

AN ORDINANCE PERTAINING TO SOLID WASTE

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 62 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 62

SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 62-11. Definitions.

The following words and terms as used in sections 62-12 through ~~62-23~~ 62-24 of this article will have the meanings ascribed thereto, unless the context otherwise indicates:

Abbreviated ePass: An ePass (as defined) issued to a tenant of a Residential property (as defined) or multiple unit apartment building (as defined).

Commercial activity: Any property or service provider, which has received a license from the City of Lewiston to conduct business and/or a structure used for commercial or business purposes including, but not limited to, the following:

- (1) Hotels, motels, bed and breakfast facilities, restaurants, warehouses;
- (2) Markets, bakeries, grocery stores, food vendors;
- (3) Manufacturing or industrial facilities;
- (4) Business offices;
- (5) ~~Day care facilities or a~~Any business establishment adjoining a residential structure;
- (6) Trailer parks and manufactured home parks, and;
- (7) Condominiums.

ePass: A voucher, distributed by the city annually, for the purpose of disposing of specific types of solid waste at the facility. The ~~punch pass~~ ePass is nontransferable and is invalid if used by anyone other than the ~~recipient.~~ authorized user.

Inert fill: Clean soil material including soil from road ditching and sand from winter sand cleanup. Inert fill can also include crushed clean glass and porcelain (not included in recycled glass) as well as bricks, rocks and cured concrete (that does not contain rebar or wire mesh). ~~and asphalt waste from road and driveway construction.~~

Recyclable material includes the following:

- (1) Newspaper (including inserts), magazines (glued or stapled), catalogs, telephone books, hard & soft cover books and junk mail.
- (2) Corrugated cardboard, ~~cut into two foot x three foot pieces. No waxed containers, "gray" paperboard or "yellow" cardboard.~~

- (3) ~~Clear-glass~~ Glass containers (any color), rinsed with caps and rings removed and discarded; paper labels are acceptable. No window glass, ~~colored glass~~, mirrors, light bulbs, dishes or ceramics.
- (4) ~~Tin cans~~ Metal Items, cleaned of foodstuff. Aluminum (pie plates, trays, foil), metal cans (tin, steel, aluminum), empty aerosol containers. No cans/containers with residual materials remaining.
- (5) Mixed paper, includes manila folders, brochures, envelopes (manila, white, colored-windows are acceptable), junk mail without plastic wrapping, cards, post cards, calendars, multiple copy forms, aseptic containers, wrapping paper including tube, all types of paper board boxes (including shoe boxes, cereal boxes and dry food boxes), Asian corrugated (yellow or gray in color), milk cartons, paper towel tubes, photography paper, frozen food boxes and egg and berry cartons. Does not include: garbage or plastic.
- (6) ~~HDPE plastic bottles (#2 plastic only, both colored and clear) completely emptied of contents, rinsed and flattened. Caps and rings are to be discarded.~~
Recyclable plastic, includes plastic bottles & containers #1 – 7: soda/juice/water, milk jugs, bleach/detergent, shampoo, food containers (cottage cheese, margarine, yogurt). Rigid plastics: 1 & 5 gallon buckets with handles attached, milk/soda crates, laundry baskets, small plastic trash bins, plastic toys, landscape trays, plastic plant pots, kitty litter buckets, children size rigid pools.
Recyclable plastic does not include: plastic bags or film, foam of any kind (including packaging), stretch wrap, hard/brittle plastic or computers.
- (7) High grade paper--Ledger paper, computer paper, letterhead, lined paper and envelopes.
- (8) Any other material so designated by public works. Recyclable material will be considered solid waste material for the purposes of this chapter.

Suitable container: For solid waste generated at a residential property, ~~other than including~~ recyclable material, means a suitable plastic container, which is covered and watertight and prevents the attraction of vectors (such as birds, rodents, insects, etc.). The container shall be no larger than 36 gallons and shall be covered. The weight of the solid waste/recyclable material placed in the container shall not exceed 30 pounds. Plastic bags, in and of themselves, shall not be considered a suitable container, for the purposes of this definition. For solid waste generated through commercial activities or at multiple unit apartment buildings, suitable containers may include metal dumpsters or plastic totes, specifically designed and manufactured for the storage of solid waste/recyclable material and which prevent the attraction of vectors (such as birds, rodents, insects, etc.). Suitable containers, which contain recyclable material shall have a “RECYCLING” sticker (distributed by the City) affixed to the container.

Suitable recycling container: ~~The rectangular bin distributed by the city for the sole purpose of containing and transferring recyclable materials to the authorized collector.~~

Superintendent: That person appointed by the director of public works as the city's superintendent of the division of solid waste management.

Tenant: A person, group of individuals or family that pays rent to the owner of a residential property or multiple unit apartment building for use of that building's dwelling unit(s). Use of the buildings by the tenant shall not include use for Commercial Activities, as defined in this section.

Tires: Tires (with and without rims) from all commercial and residential vehicles (refer to fee schedule provided for under section 62-14 to determine charges).

Universal waste includes the following:

- (1) Rechargeable batteries, which contain lead, cadmium and/or mercury. Rechargeable batteries, do not include wet-cell (lead acid) batteries.
- (2) Lamps, which contain mercury (include fluorescent lamps, mercury vapor lamps, high pressure sodium lamps, and all other mercury containing lamps as defined by MEDEP Hazardous Waste Regulations, Chapter 850).
- (3) Mercury containing switches, thermostats, manometers and thermometers.
- (4) Polychlorinated biphenyl (PCB) ballasts, which are totally enclosed and nonleaking.
- (5) Cathode ray tubes, including video display components of televisions, computer monitors (includes flat screen monitors) and other video display devices.
- (6) Computer central processing unit
- (7) Desk-top printer

Sec. 62-13. Municipal collection of solid waste and recyclable materials.

- (a) *Collection of solid waste and recyclable materials from residential properties.* Public works will provide for the collection of solid waste and recyclable material from all residential properties receiving waste collection provided by the city, in accordance with this chapter.

Occupants of residential properties that receive city waste collection in accordance with section 62-4 of this chapter shall utilize suitable containers for the storage, transportation and disposal of solid waste. This includes all solid waste placed curbside for disposal. The weight of solid waste placed in each suitable container shall not exceed 30 pounds.

All residents who live in residential structures receiving city waste collection shall separate recyclable material from their rubbish. Recyclable material must either be transported to the facility or be placed in suitable recycling containers, which have a City issued "RECYCLING" sticker affixed to the container, for curbside collection.

Recyclable material and solid waste are to be set curbside no earlier than 6:00 p.m. of the day preceding regularly scheduled waste collection and no later than 7:00 a.m. of the day of waste collection as established by public works.

- (b) *Collection of solid waste and recycling materials from commercial properties and multiple unit apartment buildings.* Solid waste and recyclable material will not be collected by the city from any commercial activity or property engaged in a

commercial activity, as defined in section 62-11 of this chapter.

Private vendors providing curbside solid waste and recyclable material collection service to commercial properties and multiple unit apartment buildings not receiving this service from the city shall schedule their collection to occur on the same day as the city-provided service for the geographic area of the city where the property is located.

Recyclable material and solid waste are to be set curbside no earlier than 6:00 p.m. of the day preceding regularly scheduled trash collection and no later than 7:00 a.m. of the day of waste collection. All solid waste and recyclable material must be removed by the end of the scheduled day of collection. This applies to all curbside collection, whether it is provided by the city or through a private vendor.

The city will collect solid waste and recyclable material from multiple unit apartment buildings for only those buildings who:

- (1) Received solid waste and recyclable material collection from the city on May 6, 2003; and
- (2) Complete and submit an application fee to continue this service and receive approval from the city to continue this service.

The city will provide service to these limited multiple unit apartment buildings on a fee-for-service basis. The amount of the fee will be reviewed and adjusted annually as needed based on the cost to provide service. Fees and fee adjustments will be published in the fee schedule filed with the city clerk pursuant to section 62-14 of this chapter. Fees will be billed semi-annually in advance. Failure to pay the fee and any outstanding violations/penalties, imposed by the city, on time will result in ~~the permanent~~ termination of the service to that property. Multiple unit apartment buildings, which are sold to new owners shall only be eligible to go on the program if:

- (1) The property is new to the program, yet is an existing building with a new owner, or
- (2) The property is already on the program and there is no break in service, or
- (3) The new owner already has other properties in the program and has met all obligations of the program for all these other properties including but not limited to paying on time and addressing solid waste issues with those properties in a timely manner, or
- (4) The new owner has previously owned, operated, or managed, or been the primary ownership interest in any company, corporation or other legal entity that has previously been part of the program, then such information may be used as a basis for determination for entering the program.

The new owner shall submit a one-time application fee and complete an application to go on the program within 90 days of purchasing the property.

(5) Open enrolment, during the month of June on every even numbered year for properties, which had been terminated from the program due

1. to failure to pay required disposal fees and/or

2. failure to address any outstanding violations/penalties, as required in this section and/or,

may re-apply to participate in this program. The owner of the property, which was terminated, may submit an application and fee. The applicant may receive the services provided in this section if they are current on all payments and have no outstanding violations/penalties on their properties, as imposed by the City.

(6) If a landlord provides the Finance Department a 30-day pre-notification in advance of payment due date that they wish to be removed from a program and to private haul their trash, they may rejoin the program beginning on the next semiannual cycle. Pre-notification of termination and applying for reinstatement in the program will be the sole responsibility of the landlord. If pre-notification is not received, the property will be removed from the program due to lack of payment and be subject to the open enrollment rules reflected in section 5.

Service will not be reinstated once it is terminated, except as noted above.

(c) *Collection of solid waste from Lewiston public schools.* Public works may provide collection of solid waste and recyclable material to the Lewiston School Department from schools that received collection service as of January 1, 1990. Public works will invoice the Lewiston School Department for services related to solid waste collection and disposal. The Lewiston School Department includes all Lewiston public schools and associated administration buildings.

(d) *Collection of bulky waste.* ~~Bulky waste will be collected by the city during the annual "Spring Clean Up Event" as prescribed in section 62-22 of this chapter.~~

~~No person shall place bulky waste out for collection by the city, except in compliance with section 62-22 of this chapter.~~

~~The city will not be responsible for the collection of bulky waste, construction and demolition debris, scrap metal, and wood, as defined, at any time, other than the time known as "Spring Cleanup Event"~~

~~Any person disposing of waste in violation of section 62-13 of this chapter shall be guilty of an offense. Penalties for said offense are described in section 62-16 of this chapter.~~

(e) *Collection of recyclable material by unauthorized agents.* In accordance with section 62-3 of this chapter, no person, other than authorized collectors, shall pick up

recyclable materials that have been set out at the curb for collection by the city or its contracted agent. For purposes of this chapter, authorized collectors shall be limited to employees of the City of Lewiston acting in the course of their employment or employees of private firms that have been contracted by the City of Lewiston to collect recyclable material. Individuals found in violation of this article are subject to the penalties listed in section 62-16 of this chapter.

- (f) *Solid waste containers.* Occupants of a residential property must maintain adequate suitable containers for the accumulation and disposal of solid waste & recyclable waste located and/or generated at their residence. An occupant of a residential property shall be responsible for the disposal of solid waste & recyclable waste located and/or generated at their residence as provided in this chapter.

The owner or owner's agent of a multiple unit apartment building, shall be responsible for waste collected from that building and must ensure that all solid waste & recyclable waste is placed in suitable containers, as defined. The owner or owner's agent of a multiple unit apartment building shall be responsible for the disposal of solid waste & recyclable waste located at the multiple unit apartment building in accordance with section 62-4 of this chapter.

~~Public works reserves the right, but has no obligation, to confiscate city provided recycling containers which are being used for purposes other than the curbside recycling program.~~

- (g) *Waste not to accumulate except in suitable storage containers.* The occupants of buildings, owners of residential properties and/or owners of multiple unit apartment buildings or commercial buildings shall place or cause to be placed all solid waste & recyclable waste in suitable containers, ~~in suitable containers, and all recyclable material in suitable recycling containers~~ and shall not permit any accumulation or deposit of such substances in or about the premises except in such suitable containers, per section 62-3 of this chapter.
- (h) *Unlawful to deposit.* It is unlawful for any person or entity to throw or deposit or cause to be deposited on property not owned or controlled by the person or entity any solid waste, including household waste, commercial waste, industrial waste, construction or demolition waste or hazardous waste.
- (i) *Owners duty to inspect and remove wastes.* The owner of land and the person(s) in possession of such land abutting a city street or public easement have an affirmative obligation to inspect those portions of their property which have such frontage and to promptly remove or dispose of, in a ~~matter~~ manner consistent with this chapter, any waste material found in or along such property.

The owner of, and any person having responsibility for, property abutting the area of the street, sidewalk, or property where waste material has been deposited shall be presumed to have deposited same and shall be liable for violations of this article in the absence of evidence to the contrary. Notwithstanding the aforesaid, any owner of and/or any person having responsibility for property abutting the area of the street where any waste materials has been deposited in violation of this chapter shall remove the waste materials and dispose the waste material as required.

- (j) *Penalty.* Violation of any part of this section, including failure to utilize suitable containers as described, shall be considered a violation of this chapter, and shall be

subject to penalties as described in section 62-16 of this chapter.

Sec. 62-14. Fee schedule.

A schedule of fees for the use of the facility shall be set by the ~~solid waste disposal policy~~ Solid Waste Policy (the "Fee Schedule"). The schedule and any modifications of the schedule shall be filed with the city clerk.

Sec. 62-22. Recycling agreement.

Any municipality or quasi-municipal organization requesting disposal and/or transfer services of recyclable material ~~processing and marketing services~~ by the facility shall be required to enter into a formal agreement for use of the facility which is approved by the Lewiston City Council. (Ord. No. 03-10, 8-1-03)

Sec. 62-23. Spring cleanup event.

~~The City of Lewiston will sponsor, on an annual basis, a spring cleanup event for residential properties, as defined. This service will collect bulky waste, construction and demolition debris, wood, and scrap metal, which are not normally collected during regular weekly waste collection. The dates of the spring cleanup event and rules for participation will be advertised prior to the event. Solid wastes not accepted for disposal at the facility, as described in section 62-18 of this chapter, will not be collected during the spring cleanup event. Disposal of solid wastes not accepted for disposal at the facility as described in section 62-18, or waste not collected by the city during the spring cleanup event, shall be the responsibility of the owner as described in section 62-16.~~

~~(1) — Volume shall be limited to six items of bulky waste (which may include one television set or computer monitor and one freon-containing appliance) and three cubic yards solid waste per dwelling unit.~~

~~(2) — All waste items placed curbside must be separated according to waste type:~~

~~a. — *Bulky waste.* Includes, old furniture; carpeting; mattresses, televisions, etc.~~

~~b. — *Construction and demolition debris (single family residents only).* Includes, but is not limited to, building materials such as; plaster and lath, plumbing fixtures, insulation, asphalt, wall board, pipes and metal conduits, etc.~~

~~c. — *Wood.* Includes all wood including demolition wood (free of metal, sheetrock, insulation, and other solid waste), brush and tree waste (butt ends to face the street, does not include stumps), wood furniture, etc.~~

~~d. — *Scrap metal.* Appliances, such as stoves, dryers, washing machines, refrigerators, etc. Does not include; engines, gear boxes, lawnmowers, tanks (whether full or empty which contained chemicals or fuels) of any kind.~~

~~(3) — All material to be collected during the spring cleanup event must be placed at curbside no later than 7:00 a.m. on Monday of the week scheduled to be picked up. Materials placed curbside after this time as determined by the city, shall be the responsibility of the property owner and are subject to the penalties described in section 62-16.~~

~~Waste items which are not separated or exceed the volume of waste specified in this section (as determined by the city) will not be picked up and shall be the responsibility of the owner. Failure to dispose of waste as required is a violation of this chapter, subject to penalties described in section 62-16.~~

Spring Clean-Up Assistance Event

The Solid Waste Policy (ref. Spring Cleanup Assistance Event) describes a limited service to Residential Property owners, by the City, for the collection of solid waste materials, which are not typically collected curbside and for which the City charges a fee for disposal. This policy and any modifications to this policy shall be filed with the City Clerk.

Sec. 62-24. ePass program.

The city issues an ePass and an abbreviated ePass through the treasurer's office and the Scale House at the Solid Waste Facility for a fee, as described in the solid waste fee schedule (section 62-14). ePasses are sold at these locations, only, and cannot be obtained at any other location. ePasses will be sold to:

- (1) Owners of residential properties, as defined in section 62-11 of this chapter. Limit, two ePasses, per property owner, per year.
- (2) Owners of multi-unit apartment buildings, as defined, who are eligible and have paid for trash collection services provided by the city will be eligible to receive ePasses based on the following--One ePass per three dwelling units (i.e. a five unit building would be eligible for two ePasses), per year. The ePass will only be valid for the fiscal year in which it was issued. The City's fiscal year is from July 1 through June 30.
- (3) Tenants of residential properties and multiple unit apartment buildings are ~~not~~ eligible to purchase abbreviated ePasses, ~~or utilize this service.~~

The ePass is good for one year from the day of issue. If a second ePass is purchased by the owner of a residential property, as defined, it will expire on the expiration date listed on the first pass. The abbreviated ePass is good for 30 days from date of issue. Only one abbreviated ePass shall be issued per tenant, per year, from date of issue.

The ePass will allow the holder to dispose of waste material at the facility at no charge. Types and quantities of materials, which can be disposed at no charge for each ePass shall be:

- (1) Six items of bulky waste (includes one universal waste item and one freon-containing appliance);
- (2) Three tons (6,000 pounds) of solid waste (may include construction and demolition debris); and

- (3) Two tires (16 inches or less) without rims.

The ePass will allow Lewiston residents free disposal of items listed above at the facility. The city will not be responsible for hauling these waste items. Waste hauling is the responsibility of the ePass holder. Only items listed in sec. 62-24 will be accepted at no charge. The ePass holder will present the pass(their driver's license) at the time he/she enters the facility in order to receive this service and the items to be disposed of will be recorded on the city's computer system at that time. Once the item is recorded, that item will be excluded from further disposal at no charge. Expired ePasses will not be accepted at the solid waste facility.

The abbreviated ePass will allow the holder to dispose of waste material at the facility at no charge. Types and quantities of materials, which can be disposed at no charge for each abbreviated ePass shall be:

- (1) Six items of bulky waste (includes one universal waste item and one freon-containing appliance);
(2) 800 pounds of solid waste (shall not include construction and demolition debris)
(3) Two tires (16 inches or less) without rims.

The ePass service is not transferrable. Individuals eligible to receive this service included:

The purchaser of the ePass.

A member of the purchaser's household (as determined by reviewing the address on the driver's license of the individual wishing to use this service) is eligible to use the service described in Sec. 62-24 – ePass Program.

Individuals wishing to use this service will be asked to present their driver's license to the Scale House attendant when entering the solid waste facility, to determine their eligibility to receive this service. Failure to present a driver's license or meet the eligibility requirements listed in this ordinance may disqualify the individual from receiving the services listed in this ordinance.

Note: Additions are underlined; deletions are ~~struck out~~.