

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
CITY COUNCIL CHAMBERS, CITY HALL
TUESDAY, MAY 10, 2016

6:00 p.m. Workshop

Pledge of Allegiance to the Flag.
Moment of Silence.

WORKSHOP

1. Discussion of the proposal of the installation of Creative Crosswalks and Sidewalk Murals in Downtown Lewiston.
2. Discussion of Lease Amendment for Casella Material Reprocessing Facility.
3. Recommendation from the Public Works Committee to Modify the City's ePass Program and Certain Fees Charged to Dispose of Materials at the River Road Solid Waste Facility

EXECUTIVE SESSIONS

- ES-1. Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
- ES-2. Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, MAY 10, 2016 6:00 PM

1. Installation of Creative Crosswalks and Sidewalk Murals in Downtown Lewiston

The City has received a request from the LA Chapter of the Union of Maine Visual Artists (UMVA) to install two creative crosswalks and sidewalk murals in downtown Lewiston. Please see the attached memo from Misty Parker.

2. Lease Amendment for Casella Material Reprocessing Facility

Casella has requested that the City consider amending its current lease for the Material Reprocessing Facility at our River Road Solid Waste Facility. The MRF currently processes recyclable material from throughout Maine. Casella is seeking permission to accept recyclables from New Hampshire, Vermont, and Quebec as well as Maine. This would allow them to add a second shift, increasing employment. To accommodate two shifts, they have also requested some adjustments to their authorized operating hours. Their final request is to allow the Lewiston MRF to accept recyclables from other Casella MRFs in the event of a catastrophic failure at those facilities. As the lease currently stands, material from Lewiston can be redirected elsewhere when there is a major problem; however, the reverse is not the case. See the attached memo for additional detail.

3. Recommendation from the Public Works Committee to Modify the City's ePass Program and Certain Fees Charged to Dispose of Materials at the River Road Solid Waste Facility.

Last fall, the City Council asked the Public Works Committee to review and make recommendations regarding our overall solid waste management system. At this time, the Committee is coming forward with recommendations on our ePass program and certain solid waste disposal fees. Please see the attached material for further detail.

4. Executive Session – Land Disposition

5. Executive Session – Land Disposition

#1

Economic and Community Development

Misty Parker

Economic Development Specialist



To: Honorable Mayor and Members of the City Council
From: Misty Parker
RE: Pilot Project for Downtown Creative Crosswalks
Date: April 25, 2016

In an effort to increase public safety downtown, the LA Chapter of the Union of Maine Visual Artists (UMVA) is proposing a pilot project of two brightly painted crosswalks to be located downtown. Coined "creative crosswalks," many cities around the country have turned to these uniquely designed crosswalks to not only incorporate visual art into the public space, but also elevate visual awareness of the location of crosswalks to drivers and pedestrians.

In conjunction with a planning consultant, UMVA has been working with Public Works and me to develop a plan to implement two trial creative crosswalks downtown on low traffic streets in close proximity to Lisbon Street. The two locations being proposed are on Chestnut Street at the intersection of Park Street and Adams Avenue at the intersection of Lisbon Street (please see attached map). UMVA proposes designs that will compliment adjacent businesses interested in participating and adhere to the Manual on Uniform Traffic Control Devices (MUTCD) guidelines for crosswalk design.

UMVA has secured donations from artists to design the crosswalks, a donation to purchase the plywood for the template, and a local woodworker to construct the wooden template. Public Works has reviewed the proposal and determined that to stripe a creative crosswalk would add an additional \$110 per crosswalk; this estimate includes materials, labor and equipment.

The pilot project intends to evaluate the effectiveness of creative crosswalks in the downtown and determine the benefit of creative public safety devices. If successful, UMVA is interested in partnering with the City on developing a program to implement additional creative crosswalks within the downtown. At this time, City staff looks to the Council for blessing to move forward with the proposed pilot project for two creative crosswalks in order to evaluate this idea for future consideration.

As a second request, UMVA would like the City's permission to paint temporary 4'x4' floral and cityscape murals on the Lisbon Street sidewalk from Ash Street to Pine Street in preparation for May's Artwalk on May 27th. Ten painters and ten downtown businesses have agreed to partner and create ten murals along the sidewalk. UMVA understands the sidewalks in this area will be reconstructed next month as part of the

Lisbon Street project and the murals will be temporary. If permitted, artists will begin painting in 1-2 weeks, depending on weather. Artists will use a quick drying acrylic paint and be required to not block pedestrian traffic while painting. All funding for this project will be supplied by UMVA.





EXECUTIVE DEPARTMENT

Edward A. Barrett, City Administrator
Phil Nadeau, Deputy City Administrator

May 5, 2016

To: Honorable Mayor and Members of the City Council
 Fr: Edward A. Barrett
 Su: Casella Materials Recovery Facility Lease – Out of State Recyclables

We have been approached by Casella Recycling, LLC with a request to consider amending the existing lease for their Materials Recycling Facility located at the City's River Road facility:

1. Allow accepting recyclables from New Hampshire, Vermont, and Quebec. If allowed, Casella would add a second shift to their operation employing an estimated additional 30 employees with an estimated payroll (including benefits) of approximately one million dollars.
2. Due to this additional shift, Casella is also requesting some minor changes in its hours of operation, increasing the hours during which recyclables may be delivered to the facility from the current 7 am to 5 pm to 6 am to 6 pm weekdays and allowing processing within the building to continue until 11 pm (up from the current 10 pm).
3. Adding a provision that would allow Casella to direct other materials to our facility in instances where one of their other similar facilities suffers a catastrophic breakdown that prohibits it from operating for a period of time. Casella notes that should that happen in Lewiston, materials from here could be redirected elsewhere; however, if it happens elsewhere, they are not allowed to move materials through Lewiston.

At the time the original lease was negotiated with Casella, members of the public expressed certain concerns, most of which were addressed in the lease agreement. One concern was accepting out of state materials. As a result, the lease limits the materials that could be processed to those originating in Maine. An additional safeguard was included in the lease through the following language:

"For purposes of this section, in-state waste shall not include waste originating from out of state sources that is subsequently processed or handled at a facility located within the State of Maine, with the exception of cardboard, plastic, and other acceptable materials as defined in Section 4 (A) above recovered at the KTI Biofuels, Inc. facility located in Lewiston, Maine."

This language specifically addresses the issue of transshipment of material, where it would first be moved into Maine, minimally handled or processed, then brought to Casella's facility in Lewiston. This language will remain in effect.

Casella estimates that, if allowed to accept this material, the annual tonnage processed at their facility will grow by 30,000 tons. This will require 5 loads in-bound each weekday and 2.3 outbound.

Experience at the facility to date has shown that about 8% of the material delivered does not qualify for recycling. This would produce an additional 2,400 tons per year of residue delivered to MMWAC for incineration and around 350 additional tons of ash to be placed in our landfill. This represents about a 2% increase in ash deliveries to our landfill each year.

A further statistical breakdown of this proposal has been provided by Casella and is attached.

A draft of a potential lease amendment is also attached.

As noted above, the existing lease agreement was the subject of considerable public interest and debate as it was being negotiated. Since the facility has begun operation, we have received no complaints about it from the public and the majority of the concerns expressed by the public during discussions of the lease have not arisen.

To date, Casella has met all of the requirements of the City's lease and the facility appears to be meeting expectations.

Approving these changes will allow Casella to slightly expand its operating hours and add a second shift offering additional employment opportunities to area residents. It should be noted that Casella has consistently indicated that their intention is to expand the tonnage and hours of operation at their Lewiston facility as the volume of recyclable material in Maine increases. This amendment would speed that process.

I recommend your approval.

**Casella Resource Solutions
Lewiston Zero-Sort 2nd Shift Proposal**

Additional Tons into Lewiston

Additional Annual Tons	30,000	Estimated: From NH, VT & Quebec (70/30)
Avg Monthly Tons	2,500	21K tons from NH, 9K tons from Quebec, Canada
Avg Tons Per Day	114	
Avg Tons Per Load	25	
# of Estimated Tractor Trailers IB Per Day	5	Daily Additional Traffic, M-F
# of Estimated Tractor Trailers OB Per Day	2.3	Daily Additional Traffic, M-F
Traffic	6.8	
Residue %	8%	
Additional Residue Tons Per Year	2,400	
Additional Residue Tons Per Month	109.09	
Additional Ash Generated from MMWAC	720	Annually @ 30% reduction
Additional Jobs (added 2nd shift)	30	Or an estimated \$1M in Payroll, Health, WC, etc... Added to local economy

Glass

Annual Glass Tons	1,620
Avg Tons Per Load	18
# of Loads Per Year	90
Cost Per Load (to CT)	850
Annual Glass Cost	76,500

Additional Glass Tons	1,500
Avg Tons Per Load	18
# of Loads Per Year	83
Cost Per Load (to CT)	850
Additional Annual Glass Cost	70,833

Total Cost	147,333
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Annualized Total Glass Tons	3,120	Glass used as a Cover Material?
Proposed Rate Per Ton	5.00	
Annual Revenue to Lewiston	15,600	Estimated

Greenhouse Gas Emissions Calculation

Miles (1 Way)	250	
Annual Glass Tons	3,120	
Avg Tons Per Load	18	
# of Loads Per Year	173	
Total Miles	43,333	
Miles Per Gallon	5.00	
# of Gallons	8,667	
CO2e Savings Per Gallon	10.2KG	88,400 84 Tons of CO2e Savings

Equivalency:

- 16 vehicles driven for 1 year
- 180K miles driven by average passenger car
- 25 tons of waste sent to a landfill
- 4 Collection vehicles of waste recycled instead of landfilled
- 10 Homes electricity use for 1 year
- 175 Barrels of oil consumed

**ADDENDUM TO THE LEASE AGREEMENT FOR MATERIALS RECYCLING
FACILITY BETWEEN THE CITY OF LEWISTON AND CASELLA
RECYCLING, LLC**

Original Agreement Dated February __, 2013

THE PARTIES AGREE THAT THE FOLLOWING PROVISIONS SHALL BE BINDING UPON THE PARTIES AND SHALL SUPERSEDE ANY PROVISIONS IN THE AGREEMENT WHICH CONFLICT WITH THIS ADDENDUM.

1. *Article 4, Permitted Uses; Lessee's Work, Section B., In-State Material*, shall be amended to read as follows:

CASELLA shall accept only those Recyclable Materials originating within the States of Maine, New Hampshire, Vermont, and the Province of Quebec, Canada. No other out-of-state Recyclable Materials of any type will be accepted for processing or storage at the leased Premises. For purposes of this section, Recyclable Materials shall not include Recyclable Materials originating from other out of state sources than those listed above that is subsequently processed or handled at a facility located within the States of Maine, New Hampshire, Vermont, and the Province of Quebec, Canada with the exception of cardboard, plastic, paper and other acceptable materials as defined in Section 4 (A) above recovered at the Re-Energy Lewiston, LLC facility located in Lewiston, Maine.

Notwithstanding the geographic limitations imposed above, Casella may request permission from the City Administrator and Director of Public Works to utilize the Lewiston Recyclable Materials Processing Facility to accept Recyclable Materials from any other Casella-owned recyclable materials processing facility, should such facility suffer from a catastrophic event that may reasonably be expected to close that facility for a period of more than one week and subject to Casella undertaking commercially reasonable efforts to return that facility to operation in a timely manner.

2. *Article 5, Covenants of Casella, Section C., Lawful Use, #7* shall be amended to read as follows:

Make deliveries to the Premises from 6 a.m. to 6 p.m. on Monday through Friday and from 8 a.m. to 12 p.m. on Saturday, with no Sunday operation, subject to longer daily and/or weekly operation with the CITY's consent. The processing of Recyclable Materials delivered to the Facility will be permitted from 6 a.m. to 11 p.m. to the extent that all processing occurs within an enclosed structure. Notwithstanding the foregoing sentences, CASELLA shall be permitted to perform maintenance and repairs on the plant and equipment at any time.

3. All other terms and conditions of the Agreement remain the same.

SIGNATURES. The parties have read and agree to this Addendum to Agreement.

ACCEPTED this ____ day of _____, 2016.

City of Lewiston, Maine

Witness

By: _____

ACCEPTED this ____ day of _____, 2016.

Casella Recycling, LLC

Witness

By: _____



Public Works Committee Solid Waste Program Review

Over the last year, the City Council recognized that the City’s Solid Waste Program is an aggregation of decisions made over the years resulting in a very complicated, difficult to manage, and confusing program that does little to encourage recycling or cost avoidance. City Administrator Ed Barrett’s February 4, 2016 memo (copy attached) did a good job summarizing the program and the issues. The Council requested the Public Works Committee review the Solid Waste Program to identify proposed changes to simplify the fee schedule and program management and address the issues identified in the summary memo. The Council specifically identified the ePass system as needing attention.

The PW Committee reviewed vast amounts of information and data on the City’s solid waste program and comparisons with other communities. As a result, the Committee recommends the following changes be adopted:

1. Simplify the fee system by eliminating the individual commodity fees and going to a straight fee per weight system. The committee recommends a \$93/ton of waste. This is \$2/ton less than the current fee at the landfill, but \$5/ton more than MMWAC charges to encourage use of that facility. We checked a number of commodities and found this system would not significantly change the cost to consumers, but would simplify the administration of the program. Examples include:

Type of waste (approx average weight)	Current Fee	Proposed Fee
Refrigerator (weighs an average of ~250 lbs)	\$ 11.00	\$ 11.63
Tires w/o rim (25-30 lbs)	\$ 3.00	\$ 1.28
Tires w/ rim (30-36 lbs)	\$ 6.00	\$ 1.53
Bulky Waste - Recliner Chair (105 lbs)	\$ 4.15	\$ 4.88
Bulky Waste - Sleeper Sofa (350 lbs)	\$ 13.83	\$ 16.28

2. Revise the ePass system as follows:
 - a. Reduce the ePass to disposal of 1,000 lbs of waste materials (regardless of waste type)
 - b. Homeowners would be eligible to receive a free pass once they paid their March property tax bill (No additional pass would be available)
 - c. A renter could obtain the new ePass for \$20 (limited to 1 pass per year)
 - d. A landlord who is an owner occupied would be eligible for 1 free ePass per year for the unit they occupy, when they pay their March property taxes
 - e. Landlords of multi-unit apartment buildings on the City Collection Program (City Ordinance Sec 62-13) would be eligible to purchase 1 ePass per year for every 3 non-owner occupied units for \$20 for each ePass.
3. Cleanup Assistance Week at the landfill would be eliminated as homeowners can use their free ePass (see above) any time during the year. The Lewiston Public Works Department will continue to collect brush placed butt ends to facing the street each spring. Quantities are limited to no more than one (1) standard pick-up truck load per residence.

A copy of the proposed draft revisions to the Solid Waste Policy – Fee Schedule and the City Ordinance Chapter 62 Solid Waste are attached.

SOLID WASTE POLICY

Solid Waste - Fee Schedule

The following schedule of fees shall be charged for use of the City's Solid Waste Facility (Facility) and services rendered by the City's Department of Public Works (DPW). ~~A Facility employee shall determine whether a vehicle entering the Facility contains a full or partial load and the fees listed below will be adjusted accordingly:~~

- A. Vehicles with an "ePass" ~~or an "abbreviated ePass"~~ (as defined in Section 62-11 of the City of Lewiston Code of Ordinances) will not be charged for waste disposal as described in Sec. 62.4 ePass Program. ~~of those materials identified on the "ePass" or an "abbreviated ePass" up to the limit as set on the "ePass" or an "abbreviated ePass".~~ When waste material is brought to the Facility and the "ePass" ~~or an "abbreviated ePass"~~ is presented, it will be entered into the Facility's Scale Management System to identify ~~that the quantity of waste material being disposed.~~ Once one thousand (1,000) pounds of waste material has been disposed or if the ePass has reached its expiration date all items of a particular type on the "ePass" or an "abbreviated ePass" have been used, any additional the waste material brought to the Facility will be paid for at the current disposal rates identified in the following sections. Failure to present the "ePass" ~~or an "abbreviated ePass"~~ to the Scale House Attendant will result in charges for the disposal of the waste material.

~~"Abbreviated ePass" \$10.00~~

~~First "ePass" \$20.00~~

~~Second "ePass" \$40.00~~

- (1) Owners of Residential properties & Multi Unit Apartment Buildings, which are owner occupied, as described in Sec. 62-24 ePass program - No Charge for the dwelling unit, which they occupy year-round
- (2) Dwelling Units of Multi Unit Apartment Buildings, which meet the criteria described in Sec. 62-24 ePass program - \$20 per ePass
- (3) Tenants, which meet the criteria described in Sec. 62-24 ePass program - \$20 per ePass

- B. All vehicles, which do not have a valid ~~Punch~~ ePass for the type of materials to be disposed and compaction vehicles shall be weighed and charged a unit price of: \$93.00/Ton

The minimum disposal charge shall be: \$7.00

- C. All vehicles with special waste shall be weighed and charged (in addition to the ~~\$95.00~~ \$93.00/ton disposal fee) a State surcharge of: \$2.00/Ton

~~All vehicles with special waste shall be weighed and charged (in addition to the \$95.00/ton disposal fee and the \$2.00 State surcharge) a City surcharge of: \$11.00/Ton~~

- D. All vehicles hauling commercial, or construction debris shall be subject to a minimum charge of: \$8.00

SOLID WASTE POLICY

- | | | |
|----|---|------------------------------------|
| E. | All vehicles containing only recyclables and/or scrap metal, as defined in Chapter 62 of the City Code of Ordinances: | NO FEE |
| F. | Scale Weights (includes Commercial & Waste Haulers, as defined: | -\$10.00/vehicle weight |
| G. | All vehicles not having a valid punch pass for the following waste materials will be charged at the identified rate: | |
| | Wood Waste | \$ 90.00/Ton |
| | Asphalt, bricks, concrete (without rebar) | 6.00/Ton |
| | Asphalt shingles and sheetrock (March—October) | 79.00/Ton |
| | Asphalt shingles and sheetrock (November—February) | 90.00/Ton |
| | Bulky Waste | 79.00/Ton |
| | 20# Propane Tanks | 3.00 |
| | Refrigerant containing appliances | 11.00 |
| | Batteries (Non-Universal Waste) | NO FEE |
| | Waste Oil | NO FEE |
| | Flourescent lights | NO FEE |
| H. | All mixed loads containing recyclables mixed with solid waste as determined by the Superintendent or his designee: | \$180.00/Ton |
| I. | Tires from all commercial and residential vehicles will be accepted as follows: | |
| | Up to 16" w/o rim | \$ 3.00/tire |
| | Up to 16" w/rim | \$ 6.00/tire |
| | >16" to 24" | \$ 6.00/tire |
| | over 24" | \$22.00/tire |
| J. | Exceptions: No fees shall be levied on the City (includes all City departments, agencies and school district) for the disposal of solid waste, as defined. | |
| K. | Waste Collection and Disposal from Multi-Unit Apartment Buildings, as defined in Section 62-11 of the City Code of Ordinances: \$170.00 per dwelling unit per year. In cases where the Multi-Unit Apartment Building is owner occupied the fee on the owner's dwelling unit will be waived. | |
| L. | One time application fee for Multi-Unit Apartment Buildings not receiving waste collection service provided by the City, as of July 1, 2006: | \$100.00 |

SOLID WASTE POLICY

~~Waste Disposal Permits—Chapter 62-Solid Waste~~

Commercial permit	_____	\$ 55.00
Contractor annual permit	_____	55.00
Individual construction project permit	_____	11.00
Waste hauler permit	_____	110.00

~~Note: This permit schedule is outlined in the City Code of Ordinances Chapter 62, Article I In-
General.~~

Penalties - Chapter 62 Solid Waste

The first violation minimum fine is \$100. A second violation minimum fine for a violation occurring within six months of a first violation is \$210.00. A third or any subsequent violation occurring within six months of a first violation is \$420.00. In addition, where in the opinion of the superintendent the volume of waste material is considered excessive and or if the waste material is other than solid waste the minimum fine shall also include all costs of collection, transportation and disposal. Note: This penalty is outlined in the City Code of Ordinances Chapter 62 , Article I In General.

Hazardous Material - Chapter 62 Solid Waste

A fine of \$1,055.00 for each offense. Note: This penalty is outlined in the City Code of Ordinances Chapter 62, Article III Hazardous Materials.

Solid Waste – Spring Cleanup Assistance Event

~~The City will provide the Clean-Up Assistance Event (if funded), which will begin on the third Saturday in April and conclude on the fourth Saturday in April. During this event—~~

- ~~1. The Solid Waste Facility will be open on Saturday from 8:00 am to 4:00 pm. The Solid Waste Facility will be open during its regularly scheduled hours during the week. The Solid Waste Facility will be closed on Sunday.~~
- ~~2. During this event, only, tip fees and use of the ePass will be waived for Lewiston residents, only. Proof of residency—presentation of a current driver's license, City issued tax bill and/or utility bill will be required to receive this service. Tip fees will not be waived for commercial accounts or owners of multi-unit apartment buildings as defined in Section 62-11 of the City Code Of Ordinance.~~
- ~~3. The following Solid Waste Materials must be brought to the Solid Waste Facility, by the resident, to receive this service. The City shall not provide curbside collection of the following listed waste materials, during this event. The following solid waste items brought to the Solid Waste Facility, during this event, will have tip fees/use of the ePass waived and shall be limited to—~~
 - ~~a. Bulky Waste—includes old furniture, carpeting, mattresses, bedding, etc.~~
 - ~~b. Construction and Demolition Debris—includes, but is not limited to, building~~

SOLID WASTE POLICY

- ~~materials such as plaster and lath, plumbing fixtures, insulation, asphalt, wall board, pressure-treated wood, and metal conduit, etc.~~
 - ~~e. Wood (does not include pressure treated wood) — includes, demolition wood, which is free of metal, sheetrock, insulation and other solid waste), brush and tree waste (does not include stumps), wood furniture, etc.~~
 - ~~d. Scrap Metal — includes appliances — stoves, washing machines, dryers, etc. Scrap Metal does not include — engines of any kind, gear boxes, lawn mowers or tanks which have not been cut in half and are devoid of any residue.~~
 - ~~e. Televisions/computer monitors/personal computers — no more than seven (7) of these items per customer.~~
 - ~~f. Household refrigerators/freezers/wall-mounted air-conditioning units, which contain a refrigerant. Commercial units will not be accepted.~~
 - ~~g. No more than four (4) tires (up to 16" diameter, off the rim)~~
 - ~~h. No more than two (2) 20# propane tanks.~~
4. During the week of the Spring Clean-Up Event (the last full week in April), The City's Department of Public Works will collect woody yard debris~~brush~~ (butt ends are to face the street) from the City's residential properties (as defined in Sec. 62-11 of this chapter).
- a. Quantities are limited to 3 yd³ (one (1) standard pick-up truck load) per residence.
 - b. Residents must have all woody yard debris~~brush~~ placed curbside no later than the third Sunday in April.
 - c. Once Department of Public Works staff has cleared a street of curbside woody yard debris, they shall not return to that street to collect additional woody yard debris~~brush~~.
 - d. Curbside collection is restricted to woody yard debris ~~brush and tree waste~~ only. Wood/tree waste which shall not be collected includes – tree stumps (regardless of size), tree limbs greater than 12 inches diameter, demolition wood – fencing, decking, and/or wood from construction/demolition projects.

Chapter 62

SOLID WASTE*

Article I. In General

- Sec. 62-1. Depositing solid waste in public places or in sources of water.
- Sec. 62-2. Reserved.
- Sec. 62-3. Containers required; permitting unauthorized collections.
- Sec. 62-4. Duty of citizens to deliver to collectors.
- Sec. 62-5. Conveyance regulated.
- Sec. 62-6. Municipal collection from certain establishments.
- Sec. 62-7. Reserved.
- Sec. 62-8. Reserved.
- Sec. 62-9. Reserved.
- Sec. 62-10. Dumping of certain waste prohibited.
- Sec. 62-11. Definitions.
- Sec. 62-12. Waste disposal permits.
- Sec. 62-13. Municipal collection of solid waste and recyclable materials.
- Sec. 62-14. Fee schedule.
- Sec. 62-15. Payments.
- Sec. 62-16. Penalties and enforcement.
- Sec. 62-17. Special waste.
- Sec. 62-18. Solid wastes not accepted for disposal at the facility.
- Sec. 62-19. Demolition debris.
- Sec. 62-20. Covering of loads.
- Sec. 62-21. Dump picking prohibited.
- Sec. 62-22. Recycling agreement.
- Sec. 62-23. Spring cleanup assistance event.
- Sec. 62-24. ePass program.
- Secs. 62-25--62-30. Reserved.

Article II. Private Collectors

- Sec. 62-31. License or authorization required.
- Sec. 62-32. Duration of license; revocation.
- Sec. 62-33. Voluntary relinquishment of license.
- Secs. 62-34--62-55. Reserved.

Article III. Hazardous Materials

- Sec. 62-56. Definitions.
- Sec. 62-57. Disposal and storage of hazardous waste.
- Sec. 62-58. Waste oil.
- Sec. 62-59. Penalty for violation of article.
- Secs. 62-60--62-69. Reserved.

*Cross references: Littering prohibited, § 6-2; buildings and building regulations, ch. 18.

State law references: Maine Litter Control Act, 17 M.R.S.A. § 2261 et seq.

SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 62-1. Depositing solid waste in public places or in sources of water.

No person shall throw or deposit or cause to be deposited in any street, or in any well, solid waste, including household waste, commercial waste, industrial waste, construction or demolition waste, or hazardous waste.

(Code 1982, § 29-1)

Sec. 62-2. Reserved.

Editor's note: Ord. No. 03-10, effective Aug. 1, 2003, repealed § 62-2 in its entirety. Formerly, said section pertained to placement of trash for collection as enacted by Code 1982, § 29-2.

Sec. 62-3. Containers required; permitting unauthorized collections.

All house offal, swill or garbage, whether consisting of animal or vegetable substances, shall be deposited in suitable containers and shall be placed in some conveniently accessible place to be taken away by such person as may be designated or licensed by the department of public works of the city to receive and carry away such garbage and it shall be unlawful to knowingly cause, allow or permit the receiving and carrying away of such garbage by anyone other than the abovementioned designees or licensees.

(Code 1982, § 29-3; Ord. No. 06-11, 7-27-06)

Sec. 62-4. Duty of citizens to deliver to collectors.

All persons shall promptly deliver all offal, swill or garbage accumulated on their premises to the person who shall be authorized or licensed by the department of public works to receive and carry away the same.

(Code 1982, § 29-4)

Sec. 62-5. Conveyance regulated.

No house offal, swill or garbage shall be carried or conveyed through any public street or sidewalk in the city except in suitable containers, or in vehicles so constructed as to be watertight and tightly covered at all times, except when such offal, swill or garbage is being deposited or removed therefrom.

(Code 1982, § 29-5; Ord. No. 06-11, 7-27-06)

Sec. 62-6. Municipal collection from certain establishments.

The department of public works shall not collect, or cause to be collected, from hotels, motels, stores, manufacturing plants, restaurants, produce houses, food processing plants, nursing homes, hospitals, social clubs, colleges or any other commercial, industrial or institutional establishment engaged in a commercial activity, as defined in section 62-11 of this chapter, at municipal expense, any offal, swill, garbage, refuse or trash of any kind.

(Code 1982, § 29-6; Ord. No. 06-11, 7-27-06)

SOLID WASTE

Sec. 62-7. Reserved.

Editor's note: Ord. No. 03-10, effective Aug. 1, 2003, repealed § 62-7 in its entirety. Formerly, said section pertained to authority to designate public solid waste facility; duty to use as enacted by Code 1982, § 29-7.

Sec. 62-8. Reserved.

Editor's note: Ord. No. 03-10, effective Aug. 1, 2003, repealed § 62-8 in its entirety. Formerly, said section pertained to removal of materials from solid waste facilities as enacted by Code 1982, § 29-8.

Sec. 62-9. Reserved.

Editor's note: Ord. No. 03-10, effective Aug. 1, 2003, repealed § 62-9 in its entirety. Formerly, said section pertained to duties of police chief pertaining to solid waste facilities; abatement of violations as enacted by Code 1982, § 29-9.

Sec. 62-10. Dumping of certain waste prohibited.

No person shall dump solid waste on any public or private land in the city.

(Code 1982, § 29-10)

Sec. 62-11. Definitions.

The following words and terms as used in sections 62-12 through 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).~~

Authorized collector: Employees or contractors of the city or a private collector employed by the owner, occupant, agent or other person having custody of a building, for the purpose of hauling solid waste to the facility or other location for waste disposal as designated by the city.

~~*Asphalt shingles:* Asphalt roofing shingles and tar paper and shall be devoid of any other solid waste.~~

Batteries: Wet cell (lead-acid) batteries collected for recycling and alkaline batteries. This definition will not include rechargeable batteries defined as universal waste.

Building: Any structure or vessel, whether public or private, that is adapted to or used for: dwelling occupancy; the transaction of business; the rendering of professional services; amusement; the display, or sale, or storage of goods, waste, merchandise, articles or equipment; the performance of work or labor; office buildings, stores, theaters, markets, restaurants, warehouses, day care facilities, hotels, motels, bed and breakfast facilities, worship, garages, bakeries; structures where domestic or other animals or fowl are kept; or sheds, barns, outbuildings, or other structures or premises used as accessory to any such use.

Bulky waste: Any items whose large size or weight precludes or complicates their handling by normal collection, processing or disposal methods (includes old furniture; carpeting; appliances such as stoves, dryers, washing machines, etc., but does not include universal waste or refrigerant containing appliances) or as further defined by the rules and regulations of public

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works.

City: The City of Lewiston, Maine, a municipality organized and regulated by the laws of the state.

Commercial waste: Solid waste generated by a commercial property or as a result of commercial activity.

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) Any business establishment adjoining a residential structure;
- (6) Trailer parks and manufactured home parks, and;
- (7) Condominiums.

Construction and demolition debris: Solid waste generated through construction, remodeling, repair or demolition of structures. This includes but is not limited to: building materials such as plaster and lath, plumbing fixtures, insulation, asphalt, wall board, pipes, treated wood (wood products, which have been treated with copper, chromium, arsenic and/or creosote), asphalt shingles, roofing felt, sheetrock and metal conduits. It excludes: partially filled containers of any kind, friable asbestos and other special waste.

ePass: A voucher, distributed by the city annually, for the purpose of disposing of specific types of solid one thousand (1,000) pounds of waste material at the facility. The ePass is nontransferable and is invalid if used by anyone other than the authorized user.

Facility: The city's solid waste and recycling facility, located on 424 River Road, which is a division within the city's department of public works.

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).

MEDEP: The Maine Department of Environmental Protection.

Multiple unit apartment building: An apartment building or complex of buildings, which contain a total of four or more dwelling units per parcel of property or three or more dwelling units per parcel of property, which are not owner occupied.

Occupant: The person that has the use of or occupancy of any building or a portion thereof, whether the actual owner or tenant. In the case of vacant buildings or any vacant portion of a building, the owner, agent or other person having custody of the building will have the responsibility of an occupant of the building or portion thereof.

Owner: The actual owner of the building, whether individual, partnership or corporation, or the agent of the building, or other person having custody of the building or to whom the rent is

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paid.

Public works: The City of Lewiston's Department of Public Works.

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.
- (3) Glass containers (any color), rinsed with caps and rings removed and discarded; paper labels are acceptable. No window glass, mirrors, light bulbs, dishes or ceramics.
- (4) 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) 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.

Refrigerant containing appliance: Appliances (refrigerators, air conditioners, freezers, etc.) which contain freon or other regulated refrigerant (as determined by state and federal environmental regulations).

Residential properties: Any parcel of property, located in the city, upon which is situated a single residential structure or a complex of structures containing not more than two dwelling units, or an apartment building or complex of structures, which contain three dwelling units, per parcel of property, one of which is occupied by the owner.

Scrap metal: All scrap metal including white goods such as appliances. Does not include: engines, gear boxes or tanks (whether full or empty which contained chemicals or fuels) of any kind, or refrigerant containing appliances.

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~~Sheetrock: Clean and dry sheetrock, which is devoid of paint, wall paper and other solid waste.~~

Solid waste: Municipal solid waste as defined by Maine's Solid Waste Regulations (MEDEP Reg. Ch. 400), which states "solid waste emanating from household and normal commercial sources". This waste will include, but is not limited to garbage, trash, rubbish, paper, plastics, metal cans, glass, crockery, cold ashes and refuse.

Special waste: Any solid waste generated by sources other than residential and commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that it may disrupt or impair effective waste management or threaten public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to; ash, industrial and industrial process waste, sludge and dewatered septage, nonfriable asbestos and asbestos containing materials and all other solid wastes designated special waste as defined in Maine's Solid Waste Regulations.

Suitable container: For solid waste generated at a residential property, 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.

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 multi-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.

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- (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.
- (8) Architectural paint, as defined in 38 MRSA 2144, Maine's product stewardship law for paint.

Waste material: Any waste materials, including, but not limited to, solid waste, recyclable material, bulky waste, commercial waste, construction and demolition debris, inert fill, scrap metal, special waste, universal waste refrigerant containing appliances, waste oil, asphalt shingles, batteries, tires, special waste, wood and sheetrock.

Waste oil: Used motor oil delivered to the facility in clear plastic containers in order to facilitate inspection. Waste oil does not include; synthetic motor oil, hydraulic fluid or any other lubricants or liquids of any kind.

Wood includes all wood including demolition wood (free of metal, sheetrock, insulation, and other solid waste), brush and tree waste (does not include stumps). Does not include treated wood (refer to construction and demolition debris).

Yard debris: Brush (low trees, bushes & shrubs) and tree limbs less than twelve (12) inches in diameter. Yard debris does not include stumps from trees, bushes and/or shrubs.

(Ord. No. 03-10, 8-1-03; Ord. No. 04-13, 7-1-04; Ord. No. 06-11, 7-27-06; Ord. No. 12-11, 10-18-12; Ord. No. 13-09, 10-17-13; Ord. No. 15-01, 02-19-15)

Sec. 62-12. ~~Reserved.~~ Waste disposal permits.

~~Any vehicle engaged in a commercial activity, which requests the services of the facility shall have a permit issued by the city. There will be a charge for each permit issued in accordance with the city's policy manual as approved by the city council.~~

- ~~(1) — *Commercial permit.* Issued to any Lewiston business that generates commercial waste (excluding recyclable material and scrap metal) and does not have waste collected by a waste hauler and brings their waste to the facility for disposal. Any and all solid waste brought to the facility in a vehicle which has been issued a commercial permit will be charged for the disposal of that waste in accordance with the current fee schedule. Commercial permits are renewable each October.~~
- ~~(2) — *Contractor permit.* Issued to any contractor hauling construction or demolition debris from a job site located within Lewiston. Evidence of job location shall be presented prior to entry into the facility. A contractor can be issued either an annual permit or a permit for an individual project. Any and all solid waste brought to the facility by a vehicle which has been issued a contractor permit will be charged for the disposal of that waste in accordance with the current fee schedule. Contractor permits (annual) are renewable each October.~~
- ~~(3) — *Waste hauler permit.* Issued to all authorized collectors engaged in solid waste collection. All applicants for a waste hauler permit shall provide the superintendent with an updated list of customers they are servicing with an estimated annual tonnage for each customer. In addition, haulers will provide an~~

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~~annual estimated tonnage of recyclable material diverted for each customer. Waste hauler permits are renewable each October.~~

~~(Ord. No. 03-10, 8-1-03; Ord. No. 06-11, 7-27-06; Ord. No. 08-06h, 8-14-08)~~

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 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

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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 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.

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

- (5) Open enrollment, during the month of June on every even numbered year for properties, which had been terminated from the program due to:
 1. 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-

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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.

- (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.* No person shall place bulky waste out for collection by the city.

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.

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.

- (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 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

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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 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.

(Ord. No. 03-10, 8-1-03; Ord. No. 04-13, 7-1-04; Ord. No. 04-23, 1-6-05; Ord. No. 06-11, 7-27-06; Ord. No. 08-07, 9-11-08; Ord. No. 13-09, 10-17-13)

Sec. 62-14. Fee schedule.

A schedule of fees for the use of the facility shall be set by the Solid Waste Policy (the "Fee Schedule"). The schedule and any modifications of the schedule shall be filed with the city clerk. (Ord. No. 03-10, 8-1-03; Ord. No. 13-09, 10-17-13)

Sec. 62-15. Payments.

- (a) All parties who deposit one or more loads per week at the facility for a period of greater than 30 days shall be required to pay applicable disposal fees on a monthly basis. Failure to make required payments within 30 days of the date of billing will result in the suspension of all privileges to utilize the facility.
- (b) Upon use of the facility for the first time, all new accounts will be required to make payment at that time. If the customer continues to use the facility at least once per week for a period of greater than 30 days, the customer will be billed on a monthly basis.
- (c) Owners of multiple unit apartment buildings receiving city-provided curbside waste collection service, as described under subsection 62-13(b) of this chapter, shall pay a \$100.00 application fee at the time of application for city service. Fees for these services will be billed semi-annually in advance. The owner is responsible for ensuring bills are paid in full and on time. Failure to pay the fees within 30 days of billing will result in termination of the service.
- (d) Sporadic users of the facility, or users that do not remit fees on a monthly basis, must make payment at the time of service.

(Ord. No. 03-10, 8-1-03; Ord. No. 04-13, 7-1-04; Ord. No. 06-11, 7-27-06)

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Sec. 62-16. Penalties and enforcement.

- (a) *Waste material generated outside city limits.* No vehicle, whether commercial or private, shall dispose of any waste material at the facility unless it is generated from within the geographical limits of the city (as determined by reviewing the generator's driver's license, property tax receipt, and/or building permit) or is authorized under the terms of a contract with the city. The city reserves the right to make spot inspection of waste material entering the facility. Vehicles bringing in waste material that is from outside the city shall be subject to the penalties described later in this section.
- (b) *Enforcement.* It shall be the duty of the chief of police, the director of code enforcement or their duly authorized representatives to enforce the provisions of chapter 62 of this Code and to prosecute any and all persons violating any such provisions.

Enforcement procedures as set out in chapter 50, article II of the Lewiston Code of Ordinances shall apply to enforcement of this chapter, except that the specific penalties listed in subsection (c) herein will apply instead of those listed in section 50-45.

Notwithstanding any provisions in this chapter 62 to the contrary, due to the public nuisance and threat to public health created by the presence of waste material on or near city streets (i.e. on or near public ways) in violation of subsections 62-13(a), (b), (d), (i) and (j), the chief of police, the director of code enforcement or their designees are authorized to fine violators, without any prior notification, in accordance with subsection 62-16(c).

- (c) *Penalties.* Violators of any provisions of this chapter shall for the first offense receive a fine in accordance with the city's policy manual as approved by the city council, plus accrued interest, attorney's fees and court costs. A second violation or any subsequent violations occurring within six months of a previous violation shall result in a fine(s) in accordance with the city's policy manual as approved by the city council, plus accrued interest, attorney's fees and court costs.
- (d) *Responsibilities not transferable.* No contract or agreement between the owner or operator and the occupant relating to the compliance with the terms of this article shall be effective in relieving any person of the responsibility for compliance with the provisions of this chapter as described.

(Ord. No. 03-10, 8-1-03; Ord. No. 04-23, 1-6-05; Ord. No. 06-11, 7-27-06; Ord. No. 08-06h, 8-14-08; Ord. No. 15-01, 02-19-15)

Sec. 62-17. Special waste.

Special waste is defined in section 62-11. Solid waste brought to the facility that contains special waste mixed with residential and commercial waste will be charged at the additional rate of \$2.50/ton for the entire load unless the special waste is separated from the other waste.

All special waste shall be subject to the hazardous and special waste handling and exclusion plan (appendix C) and special waste characterization, testing and permitting (appendix D) of the facility's operations and maintenance (OM) manual as approved by the MEDEP, as well as the specific waste characterization sampling and analytical work plans developed by public works.

No special waste shall be accepted at the facility without a proper manifest that tracks the

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movement of the special waste from the point of generation to any intermediate points and finally to its deposition in the landfill. Each manifest shall have a section for the generator, the transporter, and the facility. The generator shall:

- Prepare a manifest before any special waste is transported.
- Design the destination of the waste.
- Identify and list each waste separately on the manifest.
- Provide a hand-written signature and date.
- Obtain the hand-written signature and date of the transporter and keep one copy.

The transporter (or generator if the generator is also the transporter) shall:

- Ensure that the manifest accompanies any special waste.
- Sign and date the manifest in the presence of the generator.
- Upon delivery to the site, indicate the destination of the special waste.
- Obtain the signature and date from the weigh station attendant.
- Keep one copy of the manifest and give the remaining copies and original to the weigh station attendant.

The facility shall:

- Not accept special waste from a generator or transporter unless the waste is accompanied by a manifest, properly completed by the generator and transporter.
- Upon acceptance of the load, the weigh station attendant shall sign and date the manifest, and note any discrepancies in the manifest.
- Record the weight of the load.
- Send signed copies of the manifest to the generator and transporter.
- Retain two copies on file at the facility.

The superintendent shall have the authority to require a waste audit of any company that brings or pays a commercial hauler to bring special waste to the facility.

(Ord. No. 03-10, 8-1-03)

Sec. 62-18. Solid wastes not accepted for disposal at the facility.

The following waste materials are not accepted for disposal at the facility:

- (1) Liquids and other free-flowing material.*
- (2) Junk automobiles, trucks, lawn mowers, snow mobiles or any other motor driven vehicle.**
- (3) Closed containers used for shipping or storing chemicals.
- (4) Fuel tanks or devices used for containing petroleum based compounds, such as gasoline, fuel oil, hydraulic fluid or lubricants or other chemicals.

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- (5) Debris or residuals from nonhazardous chemical spills or spill cleanup.*
- (6) Contaminated soils or dredged soils.*
- (7) Friable asbestos.*
- (8) Sand blast grit and nonliquid paint wastes.*
- (9) Medical wastes. Includes fecal waste and all bodily fluids (and waste materials which have come in contact with said fluids) of any kind.***
- (10) Infectious and/or hospital waste. All such waste (includes any and all body parts and waste materials which have come in contact with said body parts) are considered hazardous as defined by state and federal regulations, this includes, but is not limited to all "red bag" waste.***
- (11) Animal carcasses or animal parts.****
- (12) High and low pH materials.*
- (13) Spent filter media residue.*
- (14) Hazardous waste excluding normal waste from household activities defined by Chapter 850 of MEDEP Regulations.*

* Residential property owners are encouraged to bring these materials to the household hazardous waste depot, located at the facility, for disposal. Others are encouraged to contact the Maine DEP (287-2651) regarding the proper disposal of these materials.

** Generators of these wastes are encouraged to contact scrap metal salvage facilities regarding proper disposal.

*** Generators are encouraged to contact the Maine DEP (287-2651) regarding the proper disposal of these materials.

**** Generators are encouraged to bury small quantities at the site of origin or contact either local veterinarian offices or the Maine DEP (287-2651) regarding the proper disposal of these materials.

(Ord. No. 03-10, 8-1-03; Ord. No. 06-11, 7-27-06)

Sec. 62-19. Demolition debris.

All haulers bringing construction and demolition debris to the facility for disposal must show a copy of the contractor permit for the project from which the waste is generated to the weigh station attendant each time construction and demolition debris is disposed of at the facility.

(Ord. No. 03-10, 8-1-03)

Sec. 62-20. Covering of loads.

All vehicles entering the facility shall cover, tie down, or otherwise secure any waste transported to the facility in a manner reasonably calculated to keep the load secured within the vehicle. Failure to properly secure incoming loads, as determined by facility personnel, is a violation of this chapter and shall result in a penalty equal to twice the disposal fee for the

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material.

(Ord. No. 03-10, 8-1-03)

Sec. 62-21. Dump picking prohibited.

No person, resident, business or city employee shall enter the facility without authorization or remove waste material or recyclable materials from the facility without specific authorization from the superintendent. Violation of this may result in the immediate revocation of the disposal privileges by the superintendent. (Ord. No. 03-10, 8-1-03)

Sec. 62-22. Reserved ~~Recycling agreement.~~

~~Any municipality or quasi-municipal organization requesting disposal and/or transfer services of recyclable material 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; Ord. No. 13-09, 10-17-13)~~

Sec. 62-23. 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. (Ord. No. 03-10, 8-1-03; Ord. No. 13-09, 10-17-13)

Sec. 62-24. ePass program.

~~The city issues an ePass and an abbreviated ePass through the treasurer's office and the Seale 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 will 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 eligible to purchase abbreviated ePasses.~~

~~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:~~

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

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

- ~~(1) The purchaser of the ePass.~~
- ~~(2) 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.~~
- ~~(3) 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.~~

~~The city issues one (1) ePass, at no cost, annually to the following:~~

- ~~(1) Owners of residential properties as defined in Sec. 62-11 of this chapter) who live in one of the dwelling units of that property, year round.~~
- ~~(2) Owners of multiple unit apartment building (as defined in Sec. 62-11 of this chapter) who live in one of the dwelling units of that property, year round. The ePass is issued for the dwelling unit in which they reside. The ePass will be issued to property owners who are current on all outstanding debts to the City and who have paid the City for curbside trash collection services in accordance with Sec. 62-13 of this chapter.~~

~~The following individuals are eligible to purchase an ePass from the City –~~

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(1) Owners of multiple unit apartment buildings (as defined in Sec. 62-11 of this chapter) and who have paid the City for curbside trash collection services in accordance with Sec. 62-13 of this chapter may purchase one (1) ePass per year for every three (3) dwelling units, which they own (i.e. a five (5) unit building would be eligible for two (2) ePasses). The owner will be eligible to purchase the ePass(es) if they are current on all outstanding debts to the City.

(2) Tenants (as defined in Sec. 62-11 of this chapter) who reside in the City of Lewiston.

The ePass is issued through the Treasurer's office when the property owner pays the second installment of their property tax bill in March or when the tenant purchases the ePass. The price of the ePass shall be established as provided in Sec. 62-14 – Fee Schedule – of this chapter.

The ePass service is not transferable and is limited to only one (1) ePass per year. Individuals eligible to receive this service include:

(1) The holder of the ePass.

(2) A member of the holder'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.

(3) 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.

(Ord. No. 03-10, 8-1-03; Ord. No. 06-11, 7-27-06; Ord. No. 12-11, 10-18-12; Ord. No. 13-09, 10-17-13)

Secs. 62-25--62-30. Reserved.

ARTICLE II. PRIVATE COLLECTORS

Sec. 62-31. Reserved ~~License or authorization required.~~

~~No person shall collect any house offal, swill or garbage, or carry the same through any of the streets or sidewalks of the city, except such person as may be authorized or licensed by the department of public works.~~

~~(Code 1982, § 29-20)~~

Sec. 62-32. Reserved ~~Duration of license; revocation.~~

~~(a) — The department of public works shall determine the length of time for which any license under this article shall issue, and all such licenses for the collection of garbage shall be granted subject to revocation by the department.~~

~~(b) — The department of public works may at any time revoke any or all licenses granted, in~~

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~~whole or in part, upon failure of any licensee to comply with the provisions of this article. Upon revocation of any license, the department shall send a notice thereof by registered mail to the licensee at least 15 days before the date such revocation shall become effective.~~

~~(Code 1982, § 29-21)~~

Sec. 62-33. Reserved ~~Voluntary relinquishment of license.~~

~~Any licensee wishing to discontinue the collection of garbage, in whole or in part, shall notify the department of public works in writing of his intention to do so, at least 15 days prior to the date of such discontinuance, and shall return his license to the department.~~

~~(Code 1982, § 29-22)~~

Secs. 62-34--62-55. Reserved.

ARTICLE III. HAZARDOUS MATERIALS*

*Cross references: Fire prevention and protection, ch. 38.

Sec. 62-56. Definitions.

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

Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous or solid waste, sludge or septage into or on any land, water, sanitary or storm drainage system so that the hazardous or solid waste, sludge or sewage or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including groundwater.

Generator means a person whose activity results in the generation of waste which is or may be hazardous.

Hazardous waste means any chemical substances or materials, gas, solid or liquid, designated as hazardous by the United States Environmental Protection Agency pursuant to the United States Resource Recovery and Conservation Act, Public Law 94-580, and amendments to the act or designated hazardous by the act or its amendments.

Oil means any of a class of substances typically unctuous, viscous, combustible, liquid at 60 degrees Fahrenheit and soluble in ether or alcohol but not in water.

Storage means the placement of materials in drums, tanks or other structures intended to retain the materials for subsequent use or disposal.

Waste oil means discarded oil generated by residential, institutional, commercial, industrial or agricultural sources or oil recovered from spills.

(Code 1982, § 29-31)

Cross references: Definitions generally, § 1-2.

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Sec. 62-57. Disposal and storage of hazardous waste.

- (a) No person shall dump, dispose of, or store hazardous waste except by those methods approved by state or federal regulations. Hazardous waste, properly packaged and labeled identifying the waste, may be stored in quantities of 100 kilograms (220.46 pounds) or less only upon written approval of the code enforcement officer and fire chief. Notwithstanding the foregoing, it shall be unlawful for any person to dispose of hazardous waste by the landfill method.
- (b) A generator may accumulate hazardous waste in excess of 100 kilograms (220.46 pounds) on the site of its generation for a period not to exceed 90 days upon written approval of the code enforcement officer and fire chief subject to the following conditions:
 - (1) All such waste is shipped off-site in 90 days or less.
 - (2) The waste is placed in containers in accordance with local, state and federal regulations.
 - (3) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
 - (4) Each container is properly labeled and marked as specified by local, state and federal regulations.
 - (5) The generator complies with all the requirements for owners or operators as outlined in local, state and federal regulations.

(Code 1982, § 29-32)

Sec. 62-58. Waste oil.

No person shall dump or dispose of any waste oil except that waste oil may be stored in quantities up to 1,000 gallons. Notwithstanding the foregoing, waste oil may be stored in quantities greater than 1,000 gallons upon written approval of the code enforcement officer and fire chief.

(Code 1982, § 29-33)

Sec. 62-59. Penalty for violation of article.

Any person found to be in violation of this article shall be subject to a fine in accordance with the city's policy manual as approved by the city council. Each day during which a violation of this article occurs shall constitute a separate offense.

(Code 1982, § 29-34; Ord. No. 08-06h, 8-14-08)

Secs. 62-60--62-69. Reserved.

Editor's note - Ord. No. 09-02, effective 4-16-09, repealed Article IV in its entirety, repealing § § 62-70 – 62-74. Formerly, said sections pertained to the Solid Waste Committee.

LEWISTON CITY COUNCIL
MEETING OF MAY 10, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
MEETING OF MAY 10, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-2

SUBJECT:

Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

SAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.