section 58-76 et seq. may dispose of any material as
619 listed in Sec 58-64 waste, other than hazardous waste, which is deemed by the energy
620 recovery facility to be not acceptable by disposing of it at the transfer station to be operated
621 and maintained by Astro Waste pursuant to the management agreement between Astro
622 Waste and the City.

623 Sec. 58-63. Authorized disposal facility users Repealed.

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624 [Ord. of 2-4-1992, § 11-22]

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625 ~~(a) The availability and use of the disposal facility shall be limited to licensed waste~~
626 ~~haulers, in accordance with Section 58-38. Other municipalities, and waste~~
627 ~~haulers licensed by and under contract with such municipalities, which contract~~
628 ~~with the Maine Energy Recovery Company need not be licensed.~~

629 ~~(b) Residents, taxpayers or property owners of the City will not generally have access~~
630 ~~to the energy recovery facility unless duly licensed.~~

631 ~~(c) Residents, taxpayers or property owners of the City must obtain a vehicle permit~~
632 ~~from the City Clerk, upon valid application for authorization to use the central~~
633 ~~collection facility or other specified areas.~~

634 Sec. 58-64. Large item and recycling programs.

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635 [Ord. No. 2000.93, 5-1-2001; Ord. No. 2005.26, 4-19-2005; Ord. No. 2006.87, 10-3-2006]

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636 (a) Free disposal.

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- 637
- All personal items (stereos, chairs, sofas, lamp fixtures, etc.)
 - Up to four tires per year from Biddeford residents can be delivered at no cost.
 - Twice a year, for two-week intervals, residents will be allowed to deliver up to one cubic yard per delivery of construction materials and/or demolition wood debris at no cost.
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642 (b) Fees. Fees for the disposal of certain acceptable items will be charged according

643 to the following schedule:

- 644
- Construction materials/demolition wood debris, per cubic yard: \$20.

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645 Twice a year, for two-week intervals, residents will be allowed to deliver up to one

646 cubic yard per delivery of construction materials and/or demolition debris at no

647 cost.

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648 At Cost

649 At Cost

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650 (c) At cost disposal. Fees for the disposal of the following acceptable items will be

651 charged according to the following schedule. Note: "at cost" means that the

652 charges for the disposal of the following items will be based upon the previous

653 quarter's actual disposal costs incurred by the City for the particular item.

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- 654
- Freon containing items
 - Tires (car and pickup truck only, greater than four tires per year)
 - CRTs (televisions, computer monitors, laptops)
 - Computer CPU, keyboard, mouse and printers
- 655
- 656
- 657

658 (d) Nonpermit fee disposal. The following items may be disposed of at the recycling

659 facility without permit and at no charge.

- 660
- Wet cell and dry cell batteries.
 - Metals (items that have had the Freon removed by licensed vendors must show a certificate of proper removal for free disposal of the item at this facility).
 - Cardboard
 - Plastic Nos. 1 and 2
 - Paper/magazines
 - Glass (jars and bottles)
 - Tin cans
 - Grass clippings, leaves, brush and branches
 - Waste motor oil
 - Telephone books
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671 Sec. 58-65. through Sec. 58-75. (Reserved)

DIVISION 2. LICENSE

Sec. 58-76. Required; application and registration.

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[Ord. of 2-4-1992, § 11-23(1)—(3); Ord. of 1-5-1993(1); amended 10-4-2011 by Ord. No. 2011.57

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Any person required to obtain a license under this chapter and not in possession of such as license as of the effective date of this ordinance shall have 60 days from the date of adoption of the ordinance from which this chapter derives to secure such license, which shall become effective on the date specified therein.

(a1) No person, business, firm, corporation, institution or industry shall transport solid waste, swill, offal, garbage or other like waste substances over public ways within the City except in completely enclosed containers or vehicles. Such containers or vehicles shall be kept tightly covered and secured to prevent any spillage on the public ways. No such container or vehicle shall be permitted to become foul or offensive.

(a2) No Any person, firm, corporation, institution, industry or business shall, who collects, transports or disposes of acceptable waste or unacceptable waste (i.e., within the City, engage in the business of collecting and transporting solid waste, garbage, swill, offal, rubbish, scrap metals, junk, refuse, inert fill material, landscape refuse or other like waste substances) generated within City limits, other than a self-hauler handling only materials generated by the hauler, must without first obtaining a waste hauler license of the proper class therefor on an annual calendar year basis being in effect from January 1 through December 31, from the City Clerk, in accordance with this Sections ~~58-182~~ and ~~58-183~~.

(a) No person or entity shall accumulate, collect, store, transport or dispose of acceptable waste or unacceptable waste generated within the City without obtaining either a general commercial waste hauler license or a small convenience waste hauler license from the City Clerk, except for personally generated waste to be deposited at the City transfer facility.

(b3) Any person or other entity required by this chapter Chapter to obtain either class of a waste hauler license shall make application to the City-city Clerkclerk on an annual basis, providing the information required on the proper form approved by the City-city Clerk-clerk and Finance-finance Directordirector. Each application shall be accompanied by a nonrefundable application and vehicle fee of \$150 per person or entity, plus \$150 per vehicle hauling/dumping at Maine Energy, per years listed in Chapter 22, Sec. 22-11.-

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(e4) The application for either class of a waste hauler license under this section shall contain all information required by the City-city Clerk-clerkand Finance-finance Directordirector, including, but not limited to:

711 (i) description of the activity, e.g., collection, transport or disposal of acceptable
712 and/or unacceptable waste,

713 (ii) type and amount of waste handled in each service area,

714 (iii) a description of the facility operated and used, and an equipment inventory,
715 including, for vehicles, a description of the make, model and year of each
716 vehicle used for the collection or transportation of solid waste,

717 (iv) proof of insurance for each vehicle.

718 (v) a list of customer names and addresses.

719 (vi) a signature by the applicant as verification that
720 he/she/they have read, understands and will abide by all provisions of this
721 ordinance.

722 (5) which information shall be revised annually upon license renewal. If the City city
723 Clerk clerk, in consultation with the code enforcement office, and/or Finance
724 Director determines the application to be incomplete, he or she the code
725 enforcement office shall notify the applicant in writing of the specific information
726 necessary to complete the application.

727 (6) Each waste hauler license shall obtain a permit for each vehicle used to haul
728 such trash or waste covered by this ordinance by affixing a stamp or decal to
729 each vehicle licensed, such stamp or decal to be obtained from the City and
730 affixed as instructed.

731 (7) The City Clerk code enforcement office and department of public works and/or
732 Finance Director shall be informed immediately of any changes in, or additions to,
733 equipment, including vehicles.

734 (d8) Upon application for either class of waste hauler license under this section, the
735 licensee will submit to the City Clerk and the Finance Director a list of customers
736 with an estimate of tonnage per customer per year. The estimated tonnage per
737 customer per year shall be in accordance with the state planning office's average
738 tonnage for Biddeford as published in its annual Solid Waste Report. The latest
739 published report shall be used for a given license year. The Finance Director may
740 consider real data supplied by the licensee in determining the estimated tonnage
741 per customer per year as provided for in the separate Procedure for Obtaining
742 Residential Rental Unit Credit. If a new customer is acquired or an existing
743 customer is lost during the course of the year, the licensee will notify the City
744 Clerk code enforcement office and the Finance Director department of public works
745 of such customer's name and estimate of tonnage per year address. If an existing
746 customer is lost during the course of the year, the licensee shall notify the City
747 Clerk and the Finance Director of such customer's name. The notices required by
748 this section shall be submitted within 30 days of such change in customer
749 accounts of the licensee.

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750 (e9) Regular employees of the public works department and authorized commercial
751 hauler vehicles performing municipal collection duties are exempt from the
752 requirements of this section. The licensee, by accepting the waste hauler license
753 issued herein, agrees to allow reviews of its customer accounts by the City's
754 Finance Director, upon written request by the Finance Director.

755 (f) Any owner of a residential rental property for which the City does not collect
756 weekly solid waste must register the property with the Finance Director in order to
757 receive the appropriate annual residential unit credit for each such residential
758 rental unit, as outlined in a separate procedure document.

759 **Sec. 58-77. Nontransferable; term / Expiration.**

760 [Ord. of 2-4-1992, § 11-23(4), (5)]

761 (a) Licenses issued under this article are not transferable.

762 (b) All licenses issued under this article shall expire one year from the date of
763 issue each December 31 unless otherwise stated on the license, or revoked or
764 suspended sooner in accordance with the provisions of this article. Licenses
765 granted after July 1, 2013 and prior to December 31, 2013 shall expire December
766 31, 2014.

767 **Sec. 58-78. Grounds for denial.**

768 [Ord. of 2-4-1992, § 11-23(9)]

769 The Council City Clerk may deny a license application under this article, in consultation
770 with the code enforcement office, upon a finding that the applicant:

771 (1) Does not have the financial capacity and technical ability to conduct the activity
772 described in the application.

773 (21) Has not made adequate provision for the control of offensive odors, or has not
774 made adequate provision to prevent air and water pollution.

775 (32) Has not previously secured any necessary state or federal permits.

776 (43) Has failed to respond to inquiries relative to source of waste or location of waste
777 generators during periods of time when the City Manager director of public works
778 or his designee is monitoring tonnage being hauled by waste haulers or verifying
779 eligible curbside collection locations for residential collection. Failure to respond
780 within 14 days of an inquiry shall be reason for denial.

781 (54) Has failed to transport waste loads in completely enclosed containers or
782 vehicles; such containers or vehicles shall be kept tightly covered and secured to
783 prevent any spillage on public ways.

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784 (65) Has failed to comply with any other provisions of this article.

785 **Sec. 58-79. Fee; hearing following denial of license.**

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786 [Ord. of 2-4-1992, § 11-23(6), (7)]

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787 (a) ~~If the City Council grants a license application under this article, the applicant shall~~
788 ~~pay a fee of \$100 for each vehicle licensed or \$100 for each applicant licensed for~~
789 ~~activities not involving the transport of solid waste. This fee is in addition to the~~
790 ~~application fee. The Council may prorate this fee, where appropriate. The Council~~
791 ~~city clerk~~ may not refund any portion of ~~this the~~ fee if the license is suspended or
792 revoked.

793 (b) If ~~the City Council~~ ~~city clerk denies~~ a license application ~~is denied~~ under this
794 article, ~~the code enforcement office~~ shall notify the applicant in writing and shall
795 state the reasons for the denial. The applicant may request a public hearing in
796 accordance with the procedures in Section **58-81**.

797 **Sec. 58-80. Suspension or revocation.**

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798 [Ord. of 2-4-1992, § 11-24]

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799 Any license issued under this article may be suspended or revoked by order of the City
800 Council after benefit of a hearing in accordance with the procedures in Section **58-81**, for
801 the following causes:

802 (1) Violation of this article.

803 (2) Violation of any provision of any state or local law, ordinance, code or regulation
804 which relates directly to the provisions of this article.

805 (3) Violation of any license condition.

806 (4) Falsehoods, misrepresentations or omissions in the license application.

807 **Sec. 58-81. Hearings.**

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808 [Ord. of 2-4-1992, § 11-25]

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809 (a) Anyone denied a license or whose license is suspended or revoked pursuant to
810 Section **58-78** or **58-80** is entitled to a hearing before the City Council if such
811 request is made in writing within 10 days of the denial, suspension or revocation.

812 (b) Such hearings shall be held within 30 days after receipt of the written request for a
813 hearing.

814 (c) The licensee or applicant shall be notified, in writing, as to the time and place of
815 the hearing at least 10 days prior to the hearing date. The applicant or licensee

816 has the right to be represented by counsel, to offer evidence and to cross-examine
817 witnesses. But the hearing is not subject to rules of evidence or formal rules for
818 adjudicatory proceedings.

819 (d) A determination shall be made by the City Council within 10 days after the
820 conclusion of the hearing, and notice of the decision shall be served upon the
821 applicant or licensee by registered mail, return receipt requested.

822 (e) The City Council's final determination relative to the denial, suspension or
823 revocation of a license and the period of suspension or revocation shall take effect
824 as provided in the notice unless, at the time of final determination, the City Council
825 made it effective immediately. The City Council's determination is conclusive.
826 Notice of the final determination shall set forth the reasons for the denial,
827 suspension or revocation and the effective dates thereof together with a statement
828 that such decision may be appealed as provided in this article.

829 (f) Any controversy or claim arising out of or relating to the City Council's
830 determination may be appealed to the superior court pursuant to Maine Rules of
831 Civil Procedure, Rule 80B, within 30 days after the City Council's final
832 determination.

833 **Sec. 58-82. Special license for replacement vehicle.**

834 [Ord. of 2-4-1992, § 11-23(8)]

835 (a) The ~~Council-city clerk~~ may grant a special license to a licensee, for a limited
836 period and upon such terms and conditions as ~~it~~ ~~deem~~ ~~eds~~ appropriate, using
837 procedures ~~that it deem~~ ~~eds~~ appropriate ~~by the city clerk, for a replacement vehicle~~
838 ~~in the event of an emergency or a vehicle breakdown.~~

839 (b) ~~In the event of a vehicle breakdown or emergency, upon furnishing the same~~
840 ~~information required for a licensed vehicle, the licensee may be issued a special~~
841 ~~temporary license for the replacement vehicle at no charge.~~

842 (c) ~~The city clerk shall be notified immediately, by the licensee, of any changes in, or~~
843 ~~additions to equipment, including vehicles.~~
844

845 **Sec. 58-83. through Sec. 58-105. (Reserved)**

846 **ARTICLE IV. STANDARDS FOR OPERATION OF ENERGY RECOVERY**
847 **FACILITY Repealed**

848 **Sec. 58-106. Storage of acceptable waste Repealed.**

849 ~~All acceptable waste received by the energy recovery facility, including recyclable materials~~
850 ~~and residue, shall be stored in fully enclosed areas or containers in such a manner as to~~
851 ~~prevent the escape of noxious or offensive fumes or odors associated with the storage of~~
852 ~~solid waste. The requirement of this section is met if such noxious or offensive fumes or~~

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853 odors are not detectable at the perimeter of the property on which the energy recovery
854 facility is located.

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855 **Sec. 58-107. Exterior maintenance**~~Repealed.~~

856 Areas outside of the building but within the perimeter of the property on which the energy
857 recovery facility is located shall be maintained in a safe and sanitary condition, free of litter
858 and other debris.

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859 **Sec. 58-108. Noise**~~Repealed.~~

860 The energy recovery facility shall be operated in such a manner as to not generate noise
861 levels as measured at the property lines of the site which exceed by 10 dbA the background
862 noise levels as established and noted in the energy recovery facility's site location
863 application to the State Department of Environmental Protection.

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864 **Sec. 58-109. Storage of ash and other particulates**~~Repealed.~~

865 Ash and other particulates or residues generated as a by-product of the processing of
866 acceptable waste shall be stored temporarily prior to disposal in such a manner as to
867 prevent its escape into the air or water or on the land surrounding the energy recovery
868 facility, and the discharge of ash, particulates or residues into the air or water or on the land,
869 whether occasioned by mechanical failure or malfunction or otherwise, shall be a violation
870 of this article.

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871 **Sec. 58-110. Enforcement of article; penalties for violation**~~Repealed.~~

872 ~~[Amended 10-4-2011 by Ord. No. 2011-57]~~

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873 (a) The provisions of this chapter shall be primarily enforced by the Code
874 Enforcement Officer and by duly authorized police officers and / or the Finance
875 Director, under the authority of the City Council.

876 (b) Upon the determination by one of the three enforcement agents identified in
877 Section ~~58-110(a)~~ that a violation of this chapter exists or has occurred, the
878 enforcement agent shall give written notice of the violation to the person or entity
879 responsible for the violation, which notice shall specify the section violated, the
880 nature of the violation, and a reasonable time period to cure the violation, which
881 time period shall be not less than ten days nor more than 30 days.

882 (c) Whenever the City Council and/or its designees determine that there has been a
883 violation by virtue of noncompliance, they shall give notice of such violation to the
884 person(s) responsible by personal service or by certified mail, return receipt
885 requested, as follows:

886 (1) The citation shall include a statement of reasons and shall allow reasonable time
887 for performance of any act it requires.

888 (2) The citation may contain an outline of remedial action which, if taken, will effect
889 compliance.

890 (3) It shall state that unless corrections are made within the allotted time, the
891 violator is subject to prosecution pursuant to the provisions of this chapter.

892 **Sec. 58-111. Propane tanks**~~Repealed.~~

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893 ~~[Ord. No. 2000-27, 4-4-2000]~~

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894 Propane tanks and other explosives are not acceptable waste to be accepted and
895 processed by the energy recovery facility. Any explosion at the energy recovery facility
896 caused by a propane tank and other explosives shall constitute a violation of this article.
897 The energy recovery facility shall be liable for a civil penalty of not more than \$2,500 for
898 each explosion. In addition to the penalty, the City shall be entitled to recovery of its
899 reasonable attorney fees and expert witness fees.

900 **Sec. 58-112. through Sec. 58-130. (Reserved)**

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901 ~~ARTICLE V. HAZARDOUS WASTE~~

902 **Sec. 58-131. Spills**~~Repealed.~~

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903 ~~[Ord. of 5-19-1992(1)]~~

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904 In the event of a spill and the need to call for a professional cleaning service to handle
905 spilled materials, the City mandates notification of the Fire Chief, Code Enforcement Officer,
906 and neighbors. If the Fire Chief deems a sample is necessary for analysis, then a sample
907 will be provided to the City.

908 **Sec. 58-132. through Sec. 58-160. (Reserved)**

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909 ARTICLE VI. SOLID WASTE ~~FLOW CONTROL;~~ 910 ~~FACILITY ADMINISTRATION~~

911 DIVISION 1. GENERALLY

912 **Sec. 58-161. Title.**

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913 ~~[Ord. of 9-20-1994, § 11-1]~~

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914 This article shall be known as the "City of Biddeford, Maine, Solid Waste ~~Flow~~
915 ~~Control~~Administration Ordinance."

916 **Sec. 58-162. Enabling legislation.**

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917 ~~[Ord. of 9-20-1994, § 11-2]~~

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918 This chapter is enacted pursuant to the authority granted in 30 M.R.S.A. §§ 1917, 2151,
919 2153, 4101, 4102 and 30-A M.R.S.A §§2101, 3001, 3002, and 38 M.R.S.A. §§ 1304-B,
920 1305.

921 **Sec. 58-163. PurposeRepealed.**

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922 [Ord. of 9-20-1994, § 11-3]

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923 (a)

924 (1) ~~The municipality has an obligation to protect the health, safety and general well-~~
925 ~~being of the citizens of Biddeford, and to enhance and maintain the quality of~~
926 ~~the environment, conserve natural resources, and prevent water and air~~
927 ~~pollution by providing for a comprehensive, rational and effective means of~~
928 ~~regulating the collection, transportation and disposal of solid waste.~~

929 (2) ~~The municipality also has a statutory obligation to provide a solid waste disposal~~
930 ~~facility for domestic and commercial waste generated within the municipality and~~
931 ~~is authorized to provide such a facility for industrial waste and sewage treatment~~
932 ~~plant sludge, pursuant to 38 M.R.S.A. § 1305, Subsection 1.~~

933 (3) ~~Municipal solid waste contains valuable recoverable resources including energy,~~
934 ~~and materials that can be reused through an effective recycling program, which~~
935 ~~if recovered reduce the cost of solid waste disposal.~~

936 a. ~~Because energy recovery technology is complex, most energy recovery~~
937 ~~facilities have high capital costs and long payback periods. To remain cost~~
938 ~~effective and operate efficiently during their useful lives, energy recovery~~
939 ~~facilities require a guaranteed steady supply of waste during their entire~~
940 ~~useful life. Consequently, a municipality that wants to utilize an energy~~
941 ~~recovery facility for processing municipal solid waste generally must agree to~~
942 ~~provide the facility with a steady supply of solid waste for a relatively long~~
943 ~~period.~~

944 b. ~~Because of the increasing public awareness and the availability of the~~
945 ~~technologies to reuse selective waste products, many categories of throw~~
946 ~~away items can be reused and recycled. Many of these items are~~
947 ~~commercially attractive and if processed effectively reduce the general costs~~
948 ~~for waste disposal and protect the environment by being reused or recycled.~~

949 c. ~~The State of Maine has mandated that each community within the state~~
950 ~~establish a recycling program, either locally or regionally, to recycle up to~~
951 ~~50% of its municipal waste stream.~~

952 (4) ~~The City therefore and hereby adopts a comprehensive water management~~
953 ~~program to effectively dispose of its municipal wastes, either through energy~~
954 ~~recovery facility or recycling. This program has the specific goals of effectively~~
955 ~~processing wastes in an environmentally sound and efficient manner, and in the~~

long term reducing the amount of wastes produced within its boundaries, and the costs of handling.

~~(5) To accomplish these stated purposes the municipality must exercise its legal authority to control the collection, transportation and disposal of solid waste generated within its borders to ensure the public health, welfare and safety of the citizens of the municipality, the Council of the City of Biddeford hereby establishes a Waste Management Commission to facilitate the development of the City's comprehensive waste management program, and oversee its implementation and effectiveness.~~

Sec. 58-163.1. Solid Waste Management Commission.

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[Ord. of 9-20-1994, § 11-3; Ord. No. 99.69, 8-17-1999; Ord. No. 2002.61, 8-20-2002; Ord. No. 2008.11, 3-4-2008; Ord. No. 2008.14, 3-18-2008]

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(a) Mission:

(1) The Solid Waste Management Commission is created by the Council of the City of Biddeford to facilitate the development and implementation of the City's comprehensive waste management program, and coordinate the efforts of the several departments in the City that address the municipal waste issues.

(2) The Commission is further charged with the operation and maintenance of the provisions of this ~~chapter~~Article.

(3) The Commission shall report to the Mayor and Council upon a periodic basis.

(b) Membership:

(1) The Solid Waste Management Commission shall be composed of ~~nineteen~~ members of whom nine shall be voting members. Of the nine voting members, two shall be Councilors and one shall be a representative from the school department. The school department representative shall be nominated by the Superintendent and confirmed by the School Committee. All other members are to be nominated by the Mayor and confirmed by the City Council. The chair of the Solid Waste Management Commission shall be the tenth member and shall be a non-voting member except in the event of a tie vote.

a(i). The Mayor shall nominate two alternate members without voting privileges to the Solid Waste Management Commission. Alternates are to be nominated by the Mayor and confirmed by the City Council. If a quorum is not present at any meeting, the Chair may appoint alternates with voting privileges to make up a quorum for that meeting.

(2) The voting members shall be registered voters and residents of the City of Biddeford.

992 (3) The Commission Chairman shall be appointed by the Mayor.

993 (c) Terms:

994 | (1) The members of the [Solid](#) Waste Management Commission shall serve three-
995 | year terms, and may serve additional terms upon nomination and
996 | reappointment.

997 | (2) The initial membership shall be appointed for staggered terms in order that a
998 | stabilized organization remain in place as much as possible. Initial terms will
999 | be:

1000 | [a\(i\)](#). Councilors serve two years;

1001 | [b\(ii\)](#). Two members initially appointed for one year;

1002 | [c\(iii\)](#). Two members initially appointed for two years;

1003 | [d\(iv\)](#). Two members initially appointed for three years.

1004 | (3) Whenever a vacancy occurs in the membership, a replacement member shall be
1005 | appointed to fill the unexpired term of the vacancy.

1006 | (4) Members may be removed from the Commission by the Council, upon
1007 | recommendation by the Commission Chairman to the Council, for reasons to
1008 | include:

1009 | [a\(i\)](#). Inability to attend scheduled meetings;

1010 | [b\(ii\)](#). Continual conflicts of interest;

1011 | [c\(iii\)](#). Inability to function with the group process.

1012 (d) Organization:

1013 | (1) The [Solid](#) Waste Management Commission shall be composed ~~for of~~ the
1014 | following standing subcommittees, membership and chair to be appointed by
1015 | the Chairman of the Commission:

1016 | [a\(i\)](#). Municipal solid waste: addressing issues of transportation and handling of
1017 | municipal solid waste.

1018 | [b\(ii\)](#). Recycling: addressing issues of recycling.

1019 | [c\(iii\)](#). Transfer station: addressing transfer station issues.

1020 | ~~d. Maine Energy Corp. relations: addressing MEC issues.~~

1021 | ~~e(iv).~~ Wastewater Commission relations: to coordinate Wastewater Commission
1022 issues as relating to waste management.

1023 (2) These subcommittees shall research issues and provide reports as needed by
1024 the Chairman of the Commission to fulfill the Commission's mission and long-
1025 term goals.

1026 (3) The Chairman may appoint additional committees as necessary to fulfill the
1027 mission and long-term goals of the Commission.

1028 (e) Relation with other commissions, committees, etc.

1029 (1) With the establishment of this Commission, all other waste management
1030 committees are abolished and their functions incorporated in this Commission.

1031 (2) This Commission may interact with other commissions, boards, committees and
1032 City departments as needed to fulfill its mission and long-term goals.

1033 **Sec. 58-164. Definitions Repealed.**

1034 ~~[Ord. of 9-20-1994, § 11-4]~~

1035 ~~For the purpose of this article, the following definitions shall be observed. All terms not~~
1036 ~~specifically defined below shall have their ordinary meaning; words used in the present~~
1037 ~~tense include the future and the plural includes the singular.~~

1038 **ACCEPTABLE WASTE**

1039 ~~All solid wastes of the type presently accepted at the municipal disposal~~
1040 ~~facility, including all ordinary household, municipal, institutional, commercial~~
1041 ~~and industrial wastes with the following exceptions:~~

1042 ~~(a) Demolition or construction debris from building and roadway projects or~~
1043 ~~locations;~~

1044 ~~(b) Liquid wastes or sludges;~~

1045 ~~(c) Abandoned or junk vehicles;~~

1046 ~~(d) Hazardous waste as defined by the State of Maine or the Resource~~
1047 ~~Conservation and Recovery Act of 1976, as amended.~~

1048 ~~(e) Dead animals or portions thereof, or other pathological waste;~~

1049 ~~(f) Water treatment residues;~~

1050 ~~(g) Tree stumps;~~

1051 ~~(h) Tannery sludge;~~

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- 1052 (i) Waste oil;
- 1053 (j) White goods;
- 1054 (k) Recyclable cardboard; and
- 1055 (l) Wastes identified by Maine Energy Recovery Company as unacceptable.

1056 **ASHES**

1057 ~~That residue from the burning of wood, coal, coke or other combustible~~

1058 ~~materials.~~

1059 **CITY**

1060 ~~The City of Biddeford, Maine.~~

1061 **COMMERCIAL WASTE**

1062 ~~Any solid waste originating and/or generated within the boundaries of the City~~

1063 ~~by any business, firm or person identified as paying personal property taxes~~

1064 ~~through the City Assessor's records or required to obtain a business license~~

1065 ~~under the City's definitions of licensed activities, excepting licenses for waste~~

1066 ~~hauling only. For the purpose of this chapter this includes public organizations~~

1067 ~~and facilities, except for parish houses or parsonages and churches,~~

1068 ~~excluding parish halls. This definition excludes home occupations as defined~~

1069 ~~and described in Article VI, Section 38 of the Biddeford Zoning Ordinance,~~

1070 ~~being clearly secondary and incidental to the primary residential use.~~

1071 ~~[Amended 10-4-2011 by Ord. No. 2011.57]~~

1072 **DISPOSAL**

1073 ~~The discharge, deposit, injection, dumping, leaking, spilling or placing of any~~

1074 ~~solid waste into or on any land or water.~~

1075 **DISPOSAL FACILITY**

1076 ~~The facility or facilities controlled or designated by the municipality for the~~

1077 ~~storage and/or disposal of waste.~~

1078 **ENERGY RECOVERY FACILITY**

1079 ~~The disposal facility designated herein which processes and recovers energy~~

1080 ~~and/or useful materials from acceptable waste.~~

1081 **GENERAL COMMERCIAL WASTE HAULER**

1082 ~~Any waste hauler that does not meet the definition of "small convenience~~

1083 ~~waste hauler."~~

1084 ~~[Added 10-4-2011 by Ord. No. 2011.57]~~

1085 **HAZARDOUS WASTE**

1086 ~~The waste substance or material in any physical state, designated as~~

1087 ~~hazardous by the terms of a certain agreement between the City of Biddeford~~

1088 ~~and the Maine Energy Recovery Company, or by definition by other federal,~~

1089 ~~state or local laws.~~

1090 **INFECTIOUS WASTE**

1091 ~~Includes those wastes so defined by the solid waste management regulations~~

1092 ~~promulgated by the Department of Environmental Protection pursuant to 38~~

1093 ~~M.R.S.A. § 1304, as amended.~~

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1094 **MUNICIPAL COLLECTION FACILITY**
 1095 A building or container or designated area in which waste is temporarily
 1096 deposited and stored for transshipment to a disposal facility.

1097 **RESOURCE RECOVERY**
 1098 The recovery of materials or substances that still have useful physical or
 1099 chemical properties after serving a specific purpose and can be reused or
 1100 recycled for the same or other purposes.

1101 **SMALL CONVENIENCE WASTE HAULER**
 1102 A person or entity that hauls waste primarily from residential units that are
 1103 otherwise eligible for City pickup of solid waste but who choose to use the
 1104 services of a low volume hauler for the property owner's own convenience.
 1105 The hauler may be the property owner and/or may also service a limited
 1106 number of commercial accounts. Such hauler shall be capable of verifying the
 1107 separate weights for commercial and residential waste deposited at the
 1108 disposal facility.

1109 **[Added 10-4-2011 by Ord. No. 2011.57]**

1110 **SOLID WASTE**
 1111 Useless, unwanted or discarded solid material with insufficient liquid content
 1112 to be free flowing, including, by way of example, and not by limitation,
 1113 rubbish, garbage, scrap materials, junk, refuse, inert fill material and
 1114 landscape refuse, but shall not include septic tank sludge or agricultural or
 1115 hazardous wastes.

1116 **WASTE HAULER**
 1117 Any person, firm or corporation which collects residential, institutional,
 1118 commercial and/or industrial waste for a fee and transports it to a central
 1119 collection or disposal facility and any person, business or institution which
 1120 transports its own waste to the designated disposal facility.

1121 **[Amended 10-4-2011 by Ord. No. 2011.57]**

1122 **WHITE GOODS**
 1123 Major appliances such as refrigerators, stoves, freezers, washing machines,
 1124 dryers, generally having a bulk in excess of 10 cubic foot or a single
 1125 dimension exceeding five feet.

1126 ~~Sec. 58-165. Regulated activities and administration.~~

1127 **[Ord. of 9-20-1994, § 11-5]**

1128 ~~The accumulation, collection, transportation and disposal of solid waste, both acceptable~~
 1129 ~~and unacceptable, generated within the City of Biddeford shall be regulated in the following~~
 1130 ~~manner:~~

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1131 ~~(1) All acceptable waste generated within the municipality shall be deposited at a~~
 1132 ~~licensed collection or disposal facility, at a municipal collection facility or at the~~
 1133 ~~energy recovery facility designated by the City as the municipal disposal facility.~~

1134 ~~[Amended 10-4-2011 by Ord. No. 2011-57]~~

1135 ~~(2) All waste generated within the municipality that is not acceptable waste shall be~~
 1136 ~~deposited in a manner prescribed elsewhere in this article.~~

1137 ~~(3) The collection, transportation and disposal of all waste generated within the~~
 1138 ~~municipality shall be under the supervision and direction of the Director of Public~~
 1139 ~~Works.~~

1140 ~~a. The Director of Public Works shall establish a collection schedule that will allow~~
 1141 ~~for the collection of acceptable municipal solid waste on a regular basis.~~

1142 ~~b. Such City collection will be limited to properties whose primary use is residential~~
 1143 ~~in nature.~~

1144 ~~c. The solid Waste Management Commission may review the City's waste~~
 1145 ~~collection policies and revise them as needed to facilitate the City~~
 1146 ~~comprehensive solid waste management plan, and reduce costs to the~~
 1147 ~~taxpayers of the City.~~

1148 ~~(4) The operating hours and general administration of any municipally owned and~~
 1149 ~~operated facilities, including the collection facility, shall be set by the Street~~
 1150 ~~Committee of the City Council, except for holidays or emergencies where the~~
 1151 ~~Director of Public Works would have the authority to set emergency hours.~~

1152 ~~(5) When a holiday falls upon the day of collection, or a severe snowstorm occurs~~
 1153 ~~upon such day, waste will be collected on the following day.~~

1154 ~~(6) This chapter shall be administered by the municipal officers, who may adopt such~~
 1155 ~~reasonable rules and regulations as needed, and institute any necessary~~
 1156 ~~proceedings, either legal or equitable, to enforce this chapter.~~

1157 ~~[Amended 10-4-2011 by Ord. No. 2011-57]~~

1158 **Sec. 58-166. Applicability Repealed.**

1159 [Ord. of 9-20-1994, § 11-6]

1160 Every owner, tenant, licensee or occupant of property within the limits of the City of
 1161 Biddeford, who has supervision, custody or control of solid waste, garbage or other like
 1162 waste substance, shall:

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1163 (1) ~~Keep, place and store the solid waste, garbage and other like waste substances~~
1164 ~~in a sanitary manner before it shall become foul and putrid in covered containers~~
1165 ~~to prevent the ingress of flies, rats and other animals.~~

1166 (2) ~~Keep place and store ashes in a separate noncombustible covered container.~~

1167 (3) ~~Dismantle all empty boxes or crates, wooden or otherwise, and securely tie and~~
1168 ~~bundle the pieces thereof. Boxes or crates used for the disposal of material shall~~
1169 ~~meet the sanitary requirements of Subsection (1) above, shall not contain~~
1170 ~~unacceptable materials as defined in Section 11-69 of this article; and shall be~~
1171 ~~less than 10 cubic feet in volume and 35 pounds in weight.~~

1172 (4) ~~The energy recovery shall be exempt from the requirements of this section.~~

1173 **Sec. 58-167. Exemptions Repealed.**

1174 ~~[Ord. of 9-20-1994, § 11-7]~~

1175 The following categories of waste shall be exempted from regulations pertaining to
1176 collection, transport and disposal:

1177 (1) ~~Waste of manufacturing, processing or packaging operations which are~~
1178 ~~segregated from other waste and are salvaged by the generator for alternate use,~~
1179 ~~reuse or sale.~~

1180 (2) ~~Paper, glass or metal which is separated from mixed waste by the generator as~~
1181 ~~part of a recycling program only if approved in writing by the municipal officers that~~
1182 ~~such program will not impair the contractual obligations with the energy recovery~~
1183 ~~facility.~~

1184 **Sec. 58-168 Repealed.**

1185 ~~**Sec. 58-168. Portable receptacles.**~~

1186 ~~[Ord. of 9-20-1994, § 11-8; Ord. No. 2005.112, 11-15-2005]~~

1187 (a) ~~All receptacles containing acceptable waste must be placed at the outer edge of~~
1188 ~~the sidewalk or the edge of the roadway shoulder for removal on the day of~~
1189 ~~collection and as short a time as possible before the hour of collection. Under no~~
1190 ~~conditions shall the receptacles be placed for removal prior to 2:00 p.m. on the~~
1191 ~~day before the day of collection.~~

1192 (b) ~~All receptacles must be removed from the sidewalk or edge of the roadway~~
1193 ~~shoulder by 11:00 p.m. on the day of collection.~~

1194 (c) ~~The use of portable receptacles or containers larger than 45 gallons is strictly~~
1195 ~~prohibited. Commercial dumpsters shall not be considered portable receptacles.~~

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1196 ~~[Amended 7-20-2010 by Ord. No. 2010.62]~~

1197 ~~(d) The energy facility is exempt from the requirements of this section.~~

1198 **Sec. 58-169. Unacceptable waste**~~Repealed.~~

1199 ~~[Ord. of 9-20-1994, § 11-9]~~

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1200 ~~(a) Any recyclable cardboard, earth, gravel, bricks, mortar, stones, lime, plaster,~~
1201 ~~cement, concrete and refuse from manufacturing establishments, institutions,~~
1202 ~~public or private, or yard accumulations will not be removed by the municipal~~
1203 ~~waste haulers.~~

1204 ~~(b) Any accumulation of animal or vegetable waste, swill, offal, garbage or other like~~
1205 ~~waste substances resulting from the operation of any store, industry, market,~~
1206 ~~restaurant, kitchen, dining room, catering business, farm stand, institution or other~~
1207 ~~similar place will not be collected by the municipal waste haulers, but must be~~
1208 ~~collected by a licensed waste hauler and transported to the designated collection~~
1209 ~~facility or disposal facility for that type of waste.~~

1210 ~~(c) Cardboard shall be considered an acceptable waste at the waste disposal facility~~
1211 ~~until the adoption by the Council of the City Manager's report for actions to~~
1212 ~~implement the removal of this material from the municipal waste stream.~~

1213 ~~(1) The Solid Waste Commission shall provide to the City Manager such information~~
1214 ~~and data as needed for the development of a program to facilitate the removal~~
1215 ~~of such recyclable cardboard.~~

1216 ~~(2) The City Manager's report to the Council will contain provisions that will allow~~
1217 ~~the City to develop an appropriate plan for a smooth transition for the~~
1218 ~~implementation of recyclable cardboard removal.~~

1219 **Sec. 58-170. Transportation of wastes**~~Repealed.~~

1220 ~~[Ord. of 9-20-1994, § 11-10; Ord. No. 2000.82, 7-18-2000]~~

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1221 ~~(a) No person, business, firm, corporation, institution or industry shall transport solid~~
1222 ~~waste, swill, offal, garbage or other like waste substances over public ways within~~
1223 ~~the City except in completely enclosed containers or vehicles. Such containers or~~
1224 ~~vehicles shall be kept tightly covered and secured to prevent any spillage on the~~
1225 ~~public ways. No such container or vehicle shall be permitted to become foul or~~
1226 ~~offensive.~~

1227 ~~(b) A vehicle used in the transportation of wastes shall not use Main Street, or any~~
1228 ~~part thereof, as a route of travel unless actively engaged in the loading of~~
1229 ~~commercial waste from a merchant operating a business on Main Street. An~~
1230 ~~operator of a vehicle used in the transportation of wastes may, however, cross~~
1231 ~~Main Street only at the intersection of Elm Street. The provisions of this section do~~

1232 not apply to waste trucks owned by the City of Biddeford, and operated by Public
1233 Works employees.

1234 **Sec. 58-171. License required; issuance; exemptions Repealed.**

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1235 [Ord. of 9-20-1994, § 11-11]

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1236 ~~(a) No person, firm, corporation, institution, industry or business shall, within the City,~~
1237 ~~engage in the business of collecting and transporting solid waste, garbage, swill,~~
1238 ~~offal, rubbish, scrap metals, junk, refuse, inert fill material, landscape refuse or~~
1239 ~~other like waste substances generated within City limits without first obtaining a~~
1240 ~~waste hauler license of the proper class therefor on an annual basis being in effect~~
1241 ~~from January 1 through December 31, from the City Clerk, in accordance with~~
1242 ~~Sections 58-182 and 58-183.~~

1243 **[Amended 10-4-2011 by Ord. No. 2011.57]**

1244 (b)

1245 (1) Such license shall normally be for a period of one year from issue unless
1246 otherwise stated on the license, and may be revoked at any time by the
1247 municipal officers, in accordance with the provisions of Sections ~~58-184~~ and ~~58-~~
1248 ~~185.~~

1249 (2) Each licensee shall obtain a permit for each vehicle used to haul such trash or
1250 wastes covered by this ordinance by affixing a stamp or decal to each vehicle
1251 licensed, such stamp or decal to be obtained from the City. Each licensee shall
1252 apply for a permit for each vehicle operated in the City; such application shall be
1253 accompanied by a registration fee of \$150 per vehicle registered.

1254 **[Amended 10-4-2011 by Ord. No. 2011.57]**

1255 (c) Regular employees of the Public Works Department performing municipal
1256 collection duties are exempted. The energy recovery facility is exempt from the
1257 requirements of this section. *Editor's Note: Former Subsection (d), which immediately*
1258 *followed and provided for a credit for businesses generating commercial waste, was*
1259 *repealed 10-4-2011 by Ord. No. 2011.57.*

1260 **Sec. 58-171.1. Reduction of municipal waste stream; billing licensees Repealed.**

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1261 [Ord. of 9-20-1994, § 11-11A; Ord. No. 2000.74, 9-5-2000; Ord. No. 2002.44, 5-7-2002;
1262 amended 10-4-2011 by Ord. No. 2011.57]

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1263 ~~(a) In order to meet state mandated waste stream reduction goals, and facilitate~~
1264 ~~the reduction of the municipal waste stream, effective upon the enrollment~~
1265 ~~of this section, the City of Biddeford shall initially pay tipping fees at the~~
1266 ~~energy recovery facility for commercial waste as defined in Section 58-164,~~
1267 ~~and shall be reimbursed as outlined in Section 58-171.1(c) below.~~

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1268 ~~(b) The Finance Department will bill licensed waste haulers monthly based on~~
1269 ~~weekly delivery information received from Maine Energy Recovery~~
1270 ~~Company.~~

1271 ~~(c) As a general condition of all licensees, a licensee agrees, by accepting said~~
1272 ~~waste hauler license, to reimburse the City on a monthly basis, at the~~
1273 ~~prevailing rate set by the City Council for commercial waste for all waste~~
1274 ~~delivered to the energy recovery facility, except for residential waste~~
1275 ~~deposited by small convenience waste haulers, which shall be credited as~~
1276 ~~provided for in the separate residential waste procedure document.~~

1277 ~~(1) Licensees allowing a balance to remain unpaid for longer than 30 days will~~
1278 ~~constitute a violation of this ordinance and will be grounds for revocation~~
1279 ~~of the waste hauler license.~~

1280 ~~(2) Within 30 days of the effective date of this amendment, all waste hauler~~
1281 ~~licenses issued under this section shall be reissued within this general~~
1282 ~~condition. No additional application fees will be required and the existing~~
1283 ~~expiration date will remain the same.~~

1284 ~~(3) This provision shall not apply to any company operating under a City~~
1285 ~~contract.~~

1286 ~~(4) A finance charge/late payment fee shall be assessed on accounts which~~
1287 ~~have a balance remaining unpaid for longer than 30 days. This charge~~
1288 ~~shall be in accordance with state approved interests charges (1% per~~
1289 ~~month after 30 days). For nonpayment of tipping fees and/or finance~~
1290 ~~charges/late fees, the Finance Director is authorized to suspend tipping~~
1291 ~~privileges pending Council action to revoke.~~

1292 **Sec. 58-172. (Reserved)**

1293 *Editor's Note: Former Section 58-172, Enforcement, adopted by Ord. of 9-20-1994, § 11-12, was*
1294 *repealed 10-4-2011 by Ord. No. 2011.57.*

1295 **Sec. 58-173. Penalties Repealed.**

1296 ~~[Ord. of 9-20-1994, § 11-13]~~

1297 ~~(a) Criminal penalties. Any person who violates this article shall be guilty of a Class E~~
1298 ~~crime for each violation.~~

1299 ~~(b) Civil penalties. Any person, firm or corporation who violates this article shall be~~
1300 ~~subject to a civil penalty, payable to the municipality, of not more than \$100 for~~
1301 ~~each violation.~~

1302 **Sec. 58-174. Variances Repealed.**

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1303 ~~[Ord. of 9-20-1994, § 11-14]~~

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1304 ~~The municipal officers may, on written application, grant a variance from a specific provision~~
1305 ~~of this article in a specific case, subject to appropriate conditions where such variance is in~~
1306 ~~harmony with the general purpose and intent of this article.~~

1307 ~~Sec. 58-175. Severability.~~

1308 ~~[Ord. of 9-20-1994, § 11-15; amended 10-4-2011 by Ord. No. 2011-57]~~

1309 ~~The provisions of this chapter shall supersede all other local laws, ordinances, resolutions,~~
1310 ~~rules or regulations contrary thereto, or in conflict therewith. If provisions of this chapter, or~~
1311 ~~the applicability thereof to any person or circumstance, shall be held invalid, the remainder~~
1312 ~~of this chapter and the application thereof shall not be affected thereby.~~

1313 ~~Sec. 58-176. Effective date~~Repealed.

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1314 ~~[Ord. of 9-20-1994, § 11-16]~~

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1315 ~~(a) This article shall become effective not later than January 1, 1987, or on an~~
1316 ~~alternate date so specified by the municipal officers at the time of adoption.~~
1317 ~~However, any person, firm or corporation required to obtain a license shall have~~
1318 ~~60 days from the effective date to secure that license.~~

1319 ~~(b) This chapter shall be revised from time to time to reflect the state's goals on solid~~
1320 ~~waste management.~~

1321 ~~Sec. 58-177. through Sec. 58-179. (Reserved)~~

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1322 DIVISION 2: DISPOSAL FACILITY

1323 ~~Sec. 58-180. Designation~~Repealed.

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1324 ~~[Ord. of 9-20-1994, § 11-20]~~

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1325 ~~(a) In accordance with the provisions of 38 M.R.S.A., Chapter 13, Solid Waste~~
1326 ~~Management, the City of Biddeford hereby designates the Maine Energy Recovery~~
1327 ~~Company facility at the corner of Lincoln and Pearl Streets in Biddeford, Maine, as~~
1328 ~~the energy recovery facility and disposal facility for acceptable waste.~~

1329 ~~(b) The City also designates a municipally owned and operated municipal waste~~
1330 ~~disposal facility, whose location shall be specified by the Director of Public Works,~~
1331 ~~and whose operation shall be conducted in accordance with the rules and~~
1332 ~~regulations of the Maine Department of Environmental Protection, as the disposal~~
1333 ~~facility for stumps and construction debris.~~

1334 ~~Sec. 58-181. Property rights~~Repealed.

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1335 ~~[Ord. of 9-20-1994, § 11-21]~~

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1336 ~~Except for the solid waste deposited within the designated disposal facility, all solid waste~~
1337 ~~collected by the municipal vehicles, or deposited at the central collection facility or~~
1338 ~~designated area, shall become the property of the City of Biddeford. No one shall salvage,~~
1339 ~~remove or carry off any such deposited solid waste without prior approval of the City~~
1340 ~~Council of the City of Biddeford.~~

1341 ~~**Sec. 58-182. Authorized disposal facility users**~~~~**Repealed.**~~

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1342 ~~[Ord. of 9-20-1994, § 11-22]~~

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1343 ~~(a) The availability and use of the disposal facility shall be limited to licensed waste~~
1344 ~~haulers, in accordance with Section 58-171. Other municipalities, and waste~~
1345 ~~haulers licensed by and under contract with said municipalities, which contract~~
1346 ~~with the Maine Energy Recovery Company need not be licensed.~~

1347 ~~(b) Residents, taxpayers or property owners of the City will not generally have access~~
1348 ~~to the energy recovery facility (MEC), unless duly licensed.~~

1349 ~~(c) Residents, taxpayers or property owners of the City must obtain a vehicle permit~~
1350 ~~from the City Clerk, upon valid application for authorization to use the central~~
1351 ~~collection facility or other specified areas.~~

1352 ~~**Sec. 58-183. Licensing**~~~~**Repealed.**~~

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1353 ~~[Ord. of 9-20-1994, § 11-23]~~

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1354 ~~(a) Application; fee; transferability. Any person, firm or corporation required by~~
1355 ~~Section 58-171 to obtain a license shall apply on an annual basis to the municipal~~
1356 ~~officers first meeting in December, providing the information requested, and with~~
1357 ~~the nonrefundable application fee of \$150.~~

1358 ~~(1) The application shall contain all information required by the municipal officers,~~
1359 ~~including, but not limited to:~~

1360 ~~a. Description of activity, i.e., collection, transport, or disposal of acceptable~~
1361 ~~and/or unacceptable waste;~~

1362 ~~b. Type and amount of waste handled in each service area;~~

1363 ~~c. A description of the facility operated and used, and an equipment inventory,~~
1364 ~~including for vehicles: a description of make, model, and year of each vehicle~~
1365 ~~used in collection or transportation of solid waste;~~

1366 ~~d. Proof of insurance for each vehicle. Such insurance shall be maintained at~~
1367 ~~least \$1,000,000; vehicles operated by the City of Biddeford shall be~~
1368 ~~excluded from this provision;~~

1369 ~~e. An agreement signed by the applicant that they have read, understand and will~~
1370 ~~abide by all provisions of this ordinance.~~

1371 ~~(2) If the municipal officers determine that the application is incomplete, they shall~~
1372 ~~notify the applicant in writing of the specific information necessary to complete~~
1373 ~~the application.~~

1374 ~~(3) Licenses are not transferable.~~

1375 ~~(b) Expiration. All licenses shall expire one year from the date of issue unless~~
1376 ~~otherwise stated on the license, or revoked or suspended.~~

1377 ~~(c) Temporary license for replacement vehicle.~~

1378 ~~(1) In the event of a vehicle breakdown or emergency, upon furnishing the same~~
1379 ~~information required for a licensed vehicle, the licensee may be issued a special~~
1380 ~~temporary license for the replacement vehicle at no charge.~~

1381 ~~(2) The municipal officers shall be notified immediately, by the licensee, of any~~
1382 ~~changes in, or additions to equipment, including vehicles.~~

1383 ~~(d) Denial; hearing.~~

1384 ~~(1) The municipal officers may deny a license application upon a finding that the~~
1385 ~~applicant:~~

1386 ~~a. Does not have the financial capacity and/or technical ability to conduct the~~
1387 ~~activity described in the application; or~~

1388 ~~b. Has not made adequate provision for the control of offensive odors, and/or has~~
1389 ~~not made adequate provision to prevent air and/or water pollution; or~~

1390 ~~c. Has not previously secured any necessary state or federal permits; or~~

1391 ~~d. Has failed to respond to inquiries relative to source or wastes or location of~~
1392 ~~waste generators during periods of time when the City Manager, or his~~
1393 ~~designee, is monitoring tonnage being hauled by waste haulers. Failure to~~
1394 ~~respond within 14 days of an inquiry shall be reason for denial; or~~

1395 ~~e. Failure to transport waste loads in completely enclosed containers or vehicles,~~
1396 ~~such containers or vehicles shall be kept tightly covered and secured to~~
1397 ~~prevent any spillage or leakage on public ways; or~~

1398 ~~f. Has failed to comply with any other provisions of this chapter.~~

1399 ~~(2) In the event of a denial, the municipal officers shall notify the applicant in writing~~
1400 ~~and shall state the reasons. The applicant may request a public hearing in~~
1401 ~~accordance with the procedures in Section 58-185.~~

1402 **Sec. 58-184. Suspension or revocation**~~Repealed.~~

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1403 ~~[Ord. of 9-20-1994, § 11-24]~~

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1404 (a) Any license issued may be suspended or revoked by order of the municipal
1405 officers with benefit of a hearing in accordance with the procedures in Section ~~58-~~
1406 ~~185~~ for the following causes:

1407 (1) Violation of this article.

1408 (2) Violation of any provision of any state or local law, ordinance, code or regulation
1409 which relates directly to the provisions of this article.

1410 (3) Violation of any license provision or regulation.

1411 (4) Falsehoods in the license application.

1412 (b) The limits of suspension or revocation for any license issued shall be as follows:

1413 (1) First offense: 30 days.

1414 (2) Second offense: 90 days.

1415 (3) Third offense: one year.

1416 **Sec. 58-185. Hearings**~~Repealed.~~

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1417 ~~[Ord. of 9-20-1994, § 11-25]~~

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1418 (a) A person who is denied a waste hauler license or a licensee who is cited for a
1419 violation of this chapter shall be is entitled to a hearing before the municipal
1420 officers, provided that this request is made in writing, and filed with the City Clerk
1421 within 10 days from the date of denial or from the date that the citation was issued.

1422 ~~[Amended 10-4-2011 by Ord. No. 2011.57]~~

1423 (b) Such hearing shall be held within 30 days after receipt of the written request for a
1424 hearing.

1425 ~~[Amended 10-4-2011 by Ord. No. 2011.57]~~

1426 (c) The licensee shall be notified, in writing by regular mail to the last known address,
1427 as to the time and place of the hearing a minimum of 10 days prior to the
1428 scheduled hearing date. The licensee has the right to be represented by counsel,
1429 to offer evidence and to interview and cross-examine witnesses.

1430 ~~[Amended 10-4-2011 by Ord. No. 2011.57]~~

(d) A determination shall be made by the municipal officers within 10 days after the conclusion of the hearing.

(e) The municipal officers' final determination relative to the suspension of a waste hauler license and the period of suspension or the revocation of a waste hauler license shall take effect no later than 10 days after the date notice of such final determination has been mailed by certified mail, return receipt requested, to the license and shall be conclusive. Such final determination notice shall set forth the reasons for the suspension or revocation and the effective dates thereof together with a statement that such decision may be appealed as provided in this section.

[Amended 10-4-2011 by Ord. No. 2011.57]

(f) Any controversy or claim arising out of or relating to the municipal officers' determination shall be directly reviewable by superior court pursuant to Rule 80B.

April 16, 2013

Motion by Councilor Laverriere, seconded by Councilor Ready to grant the first reading of the order.

Motion by Councilor Laverriere, seconded by Councilor Ready to amend the ordinance by adding the following to Sec. 58-35 (a):

(a) (a) The public works department shall issue two (2) designated collection containers, color-coded, to each residential dwelling unit receiving municipal waste collection and curbside recycling collection: one container, approximately 35 gallons shall be for acceptable municipal solid waste and one container, approximately 65 gallons, shall be for acceptable recyclable materials. All receptacles containing acceptable waste must be placed at the outer edge of the sidewalk or the edge of the roadway shoulder for removal on the day of collection and as short a time as possible before the hour of collection. Under no conditions shall the receptacles be placed for removal prior to 2:00 p.m. on the day before the day of collection. Except that grandfathered facilities shall not receive designated municipal solid waste containers and shall place acceptable municipal solid waste in designated bags for curbside collection. Designated recycling containers shall be assigned to grandfathered facilities, subject to space limitations, as determined by the director of public works.

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Vote on amendment: 6/3; Councilors Mills, Bednarowski and Bourque opposed.
Councilors Swanton, Cote, Laverriere, Ready, Rhames and Angers in favor.
Amendment carries.

Motion by Councilor Mills, seconded by Councilor Bednarowski to amend the ordinance by striking and adding the following to Sec. 58-8 (b):

(b) ~~A variance to a fine may be allowed with an appeal to the City Solid Waste Committee. If approval from the Solid Waste Committee is granted, the fine may be revoked; if not, the violator must follow the thirty day limit for payment of the fine.~~ **A**

1468 ~~grandfathered facility shall no longer be eligible to receive municipal curbside~~
1469 ~~collection services following the date upon which ownership of the property changes~~
1470 ~~or the property becomes otherwise ineligible for services. All grandfathering, as it~~
1471 ~~exists today, would continue until the end of the present contract of July 1st, 2022.~~

1472 Also, to further amend Sec. 58-1-Definitions, by striking from “Grandfathered
1473 Facility:”

1474 ~~**GRANDFATHERED FACILITY shall mean any property that would otherwise generate**~~
1475 ~~**commercial garbage, rubbish, or waste and both (1) currently receives curbside trash collection**~~
1476 ~~**services from the City and (2) the owner of the property has not changed, as of July 1, 2002.**~~

1477 Motion by Councilor Bednarowski, seconded by Councilor Mills to table this ordinance back to
1478 the Policy Committee for further review.

1479 Vote: 3/6; Councilors Bednarowski, Angers and Mills in favor.

1480 Councilors Swanton, Bourque, Cote, Laverriere, Ready and Rhames opposed.

1481 Motion to table fails.

1482 Vote on amendment: 1/8; Councilor Mills in favor.

1483 Councilors Swanton, Bourque, Cote, Bednarowski, Laverriere, Ready, Rhames and Angers
1484 opposed. Motion fails.

1485 Vote on ordinance, as amended: 5/4; Councilors Angers, Mills, Bednarowski and Bourque
1486 opposed.

1487 Councilors Swanton, Cote, Laverriere, Ready and Rhames in favor.

1488 First reading carries.

1489

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