

City of Biddeford
Policy Committee
February 11, 2019 6:30 PM

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustments to the Agenda**
- 4. Acceptance of Minutes**
 - 4.1. December 10, 2019 Policy Committee Meeting Minutes
[12-10-2018 Policy Committee Minutes.docx](#)
- 5. Discussion/Review**
 - 5.1. Disability Parking Space Request - 17 Alfred Street
 - 5.2. Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Granite Street - Odd-Numbered Side
[No Parking - Granite Street.doc](#)
 - 5.3. Ch. 42, Motor Vehicles & Traffic/Sec. 42-66-Beach permit parking regulations enumerated/Change Violation Fine
[Beach permit violations - fee change.docx](#)
 - 5.4. Ch. 58, Solid Waste/Inclusion of language for Grandfathered Housing Recycling Program Standards
[2-11-2019 November 2018 Council Order-Grandfathered Facilities.pdf](#)
[2-11-2019 Proposed Amendments to Ch 58-Solid Waste-Word.docx.doc](#)
 - 5.5. Ch. 58, Solid Waste/Add New Article IV - Single Use Carry-Out Bags
[Ch 58-Single Use Carry-Out Bags.doc](#)
 - 5.6. Recycling Station Fee Structure
[2-11-2019 Recycling Station-Fee Structure.docx](#)
[2-11-2019 SWMC Meeting Minutes-12-27-2018.pdf](#)
 - 5.7. Special Event Parking in the Downtown
[Event Parking Waiver Policy-MEMO.docx](#)
[2-11-2019 Event Parking Waiver Policy.docx](#)
- 6. Adjourn**

**Policy Committee Meeting
December 10, 2018**

Committee Chair, Councilor Marc Lessard called the meeting to order at 6:30 p.m.

Members present: Councilors Marc Lessard, Laura Seaver and Norman Belanger; Members Renee O’Neil and Nathan Bean.

The Committee and all who were present recited the Pledge of Allegiance.

Adjustments to the Agenda:

- Disability Parking/Time Restrictions for On-Street Parking to be considered first
- Delinquent Property Tax Policy Revisions to be considered second

Acceptance of Minutes: September 10, 2018

Motion by Councilor Belanger, seconded by Councilor Seaver to accept the minutes as printed.
Vote: Unanimous.

*Discussion/Review: Ch. 42, Motor Vehicles & Traffic/Sec. 42-100-Disability Parking/
Time Restrictions for Downtown On-Street Parking*

Sec. 42-100 Disability Parking

Except as otherwise established elsewhere in this Chapter a vehicle displaying a disability plate or placard issued in accordance with 29-A M.R.S.A. § 521, shall be allowed to park ~~for double the allotted time~~ without any time limitations imposed under section 42-92 for Downtown Streets. All other posted parking restrictions shall apply.

Motion by Councilor Seaver, seconded by Councilor Belanger to recommend the ordinance amendment to the City Council.

City Solicitor, Keith Jacques explained that the proposed ordinance amendment is consistent with State Law.

Jules Dennison, Ward 5 resident addressed her concern to the Committee that her issue to have unlimited disability parking near her residence is not on this agenda. She had been led to believe that it would be. Councilor Lessard explained the Ms. Dennison’s request was not intentionally left off the agenda, but the intention is to include it on the January Policy Committee meeting, after the City Solicitor has had a chance to look into the legalities of granting the request.

Motion by Councilor Belanger, seconded by Councilor Seaver to amend the proposed ordinance language by removing “*for double the allotted time,*” and replacing with, **without any time.**
Vote on amendment: 4/1, with Councilor Lessard in opposition.

Vote on proposed ordinance amendment, as amended: 4/1; with Councilor Lessard in opposition.

Discussion/Review: Delinquent Tax Policy Revisions

Councilor Lessard noted that any reference to LD129 made in the policy will need to be changed to “State Law.”

Motion by Councilor Belanger, seconded by Member Bean to adopt the policy revisions, including the change to ***State Law*** wherever LD1629 is referenced.

Vote: Unanimous.

**Discussion/Review: Ch. 18, Buildings and Building Regulations, Art. II-Buildings/
Add New Section 18-26 et al. – Registrations and Inspections**

Article II: BUILDINGS

DIVISION 1: REGISTRATIONS & INSPECTIONS

§ 18-26 Purpose.

The City intends to hold owners of multifamily dwellings accountable and responsible for the maintenance of safe living conditions by establishing a multifamily dwelling unit registration and inspections program. Many owners form limited liability companies and other various forms of proprietorships in order to have undisclosed and unidentifiable principals. Many individuals no longer have landlines and communicate mainly with cell phones which are mostly unlisted. This makes the effort to locate the person(s) who owns the property extremely difficult and very time consuming. By requiring the disclosure of ownership, it provides a transparency to the citizens of Biddeford and enables City officials to perform their duties. The City intends to improve safety and sanitary living conditions for the residents of multifamily dwellings by establishing a program of regular inspections of such properties through its Code Enforcement Office. The City seeks to assure properties come into compliance with current life safety codes and standards, and that owners are alerted to any detrimental conditions that could place tenants at risk. The City intends to work cooperatively and proactively with owners of such properties by setting a protocol for regular inspections, as well as providing owners with clear standards for maintenance of their properties.

§ 18-27 Definitions.

As used in this article, the following terms shall have the meanings indicated:

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

LIFE SAFETY INSPECTION: An inspection performed by the Code Enforcement Office to evaluate the building for compliance with current life safety standards and compliance with the International Property Maintenance Code.

MULTIFAMILY DWELLING: A building containing three or more dwelling units located all within the same structure and under the same ownership.

PROPERTY MANAGEMENT FIRM: Any company responsible for the management of a multifamily dwelling unit and which has access and control over the entire premises.

PROPERTY MANAGER: Any individual responsible for the management of a multifamily dwelling unit and who has access and control over the entire premises.

§ 18-28 Multifamily dwelling unit ownership/registration.

A. Owner(s) of a multifamily dwelling building shall register their ownership with the City. Registrations are due annually or within 30 days of purchase of the property. If a new owner registers mid-year, they will not be charged unless the inspection is scheduled for that year. as long as the annual fee has already been paid for the building. The registration is valid through the calendar year.

B. Registrations will be done through the Code Enforcement Office. All fees shall be made payable to the City of Biddeford and shall be processed at the submission of the registration.

C. In the event the owner uses a property management firm or has a property manager, the owner shall provide the property manager's or property management firm's contact information at the time of registration. If the property management changes during the twelve-month registration period, the owner shall notify the City within 30 days of the date of the change.

D. The annual registration and inspection fee is \$25.00 per dwelling unit.

(E) Newly constructed multifamily dwelling units/buildings requiring a certificate of occupancy for the entire building shall be exempt from inspection requirements for 10 years from the date of issuance of the certificate of occupancy.

§ 18-29 Inspections.

A. Life safety inspections for all multi-families shall be completed every 5 years. The owner will be notified at the time of registration if the inspection will be completed that year, or a later year. Once a property has been inspected, it will not be re-inspected for five years thereafter, unless there is just cause.

B. Upon two weeks of notice, the owner shall grant the Code Enforcement Office full access to the property during the life safety inspection. This shall include, but not be limited to, each dwelling unit, all common areas, all basements, all outbuildings, and any other area of the property the Code Enforcement Officer deems necessary to inspect.

§ 18-30 Violations and enforcement.

A. The Code Enforcement Office shall have the primary responsibility for enforcement of this article. If the Code Enforcement Officer, or his/her designee(s), determines that a violation of this article has occurred, he or she shall send a notice to the property owner indicating a violation exists, and a time frame for remediation shall be established. Subsequent violations of this article shall be subject to the penalties set forth below.

B. Violations are as follows:

(1) Failure to register shall result in a penalty fee of \$250 assessed for each ten(10) calendar days which elapse after that date until such time the registration fee and all penalty fees are paid in full.

(2) Failure to update property management/owner contact information shall result in a penalty fee of \$250 for each ten(10) calendar days which elapse after the date the owner was required to notify the city until such a notice is given and all penalty fees are paid in full.

(3) Providing false information shall result in a penalty fee of \$1,000 for each ten(10) calendar days which elapse after such information was provided until such time as the information is corrected and all penalty fees are paid in full.

(4) Failure Refusal to allow the Code Office to conduct the inspection shall result in a fee of \$1,000 for each calendar day until the inspection is complete.

(5) Renting a unit that has not been registered shall result in a fee of \$250 for each ten(10) calendar days which elapse after the unit was rented until such time the registration fee and all penalty fees are paid in full.

Motion by Councilor Seaver, seconded by Councilor Belanger to recommend the ordinance amendment to the City Council.

Code Enforcement Officer, Roby Fecteau explained that this ordinance is part of the ongoing inspection program of the multi-family homes of three or more units. The first round of inspections of this program has almost been completed, and has been done at no fee to the property owners. Moving forward, subsequent inspections will include a charge to property owners; and penalties have been outlined in this ordinance. \$62,500 is what was budgeted in the FY19 Budget for the second round of inspections.

Motion by Member Bean, seconded by Member O’Neil to amend Sec. 18-28 (A) to include language that the annual fee will not be charged to a new owner, as long as it has already been paid by the prior owner.

Vote on amendment: Unanimous.

Motion by Councilor Belanger, seconded by Councilor Seaver to amend Sec. 18-28 (E) to add language that includes any building requiring a certificate of occupancy for the entire building.

Vote on amendment: Unanimous.

The following amendments were made to Sec. 18-30 – Violations and enforcement (B):

(1) Motion by Councilor Belanger, seconded by Councilor Seaver to amend by adding:

ten(10) calendar days which elapse.

Vote: Unanimous.

(2) Motion by Councilor Belanger, seconded by Councilor Seaver to amend by adding:

ten(10) calendar days which elapse.

Vote: Unanimous.

(3) Motion by Councilor Belanger, seconded by Councilor Seaver to amend by adding:

ten(10) calendar days which elapse.

Vote: Unanimous.

(4) Motion by Councilor Belanger, seconded by Councilor Seaver to amend by replacing the word “Failure” with “**Refusal**,” and add “for each **calendar** day.”

Vote: Unanimous

(5) Motion by Councilor Belanger, seconded by Councilor Seaver to amend by adding:

ten(10) calendar days which elapse.

Vote: Unanimous.

Vote on ordinance amendment, as amended: Unanimous.

Discussion/Review: Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Cardinal Lane

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

Cardinal Lane, odd-numbered side, from the intersection with Marial Avenue to dead end.

Motion by Councilor Seaver, seconded by Member Bean to recommend the ordinance amendment to the City Council.

Vote: Unanimous.

Discussion/Review: Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Lily Pond Avenue

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

Lily Pond Avenue, both sides, from the intersection with Fortunes Rocks Road, both entrances, entire street.

Motion by Councilor Seaver, seconded by Member Bean to recommend the ordinance amendment to the City Council.

Vote: Unanimous.

Discussion/Review: Ch. 42, Motor Vehicles & Traffic/Sec. 42-59-Snow Emergency Parking Ban/Addition of Parking Lots

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article III, Parking Stopping and Standing, **Section 42-59 Snow Emergency Parking Ban**, be amended by adding or ~~deleting~~ to read as follows:

The following provisions shall apply during snow emergencies as declared by the Director of Public Works:

- (1) When the Director of Public Works deems it necessary to allow for the safe and efficient removal of snow and ice from the public ways within the City, the Director may declare that a snow emergency exists. The Director of Public Works will announce the snow emergency by notifying the local radio and television media, and request that they make periodic announcements of the parking ban. The Director will state in his notice that during the hours of the emergency, parking of motor vehicles is prohibited on any way or municipal parking lot within the jurisdiction of the City, except that the municipal parking lots at the Community Center (Myrtle Street side only) and Clifford Park East Biddeford Little League parking lot (on Hill Street), Public Access parking lot (on Pool

Street) and Sullivan Street parking lot, are open for parking during the period of the emergency at no fee; and the, Foss Street Parking Lot, Washington Street Parking Lot, Gas House Parking Lot, and the Water Street Parking Lot are open for parking during the period of the emergency on a pay-per-use permit-only basis.

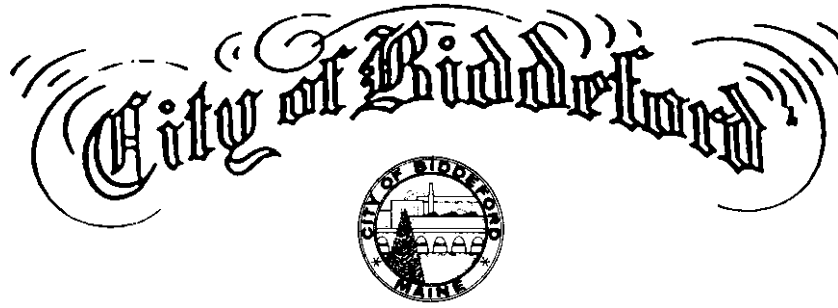
Motion by Councilor Belanger, seconded by Councilor Seaver to recommend the ordinance amendment to the City Council.

Vote: Unanimous.

Motion by Councilor Seaver, seconded by Councilor Belanger to adjourn.

Vote: Unanimous.

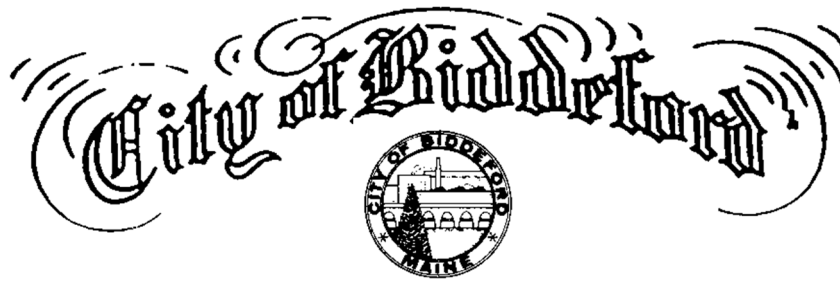
Time: 7:22 p.m.



BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

Granite Street, odd-numbered side, from the intersection with Hill Street, thence southeasterly to the intersection of Oak Street.

NOTE: Vehicles typically do not park in that part of Granite Street, but when someone parks there, there is insufficient width to allow two way traffic.



BE IT ORDAINED, by the Downtown Committee of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article III, Parking Stopping and Standing, **Section 42-66 Beach permit parking regulations enumerated**, is amended by adding or ~~deleting~~ to read as follows:

Sec. 42-66. Beach permit parking regulations enumerated.

(7) Violations of the provisions of this section shall be punished by a fine of ~~\$50~~ \$35 for each separate offense. Use of an invalid sticker and illegal parking are separate offenses. Vehicles illegally parked will be towed at the owner's expense.

NOTE: The Downtown Committee considered this item at their January 10, 2019 meeting and voted to refer the matter to the Policy Committee for review, and with the Committee's recommendation for approval.



2018.132

IN BOARD OF CITY COUNCIL...NOVEMBER 20, 2018,

BE IT ORDERED, that the City Manager prepare amendments to Chapter 58-Solid Waste, by creating multifamily housing recycling program standard, amending the definition of "grandfathered facility" to include a performance-based demonstration of compliance with the multifamily housing recycling program standards, and developing an enforcement protocol applicable to all multifamily housing units of three or more to include loss of curbside solid waste services.

BE IT FURTHER ORDERED, that a draft of the amendments be presented to the Solid Waste Commission in December and that the Solid Waste Commission prepare recommendations for consideration by the Policy Committee no later than January 2, 2019, through the use of special meetings if necessary, for the regular Policy Committee Meeting on January 7, 2019.

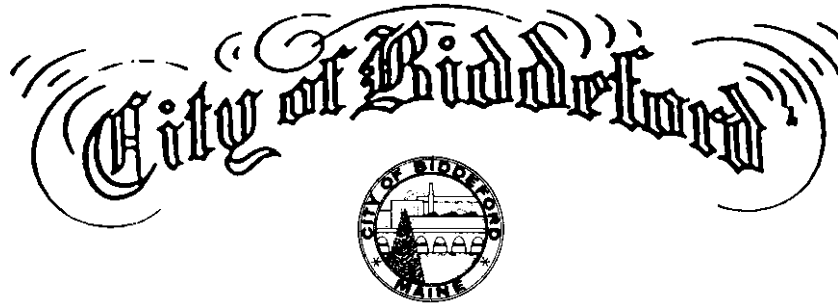
BE IT FURTHER ORDERED, that the Policy Committee prepare recommendations for consideration by the City Council no later than January 30, 2019 in preparation for the regular City Council Meeting on February 5, 2019.

November 20, 2018

Motion by Councilor Swanton, seconded by Councilor Lessard to grant the order.

Vote: Unanimous.

Attest by: _____
Carmen J. Morris, City Clerk



BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 58, SOLID WASTE, Article I, IN GENERAL and Article II, COLLECTION**, is amended by adding and ~~deleting~~ to read as follows:

ARTICLE I. IN GENERAL

Sec. 58-1. Definitions.

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

ACCEPTABLE MUNICIPAL SOLID WASTE

All waste as identified by the Public Works Director annually in accordance with existing disposal agreements, disposal facility acceptance requirements and permit authorizations.

ACCEPTABLE RECYCLABLE MATERIALS

All acceptable recyclables as identified by the Public Works Director annually In accordance with existing recycling agreements, recycling facility acceptance requirements and permit authorizations.

ASHES

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

CITY

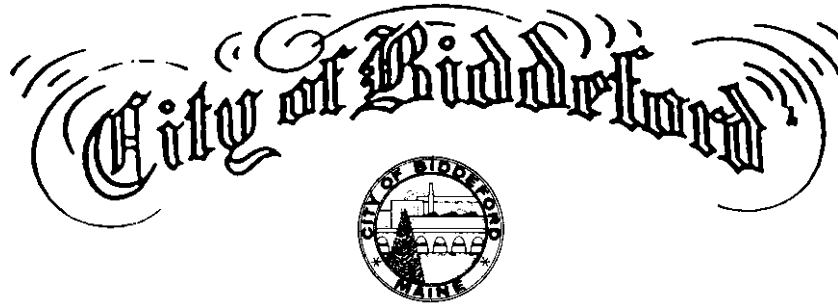
The City of Biddeford, Maine.

CITY TRANSFER STATION

A City-owned building or container or designated area in which acceptable waste is disposed of transshipment to another facility for disposal or material recovery.

COMMERCIAL GARBAGE, RUBBISH, OR WASTE

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



DESIGNATED MUNICIPAL SOLID WASTE CONTAINER

A container provided by the City for the sole purpose of storing acceptable municipal waste prior to curbside collection. Bags designated for overflow are also considered designated municipal solid waste containers.

DESIGNATED RECYCLING CONTAINER

A portable container provided by the City for the sole purpose of storage of acceptable recyclables prior to curbside collection.

DISPOSAL

The discharge, deposit, injection, dumping, leaking, spilling or placing of any solid waste into or on any land or water.

DISPOSAL FACILITY

The facility or facilities controlled or designated by the City for the storage and/or disposal of wastes.

ENERGY RECOVERY FACILITY

A facility which processes and recovers energy from acceptable waste generated within the City.

GRANDFATHERED FACILITY

Any property that would otherwise generate commercial recyclables, garbage, rubbish, or waste and both 1) currently receives curbside collection services from the City and currently receives curbside recycling collection services; and 2) the owner of the property has not changed, as of July 1, 2002. The following condominium locations also shall be grandfathered facilities: 1) 318 Alfred Street; 2) 100 Hills Beach Road; 3) 9 Lester B. Orcutt Boulevard; 4) 55 West Street; and 5) 91-93 Western Avenue.

HAZARDOUS WASTE

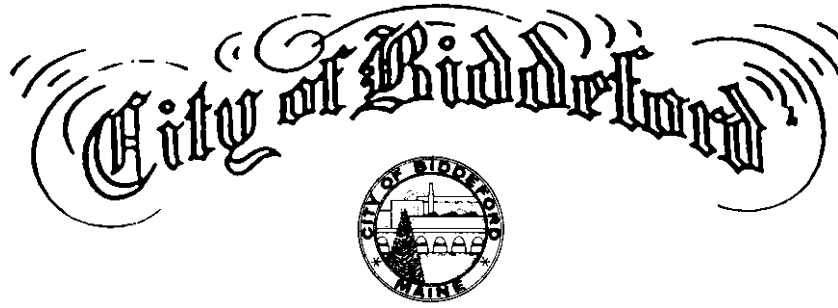
The waste substance or material, in any physical state, designated as hazardous by federal, state or local laws; waste material that exhibits characteristics of hazardous waste, as defined in RCRA (ignitability, corrosivity, reactivity, or toxicity), is listed specifically in RCRA 261.3 Subpart D, is a mixture of either, or is designated locally or by the state as hazardous or undesirable for handling as part of the municipal solid waste and would have to be treated as regulated hazardous waste if not from a household.

HOUSEHOLD

Each residential unit regardless of whether the residential unit is owned by an individual or business entity.

HOUSEHOLD GARBAGE AND RUBBISH

Any acceptable waste originating and/or generated within the boundaries of the City, at the site of generation by a homeowner or occupant. For the purpose of



this chapter, this does not include commercial garbage, rubbish, or waste except that waste generated from a grandfathered facility.

OVERFLOW

That volume of acceptable municipal solid waste in excess of the volume of the designated municipal solid waste container.

PERFORMANCE-BASED DEMONSTRATION OF COMPLIANCE

Placing uncontaminated recycling containers at the curb for pick-up shall serve as prima face evidence that the facility has compliance with its performance based recycling plan. This determination may be made each time a container is placed for collection.

PERFORMANCE-BASED RECYCLING PLAN

A recycling management plan for each facility shall contain a minimum of five (5) elements, to include: (1) a written plan, (2) the facility owner's contact information, (3) a single-point of contact for recycling matters, (4) the facility address and (5) a plan that includes a method or procedure to ensure only acceptable recycling materials are placed in the recycling container for curbside collection.

PRIVATE TRANSFER STATION

A privately owned building or container or designated area in which waste is temporarily deposited and stored for transshipment to a disposal facility.

PRIVATE WAY

Any street, lane, road or other roadway not considered a public way.

PUBLIC WAY

Any street, lane, road, or other roadway accepted by the City Council as a public way.

RESOURCE RECOVERY

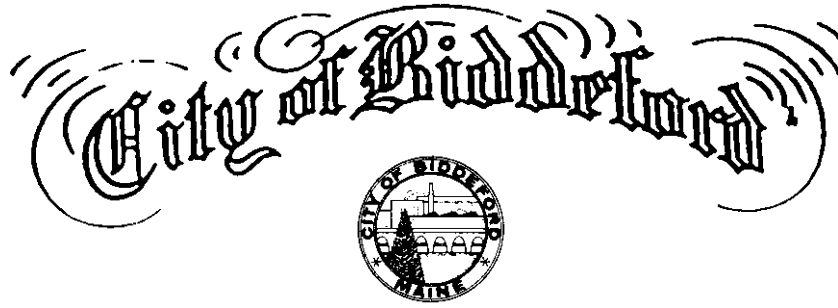
The recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

SELF-HAULER

Any person involved in the collection and transportation of self-generated recyclable material or solid waste.

SOLID WASTE

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



UNACCEPTABLE WASTE

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

WASTE HAULER

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

WHITE GOODS

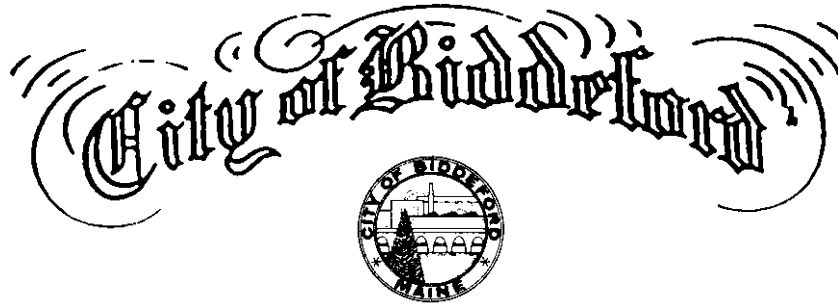
Major appliances, such as refrigerators, stoves, freezers, washing machines and dryers, generally having a bulk in excess of 10 cubic feet or a single dimension exceeding five feet.

Sec. 58-2. Legislative authority.

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

Sec. 58-3. Purpose.

- (a) The City has a statutory obligation to provide waste disposal services for domestic and commercial waste generated within the City and is authorized to provide such a facility for industrial waste and sewage treatment plant sludge, pursuant to 38 M.R.S.A. § 1305(1). Municipal solid waste contains valuable recoverable resources, including energy, which if recovered reduce the cost of solid waste disposal.
- (b) The City must exercise its legal authority to control the collection, transportation and disposal of solid waste generated within its borders.
- (c) The City shall establish a system of regular collection, subject to the requirements of this chapter, for all household garbage and rubbish and recyclables, all as defined herein. The City will not collect commercial garbage and rubbish, and such commercial garbage and rubbish shall be removed from the premises and disposed of at the expense of the owner or occupant of such premises. The City shall not collect otherwise eligible waste from residences located on private ways unless it is brought to the intersection of the private way and a public way and otherwise complies with all other requirements of this article. The Director of Public Works is expressly granted the authority to issue rules or regulations governing the collection of containers on private ways, streets that are too narrow to allow for routine



collection, and for dead-end streets where it is impractical for the collection trucks to service the containers.

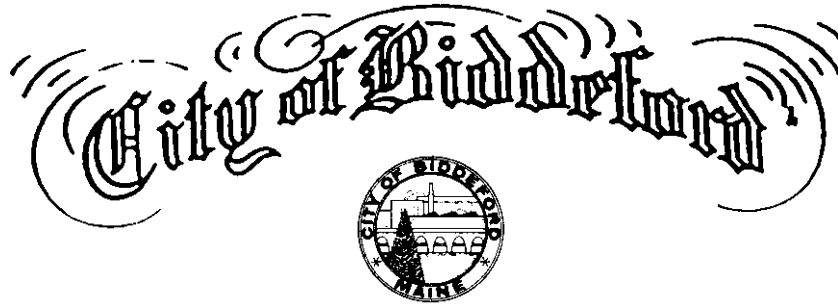
Sec. 58-4. Regulated activity.

The accumulation, collection, transportation and disposal of the following materials generated within the City shall be regulated in the following manner:

- (1) All acceptable solid waste generated within the City from eligible residential customers and grandfathered condominiums facilities shall be 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, and grandfathered facilities if applicable, 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 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 in a 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.

Sec. 58-5. Property rights.

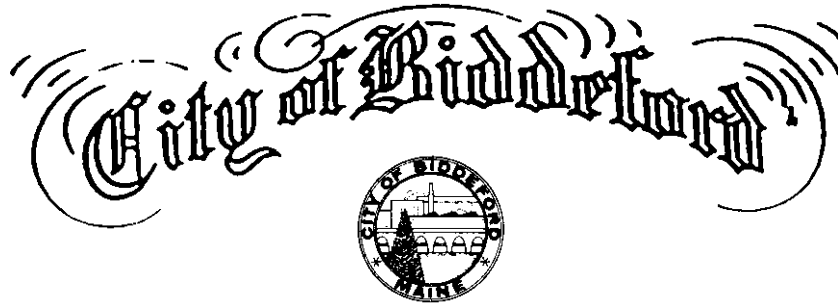
- (a) All solid waste collected by City vehicles or deposited at the City transfer station or other designated area shall become the property of the City or its assignee. No one may salvage, remove or carry off any such waste without prior approval of the Director of Public Works in accordance with a 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.

This chapter shall be administered as described below:

- (1) City Council: Adopt reasonable rules and regulations as needed to enforce this chapter and institute any 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 10 days after receipt of a completed application at the City offices or a later time as deemed reasonable by the City Clerk and the applicant.
- (3) Codes Office:
 - a. To review any alleged violation of this chapter, and to impose appropriate penalties.
 - b. To institute necessary proceedings, either legal or equitable, to enforce this chapter.
 - c. To review all applications in consultation with the City Clerk.
- (4) Director of Public Works:
 - a. The collection, transportation and disposal of all waste generated within the municipality shall be under the supervision and direction of the Director of Public Works.
 - b. The Director of Public Works shall establish a collection schedule that will allow the collection of acceptable municipal solid waste and acceptable recyclable materials on a regular basis and may make periodic changes to the schedule as may be needed to facilitate the program in an efficient and effective manner.
 - c. The Director of Public Works shall determine the manner in which unacceptable waste shall be managed and deposited.
 - d. The Director of Public Works or designee shall ensure that a reasonable attempt is made to provide appropriate notice to affected parties upon adoption of materials changes to this Chapter.
- (5) Solid Waste Management Commission.
 - a. To review the City's waste collection and management policies and propose revisions as may be needed to the City's comprehensive solid waste management plan, and reduce costs to the taxpayers of the City.
 - b. Evaluate, propose, and conduct education and outreach to facilitate the program in an efficient and effective manner.



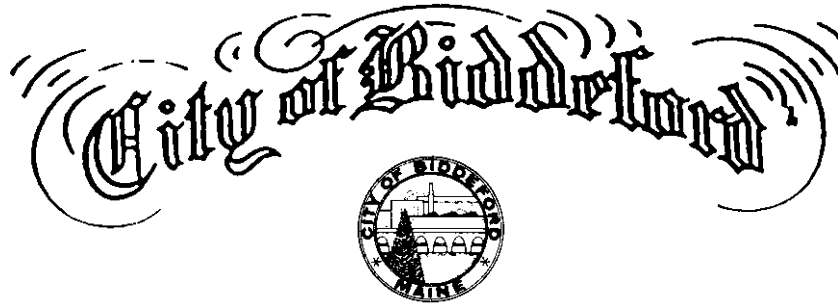
Sec. 58-7. Regulated activities and administration.

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 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:

- a. Grandfathered facilities shall submit a written Performance-Based Recycling Plan within 30-days of the effective date of this ordinance.
- b. 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.
- c. 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.



Sec. 58-8. Variances.

- (a) Evaluation of private ways for municipal waste collection and curbside collection of acceptable recyclables shall be reviewed through the variance process. The Director of Public Works may, on written application, grant a variance from a specific provision of this chapter in specific cases, subject to appropriate conditions, where such variance is in harmony with the general purpose and intent of this chapter. 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 grandfathered facility, excluding grandfathered condominium facilities 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. 58-9. Penalties.

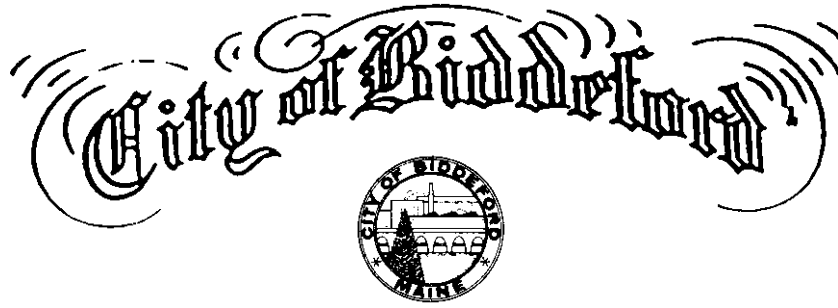
Penalties associated with enforcement shall be waived for a period of three months following the effective dates of this chapter to allow for education and awareness.

- (1) ~~Criminal penalties.~~ Any person who violates any portion of this chapter shall be subject to penalties and enforcement as authorized under the provisions of ~~30-A M.R.S.A. §4452~~ City of Biddeford Ordinance, Sec. 1-12-General penalty for violation of Code; continuing violations.
- (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(2) documented violations of Sec. 58-32-Mandatory Separation, within any 12-month period, shall result in the loss of city curbside trash collection and recycling services.

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.

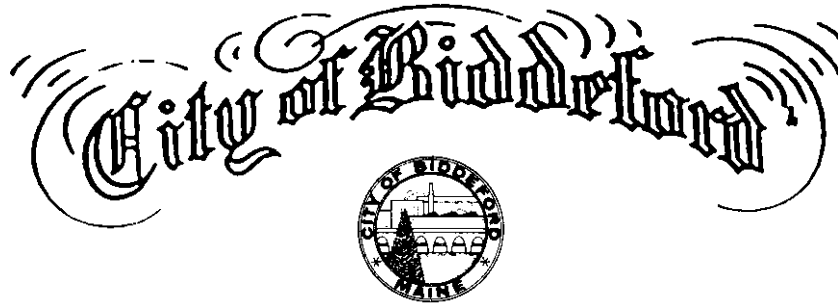
- (1) Sunset provision. Penalties associated with enforcement shall be waived for a period of three months following the date of this chapter to allow for education and awareness except as identified in Sec. 58-7(5).



- (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 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
 2. Failure to correct a nonconformance notice prior to the next scheduled collection date or two or more consecutive nonconformance events in any 12-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.
 3. Nonconformance notices issued after contact and education shall be subject to penalties as per Section 58-9.
 - 3—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.
- (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 be unlicensed, penalties and enforcement shall be in accordance with Section 58-9.

Sec. 58-11. Effect on other laws; severability.

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



ARTICLE II. COLLECTION

Sec. 58-31. Effective date.

This chapter shall become July 1, 2013, provided the City provides notice of commencement in the manner required for publication of ordinances.

Sec. 58-32. Mandatory separation.

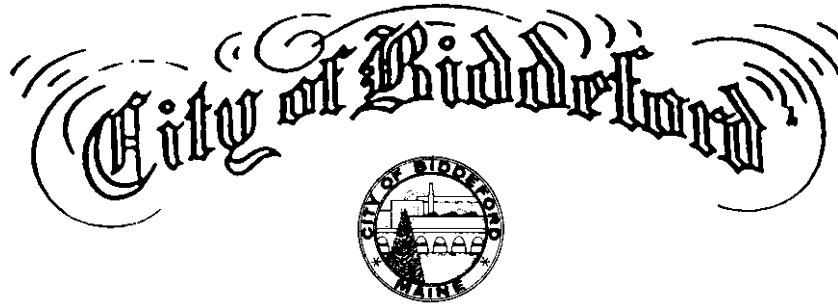
- (1) Each household eligible for and receiving City curbside collection services for acceptable municipal solid waste or acceptable recyclable materials shall separate acceptable recyclable materials, acceptable municipal solid waste, and unacceptable waste.
- (2) Separated materials shall be managed as identified in this chapter.

(3) All Grandfathered Facilities shall have and maintain on-site a written Performance-Based Recycling Plan.

Sec. 58-33. (Reserved)

Sec. 58-34. Exempted activities.

- (a) Residents shall be exempt from the separation requirements identified in Section 58-32 and the overflow requirements identified in Section 58-35(a)(1) for the collection period coinciding with Thanksgiving and Christmas as specifically designated by the Director of Public Works.
- (b) Nothing in this chapter shall prevent a residential user from retaining materials from his or her acceptable municipal solid waste or acceptable recyclable materials the purpose of sale or profit.
- (c) 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.



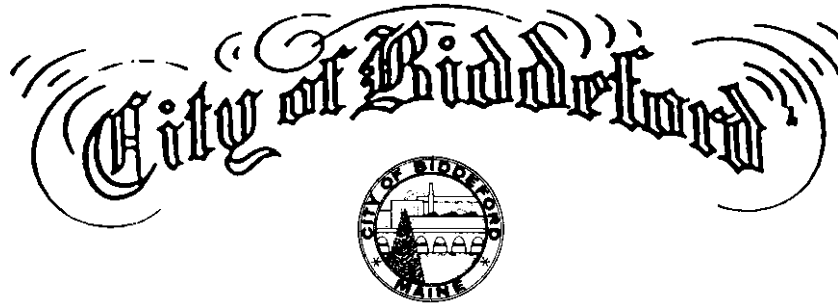
Sec. 58-35. Portable receptacles.

(a) The Public Works Department shall issue two 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; except that grandfathered facilities, except that grandfathered condominium 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.

- a. 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.
- b. The City Council shall establish the overflow bag price, which may be adjusted.
- c. 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.
- d. Overflow restrictions may be waived during designated emergency collection schedules as defined in Section 58-7(4).

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



(b) Each designated container shall remain the sole property of the City of Biddeford and may not be moved to any other location.

(c) Residents may request larger or additional designated recycling containers from the Director of Public Works for good cause as determined by the Director of Public Works. Requests of any other nature shall be evaluated through the variance process.

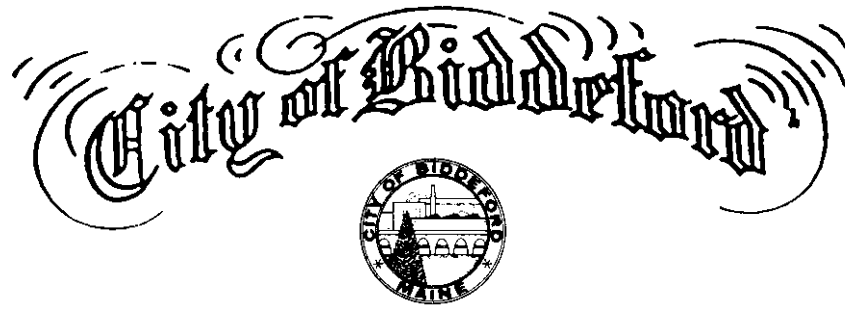
Sec. 58-36. through Sec. 58-39. (Reserved)

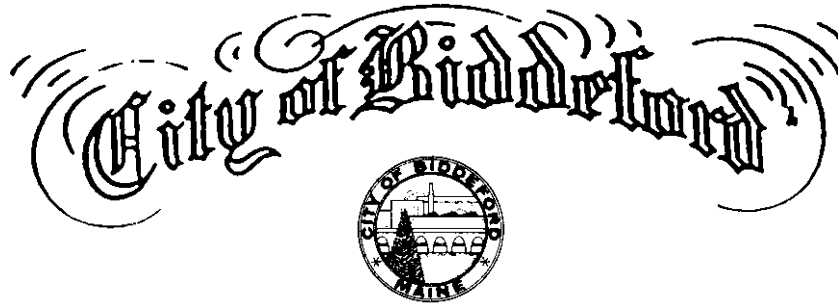
Sec. 58-40. Container repair and replacement; stolen containers.

- (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.
- (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.
- (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.
- (d) If a container is stolen, the responsible party must report the theft to the Biddeford Police Department and the 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.

Sec. 58-41. Container placement and removal.

- (a) All designated municipal solid waste containers and designated recycling containers 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 of one foot of spacing between containers. Under no conditions shall the containers be placed at the outer edge of the sidewalk or edge of the roadway for removal prior to 4:00 p.m. on the day before the day of collection.
- (b) All containers must be removed from the outer edge of the sidewalk or edge of the roadway shoulder by 8:00 p.m. on the day of collection.





BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 58, SOLID WASTE, Article IV, Section 58-106 et al. – Single Use Carry-Out Bags**, is amended by adding to read as follows:

Sec. 58-106 Effective date.

This article shall become effective (3-months after adoption OR by a date certain to be specified), provided the City gives notice of commencement in the manner required for publication of ordinances.

Sec. 58-107 Purpose.

It is in the best interest of the citizens and visitors of Biddeford to protect the environment and natural resources of Maine by prohibiting single-use carry out PLASTIC bags and encouraging the use of reusable shopping bags in Stores, as defined below.

Sec. 58-108 Findings.

Single-use carryout bags have a negative impact on the environment and wildlife; and
Cause significant interference with the efficient processing of single-sort recycling methods; and

It is important to keep the City of Biddeford as litter-free as possible to enhance the quality of life for Biddeford's residents and visitors; and

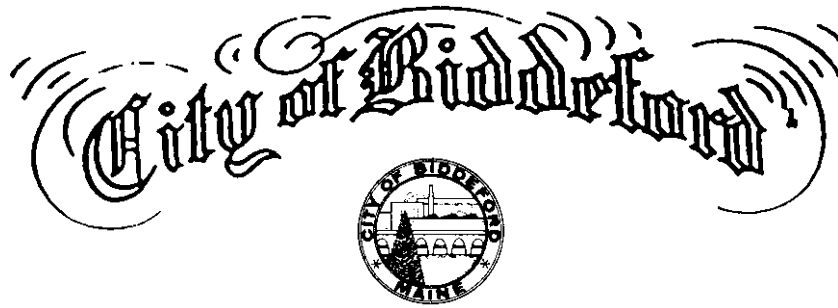
A substantial portion of Biddeford is adjacent to the Saco River and Biddeford is a coastal community with a vested interest in protecting the ocean environment from plastic debris; and this Ordinance is authorized under the City's home rule authority pursuant to 30-A §3001 et seq.

Sec. 58-109 Definitions.

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:

SINGLE-USE CARRYOUT PLASTIC BAG

A plastic bag other than a Reusable Bag, as defined below, provided at the checkout stand, cash register, point of sale or other point of departure for the purpose of



transporting food or merchandise out of the establishment. The term Single-Use Carryout Bag includes compostable and biodegradable bags, but does not include reusable bags, produce bags, product bags single-use paper bags, or bags provided by pharmacists to contain prescription drugs.

PRODUCE BAG or PRODUCT BAG

Any bag without handles used exclusively to carry produce, meats, other food items or merchandise within the store to the point of sale inside such store or to prevent such items from coming into direct contact with other purchased items.

REUSABLE BAG

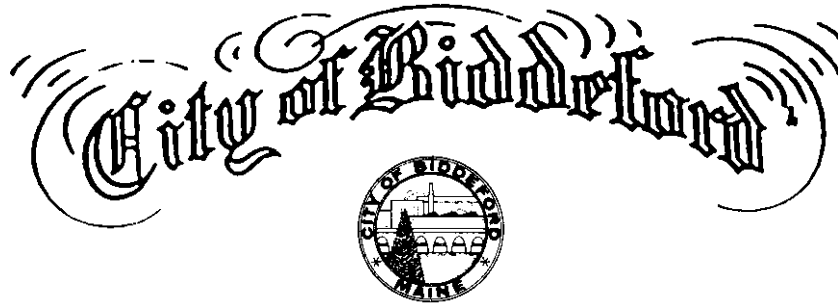
A bag that meets all of the following criteria:

- (a) Designed and manufactured to withstand repeated uses over a period of time;
- (b) Is machine washable or, made from a material that can be cleaned and disinfected regularly;
- (c) Has a minimum lifetime of 75 uses; and
- (d) Has the capability of carrying a minimum of 18 pounds.

STORE

Any of the following retail establishments located within the City of Biddeford engaged in the sale of perishable or non-perishable goods to the ultimate consumer for direct use or consumption and not for resale:

- (a) a full-line, self-service market located in a permanent building, operating year-round, and which sells at retail a line of staple foodstuffs, meats, produce, household supplies, dairy products or other perishable items.
- (b) a drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods.

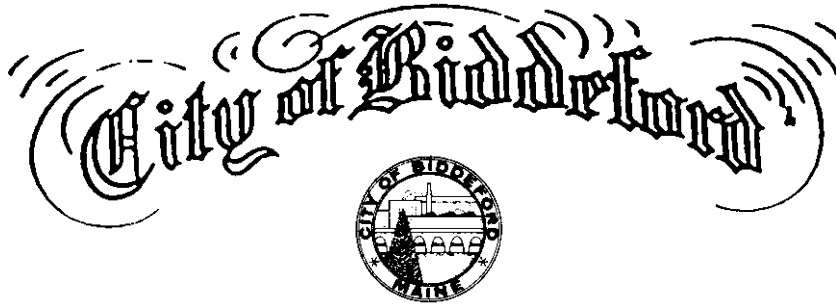


"Store" does not mean:

- (1) Restaurants; or
- (2) Businesses at which food sales are an incidental part of the business. Food sales will be considered to be "incidental" if such sales comprise no more than 2 percent of the business's gross sales in the City of Biddeford as measured by the dollar value of food sales as a percentage of the dollar value of total sales at any single location.

Sec. 58-110 Single-Use Carryout Bag.

- (a) No Store, as defined above, shall provide a Single Use Carryout Bag made of plastic that does not meet all the criteria as a Reusable Bag, as defined above, to a customer at the checkout stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment.
- (b) A Store may make available for sale to a customer a Single-Use PAPER Carryout Bag and may choose to charge for a PAPER Carryout Bag a uniform charge of five cents (\$.05) per bag.
- (c) All monies collected by a Store for Single-Use Carryout PAPER Bags under this Section may be used by the Store for any lawful purpose.
- (d) All Stores must post signage clearly indicating the per bag charge for Single-Use Carryout PAPER Bags, if a fee is to be charged.
- (e) Notwithstanding this Section, no Store may make available for sale a Single-Use Carryout PAPER Bag unless the amount of the sale of the Single-Use Carryout PAPER Bag is separately itemized on the sale receipt.
- (f) Nothing in this Section shall be construed to prohibit customers from using bags of any type that the customer brings to the Store for their own use or for carrying away from the Store goods that are not placed in a bag provided by the Store.
- (g) Carryout bags for take-out meals from a restaurant or food ready to eat carried out from a business that prepares meals on-site for sale to the public are exempt from the definitions of a Single Use Bag.



Sec. 58-111 Exemptions.

A Store shall be exempt from the provisions of this Ordinance, in a situation deemed by the City Manager to be an emergency for the immediate preservation of the public health or safety in consultation with the Emergency Management Director for the City.

Sec. 58-112 Violations and Enforcement.

The Code Enforcement Officer or his/her designee(s) shall have the primary responsibility for enforcement of this Ordinance. If the Code Enforcement Officer or his/her designee(s) determines that a violation of this Ordinance has occurred, he/she shall issue a written warning notice to the Store that a violation has occurred. Subsequent violations of the Ordinance shall be subject to the penalties set forth below.

Violations of this Ordinance shall be punishable by fines as follows:

- (1) A fine not exceeding \$250 for the first violation in a one-year period;
- (2) A fine not exceeding \$500 for the second and each subsequent violation in a one-year period. Each day that a violation occurs will be considered a subsequent violation.

Recycling Station

The Public Works Department recommended to the Solid Waste Commission some changes in the fee structure at the Recycling Center.

The following fee structure was recommended and approved by the Solid Waste Commission on December 27, 2018. Please see the attached minutes.

Brush- Residents:	\$4.00 a cubic yard.
Commercial haulers:	\$10.00 a cubic yard.
Grass- Residents:	Free
Commercial haulers:	\$10.00 a cubic yard.
Household Items/Demo Debris:	\$20.00 a cubic yard for all users

Public Works Department

371 Hill Street, Biddeford, Maine 04005

SOLID WASTE MANAGEMENT COMMISSION MEETING

MINUTES OF DECEMBER 27, 2018

Attendance: Adam Bellefeuille Chair, Marc G. Malon, Councilor Michael Swanton, Councilor marc Lessard, Dan Lamontagne, Ben Neveux, Jeff Demers/Public works director, Carl Marcotte/ Assistant director, Roby Fecteau/ Director of Codes

Donna Tippet /Resigned

Charles Drapeau/Resigned

The minutes for November 14, 2018 were accepted as printed with one correction Ben Neveux was present at the 11/14/2018 meeting.

The commission was briefed on the application process for the pilot program of food waste.

Had a lengthy discussion on the contamination of recyclable goods. Staff explained how the council was briefed on the contamination issue and how the City is working to educate citizens in order to avoid financial penalties. Staff had a brief discussion and explained how Eco-Maine is charging its municipalities a contamination fee based on the estimated level of contamination. It is assumed by staff that Casella will be trying to implicate a similar surcharge in response to this issue. The City of Biddeford to date has not been made aware of what the impact of continued high contamination levels will be if not corrected. Jeff explained how he and Carl felt Casella was close to sending something forward to the city after our recent audits described later in this memo.

Staff explained briefly to the commission on efforts that have taken place in the last five months along with Casella in trying to pin point the worst offenders. The Public Works staff has been actively engaged in a number of efforts to get ahead of this issue in consultation with Casella.

- Meeting with city manager, chief operating officer, public works director and Casella Staff on July, 17, 2018 at city hall.
- Educational meeting with Casella on July 24, 2018 at the Solid Waste Management Commission meeting to discuss planning steps.
- Public works and code enforcement staff took a number of trips to Westbrook to evaluate the issue first-hand to acquire an understanding of the level of recycling contamination. The estimated contamination level was estimated at approximately 40%.
- In an attempt to learn from other communities and launch an effective education campaign, staff spoke with City of Auburn representatives and Casella about ways other communities are attempting to address the contamination issue. The identified goal is reducing contamination to approximately 5%. Auburn indicated they were at about their 5th week of education in one zone of their city. They reported a 10% reducing in contamination levels from about 45 +/- percent prior to educational flyers to approximately 35 +/- percent.
- Posted educational video on the public access Channel for 2 weeks.
- Published the educational flyer in the City's weekly *Beat* several times.
- Published the educational flyer on the city's web site.

included educational flyer in the take home package to parents on the opening day of school for all K-4 students.

- Handed out educational flyer at the hazardous waste day event held at the public works department.

Question was asked by Marc Lessard about the residential homeowners. Staff explained how they are still doing some ongoing visual inspections throughout the city along with the audits to explain how staff came to the determination of the offenders. Audits were performed on 10/21, 10/26 and 10/1 throughout the city with an average contamination rate being about 19%. Public works then performed another 5 day audit being only the grandfathered 6 or more units on the week of 10/12 with a contamination rate of about 35%. Public works then performed one more 5 day audit city wide on the dates of December 17th, 18th, 19th, 20th and the 21st with a contamination rate of 16%.

Staff then went through the new drafted proposed ordinance change under chapter 58. Solid Waste. Staff went through the changes in detail with a lengthy conversation. The commission was not in favor of the penalty of losing trash service completely for the three to five unit buildings. Mike Swanton brought up the impacts that the landlord/building owners already had been placed on them this year. Jeff asked if they would consider voting on the grandfathered units only. The commission agreed to send to policy the outlined changes dealing with the grandfathered units per staff's recommendations. Motion made by Marc Malone and seconded by Marc Lessard with the understanding staff will look at the three to five unit buildings and bring back to the commission on the 16th of January with a possible fee structure for the Three to Five units to be voted on prior to sending to policy. Motion passed 6-0 in favor.

Staff then brought forward the final recommendation requested by the commission from prior meeting discussions on the issue of brush, grass and large item. To send to policy a new fee structure as follows.

- Brush Residents \$4.00 a cubic yard. Commercial haulers \$10.00 a cubic yard.
- Grass Residents Free. Commercial haulers \$10.00 a cubic yard.

Motion was made by Marc Lessard and a second by Marc Malone. Motion passed by 6-0 in favor of new fee structure.

Discussion then continued about demo debris.

- House hold items/demo debris \$20.00 a cubic yard for all users.

Motion was made by Mike Swanton and second by Marc Lessard. Motion passed 6-0 in favor of new fee structure.

Final discussion was about the plastic bags at the shopping centers and the currier that gets delivered curb side. Commission asked to have a copy of the ordinance from Saco and will vote on the issue at the next meeting if staff has the details.

Motion to adjourn @ 7:45pm



City of Biddeford

Chief Operating Officer/Technology Dept/IPP
P.O. Box 586 • 205 Main Street
Biddeford, ME 04005
Phone: (207) 571-0032 • Fax: (207) 571-0656

Briefing Memo

TO: Chairman Marc Lessard and Members of the Policy Committee

CC: James Bennett
Roger Beaupre
Carmen Morris
Brad Favreau

FROM: Brian S. Phinney, COO/Technology/IPP

DATE: February 6, 2019

RE: DRAFT City Council Policy on Event Parking Waivers

The Downtown Committee discussed the issue of event parking waivers at the January 10 regular meeting. The Downtown Committee recommended that staff prepare draft language to be considered by the Policy Committee. The attached draft reflects the work product in the form of a council policy.

A council policy was determined to be the most appropriate mechanism due to the underlying issues of parking, equity, finances, and the current regulatory authority of the City Council. As a policy, the Council may amend the document as may be needed from time to time to serve as guidance when considering event parking waivers. Also, the City Council currently has the absolute right to waive parking fees and time-limited on street restrictions through a council order. The caveat is that once a benefit is extended to one event organizer, in this example the waiving of parking fees, the same benefit must be extended to all organizers requesting that fees be waived. The draft policy contains language that recognizes the issue of equity by limiting any potential parking waivers to city-sponsored events.

Operational issues were also considered. For example, the city sells long-term permits in the pay-per-use municipal lots. In order to honor the permits issued, there needs to be some restriction on the number of spaces available for "free parking" created by a waiver otherwise the permit holders could easily be displaced. The policy contains language that limits waivers, if considered, to the Yellow Lot (Downtown Lot) since this is an hourly-only lot. A city-sponsored event parking waiver in this lot would have no impact on the permit holders.

Additionally, the policy contemplates waivers for city-sponsored events involving on street parking on designated streets by temporarily relaxing or eliminating time restrictions, to the extent not already authorized under the Special Event Permit process.

As stated previously, the City Council has the right to waive fees, change or waive time restrictions, and issue parking waivers by order. Since this right currently exists, there is no need to change or modify the code of ordinances. The policy serves as guidance to the various committees and staff as to how parking waiver requests are to be addressed, identifies the City Council as the decision authority, ensures the City Council maintains control over uniform and equitable consideration of parking waiver requests, and specifies that the City Council has control over whether or not fees are collected or waived for events.

City Council Policy

On

Event Parking Waivers

The City of Biddeford recognizes events as an important part of Biddeford's quality of life. They help build a sense of community, provide an economic benefit to businesses, promote cultural diversity and provide affordable entertainment. The City of Biddeford is committed to working with event organizers to help them produce a successful and safe event that has minimal impact on the environment, surrounding neighborhoods, and businesses through responsible leadership, careful planning, good organization and teamwork.

Definitions

City-Sponsored/Operated Events

Events that are created, planned, and implemented by City Departments or Agencies. Funding for City sponsored events, to the extent required, is reviewed annually during the budget process. Permit fees are to be waived for events falling within this category. City staff may seek private and corporate sponsorships for the event.

City Co-Sponsored Events

Events that are created, planned, and implemented by non-City Agencies with City support. City support for the co-sponsored events may include in-kind services from City staff based on regular staff hours, waiver of some permit fees, and/or financial support limited to funds approved in City's annual budget. Cost recovery expenses, to the extent required, are to be paid to the City and may include staff overtime, supplies, materials, and other direct expenses.

Event

A social gathering that includes, but is not limited to, city-sponsored/operated events, city co-sponsored events, non-city sponsored events, and parades & walks.

Event Parking Waiver

A temporary relaxation or discontinuance of parking fees or unique parking restrictions for a specific event other than those authorized under Special Event Permitting.

Extraordinary Services

"Extraordinary Services" means reasonable and necessary services provided by the City which specifically result from the planning, execution, and clean-up of the Event. Extraordinary services result in measurable financial costs which are above and beyond the normal levels of public health and safety services on a nonevent day (i.e. those services requiring city employees to be specifically assigned to tasks in support of the Event and/or those services resulting in overtime pay or similar costs – such as police protection, traffic control, fire monitoring, dedicated paramedic service, parks/ recreation services, and other services necessary to ensure the protection of participants and citizens, the proper functioning of City services, and the proper administration of city ordinances and this policy). The City reserves the right to determine necessary staff requirements to ensure proper event management and public safety.

Non-City Sponsored Events

Events that are created, planned, and implemented by non-City Agencies. The City does not provide financial support for these events and expects to be reimbursed for all costs associated with the activity; including overtime expenses, supplies, materials, and permit fees. In the case of Non-Profit Events, the City of Biddeford may, upon approval by the City Manager, assist with the operation by providing “extraordinary services” from City staff. Non-city sponsored events require a permit as per City Code of Ordinances.

Parades & Walks

Parades/Walks provide a unique contribution to the City by promoting community identity and providing cultural enrichment and are primarily associated with the use of public streets. Parades & Walks require a permit as per City Code of Ordinances.

Block/Street Parties

An outdoor public event organized by the residents of a neighborhood or organization and held on the city right-of-way for social or entertainment purposes. Block/Street Parties require a permit as per City Code of Ordinances.

Policy

The City of Biddeford will place no unreasonable restrictions on the personal rights of event organizers, nor will there be any discrimination based on sex, age, race, nationality, religion, sexual orientation, disability, or other factors as amended from time to time by local ordinance or state and federal law.

For the purpose of this policy, and to ensure equal treatment of event organizers, event parking waivers shall only be issued for city-sponsored events at the discretion of the City Council. Such a waiver, if issued, shall be limited to the Yellow Lot (Downtown Lot). Event parking waivers for city-sponsored events may also be considered, at the discretion of the City Council, for events involving on street parking on designated streets by temporarily relaxing or eliminating time restrictions, to the extent not already authorized under the Special Event Permit process.

All other events shall comply with established parking rules, requirements, and fees.