

City of Biddeford
Solid Waste Management Commission
January 16, 2019 6:30 PM Public Works

- 1. Call to Order**
- 2. Approval of Minutes**
 - 2.1. Minutes of December 27, 2018
[Minutes December 27, 2018.docx](#)
- 3. Discussion / Approval**
 - 3.1. Update on Composting Food Waste at Public Works Facility
 - 3.2. Casella Update on Contamination & Moving Forward to Policy
- 4. Staff Reports**
- 5. School Programs Update**
 - 5.1. Food Waste Composting
- 6. Questions /Comments on Reports**
 - 6.1. Recycling Reports
[Recycling Report.pdf](#)
 - 6.2. Code Enforcement Report
 - 6.3. Curbside Trash & Recycling Report
- 7. Commission Roster Changes**
- 8. Education/Advertising/Fiscal Year Budget**
- 9. Other Business**
 - 9.1. Single Use Bag Ban
[20190107 DRAFT ADD Chapter 58 Article IV Single-Use Bag Ban.docx](#)
 - 9.2. Chapter 58. Solid Waste
[20190107 Chapter 58 - Revisions - Grandfathering](#)
- 10. Agenda for Next Meeting**

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

DEPARTMENT OF PUBLIC WORKS MONTHLY RECYCLING REPORT REVENUES														DATE:	1/7/2019	PAGE 1
		JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER		1ST		
		TONS	REV # R 4575	TONS	REV # R 4575	TONS	REV # R 4575	TONS	REV # R 4575	TONS	REV # R 4575	TONS	REV # R 4575	6 MONTHS TOTALS		
NEWSPAPER																
YR	2015	0	\$ -	0	\$ -	0	\$ -	20.82	\$ 1,041.00		\$ -	0	\$ -	\$ 1,041.00		
YR	2016	0	\$ -	0	\$ -	0	\$ -	0	\$ -		\$ -	0	\$ -	\$ -		
YR	2017	0	\$ -	0	\$ -	0	\$ -	22.99	\$ 1,666.77		\$ -	0	\$ -	\$ 1,666.77		
YR	2018	21.38	\$ 1,710.40	0	\$ -	0	\$ -		\$ -	21.91	\$ 1,971.90	0	\$ -	\$ 3,682.30		
OFFICE PAPER																
YR	2015		\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -		
YR	2016		\$ -	0	\$ -		\$ -		\$ -		\$ -	17.36	\$ 3,124.80	\$ 3,124.80		
YR	2017		\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -		
YR	2018		\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -		
CARDBOARD																
YR	2015	22.86	\$ 2,155.70	22.9	\$ 2,159.47	22.17	\$ 2,090.63	22.88	\$ 2,157.59	23.19	\$ 2,165.95		\$ -	\$10,729.34		
YR	2016	0	\$ -	22.05	\$ 2,432.11	43.96	\$ 5,072.57	0	\$ -	22.53	\$ 2,598.58	22.63	\$ 2,568.50	\$12,669.76		
YR	2017	22.02	\$ 4,079.20	22.54	\$ 4,029.02	22.35	\$ 3,885.54	0	\$ -	22.2	\$ 2,514.15	21.98	\$ 2,522.20	\$17,030.11		
YR	2018		\$ -	67.88	\$ 6,894.63		\$ -	21.65	\$ 1,515.50	22.94	\$ 1,720.50	21.93	\$ 1,754.40	\$11,885.03		
MILK JUGS																
YR	2015		\$ -		\$ -		\$ -		\$ -		\$ -	0	\$ -	\$ -		
YR	2016		\$ -		\$ -		\$ -		\$ -		\$ -	0	\$ -	\$ -		
YR	2017		\$ -		\$ -		\$ -		\$ -		\$ -	0	\$ -	\$ -		
YR	2018		\$ -		\$ -		\$ -		\$ -		\$ -	0	\$ -	\$ -		
#1PLASTICS																
YR	2015	0	\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -		
YR	2016	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	0	\$ -	\$ -		
YR	2017	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	0	\$ -	\$ -		
YR	2018	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	0	\$ -	\$ -		
MIXED PLASTICS																
YR	2015		\$ -	0	\$ -		\$ -		\$ -		\$ -	0	\$ -	\$ -		
YR	2016		\$ -	0	\$ -		\$ -		\$ -		\$ -	0	\$ -	\$ -		
YR	2017		\$ -	0	\$ -		\$ -		\$ -		\$ -	0	\$ -	\$ -		
YR	2018		\$ -	0	\$ -		\$ -		\$ -		\$ -	0	\$ 4,494.13	\$ 4,494.13		
TIN CANS																
YR	2015	0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -	0	\$ -	\$ -		
YR	2016	0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -	11.6	\$ 2,030.00	\$ 2,030.00		
YR	2017	0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -		
YR	2018	0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -		

DEPARTMENT OF PUBLIC WORKS MONTHLY RECYCLING REPORT REVENUES														DATE:	1/7/2019	PAGE 2
		JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE		2ND	YTD	
		TONS	REV # R 4575	TONS	REV # R 4575	TONS	REV # R 4575	TONS	REV # R 4575	TONS	REV # R 4575	TONS	REV # R 4575	6 MONTHS TOTALS	TOTALS	
NEWSPAPER																
YR :	2016		\$ -	0	\$ -		\$ -		\$ -	21.86	\$ 1,748.80	0	\$ -	\$ 1,748.80	\$ 2,789.80	
YR :	2017	15.86	\$ 1,427.40	0	\$ -		\$ -		\$ -	0	\$ -	0	\$ -	\$ 1,427.40	\$ 1,427.40	
YR :	2018		\$ -	0	\$ -		\$ -		\$ -	0	\$ -	0	\$ -	\$ -	\$ 1,666.77	
YR :	2019		\$ -	0	\$ -		\$ -		\$ -	0	\$ -	0	\$ -	\$ -	\$ 3,682.30	
OFFICE PAPER																
YR :	2016	0	\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2017	0	\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ 3,124.80	
YR :	2018	0	\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2019	0	\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
CARDBOARD																
YR :	2016	22.58	\$ 1,996.08	22.74	\$ 2,010.22	22.49	\$ 1,988.12	22.79	\$ 2,073.89		\$ -	22.91	\$ 2,348.28	\$10,416.59	\$ 21,145.93	
YR :	2017	22.14	\$ 2,712.15	22.83	\$ 4,406.19	0	\$ -	22.24	\$ 3,725.20	22.65	\$ 3,509.61	22.54	\$ 3,792.35	\$18,145.50	\$ 30,815.26	
YR :	2018	22.39	\$ 2,586.05		\$ -	21.89	\$ 2,298.45	21.85	\$ 1,748.00	22.4	\$ 1,568.00	22.22	\$ 1,533.18	\$ 9,733.68	\$ 26,763.79	
YR :	2019		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ 11,885.03	
MILK JUGS																
YR :	2016		\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2017		\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2018		\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2019		\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
#1PLASTICS																
YR :	2016	0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2017	0	\$ -		\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2018	0	\$ -		\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2019	0	\$ -		\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
MIXED PLASTICS																
YR :	2016		\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2017		\$ -		\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2018		\$ -		\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2019		\$ -		\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ 4,494.13	
TIN CANS																
YR :	2016	0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2017	0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ 2,030.00	
YR :	2018	0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	
YR :	2019	0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	

DEPARTMENT OF PUBLIC WORKS MONTHLY RECYCLING REPORT REVENUES														DATE:	1/7/2019				PAGE 3	

DEPARTMENT OF PUBLIC WORKS MONTHLY RECYCLING REPORT REVENUES													DATE:	1/7/2019	PAGE 4		
		JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE		2ND	YTD		GRAND
		TONS	REV # R 4575	TONS	REV # R 4575	TONS	REV # R 4575	TONS	REV # R 4575	TONS	REV # R 4575	TONS	REV # R 4575	6 MONTHS TOTALS	TOTALS		TOTALS
GLASS																	
YR : 2016		0	\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ -		
YR : 2017		0	\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ -		
YR : 2018		0	\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ -		
YR : 2019		0	\$ -	0	\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ -		
JUNK STEEL																	
YR : 2016		25.66	\$ 340.40	13.7	\$ 391.80		\$ -		\$ -	47.6	\$ 1,657.85	74.96	\$ 4,036.55	\$ 6,426.60	\$ 13,332.55		
YR : 2017		24.11	\$ 878.25	23.33	\$ 1,286.25		\$ -	23.33	\$ 1,844.40	28.91	\$ 2,029.17	0	\$ -	\$ 6,038.07	\$ 13,842.72		
YR : 2018		15.94	\$ 798.20	15.88	\$ 1,252.80	19.97	\$ 1,800.70		\$ -		\$ -	92.3	\$ 9,601.60	\$13,453.30	\$ 33,631.95		
YR : 2019			\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	\$ -	\$ 14,561.73		
LARGE ITEM / DEMO																	
YR : 2016			\$ 437.00		\$ 484.00	0	\$ 779.00		\$ 556.00	\$ -	\$ 666.00		\$ 1,324.00	\$ 4,246.00	\$ 9,235.00		
YR : 2017			\$ 443.00		\$ 249.00	0	\$ 743.00		\$ 800.00	\$ -	\$ 1,546.00		\$ 1,011.00	\$ 4,792.00	\$ 9,624.00		
YR : 2018			\$ 668.00		\$ 611.00	0	\$ 491.00		\$ 922.00	\$ -	\$ 836.00		\$ 940.00	\$ 4,468.00	\$ 12,611.00		
YR : 2019			\$ -		\$ -	0	\$ -		\$ -	\$ -	\$ -		\$ -	\$ -	\$ 5,675.00		
AUTOMOTIVE BATTERIES																	
YR : 2016			\$ -		\$ 282.00	0	\$ -		\$ -		\$ -		\$ -	\$ 282.00	\$ 626.50		
YR : 2017			\$ -		\$ -	0	\$ -		\$ -		\$ 629.64		\$ -	\$ 629.64	\$ 1,760.58		
YR : 2018			\$ -		\$ -	0	\$ -		\$ -		\$ -		\$ 794.92	\$ 794.92	\$ 2,014.00		
YR : 2019			\$ -		\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -		
CRT'S - TV / TOW/COM/PR																	
YR : 2016			\$ 315.36	0	\$ 71.41	0	\$ 162.09	0	\$ 186.31		\$ 350.00		\$ -	\$ 1,085.17	\$ 2,515.10		
YR : 2017			\$ 127.25	0	\$ 200.83	0	\$ -	0	\$ 87.96		\$ 160.32		\$ 27.57	\$ 603.93	\$ 1,711.52		
YR : 2018			\$ 47.90	0	\$ 75.42	0	\$ 57.46	0	\$ 104.67		\$ 132.86		\$ 69.37	\$ 487.68	\$ 1,321.70		
YR : 2019			\$ -	0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -	\$ -	\$ 647.57		
REF / AIR CONDITIONERS																	
YR : 2016			\$ 260.00	0	\$ 240.00	0	\$ 300.00		\$ 500.00		\$ 640.00		\$ 840.00	\$ 2,780.00	\$ 6,840.00		
YR : 2017			\$ 360.00	0	\$ 60.00	0	\$ 320.00		\$ 360.00		\$ 880.00		\$ 920.00	\$ 2,900.00	\$ 7,780.00		
YR : 2018			\$ 160.00	0	\$ 420.00	0	\$ 320.00		\$ 580.00		\$ 800.00		\$ 1,320.00	\$ 3,600.00	\$ 8,480.00		
YR : 2019			\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ 6,380.00	FY 16 \$ 56,484.88	
USED MOTOR OIL																FY 17 \$ 72,116.28	
YR : 2016		0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	FY 18 \$ 86,489.21	
YR : 2017		0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -	FY 19 \$ 47,325.76	
YR : 2018		0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -		
YR : 2019		0	\$ -	0	\$ -	0	\$ -		\$ -		\$ -		\$ -	\$ -	\$ -		
ALUMINUM	YR : 2018	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	\$ -	\$ -		
ALUMINUM	YR : 2019	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	\$ -	\$ -		

Chapter 58, Article IV-Single Use Carry-Out Bags

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 provides 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 check 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 check 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 (\$0.05) 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 from carrying away from the Store goods that are not placed in a bag provided by the Store.
- (g) Carry-out 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.

Sec. 58-113 through Sec. 58-30 (Reserved)

Chapter 58. Solid Waste

[HISTORY: Adopted by the City Council of the City of Biddeford 5-7-2013 by Ord. No. 2013.29.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Littering — See Ch. **34**, Art. **II**.

Streets, sidewalks and other public places — See Ch. **62**.

[1]

Editor's Note: This ordinance also superseded former Ch. 58, Solid Waste, derived from Ords. of 2-4-1992, 5-19-1992(1) and 9-20-1994, as amended.

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 context 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 for 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 taxes 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 multifamily 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.

[Amended 3-3-2015 by Ord. No. 2015.10]

DESIGNATED MUNICIPAL SOLID WASTE CONTAINER

A portable 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 trash collection services from the City 2) 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

[Amended 3-3-2015 by Ord. No. 2015.10]

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 demonstrated 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 containing a minimum of five (5) elements to include, (1) a written plan, (2) the facility owner's contact information, (2) a single-point of contact for recycling matters, (3) the facility address and, (4) 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. § 1304-B.

Sec. 58-3. Purpose.

- (a) The City has a statutory obligation to provide solid 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 municipal solid waste generated within the City from eligible residential customers and grandfathered ~~condominium~~-facilities shall be placed in a designated solid waste container and collected by the City at curbside on a weekly basis.
[Amended 3-3-2015 by Ord. No. 2015.10]
- (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.
[Amended 3-3-2015 by Ord. No. 2015.10]
- (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 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 for 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.
 - ~~e.~~ 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 facilitate 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 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.
 - 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.
 - ~~(4)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.
[Amended 3-3-2015 by Ord. No. 2015.10]

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) ~~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.

~~(3)~~

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 effective date of this chapter to allow for education and awareness except as identified 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 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.

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 to 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.

Sec. 58-12. through Sec. 58-30. (Reserved)

ARTICLE II. COLLECTION

Sec. 58-31. Effective date.

This chapter shall become effective 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 for 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 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.

[Amended 3-3-2015 by Ord. No. 2015.10]

- (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.

[Amended 6-3-2014 by Ord. No. 2014.41]

- (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.

Sec. 58-42. through Sec. 58-60. (Reserved)