



# Town of York

186 York Street  
York, Maine 03909-1314

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

Fax  
(207)363-1009  
(207)363-1019

[www.yorkmaine.org](http://www.yorkmaine.org)

## BOARD OF SELECTMEN'S WORKSHOP AGENDA

*Possible Ordinances for November 2015*  
**7:00PM TUESDAY, APRIL 21, 2015**  
**YORK PUBLIC LIBRARY**

### Call to Order

1. Single Use Bag Ordinance
2. Driveway Standards
3. Fine and Penalty System Standardization of Selectmen Adopted Ordinances

### Adjourn

# MEMO



**TO: Board of Selectmen**  
**FROM: Stephen H. Burns, Town Manager**  
**DATE: April 17, 2015**  
**RE: Codes Workshop**

*SHB*

At our workshop next Tuesday evening we have 3 code topics for discussion.

## BAG ORDINANCE

This is a discussion about creation of a new stand-alone ordinance, initially proposed by BYOB-York. (Bring Your Own Bag, to be clear.) The Board had initial discussions about this ordinance recently, and conducted a public hearing on the topic. There seemed to be some degree of support on the Board for a ban on plastic bags in addition to, or as an alternative to a fee-based disincentive for disposable bags. We're at a good point to think about overall policy choices.

## DRIVEWAY STANDARDS

Lack of local driveway standards is a significant policy gap. Dean will be attending the workshop to review the proposed standards with the Board, and to offer thoughts about policy options. These standards would be inserted into the Street Opening and Culverts Ordinance.

### Timeframe for November Amendments

The above two amendments require voter approval. The timeline for the November General Referendum is attached. Amendments being proposed via the Board of Selectmen need to be prepared and ready for posting by July 1st. We have the 2 meetings in June to work through any further revisions.

## FINES & PENALTIES

The Police Department has brought forward 10 Selectmen-adopted codes to be amended in a manner similar to the 20 now awaiting a May vote. The manner of setting and collecting fines and penalties is being changed in the same manner in response to the State's new unified court docket system. If the Board is agreeable with these proposed changes, which are pretty generic in nature, we will need to schedule a public hearing and then the Board can approved the changes. I would anticipate this happening in June.

# Timeline for November 2015 General Referendum

February 24, 2015

## Last Possible Workshop for Ordinance and Comp Plan Amendments - Planning Board

April 23, 2015 7:00 PM

## Public Hearing - 1st ORDINANCES - Planning Board

May 28, 2015 7:00 PM

May 7th		decide if additional notifications are required
May 8th		e-mail hearing notice to newspaper for both legal ads
May 13th	14+ days	post hearing notice at Town Hall, and distribute for posting around Town
May 13th	14+ days	post hearing notice and draft amendments on the Web
May 13th	14+ days	give hearing notice and draft amendments to the Town Clerk
May 13th	13+ days	mail to water districts if required per 30-A Sec 4352(9)(E)
May 13th	13+ days	send to SMRPC if required per 30-A Sec. 2342(7)
May 13th	13+ days	send property owner notice if required per 30-A Sec. 4352(10)
May 13th	12+ days	1st legal notice published in York Weekly
May 20th	7+ days	2nd legal notice published in York Weekly

## Joint Meeting - Board of Selectmen & Planning Board

June 8, 2015

## Last Meeting Date to Discuss Ordinance Amendments Before Posting - Board of Selectmen

June 22, 2015

## Public Hearing - 1st COMP PLAN - Planning Board

June 25, 2015 7:00 PM

May 15th		e-mail hearing notice to newspaper for legal ad
May 20th	30+ days	post hearing notice at Town Hall, and distribute for posting around Town
May 20th	30+ days	post hearing notice and draft amendments on the Web
May 20th	30+ days	give hearing notice and draft amendments to the Town Clerk
May 20th	30+ days	send to SMRPC for review per 30-A Sec. 2342(4)
May 20th	30+ days	required legal notice published in York Weekly

## Public Hearing - 2nd ORDINANCES - Planning Board

June 25, 2015 7:00 PM

June 4th		decide if additional notifications are required
June 5th		e-mail hearing notice to newspaper for both legal ads
June 10th	14+ days	post hearing notice at Town Hall, and distribute for posting around Town
June 10th	14+ days	post hearing notice and draft amendments on the Web
June 10th	14+ days	give hearing notice and draft amendments to the Town Clerk
June 10th	13+ days	mail to water districts if required per 30-A Sec 4352(9)(E)
June 10th	13+ days	send to SMRPC if required per 30-A Sec. 2342(7)
June 10th	13+ days	send property owner notice if required per 30-A Sec. 4352(10)
June 10th	12+ days	1st legal notice published in York Weekly
June 17th	7+ days	2nd legal notice published in York Weekly

## Public Hearing - 2nd COMP PLAN - Planning Board

July 23, 2015 7:00 PM

July 10th		e-mail hearing notice to newspaper for legal ad
July 10th	7+ days	post hearing notice at Town Hall, and distribute for posting around Town
July 10th	7+ days	post hearing notice and draft amendments on the Web
July 10th	7+ days	give hearing notice and draft amendments to the Town Clerk
July 10th	7+ days	send to SMRPC for review per 30-A Sec. 2342(4)
July 15, 2015	7+ days	required legal notice published in York Weekly

## Public Hearing - 3rd ORDINANCES - Board of Selectmen

July 27, 2015 7:00 PM

July 1st		decide if additional notifications are required
July 2nd		e-mail hearing notice to newspaper for both legal ads
July 8th	14+ days	post hearing notice at Town Hall, and distribute for posting around Town
July 8th	14+ days	post hearing notice and draft amendments on the Web
July 8th	14+ days	give hearing notice and draft amendments to the Town Clerk
July 8th	13+ days	mail to water districts if required per 30-A Sec 4352(9)(E)
July 8th	13+ days	send to SMRPC if required per 30-A Sec. 2342(7)
July 8th	13+ days	send property owner notice if required per 30-A Sec. 4352(10)
July 8th	12+ days	1st legal notice published in York Weekly
July 15th	7+ days	2nd legal notice published in York Weekly

## Public Hearing - 4th ORDINANCES - Board of Selectmen

August 24, 2015 7:00 PM

July 30th		decide if additional notifications are required
July 31st		e-mail hearing notice to newspaper for both legal ads
August 5th	14+ days	post hearing notice at Town Hall, and distribute for posting around Town
August 5th	14+ days	post hearing notice and draft amendments on the Web
August 5th	14+ days	give hearing notice and draft amendments to the Town Clerk
August 5th	13+ days	mail to water districts if required per 30-A Sec 4352(9)(E)
August 5th	13+ days	send to SMRPC if required per 30-A Sec. 2342(7)
August 5th	13+ days	send property owner notice if required per 30-A Sec. 4352(10)
August 5th	12+ days	1st legal notice published in York Weekly
August 12th	7+ days	2nd legal notice published in York Weekly

# WARRANT & REFERENDUM

## Planning Board Preference Votes

August 27, 2015

## Selectmen's Public Hearing on Warrant and Preference Votes

September 14, 2015

## Submittal Deadline

September 18, 2015

Deadline: 45 days in advance of Referendum

## Special General Referendum

November 3, 2015

To the York Board of Selectmen:

The goal of a single use carry out bag ordinance is to provide incentive for shoppers to use reusable bags. There are a variety of ordinances that have been enacted in this country and abroad that are reporting positive results. We want York's bag ordinance to be simple to implement and enforce and effective at reducing single use bags. And, of course, we want it to be successful at the polls.

Attached for your review is a Natural Resources Council of Maine handout entitled, "Why Support a Reusable Bag Ordinance" which addresses many of the reasons a growing number of people and municipalities are moving away from plastic bags. Also attached is a letter to the editor by Maine business leader, Jim Wellehan, who has voluntarily led his business to reduce waste and plastic bag use and is an advocate for other businesses to do the same.

Our proposal, as presented to the Select Board on February 9, is based on the Portland, Maine, Single Use Bag ordinance that takes effect today, April 15. This means the larger retailers will have made the necessary adjustments and there will be consistency within the State, when York's ordinance will begin. Topsham, Freeport, Brunswick and other Maine towns are in line to pass ordinances in the near future.

We have modified the section that describes the definition of "Store" in the ordinance before you for discussion on April 21<sup>st</sup>. We felt it was important to be as clear as possible about which types of businesses would be affected by the ordinance. Of course, we hope other businesses in York will voluntarily rethink their use of these bags in their operations.

Substantially different proposals that we might consider include 1) an ordinance that would impose a ban on plastic bags and a 5-10 cent fee on paper or 2) an ordinance that would impose a 10 cent or greater fee on both paper and plastic bags. The timing the ordinance would go into effect might be adjusted.

We look forward to an open discussion and to reaching agreement on an ordinance that the Board of Selectmen will support on the November ballot.

## **SINGLE-USE CARRYOUT BAG ORDINANCE**

### **SECTION 1. PURPOSE**

The production and use of single-use carryout bags has significant impacts on the environment of all coastal communities, including, but not limited to; contributing to the potential death of marine animals through ingestion and entanglement, contributing to pollution of the land environment, creating a burden to our solid waste collection and recycling facility, clogging our storm drainage systems, deforestation, and increased greenhouse gas emission, and the use of millions of barrels of crude oil nationally for their manufacture. In addition;

1. Evidence indicates that the vast majority of single-use carryout bags are used for the bagging and carryout of products purchased from stores, as those businesses are defined in this ordinance; and
2. Curbside recycling of single-use carryout plastic bags is not currently permitted in the Town of York recycling program and location-limited recycling options and voluntary efforts to control use of single-use carryout plastic bags, has had minimal effect to date; and
3. The Town of York strives to conserve resources, reduce greenhouse gas emissions, waste, and litter and to protect the public health and welfare, including wildlife, all of which increase the quality of life for the Town's residents and visitors; and
4. Studies document and participating municipalities report that prohibiting the free distribution of single-use carryout bags dramatically reduces the use of those types of bags; and
5. It is in the best interests of citizens of York to reduce the cost to the Town of solid waste disposal, and to protect our environment and our natural resources by reducing the distribution of single-use carryout bags and incentivizing the use of reusable bags at Stores, as defined in this Ordinance.

The purpose of this legislation is to minimize the usage of single-use carryout bags in the Town of York, Maine.

### **SECTION 2. AUTHORITY**

This Ordinance is adopted pursuant to the Town's home rule authority granted under Article VIII-A of the Maine Constitution, and Title 30-A MRSA §3001.

### **SECTION 3. APPLICABILITY**

This Ordinance shall apply to all Stores as defined in subsection 4.4, operating within the Town of York, Maine.

### **SECTION 4. DEFINITIONS**

As used in this Ordinance the following terms have the following meanings:

- 4.1. **SINGLE USE CARRYOUT:** Single-use Carryout Bag means a bag other than a Reusable bag provided at the checkout stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. The term Single-Use Carryout Bag includes compostable and biodegradable bags but does not include reusable bags, produce bags, product bags or bags provided by pharmacists for prescription drugs.
- 4.2. **PRODUCE BAG OR PRODUCT BAG:** The terms produce bag or product bag mean any bag without handles used exclusively to carry produce, meats, other food items or merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items.
- 4.3. **REUSABLE BAG:** A bag that is:
- (a) Designed and manufactured to withstand repeated uses over a period of time,
  - (b) Machine washable or made from a material that can be cleaned and disinfected regularly,
  - (c) At least 2.2 mil thick if made from plastic,
  - (d) Has a minimum lifetime of 75 uses, and
  - (e) Has the capability of carrying a minimum of 18 pounds.
- 4.4. **STORE:** The term Store means any of the following retail establishments located within the Town of York:
- (a) A market which sells at retail a line of staple foodstuffs, meats, produce, household supplies, dairy products or other perishable items.
  - (b) A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods.

**SECTION 5. REGULATION OF SINGLE-USE CARRYOUT BAGS**

- 5.1 No Store shall provide a Single-Use Carryout Bag to a Customer at the checkout stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section.
- 5.2 A Store may make available for sale to a Customer a Single-Use Carryout Bag for a minimum charge of five cents (\$0.05) per bag.
- 5.3 All monies collected by a Store for Single-Use Carryout Bags under this Chapter may be used by the Store for any lawful purpose.
- 5.4 All Stores must post signage clearly indicating the per bag charge for Single-Use Carryout Bags.
- 5.5 Notwithstanding this Section, no Store may make available for sale a Single-Use Carryout Bag unless the amount of the sale of the Single-Use Carryout is separately itemized on the sale receipt.
- 5.6 No Store shall rebate or otherwise reimburse a customer any portion of the minimum charge required in subsection 5.2.

**SECTION 6. RECORD KEEPING AND INSPECTION**

Every Store shall keep complete and accurate records or documents of the purchase and sale of any Single-Use Carryout Bag for a minimum period of 3 years from the date of purchase and sale which record shall be available for inspection at no cost to the Town of York during regular business hours by any Town employee authorized to enforce this Ordinance. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the Store's address. The provision of false information including incomplete records or documents to the Town of York shall be a violation of this Ordinance.

**SECTION 7. ADMINISTRATION AND ENFORCEMENT**

- 7.1 The Code Enforcement Officer (CEO) shall have the authority to administer and enforce this Ordinance.
- 7.2 Each Store as defined in subsection 4.4 above, located in the Town of York, shall comply with this Ordinance.
  - (a) If it is determined that a violation has occurred, the CEO shall issue a written warning to the Store for the initial violation.
  - (b) If an additional violation has occurred after a written warning has been issued, the CEO shall issue a written notice of violation and shall impose a penalty against the Store.
  - (c) The penalty associated with each written notice of violation shall be:
    - 1) \$250 for the first offense, or

2) \$500 for the second and all subsequent offenses. To be considered a second or subsequent offense, the violation must occur within one year of the most recent prior violation.

(d) No more than one penalty shall be imposed upon a Store within a 7 day period.

(e) A Store shall have 15 days following receipt of a written notice of violation to pay the penalty.

7.3 Any decision, action, or inaction pertaining to this Ordinance may be appealed to the York County Superior Court. Any appeal must be filed within 30 days of the decision or action being appealed.

#### **SECTION 8. EFFECTIVE DATE**

This ordinance shall take effect 6 months following the date of adoption to allow stores the opportunity to make any necessary adjustments to bring operations into compliance with the law.

#### **SECTION 9. SEVERABILITY**

Should any portion of this Ordinance be held by the courts to be invalid, this shall not affect the validity of remaining portions of this Ordinance.



## Why Support A Reusable Bag Ordinance?

**It makes sense:** Why waste something that doesn't need to be wasted? When stores routinely hand out an unlimited number of single-use disposable bags, we end up creating a lot of unnecessary waste.

**It offers a significant opportunity:** Single-use disposable shopping bags are one of the most commonly used and quickly discarded items in our communities.

**It helps stop litter and protect wildlife:** Single-use disposable shopping bags sometimes end up blowing around, getting caught in trees, landing in waterways, and harming creatures large and small. Plastic bags are non-biodegradable. When more people use reusable bags there'll be less bag litter in the environment.

**It creates an effective incentive:** A fee or ban on disposable bags creates an incentive for people to remember their reusable bags when they shop. Over time, this becomes second nature: Just like you remember your car keys, your glasses, and your cellphone, you remember your bags. The more towns have bans or fees on disposable bags, the more people will remember to bring their bags with them. And, if people forget, they can always buy a reusable or disposable bag inexpensively.

**Reusable bags conserve resources:** Manufacturing, shipping, and disposing of disposable paper and plastic bags take a toll on our environment. This harm can be avoided by a major shift to reusable bags.

**Voluntary efforts aren't as effective:** Experience shows that fee-based ordinances are far more effective than education and awareness campaigns alone.

**Easily avoidable fee:** A fee on disposable bags is easily avoidable. Anyone who brings his or her own bag does not pay. This encourages shoppers to use reusable bags and leaves every shopper with a choice: to pay for a disposable bag or use a reusable bag for free.

**Reusable bags are readily available:** Reusable bags are affordable, abundant, stronger, and far more durable than their disposable counterparts.

**Strong, safe and clean:** Reusable bags are stronger than disposable ones, breaking less often, and they can be laundered too. Most grocery items are already packaged to prevent spills or leaks.

**Get bags you want or need:** Many people use plastic bags a second time after carrying goods home. This is one step better than throwing them away after shopping, but most bags are tossed after just one use. There are alternatives readily available for lining waste bins, storing food, or cleaning up pet waste.

**Reusable bag ordinances work.** Hundreds of cities around the world have adopted successful policies that significantly reduce the number of single-use disposable bags in their communities.

# Maine Voices: Plastic's widening gyre of destruction must be contained

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pressherald.com

By Jim Wellehan

AUBURN — As my wife, Kath, and I drove down the wooded road, plastic bags blew gently beside it. Some had flown up into the trees, where they fluttered gracefully in the wind.

Really, there was an unexpected grace and beauty to the process, and had I just arrived from another world, I would have admired their beauty, and wondered if they were not a life form.

## about the Author

**Jim Wellehan** of Auburn is the president of Lamey Wellehan Shoes.

Search photos available for purchase: [Photo Store](#) →

I'm from here, though, and rather than a life form, I realize that plastic bags are a death form. They become landfills that do not decompose or degrade, storm sewers that clog and back up, litter that needs to be cleaned up and an expense to our cities and taxpayers at every turn. But it's when they make their way to a lake, stream or river that will take them on a course to the ocean that they become a real death form.

In every square mile of ocean, there are 46,000 pieces of plastic, according to a U.N. study. Plastic in the ocean will slowly break into small pieces and be nibbled at by tiny fish. But it will remain as plastic and maintain its toxicity whether it becomes a part of the smaller fish's body, and then a part of a larger fish's body, and, when we eat that fish, a part of ours.

Turtles look at plastic bags in the ocean, consider them jellyfish, swallow them and jam their digestive systems, and can no longer consume food. Albatross mothers skim the ocean to feed their nestlings, as they have for millennia. Now, however, 60 percent of the nestlings die, and autopsies show a tragic spew of plastic bits and pieces have filled their digestive tracts.

In fact, there are gyres of plastic in every ocean where nothing lives. Plastic fills a swirling mass of current convergence where there is no life form, only plastic.

The largest gyre is in the Pacific. At its smallest, it's twice the size of Texas. When conditions allow it to expand, it covers an area almost as large as the United States.

Having used plastic increasingly for around 50 years, we have destroyed large areas of life in the ocean. If you told your mom you had done that, she would be incredibly upset. And yet we must realize that we all have done it, and, unless we change our habits abruptly, we will destroy the oceans entirely.

"No more plastic bags!" I said. "Making and transporting paper bags creates four times the carbon emissions," said Kath, and carbon emissions are damaging the sea, too.

The ocean is taking in much of our carbon, and that is causing it to acidify. In 20 years, clams and other

shellfish will not be able to make new shells. Our baby lobster population is half the size it was in 2007.

And in warmer waters, acidification is destroying coral reefs, which are critical breeding and living ground for much sea life, and a barrier to storm surges.

In Maine, the ocean level is clearly rising, and we are 2 degrees warmer than we were 44 years ago. No more paper bags, either!

Clearly, when we see the light, we have usually been lucky enough to change in time, all too often by the skin of our teeth. So let's put a citywide, a statewide, a nationwide, a worldwide restriction on unnecessary packaging and the unnecessary use of packaging. Twenty-five percent of the nations in the world have made this good decision, and made it most easily when they were coastal and the damage became obvious to them.

Let's also realize how universal plastic has become, as has its litter, in the beverages we drink, the cups and straws we use, the toys we give our children, even the ropes with which we moor our boats and lobster traps.

We need to eliminate all plastic that is not recyclable; set up recycling plants to adapt to the new, re-used material ("Waste not, want not" is a great Maine saying); eliminate the use of plastic that is not set for recycling; have strong anti-litter laws, and help keep Maine both beautiful and bountiful.

I am not from another world, nor can I go there, nor can you, nor can our children. We must respect and protect this one. A plastic-coated world has little appeal, should there be a living creature left to appeal to.

Let's all keep plastic out of the ocean, and restrict both plastic and paper bags. The most effective way to work toward this goal is a modest charge for any packaging at the checkout counter.

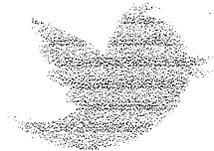
— *Special to the Press Herald*

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# City of Portland

## Reusable Bag Ordinance Frequently Asked Questions

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### **Why is the City of Portland requiring stores to charge customers 5 cents per single use bag?**

- Assessing a fee encourages consumers to bring reusable bags in which to carry purchases. This aligns with the City's goal to reduce waste and encourage recycling.
- Increasing the use of reusable bags will reduce litter by decreasing the number of bags in circulation that may be discarded improperly.

### **When does the ordinance take effect?**

- The ordinance is effective beginning April 15, 2015.

### **What bags are covered by this ordinance?**

- The ordinance covers plastic **and** paper bags used to carry food and other merchandise from a store.

### **Are any bags EXEMPT from this ordinance?**

- Bags used to carry goods to the point of sale are exempt. This includes bags provided to customers to contain bulk items such as fruit and produce. Other types of bags used by cashiers to contain products such as meat and soap are also exempt.
- Bags provided by pharmacists to contain prescription medications.
- Bags brought to the store by the consumer for reuse are exempt including plastic and paper bags the consumer may have obtained previously.

### **Which stores does this ordinance apply to?**

- The ordinance applies to grocery stores, convenience stores, gas stations, pharmacies and other vendors that sell food items.

### **Which stores are exempt?**

- Stores at which the sale of food items makes up less than 2% of gross sales are exempt from the ordinance.
- This ordinance does not apply to restaurants.

### **In addition to charging the fee, what else do stores need to do?**

- All stores must post signage indicating the per bag fee.
- All stores must document the bag fee on the printed sales receipt.
- Stores may not refund or credit the bag fee to consumers.
- Stores must maintain records of the purchase and sale of single use carry out bags for at least 3 years

### **What happens to the fee?**

- Stores may keep the fee and use it for any legal purpose.

### **Is the bag fee taxable?**

- Maine Revenue Services indicated to City staff that the fee is likely a taxable sale and that sales tax should therefore be charged. We recommend stores contact MRS or their own legal counsel for an opinion.

### **What happens if a retailer does not comply with the ordinance?**

- Retailers who do not comply with the ordinance will be subject to a fine of \$250 for the first violation and \$500 for subsequent violations.

Order 260-13/14

Passage: 6-3 (Mavodones ,Coyne ,Leeman) on 6/16/2014

Effective 4/15/2015

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 IX. Waste Reduction  
Sections 12-230 through 12-237  
Re: Bag Fee**

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

*1. That Chapter 12, Article IX, Sections 12-230 thru 12-237 of  
the Portland City Code is hereby enacted as follows:*

**12-230. Findings; purposes.**

The city council hereby finds as follows:

(1) The City Council has a duty to protect the natural environment and the health of its citizens and visitors; and

(2) The use of single-use carryout bags has severe environmental impacts on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife, atmospheric acidification, water consumption and solid waste generation; and

(3) Despite recycling and voluntary solutions to control pollution from single-use carryout bags, very few single-use carryout bags are recycled; and

(4) Numerous studies have documented the prevalence of single-use carryout bags littering the environment, blocking storm drains, and endangering wildlife; and

(5) The City of Portland's taxpayers must bear costs associated with the effects of single-use carryout bags on the solid waste stream, drainage, litter, and wildlife; and

(6) The City, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the waste management hierarchy

(reduce, reuse, recycle, compost, waste-to-energy landfill) and supports efforts to achieve State recycle goals; and

(7) From an environmental and economic perspective, the best alternative to single-use carryout bags is to shift to reusable bags for shopping; and

(8) Whereas the City Council of the City of Portland aims to conserve resources, reduce greenhouse gas emissions, waste, and litter and to protect the public health and welfare, including wildlife, all of which increase the quality of life for the City's residents and visitors; and

(9) Evidence indicates that the vast majority of single-use carryout bags are used for the bagging and carryout of products purchased from Stores, as those businesses are defined in this Ordinance; and

(10) Studies document and participating municipalities report that prohibiting the free distribution of single-use carryout bags will dramatically reduce the use of those types of bags; and

(11) The City Council of the City of Portland believes that residents and visitors should use reusable bags and that prohibiting the free distribution of single-use carryout bags by stores is appropriate and will incentivize the use of reusable bags; and

(12) It is in the best interests of the health, safety and welfare of citizens and visitors of Portland to reduce the cost to the City of solid waste disposal, and to protect our environment and our natural resources by reducing the distribution of single-use carryout bags and incentivizing the use of reusable bags at Stores, as defined in this Ordinance.

#### 12-231. **Definitions.**

As used in this Ordinance the following terms have the following meanings:

*Single-use carryout Bag.* Single-use Carryout Bag means a bag other than a Reusable bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. The term Single-Use Carryout Bag includes compostable and biodegradable bags but does not include reusable

bags, produce bags, product bags or bags provided by pharmacists to contain prescription drugs.

*Produce bag or Product bag.* The terms *produce bag* or *product bag* mean any bag without handles used exclusively to carry produce, meats, other food items or merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items.

*Reusable Bag* means a bag that is:

- (a) Designed and manufactured to withstand repeated uses over a period of time;
- (b) Is machine washable or, made from a material that can be cleaned and disinfected regularly;
- (c) That is at least 2.25 mil thick if made from plastic;
- (d) Has a minimum lifetime of 75 uses; and
- (e) Has the capability of carrying a minimum of 18 pounds.

*Store.* The term *Store* means any of the following retail establishments located within the City of Portland:

- (a) a full-line, self-service market located in a permanent building, operating year-round, and which sells at retail a line of staple foodstuffs, meats, produce, household supplies, dairy products or other perishable items.
- (b) a drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods.

"Store" does not mean:

Businesses at which foodstuffs are an incidental part of the business. Food sales will be considered to be "incidental" if such sales comprise no more than 2 percent of the business's gross sales in the City as measured by the dollar value of food sales as a percentage of the dollar value of total sales at any single location.

**12-232. Single-Use Carryout Bag**

(a) No Store shall provide a Single-Use Carryout Bag to a Customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section.

(b) A Store may make available for sale to a Customer a Single-Use Carryout Bag for a minimum charge of five cents (\$0.05).

(c) All monies collected by a Store for Single-Use Carryout Bags under this Chapter may be used by the Store for any lawful purpose.

(d) All Stores must post signage clearly indicating the per bag charge for Single-Use Carryout Bags.

(e) Notwithstanding this Section, no Store may make available for sale a Single-Use Carryout Bag unless the amount of the sale of the Single-Use Carryout is separately itemized on the sale receipt.

(f) No Store shall rebate or otherwise reimburse a customer any portion of the minimum charge required in Subsection (b).

**12-233. Exemptions.**

A Store shall be exempt from the provisions of this Article, in a situation deemed by the City Manager to be an emergency for the immediate preservation of the public health or safety.

**12-234. Record Keeping and Inspection.**

Every Store shall keep complete and accurate records or documents of the purchase and sale of any Single-Use Carryout Bag, for a minimum period of three (3) years from the date of purchase and sale, which record shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce this Article. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the Store's address. The provision of false information including incomplete records or documents to the City shall be a violation of this Article.

**12-235. Violations and enforcement.**

The City Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Article. If the City Manager or his/her designee(s) determines that a violation of this Article has occurred, he/she shall issue a written warning notice to the Store that a violation has occurred. Subsequent violations of the Article shall be subject to the penalties set forth below.

Violations of this Article shall be punishable by fines as follows:

- (a) A fine not exceeding \$250 for the first violation in a one-year period;
- (b) A fine not exceeding \$500 for the second and each subsequent violation in a one-year period.

**12-236. Effective Date**

The provisions of this ordinance shall become effective on April 15, 2015.

**12-237. Severability.**

If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable.

**Amendment #9**  
*Establish Standards for Local Driveway Permitting*

**Ballot Language:** The following language would appear on the ballot:

Article X

The Town hereby ordains amendment of the **Street Opening and Culvert Ordinance** to expand the scope of this Ordinance to include regulation of driveways onto public ways.

Statement of Fact: The purpose of this amendment is to manage access onto public roads while protecting the safety of those people traveling on the streets and those using the driveways.

**Amendment:** Rename the Ordinance by inserting language as follows:

*Driveway, Street Opening and Culvert Ordinance*

**Amend Section 1,** Purpose, to broaden its scope, as follows:

**SECTION 1: PURPOSE**

The purpose of this Ordinance is to protect the safety of the traveling public, and to protect public *transportation and* infrastructure from undue adverse impacts by ensuring all work in Town Streets, *State Roads within the compact area* and public rights of way are properly constructed.

**Amend Section 2,** Applicability, to broaden its scope, as follows:

**SECTION 2: APPLICABILITY**

The provisions of this Ordinance apply to any excavation, construction, filling, *Driveway* or Culvert installation work which occurs in a public street, Sidewalk, right of way, except as follows:

- D. State Highways and State Aid Roads outside the Urban Compact Area.

**Amend Section 3,** Definitions, to add terms, as follows in alphabetical order:

**SECTION 3: DEFINITIONS**

*For the purpose of this ordinance, the following definitions will apply. If not defined in this ordinance, words, terms and phrases will have their commonly accepted meaning.*

*ACCESS - A public or private point of entry or exit from land adjacent to a public highway used by motor vehicles as defined in Title 29-A MRSA, Chapter 1, Section 101. The specific point may be described as an entrance or a driveway depending upon the land use and volume of traffic generated by that use.*

*ACCESS POINT – The intersection of an existing or proposed access with the public right of way.*

*APPLICANT – The person applying for the permit. Normally, this will be the owner of the property.*

*CORNER CLEARANCE – The minimum distance, measured parallel to a highway, between the nearest curb, pavement or shoulder line of an intersecting public way and the nearest edge of a driveway excluding its radii.*

*DRIVEWAY – A type of access that serves one of the following land uses: Residential (up to 4 dwelling units); home-based occupations; forest management activities; farming; low impact industrial (e.g. substations). Driveways may consist of surface material such as mineral soil, gravel, asphalt or other natural or man-made material constructed or created by repeated passage of on-road vehicles.*

*ENTRANCE – A type of access that serves one of the following land uses: residential (serving five or more dwelling units); housing developments; retail, office, or service business including department store, strip mall, convenience store, gas station, auto repair shop, restaurant, or similar use.*

*MAINE DOT, MDOT – The Maine Department of Transportation.*

*OFFICIAL SPEED LIMIT – The speed limit set by Maine DOT and maintained by the Town of York, or limited by statute as defined in Title 29A, MRSA, Chapter 19, Section 2024.*

*SIGHT DISTANCE – The length of unobstructed sight line of motor vehicle drivers in normal daylight conditions. Sight distance is measured from the perspective of a hypothetical person seated in a vehicle from three vantage points: (1) sitting in the access viewing vehicles traveling on the highway (both left and right), (2) traveling on the highway viewing a vehicle sitting in the access and (3) traveling on the highway viewing a vehicle turning into the access (both ahead and behind). In case of discrepancy between these measurements, the lesser measurement will be used to determine whether the sight distance standard is met. Sight distance is measured to and from the point on the centerline of the proposed access that is located 10 feet from the edge of the traveled way. The height of the hypothetical person's view is considered to be 3.5 feet above the pavement and the height of the object being viewed is considered to be 4.25 feet above the pavement.*

*STATE or STATE AID HIGHWAYS – Highways designated by Maine DOT as a State or State Aid Highway pursuant to Title 23, MRSA, Section 53.*

*URBAN COMPACT AREAS – Areas defined and established pursuant to Title 23, MRSA, Section 754.*

**Amend the definition of “Public” in Section 3,** Definitions, to address responsibilities on State Roads within the Urban Compact, as follows:

PUBLIC – In the context of a public street, sidewalk, right-of-way or drainage way, public means ~~a that~~ the facility or property which the Town of York ~~either~~ owns, ~~or~~ holds an easement for use and/or maintenance, *or is otherwise responsible for maintenance (such as State roads within the Urban Compact).*

**Amend §6.2.C,** as follows:

€ B. Responsibilities of the Superintendent of ~~Public Works~~

**Insert a new Section 7:** Driveways, as follows:

**SECTION 7: DRIVEWAYS**

**7.1 General Provisions**

- A. Permit Required.** *A Driveway, Street opening and Culvert Permit shall be obtained from the Superintendent prior to installing a new driveway or altering an existing driveway onto any public street or public right-of-way. If driveway installation requires excavation through a public street or sidewalk a Street Opening Permit shall also be required, and-all shall be applied for and considered concurrently.*
- B. Dig Safe.** *Compliance with 23 MRSA §3360-A shall be required.*
- C. Technical and Safety Standards.** *Compliance with the following standards shall be required:*
  - 1. Sight Distance**  
*Where driveways or new streets enter an existing street, vehicular sight-distance shall conform to standards established by the Maine DOT as contained in their publication, Chapter 299, Highway Driveway and Entrances Rules, PART A: Driveway Rules. For driveways frequently accessed by large vehicles, greater sight distance will be required according to Maine DOT guidelines. The minimum allowable sight distances for all accesses onto all local roads in the Town of York and all state and state aid highways inside the urban compact area are set forth in Table 1.*

<b>Table 1 - Sight Distance</b>	
<b>Official Speed Limit (MPH)</b>	<b>Minimum Sight Distance (Feet)</b>
25	200
30	250
35	305
40	360
45	425
50	495
55	570
60	645

2. **Number of Driveways (including provisions for shared driveways).** *To the maximum extent practical no more than two (2) driveways shall be permitted for ingress and egress purposes.*
  3. **Driveway Width.** *To the maximum extent practical the driveway width within the road right of way must be between 12 and 22 feet inclusive. The width of a driveway is the distance across the driveway, excluding radii, measured parallel to the highway.*
  4. **Corner Clearance.** *Unless there is no feasible alternative the minimum corner clearance for driveways is 75 feet for unsignalized intersections and 125 feet for signalized intersections except that at no time will a driveway be located on the radius of the two intersecting roadways.*
  5. **Turnaround Area and Parking.** *Driveways will be designed such that all maneuvering and parking of any vehicles will take place outside of the road right of way and such that vehicles may exit the premises without backing onto the traveled way or shoulder of the road.*
  6. **Intersection Angle/Radius of Edges.** *To the maximum extent practical, the driveway will be constructed perpendicular to the roadway at the access point. The minimum radius on the edge of a driveway, if any, must be 10 feet.*
- D. **Repair of Incidental Damage.** *If work on the driveway damages any public infrastructure, all such damage shall be repaired before use of the driveway may commence.*

- E. Storm Water Drainage. The applicant shall design and install all improvements as to maintain or improve the storm water drainage in the public right-of-way.*
- F. Inadequate Performance. Any driveway installed pursuant to a Driveway Permit which contradicts the standards, terms and conditions of the Permit shall be removed or fixed by the property owner if so ordered by the Superintendent.*

## **7.2 Standards**

### **A. Responsibilities of the Applicant**

- 1. The applicant shall be responsible for preparing and submitting to the Superintendent an application for the proposed street opening. This application shall:
  - a. Be on a form provided by the Public Works Department;*
  - b. Describe the anticipated users of the proposed driveway;*
  - c. Provide a plan and materials specifications for work within the right-of-way and 25' onto the lot to be served;*
  - d. Detail the plan for traffic control and protection of public safety during work within the right-of-way;*
  - e. Include any other required permits; and*
  - f. Provide other information relevant to the application.**
- 2. The applicant shall be responsible for completing all work in accordance with the Driveway Permit obtained pursuant to this Ordinance. All costs are the responsibility of the applicant.*
- 3. The applicant shall be fully responsible to correct any damage caused to Town property identified by Town inspection. All costs are the responsibility of the applicant.*

### **B. Responsibilities of the Superintendent**

- 1. The Superintendent, or his or her designee, shall be responsible for reviewing and deciding on each Driveway Permit application received. The Superintendent shall have authority to apply engineering expertise and judgment in determining the most appropriate standards and conditions in order to protect the integrity of the public street and public safety. Each decision regarding a Driveway Permit application shall be made in writing, and shall detail the requirements to be met by the applicant. Only*

*written requirements specified as part of the Permit shall be binding on the applicant.*

- 2. The Superintendent, or his or her designee, shall be responsible for obtaining independent expert technical assistance when he or she believes it is necessary to protect the public interest, and for obtaining reimbursement from the applicant for the Town's costs in obtaining such independent expert assistance prior to issuance of the Permit.*
- 3. The Superintendent, or his or her designee, shall be responsible for inspecting all work completed pursuant to a Driveway Permit, and for identifying and ordering correction of any damage to Town property which may have occurred as a result of the installation.*

**Renumber existing sections 7 through 11 as sections 8 through 12, respectively.**

**Amend the language of Section 8, Appeals,** to address driveways by generalizing this standard, as follows:

**SECTION 8: APPEALS**

Any action by the Town pursuant to this Ordinance may be appealed to the Board of Appeals. Necessary forms, submittal requirements, and fees shall be specified by the Board of Appeals. The application for an appeal must be submitted within 30 days, subject to the following exception: once physical work commences pursuant to a ~~Street Opening Permit or Culvert Installation~~ Permit, the applicant foregoes their right to appeal the standards, terms and conditions imposed as part of that Permit.

Recommended by the Board of Selectmen:



# TOWN OF YORK, MAINE

## Police Department

**Douglas P. Bracy**  
**Chief of Police**

**Mailing Address:**  
36 Main Street  
York, Maine 03909

**Dispatch:**  
Non-Emergency  
(207) 363-4444

**Administration:**  
(207) 363-1031

**Facsimile:**  
(207) 361-6818

[www.yorkpolice.org](http://www.yorkpolice.org)

**Committed  
to excellence**

## Memorandum

**To:** Town Manager Stephen Burns  
**Cc:** Board of Selectmen  
**From:** Chief Douglas P. Bracy *DPB*  
**Subject:** March 31, 2015  
**Date:** Change to Penalty Sections of Town Ordinances

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I would like to thank you and the Board for your efforts in moving forward with the initial round of changes to the fine sections of our Town ordinances that required voter approval earlier this month for the May referendum. Although I know this was a substantial task in light of the number of issues the Board had to deal with at the time, I do believe the benefits of those decisions will be very valuable going forward.

My staff has now completed the second phase of the process to change to the fine sections of our ordinances by reviewing all town ordinances that require a vote of this Board to be enacted. I have reviewed these changes with the Town Manager and will present them at the April 13<sup>th</sup>, 2015 Board of Selectmen's Meeting.

The process we will use for this group will be actually the same as the way we did the ordinances requiring voter approval. I believe that these changes will streamline the way we are able to move violators through the process without requiring them to appear in court for each violation if they so choose. It will also reduce the burden on the

court system of those violators who simply need the judge to set the fine to take care of it.

Attached to your package are each individual ordinance we are proposing to change showing both the redaction and the new language. I have only included the pages where a change occurs and labeled them as there would be a hundred pages of ordinances in their complete form to review otherwise.

This will complete all of the necessary changes needed to make all of our Town ordinances consistent with the new fine and waiver process. Thank you again for your time and consideration.

1. Collection, Transportation and Disposal of Refuse from Residences (Solid Waste Collection, Recycling and Disposal Ordinance)
2. Commercial Waste Ordinance
3. Mandatory Recycling for Residences & Special Residences (Solid Waste Collection, Recycling and Disposal Ordinance)
4. Operation of Town of York Transfer Station for Brush, Leaves, Grass Clippings, White Goods, and Scrap Metal (Solid Waste Collection, Recycling and Disposal Ordinance)
5. Transfer Station Permit Program Ordinance
6. York Landfill Use (Solid Waste Collection, Recycling and Disposal Ordinance)
7. Restricting Weight Limits on Posted Ways
8. Traffic Safety Ordinance
9. Permit Parking Ordinance
10. Ellis Short Sands Park Ordinance

SECTION 8.0 DISTURBANCE OF REFUSE CONTAINERS AND REFUSE.

No person shall disturb a refuse container or the refuse contained within that has been placed at curbside for collection. This prohibition shall not apply to materials identified in Sections 2.2, 2.3, 2.7 and 2.9 of these Rules and Regulations.

SECTION 9.0 PENALTIES

The Town hauler, members of the York Recycling Committee and the designated Town solid waste official(s) may examine any refuse materials or containers that are placed at curbside for collection to ensure compliance with the Town "Solid Waste Collection, Recycling and Disposal Ordinance" and applicable Rules and Regulations. The designated Town solid waste official(s) shall institute action for violations-: ~~The amount and nature of the penalty for each violation is identified in Section 8.0 of the "Ordinance".~~

*Any person, firm or corporation who violate any provision of the Ordinance shall be subject to a fine of \$100.00 for each violation. Each day such a violation is continued is a separate offense.*

*Section 10 – Waiver / Payment of Fines*

*Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.*

*If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.*

**COLLECTION, TRANSPORTATION AND DISPOSAL  
OF REFUSE FROM RESIDENCES  
RULES AND REGULATIONS  
(Solid Waste Collection, Recycling and Disposal Ordinance)**

Town licensed Commercial Hauler. As further stipulated in the Ordinance, the Town shall not be responsible for such tipping fees if the waste or Refuse is disposed at any location other than a Town designated Disposal Facility if the Refuse has been mixed with waste collected from outside the Town.

#### SECTION 5.0 Mandatory Separation

All Commercial Establishments are required to separate specific materials from the Solid Waste stream for Recycling purposes.

5.1 Materials to Separate. The following materials are subject to mandatory Recycling requirements: corrugated cardboard, newspaper, magazines, catalogs, telephone books and mixed paper including "junk mail" shall be recycled.

Commercial Establishments are encouraged to voluntarily recycle other recyclable materials.

5.2 Requirement to Recycle. Commercial Establishments shall recycle all the items identified in section 5.1 whenever these items are free of contamination. Contamination shall be defined as whenever the handling of the recyclable item places an owner or agent of the owner at a health or safety risk.

5.3 Requirement to Provide Information to Customers. All Commercial Establishments shall provide programs to its customers that are designed to encourage recycling. The Town may require evidence of such programs to assess compliance with this requirement. Examples of programs that are in use at several York businesses include the placement of recycling receptacles for customer use and the publishing of informational brochures.

5.4 Effective Date. Section 5.0 of these Rules and Regulations shall become effective on 7/1/96.

#### SECTION 6.0 Designated Town Official

The Town Public Works Director is the Town designated official for the management of the Town program to require Commercial Establishments to collect, transport and dispose of solid waste in accordance with the provisions of the Town of York Solid Waste Collection, Recycling and Disposal Ordinance.

#### SECTION 7.0 Penalties

The Town Public Works Director, the Town designated official for the management of this program, shall institute action for any violations. ~~The amount and nature of the penalty for each violation is identified in Section 8.0 of the Town Solid Waste Collection, Recycling and Disposal Ordinance.~~

Any person, firm or corporation who violate any provision of the Ordinance shall be subject to a fine of \$100.00 for each violation. Each day such a violation is continued is a separate offense.

Section 8 – Waiver / Payment of Fines

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

**SECTION 8.0 Effective Date**

**These Rules and Regulations shall become effective as of 12:00 A.M., 4/22/91.**

SECTION 5.0 FEE FOR COLLECTION SERVICE: The Town shall pay all costs incurred by the Town Hauler to collect, transport and market Mandatory Recyclable materials. The only fee the Residence, or the Special Residences which must use recycling container bins, shall pay is the cost to purchase a Town approved recycling container.

SECTION 6.0 DESIGNATED TOWN OFFICIAL: The Town Public Works Director is the Town designated official for the management of the Town Mandatory Residential Curbside Collection Recycling Program for Residences and Special Residences. The Public Works Director may delegate responsibilities involved with the operation and management of this program.

SECTION 7.0 DISTURBANCE OF RECYCLABLE CONTAINERS AND MATERIALS. No person shall disturb Recyclable materials that have been placed at curbside in a recycling container or tote for collection by a Residence or Special Residence.

SECTION 8.0 PENALTIES: The Town Hauler, members of the York Recycling Committee and the designated Town solid waste official(s) may examine any Mandatory Recyclable materials to ensure that the separation and collection of these materials complies with the "Solid Waste Collection, Recycling and Disposal Ordinance" and these rules and regulations. The designated Town solid waste official(s) shall institute action for violations. ~~The amount and nature of the penalty for each violation is identified in Section 8.0 of the "Ordinance".~~

*Any person, firm or corporation who violate any provision of the Ordinance shall be subject to a fine of \$100.00 for each violation. Each day such a violation is continued is a separate offense.*

*Section 9.0 – Waiver / Payment of Fines*

*Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.*

*If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.*

**Mandatory Recycling For Residences & Special Residences Rules And Regulations**

(SOLID WASTE COLLECTION, RECYCLING AND DISPOSAL ORDINANCE)

Section 10. In a ppropriate Disposal of Brush, Leaves, Grass Clippings, White Goods and Scrap Metal.

The permanent disposal or abandonment of brush, leaves, grass clippings, white goods and scrap metal by any person at a location within the municipal boundaries of the Town of York at a location other than the transfer station shall be unlawful.

Section 11. Penalties.

~~Any person who violates the provisions of these Rules and Regulations shall be subject to penalties described in Article 8.2 of the Solid Waste Collection, Recycling and Disposal Ordinance.~~

*Any person, firm or corporation who violate any provision of the Ordinance shall be subject to a fine of \$100.00 for each violation. Each day such a violation is continued is a separate offense.*

Section 12 – Waiver / Payment of Fines

*Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.*

*If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.*

SOLID WASTE COLLECTION  
RECYCLING AND DISPOSAL RULES AND  
REGULATIONS TO GOVERN  
THE OPERATION OF THE TOWN OF YORK TRANSFER STATION  
FOR BRUSH, LEAVES, GRASS CLIPPINGS, WHITE GOODS AND SCRAP METAL

## 6. Authority and Restrictions

- A. The Board of Selectmen is hereby granted authority, after a duly noticed public hearing, to establish detailed operating rules and regulations for the York Transfer Station and Composting Facility.
- B. Only waste generated in the Town of York will be accepted at the Transfer Station and Composting Facility.
- C. Any person wishing to dispose of waste at the York Transfer Station and Composting Facility shall obtain a permit from the Town Clerk's Office during normal business hours.
- D. Any York resident, designated party or taxpayer may obtain a Residential permit at the cost of \$25.00 per vehicle that shall be valid from July 1<sup>st</sup> to June 30<sup>th</sup> of each year.
- E. Any commercial business located in York may obtain a Commercial permit at the cost of \$100.00 per vehicle that shall be valid from July 1<sup>st</sup> to June 30<sup>th</sup> of each year.
- F. A Resident or Commercial Transfer Station Permit shall not authorize the holder thereof to dispose of waste generated by non York residents or businesses.
- G. No person shall furnish false information to the Town in connection with the issuance of any permit authorized hereunder. Any permit issued based upon false information, or attached to a different vehicle than registered shall be null and void.
- H. No person shall transfer any permit or allow use by any other person. Any permit attempted to be transferred shall be null and void. Upon disposal of a vehicle already permitted, a resident may apply for a permit for the new vehicle for a transfer fee of \$10.00. Permittees must surrender the old permit.
- I. Anyone who violates any provision of this order shall be subject (the owner and/or operator) to a notice of violation issue by a York Police Officer. ~~Violations of any subsection of this order shall result in a fine of \$50.00.~~ *Any person who violates this ordinance shall be subject to a civil penalty of \$50.00.*

### *J. Waiver / Payment of Fines*

*Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.*

**Town of York, Maine**

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*If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.*

ADOPTED 02/08/2010

Amended 03/21/2011

SOLID WASTE COLLECTION, RECYCLING AND DISPOSAL ORDINANCE  
RULES AND REGULATIONS, AS AMENDED, TO GOVERN THE  
USE OF THE YORK LANDFILL  
(Closure Regulations)

Intent: The intent of these rules and regulations is to provide for the closure of the town landfill. The State Department of Environmental Protection (DEP) has required the town to cease all disposal operations at its landfill effective March 1 1994. The Selectmen have decided to comply with this DEP requirement and to use other methods for bulky waste, demolition debris, collection and disposal.

Section 1. Landfill Closure

The Town landfill, effective March 1, 1994 shall be closed. No person may use the landfill for the disposal of the following wastes: construction/demolition debris, solid waste, refuse, rubbish, trash, hazardous waste, unacceptable waste, recoverable waste, wet waste, liquid waste, white goods and scrap metal, or any other class of wastes. No wastes of any class shall be accepted at the town landfill after the closure date.

Section 2. Violations and Penalties

~~Any person violating Section 1 of these rules and regulations or the Town of York "Ordinance for the Regulation of Solid Waste Collection, Recycling and Disposal", Sections 7.5, 7.6, or 7.7, York Sanitary Landfill Operations, shall be subject to the Town of York "Ordinance for the Regulation of Solid Waste Collections, Recycling and Disposal," Section 8.2, Penalties.~~

*Any person, firm or corporation who violate any provision of the Ordinance shall be subject to a fine of \$100.00 for each violation. Each day such a violation is continued is a separate offense.*

Section 9 – Waiver / Payment of Fines

*Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.*

*If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.*

In determining whether to issue a permit, the municipal officers shall consider the following factors:

- (a) the gross registered weight of the vehicle;
- (b) the current and anticipated condition of the way or bridge;
- (c) the number and frequency of vehicle trips proposed;
- (d) the cost and availability of materials and equipment for repairs;
- (e) the extent of use by other exempt vehicles;
- (f) such other circumstances as may, in their judgment, may be relevant.

The municipal officers may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

#### Section 6. Administration and Enforcement

This ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee (such as road commissioner, code enforcement officer or law enforcement officer).

#### Section 7. Penalties

~~Any violation of this ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the Town may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs.~~

~~Prosecution shall be in the name of the Town and shall be brought in the Maine District Court.~~

*Any person who violates this ordinance shall be subject to a civil penalty of \$250.00 for the first offense, \$350.00 for the second offense, and \$500.00 for the third and subsequent offenses. Each violation of this ordinance shall be deemed a separate offense.*

#### Section 8 – Waiver / Payment of Fines

*Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.*

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

Section 8. Amendments

This ordinance may be amended by the municipal officers at any properly noticed meeting.

F-1-3

RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

### **Section 15: Horse Drawn Vehicles**

The Board of Selectmen shall establish rules for the regulation of Commercial Horse Drawn Vehicles which shall be appended to and become a part of this Ordinance. (See Schedule G)

### **Section 16: Violations and Penalties**

*Any person who violates this ordinance shall be subject to a civil penalty of \$100.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third and subsequent offenses. Except as provided in Section 16 violations and penalties for parking tickets ("tag").*

#### *Section 17 – Waiver / Payment of Fines*

*Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.*

*If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.*

#### *Section 17: Violation and Penalties for Parking Tickets ("Tags")*

Any person violating any of the provisions of this Ordinance shall be punished by a fine of not less than \$15 and not more than \$250 for each offense to be recovered for the use of the Town; provided, however, that persons receiving "tags" for illegal parking may waive all court action and pay to the Chief of Police at the Police Station the applicable penalty set forth herein below in full satisfaction of such violation:

- Meters - The sum of \$25, if paid within 7 days of the time when such "tag" was attached to the vehicle or the sum of \$50, if paid more than 7 days after the time when such "tag" was attached to the vehicle, but before a Court Summons is issued. (March 26, 2007)
- Overtime - The sum of \$25, if paid within 7 days of the time when such "tag" was attached to the vehicle or the sum of \$50, if paid more than 7 days after the time when such "tag" was attached to the vehicle, but before a Court Summons is issued.
- Hydrant - The sum of \$50, if paid within 7 days of the time when such "tag" was attached to the vehicle or the sum of \$100, if paid more than 7 days after the time when such "tag" was attached to the vehicle, but before a Court Summons is issued.

- Handicap - The sum of \$250.
- Permit Parking - The sum of \$~~40~~ 50, if paid within 7 days of the time when such “tag” was attached to the vehicle or the sum of \$~~80~~ 100, if paid more than 7 days after the time when such “tag” was attached to the vehicle, but before a Court Summons is issued. (April 27, 2004)
- Horse Drawn Vehicles - The sum of \$50, if paid within 7 days of the time when notice of violation was given or the sum of \$100, if paid more than 7 days after the time when notice of violation was received, but before a Court Summons is issued
- Other Violations - The sum of \$25, if paid within 7 days of the time when such “tag” was attached to the vehicle or the sum of \$50, if paid more than 7 days after the time when such “tag” was attached to the vehicle, but before a Court Summons is issued. (May 20, 2002)

Violation / Penalties

Any person who fails to pay a parking ticket within 30 days of the violation will be subject to separate penalty of FAILURE TO PAY PARKING TICKET offense and may be used as grounds for your driver’s license to be suspended in the State of Maine. The fine attached to this violation is dependent on the total amount owed for unpaid parking tickets and associated late fees.

Waiver / Payment of Fines

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

- C. A Resident Parking Permit shall not authorize the holder thereof to stand or park a motor vehicle in any zone other than specifically designated resident parking zones, nor exempt the operator from the mandates and/or requirements of any traffic rule, regulation or State Law.
- D. No permits shall be issued for any vehicle, which has one or more notices of violation of any parking regulations of the Town of York.
- E. No person shall furnish false information to the Town in connection with obtaining of any permits authorized there under. Any permit issued upon false information or attached to a different vehicle shall be null and void.
- F. No person shall transfer any permit and any permit attempted to be transferred shall be null and void and subject to confiscation by the York Police Department. Upon the disposal of a vehicle already permitted, a resident may apply for a new permit for the new vehicle with no charge. Residents should surrender the old permit.
- G. Whoever violates any provision of this order shall be subject (the owner and/or operator) to a notice of violation issue by a York Police Officer. ~~Any violations of subsections of this order shall result in a fine of \$50.00.~~

*Any owner and/or operator who violates this ordinance shall be subject to a civil penalty of \$50.00 for each offense. The sum of \$50.00 is due, if paid within 7 days of the time when such parking ticket was attached to the vehicle. The sum of \$100.00 is due, if paid more than 7 days after the time when such parking ticket was attached to the vehicle, but before a court summons is issued.*

*Any person who fails to pay a parking ticket within 30 days of the violation will be subject to separate penalty of FAILURE TO PAY PARKING TICKET offense and may be used as grounds for your driver's license to be suspended in the State of Maine. The fine attached to this violation is dependent on the total amount owed for unpaid parking tickets and associated late fees.*

H. Waiver / Payment of Fines

*Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.*

*If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.*

- H. Resident permits do not authorize parking in Ellis Park/Short Sands area or in any other area than those designated zones.
- I. Property owners with frontage on Long Beach Ave., Route 1A from Libby's Campground, York Street to Nubble Road are not eligible for a parking permit for Zone 1. Said property owners are eligible for parking permits for Zones 2 - 5. The Town Clerk may grant an exception if the property owner meets all the following three conditions: 1) the property owner owns a single family home in which he resides nine months or more annually; 2) the home has no more than one parking space, and; 3) the property owner can provide written verification from his physician that he has a medical condition which requires him to park in close proximity to his home.
- J. Permit required for disability plated vehicles in Zone 2 (HARBOR BEACH ROAD)
- K. Parking Permits for Disabled Individuals
  - 1. Residents as defined in section 4.E., which can demonstrate, to the satisfaction of the Town Clerk, that they have a disability that prevents them from driving may obtain a parking permit that can be used on a family members' or caregiver's car.

- N. Commercial Vehicles: Commercial vehicles and equipment are prohibited except where required for maintenance and service of the Park
- O. The use of Frisbees and the playing of other games that which may endanger other persons are prohibited from May 1 through October 15 of each year.

Section 4 AREA IV GRASSED AREAS, BOARDWALK and WALKWAYS -  
The following restrictions and conditions shall apply to Area IV of the Park:

- A. Pedestrians shall have exclusive right of way within these areas.
- B. Motor vehicles, motor scooters and/or skateboards are prohibited. Bicycles are not allowed within the gazebo or pavilion.
- C. Powered aircraft, including toys and models, shall not be operated in these areas.
- D. Playing of games such as hard or softball, football, volleyball, soccer, lacrosse, golf iron horseshoes or any other games that may endanger persons are prohibited from May1 through October 15 of each year.
- E. Dogs, cats, horses and/or any other domesticated animals are prohibited except that dogs restrained by a hand leash may be allowed.

Section 5 Damaging, vandalizing and/or defacing within the confines of the Park is considered a criminal offense.

Section 6 ~~Any person who shall violate any of the provisions of these ordinances, and any person who aids, abets and/or assists therein shall, upon conviction thereof, be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) plus associated costs for each offense or violation.~~

*Violations/Penalties*

*Any person who violates this ordinance shall be subject to civil penalty of \$100.00 for the first offense, \$150.00 for the*

second offense, and \$250.00 for the third and subsequent offenses.

Section 7 – Waiver / Payment of Fines

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

Section 7                      These ordinances shall be in full effect upon approval by the Ellis Short Sands Park Trustees and adoption by the York Board of Selectmen. All preexisting ordinances, parts of ordinances or regulations are hereby superseded.

Section 8                      Amendment Procedure: Any amendment of these ordinances shall be made as follows:

- A. Because of the legal authority of the Ellis Short Sands Park Trustees, the first step for any proposed amendment is approval by the Trustees. Upon voting to approve a proposed amendment, the Trustees shall forward the proposed amendment to the Board of Selectmen for adoption as a town ordinance.
- B. Upon receipt, the Board of Selectmen shall conduct a public hearing on the Trustees' proposed amendment.
- C. Following the public hearing, the Board of Selectmen shall vote to either adopt or reject the