

Order 264-12/13

Passage 8-0 (Coyne absent) on 3/17/2014

Effective 4/16/2014

MICHAEL F. BRENNAN. (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 12 GARBAGE, WASTES AND JUNK
ARTICLE II. GARBAGE AND SOLID WASTE REMOVAL/RECYCLING

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

1. *That Article II, Garbage and Solid Waste Removal/Recycling,
of the Portland City Code is hereby amended to read as
follows:*

Sec. 12-16. Definitions.

The following words and terms as used in this article shall
have the meanings ascribed thereto, unless the context otherwise
indicates:

...

*Public works authority shall mean the department of ~~parks~~
~~and~~ public services works of the city of Portland.*

*Recyclable material shall mean paperboard, newspaper,
glass, magazines, junk mail, cardboard, #2 natural plastic and
aluminum cans and foil, and any additional material so
designated by the ~~department of~~ public works authority.
Recyclable material shall be considered waste material for
purposes of this article.*

...

*Suitable recycling containers for recyclable material shall
mean the rectangular plastic bins distributed by the ~~department~~
~~of~~ public works authority or containers designated by the city
for receipt of recyclable material at designated recycling drop
off locations.*

*Suitable yard waste containers for yard waste material
shall mean a biodegradable plastic bag ~~and~~ as designated by the
public works authority.*

...

Waste hauler shall mean a person, firm, corporation or other entity that regularly collects and hauls the solid waste or recycled goods of another person, firm, corporation or other entity for a fee.

Waste transporter shall mean a person, firm, corporation or other entity, other than the city, that regularly collects and hauls the solid waste that it generates within the city.

...

Sec. 12-17. Solid Waste and recyclable waste collection/~~service on private roads/eligibility for other city waste disposal or recycling programs.~~

...

(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.

Sec. 12-17.1. Residential recycling program required.

(a) Any residential property which does not participate in city solid waste collection and recycling under section 12-17 above, must provide a recycling program for all of its residential dwelling units, either directly by doing such collection itself under a city license as a waste transporter, or by contracting with a licensed waste hauler. For purposes of this section, "residential property" shall mean and include any property in which there is a residential dwelling unit, including commercial property as defined in section 12-16 "commercial property", subparagraph (a) and subparagraph (f).

Such recycling program must meet the following minimum standards:

- (1) It must be at least as convenient for the resident as the owner's solid waste collection program for the property;

- (2) It must be a single stream recycling program that includes at least the same materials as those collected by the city's recycling program;
- (3) Residential property owners must provide clear and visible signage indicating which container(s) is for recyclables and the types of recyclables collected under the single stream program;
- (4) Residential property owners must provide residents with information about the recycling program upon occupancy and provide updates about any changes in the recycling program to all residents; and
- (5) Source separated recyclables shall not be commingled with solid waste.

(b) No later than January 1, 20145, any residential property owner who does not have solid waste and recycling collection by the city shall begin a recycling program in compliance with this chapter and any applicable regulations.

(c) If a property owner cannot comply with this section by January 1, 20145, he or she may request an extension to come into compliance. Such extension request shall be filed by October 1, 2013, and shall include an explanation of why the property owner cannot comply by January 1, 20145, and a detailed plan to come into compliance as soon as reasonably possible. The public works authority shall determine whether the property owner has good cause for an extension and may issue an extension reasonable under the circumstances, not to exceed twenty-four (24) months from January 1, 20145. If the public works authority determines the property owner does not have good cause for an extension, it shall issue a notice for the property owner to begin its recycling program within thirty (30) days or be in violation of this section.

(d) The public works authority shall provide educational materials to the residential property owners at the commencement of a recycling program under this section.

(e) The public works authority, or his or her authorized representative, may enforce any violation of this section by issuing a uniform summons and complaint, or at the city's option, a complaint pursuant to 30-A M.R.S.A. §4452. Every day upon which any such violation continues shall be deemed a separate violation. Penalties, including payment of the city's

attorney's fees and costs, as provided in section 12-30 shall apply to such violations brought under the uniform summons and complaint. If a violation is brought pursuant to 30-A M.R.S.A. § 4452, penalties provided therein shall apply. In addition to any such penalties, the city may enjoin or abate any violation of this section by appropriate action.

12.17.21. Bulky Waste Collection.

(a) Bulky Waste shall be collected by the city as prescribed by the rules and regulations for said program established by the Department of Public Services.

...

Sec. 12-30. Violations.

Whoever violates any provisions of this article shall be guilty of an offense. Each day a violation continues shall be deemed a separate violation. The penalty for said offense, in addition to any other fees imposed by this article shall be as follows:

First violation: Fifty dollars (\$50.00).

Second violation: One hundred dollars (\$100.00).

Third violation and above: One hundred fifty dollars (\$150.00)

plus attorney's fees and costs.