



**City of Biddeford
Policy Committee**

February 23, 2026 at 6:00 PM
City Hall Council Chambers & Teams

[Policy Committee | Meeting-Join | Microsoft Teams](#)

Meeting ID: 258 728 594 586 87

Passcode:TE34dh7V

Dial by Phone:

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Phone conference ID: 726 425 413#

1. Roll Call
2. Pledge of Allegiance
3. Adjustment(s) to Agenda
4. Approval of Minutes
 - 4.a Policy Committee Minutes 1-26-26
5. Discussion/Review
 - 5.a Revised Household Waste Definition and 2 bag overflow limit per week.
 - 5.b Revised Emergency Medical Services Ordinance
 - 5.c Revised Manufactured Housing Mobile Home Parks Ordinance
 - 5.d Proposed Ordinance Article VI. Section 79. Solar Energy Systems Ordinance
 - 5.e Proposed Electric Vehicle Charging Ordinance
6. Adjourn

City of Biddeford
Policy Committee
January 26, 2026 at 6:00 PM
Meeting held via Teams

1. Roll Call - all present

Marie Potvin

Roger Beaupre

Norman Belanger

Jake Pierson

David Kurtz

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

None

4. Approval of Minutes

4.a Policy minutes 11-10-25

Motion: Norman Belanger

Second: Marie Potvin

Vote: Unanimous in favor.

Motion passed.

5. Discussion/Review

5.a Proposed Shellfish Licensing ordinance changes

City Clerk Patterson explained the proposed changes and answered questions. The committee discussed the proposed changes; they recommended eliminating the recreational license discount for 70 and older.

Jake Pierson - motion to move the ordinance changes forward to City Council.

Second: Marie Potvin

Vote: Unanimous in favor.

Motion passed.

5.b Proposed Changes to Code Enforcement Fees

Code Enforcement Officer Fecteau explained the proposed changes and answered questions.

The committee asked for B3 “less than 2000 feet” to be removed, it is not necessary.

Norman Belanger - motion to send to City Council the increase in fees for building permits as well as electrical fees, plumbing fees included.

Second: Jake Pierson

Vote: Unanimous in favor.

Motion passed.

Other:

The Solar Ordinance will be on the next agenda.

The work to combine Shellfish and Harbor commissions should come back to Policy soon and the Policy Committee will continue with the other changes that were in progress last year.

6. Adjourn

Motion to adjourn at 7:04 pm by Norman Belanger

Second: Marie Potvin

Vote: Unanimous in favor.

Meeting adjourned.



Policy Committee

Meeting Date: February 23, 2026
Meeting Time: 6:00 PM
Agenda Item No: 5.a
Item Description: Revised Household Waste Definition and 2 bag overflow limit per week.
Submitted By: Jeff Demers, Director of Public Works

Key Terms:

Household waste disposal

Executive Summary:

Public Works is looking for an ordinance clarification on acceptable residential offal, household trash and kitchen waste. Public Works is also requesting a 2-bag overflow limit per week, except during the Thanksgiving and Christmas holidays.

Detailed Review:

Public Works is requesting clarification and revision to the City's current ordinance language regarding acceptable residential offal, household trash, and kitchen waste.

Ordinance Clarification Request

The current ordinance definition is overly broad and unintentionally allows materials to be placed curbside that do not meet the intent of standard household waste. This has resulted in the following: increased disposal tonnage, higher tipping fees, misuse of weekly curbside collection services.

The existing language permits interpretation that includes non-household materials such as clean-out debris, moving waste, and other bulk items. These materials significantly increase costs and are not typical week-to-week household trash.

Public Works is seeking clearer language that strictly defines acceptable curbside waste as routine residential household trash generated from normal daily living activities.

Overflow Bag Limitation

Additionally, Public Works is requesting the ordinance be amended to limit overflow bags to **two (2) per week per residence**.

Over the past several years, the number of overflow bags placed curbside has steadily increased. Many residents use weekly collection as an opportunity for:

- Basement and cellar clean-outs
- Moving-related disposal
- Disposal of accumulated bulk materials

This trend increases tipping costs and places additional strain on equipment and staffing.

Residents currently have access to appropriate disposal options through the Biddeford Public Works Department for household goods and bulk items. That service is intended for larger disposal needs and helps control curbside collection costs.

Financial Impact

Clarifying acceptable materials and limiting overflow bags will:

- Reduce unnecessary tipping fees
- Maintain fairness among ratepayers
- Improve operational efficiency
- Preserve equipment longevity

Public Works is requesting Council approval to update and clarify the ordinance to better align with its original intent and ensure sustainable solid waste operations moving forward. Revisions are highlighted in tracked changes in Attachment 1.

Funding Source:

N/A

Staff Recommendation:

Staff recommends Committee approval of the ordinance changes and referral to Council for consideration.

Next Steps:

If approved by the Policy Committee, the ordinance changes will be sent to Council for consideration and two readings.

Attachments:

1. Public Waste Ordinance Change- SM final

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.

ALTERNATIVE DESIGNATED SOLID WASTE CONTAINER — A sixty-five-gallon solid waste container available through the alternate voluntary solid waste service established under Sec. 58-35(a)(1)a2. **[Added 7-7-2020 by Ord. No. 2020.51]**

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 garbage, rubbish, or waste and both 1) currently receives curbside trash collection services from

the City 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, [acceptable solid waste includes normal household refuse, including residential offal, household trash and kitchen waste](#) ~~this~~ and 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 pickup shall serve as prima facie 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. **[Added 3-5-2019 by Ord. No. 2019.11]**

PERFORMANCE-BASED RECYCLING PLAN — A recycling management plan for each facility shall contain a minimum of five elements, to include: **[Added 3-5-2019 by Ord. No. 2019.11]**

- (1) A written plan.
- (2) The facility owner's contact information.
- (3) A single point of contact for recycling matters.
- (4) The facility address.
- (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. § 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 solid waste generated within the City from eligible residential customers and grandfathered facilities shall be placed in a designated solid waste container and collected by the City at curbside on a weekly basis. Acceptable solid waste includes normal household refuse, including residential offal, household trash and kitchen waste. Unacceptable waste shall not be collected and must be disposed of properly by residents at the city's transfer station. Unacceptable waste includes, but is not limited to: leaf and yard waste; dirt; sod; concrete; rock; large appliances; small appliances or furniture; televisions or other electronic equipment; computers; construction, remodeling or demolition debris; textiles; hazardous waste; commercial or industrial waste; medical waste; hazardous materials; mercury containing products such as fluorescent lamps, ballast, thermometers, and thermostats; and liquid and flammable waste such as non-latex paint, gasoline, diesel, oil, pesticides, herbicides, and hot ashes. Unacceptable items not collected by the public works' curbside program will be the responsibility of the resident for proper disposal. Unacceptable items must be removed from curbside within 24 hours by the resident. **[Amended 3-3-2015 by Ord. No. 2015.10; 3-5-2019 by Ord. No. 2019.11]**
- (2) 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. There shall be a limit of 2 overflow bags per municipal container except during the Thanksgiving and Christmas holidays.
- ~~(3)~~(3) If overflow is placed in a separate container, the container shall not be larger than 45 gallons or weigh in excess of 35 pounds and shall not to consist of more than two overflow bags.
- ~~(2)~~(4) 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)~~(5) All recyclable materials designated as acceptable for delivery to the Biddeford Recycling Center may be delivered to the facility by any entity.
- ~~(4)~~(6) 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)~~(7) 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.
- 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 material changes to this chapter. **[Added 3-5-2019 by Ord. No. 2019.11]**

(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: **[Added 3-5-2019 by Ord. No. 2019.11]**
- (1) Grandfathered facilities shall submit a written performance-based recycling plan within 30 days of the effective date of this subsection.
 - (2) A written performance-based recycling plan shall be submitted to the Code Enforcement Office. The method of delivery may include plans submitted via email, fax, regular mail or hand delivery.
 - (3) The Code Enforcement Office shall identify any deficiencies, in writing, along with a due date for a response/corrective action and may request a plan modification upon failure to provide a performance-based demonstration of compliance.
- (6) Residential property owners shall be issued a recycling container and are responsible for compliance with the rules and restrictions for its use, including the separation of acceptable recyclable materials as defined in this Chapter 58 (the "Recycling Rules"). Violations are subject to the provisions of Section 58-9. **[Added 10-18-2022 by Ord. No. 2022.84]**

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. [Amended 3-5-2019 by Ord. No. 2019.11; 10-18-2022 by Ord. No. 2022.84]

- (1) Any person who violates any portion of this chapter shall be subject to penalties and enforcement as authorized under the provisions of City of Biddeford Ordinance, Sec. 1-12, General penalty for violation of Code; continuing violations.
- (2) In no event does this section limit the City's ability to address a nuisance or take other action for equitable relief.
- (3) Any grandfathered facility that generates two documented violations of Sec. 58-32, Mandatory separation, within any twelve-month period, shall result in the loss of City curbside trash collection and recycling services.

- (4) Any unacceptable material placed in the City-issued recycling bin for curbside pickup as set forth in the Recycling Rules shall subject the resident to the loss of their recycling privileges subject to the enforcement process set forth in Section 58-10.

Sec. 58-10. Enforcement. [Amended 3-5-2019 by Ord. No. 2019.11; 10-18-2022 by Ord. No. 2022.84]

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

- (1) Any unacceptable material placed in the City-issued recycling bin for curbside pickup as set forth in the Recycling Rules shall be subject to the following cumulative enforcement provisions:
- a. Upon the first offense within any twelve-consecutive-month period, the issued recycling container will be removed from the curb and placed on the offender's property. A notice will be placed on the container that outlines the violation, along with a contact number of a Public Works staff member. A member of the Department of Public Works will attempt to contact the building owner to arrange for delivery of a brochure that outlines and explains the proper recycling rules. Staff will also advise the property owner of the consequences of further violations.
 - b. Upon the second offense within 12 months of the first offense, the recycling tote will be pulled away from the curb and placed back on the offender's property. A tag will be placed on the container that outlines the violation as a second offense. This will also serve as a warning of the potential loss of curbside services if a third infraction occurs within a period of one year.
 - c. Upon the third offense within 12 months of the second offense, the resident shall lose recycling curbside service. The Codes Department will be notified to allow enforcement action. Contact will be made with the building owner explaining that they have lost all curbside recycling privileges. City staff will explain other options. If there is a loss of recycling service and privileges as a result of noncompliance with the Recycling Rules, the resident who has lost such privileges will be required to lease a larger solid waste bin as described in Section 58-35 to replace both the recycling and the solid waste receptacles and pay the fee set forth in Section 58-35. Such penalty shall be resident specific, and if the resident at said location changes either due to a change in the tenant or a change in the owner/resident of such property, the new resident shall return the larger solid waste receptacle and be provided with receptacles as set forth in Section 58-35.
- (2) Upon observation of failure to place only acceptable municipal solid waste in the designated solid waste 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 twelve-month period shall warrant direct contact with the property owner and responsible party to document education and outreach, except as otherwise identified in Sec. 58-9.
 3. Nonconformance notices issued after contact and education shall be subject to penalties as per Section 58-9.
 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)



Policy Committee

Meeting Date: February 23, 2026
Meeting Time: 6:00 PM
Agenda Item No: 5.b
Item Description: Revised Emergency Medical Services Ordinance
Submitted By: Lawrence D. Best, Fire Chief

Key Terms:

Emergency Medical Services Ambulance

Executive Summary:

The Fire Department is requesting that the Division 2 Emergency Medical Services Sections 30-26 through 30-30 be updated to reflect current City Ambulance operations and practices, including Ambulance Fees.

Detailed Review:

The Fire Department is requesting that the Division 2 Emergency Medical Services Sections 30-26 through 30-30 be updated to reflect current City Ambulance operations.

Update:

- **Sec. 30-26. Ambulance location** — to reflect that an ambulance can be garaged at more than one of the fire stations in the City.
- **Sec. 30-27. Charge for use** — to reflect an updated method for reviewing and changing ambulance fees annually.
- **Sec. 30-28. Use of ambulance by other**

municipalities; fee — to reflect current mutual aid response and ambulance fee billing practices.

- **Sec. 30-29. Collection, remittance of fees — to reflect current ambulance fees remittance and collection practices.**
- **Sec. 30-30. Mutual aid pacts — to reflect current mutual aid practices as established by Maine State MRS Title 37-B, §784-B Maine First Responders State-wide Mutual Aid Agreement.**

See the attached document titled Revised Emergency Medical Services Ordinance (Attachment #1) for the detailed language for each of the sections listed above. In addition, the MRS Title 37-B, §784-B Maine First Responders State-wide Mutual Aid Agreement has been attached for reference (Attachment #2).

Annual Ambulance Billing Rate Fee Schedule Increase:

Attachment #3 is the current Ambulance Fee Schedule that was updated in January of this year. This update was based on the recommendation of Comstar, which is our Ambulance Billing Company. Comstar conducts an annual ambulance billing rate review process according to the Medicare Allowed Rates. They then make a recommendation to their clients regarding rate increases depending on the state and location in the state. This year, based on the "2026 Medicare Allowed Rates" published for Southern Maine, Comstar has recommended that each ambulance billing rate category be increased .5 or ½ percent for the BLS, ALS, and other rates etc., except for the mileage rate, which they recommend be increased by 2%. They also

recommended leaving the with the "Lift Assist Rate" as is because we increased it in 2025 from \$300.00 to \$350.00.

Funding Source:

N/A

Staff Recommendation:

Staff recommends updating the ordinance to reflect current operations and practices.

Next Steps:

With a recommendation by this committee, the proposal will go on to City Council for consideration.

Attachments:

1. ATTACHMENT #1- Revised Emergency Medical Services Ordinance
2. ATTACHMENT #2- Maine State MRS Title 37B 784B Maiein First Responders State Wide Mutual Aid Agreement
3. ATTACHMENT #3- 2026 Biddeford Fire Department Ambulance Rates

DIVISION 2
EMERGENCY MEDICAL SERVICES

Sec. 30-26. Ambulance location.

The City ambulance will be garaged at ~~the~~ a fire station of the City.

Sec. 30-27. Charge for use.

- (a) Fees for the use of the City's ambulance service shall be charged in accordance with the reasonable and customary charges.
- ~~(b) Any other fee relating to the use of the City's ambulance service shall be established by the Fire Commission on or about January 1 of each year.~~
- (c) Fees relating to the use of the City's ambulance service shall be reviewed annually on or about January 1 of each year by the Fire Chief and Finance Director.
- (d) Any recommended fee changes will be submitted to the City Manager for review and approval.

Sec. 30-28. Use of ambulance by other municipalities; fee.

~~The City ambulances will not service residents of other cities or towns outside the City limits unless a preliminary agreement is approved by the City Council that such cities and towns will pay an annual service fee to the City and pay all ambulance charges directly to the City. Such services fee will be annually determined by the City Council on or before August 1 of each year.~~

The City ambulances will respond to mutual aid as requested by other communities within the State of Maine as provided for in MRS Title 37-B, §784-B Maine First Responders State-wide Mutual Aid Agreement. Such cities and towns will provide reciprocal mutual as requested through this same agreement. Patients will be charged the appropriate ambulance fee as outlined in the ambulance fee schedule that is established annually.

Sec. 30-29. Collection, remittance of fees.

All fees required by this article will be collected by the Fire Department ~~or by a third-party ambulance billing company as contracted by the City~~ and remitted to the City Treasurer monthly.

Sec. 30-30. Mutual aid pacts.

This article shall not affect cities and towns ~~that have mutual aid pacts and that have comprehensive ambulance service~~ within the State of Maine as established in the MRS Title 37-B, §784-B Maine First Responders State-wide Mutual Aid Agreement.

Sec. 30-31. through Sec. 30-50. (Reserved)

§784-B. Maine First Responders State-wide Mutual Aid Agreement

All political subdivisions within the State are covered by the Maine First Responders State-wide Mutual Aid Agreement, dated November 2008, as drafted by the agency and referred to in this section as "the agreement," except that a political subdivision may withdraw from the agreement by enacting a local ordinance that withdraws from the agreement. [PL 2009, c. 175, §1 (NEW).]

A local first responder agency may provide emergency management, fire, law enforcement, emergency medical, public works and other emergency services as necessary upon the request of any political subdivision within the State in accordance with the agreement. Additional preexisting contracts or agreements with the jurisdiction requesting the services are not required. [PL 2009, c. 175, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 175, §1 (NEW).

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Ambulance Billing Service

8 Turcotte Memorial Drive, Rowley, MA 01969
Ph: 800-742-3001 FAX: 978-356-3721

**BIDDEFORD FIRE DEPARTMENT
2026 Rate Change Form**

*RATES
570
270
MILEAGE*

Charges	2026 Medicare Fee Schedule Allowed Amounts	Avg Bundled Comstar Top 50	Current Rates	New Rates Effective On:
				<u>1/15/24</u>
BLS EMERGENCY BASE RATE	\$454.10	\$1,885.00	\$991.57	<u>996.53</u>
BLS NON EMERGENCY BASE RATE	\$283.81	\$1,885.00	\$735.40	<u>739.08</u>
ALS NON EMERGENCY BASE RATE	\$340.57	\$2,701.00	\$798.80	<u>802.80</u>
ALS1 EMERGENCY BASE RATE	\$539.23	\$2,701.00	\$1,466.30	<u>1473.64</u>
ALS2 EMERGENCY BASE RATE	\$780.47	\$3,794.00	\$2,130.23	<u>2140.89</u>
SPECIALTY CARE TRANSPORT	\$922.37	\$4,279.00	\$1,761.29	<u>1770.10</u>
MILEAGE	\$9.18	\$43.00	\$26.04	<u>26.56</u>
CARE WITHOUT TRANSPORT	\$0.00	N/A	\$172.91	<u>173.78</u>
LIFT ASSIST FEE	\$0.00	N/A	\$350.00	<u>350.00</u>

J D. Best

Signature -- Authorized Signer

1/21/2026

Date

Lawrence D. Best

Printed Name -- Authorized Signer

Fire Chief

Title -- Authorized Signer

**Please scan and email completed Rate Change form to:
ratechange@comstarbilling.com**

Sent 1/21/26 @ 126



Policy Committee

Meeting Date: February 23, 2026
Meeting Time: 6:00 PM
Agenda Item No: 5.c
Item Description: Revised Manufactured Housing Mobile Home Parks Ordinance
Submitted By: Truc Dever, City Manager

Key Terms:

Mobile Home Lot Rent, Significant Lot Rent Increases, Homelessness, Affordable Housing, Senior Citizens, Fixed Income

Executive Summary:

Recently across Maine, out of state companies have been purchasing mobile home parks and imposing significant lot rent increases. This is literally pricing out occupants who are on fixed incomes out of their homes. The State Legislature has recognized that and passed LD 1765, An Act to Ensure Affordability and Stability in Residential Housing and in Manufactured Housing. The State further drafted a Model Rent Stabilization Ordinance for consideration by municipalities.

Detailed Review:

A member or members of the City Council have been approached by constituents concerned about recent, significant lot rent increases imposed by out of state landlords. This presents and exemplifies that there is an emergency affecting life, health, and property for housing stability for certain mobile home park lot renters because of rapidly escalating lot rents. There is an immediacy to address the manner of Lot Rent increases to foster stabilization of housing within certain mobile home parks. The purpose of the order would allow the City to examine the State Model Ordinance pursuant for Lot Rent Stabilization for Mobile Home Parks, set forth as Appendix 2 in the LD 1765 (Attachment 1), authored by the Governor's Office of Policy Innovation and the Future, and attached in its report to the Joint Standing Committee on Housing and Economic Development.

An order went to the City Council on 1-20-26; it was not approved. Then a new Order 2026.24 on 2-3-26 referred the topic to the Policy Committee to review and develop next steps.

Funding Source:

N/A

Staff Recommendation:

Staff is neutral, this is a policy decision

Next Steps:

Draft ordinance language is attached for review by the Committee. Any ordinance revisions would need to be referred to Council for consideration and two readings.

Attachments:

1. Revised Manufactured Housing Mobile Home Parks Ordinance

Part 3 Land Development Regulations

Article 6 Performance Standards

Section 45 Manufactured housing/mobile home parks.

[Ord. No. 2004.45, 7-12-2004]

Division 1.

Manufactured Housing, General

A. Applicability. These regulations shall apply to all manufactured housing to be located in the City of Biddeford or moved from one part of the City to another.

B. Permit requirements:

1. No person, firm, corporation or other legal entity shall locate a manufactured home in the City of Biddeford, or move a manufactured home from one lot or parcel of and to another, without a permit from the Building Inspector. The Building Inspector shall issue the permit within 10 days of receipt of a written application and submission of proof that the manufactured home meets the requirements of this ordinance.

2. No person other than a dealer licensed by the State of Maine with a sales tax certificate may construct or locate any new manufactured housing within the City of Biddeford without first providing a bill of sale indicating the name, address, dealer license number and sales tax certificate number of the person who sold or provided the manufactured housing to the buyer locating the housing in Biddeford.

If no such bill of sale is presented, evidence of certification of payment of the sales tax in accordance with Title 36 M.R.S.A. § 1760(40), and 36 M.R.S.A. § 1952-B must be provided.

3. A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a permanent foundation and connected to water, sewage/septic, and electrical utilities.

C. Definitions. For the purposes of this section the following definitions shall be used. Any other terms shall be defined as provided in Article II of the Zoning Ordinance:

1. Manufactured housing means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of manufactured housing are included. Those two types are:

a. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in

compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;

b. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, U.S. Code, title 42, Section 5401 et seq.; and

c. Those units commonly called "modular homes," ("state certified manufactured homes") which the manufacturer certifies are constructed in compliance with 10 M.R.S.A. § 9041 et seq., and rules adopted under that chapter, meaning structures, transportable in one or more sections, which may or may not be constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

2. Mobile home park means a parcel of land under unified ownership approved by the municipality under the City of Biddeford Code, Chapter **66**, Subdivisions, for the placement of three or more manufactured homes.

a. Mobile home park lot means the area of land on which an individual home is situated within a mobile home park and which is reserved for the use by occupants of that home. A municipality may require a lot to be designated on a mobile home park plan.

3. Mobile home subdivision or development means a parcel of land approved by the municipal reviewing authority under the City of Biddeford Code, Chapter **66**, Subdivisions, for the placement of manufactured houses on individually owned lots.

4. Permanent foundation means all the following:

A. For "newer mobile homes," as defined by the previous Subsection C1a, a foundation that conforms to the installation standards established by the Manufactured Housing Board.

B. For "modular homes," as defined by the previous Subsection C1c, a foundation that conforms to the City of Biddeford Building Code.

5. Pitched, shingled roof means a roof with a pitch of two or more vertical units for every 12 horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material.

D. Prohibitions. No person, firm, corporation or other legal entity shall locate, or move from one lot or parcel of land to another, an older mobile home, trailer, or manufactured home, built prior to June 15, 1976, which fails to meet the requirements of Subsection F below unless legally located within Biddeford prior to August 4, 1988.

E. Nonconforming structures. Mobile homes and trailers, and manufactured homes which fail to meet the standards set forth in Subsection F of this section, which were lawfully established prior to the effective date of this section, shall be considered nonconforming structures and may continue and may be maintained, repaired, improved, and expanded in accordance with the provisions of this ordinance related to nonconforming structures.

F. Manufactured housing standards.

1. All manufactured housing proposed to be located within the City of Biddeford or relocated from one lot to another within the City, and built prior to June 15, 1976, shall meet the following safety standards:

a. City of Biddeford Building Code;

b. All electrical utilities shall comply with the National Electric Codes.

2. All manufactured housing proposed to be located within the City of Biddeford after August 4, 1988, shall meet the following design requirements:

a. The minimum width shall be 14 feet.

b. All units shall contain a minimum living area of 750 square feet.

c. All units shall be on a permanent foundation as defined in Subsection C4 above.

d. All mobile homes shall be equipped with adequate skirting to enclose the underside of the mobile home.

e. All units shall have a pitched, shingled roof of not less than two vertical units for every 12 horizontal units of measurement.

f. Exterior siding shall conform to any requirements for exterior siding of site-built housing in the City of Biddeford.

Division 2.

Mobile Home Parks.

A. Applicability. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision contained in Chapter **66** of the Code, and shall

conform to all applicable state laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the City of Biddeford Ordinances the provisions of this section shall prevail.

B. Permitted housing units. Mobile home parks, as defined, shall be limited to the siting of manufactured housing meeting the definition standards specified in Division 1C1(a) and (b) as such refers to "mobile homes."

C. Approval; inspections.

1. Mobile home parks shall be permitted after review and approval by the Planning Board in those districts designated on the Official Zoning Map of the City of Biddeford. The Planning Board shall determine the adequacy of the design with respect to lot layout, traffic circulation, water supply and sewage disposal, and other features specified in this ordinance and in the Subdivision Ordinance to assure conditions which preserve the health, safety, and welfare of the occupants, the surrounding neighborhood and the City generally. All mobile home parks shall meet the minimum standards of the manufactured Housing Board as well as the provisions of this ordinance, effective at the date of application.

2. Park owners shall be held responsible for the notification of the Building Inspector to inspect new or replacement units being placed in the park. Failure to notify the Building Inspector's office for inspection, or the failure to receive a certificate of occupancy (CO) shall be a violation of Chapter **18** of the Code. Such violation shall be punishable under the terms of the applicable chapter. In cases where the two chapters apply, the stricter of the two shall apply.

3. Owners of mobile home parks shall apply for a permit to operate a mobile home park. This application shall be submitted to the City Clerk's office. The application shall be submitted to the Building Inspector, the Fire Chief, and the Health Officer for their investigation and recommendation. This application shall be reviewed for approval by the municipal officers based on the recommendation of the several public officers. The municipal officers shall act upon the application. Licenses granted by the municipal officers shall be valid for two years, but in no case shall a license be transferred. Failure to have a license renewed shall result in no more certificates of occupancy being issued until such license is renewed.

D. Permit: method of application and requirements. Applications shall be submitted by the applicant or his/her agent as specified in the Subdivision Ordinance. The applicant shall file with the application proof of ownership of the premises or of a lease or written permission from the owner thereof together with a complete set of plans drawn to scale, by a professional engineer, or land surveyor, registered with the State of Maine, showing the location of the proposed park, and which includes:

- 1.** Dimensions of park boundary lines.
- 2.** Name of park, North arrow, date, and scale of plan.

- 3.** Name and address of owner of record, and the name and address of proposed park operator.
- 4.** Names of abutting owners of properties and the nature of present use of abutting properties.
- 5.** Locations, names and widths of adjacent street and rights-of-way.
- 6.** Locations and dimensions of all roadways, walkways, public areas, and reserved strips.
- 7.** Location and description of all existing or proposed buildings or other permanent structures.
- 8.** Locations and dimensions of all proposed mobile home or trailer spaces.
- 9.** Existing and proposed utilities, installations, service connections from adjacent streets or properties and the method of sewage disposal.
- 10.** Drainage plan.
- 11.** Traffic impact analysis.
- 12.** Open space management plan.
- 13.** Park management plan. Each application for a mobile home park shall have a park management plan. This plan shall state in detail, besides the name, address and telephone number of park owner and arrangements for daily contact of park manager/operator, the rules of the park, schedule for park maintenance, trash removal, road maintenance, security of the park, etc.
- 14.** Landscaping plan that includes details for buffer areas, open space areas and entryways.
- 15.** Any other reasonable information required by the Biddeford Subdivision Ordinance.

E. Design requirements. Mobile home parks shall conform to the following minimum requirements. These requirements shall be shown on the park plan.

1. Lot area and lot width requirements. Notwithstanding the dimensional requirements table located in Article VI, Section 6A of this section, lots in a mobile home park shall meet the following lot area and lot width requirements.

a. Lots served by public sewer:

Minimum lot area: 6,500 square feet

Minimum lot width: 50 feet

b. Lots served by individual subsurface wastewater disposal systems.

Minimum lot area: 20,000 square feet

Minimum lot width: 100 feet

c. Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Health and Human Services.

Minimum lot area: 12,000 square feet

Minimum lot width: 75 feet

d. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.

e. Lots located within any shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.

2. Unit setback requirements.

a. On lots 10,000 square feet in area or larger, structures shall not be located less than 15 feet from any boundary lines of an individual lot. On lots less than 10,000 square feet in area, structures shall not be located less than 10 feet from any boundary lines of an individual lot.

b. On lots which are located within a shoreland zoning district, structures shall comply with all sections of Article [XIV](#), Shoreland Zoning Ordinance.

3. Buffering. If a park is proposed with a residential density at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located if the neighboring land is undeveloped, the park shall be designed with a continuous landscaped area not less than 50 feet in width which shall contain no structures, driveways, utilities or streets. The first 25 feet of the buffer strip, as measured from the exterior boundaries of the park shall contain evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.

4. Open space reservation. An area no less than 10% of the total area of those lots with a lot area of 10,000 square feet or less shall be reserved as open space. The area reserved as open space shall be suitable to be used for recreational purposes or use by the residents of the park for storage. Generally, the reserved open space shall have slopes less than 5% shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park. The Planning

Board may waive the requirement for open space when the park is located within 1/2 mile of a publicly owned recreation area.

5. Road design, circulation, and traffic impacts. Streets within a park shall be designed by a professional engineer, registered in the State of Maine.

a. Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the Biddeford City Code, Chapter **62**.

b. Streets which the applicant proposes to remain private ways shall meet the following minimum geometric design standards.

i. Minimum right-of-way width: 23 feet.

ii. Minimum width of traveled way: 20 feet.

c. Dead-end streets shall provide a suitable turnaround at the closed end. In addition the following shall apply:

i. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more, shall have at least two street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan. Trip generation numbers will be determined by the latest version of the publication "Recommended Guidelines for Subdivision Streets" by the Institute of Transportation Engineers (ITE) or other acceptable ITE manuals.

ii. A dead-end street shall not exceed in length a distance of 1,500 feet, as measured along the proposed street center line, from the end of the dead end road to the outside edge of the traveled way of the nearest intersecting through road.

iii. Exceptions to the maximum dead-end lengths:

a. If an applicant can demonstrate (through a master plan) that the street will be connected to create a through street in future development, the Planning Board may allow dead-end lengths to temporarily exceed 1,500 feet.

b. If a road loops back on to itself (i.e. lollipop or p-shaped), it may exceed the standards above, provided that the point at which the road loops back onto itself as measured from the beginning of the dead-end road is not more than 1,500 feet.

d. No individual lot within a park shall have direct vehicular access onto an existing public street.

e. The intersection of any street within a park and an existing public street shall meet the following standards.

i. Angle of intersection. The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 75°.

ii. Maximum grade within 75 feet of intersection. The maximum permissible grade within 75 feet of the intersection shall be 2%.

iii. Minimum sight distance. A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of object 4 1/4 feet.

iv. Distance from other intersections. The center line of any street within a park intersecting an existing public street shall be no less than 125 feet from the center line of any other street intersecting that public street.

f. The application shall contain an estimate of the average daily traffic projected to be generated by all units within the park units completed in an earlier phase of the mobile home park development. Estimates of traffic generation shall be based on the latest Trip Generation Manual, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, by a registered professional engineer with experience in transportation engineering.

6. Groundwater impacts.

a. Assessment submitted. Accompanying the application for approval of any mobile home park which is not served by public sewer shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydrogeologic assessment shall be prepared by a certified geologist or registered professional engineer, experienced in hydrogeology and shall contain at least the following information.

i. A map showing the basic soils types.

ii. The depth to the water table at representative points throughout the mobile home park.

iii. Drainage conditions throughout the mobile home park.

iv. Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.

v. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations shall also be provided.

vi. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

b. Standards for acceptable groundwater impacts.

i. Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

ii. No mobile home park shall increase any contaminant concentration in the groundwater to more than 1/2 of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.

iii. If groundwater contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.

iv. If groundwater contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

c. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the plan.

7. Conversion without approval. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width,

setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

a. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.

b. No dwelling unit other than a manufactured housing unit shall be located within the park.

Division 3

Mobile Home Lot Fee Regulations

A. Applicability. These regulations shall apply to all mobile home parks located in the City of Biddeford or moved from one part of the City to another exempt those to which an exemption applies.

1. Exemptions:

a. Mobile home parks owned by a cooperative or other entity in which membership is limited to mobile home residents.

b. Mobile home lots subject to any agreement that restricts lot rent or fee increases in a manner that is more restrictive than this ordinance.

B. Definitions. For the purposes of this section the following definitions shall be used. Any other terms shall be defined as provided in Article II of the Zoning Ordinance. **Question for staff Is this reference correct?**

1. Administrator means the municipal official responsible for the administration and enforcement of this mobile home lot fee regulation. The office of Code Enforcement shall be the administrator.

1. Consumer Price Index or "CPI" means the Consumer Price Index for All Urban Consumers (CPI-U), Northeast Region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.

2. Park Owner means a person, corporation or any other entity that owns a mobile home park.

3. Rent Increase means any additional lot rent or fees demanded of, or paid by, a mobile home resident, and includes any reduction in services without a corresponding reduction in the amount demanded or paid for in lot rent or fees.

C. Lot Rent and Fee Increase Limitations

1. Limitation on number of rent increases: A park owner may not increase the lot rents or fees more than 2 times in any 12-month period in the mobile home park.

2. Base Rent Calculation: Except as provided herein, a park owner shall not demand, accept or retain rent for a mobile home park lot that exceeds the rent in effect for that lot on date of ordinance approval or other date specified by local governing body. In the event the lot was not occupied on date of ordinance approval or other date specified by local governing body, the base rent for that lot shall not exceed the most recent lot rent plus an amount up to that specified in Section C-5 in this division.

3. Notice requirements: A park owner shall provide notice of any increase in lot rent or fees to the affected mobile home residents, no less than 120 days before the effective date of increase. The notice must include:

- a. The name, address, telephone number and email address of the park owner
- b. The amount of the increase in lot rent or fees, in dollars, and the type of any fee increased.

4. Rent increase formula: Any lot rent or fee increase is limited to either:

- a. Lesser than the most recently posted annual percentage change in CPI plus 3.5%, or
- b. Lesser than 10% of then-current base rent or fee.

5. Greater Rent Increase: A park owner may seek a greater rent or fee increase to cover the cost of increased operating expenses such as taxes, insurance, utility charges and maintenance costs, in addition to certain capital improvements or other emergencies. Improvements must directly benefit mobile home residents and be necessary for maintenance or the correction of health and safety conditions in the mobile home park. A park owner seeking such a greater increase must submit a petition to the administrator. The petition must be filed in advance of the rent or fee increase notice and contain documentation that the increase is necessary to cover increases in operating or maintenance expenses, the cost of eligible capital improvements, or unforeseeable expenses incurred at the mobile home park. Park owners that fail to maintain a mobile home park in decent, safe, sanitary condition, as determined by the administrator, shall not be allowed to exceed the basic rent increase unless the increase is used to correct health and safety violations in the mobile home park.

6. Vacancy Base Rent: A park owner shall be permitted to increase the lot rent by the rent increase formula laid out in section 4 whenever a lawful vacancy occurs, and this amount shall be considered the new base rent for that mobile home park lot.

D. Appeals

1. Decisions of the administrator may be appealed by:

a. Park owners

b. Affected mobile home residents when 10% or more of the households then living in the mobile home park, who are affected by the proposed rent or fee increase, agree to seek such an appeal via written petition.

2. Appeals as described herein are to be filed with the administrator within 10 business days of the decision made by the administrator. Appeals must be decided within 30 business days of the date of filing.

Division ~~3~~ 4.

Mobile Home Subdivisions and Developments Other Than Mobile Home Parks.

A. Mobile home subdivisions and developments other than mobile home parks shall meet the standards established under the Zoning Ordinance and the Subdivision Ordinance. If provisions conflict, the stricter standard shall prevail.



Policy Committee

Meeting Date: February 23, 2026

Meeting Time: 6:00 PM

Agenda Item No: 5.d

Item Description: Proposed Ordinance Article VI. Section 79. Solar Energy Systems Ordinance

Submitted By: Brad Favreau, Development and Sustainability Coordinator

Key Terms:

See Definitions in proposed ordinance.

Executive Summary:

To encourage the transition to renewable energy in accordance with the 2023 Climate Action Plan, the Sustainability Commission proposes this ordinance that will allow solar development of every scale in Biddeford, including large-scale solar arrays that provide electricity to Maine's power grid.

Detailed Review:

This proposed ordinance divides solar development into three categories:

Small-scale Solar Energy Development – 2,000 square feet or less of developed area, primarily for single residential use;

Medium-scale Solar Energy Development – 20,000 square feet of developed area, primarily for commercial or industrial use;

Large scale Solar Energy Development – Greater than 20,000 square feet of developed area, primarily for supplying power to the “grid.”

Rooftop solar development is allowed by right, provided it meets all safety and dimensional requirements.

Small-scale solar development must comply with all Land Development Regulations and meet specific dimensional requirements of this proposed ordinance.

Medium and large-scale solar development must comply with Land Development Regulations and dimensional requirements, but must also meet additional requirements for a Conditional Use permit as approved by the Biddeford Planning Board, such as detailed site plans, landscape plans, maintenance plans, and visual impact studies.

Large scale developments also require environmental impact studies and decommissioning

plans.

The intent of this ordinance is to direct solar development, as far as is practicable, toward “previously disturbed land” and away from land with “prime agricultural soils of statewide significance,” and away from forested land. These requirements will allow the development of solar energy systems (helping Biddeford achieve greenhouse gas emission goals) and minimize adverse effects on sensitive areas, including wildlife habitats.

This proposal has been approved by the Sustainability Commission and the Planning Board. It was presented to this committee in April 2025 and September 2025. At that meeting of the committee, two questions were posed:

1. Where do Prime Farmland and Farmland of Statewide Importance overlap with forested land in Biddeford?
2. What is the valuation of a solar array, and what is the anticipated tax revenue for the City of a hypothetical solar development?

These questions are addressed in the attached slide presentation.

This committee approved the following changes at the September 2025 meeting:

Lengthen the waiting period for cleared forested land to be developed from five years to ten years (Section 6.(a.)(ii.) and 7.(b.), and
Remove "pollinator-friendly" from Section 6.(g.).

The draft dated September 2025 (Attachment) contains changes that staff recommends be further considered.

Section 6.(a.)(iii. - iv.) aligns farmland terminology with the Maine Department of Agriculture, Conservation, and Forestry, and clarifies the priorities given to various types of sites suitable for development.

Similarly, Section 7. (a. - c.) aligns terminology and clarifies the prohibition of the expansion of a medium-scale development to a large-scale development.

Funding Source:

N/A

Staff Recommendation:

Staff supports this action as part of the larger strategy to implement the Climate Action Plan.

Next Steps:

With a recommendation by this committee, the proposal will go on to City Council for consideration.

Attachments:

1. Presentation Solar Ordinance
2. SECTION 79 Solar Energy Systems Ordinance DRAFT FEB 23 2026
3. Section 79 Solar Energy Systems Ordinance DRAFT SEPT 2025

Draft Solar Ordinance



A proposal to allow solar development of every scale in Biddeford, especially grid-scale solar arrays.



At left: 10 mega watt solar array in Pittsfield

CAP Priority – Transition to Renewable Energy



BUILDINGS & ENERGY

How can Biddeford make our city's buildings and energy systems ready for climate change?

TRANSPORTATION & INFRASTRUCTURE

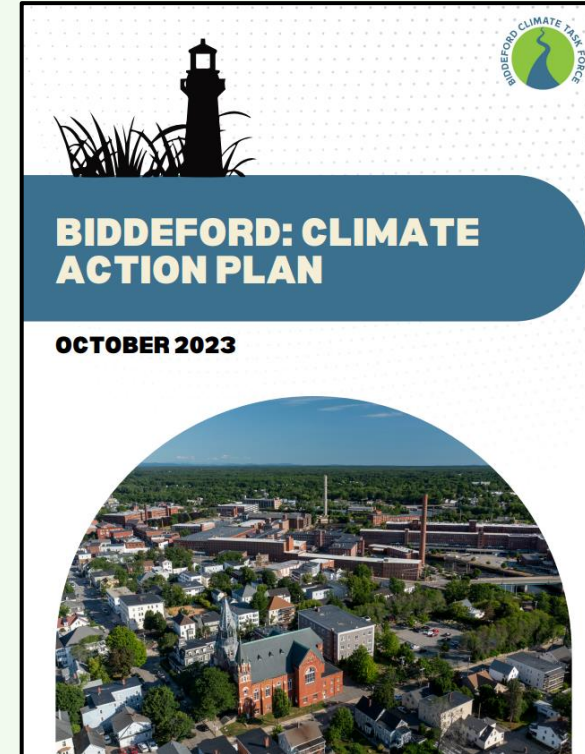
How can Biddeford make our transportation systems and infrastructure ready for climate change?

LAND USE & NATURAL ENVIRONMENT

How can Biddeford help our city's natural environment be ready for climate change?

HEALTH, SAFETY, & WELL BEING

How can Biddeford increase health, safety, & well being in our city?



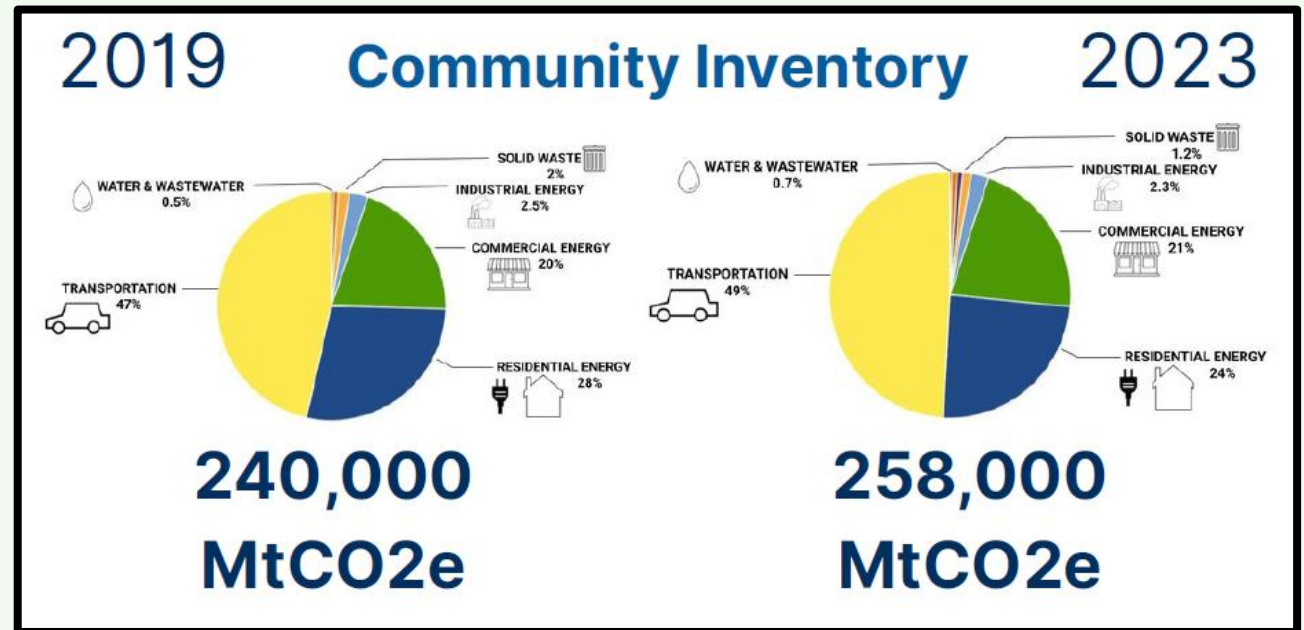
LEADERSHIP & SUPPORT

How can the City of Biddeford foster leadership and support to implement our Climate Action Plan?

Solar Ordinance - Goals



- Encourage Renewable Energy Production
- Reduce Carbon Emissions
- Protect Public Safety
- Protect Agricultural Land
- Protect Wildlife Habitat
- Protect Forested Land



Process



**Drafted by Mayor's
Ad Hoc Committee**
Fall, 2024

**Approved by Ad Hoc
Sustainability
Committee**
October 2024

**"Workshopped"
w/P.B.**
Dec 2024, Jan 2025

**Approved by the
Planning Board**
January 2025

**Presented to Policy
Committee**
April 2025

- Reviewed Neighboring Communities' Ordinances
- Received Input from Solar Developers
- Received Input from SMPDC
- Received Input from Maine Audubon

Structure of Draft Ordinance



- Roof-Mounted
 - By Right with all required permits
- Small-Scale (2,000 s.f.) Residential
 - Must comply with dimensional and other Land Use Regulations
- Medium-Scale (<20,000 s.f.) Commercial/Industrial
 - Requires Conditional Use Permit and comply with performance standards
- Large-Scale (>20,000 s.f.) Grid Scale
 - Requires Conditional Use Permit and comply with additional performance standards

Conditional Use Permit Req'd

Medium- and Large-Scale Development



- Detailed Site Plan
- Landscape Plan (vegetated buffers)
- Erosion Control Plan
- Operations and Maintenance Plan
- Visual Impact Study
- Environmental Impact Study
- Decommissioning Plan



2025 Policy Committee - **Questions**




- 1. Where does agricultural soils and forested land overlap?***
- 2. What is the assessed value of a hypothetical solar array?***

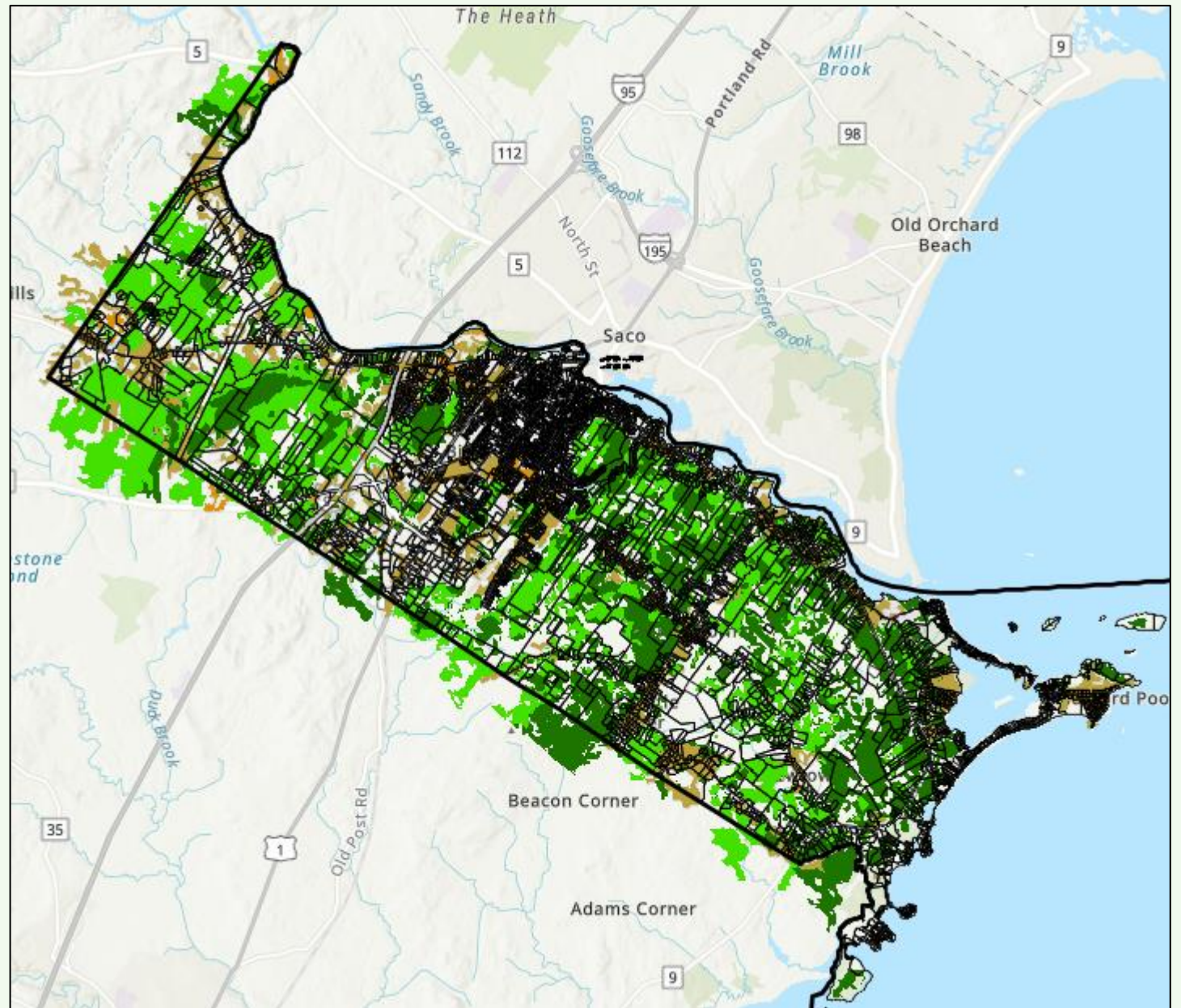
Woodland and Farmland Map

Farm Soils Not Under Wooded Areas

-  Farmland of statewide importance
-  All areas are prime farmland



BWH NETHCS Ground Cover

-  Central Oak-Pine
-  Northern Hardwood & Conifer



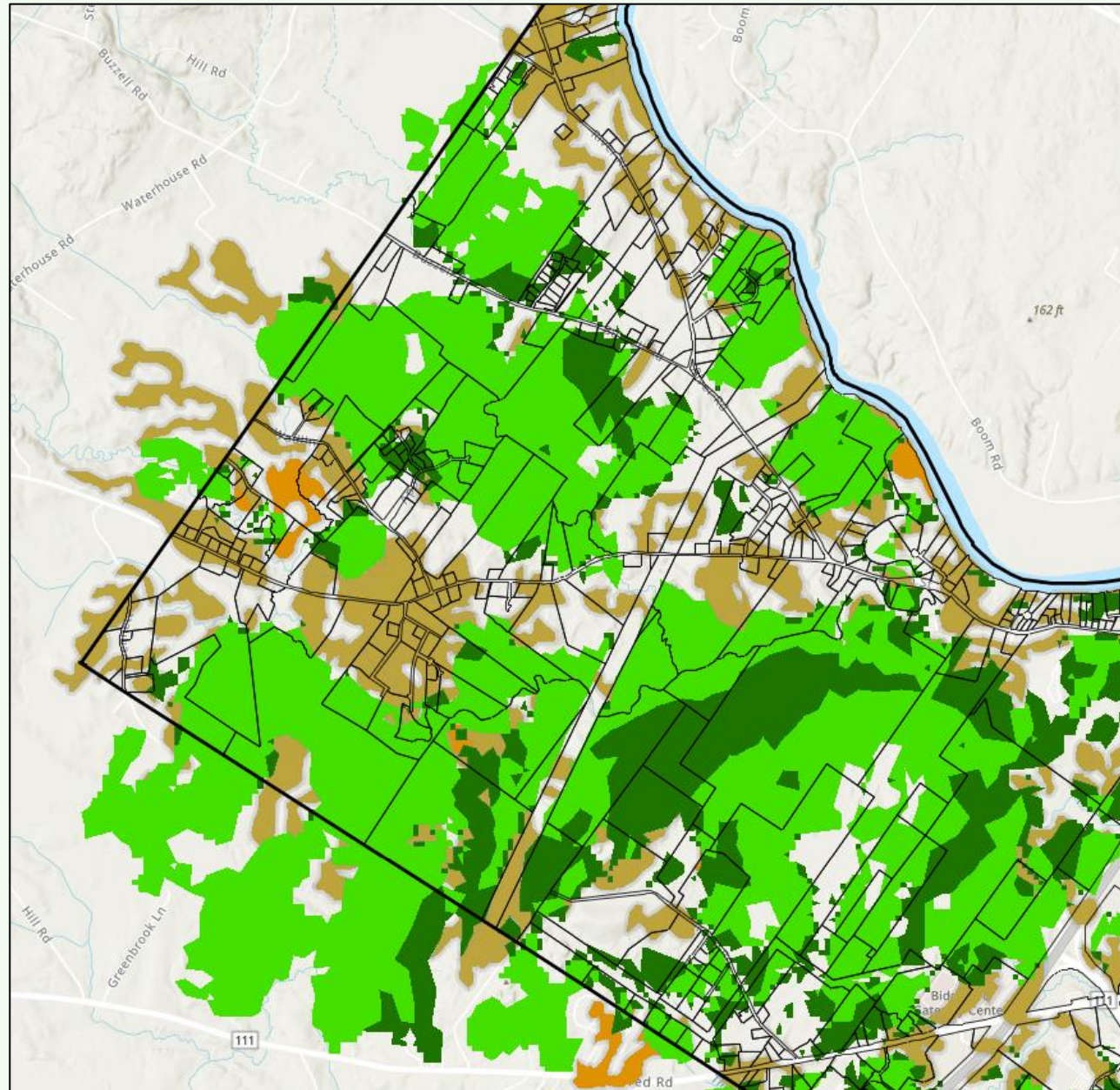
Woodland and Farmland Map (Detail View)

Farm Soils Not Under Wooded Areas

-  Farmland of statewide importance
-  All areas are prime farmland

BWH NETHCS Ground Cover

-  Central Oak-Pine
-  Northern Hardwood & Conifer

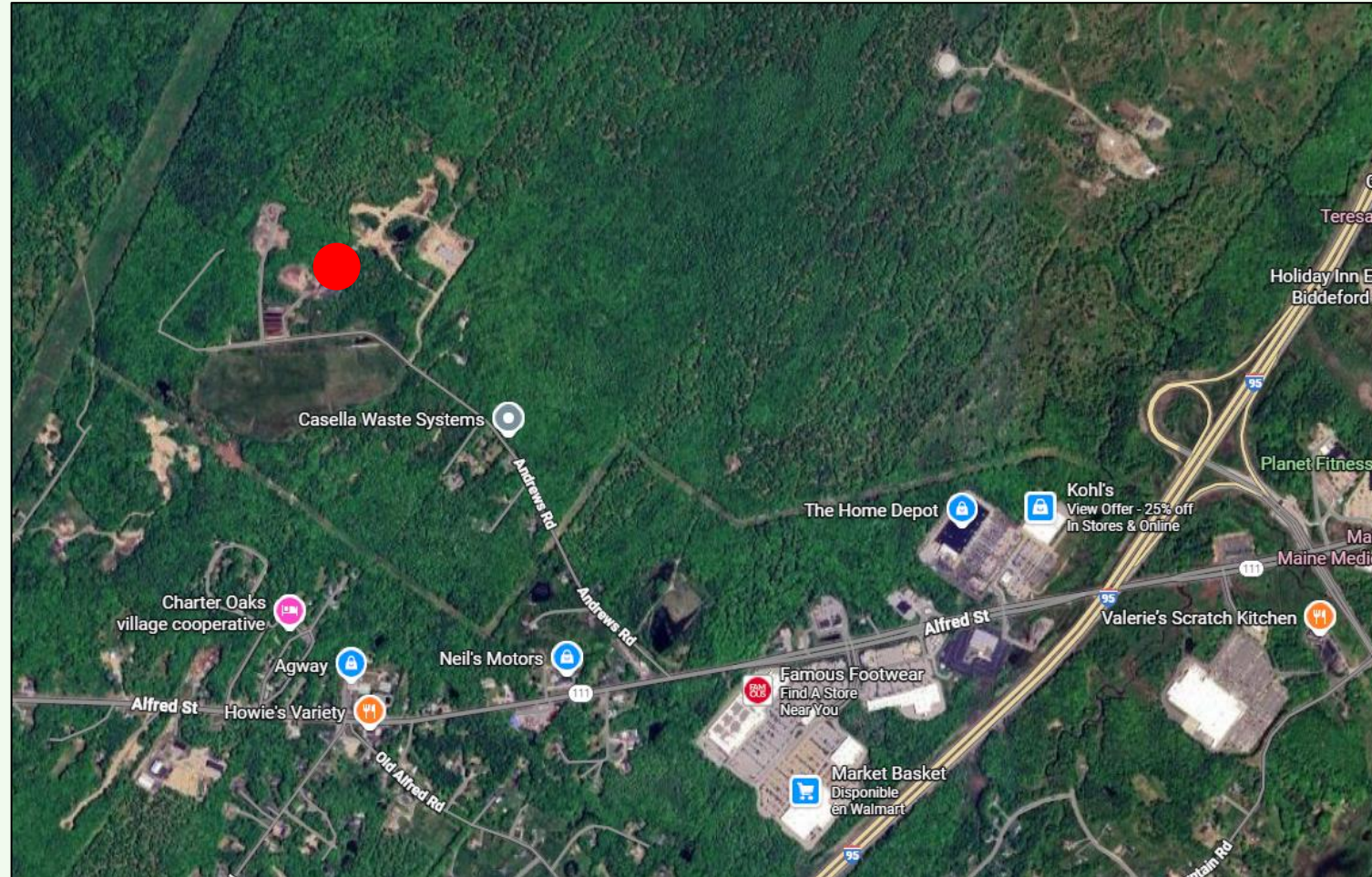


Valuation



Assumptions

- 25 acres, 5 mega watt system
- No battery storage
- Property leased by developer
- Cost of electricity: .13 / kwh
- 10-Year Lifespan





Valuation & Revenue

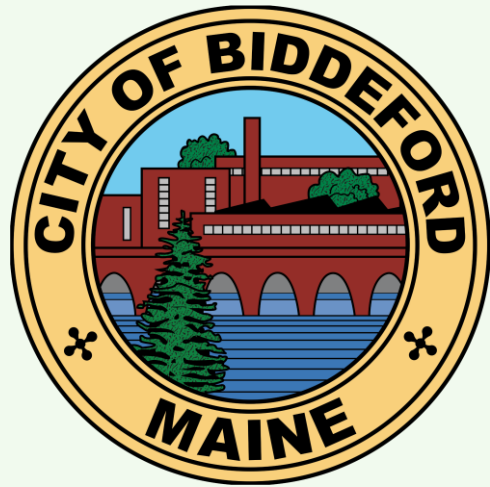
Valuation

	<u>Year 1</u>	<u>Year 10</u>
Improvements	\$5,367,900	\$1,897,746
Land	2,461,691	2,461,691

Revenue

	<u>Year 1</u>	<u>Year 10</u>
Improvements	\$ 80,197	\$ 28,352
Land	<u>36,778</u>	<u>36,778</u>
Revenue	\$116,975	\$65,130





Article VI. Performance Standards Section 79. Solar Energy Systems

A. Purpose

1. The purpose of this ordinance is to allow and regulate, in the public interest, the development and use of solar energy systems and to increase local renewable energy production, to decrease our reliance on fossil fuels to produce electricity, and to reduce carbon emissions.
2. The allowance of solar photovoltaic installations is to be accomplished pursuant to the standards set forth herein for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, scenic, natural resources, especially the protection of wildlife habitat and significant wildlife corridors, and historic resources, and provide adequate financial assurance for the eventual decommissioning of such installations.

B. Definitions

1. **Agrivoltaics** – Dual use of land for both solar energy production and agriculture.
2. **Building-Integrated Photovoltaic (BIPV) Systems.** A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.
3. **Electricity Generation** (production, output). The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).
4. **Electrical Equipment.** Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended location.
5. **Mounting.** The manner in which a solar PV system is affixed to the roof or ground (i.e., roof mount, ground mount, pole mount).
6. **Pole-Mount System.** A solar energy system that is directly installed on specialized solar racking systems, that are attached to pole, which is anchored and firmly affixed to a foundation in the ground, and wired underground to an attachment point at the building's meter. Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.
7. **Power.** The rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in Watts (W), kilowatts (kW), Megawatts (MW), etc.
8. **Solar Array.** Multiple solar panels combined together to create one system.

9. **Solar Collector.** A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation electricity or transfer of stored heat.
10. **Solar Energy System.** A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.
11. **Solar Energy System, Ground-Mounted.** An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).
12. **Solar Energy System, Large-Scale.** An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 20,000 square feet.
13. **Solar Energy System, Medium-Scale.** An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 2,001 square feet but less than 20,000 square feet.
14. **Solar Energy System, Roof-Mounted.** An Active Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small-, medium- or large-scale).
15. **Solar Energy System, Small-Scale.** An Active Solar Energy System whose physical size based on total airspace projected over the ground is 2,000 square feet or less.
16. **Solar Glare.** The potential for solar panels to reflect sunlight, with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
17. **Solar Photovoltaic (Solar PV) System.** Solar systems consisting of photovoltaic cells, made with semiconducting materials, that produce electricity (in the form of direct current (DC)) when they are exposed to sunlight. A typical PV system consist of PV panels (or modules) that combine to form an array; other system components may include mounting racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries.
18. **Solar Panel (or module).** A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).
19. **Solar Thermal System (Solar Hot Water or Solar Heating Systems).** A solar energy system that directly heats water or other liquid, or air, using sunlight.
20. **Tilt.** The angle of the solar panels and/or solar collector relative to horizontal. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon. True solar noon is when the sun is at its highest during its daily east-west path across the sky (this is also known as 0° Azimuth). Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round

c. Applicability

1. Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, the requirements of this Section shall apply to all roof-mounted, small-, medium-, and large-scale ground-mounted solar energy systems modified or installed 30 days after the approval of this ordinance.
2. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.
3. Any upgrade, modification or structural change that materially alters the size, placement or output of an existing solar energy system shall comply with the provisions of this Section.

d. Performance Standards

1. Roof-mounted and building-mounted solar energy systems and equipment are permitted by right unless they are determined by a Code Enforcement Officer, with consultation from the City Engineer and/or the City Fire Chief to present one or more unreasonable safety risks including, but not limited to the following:
 - a. Weight load;
 - b. Wind resistance;
 - c. Ingress or egress in the event of fire or other emergency, or;
 - d. Proximity to ground mounted systems relative to buildings.
2. Roof-Mounted Solar Energy Systems must comply with the Dimensional Requirements applicable to structures within the zoning district in which such systems are to be located and the standards in Part III Article III Official Zoning Map and Article V Establishment of Zones of this Ordinance.
3. Small-Scale Ground Mounted Solar Energy Systems must comply with the Dimensional Requirements applicable to structures within the zoning district in which such systems are to be located and the standards in Part III Land Development Regulations of this Ordinance.

In addition to the standards in Part III of this Ordinance, Small-Scale Solar Energy Systems shall comply with the following standards:

- a. The Solar Energy System shall be less than 25 feet in height.
- b. The Solar Energy System shall be operated and located such that no disruptive electromagnetic or radio frequency interference with signal transmission or reception is caused beyond the property lines of the site.
- c. The Solar Energy System shall be located and designed to avoid, minimize, or mitigate any glare onto abutting properties or roadways.

- d. The Solar Energy System shall be located and designed to consider the visual character of the neighborhood in which it is constructed.
 - e. The solar energy System shall not be located within the property setbacks.
4. Medium-Scale Ground-Mounted Solar Energy Systems shall comply with all requirements as stated in Part III Land Development Regulations of the Code of Ordinances. Such developments shall also require a Conditional Use Permit and Site Plan Review approval by the Planning Board. In addition to submission requirements in Article VII, Conditional Uses; Article XI Site Plan Review; and Article XII Floodplain Management, an application for medium-scale solar energy system development must also include:
- a. Written confirmation from the Utility to which the Solar Energy system will be connected confirming the solar operator has conditional or final approval to interconnect the Solar Energy System to the Utility Grid.
 - b. A description of the major components of the Solar Energy System proposed to be used, including manufacturer’s specifications and cut sheets, and construction drawings showing all dimensions.
 - c. Erosion and sedimentation control narrative with plans and details.
 - d. Site plan(s) indicating all proposed construction and alteration of the project site, including changes to the landscape of the project area, filling, grading, earthmoving, vegetation clearing and planting, screening, fencing, Solar Energy System components, utilities (above and/or below ground) and all other aspects of the project.
 - e. Site plan(s) indicating water bodies, wetlands, flood hazard areas, and vernal pools.
 - f. A landscaping plan, prepared by a licensed forester, landscape architect or arborist, demonstrating compliance with all applicable landscaping and vegetated buffering requirements. At minimum, the landscaping plan must specify the locations, elevations and height above finished grade of all vegetation, berms, and plantings, and must identify the plant species and other materials that will comprise the elements used to establish any vegetated buffers and substantially screen the Solar Energy System from view from abutting residential properties, public roads, and public vantage points.
 - g. A long-term operations and maintenance plan providing for ongoing monitoring and inspections of all site improvements, soils, and surrounding habitat. The plan must provide a method for maintaining sufficient financial resources for performing ongoing maintenance, mitigation, and repair of the Solar Energy System project.
 - h. A proposed decommissioning plan for the removal of the Solar Energy System, disposal of system components, and stabilization of the site, which meets the requirements in Section

79 (D) (10) of this Ordinance, and a written statement of the applicant’s intent concerning the following:

- i. Physical removal of any Solar Energy System components, structures, foundations, supports, fencing, or security barriers from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal laws and rules.
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion and substantially return the site to its pre-construction state.
-
- i. A description of any proposed dual-use or co-location of the property, including but not limited to agrivoltaics. If no dual-use is proposed or intended on the property, an explanation as to why such dual-use or co-location is not practicable.
 - j. A visual impact assessment that includes a line-of-sight profile analysis that illustrates what is visible and what is obstructed along a straight line running from the Solar Energy System and each Public Vantage Point. The Planning Board may require additional visual impact assessments, including digital view shed maps, if it determines in its sole discretion that such assessments are necessary for the Planning Board to evaluate the Solar Energy System’s compliance with the scenic impact standards in Section 79 (D) (6) (h) of this Ordinance.
 - k. An Environmental Impact Assessment and/or habitat impact assessment shall be created for the installations planned to be sited on or near areas noted within Biddeford’s Global Information System (GIS) maps to include deer wintering areas, vernal pools, wetland habitat, and rare or threatened species habitat. Findings of adverse impacts to the habitat of threatened or endangered species shall preclude development of those areas.
5. In addition to the application requirements for Medium-Scale Ground Mounted Solar Energy Systems for Site Plan Review and to obtain a Conditional Use Permit, the application for Large-Scale Ground Mounted Solar Energy Systems shall also include:
- a. Evidence of financial capacity to construct, operate, and decommission the Solar Energy System.
 - b. Impact study prepared by a qualified consultant for the project site, chosen by, and reporting to the City, but paid by the applicant, to determine all impacts on the environment, including, but not limited to wetlands, native vegetation, wildlife habitat, water quality, and the presence of any and all species invasive to Maine .
 - c. Site Plan(s) clearly identifying soil type and location of existing “Prime Farmland,” and “Farmland of Statewide Importance,” as well as locations of local or National Historic Districts or landmarks. These requirements shall be certified by a qualified professional.

6. In addition to Conditional Use application requirements for Medium-Scale Solar Energy Systems, other standards for Medium-Scale Ground-Mounted Solar Energy Systems are:

a. Siting of Solar Energy Systems on previously disturbed land to the greatest extent possible shall be recommended, with the intent of preventing or reducing the conversion of current and former agricultural land or forests to solar installations. A priority hierarchy for siting solar systems should follow:

- i. Priority 1: Former landfills, roof-mounted systems, former industrial or extractive sites, areas along highway corridors, parking lots, and other heavily disturbed parcels.
- ii. Priority 2: Parcels with existing cleared land (older than 510 years) that is not agricultural in its history, municipal lots and others.

The following areas may be considered for solar development if no other feasible alternative is possible:

Undisturbed wooded parcels and agricultural lands not identified below:

- iii. Prohibited Areas: Prime Agricultural Soils, Soils of Statewide Significance, deer wintering areas, vernal pool complexes, and other significant habitat.
- b. The Solar Energy System shall be operated and located such that no disruptive electromagnetic or radio frequency interference with signal transmission or reception is caused beyond the property lines of the site.
- c. The Solar Energy System shall be located and designed to avoid, minimize, or mitigate any glare onto abutting properties or roadways.
- d. Wildlife Habitat: The Solar Energy System shall have no undue adverse effect on any portion of the property designated by the Maine Department of Inland Fisheries and Wildlife as Rare, Threatened, or Endangered Wildlife, Essential Wildlife Habitat, or Significant Wildlife Habitat. The applicant shall assess the potential impacts of the Solar Energy System on any such designated species or habitat, including any adjacent areas that are important to the maintenance of the affected species or habitat, and shall take measures to avoid, minimize, or mitigate impacts of the Solar Energy System on the habitat and the species that the area supports. The Planning Board shall require the applicant to consult with the Maine Department of Inland Fisheries and Wildlife or a wildlife biologist preapproved by the Board in conducting such an assessment.
- e. Natural Areas: The Solar Energy System shall have no undue adverse effect on any portion of the property designated as a unique natural area or a Rare or Exemplary Plant and Natural Community in the City's Comprehensive Plan or by the Maine Natural Areas Program. The applicant shall assess the potential impacts of the Solar Energy System on any such designated natural area or community, including any adjacent areas that are important

to the maintenance of the affected area or community, and shall take measures to avoid, minimize, or mitigate impacts of the Solar Energy System on the natural area or community.

The Planning Board shall require the applicant to consult with the Maine Natural Areas Program in conducting such an assessment.

- f. Historic or Archaeological Resources: The Solar Energy System shall have no undue adverse effect on any portion of the property that has been identified as containing a significant historic or archaeological resource in the City's Comprehensive Plan or on the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission or other pertinent authority as likely to contain a significant historic or archaeological resource. The applicant shall assess the potential impacts of the Solar Energy System on any such resource, including any adjacent areas that are important to the preservation of the resource, and shall take measures to protect these resources, including but not limited to, modification of the proposed location and design of the Solar Energy System, timing of construction, limiting the extent of excavation, physical or legal protection, or by archaeological excavation or mitigation. The applicant shall comply with all requirements of Article XV Historic Preservation Ordinance as applicable. The Planning Board shall require the applicant to consult with the Maine Historic Preservation Commission in conducting such an assessment.
- g. Revegetation: Any disturbed ground cover on the site shall be revegetated with ~~pollinator-friendly~~, native, and non-invasive vegetation.
- h. The Solar Energy System must be located and designed for minimal visual impact on the surrounding area, particularly when viewed from abutting residential properties or any Public Vantage Point.
 - i. A vegetated buffer comprising native vegetation that is at least half the width of the minimum setback requirement in Section 79 (D) (8) (b) of this Ordinance, and no less than six (6) feet in height from finished grade, shall be maintained along any property boundary line of a Solar Energy System that abuts a residential dwelling or a public road, except where necessary to accommodate a driveway entrance to the site. All vegetation shall be installed in such a manner so as to completely conceal solar energy system from view.
 - ii. Existing vegetation must be used to the greatest practical extent. If there is insufficient existing vegetation to create a vegetated buffer, the applicant shall plant and maintain native species of conifers and evergreens to adequately screen the Solar Energy System from view.
- i. Security Fencing: All components of the Solar Energy System, excepting overhead utility and communication lines and poles, shall be completely enclosed by a minimum 6-foot-high fence. The fence shall be elevated an minimum of 6 inches above the ground to

- setback requirement in the applicable zoning district is more restrictive, in which case the more restrictive requirement shall apply:
- i. Front Lot Line 125 feet
 - ii. Side and Rear Lot Line 125 feet
 - iii. Street Right-of-Way 150 feet
- c. The land area of a Solar Energy System shall not exceed 50 acres exclusive of required setbacks.
9. All solar energy systems shall comply with regulations as outlined in Part III Article XIV Shoreland Zoning Ordinance as required.
10. Post-Approval Requirement for Medium-Scale Solar Energy Systems and Large-Scale Solar Energy Systems: Prior to the start of construction of a Medium-Scale Solar Energy System or Large-Scale Solar Energy System, the permit holder must submit to the Code Enforcement Officer a decommissioning plan and financial assurance approved by the Maine Department of Environmental Protection, in accordance with the requirements of 35-A M.R.S.A. Sections 3491-3496, as may be amended, for all costs associated with decommissioning the Solar Energy System.
11. Post-Construction Requirements for Medium-Scale Solar Energy Systems and Large Scale Solar Energy Systems: After completion of construction and prior to commercial operation of a permitted Medium-Scale Solar Energy System or Large-Scale Solar Energy System, the permit holder must:
- a. Submit to the Code Enforcement Department as-built drawings prepared by a Maine licensed professional land surveyor or engineer. The as-built drawings shall include the actual locations of the Solar Energy System and its components, any structures and their components, above and underground utilities, roads, swales, ditches, detention/retention facilities, areas of filling and grading, vegetated buffers, fencing, land and landscaping alterations, and any other infrastructure and facilities, all as actually constructed on the site. The as-built drawings should also include any documented locations of invasive species, wetland areas, wildlife corridors, or habitat present on the site. The as-built drawings must be accompanied by a letter signed by the surveyor or engineer certifying that the Solar Energy System had been constructed in accordance with all Planning Board approvals, including any conditions of approval and any accompanying plans and specifications.
 - b. Provide a written manual to the Biddeford Fire Department and Code Enforcement Department, which provides clear response information and instructions, including lock box details and disconnection locations necessary for a fire/emergency response at the site.

Article VI. Performance Standards

Section 79. Solar Energy Systems

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18. **Solar Panel (or module).** A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).
19. **Solar Thermal System (Solar Hot Water or Solar Heating Systems).** A solar energy system that directly heats water or other liquid, or air, using sunlight.
20. **Tilt.** The angle of the solar panels and/or solar collector relative to horizontal. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon. True solar noon is when the sun is at its highest during its daily east-west path across the sky (this is also known as 0° Azimuth). Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round

C. Applicability

1. Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, the requirements of this Section shall apply to all roof-mounted, small-, medium-, and large-scale ground-mounted solar energy systems modified or installed 30 days after the approval of this ordinance.
2. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.
3. Any upgrade, modification or structural change that materially alters the size, placement or output of an existing solar energy system shall comply with the provisions of this Section.

D. Performance Standards

1. Roof-mounted and building-mounted solar energy systems and equipment are permitted by right unless they are determined by a Code Enforcement Officer, with consultation from the City Engineer and/or the City Fire Chief to present one or more unreasonable safety risks including, but not limited to the following:
 - a. Weight load;
 - b. Wind resistance;
 - c. Ingress or egress in the event of fire or other emergency, or;
 - d. Proximity to ground mounted systems relative to buildings.
2. Roof-Mounted Solar Energy Systems must comply with the Dimensional Requirements applicable to structures within the zoning district in which such systems are to be located and the standards in Part III Article III Official Zoning Map and Article V Establishment of Zones of this Ordinance.
3. Small-Scale Ground Mounted Solar Energy Systems must comply with the Dimensional Requirements applicable to structures within the zoning district in which such systems are to be located and the standards in Part III Land Development Regulations of this Ordinance.

In addition to the standards in Part III of this Ordinance, Small-Scale Solar Energy Systems shall comply with the following standards:

- a. The Solar Energy System shall be less than 25 feet in height.
- b. The Solar Energy System shall be operated and located such that no disruptive electromagnetic or radio frequency interference with signal transmission or reception is caused beyond the property lines of the site.
- c. The Solar Energy System shall be located and designed to avoid, minimize, or mitigate any glare onto abutting properties or roadways.
- d. The Solar Energy System shall be located and designed to consider the visual character of the neighborhood in which it is constructed.
- e. The solar energy System shall not be located within the property setbacks.

4. Medium-Scale Ground-Mounted Solar Energy Systems shall comply with all requirements as stated in Part III Land Development Regulations of the Code of Ordinances. Such developments shall also require a Conditional Use Permit and Site Plan Review approval by the Planning Board. In addition to submission requirements in Article VII, Conditional Uses; Article XI Site Plan Review; and Article XII Floodplain Management, an application for medium-scale solar energy system development must also include:
 - a. Written confirmation from the Utility to which the Solar Energy system will be connected confirming the solar operator has conditional or final approval to interconnect the Solar Energy System to the Utility Grid.
 - b. A description of the major components of the Solar Energy System proposed to be used, including manufacturer's specifications and cut sheets, and construction drawings showing all dimensions.
 - c. Erosion and sedimentation control narrative with plans and details.
 - d. Site plan(s) indicating all proposed construction and alteration of the project site, including changes to the landscape of the project area, filling, grading, earthmoving, vegetation clearing and planting, screening, fencing, Solar Energy System components, utilities (above and/or below ground) and all other aspects of the project.
 - e. Site plan(s) indicating water bodies, wetlands, flood hazard areas, and vernal pools.
 - f. A landscaping plan, prepared by a licensed forester, landscape architect or arborist, demonstrating compliance with all applicable landscaping and vegetated buffering requirements. At minimum, the landscaping plan must specify the locations, elevations and height above finished grade of all vegetation, berms, and plantings, and must identify the plant species and other materials that will comprise the elements used to establish any vegetated buffers and substantially screen the Solar Energy System from view from abutting residential properties, public roads, and public vantage points.
 - g. A long-term operations and maintenance plan providing for ongoing monitoring and inspections of all site improvements, soils, and surrounding habitat. The plan must provide a method for maintaining sufficient financial resources for performing ongoing maintenance, mitigation, and repair of the Solar Energy System project.
 - h. A proposed decommissioning plan for the removal of the Solar Energy System, disposal of system components, and stabilization of the site, which meets the requirements in Section 79 (D) (10) of this Ordinance, and a written statement of the applicant's intent concerning the following:
 - i. Physical removal of any Solar Energy System components, structures, foundations, supports, fencing, or security barriers from the site.

- ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal laws and rules.
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion and substantially return the site to its pre-construction state.
- i. A description of any proposed dual-use or co-location of the property, including but not limited to agrivoltaics. If no dual-use is proposed or intended on the property, an explanation as to why such dual-use or co-location is not practicable.
 - j. A visual impact assessment that includes a line-of-sight profile analysis that illustrates what is visible and what is obstructed along a straight line running from the Solar Energy System and each Public Vantage Point. The Planning Board may require additional visual impact assessments, including digital view shed maps, if it determines in its sole discretion that such assessments are necessary for the Planning Board to evaluate the Solar Energy System's compliance with the scenic impact standards in Section 79 (D) (6) (h) of this Ordinance.
 - k. An Environmental Impact Assessment and/or habitat impact assessment shall be created for the installations planned to be sited on or near areas noted within Biddeford's Global Information System (GIS) maps to include deer wintering areas, vernal pools, wetland habitat, and rare or threatened species habitat. Findings of adverse impacts to the habitat of threatened or endangered species shall preclude development of those areas.
5. In addition to the application requirements for Medium-Scale Ground Mounted Solar Energy Systems for Site Plan Review and to obtain a Conditional Use Permit, the application for Large-Scale Ground Mounted Solar Energy Systems shall also include:
- a. Evidence of financial capacity to construct, operate, and decommission the Solar Energy System.
 - b. Impact study prepared by a qualified consultant for the project site, chosen by, and reporting to the City, but paid by the applicant, to determine all impacts on the environment, including, but not limited to wetlands, native vegetation, wildlife habitat, water quality, and the presence of any and all species invasive to Maine .
 - c. Site Plan(s) clearly identifying soil type and location of existing "Prime Farmland," and "Farmland of Statewide Importance," as well as locations of local or National Historic Districts or landmarks. These requirements shall be certified by a qualified professional.
6. In addition to Conditional Use application requirements for Medium-Scale Solar Energy Systems, other standards for Medium-Scale Ground-Mounted Solar Energy Systems are:
- a. Siting of Solar Energy Systems on previously disturbed land to the greatest extent possible shall be recommended, with the intent of preventing or reducing the conversion of current and former agricultural land or forested lands to solar installations. A priority hierarchy for siting solar systems should follow:

- i. Priority 1: Former landfills, roof-mounted systems, former industrial or extractive sites, areas along highway corridors, parking lots, and other heavily disturbed parcels.
- ii. Priority 2: Parcels with existing cleared land (older than 5 years) that is not agricultural in its history, and municipal lots, ~~and others~~.
- iii. Priority 3: The following a Undisturbed wooded parcels planned to be cleared for solar development not otherwise excluded or prohibited from solar development. Such land ~~reas~~ may be considered for solar development if no other feasible alternative is possible available and there remains the option for conducting the studies and assessments required under sections 4(j-k), 5(b), and 6(d-f).;

~~Undisturbed wooded parcels and agricultural lands not identified below:~~

- ~~i.iv.~~ Prohibited Areas: Prime Agricultural Soils, Soils of Statewide Significance Areas of Prime Farmland and Farmland of Statewide Importance as designated by the Maine Department of Agriculture, Conservation, and Forestry, deer wintering areas, vernal pool complexes, and other significant habitat.
- b. The Solar Energy System shall be operated and located such that no disruptive electromagnetic or radio frequency interference with signal transmission or reception is caused beyond the property lines of the site.
- c. The Solar Energy System shall be located and designed to avoid, minimize, or mitigate any glare onto abutting properties or roadways.
- d. Wildlife Habitat: The Solar Energy System shall have no undue adverse effect on any portion of the property designated by the Maine Department of Inland Fisheries and Wildlife as Rare, Threatened, or Endangered Wildlife, Essential Wildlife Habitat, or Significant Wildlife Habitat. The applicant shall assess the potential impacts of the Solar Energy System on any such designated species or habitat, including any adjacent areas that are important to the maintenance of the affected species or habitat, and shall take measures to avoid, minimize, or mitigate impacts of the Solar Energy System on the habitat and the species that the area supports. The Planning Board shall require the applicant to consult with the Maine Department of Inland Fisheries and Wildlife or a wildlife biologist preapproved by the Board in conducting such an assessment.
- e. Natural Areas: The Solar Energy System shall have no undue adverse effect on any portion of the property designated as a unique natural area or a Rare or Exemplary Plant and Natural Community in the City's Comprehensive Plan or by the Maine Natural Areas Program. The applicant shall assess the potential impacts of the Solar Energy System on any such designated natural area or community, including any adjacent areas that are important to the maintenance of the affected area or community, and shall take measures to avoid, minimize, or mitigate impacts of the Solar Energy System on the natural area or community.

The Planning Board shall require the applicant to consult with the Maine Natural Areas Program in conducting such an assessment.

- f. **Historic or Archaeological Resources:** The Solar Energy System shall have no undue adverse effect on any portion of the property that has been identified as containing a significant historic or archaeological resource in the City's Comprehensive Plan or on the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission or other pertinent authority as likely to contain a significant historic or archaeological resource. The applicant shall assess the potential impacts of the Solar Energy System on any such resource, including any adjacent areas that are important to the preservation of the resource, and shall take measures to protect these resources, including but not limited to, modification of the proposed location and design of the Solar Energy System, timing of construction, limiting the extent of excavation, physical or legal protection, or by archaeological excavation or mitigation. The applicant shall comply with all requirements of Article XV Historic Preservation Ordinance as applicable. The Planning Board shall require the applicant to consult with the Maine Historic Preservation Commission in conducting such an assessment.
- g. **Revegetation:** Any disturbed ground cover on the site shall be revegetated with pollinator friendly, native, and non-invasive vegetation.
- h. **The Solar Energy System must be located and designed for minimal visual impact on the surrounding area, particularly when viewed from abutting residential properties or any Public Vantage Point.**
 - i. A vegetated buffer comprising native vegetation that is at least half the width of the minimum setback requirement in Section 79 (D) (8) (b) of this Ordinance, and no less than six (6) feet in height from finished grade, shall be maintained along any property boundary line of a Solar Energy System that abuts a residential dwelling or a public road, except where necessary to accommodate a driveway entrance to the site. All vegetation shall be installed in such a manner so as to completely conceal solar energy system from view.
 - ii. Existing vegetation must be used to the greatest practical extent. If there is insufficient existing vegetation to create a vegetated buffer, the applicant shall plant and maintain native species of conifers and evergreens to adequately screen the Solar Energy System from view.
- i. **Security Fencing:** All components of the Solar Energy System, excepting overhead utility and communication lines and poles, shall be completely enclosed by a minimum 6-foot-high fence. The fence shall be elevated an minimum of 6 inches above the ground to accommodate crossings by small terrestrial animals. Functional alternatives to chain-link style fencing is encouraged.

- j. Operations and Maintenance: The applicant must provide for the long-term operation of the Solar Energy System and maintenance of the Solar Land Area, including ensuring that vegetation buffers are maintained, inspections are performed as needed, new instances of species that are considered invasive to Maine are removed, biannual soil testing is conducted and reported to the City, and the site is accessible to emergency responders in the event of an emergency. This work shall be conducted in accordance with Maine State law.
7. In addition to the standards for Medium-Scale Solar Energy Systems as described above, Large-Scale Solar Energy Systems shall also comply with the following standards:
- a. No solar development shall be constructed on areas of Prime Farmland or Farmland of Statewide Importance as designated by the Maine Department of Agriculture, Conservation and Forestry. ~~land designated as "Prime Farmland" or "Farmland of Statewide Importance."~~
 - b. No application for large-Scale Solar Energy System will be considered if the parcel has been deforested within five (5) years prior to application. This measure will ensure the parcel is maintained in its original state that will enable a thorough review of wildlife habitat, natural areas, and other sensitive areas prior to a proposed solar development.
 - c. If a large scale development is planned, it may not be characterized at the time of application as a medium-scale development, with the intention of later expanding the project in phases until the development meets the definition of large-scale solar development. Submittal of one or more applications over any period of time that expands a medium-scale solar energy system to then meet the definition of a large-scale solar energy system shall be prime facia evidence of the intent to circumvent the intent of this subsection and shall be denied.
 - d. Agricultural Resources: The Solar Energy System shall have no undue adverse effect on any portion of the property containing prime agricultural soils or soils of statewide importance. The applicant shall assess the potential impacts of the Solar Energy System on any such soils, and shall take measures to avoid or minimize impacts to such soils. The Planning Board shall require the applicant to consult with the Department of Agriculture, Conservation, and Forestry, Agricultural Resource Development Division, in conducting such an assessment. No topsoil or prime agricultural soil shall be removed from the site for installation of the Solar Energy System. All stockpiled topsoil shall be retained on site and reused in the landscaping plan for the site.
 - e. Utility Connections: All on-site utility transmission lines and piping associated with the Solar Energy System shall be placed underground to the greatest extent practicable. The Planning Board may waive this requirement if the applicant can demonstrate that satisfying this requirement is not practicable based on requirements of the utility provider or specific site conditions.
8. Dimensional requirements for medium-scale and large-scale Solar Energy Systems:
- a. The Solar Energy System shall be less than 25 feet in Height.

- b. Minimum Setbacks: The following minimum setback requirements must be met, regardless of the zoning district in which the Solar Energy System is located, unless the minimum setback requirement in the applicable zoning district is more restrictive, in which case the more restrictive requirement shall apply:
 - i. Front Lot Line 125 feet
 - ii. Side and Rear Lot Line 125 feet
 - iii. Street Right-of-Way 150 feet
 - c. The land area of a Solar Energy System shall not exceed 50 acres exclusive of required setbacks.
9. All solar energy systems shall comply with regulations as outlined in Part III Article XIV Shoreland Zoning Ordinance as required.
10. Post-Approval Requirement for Medium-Scale Solar Energy Systems and Large-Scale Solar Energy Systems: Prior to the start of construction of a Medium-Scale Solar Energy System or Large-Scale Solar Energy System, the permit holder must submit to the Code Enforcement Officer a decommissioning plan and financial assurance approved by the Maine Department of Environmental Protection, in accordance with the requirements of 35-A M.R.S.A. Sections 3491-3496, as may be amended, for all costs associated with decommissioning the Solar Energy System.
11. Post-Construction Requirements for Medium-Scale Solar Energy Systems and Large Scale Solar Energy Systems: After completion of construction and prior to commercial operation of a permitted Medium-Scale Solar Energy System or Large-Scale Solar Energy System, the permit holder must:
 - a. Submit to the Code Enforcement Department as-built drawings prepared by a Maine licensed professional land surveyor or engineer. The as-built drawings shall include the actual locations of the Solar Energy System and its components, any structures and their components, above and underground utilities, roads, swales, ditches, detention/retention facilities, areas of filling and grading, vegetated buffers, fencing, land and landscaping alterations, and any other infrastructure and facilities, all as actually constructed on the site. The as-built drawings should also include any documented locations of invasive species, wetland areas, wildlife corridors, or habitat present on the site. The as-built drawings must be accompanied by a letter signed by the surveyor or engineer certifying that the Solar Energy System had been constructed in accordance with all Planning Board approvals, including any conditions of approval and any accompanying plans and specifications.
 - b. Provide a written manual to the Biddeford Fire Department and Code Enforcement Department, which provides clear response information and instructions, including lock box details and disconnection locations necessary for a fire/emergency response at the site.



Policy Committee

Meeting Date: February 23, 2026
Meeting Time: 6:00 PM
Agenda Item No: 5.e
Item Description: Proposed Electric Vehicle Charging Ordinance
Submitted By: Brad Favreau with Sustainability Commission Chair Will Kochtitzky.

Key Terms:

See Definitions in draft ordinance.

Executive Summary:

The Sustainability Commission proposes a new ordinance requiring electric vehicle charging infrastructure as a part of new development.

Detailed Review:

To encourage the transition from fossil fuel-powered vehicles to cleaner electric vehicles, the Sustainability Commission proposes this ordinance to strengthen charging infrastructure in Biddeford.

All new or re-constructed parking facilities (either surface lots or structured parking) shall conform to the requirement of providing Level 2 chargers at a prescribed rate. This requirement applies to residential, commercial, industrial, and institutional uses.

The proposal requires charging infrastructure that falls into one of two categories:
EVCS Installed - Operational Electric Vehicle Charging Station, in place at parking space.
EVCS Ready - Electric service capacity provided at parking space.

An in-lieu of fee has been provided, with Planning Board approval, where the cost of compliance is prohibitive to the development in question.

Funding Source:

N/A

Staff Recommendation:

Staff supports this proposal as part of city efforts to implement the Biddeford Climate Action Plan as approved by Council in 2023.

Next Steps:

With a recommendation by this committee, the proposal will go on to City Council for consideration.

Attachments:

1. Electric Vehicle Charger Ordinance JANUARY 2026
2. Biddeford EV Ordinance DRAFT REVISED_DECEMBER 2025

What are EVs and what does the future of transportation look like?

Biddeford Sustainability Commission

What is an EV?

- An electric vehicle in two flavors:
 - Battery electric vehicle (BEV) – 200-500 mile electric range
 - Plugin hybrid electric vehicle (PHEV) – 20-50 mile electric range
- Battery powers an electric motor
- EVs are faster and quieter than combustion engines
- Average American drives 29 miles per day, average EV goes 300 miles
- BEV is equivalent of paying \$1.95 per gallon according to Efficiency Maine (assumes \$0.24 per kwh, comparing Rav4 with Tesla Model Y)

How do EVs charge?

- Level-1 - 120 volts AC, 2-5 miles per hour
- Level-2 – 240 volts AC, 20-60 miles per hour (overnight)
- DC fast charge – 400-1000 volts DC – 100-1000 miles per hour (road trip)



Current price of EVs



[Video](#)

2026 Chevrolet Blazer 2LT

Pricing

Info

MSRP* ⓘ

\$40,865



[Video](#)

2026 Chevrolet Blazer EV LT

Pricing

Info

MSRP* ⓘ

\$46,095

Jack Chevrolet Discount* ⓘ

-\$1,303

Featured Price* ⓘ

\$44,792

Customer Cash

-\$1,000

[Details](#)

Sale Price

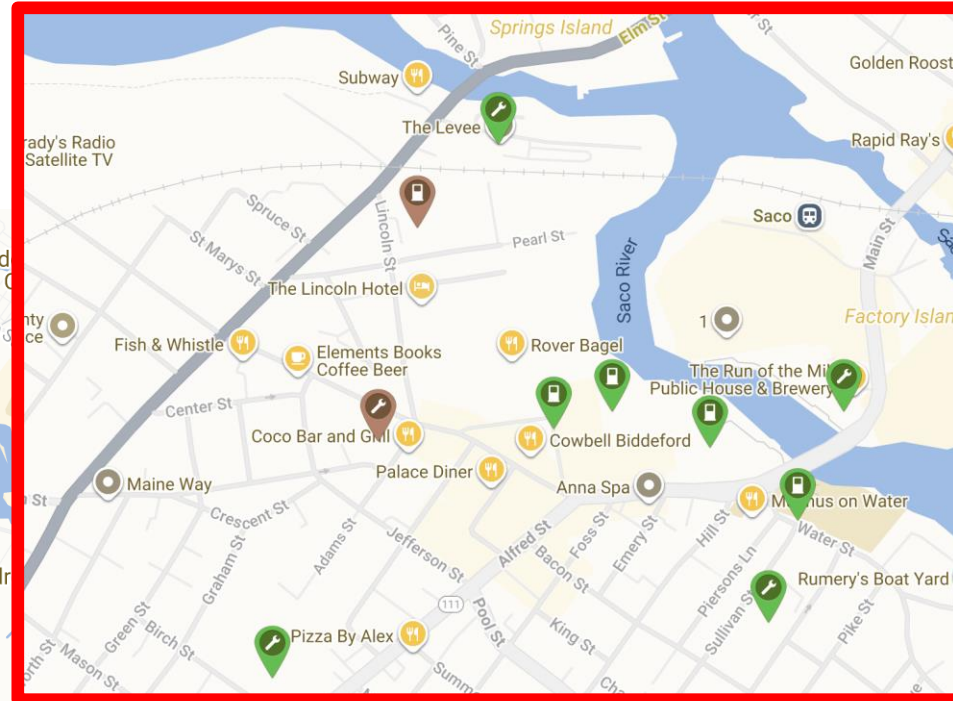
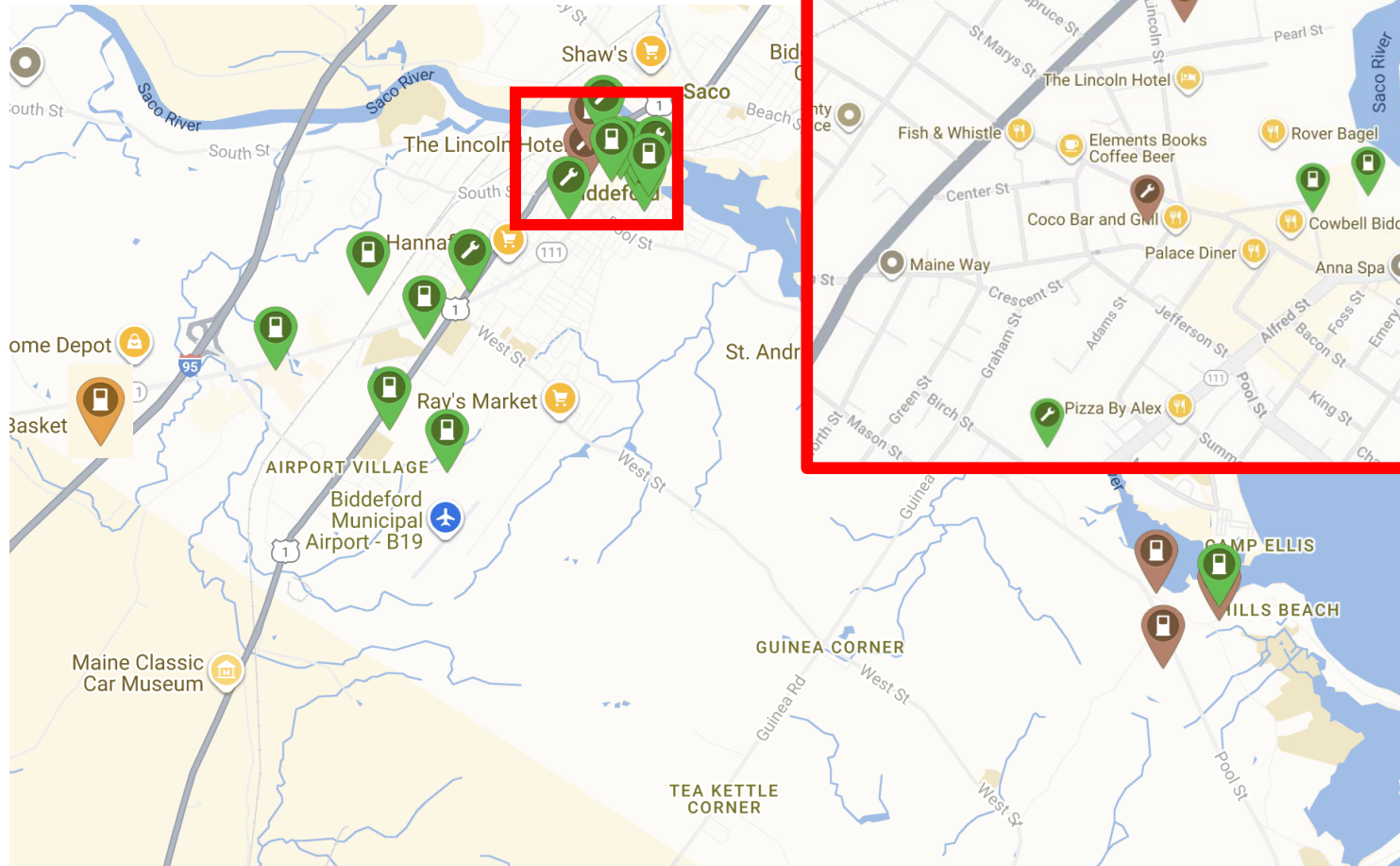
\$43,792

Purchase Allowance for Current Eligible Non-GM Owners and Lessees

-\$750

[Details](#)

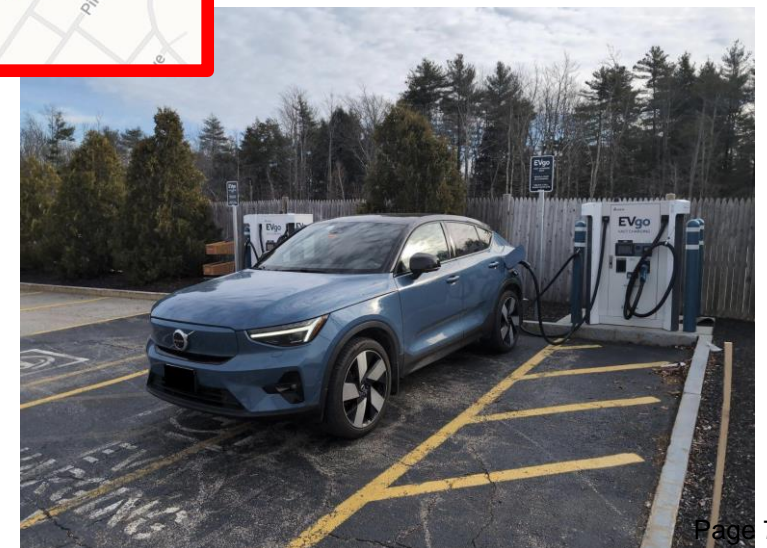
Chargers in Biddeford



Pearl St garage

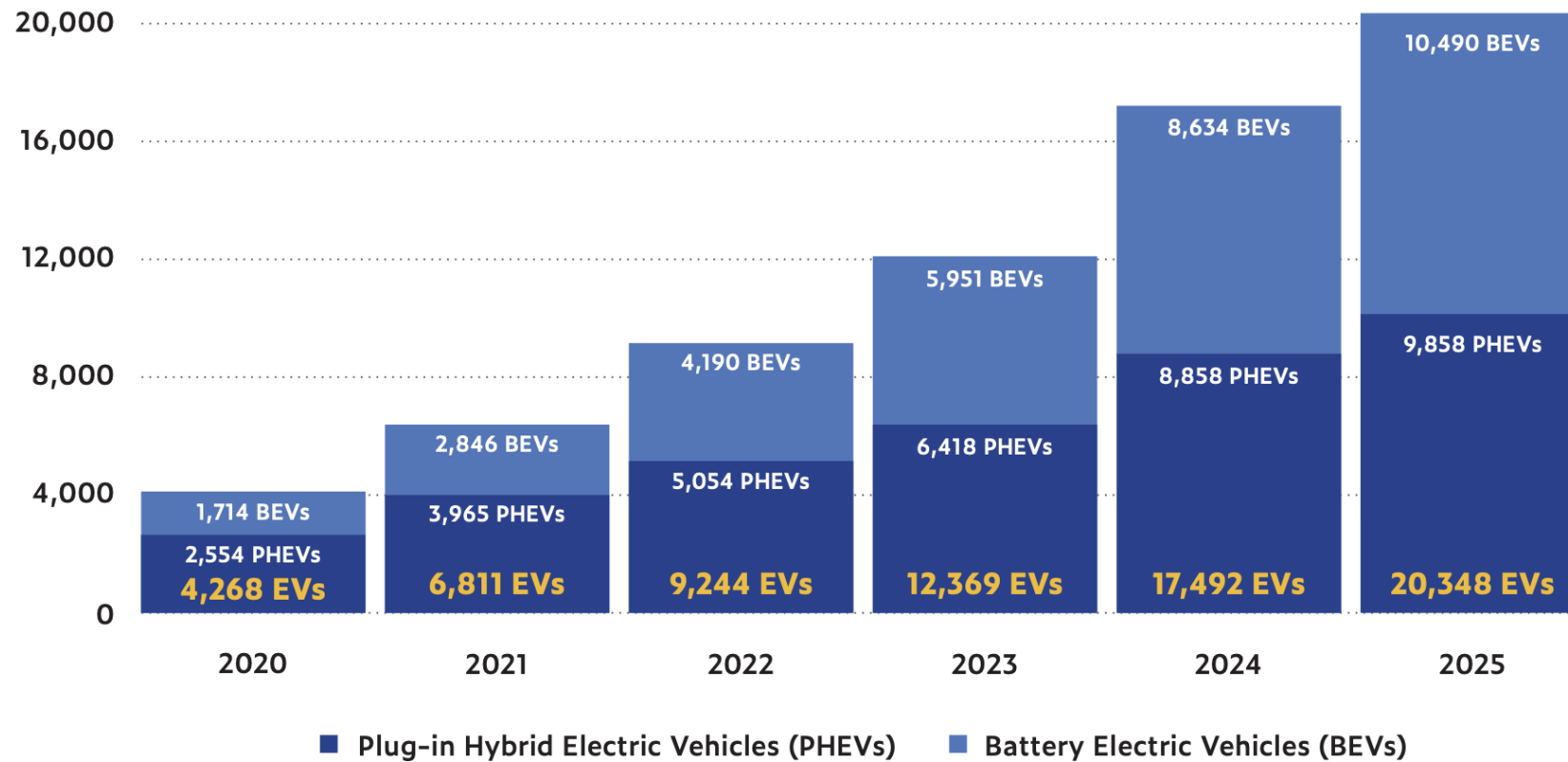


Market Basket



Registrations of EVs in Maine

Electric Vehicles on the Road in Maine



Source: Recharge Maine, 07/01/2025

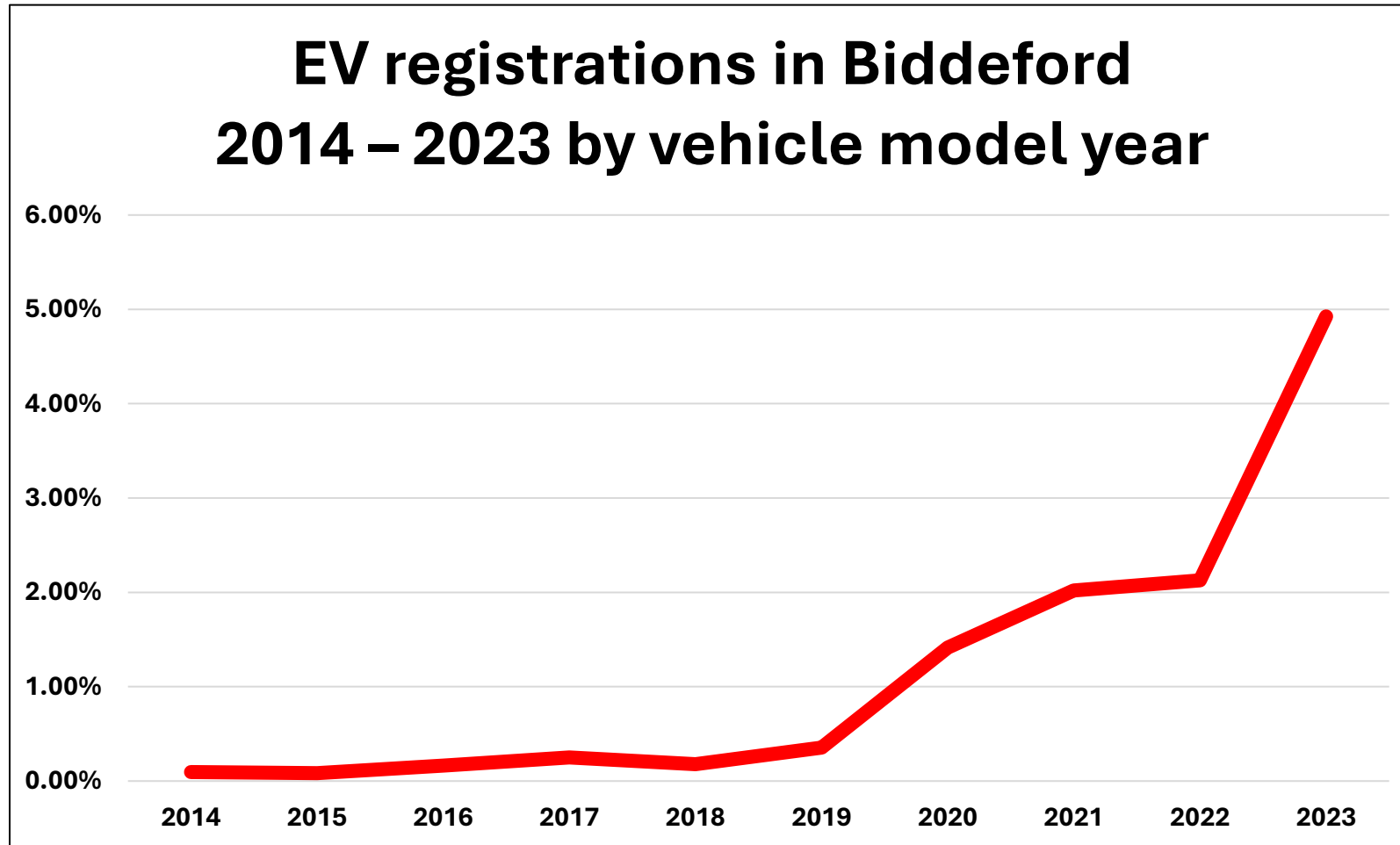
Registrations of EVs in Biddeford

467 2023 model year cars
23 of which are electric

86 total EVs registered in Biddeford

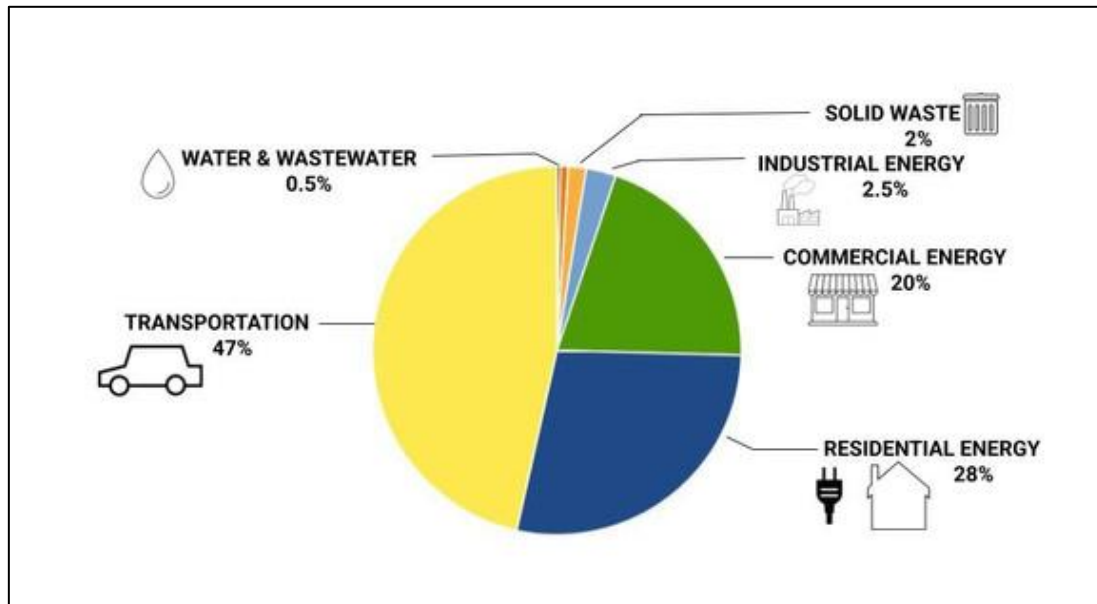
92% of US EV drivers say
their next vehicle will also
be an EV.

(Sources: Global EV Drivers
Alliance; Green Car Reports;
Auto123; Plug In America)

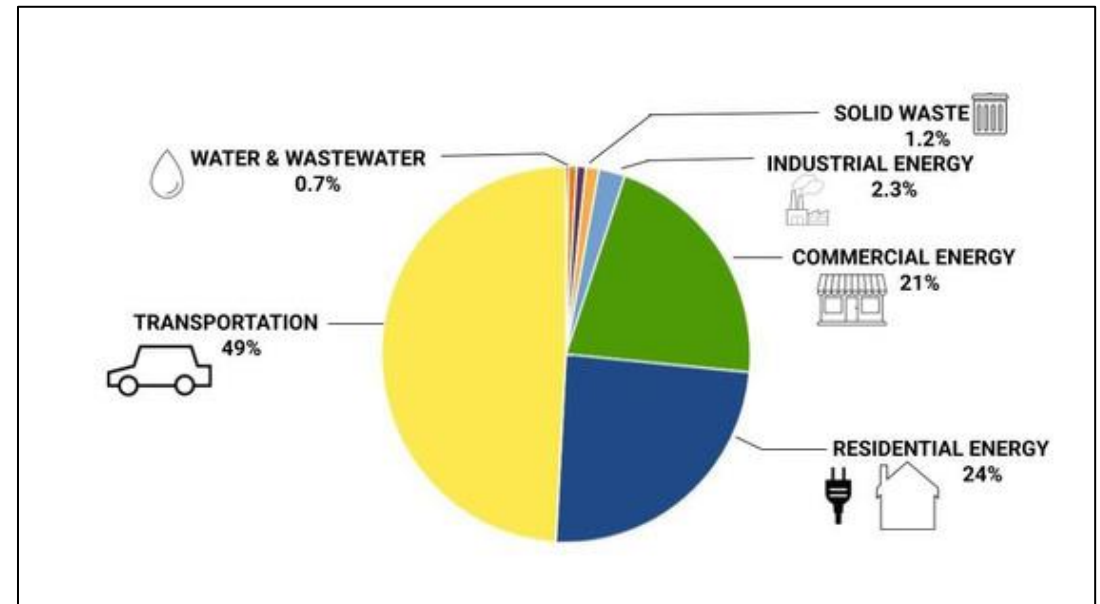


Climate goals

- Maine wants 150,000 EVs by 2030, currently 20,346 (7/1/25)



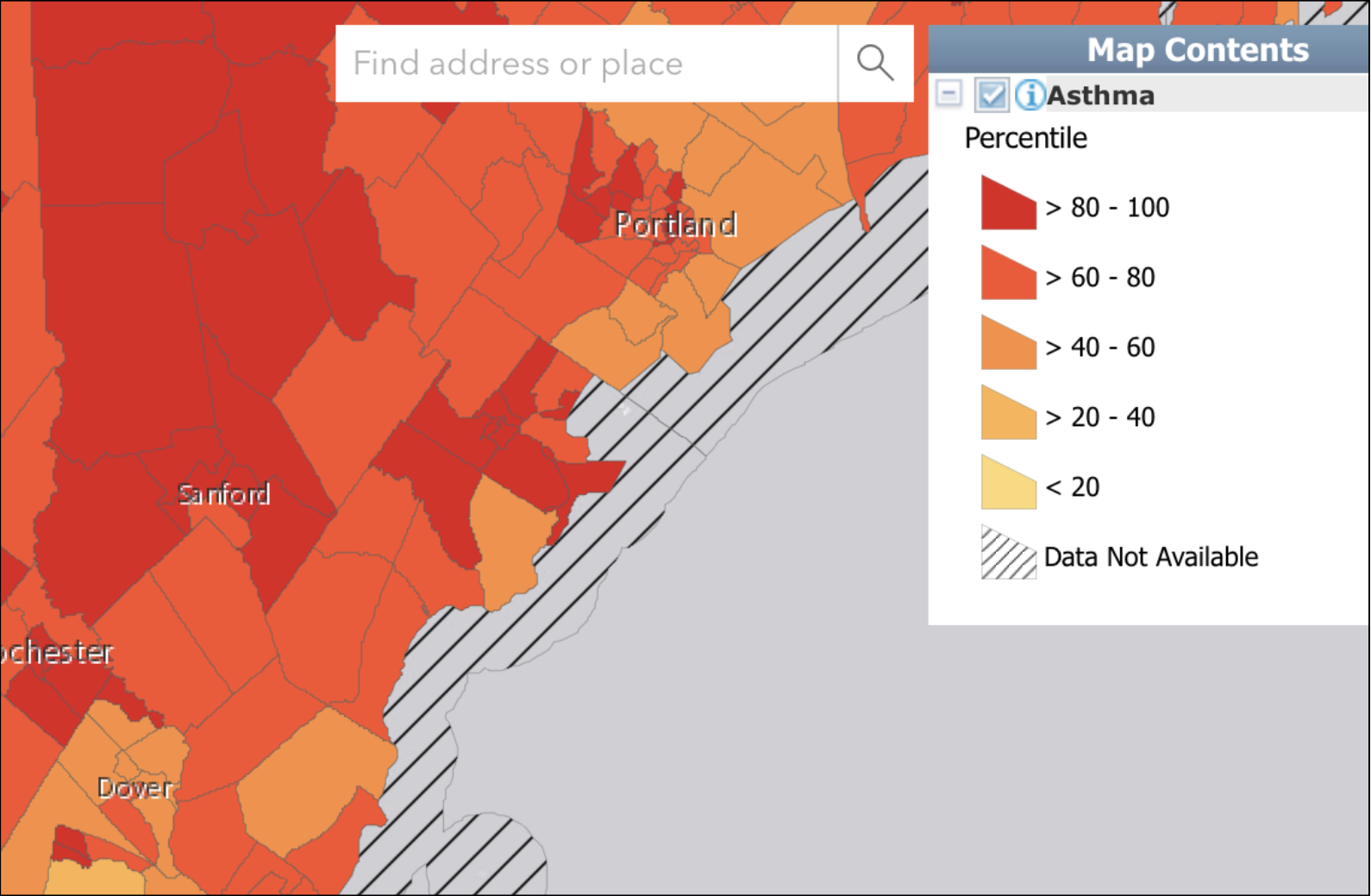
2019 – Transportation accounted for **47%** of Biddeford GHG Emissions



2023 – Transportation accounted for **49%** of Biddeford GHG Emissions

Improve public health

Very high asthma rates in Biddeford



American Lung Association found that switching to EVs would result in 90,000 fewer premature deaths and \$978 billion in public health benefits by 2050

“Long-term improvements in air quality were associated with statistically and clinically significant positive effects on lung-function growth in children.” (New England Journal of Medicine)

Barriers to EV adoption

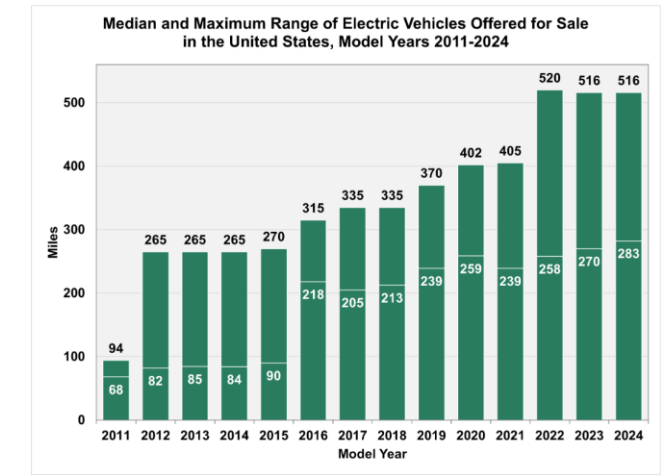
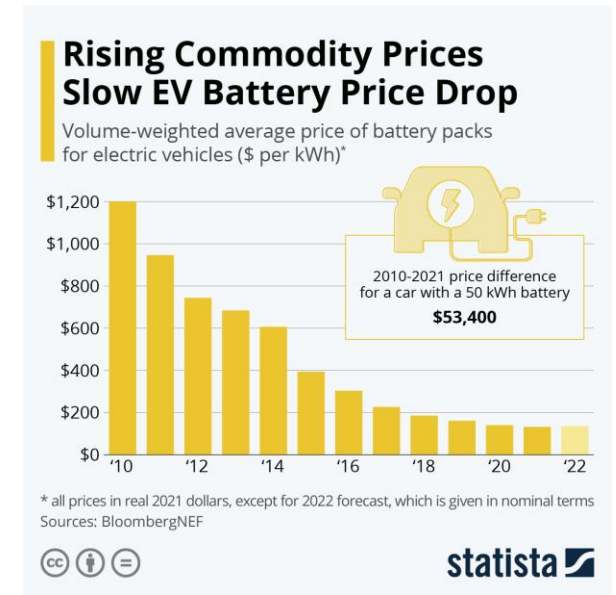
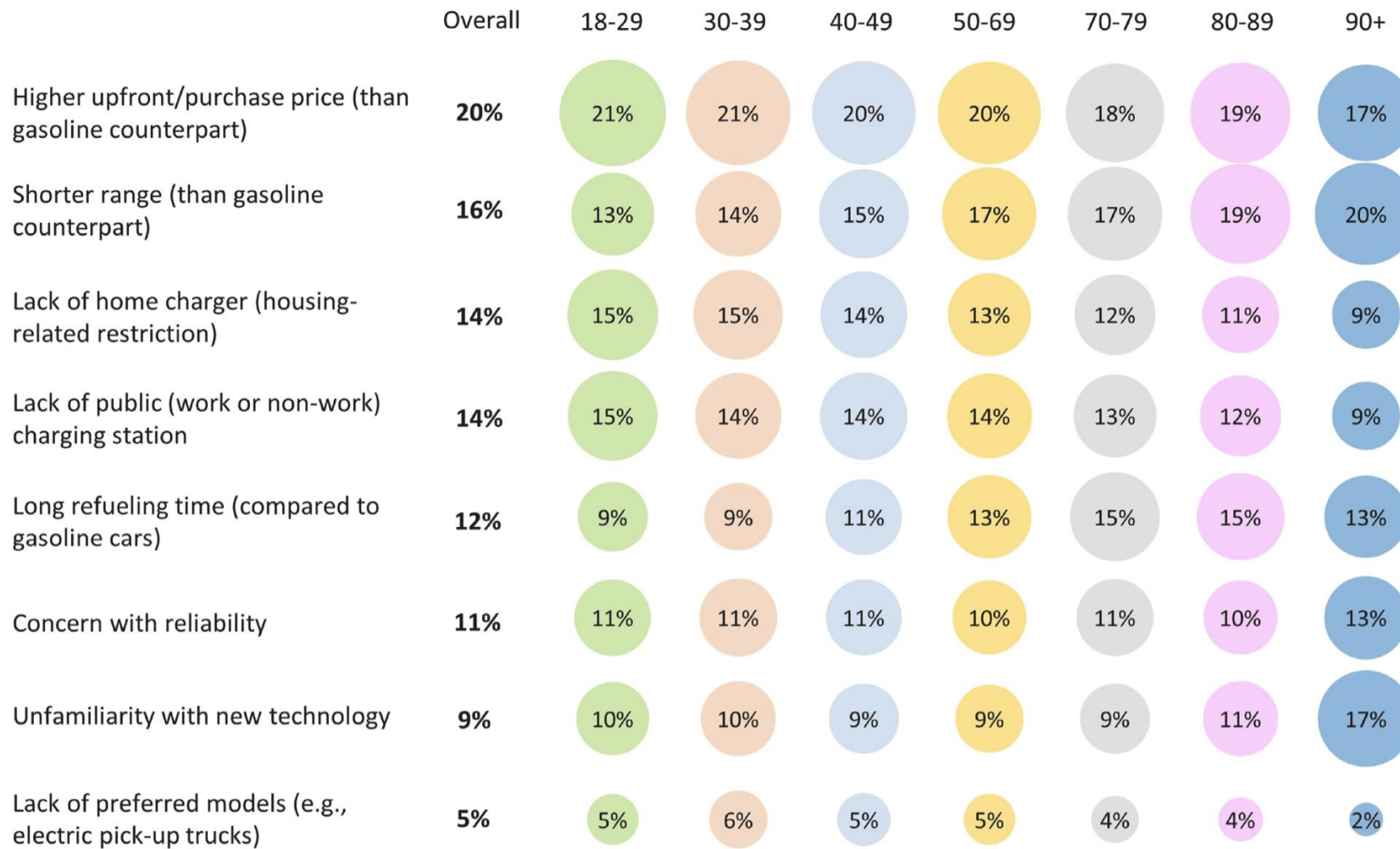


Fig. 4. Perceived barriers to PEVs by respondent age (as well as overall values in bold on the left), based on the responses to the question: What do you see as a barrier that prevents you from buying a plug-in electric vehicle (Select all that apply)?.

What this ordinance does:

- The aim is to be visionary – we want to build our future
- EVCS-installed vs EVCS-ready
- New parking lots with >25 spaces or increase capacity by 30%+
- 5% of parking spaces need to have EVCS-installed for non-residential
- 1 EVCS-ready per home for residential (except multi-family without dedicated parking)
- \$5k in lieu fee for EVCS-installed, suggest \$1k for EVCS-ready

EVCS-installed



EVCS-ready



City of Biddeford Code of Ordinances

Part III Land Use Development

Article VI Performance Standards

Section 49.1 Electric Vehicle Infrastructure

1. Purpose

The purpose of this ordinance is to facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, and to establish minimum requirements for such infrastructure to serve both long-term and short-term parking needs. This Ordinance is consistent with the goals of Biddeford's approved Climate Action Plan, including reducing greenhouse gas emissions 62.6% over 2019 baseline levels by 2030.

2. Definitions

Accessible electric vehicle charging station - an electric vehicle charging station, that can be readily used by those of all abilities, where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.

Battery charging station - an electrical component, assembly or cluster of components assemblies designed specifically to charge batteries within electric vehicles.

Battery electric vehicle - any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.

Charging levels - the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and DC fast charging are the most common charging levels, and include the following specifications:

- Level 1 provides charging through a 120 volt (V), alternating-current (AC) plug. Level 1 is considered as slow charging. Level 1 charging equipment is standard on vehicles and therefore does not require the installation of charging equipment. The most common place for Level 1 charging is at the vehicle owner's home and is typically conducted overnight.
- Level 2 charging is through a 240V, AC plug and requires installation of home charging or public charging equipment. These units require a dedicated 40-amp circuit. Level 2 chargers are commonly found in residential settings, public parking areas, places of employment and commercial settings.
- DC Fast Charging (DCFC) charging is through a 400 to 1000 V, direct-current (DC) plug. Due to their high cost and extremely high-power draw, Level 3 chargers are typically found in commercial or industrial locations rather than residential.

Electric Vehicle (EV) - a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes.

“Electric vehicle” includes:

- Battery electric vehicle
- Plug-in hybrid electric vehicle

Electric vehicle charging station (EVCS) – battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. A charging station must include a port that conforms to EV industry standards and can charge the vehicle, although an adapter may be required.

EVCS-installed - parking spaces equipped with electrified EVCS that are operational.

EVCS-ready - parking spaces with necessary conduit installed and electrical capacity available to connect to an EVCS to charge an electrical vehicle (either plug or hardwired).

Electric vehicle charging station, private restricted use - an electric vehicle charging station that is:

- Privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking, assigned parking at multi-family residential buildings); or
- Publicly owned and restricted (e.g., fleet parking with no access to the general public).

Electric vehicle charging station – public use means an electric vehicle charging station that is:

- Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or
- Privately owned and available to visitors (e.g., shopping center parking).

Electric vehicle infrastructure - conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.

Electric vehicle parking space - any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Electric vehicle supply equipment (EVSE) - any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.

Electrical capacity shall mean, at minimum:

- Electric Service Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
- Conduit from an electric panel to future EVCS location(s).

Non-electric vehicle - any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.

Plug-in hybrid electric vehicle - an electric vehicle that:

- Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
- Charges its battery primarily by connecting to the grid or other off-board electrical source;
- May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and
- Has the ability to travel powered by battery-supplied electricity.

3. Applicability

3.1. This ordinance shall apply to all electric vehicle infrastructure installed, constructed, or modified after the effective date of this Ordinance.

3.2. Electric vehicle infrastructure in place prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance unless substantial modification to the infrastructure is proposed in accordance with the criteria identified in Section 5.1.

3.3. All electric vehicle infrastructure shall be designed, built, and installed in accordance with applicable local, state, and federal codes, regulations, and standards.

4. Required Facilities

4.1. All new or reconstructed parking structures or lots shall be required to install level-2 or higher EVCSs according to Table 5.1 when one of the following conditions is met:

The development includes a new off-street parking facility with more than 25 spaces; or

The parking capacity of an existing building, site, or parking facility is increased by 30 percent or more or 25 spaces, whichever is smaller (expressed as $[\text{number of additional spaces}] / [\text{number of existing spaces}] \times 100$), resulting in 25 or more total spaces after expansion.

4.1.1. The number of EV charging stations required to be installed at the time of development is stated as a percentage of the total number of parking spaces in Column A of Table 5.1. Requirements will be rounded up to closest whole number but will always be a value of at least one EVCS to be available at the time of development occupancy.

4.1.2. Electric capacity requirements for EVCS-ready are met by providing a cabinet, box or enclosure connected to a conduit linking parking spaces with 208/240V or higher voltage AC electrical service for the suitable for the number of charging stations. The wire may end in either a junction box, hardwired EVCS, or plug at the parking space.

4.1.3 Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to electrical transformer to support electric vehicle charging.

Table 4.1

EV Charging Requirements for New and Reconstructed Parking Structures

Land use type	A. EVCS-installed parking spaces required (as % of total parking spaces)	B. EVCS-ready parking spaces required (as % of total parking spaces)
One or two family residential	-	1 per unit
Multi-family residential w/o dedicated spaces	5%	-
Multi-family residential w/ dedicated spaces	-	1 per unit
Non-residential	5% or one (1) space, whichever is greater	

4.1.3. DC Fast Charging equipment may be installed to partially or fully meet the above requirement at one third the rate prescribed by table 5.1.

4.1.4. These requirements may be revised upward or downward by the Planning Board as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.

4.1.5. When the cost of installing EVSE required by this ordinance would exceed five percent of the total project cost, the property owner or applicant may request a reduction in the EVSE requirements and submit cost estimates for city consideration. When City Council approval of the project is not required, the Code Enforcement Director may administratively approve a reduction the required amount of EVSE to limit the EVSE installation costs to not more than five percent of the total project cost.

5.1.6. Affordable housing projects (120% AMI in 33% of dwelling units) can reduce requirement in table 5.1 by 50% or two total EVCS-installed spaces, whichever is less.

4.1.7. Where meeting the requirements of this ordinance is cost prohibitive, an in-lieu fee to the City of Biddeford at a rate of \$5,000 per EVCS-installed parking space and \$25 per EVCS-ready parking space shall be collected. EVCS in-lieu fees collected by the City shall be used for supporting electric vehicle infrastructure in the City of Biddeford. These funds shall be used in accordance with the following:

- a. The funds shall be used for electric vehicle charging infrastructure within the City. More specifically, these funds may be used for equipment, and/or construction costs of electric vehicle charging infrastructure in existing or new City owned parking lots.
- b. A portion of these funds may also be used for administrative, legal, engineering, or other costs related to the planning, design, permitting, and property acquisition for electric vehicle charging.
- c. A portion of these funds may also be used to establish a grant or revolving loan program to provide direct financial assistance to offset the cost of retrofitting existing parking areas with electric vehicle charging infrastructure.
- d. These funds may be used in combination with other City funds and other private, non-profit, and government funding for expanding electric vehicle charging infrastructure within Biddeford.
- e. The in-lieu fees contributed by a development shall not be used by the same or other developments to fund the electric vehicle charging infrastructure that is required to meet the minimum standards described in Table 5.1.
- f. The in-lieu fees collected by the City shall not be utilized to fund electric vehicle charging infrastructure that is otherwise required to meet minimum zoning standards.

5. General Requirements for Electric Vehicle Infrastructure

5.1. Electric vehicle charging stations within single-family and two-family residences are exempt from the below general requirements. This does not exempt electrical or other permit obligations.

5.2. General station requirements

5.2.1. Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.

5.2.2. Equipment Standards and Protection. Where provided, parking for electric vehicle charging purposes shall meet the standards of subsections 6.2.2 (1) through (4) of this section.

1. Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.
2. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
3. Charging Station Equipment Protection. When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.
4. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

5.2.3. Signage. Electric vehicle charging stations, other than in residential use, shall have posted signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment. Signage for parking of electric vehicles shall include:

- Information on the charging station to identify voltage and amperage levels and any time of use, fees, or safety information.
- Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner
- As appropriate, directional signs to effectively guide motorists to the charging station space(s).

5.2.4. Lighting. Site lighting shall be provided where EVCS is installed unless charging is for daytime purposes only. Lighting standards should be met pursuant to the Biddeford’s zoning ordinance.

5.2.5. Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging/parking. If applicable, warnings shall be posted to alert charging station users about hours of use and possible actions affecting EVCS that are not being used according to posted rules.

5.2.6. The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves. If applicable, warnings shall be posted to alert charging station users about hours of use.

5.2.7. Usage Fees. The property owner or operator is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

5.3. Accessible Facilities

6.3.1. Where 5 or more EVCS-installed spaces are required, at least one space must be accessible as defined by the Americans with Disabilities Act (ADA).

6.3.2. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

5.4. Charging and Parking

6.4.1. EVCS parking spaces are to be included in the calculation for both the number of minimum and maximum parking spaces required, as provided by Part III Land Development Regulations, Article VI Performance Standards, Section 49 Off Street Parking and Loading in the City of Biddeford Code of Ordinances

6.4.2. EVCS parking spaces, where provided for public use, are reserved for charging electric vehicles only.

6.4.3. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

5.5. Parking Restrictions

6.5.1. No person shall stop, stand or park any non-electric vehicle in a space designated through signage as an electric vehicle charging station. Any non-electric vehicle is subject to removal by the property owner or the property owner's agent.

6.5.2. Any electric vehicle in an electric vehicle parking stall that is signed exclusively for electric vehicle charging and that is either (1) not electrically charging or (2) parked beyond the days and hours designated on regulatory signs posted at or near the space shall be subject to removal as posted by the property owner or the property owner's agent. For purposes of this subsection, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

5.6. Decommissioning

Unless otherwise directed by City of Biddeford, within ninety (90) days of cessation of use of the EVCS, the property owner or operator shall restore the site to its original condition. Should the property owner or operator fail to complete said removal within ninety (90) days, the City Biddeford shall conduct the removal and disposal of improvements at the property owner or operator's sole cost and expense.

6. Effectiveness, Interpretation, Severability

7.1. This ordinance shall become effective January 1 after the date of its adoption. Applications already in review at time of adoption shall not be subjected to the above requirements.

7.2. All other portions, parts, and provisions of the Code of Ordinances of the City Biddeford as heretofore enacted and amended shall remain in force and effect.

7.3. The invalidity of any section or provision of the ordinance shall not be held to invalidate any other section or provision of this Ordinance.

7.4. If any part of this ordinance conflicts with any other applicable federal, state, or local regulation, the more restrictive regulation shall control.

7. Enforcement

All site plans submitted to the City for Planning Board review and permitting shall demonstrate that the provisions of this ordinance have been met. EVCS Installed chargers must be operational prior to the issuance of Occupancy Permit, and all conduit and electrical capacity for EVCS-ready installations shall be inspected prior to backfilling and landscaping.