

Order 99-06/07

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 12, (GARBAGE WASTES AND JUNK), ARTICLE II (GARBAGE
AND SOLID WASTE REMOVAL/RECYCLING)
SECTION 12-17 (SOLID WASTE AND RECYCLABLE WASTE COLLECTION)**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Chapter 12, section 17 of the Portland City Code
is hereby amended as follows:*

**Sec. 12-17. Solid Waste and Recyclable Waste Collection/
Service on Private Roads/Eligibility for other City Waste
Disposal or Recycling Programs.**

(a) Solid waste and recyclable material will be collected by the city from residential properties.

(b) Solid waste and recyclable material shall not be collected by the city from any commercial property except as provided in subparagraph (d) below.

(c) Solid waste and recyclable material shall not be collected by the city from any Planned Residential Urban Development (PRUD) project, or development which receives city site plan review and approval and such approval requires private solid waste collection, except as provided in subparagraph (d) below.

(d)

(1) *Residential units on privately owned roads.* Effective January 1, 2007, solid waste and recyclable material may be collected by the city from residential units on privately owned roads, in apartment buildings, condominium buildings, or buildings within planned residential urban development projects, or within developments which receive or have received city site plan or

subdivision review and approval and such approval(s) require permanent private solid waste collection within a specific project, pursuant to a written agreement between all the unit owners or an owners' association representing the unit owners and the city. Such agreement shall require at a minimum that solid waste and recyclable material be placed in suitable containers and that the unit owners otherwise comply with all other applicable provisions of this article and any regulations promulgated by the public works authority.

- (2) *Residential units not previously receiving collection services on public roads.* Effective January 1, 2007 solid waste and recyclable material shall be collected by the city from residential units, not previously receiving collection services on public roads, in apartment buildings or condominium buildings that contain at least ten (10) but not more than nineteen (19) units, upon written notification to the public works authority by the property owner, or, in the case of condominiums, the condominium owners' association, that the property owner or association wants the service.

Unit owners and any owners' association shall comply with all other applicable provisions of this article and any regulations promulgated by the public works authority.

- (3) The city may provide the same services to residential units on privately owned roads or on public roads in apartment buildings, or condominium buildings with more than nineteen (19) units, or projects containing more than (19) units, in accordance with all other applicable provisions of this article and regulations promulgated by the public works authority.
- (4) Subparagraphs (1) and (2) above shall not apply to any residential units in any subdivision or other project in which roads have been or will be privately constructed or improved to serve the project with the intention that such roads shall become public roads until such time as the

council formally accepts the road.

(e) Notwithstanding any other provision of this chapter or code a property owner must participate in the city's solid waste disposal program in order to be eligible for other city waste disposal or recycling services or programs including but not limited to the city's programs for recycling, large item pickup, hazardous waste disposal and any programs available at the riverside recycling facility.