

City of Biddeford
Recycling & Solid Waste Management Commission
July 20, 2022 6:30 PM Via Zoom

Please click the link below to join the webinar:

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Status: Virtual via Zoom

- 1. Call to Order:**
- 2. Approval of Minutes for June 15, 2022**
- 3. Discussion / Approval**
 - 3.1. Update on contamination / Tayla from Casella
 - 3.2. Update - Tagging of bins
 - 3.3. Update - Composting food waste / Cooking oil / New permit through D.E.P. at Public Works Facility
 - 3.4. Discuss ordinance update for offenders of recycling program
[Chapter 58 Regulated activities and administration. - Penalties. - Enforcement \(00000002\).docx](#)
- 4. Other Business**
- 5. Commission Roster Changes - All members need city email**
- 6. Agenda for Next Meeting**

Regards,

Sec. 58-7. Regulated activities and administration.

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

- (1) Such City collection will be limited to properties whose primary use is residential in nature.
- (2) The operating hours and general administration of the City transfer station shall be set by the City Council, except for holidays or emergencies where the Director of Public Works would have the authority to set emergency hours.
- (3) When a holiday falls upon the day of collection, or severe weather necessitates cancellation of collection services, recycling services for the residents on that day's route will be collected on the following Saturday. Collection of waste shall be on the next day following the cancellation.
- (4) 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.
- (5) All grandfathered facilities shall submit a written performance-based recycling plan to the Director of Public Works as identified by the following schedule: **[Added 3-5-2019 by Ord. No. 2019.11]**
 - (1) Grandfathered facilities shall submit a written performance-based recycling plan within 30 days of the effective date of this subsection.
 - (2) A written performance-based recycling plan shall be submitted to the Code Enforcement Office. The method of delivery may include plans submitted via email, fax, regular mail or hand delivery.
 - (3) The Code Enforcement Office shall identify any deficiencies, in writing, along with a due date for a response/corrective action and may request a plan modification upon failure to provide a performance-based demonstration of compliance.
- (6) Residential, 3/5 unit facilities. Contamination of Recyclables

Residential property owners are issued a Recycling Container (Blue Tote), and are responsible for compliance with the rules and restrictions for its use. Violations are subject to the provisions of Section 58-9.

- (7)** If there is a loss of recycling service and privileges, as a result of non-compliance with the Recycling Rules.

You will be required to lease a larger garbage bin:

One (1) Garbage container aka "green 65-gallon tote" for at a yearly fee of \$122.00 for the first year (price per year will vary by tipping fee cost). City staff will replace the existing 35-gallon Green Tote with a registered 65-gallon Green Tote, for use at the user's address. This fee will offset for the extra tipping fee for the larger garbage can due to the loss of the recycling bin privileges due to non-compliance.

If the offenders lease is voided the new lease holder will be giving the recycling can back and a 35-gallon garbage can will replace the 65-gallon trash can. Education information will be giving to the new tenant.

Sec. 58-9. Penalties.

Penalties associated with enforcement shall be waived for a period of three months following the effective date of this chapter to allow for education and awareness.

- (1) Any person who violates any portion of this chapter shall be subject to penalties and enforcement as authorized under the provisions of City of Biddeford Ordinance, Sec. 1-12, General penalty for violation of Code; continuing violations. [Amended 3-5-2019 by Ord. No. 2019.11]
- (2) In no event does this section limit the City's ability to address a nuisance or take other action for equitable relief.
- (3) Any grandfathered facility that generates two documented violations of Sec. 58-32, Mandatory separation, within any twelve-month period, shall result in the loss of City curbside trash collection and recycling services. [Added 3-5-2019 by Ord. No. 2019.11]
- (4) Any person placing unacceptable material in the City issued recycling bin for curbside pickup is subject to the following penalty:
 - (a) 1st offense: The issued recycling container (Blue Tote) will be removed from the curb and placed on the offender's property. A notice will be placed on the container that outlines the violation, along with a contact number of a Public Works staff member. A member of DPW will reach out to the building owner to arrange for delivery of a brochure that outlines and explains the proper recycling rules. Staff will also advise the property owner of the consequences of further violations.
 - (b) 2nd offense: The Blue recycling tote will be pulled away from the curb and placed back to owner's property. A tag will be placed on the container that outlines the violation as a second offense. This will also serve as a warning of the potential loss of curbside services if a third infraction occurs within a period of one year.
 - (c) 3rd offense: Loss of recycling curbside service. Codes Department will be notified to allow enforcement action. Contact will be made to the building owner explaining that they have lost all curbside recycling privileges. City staff will explain other options.

Sec. 58-10. Enforcement.

This chapter shall be enforced by the Public Works Department, authorized commercial hauler, and Code Enforcement Office as further described below.

- (1) Sunset provision. Penalties associated with enforcement shall be waived for a period of three months following the date of this chapter to allow for education and awareness except as identified in Sec. 58-7(5). [Amended 3-5-2019 by Ord. No. 2019.11]
- (2) Upon observation of failure to place only acceptable municipal solid waste in the designated solid waste container or to place only acceptable recyclable materials in the designated recycling container, the receptacle will not be collected and a warning notice shall be placed on the appropriate designated container by the Public Works Department or City-authorized commercial hauler.
 - a. The address, date, and nature of the nonconformance shall be forwarded to the Director of Public Works and the Code Enforcement Officer.
 - b. The Director of Public Works and Code Enforcement Officer shall document and review each nonconformance and determine the appropriate enforcement action.

1. Nonconformance notices corrected prior to the next scheduled collection date shall be closed with no further action except as otherwise identified in Sec. 58-9. [Amended 3-5-2019 by Ord. No. 2019.11]
 2. Failure to correct a nonconformance notice prior to the next scheduled collection date or two or more consecutive nonconformance events in any twelve-month period shall warrant direct contact with the property owner and responsible party to document education and outreach, except as otherwise identified in Sec. 58-9. [Amended 3-5-2019 by Ord. No. 2019.11]
 3. Nonconformance notices issued after contact and education shall be subject to penalties as per Section 58-9. [Added 3-5-2019 by Ord. No. 2019.11]
 4. Enforcement for the performance-based recycling plan requirement and performance-based demonstration of compliances shall commence relative to the applicable timelines specified in Sec. 58-7. [Added 3-5-2019 by Ord. No. 2019.11]
- (3) Upon determination by the Code Enforcement Officer that a violation of this chapter exists or has occurred, the Code Enforcement Officer shall give written notice of the violation to the violator, which notice shall specify the section violated, the nature of the violation, and a reasonable time period to cure the violation.
- (4) If a waste hauler is found to be unlicensed, penalties and enforcement shall be in accordance with Section 58-9.

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