

***City of Biddeford***  
**Policy Committee**  
**December 12, 2016 6:30 PM City Hall**  
**Council Chambers**

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustments to the Agenda**
- 4. Acceptance of Minutes**
  - 4.1. Policy Committee Meeting Minutes - November 14, 2016  
[11-14-2016 Policy Committee Meeting Minutes.doc](#)
- 5. Discussion/Review**
  - 5.1. Remove from table: Various Amendments to Chapter 46 Parks and Recreation; and Chapter 2, Administration/Amendment: City of Biddeford Parks Ordinance  
[Parks & Recreations Commission under Chapter 2.docx](#)  
[Parks & Recreations Commission under Chapter 46 \(DELETED\).docx](#)  
[Parks & Recreations Section 46 ARTICLE VI COMMUNITY CENTER \(DELETED\).docx](#)  
[Parks & Recreations Section 46 Amend to include Bows \(DELETED\).docx](#)  
[Parks & Recreations Section 46 BEACHES \(DELETED\).docx](#)  
[Parks & Recreations Section 46 Recreation Director \(DELETED\).docx](#)  
[Parks & Recreations Section 46 Recreation Facilities \(DELETED\).docx](#)  
[Revision 4 of Chapter 46 PARKS AND RECREATION.docx](#)
  - 5.2. Discussion: Police Advisory Committee and Fire Advisory Committee  
[Police Advisory Committee.docx](#)  
[Fire Advisory Committee.docx](#)  
[SWMC Ordinnace-for reference only.pdf](#)
  - 5.3. Discussion: Handbill/Newspaper Ordinance Language  
[Delivery of Unsolicited Items Ordinance.docx](#)
- 6. Adjourn**

**City of Biddeford, Maine**  
**Policy Committee Meeting**  
**Monday November 14, 2016**

**Minutes**

**1. Roll Call** – Meeting was called to order at 6:34 p.m. by Policy Committee chair councilor Michael Ready. Other Policy Committee members present were: councilors Laura Seaver and Rick Laverriere along with members Nathan Bean and Renee O'Neil.

**2. Pledge of Allegiance** – The American flag was honored through the Pledge of Allegiance.

**3. Adjustments to the Agenda** – There were no adjustments

**4. Acceptance of Minutes:** *Motion by LAVERRIERE seconded by SEAVER to accept the minutes of the September 12, 2016 meeting as printed. Vote unanimous.*

**5. Discussion/Review:** Various Amendments to Chapter 46, Parks and Recreation; and Chapter 2, Administration/Amendments: City of Biddeford Parks Ordinance.

The Policy Committee reviewed each page of the proposed changes to both Chapter 2 and Chapter 46 of the Code of Ordinances, and asked questions from both Recreation Director Carl Walsh and Chief Beaupre. Since this work involves the consolidation and revision of a complete Chapter, the purpose of this review was to obtain consensus from the committee subsequent to clarification by both the Director and the Chief. The committee will review the final draft of the proposed changes at its next regularly scheduled meeting. No formal action was taken.

**6. Discussion/Review:** Littering/Handbills.

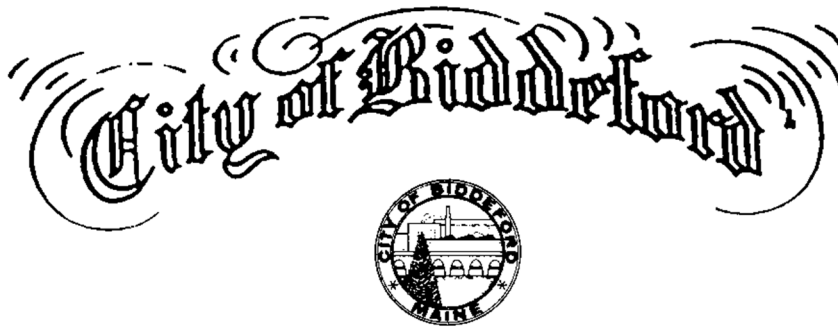
City Manager James Bennett addressed the Policy Committee to explain the content of a Letter of Memorandum sent from City Solicitor Keith Jacques, and addressed to the Policy Committee regarding the subject matter of a Potential Newspaper/Handbill Ordinance.

The City Manager stated that in order to more effectively address the ongoing problem of discarded newspapers, Biddeford needs to include the City of Saco in this discussion and thus gauge their willingness to enact a similar Ordinance. At the conclusion of his presentation, the committee gave their consent to proceed.

**7. Discussion:**

City Manager James Bennett addressed the Policy Committee about the results of the recent changes to the City Charter that were approved by the voters on November 8<sup>th</sup>. Essentially, the committee agreed with the City Manager's proposal that City Staff would work to craft language to reflect what was approved by the voters, and the Policy Committee would review these recommended changes before sending them to council.

**7. Adjourn** – *Motion by SEAYER and seconded by LAVERRIERE to adjourn at 7:32 p.m. Vote unanimous.*



**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 2, ADMINISTRATION, DIVISION 9, RECREATION COMMISSION** amended by adding and deleting, to read as follows

**Sec. 2-306 Established; membership; meetings.**

[Code 1975, §§ 16-29, 16-30; Ord. of 5-18-1999(2)]

(a) There is hereby established in the City a Recreation Commission. The Recreation Commission shall have seven members, who shall serve for five-year terms.

[Amended 4-7-2009 by Ord. No. 2009.12]

(b) The Recreation Commission shall hold an annual meeting for the purpose of electing a Chairman and thereafter shall meet monthly at the time and place as set by the Commission.

(c) Appointments to the Recreation Commission shall be made by the Mayor, subject to confirmation by the City Council.

(d) Vacancies on the Recreation Commission shall be filled for the remainder of the term in the same manner as for original appointments.

(e) The Recreation Commission shall act by majority vote of those present and voting, except that an absolute majority of three shall be required for actions taken under Section 2-308 (a)

**Sec. 2-307 Functions and purposes.**

[Code 1975, § 16-29; Ord. of 5-18-1999(2)]

The functions and purposes of the Recreation Commission shall be as follows:

(1) To manage and promote the City's existing recreational facilities and services, to include the J. Richard Martin Community Center, and to plan, promote and encourage new recreational facilities and services.

[Amended 4-19-2011 by Ord. No. 2010.105]

(2) To establish and maintain files of data, and information of interest and assistance for area publicity and recreational development.

(3) To serve as coordinator for such boards that may be established from time to time to study matters relating to school recreation programs and facilities, state and federal recreational programs and facilities.

(4) To oversee, that the Director is to gather, correlate, and preserve in usable form, records, statistics, survey and other data relating to recreational programs and facilities and other matters that will enable it to carry out its functions and purposes.

(5) To perform such other functions as may be required by the City Council for the recreational development.

(6) To review all applicants and/or tenants, subject to approval of the City Council.  
[Added 4-19-2011 by Ord. No. 2010.105]

(7) To recommend all major repairs, subject to review by the Capital Projects/Operations Committee.  
[Added 4-19-2011 by Ord. No. 2010.105]

**Sec. 2-308 Designation as City's agent; other duties.**  
[Code 1975, § 16-32; Ord. of 5-18-1999(2)]

(a) The Mayor and City Council may from time to time designate the Recreation Commission to serve as agent or authorized representative for the City in matters relating recreational facilities to the federal government, the state, other cities and towns, persons or corporations. All contracts, agreements and other matters entered into under the authority contained in this article shall be executed by the Director and Chairman. No expenditure of any funds, however, will be made without the prior approval of the Finance Committee and City Council.

(b) Notwithstanding the provisions of the City's Code of Ordinances Sec. 62-83, Naming of streets, the Commission may designate and identify the trails and access roads within any of the City parks, by name or other numbering system, after consultation with the Recreation Director and the approval of the City's 9-1-1 addressing officer.  
[Added 4-2-2013 by Ord. No. 2013.18<sup>[1]</sup>]

[1]

Editor's Note: This ordinance also redesignated former Subsection (b) as Subsection (c).

(c) The Mayor and City Council may assign other powers and duties to the Recreation Commission as it deems best.

**Sec. 2-309 Sponsorship and advertising.**  
[Added 3-18-2014 by Ord. No. 2014.18]

The purpose of this section is to aid in the creation of revenue to support recreation programs and facilities.

(1) Make available to the public an opportunity to advertise in, but not limited to the following areas:

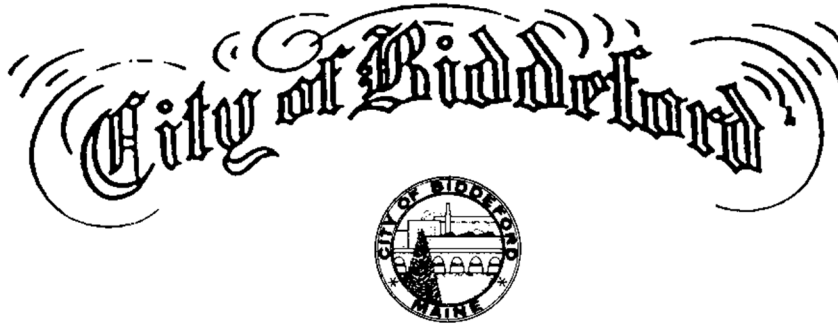
- a. Banners displayed in parks and athletic facilities.
- b. Publications.
- c. Media.
- d. Sponsorship of special events and teams.

(2) Inappropriate marketing activities are deemed but not limited to:

- a. Any activity that is prohibited by law or City ordinance.
- b. Any activity that may be offensive to prevailing community standards.
- c. Any activity that promotes a social, religious or political organization or position.
- d. Any activity that creates a conflicting message with the Recreation Department.
- e. Any activity that promotes negative behavior or values.
- f. Any activity that is inconsistent with promoting a drug-, tobacco- and alcohol-free environment.

(3) Usage of collected funds is to support the activity or facility for which they are intended for. (Example: a banner at St. Louis Field would help fund the upkeep, capital projects and repair of that facility.)

(4) The Recreation Commission will review and approve marketing activities.



**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE II, PARKS AND RECREATION COMMISSION** be amended by adding and deleting , to read as follows

~~Sec. 46-26-**Established; membership; meetings.**~~

~~{Code 1975, §§ 16-29, 16-30; Ord. of 5-18-1999(2)}~~

~~(a) There is hereby established in the City a Recreation Commission. The Recreation Commission shall have seven members, who shall serve for five year terms.~~

~~[Amended 4-7-2009 by Ord. No. 2009.12]~~

~~(b) The Recreation Commission shall hold an annual meeting for the purpose of electing a Chairman and thereafter shall meet monthly at the time and place as set by the Commission.~~

~~(c) Appointments to the Recreation Commission shall be made by the Mayor, subject to confirmation by the City Council.~~

~~(d) Vacancies on the Recreation Commission shall be filled for the remainder of the term in the same manner as for original appointments.~~

~~(e) The Recreation Commission shall act by majority vote of those present and voting, except that an absolute majority of three shall be required for actions taken under Section 46-28(a).~~

~~Sec. 46-27-**Functions and purposes.**~~

~~{Code 1975, § 16-29; Ord. of 5-18-1999(2)}~~

~~The functions and purposes of the Recreation Commission shall be as follows:~~

~~(1) To manage and promote the City's existing recreational facilities and services, to include the J. Richard Martin Community Center, and to plan, promote and encourage new recreational facilities and services.~~

~~[Amended 4-19-2011 by Ord. No. 2010.105]~~

~~(2) To establish and maintain files of data, and information of interest and assistance for area publicity and recreational development.~~

~~(3) To serve as coordinator for such boards that may be established from time to time to study matters relating to school recreation programs and facilities, state and federal recreational programs and facilities.~~

~~(4) To oversee, that the Director is to gather, correlate, and preserve in usable form, records, statistics, survey and other data relating to recreational programs and facilities and other matters that will enable it to carry out its functions and purposes.~~

~~(5) To perform such other functions as may be required by the City Council for the recreational development.~~

~~(6) To review all applicants and/or tenants, subject to approval of the City Council.~~  
~~[Added 4-19-2011 by Ord. No. 2010.105]~~

~~(7)~~  
~~To recommend all major repairs, subject to review by the Capital Projects/Operations Committee.~~  
~~[Added 4-19-2011 by Ord. No. 2010.105]~~

~~46-28-Designation as City's agent; other duties.~~  
~~[Code 1975, § 16-32; Ord. of 5-18-1999(2)]~~

~~(a) The Mayor and City Council may from time to time designate the Recreation Commission to serve as agent or authorized representative for the City in matters relating recreational facilities to the federal government, the state, other cities and towns, persons or corporations. All contracts, agreements and other matters entered into under the authority contained in this article shall be executed by the Director and Chairman. No expenditure of any funds, however, will be made without the prior approval of the Finance Committee and City Council.~~

~~(b) Notwithstanding the provisions of the City's Code of Ordinances Sec. 62-83, Naming of streets, the Commission may designate and identify the trails and access roads within any of the City parks, by name or other numbering system, after consultation with the Recreation Director and the approval of the City's 9-1-1 addressing officer.~~  
~~[Added 4-2-2013 by Ord. No. 2013.18]~~ [\[1\]](#)

[\[1\]](#)  
Editor's Note: This ordinance also redesignated former Subsection (b) as Subsection (c).

~~(c) The Mayor and City Council may assign other powers and duties to the Recreation Commission as it deems best.~~

~~Sec. 46-29-Sponsorship and advertising.~~  
~~[Added 3-18-2014 by Ord. No. 2014.18]~~

The purpose of this section is to aid in the creation of revenue to support recreation programs and facilities.

~~(1) Make available to the public an opportunity to advertise in, but not limited to the following areas:~~

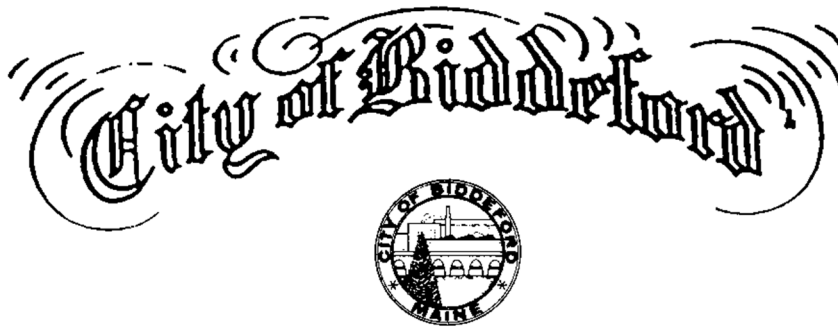
- ~~a. Banners displayed in parks and athletic facilities.~~
- ~~b. Publications.~~
- ~~c. Media.~~
- ~~d. Sponsorship of special events and teams.~~

~~(2) Inappropriate marketing activities are deemed but not limited to:~~

- ~~a. Any activity that is prohibited by law or City ordinance.~~
- ~~b. Any activity that may be offensive to prevailing community standards.~~
- ~~c. Any activity that promotes a social, religious or political organization or position.~~
- ~~d. Any activity that creates a conflicting message with the Recreation Department.~~
- ~~e. Any activity that promotes negative behavior or values.~~
- ~~f. Any activity that is inconsistent with promoting a drug , tobacco and alcohol free environment.~~

~~(3) Usage of collected funds is to support the activity or facility for which they are intended for.  
(Example: a banner at St. Louis Field would help fund the upkeep, capital projects and repair of that facility.)~~

~~(4) The Recreation Commission will review and approve marketing activities.~~



**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE VI COMMUNITY CENTER** be amended by adding and deleting , to read as follows:

~~Sec. 46-132-Board.~~

~~Sec. 46-131-Established.~~

~~[Ord. of 4-18-1994, § 16-1; Ord. of 5-18-1999(2)]~~

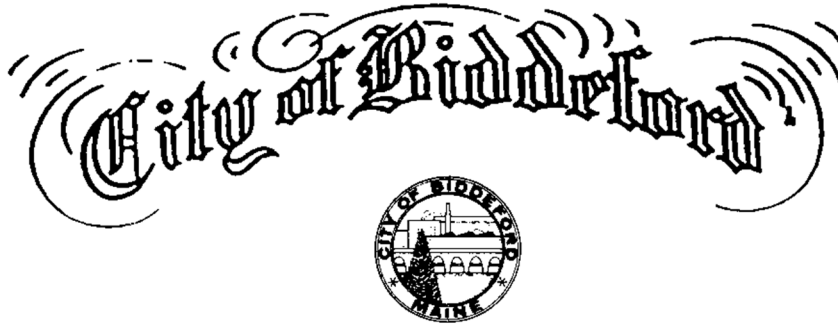
~~The J. Richard Martin Community Center located on Alfred Street shall be a public building owned by the inhabitants of the City.~~

~~Sec. 46-132-Board.~~

~~[Ord. of 4-18-1994, §§ 16-1 — 16-3; Ord. of 4-18-1995; Ord. of 12-17-1996; Ord. of 3-18-1997; Ord. of 5-18-1999(2); amended 10-5-2010 by Ord. No. 2010.104]~~

~~(a) Powers and duties; budget. The Recreation Commission shall have all the powers and perform all the duties in regard to the care and management of the Community Center. The Recreation Commission shall submit its line item budget for the operation of the center to the City's Finance Committee. The Recreation Commission shall submit the report of its activities annually to the City Council at the end of the fiscal year.~~

~~(b) Functions. In the discharge of the Recreation Commission's care and management of the community center, the Commission may establish subcommittees as follows: Capital Improvements Committee; a Policy Committee; and such other necessary and proper ad hoc committees as the Commission deems appropriate. The Recreation Commission will submit a yearly line-item budget to the City Manager for the operation and maintenance of the Community Center.~~



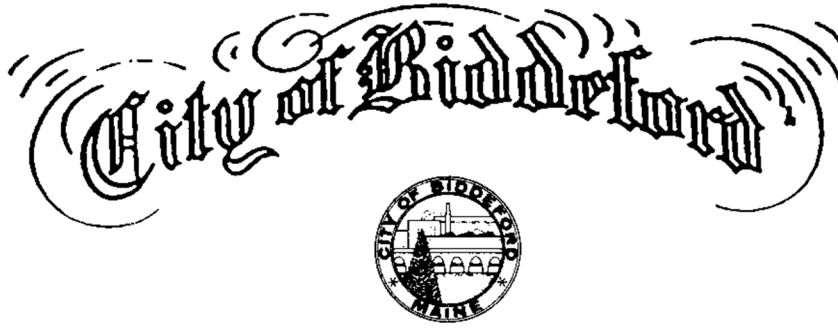
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE IV, PARKS AND RECREATION FACILITIES** be amended by adding and deleting , to read as follows

**~~Sec. 46-76 General Prohibitions.~~**

~~The following are prohibited in or on any of the City's public parks and facilities. Park rules and park hours shall be conspicuously posted at all parks and recreational facilities.~~

- ~~(1) Alcoholic beverages;~~
- ~~(2) Littering;~~
- ~~(3) Unleashed dogs;~~
- ~~(4) Firearms;~~
- ~~(5) Bows, crossbows or other similar devices;~~
- ~~(6) Hunting.~~

~~Except as specifically authorized elsewhere in this article, all park hours are from dawn to dusk.~~



**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE V BEACHES** be amended by adding and deleting , to read as follows:

**Sec. 46-106 Lifeguard.**

~~[Code 1975, § 16-83(6); Ord. of 5-18-1999(2); Ord. No. 2005.70, 8-2-2005; Ord. No. 2007.35, 6-5-2007]~~

~~There will be a lifeguard on duty, and stationed at those public beaches in the City that are designated by the Recreation Director, during those hours that the Director establishes (weather permitting) The Recreation Director is responsible for the hiring and supervision of lifeguards and other beach related personnel.~~

**Sec. 46-107 Dogs, horses, horse-drawn vehicles.**

~~[Code 1975, § 16-83(1); Ord. No. 2005.80, 9-20-2005; Ord. No. 2007.35, 6-5-2007]~~

~~(a) No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are prohibited completely from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day after September 16 to March 14. This section does not apply to the beach at Rotary Park. (See Section 46-77, Rotary Park and Dog Park.)~~

~~[Amended 11-18-2014 by Ord. No. 2014.109]~~

~~(b) Horses or horse-drawn vehicles, or dogs may not use any part of the City's beaches between the hours of 9:00 a.m. and 5:00 p.m. from May 25 to September 15 of each year.~~

**Sec. 46-108 Surfing.**

~~[Code 1975, § 16-83(5)]~~

~~Surfing is permitted only in designated areas, and safety lines must be worn. The lifeguard on duty will designate surfing areas.  
is permitted only in designated areas, and safety lines must be worn. The lifeguard on duty will designate surfing areas.~~

**Sec. 46-109 Alcoholic beverages prohibited; littering; ballplaying.**

~~[Code 1975, § 16-83(2) through (4); Ord. No. 2007.35, 6-5-2007]~~

~~(a) No alcoholic beverage is allowed to be brought onto, or consumed at any of the City's public beaches.~~

~~(b) No littering is allowed on the beaches.~~

~~(c) Ball and frisbee playing is allowed at the waterline only at low tide.~~

~~Sec. 46-110 **Vehicles prohibited; exceptions.**~~

~~[Code 1975, § 16-1983(7)]~~

~~No motorized or vehicular traffic of any kind may enter or use the beach for any purpose, with the exception of public safety vehicles and the City's vehicles designated for public safety or beach cleaning purposes.~~

~~Sec. 46-111 **Use of dune areas.**~~

~~[Code 1975, § 16-1983(8)]~~

~~No traffic of any kind, vehicular or pedestrian, may enter or use any area of the beach wherein dune grass, so-called, is growing. It shall also be a violation of this section to burn, crush, uproot, poison or in any other manner kill, injure or remove any dune grass, so-called, or any other vegetation growing on the beach.~~

~~Sec. 46-112 **Rotary Park Beach.**~~

~~[Code 1975, § 16-84(b); Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.35, 6-5-2007]~~

~~The following rules and general prohibitions shall be observed at Rotary Park Beach:~~

~~(1) Signs will be posted advising the general public that swimming is at own risk when a lifeguard is not present and on duty.~~

~~(2) (Reserved)~~

~~(3) (Reserved)~~

~~(4) No ball or frisbee playing is permitted on the beach, or any part thereof.~~

~~(5) (Reserved)~~

~~(6) Vehicles are prohibited as posted.~~

~~(7) Except as specifically authorized in writing by the Recreation Director, park hours are from dawn to dusk.~~

~~(8) Beach hours are from 9:00 a.m. to 8:00 p.m. from May 25 to mid-August and from 9:00 a.m. to 6:00 p.m. from mid-August through Labor Day.~~

~~Sec. 46-113 **Beach Avenue parking and beach access areas.**~~

~~[Code 1975, § 16-1986(c); Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.35, 6-5-2007]~~

~~The following additional rules and general prohibitions shall be observed at the Beach Avenue parking and beach access areas:~~

~~(1) Signs will be posted advising the general public that swimming is at own risk when a lifeguard is not present and on duty.~~

~~(2) A lifeguard is on duty from 10:00 a.m. to 5:00 p.m. (weather permitting).~~

- ~~(3) One space in the parking lot nearest to the beach access ramp will be designated and clearly marked as reserved for disability parking.~~
- ~~(4) Two parking spaces will be provided for use by the lifeguard.~~

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~~Sec. 46-114 (Reserved) [1]~~

~~[4]~~

~~Editor's Note: Former Section 46-114, Beach permit parking regulations enumerated, adopted as § 16-100 of the 1975 Code, as amended, was repealed 8-5-2014 by Ord. No. 2014.73. See now Section 42-66.~~

~~Sec. 46-115 Biddeford Pool Beach.~~

~~[Ord. No. 2007.35, 6-5-2007]~~

~~The following additional rules and general prohibitions shall be observed at Biddeford Pool Beach:~~

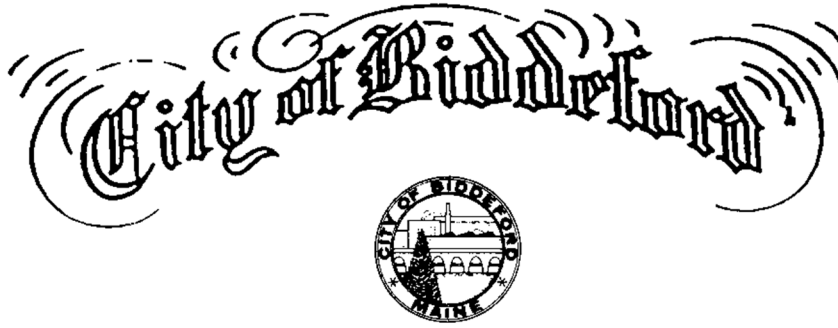
- ~~(1) Signs will be posted advising the general public that swimming is at own risk when a lifeguard is not present and on duty.~~
- ~~(2) Except as specifically authorized in writing by the Recreation Director, beach hours are from dawn to dusk.~~
- ~~(3) A person who is actively engaged in fishing at or near the water's edge, may do so after the park is closed, or at other times that the general public is not using the beach for recreation. A beach parking permit is not required from dusk to dawn, or at other times when the general public is not required to obtain a permit to park a vehicle at this location under Section 46-114.~~

~~Sec. 46-116 Fortunes Rocks Beach.~~

~~[Ord. No. 2007.35, 6-5-2007]~~

~~The following additional rules and general prohibitions shall be observed at Fortunes Rocks Beach:~~

- ~~(1) Signs will be posted advising the general public that swimming is at own risk when a lifeguard is not present and on duty.~~



**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE III RECREATION DIRECTOR ARTICLE I, IN-GENERAL RECREATION DIRECTOR** be amended by adding and deleting , to read as follows

**Sec. 46-51 ~~46-1~~ Appointment; hiring of personnel; oversight.**

~~[Code 1975, § 16-31(a) — (c); Ord. of 5-18-1999(2)]~~

~~(a) The Recreation Director shall be appointed by the City Manager and confirmed by the City Council.~~

~~(b) All personnel hired by the Recreation Director shall be approved by the City Manager.~~

~~(c) The Recreation Director shall be directly responsible to the Recreation Commission and City Manager in all matters relating to the recreation department.~~

**Sec. 46-52 ~~46-2~~ Powers and duties.**

~~[Code 1975, § 16-31(d), (e); Ord. of 5-18-1999(2)]~~

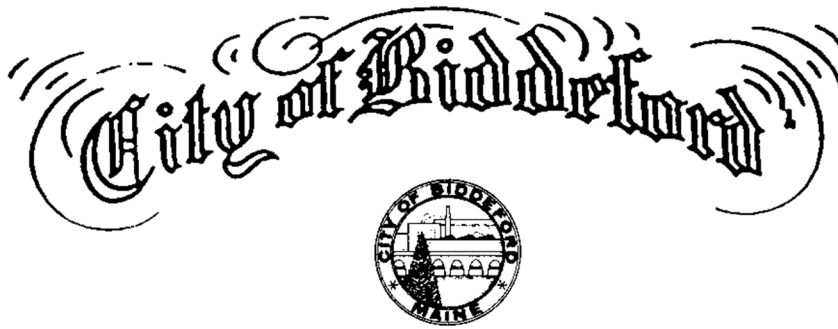
~~(a) The Recreation Director shall formulate and carry out recreation programs, with the approval of the Recreation Commission, for the benefit of the City's citizens, and cooperate with other departments and/or agencies.~~

~~(b) The Recreation Director shall recommend the improvement of recreational lands and facilities within the City and make periodic reports, as requested by the Recreation Commission or by the City Manager, on the operation of the Department.~~

**Sec. 46-53 ~~46-3~~ Annual budget; reports; other duties.**

~~[Code 1975, § 16-31(f); Ord. of 5-18-1999(2)]~~

~~The Recreation Director shall, with the consent and review of the Recreation Commission, submit annually a budget for the ensuing year and submit reports as requested by the Commission to the City Manager. The Director shall also carry out such duties, provided they fall within the scope of the Recreation Department, as the Recreation Commission may from time to time assign.~~



**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE IV RECREATION FACILITIES** be amended by adding and deleting , to read as follows

~~Sec. 46-75~~ **Authority.**

~~[Ord. of 5-18-1999(2); Ord. No. 2007.34, 6-2-2007]~~

~~The Director of Public Works is responsible for the maintenance of City-owned parks. The Recreation Director shall coordinate recreational activities in the parks with the Director of Public Works.~~

~~Sec. 46-76~~ **General prohibitions.**

~~[Ord. No. 2001.15, 3-8-2001; Ord. No. 2006.6, 2-21-2006; Ord. No. 2007.34, 6-2-2007]~~

~~The following are prohibited in or on any of the City's public parks and facilities. Park rules and park hours shall be conspicuously posted at all parks and recreational facilities.~~

- ~~(1) Alcoholic beverages;~~
- ~~(2) Littering;~~
- ~~(3) Unleashed dogs; and~~
- ~~(4) Firearms.~~

~~Except as specifically authorized elsewhere in this article, all park hours are from dawn to dusk.~~

~~Sec. 46-76.1~~ **Safe zones.**

~~[Ord. No. 2007.34, 6-2-2007]~~

~~Pursuant to its authority under 30-A M.R.S.A. § 3253, the City does hereby designate the following athletic fields, parks, playgrounds or recreational facilities as a "safe zone" under 17-A M.R.S.A. § 1101(23):~~

- ~~(1) Rotary Park (includes entire parcel from Main Street to the Saco River).~~
- ~~(2) Doran Field.~~
- ~~(3) St. Louis Field (entire fenced in area to encompass both Field 1 and Field 2, so called).~~
- ~~(4) Waterhouse Field.~~

~~(5) Mayfield (including all baseball and softball field, and tennis courts).~~

~~(6) Clifford Park (playground that abuts Pool Street, and includes tennis and basketball courts).~~

~~(7) Biddeford Pool Bathhouse/Gilbert Boucher Park.~~

~~[Amended 3-3-2015 by Ord. No. 2015.7]~~

~~(8) J. Richard Martin Community Center Playground.~~

~~[Amended 3-3-2015 by Ord. No. 2015.7]~~

~~(9) Canopy Park.~~

~~[Amended 3-3-2015 by Ord. No. 2015.7]~~

~~(10) The Arena (Biddeford Ice Arena).~~

~~(11) Williams Court Park.~~

~~[Added 3-3-2015 by Ord. No. 2015.7]~~

~~(12) Mechanics Park.~~

~~[Added 3-3-2015 by Ord. No. 2015.7]~~

~~(13) Shevenell minipark.~~

~~[Added 3-3-2015 by Ord. No. 2015.7]~~

~~(14) Liberty minipark.~~

~~[Added 3-3-2015 by Ord. No. 2015.7]~~

~~(15) Pierson's Lane Community Park.~~

~~[Added 3-3-2015 by Ord. No. 2015.7]~~

~~The Commissioner of Public Safety has approved the following wording to be used on a safe zone informational sign under the Maine Revised Statutes, Title 30-A § 3253:~~

**DRUG-FREE**

**SAFE ZONE**

**INCREASED PENALTIES FOR DRUG CRIMES**

**COMMITTED WITHIN THIS ZONE**

**(17-A, M.R.S.A. CHAPTER 45)**

17-A, M.R.S.A. CHAPTER 45)

Sec. 46-76.2 **~~Tobacco /smoke-free recreational facilities.~~**

~~[Added 5-5-2009 by Ord. No. 2009.23; amended 11-1-2011 by Ord. No. 2011.69; 3-3-2015 by Ord. No. 2015.8; 5-3-2016 by Ord. No. 2016.27]~~

~~(a) Definitions. As used in this section, the following terms shall have the meanings indicated:~~

~~**TOBACCO/SMOKING**~~

~~Includes but is not limited to cigarettes, cigars, snuff, pipes, spit tobacco, e-cigarettes, including vapes, personal vaporizer (PV).~~

## TOBACCO-/SMOKE-FREE ZONE

~~Includes City-owned playgrounds, sports fields, parks and beaches.~~

### ~~(b) Rule.~~

~~(1) A person may not use any form of tobacco in a tobacco-/smoke-free zone.~~

~~(2) Sign(s) shall be posted indicating to the general public that the area so posted is a tobacco-/smoke-free zone.~~

### ~~(c) Enforcement.~~

~~(1) Recreation and Parks staff shall notify community organizations and distribute and post "tobacco-/smoke-free zone" signs at designated locations.~~

~~(2) Recreation and Parks staff shall monitor compliance.~~

~~(3) The Recreation and Parks staff, or other person designated by the Recreation Director, including any law enforcement officer, is authorized to enforce this section. A person who is found in violation of this section shall request that the person cease the use of tobacco products and be issued a verbal warning. If that person refuses to comply or continues to otherwise remain in violation of this section, that person may be requested to leave the tobacco-/smoke-free zone. Refusal by any person to leave the tobacco-/smoke-free zone as requested is considered a trespass.~~

~~(d) Penalties. Any person who, after being warned by an authorized person to cease the use of tobacco products and remains in violation of this section is subject to penalties in accordance with Chapter 1, Section 1-12, of this Code.~~

### ~~Sec. 46-77 Rotary Park and Dog Park.~~

~~[Code 1975, § 16-84(a); Ord. No. 2001.15, 3-8-2001; Ord. No. 2003.84, 8-19-2003; Ord. No. 2006.16, 3-7-2006; Ord. No. 2007.34, 6-2-2007; Ord. No. 2008.44, 6-17-2008]~~

~~The following additional rules are in effect for Rotary Park, located at 550 Main Street (GIS 32-2):~~

~~(1) Except as specifically authorized in writing by the Recreation Director, park hours are from dawn to dusk.~~

~~(2) Speed limit: 15 miles per hour.~~

~~(3) Horses or horse-drawn vehicles or dogs may not use any part of the beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year. Between September 16 and May 24 dogs may be off leash and under voice command all day on the beach. The "beach" shall be defined as the sandy area along the river and does not include bordering river bank or grass area.~~

~~[Amended 11-18-2014 by Ord. No. 2014.109]~~

~~(4) Motor vehicles and bicycles are allowed to use the main road and parking areas only. No unauthorized vehicles, including but not limited to snowmobiles and all-terrain vehicles (ATVs), are permitted in the park.~~

~~(5) Primarily the Biddeford Youth Football Association/Biddeford Youth Cheering will use the Redmond Football fields during the months of August through October annually. Ages eight through 13 will be permitted in this program and given priority use of this through youth football. These fields are not intended for any adult sport activity unless given written permission by the Biddeford Recreation Director.~~

~~(6) An area within Rotary Park shall be designated by the Recreation Commission for exclusive use as a dog park. This area shall be fenced in, and in addition to the existing rules governing Rotary Park, the entrance to the dog park shall be posted with the following rules:~~

~~[Added 5-5-2009 by Ord. No. 2009.24]~~

- ~~a. The gate shall be properly and securely latched except as necessary for entering and exiting.~~
- ~~b. Dog(s) must be leashed while outside the fenced-in area.~~
- ~~c. Dog(s) must be properly licensed.~~
- ~~d. Prong/spike collars are prohibited.~~
- ~~e. Dog(s) must be at least six months old.~~  
~~Dog(s) must be at least six months old.~~
- ~~f. Dog(s) that are sick or in heat are prohibited.~~
- ~~g. Children under the age 12 years of age must be accompanied by an adult.~~
- ~~h. Dog(s) must remain under the control of the owner/handler at all times.~~
- ~~i. Owner(s) must accompany the dog(s) within the fenced-in area.~~
- ~~j. No more than two dog(s) per owner/handler.~~
- ~~k. The owner/handler must be in possession of a leash for each dog under his control.~~
- ~~l. The owner/handler is responsible for and must pick up and properly dispose of any dog waste.~~
- ~~m. No food, smoking or glass containers are permitted.~~
- ~~n. Dog toys are discouraged.~~
- ~~o. No digging.~~
- ~~p. No excessive or aggressive barking is allowed.~~
- ~~q. All persons entering the dog park do so at their own risk and fully release the City of Biddeford from any and all claims which may arise directly or indirectly from the use of the dog park.~~

~~Sec. 46-78 **Clifford Park.**~~

~~[Code 1975, § 16-85; Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules are in effect in Clifford Park, located at 130 Pool Street (GIS 39-334):~~

- ~~(1) No vehicles, including bicycles, are allowed in the playground area.~~
- ~~(2) Motorized vehicles are prohibited from using or remaining on or upon any of the park trails, or in any other area of the park. Registered motor vehicles are restricted to the designated parking areas only. Snowmobiles may use park trails and are restricted to the wooded areas only. Vehicles found in violation may be towed at the owner's expense, and the operator subject to civil and/or criminal penalties.~~

~~[Amended 4-3-2012 by Ord. No. 2012.25]~~

~~Basketball is prohibited between the hours of dusk and 8:00 a.m.~~

~~Sec. 46-79 **Biddeford Pool bathhouse/Gilbert Boucher Park.**~~

~~[Code 1975, § 16-86(a); Ord. of 5-18-1999(2); Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules will be observed in the Biddeford Pool bathhouse and at the Gilbert Boucher Park:~~

- ~~(1) Bathhouse hours are from 10:00 a.m. to 5:00 p.m., in season.~~
- ~~(2) Horses or horse-drawn vehicles or dogs may not use any part of the beach between the hours of 9:00 a.m. to 5:00 p.m. from May 25 to September 15 of each year.~~
- ~~(3) Weather permitting, a lifeguard will be on duty from 10:00 a.m. to 5:00 p.m., during those dates that are authorized by the Recreation Director.~~
- ~~(4) Three spaces in the parking facility are designated and clearly marked as disability parking only. These spaces are located to the left of the bathhouse near the boardwalk to the beach.~~

**Sec. 46-80 Biddeford Pool mini-park.**

~~[Code 1975, § 16-86(b); Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The Biddeford Pool mini-park is located at 0 Lester B. Orcutt Boulevard (GIS 59-117). The signs in the Biddeford Pool mini-park will indicate that it is a public park and that there is a public boat ramp.~~

**Sec. 46-81 Shevenell mini-park.**

~~[Code 1975, § 16-87; Ord. of 9-6-1994, § 16-87; Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules are in effect at Shevenell mini-park located at 149 Main Street (GIS 38-372):~~

- ~~(1) No vehicles, including bicycles and otherwise, are allowed in the park.~~
  - ~~(2) There shall be no ball or frisbee playing in the park.~~
  - ~~(3) No feeding of pigeons in the park.~~
- ~~Use of roller blades, roller skates, or skate boards is prohibited in the park.~~

**Sec. 46-82 Liberty mini-park.**

~~[Code 1975, § 16-88; Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules will be observed in Liberty mini-park, located at 2 Water Street (GIS 41-129):~~

- ~~(1) No vehicles, including bicycles and otherwise, are allowed in the park.~~
- ~~(2) There shall be no ball or frisbee playing in the park.~~
- ~~(3) Use of roller blades, roller skates, or skate boards is prohibited in the park.~~

**Sec. 46-83 Memorial Park (Mayfield). Located at 130 May Street (GIS 27-34).**

~~[Ord. of 9-16-1994, § 16-89; Ord. No. 2001.15, 3-8-2001; Ord. No. 2002.130, 12-17-2002; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules shall be observed at the Memorial Park (Mayfield):~~

- ~~(1) Tennis court lights will be shut off not later than 10:30 p.m.~~

~~(2) Vehicles, including but not limited to bicycles are prohibited in the playground or tennis areas.~~

~~(3) Basketball is prohibited between the hours of dusk to 8:00 a.m.~~

~~(4) Middle ball field, located behind the Mayfield building, will be used by children ages 11 and under for minor league programs. Minor league programs will be given priority in permit process. Those over the ages of 11 are not permitted to play baseball on Middle field, unless under adult supervision.~~

~~Upper ball field, located nearest five points area, will be used by all ages for softball. Baseball is not permitted on this field. Biddeford Little League Softball will be given priority in the permitting process.~~

~~Lower field, located nearest to Colonial Drive, will be designated for West Biddeford Little League. Those over the age of 14 are not permitted to play baseball on West Biddeford Little League field, unless under adult supervision.~~

~~(5) Skateboards, roller blades, and hockey sticks are prohibited from the tennis court area.~~

~~(6) Snowmobiles all terrain vehicles, (ATVs), and similar vehicles are prohibited in the park.~~

~~Snowmobiles all terrain vehicles, (ATVs), and similar vehicles are prohibited in the park.~~

#### **Sec. 46-84 J. Richard Martin Community Center Playground.**

~~[Ord. of 9-6-1994, § 16-90; Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007; amended 5-1-2012 by Ord. No. 2012.32]~~

~~The following additional rules will be observed at the J. Richard Martin Community Center Playground located at: 189 Alfred Street (GIS 34-228), and further identified as the area located in the front of the Community Center, which is bordered by a fence.~~

~~(1) Playground area is intended for use by those children ages six through 12. Younger children must be supervised by an adult.~~

~~(2) No baseball playing on the premises.~~

~~(3) No dogs allowed.~~

~~(4) No bicycles.~~

#### **Sec. 46-85 Doran Field.**

~~[Ord. of 9-6-1994, § 16-91; Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules will be observed at the Doran Field located at 314 South Street (GIS 32-4):~~

~~(1) Vehicles allowed only in the parking lot area.~~

~~(2) Playground area is designed for ages six through 10. Younger children should be supervised by an adult.~~

~~(3) No baseball playing on the premises.~~

#### **Sec. 46-86 Vines Landing.**

~~[Ord. of 8-4-1998(6); Ord. No. 2000.56, 7-5-2000; Ord. No. 2002.18, 3-5-2002; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules will be observed at the Vines Landing located at the westerly end of Lester B. Orcutt Boulevard. (GIS 59-117)~~

~~(1) Vehicles are allowed to park only in designated spaces and only for park visitors, boat launching and valid mooring permit holders.~~

~~(2) No vehicle parking between the hours of 11:00 p.m. and 4:00 a.m.~~

~~;~~

~~(3) No items may be stored on the premises.~~

~~(4) Except for persons holding a valid commercial shellfish harvester's license, which has been issued by the city clerk in accordance with Section 74-105 of this chapter, parking on the beach or intertidal parking is prohibited. Violators are subject to parking fines, and the vehicle may be towed at the owner's expense.~~

~~[Amended 6-7-2016 by Ord. No. 2016.40]~~

~~(5) One parking space shall be designated and clearly marked for disability parking.~~

~~[Added 6-2-2009 by Ord. No. 2009.40]~~

#### **Sec. 46-87 ~~Park in the Pines.~~**

~~[Ord. of 2-16-1999(7); Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional are rules for the Park in the Pines, located at 194 Hills Beach Road, (GIS 55-51):~~

~~(1)~~

~~No vehicles are allowed within the park, except for the launching of boats, canoes, etc.~~

#### **Sec. 46-88 ~~Mechanic's Park at White's Wharf.~~**

~~[Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following are additional rules for Mechanic's Park at White's Wharf, located at 3 Main Street, GIS 41-1):~~

~~(1) Exceptions to park hours include, but are not limited to: La Kermesse recreation department activities and other City permitted events.~~

~~(2) No vehicles, including bicycles and otherwise are allowed in the park.~~

~~(3) There shall be no ball or frisbee playing in the park.~~

~~(4) Use of roller blades, roller skates, or skate boards is prohibited in the park.~~

#### **Sec. 46-89 ~~(Reserved)~~ [1]**

~~[4]~~

~~Editor's Note: Former Sec. 46-89, St. Louis Field, as amended, was repealed 11-18-2014 by Ord. No. 2014.110.~~

~~;~~

#### **Sec. 46-90 ~~Canopy Park.~~**

~~[Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules will be observed at Canopy Park, located at 65 Bacon Street, (GIS 39-129):~~

~~(1) No vehicles, including bicycles and otherwise, are allowed in the park.~~

~~(2) Use of roller blades, roller skates, or skate boards is prohibited in the park.~~

~~Sec. 46-91 **F.O.A.V. Court Park.**~~

~~[Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules will be observed at F.O.A.V. Court Park, located at 2 FOAV Court, (GIS 39-137):~~

~~(1) No vehicles, including bicycles and otherwise, are allowed in the park.~~

~~(2) Use of roller blades, roller skates, or skate boards is prohibited in the park.~~

~~Sec. 46-92 **Pierson's Lane Community Park.**~~

~~[Ord. No. 2008.43, 6-17-2008]~~

~~The following additional rules will be observed at the Pierson's Lane Community Park, located at 38 and 40 Pierson's Lane. (GIS 39-117 and 39-116):~~

~~(1) No dog is allowed in the park.~~

~~(2) No vehicles or bicycles are allowed in the park.~~

~~(3) No ball or frisbee playing in the park.~~

~~Sec. 46-93 **Williams Court Park.**~~

~~[Added 5-3-2011 by Ord. No. 2011.21]~~

~~In addition to the rules promulgated under Section 46-76 of this chapter, the following are additional rules for Williams Court Park, located at Williams Court, and more specifically identified as GIS 183; GIS 182; and GIS 169-1.~~

~~(1) Park open to pedestrians only.~~

~~(2) No vehicles, including bicycles and otherwise are allowed in the park.~~

~~(3) There shall be no ball or frisbee playing in the park.~~

~~(4) Use of roller blades, roller skates, or skateboards is prohibited in the park.~~

~~(5) No dogs.~~

~~Sec. 46-94 **RiverWalk Plaza and RiverWalk Phase 2.**~~

~~The following additional rules will be observed at RiverWalk Plaza and RiverWalk Phase 2 located at 2 Main Street, Map 71, Lot 11, and as defined by the easements recorded at the York County Registry of Deeds in Book 16028, Page 417, and Book 16407 and Page 102-111.~~

~~(a) The hours of operation for the Overlook Platform, including the stairs and ramp to the Overlook Platform, shall be dawn to dusk.~~

~~(b) No skateboards or rollerblades shall be allowed.~~

~~(c) No fishing shall be allowed.~~

~~(d) No bicycles shall be allowed on the Overlook Platform, including the stairs and ramp to the Overlook Platform.~~

~~(e) No activity involving throwing shall be permitted, including all types of balls, Frisbees or hacky sacks.~~

~~(f) River Walk shall not be reserved by any person or groups for group events.~~

~~NOTE: These rules govern the public's use of a public easement over private property.~~

~~As outlined in the "RiverWalk Management Agreement" dated September 4, 2012, the above rules may not be amended without the prior written consent of the property owner.~~

~~Sec. 46-95 **Washington Street School Park.**  
owner.~~

~~Sec. 46-95 **Washington Street School Park.**  
[Added 4-16-2013 by Ord. No. 2013.20]~~

~~(a) The City of Biddeford-owned parcel of land located at 75 Washington Street, and more specifically identified in the City Tax Maps as GIS 38-312-1, is hereby designated as a City park and shall henceforth be known as "Washington Street School Park."~~

~~(b) In addition to the rules promulgated under Section **46-76** of this chapter, the following are additional rules for Washington Street School Park:~~

~~(1) Park shall be open to pedestrians only.~~

~~(2) There shall be no ball or Frisbee playing in the park.~~

~~(3) Use of roller blades, roller skates, or skateboards is prohibited in the park.~~

~~(4) There shall be no unleashed dogs.~~

~~Sec. 46-96 **Veteran's Memorial Park.**  
[Added 6-4-2013 by Ord. No. 2013.41]~~

~~(a) The City of Biddeford-owned parcel of land located at 2 Pool Street, and more specifically identified in the City Tax Maps as GIS 38-419, is hereby designated as a City park and shall henceforth be known as "Veteran's Memorial Park."~~

~~(b) In addition to the rules promulgated under Section **46-76** of this chapter, the following are additional rules for Veteran's Memorial Park:~~

~~(1) Park shall be open to pedestrians only.~~

~~(2) There shall be no ball or Frisbee playing in the park.~~

~~(3) Use of roller blades, roller skates, or skateboards is prohibited in the park.~~

~~(4) There shall be no unleashed dogs.~~

~~Sec. 46-97 **City Square Park.**  
[Added 6-18-2013 by Ord. No. 2013.42]~~

~~(a) The City of Biddeford-owned parcel of land located at 58 Lincoln Street, and more specifically identified in the City Tax Maps as GIS 38-132, is hereby designated as a City park and shall henceforth be known as "City Square Park."~~

~~(b) In addition to the rules promulgated under Section **46-76** of this chapter, the following are additional rules for City Square Park:~~

~~(1) Park shall be open to pedestrians only.~~

~~(2) There shall be no ball or Frisbee playing in the park.~~

~~(3) Use of roller blades, roller skates, or skateboards is prohibited in the park.~~

~~(4) There shall be no unleashed dogs.~~

~~Sec. 46-98 Cannon Plaza.~~

~~[Added 6-18-2013 by Ord. No. 2013.43]~~

~~(a) The City of Biddeford-owned parcel of land located at 59 South Street, and more specifically identified in the City Tax Maps as GIS 38-201, is hereby designated as a City park and shall henceforth be known as "Cannon Plaza."~~

~~(b) In addition to the rules promulgated under Section 46-76 of this chapter, the following are additional rules for Cannon Plaza:~~

~~(1) Park shall be open to pedestrians only.~~

~~(2) There shall be no ball- or Frisbee-playing in the park.~~

~~(3) Use of roller blades, roller skates, or skateboards is prohibited in the park.~~

~~(4) There shall be no unleashed dogs.~~

This chapter shall be known and may be cited as the “City of Biddeford Parks Ordinance.”

§ 46-1 **Word usage and definitions.**

A. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

B. For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein:

**CITY:** The City of Biddeford.

**DIRECTOR:** The Parks and Recreation Director appointed pursuant to Chapter 2, Article, § , of the Code of the City of Biddeford.

**DOG PARK:** An area that has been fenced in and designated for exclusive use by dogs. Use of Dog Parks shall have clearly established rules for its use, which shall be posted at all entrances.

**PARK:** Shall be limited to the areas within the boundaries, as described in the records of the City of Biddeford Assessor, of the following City-owned recreational properties and facilities:

**TOBACCO:** includes but is not limited to cigarettes, cigars, snuff, pipes spit tobacco, and vaping.

**TOBACCO-FREE ZONE:** Includes, city-owned playgrounds, sports fields, Parks and beaches.

**VEHICLE:** Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include but not be limited to any trailer in tow, automobile, truck, wagon, snowmobile, motor bike, skateboard, motorcycle or trail bike of any size, kind or description. Exception is made for baby carriages, bicycles, used at the Clifford Park and Rotary Park, and vehicles used in the maintenance and operation of city Parks.

Sec. 46-2 Recreation Director Appointment; hiring of personnel; oversight.

(a) The Recreation Director shall be appointed by the City Manager and confirmed by the City Council.

(b) All personnel hired by the Recreation Director shall be approved by the City Manager.

Sec. 46-3 Powers and duties.

(a) The Recreation Director shall formulate and carry out recreation programs, in consultation with the Recreation Commission, for the benefit of the City's citizens, and cooperate with other departments and/or agencies.

(b) The Recreation Director shall recommend the improvement of recreational lands and facilities within the City and make periodic reports, as requested by the Recreation Commission or by the City Manager, on the operation of the Department.

Sec. 46-4 Annual budget; reports; other duties.

The Recreation Director shall, with the consent and review of the Recreation Commission, submit annually a budget for the ensuing year and submit reports as requested by the Commission to the City Manager. The Director shall also carry out such duties, provided they fall within the scope of the Recreation Department, as the Recreation Commission may from time to time recommend.

§ 46-5 City Parks.

| <u>Name</u>                                                             | <u>Assessor's<br/>Map and Lot<br/>Numbers</u> |
|-------------------------------------------------------------------------|-----------------------------------------------|
| <u>Biddeford Pool Bath House/Gilbert Boucher Park<br/>Gilbert Place</u> | <u>GIS</u>                                    |
| <u>Biddeford Pool Mini-Park<br/>0 Lest B. Orcutt Blvd.</u>              | <u>GIS 59-117</u>                             |
| <u>Cannon Plaza<br/>59 South Street</u>                                 | <u>GIS 39-201</u>                             |
| <u>Canopy Park<br/>65 Bacon Street</u>                                  | <u>GIS 39-129</u>                             |

| <u>Name</u>                                                                      | <u>Assessor's<br/>Map and Lot<br/>Numbers</u> |
|----------------------------------------------------------------------------------|-----------------------------------------------|
| <u>City Square Park</u><br><u>58 Lincoln Street</u>                              | <u>GIS 38-132</u>                             |
| <u>Clifford Park</u><br><u>130 Pool Street</u>                                   | <u>GIS 39-334</u>                             |
| <u>Doran Field</u><br><u>314 South Street</u>                                    | <u>GIS 32-4</u>                               |
| <u>F.O.A.V. Court Park</u><br><u>2 FOAV Court</u>                                | <u>GIS 39-137</u>                             |
| <u>J. Richard Martin Community Center Playground</u><br><u>189 Alfred Street</u> | <u>GIS 34-228</u>                             |
| <u>Liberty Park</u><br><u>2 Water Street</u>                                     | <u>GIS 41-129</u>                             |
| <u>Pierson's Lane Community Park</u><br><u>40 Pierson's Lane</u>                 | <u>GIS 39-116</u><br><u>GIS 30-117</u>        |
| <u>Mechanics Park</u><br><u>3 Main Street</u>                                    | <u>GIS 41-1</u>                               |
| <u>Memorial Park</u><br><u>130 May Street</u>                                    | <u>GIS 27-34</u>                              |
| <u>Park in the Pines</u><br><u>194 Hills Beach Road</u>                          | <u>GIS 55-51</u>                              |
| <u>River Walk Plaza / River Walk Phase 2</u><br><u>2 Main Street</u>             | <u>GIS 71-11</u>                              |
| <u>Rotary Park</u><br><u>550 Main Street</u>                                     | <u>GIS 32-2</u>                               |
| <u>Shevenell Park</u><br><u>149 Main Street</u>                                  | <u>GIS 38-372</u>                             |
| <u>Veteran's Memorial Park</u><br><u>2 Pool Street</u>                           | <u>GIS 38-419</u>                             |

| <u>Name</u>                                                         | <u>Assessor's<br/>Map and Lot<br/>Numbers</u> |
|---------------------------------------------------------------------|-----------------------------------------------|
| <u>Vines Landing</u><br><u>End of Lester B. Orcutt Blvd.</u>        | <u>GIS 59-117</u>                             |
| <u>Washington Street School Park</u><br><u>75 Washington Street</u> | <u>GIS 38-312-1</u>                           |
| <u>Williams Court Park</u><br><u>South &amp; Green Streets</u>      | <u>GIS 183, 182</u><br><u>169-1</u>           |

**§46-6 Day to day operational rule making Authority.** Under the direction and guidance of the Recreation Commission, the Director shall have the authority to establish and promulgate rules and regulations that are not otherwise in conflict with this Chapter, for the day to day operation of the recreational facilities and Parks identified herein.

**§46-7 Damage to Park property.**

Except as may be necessitated by reason of construction or maintenance activities under the supervision and control of the Director, no person in a Park shall:

**A. Buildings and other property.**

(1) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, playground equipment, facilities or Park property or appurtenances whatever, either real or personal.

(2) Removal of natural resources. Dig or remove any sand, soil, rock, stones, trees, shrubs or plants, timber or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.

(3) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued by the Director.

**B. Trees, shrubbery and lawns.**

(1) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant, nor shall any person attach a rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.

(2) Climbing trees. Climb a tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

#### § 46-8 Sanitation.

No person in a Park shall:

A. Pollution of waters. Throw, discharge or otherwise place or caused to be placed in the waters of any fountain, pool, pond, stream or other body of water in or adjacent to any Park or any tributary, stream, storm sewer or drain flowing into such waters any substance, manner or thing, liquid or solid, which will or may result in the pollution of said waters.

B. Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any Park or left anywhere on the grounds thereof, but it shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the Park by the person responsible for such presence and properly disposed of elsewhere.

C. Animal waste. Fail to immediately remove and lawfully dispose of any feces left in any Park by a dog owned by such person or under his/her control. This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this subsection.

#### §46-9 Vehicles and traffic.

A. State motor vehicle laws apply. No person in a Park shall fail to comply with all applicable provisions of the state motor vehicle laws<sup>[1]</sup> with regard to equipment and operations of vehicles, together with such regulations as are contained in this chapter and other City of Biddeford ordinances.<sup>[2]</sup>

<sup>[1]</sup> See M.R.S.A. Title 29-A.

<sup>[2]</sup> See Ch.42, Vehicles and Traffic.

B. Obey traffic signs. No person in a Park shall fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or Parking and all others posted for proper control and to safeguard life and the property.

C. Speed of vehicles. No person in a Park shall ride or drive a vehicle at a rate of speed exceeding the posted speed for any Park.

D. Operation of vehicles. No person in a Park shall drive any vehicle, excepting bicycles, on or in any area except public ways and paved Park roads or Parking areas or such other areas as may, on occasion, be specifically designated as temporary Parking areas by the Director. Snowmobiles may be allowed on certain trails in City Parks where such trails serve to interconnect other snowmobile trails not in City Parks and where the Director of Parks and Recreation has designated such trails for such purpose after finding that it is compatible with the use of such Park trails by the public for other purposes. Excepting bicycles, only vehicles properly licensed and registered for operation on public ways and operated by persons properly licensed under the laws of the State of Maine shall be permitted in any Parking area. **Exception:** Snowmobiles are permitted to be operated on trails within Clifford Park.

E. Parking.

(1) No person in a Park shall:

(a) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.

(b) Overnight Parking. Leave a vehicle standing or parked at night within any Park after 10:00 p.m. Eastern time, except as specifically authorized under Chapter 42, section 42-59, Snow Emergency parking ban.

(c) Lifeguards. Park a vehicle in an area that has been designated by the Director as reserved for Lifeguards.

(2) Exceptions. There shall be no parking between the hours of dusk and dawn in Gilbert Boucher Park, including Park easement areas. Areas of the Park affected by this prohibition shall be posted with signs which read: "No Parking dusk to dawn." The time of dawn and dusk shall be as reported in the Maine Farmers Almanac.

(3) Enforcement.

(a) The laws of the State of Maine shall, where applicable in Parks, be enforced in the manner provided by law. City ordinances and rules and regulations of the Park shall be enforced in the manner provided therein.

(b) Violations of this Subsection shall be a parking infraction.

(c) The Parks and Recreation Director or his or her authorized representative, as specifically authorized by the Chief of Police, and the Biddeford Police Department are authorized to issue parking tickets for violations of this Subsection E.

(d) Removal of unauthorized vehicles. Any vehicle found in violation of this section may be removed in accordance with the procedures established under Chapter 42, Vehicles and Traffic of this Code.

F. Bicycles. No person in a Park shall:

(1) Confined to roads. Ride a bicycle on other than a paved vehicle road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or any paved area reserved for pedestrian use.

(2) Operation. Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in a single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard as to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking and pass to the right of any vehicle they may be meeting.

(3) Designated racks. Leave a bicycle at a place other than a bicycle rack when such is provided and there is space available.

(4) Immobile bicycles. Leave a bicycle lying on the ground or paving or set against trees or in a place or position where other persons may trip over or be injured by it.

§46-10 Recreational activities.

No person in a Park listed in the Chapter shall:

A. Bathing and swimming.

(1) Designated areas. Swim, bathe or wade in the waters of any fountain, pond, pool, stream or other body of water in or adjacent to any Park or any tributary, stream, storm sewer or drain flowing into such waters, except in such waters and in such places as are specifically provided for swimming or bathing purposes and in compliance with such regulations as are herein set forth or may hereafter be adopted by the Director, nor shall any person frequent any waters or places customarily designated for the purposes of swimming or bathing or congregate thereat in such activities prohibited by the Director upon finding such use of the water would be dangerous or otherwise inadvisable.

(2) Certain hours. Frequent any waters or places designated for the purposes of swimming or bathing or congregate thereat except between such hours of the day and on such conditions as shall be designated by the Director for such purposes for each individual Park area.

**B. Hunting and firearms.** Hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings or other forms of weapons potentially inimical to wildlife and dangerous to human safety or any instrument than can be loaded with and fire a blank cartridge or any kind of trapping device. Shooting in Park areas as defined herein is strictly forbidden.

**C. Camping.** Set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a Park after closing hours any movable structures or special vehicle that could be used for such purposes as a house trailer, camp trailer, tent or the like.

**D. Tobacco and smoking.** All forms of tobacco use, including vaping are prohibited.

**§ 46-11 Alcoholic beverages; fires; use of closed areas.**

**A. Intoxicating beverages.**

**(1) Liquor defined.** For purposes of this subsection, "liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption which contains more than 1/2 of 1% of alcohol by volume.

**(2) Prohibition.** No person in a Park or in any Parking area, shall transport, possess or consume liquor at any time.

**B. Fires.** No person in a Park shall build or attempt to build a fire, except at such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco or other inflammable material within any Park area or on any highway, road or street abutting or contiguous thereto.

**C. Closed areas.** No person in a Park shall enter an area posted as "Closed to the Public," nor shall any person use or let the use of any area in violation of posted notices.

**§ 46-12 Merchandising, advertising and signs.**

**Except in conjunction with supervised activities under the general control and supervision of the Director no person in a Park shall:**

**A. Vending and peddling.** Expose or offer for sale any article or thing, nor shall he or she station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Director.

**B. Advertising.** Pronounce, advertise or call to the public attention in any way to any article or service for sale or hire.

C. Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any city-owned lands or highways or roads adjacent to a Park. Exception from the prohibitions of this subsection is made for the posting of such notices as may be required by this chapter.

D. Sponsorship signs erected by the City of Biddeford in accordance with guidelines established by the Recreation Commission, shall not be deemed a violation of this section.

#### § 46-13 Park operating policy.

A. Hours. All Parks, as defined herein, shall be open to the public every day of the year from dawn to dusk. In the event that activities are conducted at either the St. Louis Field or Mechanics Park for which there is an admission fee charged or access is otherwise controlled, no member of the public shall have the right to enter said Park areas without authorization and/or payment of such admission fee. The Director shall cause notices of the opening and closing hours to be posted in each individual Park for public information and enforcement purposes.

B. Closed areas. Any section or part of any Park may be declared closed to the public by the Director at any time for any interval of time, either temporarily or at regular stated intervals (daily or otherwise).

C. Entry prohibited. Except with the written permission of the Director, no person shall enter, pass through or remain in any Park, or the closed area of any Park, except during the hours and times when such Park, or portion thereof, is open to the public as provided in this section.

D. Dogs horses and horse-drawn vehicles. Dogs, horses and horse-drawn vehicles are prohibited from entering or remaining in any Park or Beach areas. **Except as follows:** horses, horse-drawn vehicles or dogs may not use any part of the City's public beaches between the hours of 9:00 a.m. to 5:00 p.m.; and, between the hours of 9:00 a.m. and 8:00 p.m. at Rotary Park, from May 25 to September 15 of each year. From September 16 and May 24, and during operating hours, dogs may be off leash and under voice command. Nothing herein is intended to prohibit the Recreation Commission from creating and maintaining a Dog Park, as defined herein under section 46-1(B), and for establishing rules and regulations governing the operation thereof.

#### § 46-14 Safe Zones.

Pursuant to its authority under 30-A M.R.S.A. 3252, the City does hereby designated the following athletic fields, Parks, playgrounds or recreational facilities as a "safe zone" under 17-A M.R.S.A. 1101(23):

- (1) Rotary Park (includes entire parcel from Main Street to the Saco River).
- (2) Doran Field.
- (3) St. Louis Field (entire fenced in area)
- (4) Waterhouse Field
- (5) Mayfield (including all baseball and softball fields, and tennis courts)
- (6) Clifford Park (playground that abuts Pool Street, including tennis and basketball courts)
- (7) Biddeford Pool Bathhouse/Gilbert Boucher Park
- (8) J. Richard Martin Community Center Playground
- (9) The Arena (Biddeford Ice Arena)
- (10) Williams Court Park
- (11) Mechanics Park
- (12) Shevenell Park
- (13) Liberty Park
- (14) Pierson's Lane Community Park

The Commissioner of Public Safety has approved the following wording to be used on a safe zone informational sign under the Maine Revised Statutes, Title 30-A § 3253:

**DRUG-FREE**  
**SAFE ZONE**  
**INCREASED PENALTIES FOR DRUG CRIMES**  
**COMMITTED WITHIN THIS ZONE**  
**(17-A, M.R.S.A. CHAPTER 45)**

§ 46-15 Enforcement.

The Director and his or her subordinate employees shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter. In addition, the Code

Enforcement Officer and the members of the Biddeford Police Department shall also have the authority to enforce the provisions of this chapter.

§ 46-16 Violations and penalties.

Any person, firm or corporation violating any provisions of this chapter, upon conviction thereof, shall be fined in an amount not exceeding \$100. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

## Section 1. Establishment.

There is hereby created and established the City of Biddeford Police Advisory Committee ("BPAC") comprised of five (5) members, plus one (1) officer or member of the Biddeford Police Department who shall serve as an ex-officio member, and one (1) alternate member who shall serve in the absence of a regular member. All members shall be citizens of the City of Biddeford and reside within the corporate limits of the City of Biddeford, with the exception of the ex-officio member who may reside outside of the City. In appointing members to the BPAC, the Mayor and City Council shall seek to appoint members from a cross-section of all citizens. The BPAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council.

## Section 2. Purpose.

The purpose of the BPAC is to provide an organized forum for two-way communication between the Biddeford Police Department and the community. Responsibilities shall include:

- (1) Make recommendations, where appropriate, to the City Council and police department on substantive policy issues, with the goal of improved police services. "Substantive" issues are defined as matters of major or practical importance to all concerned. It shall not include personnel issues involving individual members or officers of the police department or daily police operational enforcement and implementation.
- (2) Assist in identifying potential police department community partnerships to address public safety related issues within the community.
- (3) Identify community resources and support for public safety activities (such as parking and traffic) and give input to the City Council and the police department regarding perceived effectiveness.
- (4) Receive information and comments from citizens at the Committee's public forum meetings regarding public safety issues.
- (5) Make reports to the City Council at such times as may be requested by the City Council or as the BPAC determines is necessary.

## Section 3. Membership.

Members shall be appointed by the Mayor and confirmed by a majority of the City Council for staggered three-year terms. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A vacancy is created upon the death or written resignation to the BPAC Chair or upon the vote of the City Council to remove a member. Members of the BPAC shall serve without pay and at the discretion of the City

Council. The Biddeford Police Chief, or his or her designee, shall serve as the administrator advisor and ex-officio member and shall provide assistance to the BPAC.

#### Section 4. Organization.

The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three members. The Chair shall be counted in determining a quorum and shall have one (1) vote.

The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one (1) vote.

The ex-officio member of the BPAC is a nonvoting member and shall serve in an advisory capacity.

The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.

A quorum consisting of three (3) members shall be necessary to take any BPAC action authorized or required by this article. An issue shall carry by a majority of those present and voting.

Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.

The BPAC may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provision of this article.

#### Section 5. Meetings.

Regular meetings of the Biddeford Police Advisory Committee shall be established by the BPAC. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Prior notice of any change in meeting date, time or place shall be provided to all members, the public, and the administrative staff forty-eight (48) hours in advance of said meeting.

All regularly scheduled and special meetings shall have an agenda approved by the Chair.

## Section 1. Establishment.

There is hereby created and established the City of Biddeford Fire Advisory Committee ("BFAC") comprised of five (5) members, plus one (1) officer or member of the Biddeford Fire Department who shall serve as an ex-officio member, and one (1) alternate member who shall serve in the absence of a regular member. All members shall be citizens of the City of Biddeford and reside within the corporate limits of the City of Biddeford, with the exception of the ex-officio member who may reside outside of the City. In appointing members to the BFAC, the Mayor and City Council shall seek to appoint members from a cross-section of all citizens. The BFAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council.

## Section 2. Purpose.

The purpose of the BFAC is to provide an organized forum for two-way communication between the Biddeford Fire Department and the community. Responsibilities shall include:

- (1) Make recommendations, where appropriate, to the City Council and fire department on substantive policy issues, with the goal of improved fire services. "Substantive" issues are defined as matters of major or practical importance to all concerned. It shall not include personnel issues involving individual members or officers of the fire department or daily fire operational enforcement and implementation.
- (2) Assist in identifying potential fire department community partnerships to address public safety related issues within the community.
- (3) Identify community resources and support for public safety activities (such as fire prevention and emergency medical services) and give input to the City Council and the fire department regarding perceived effectiveness.
- (4) Receive information and comments from citizens at the Committee's public forum meetings regarding public safety issues.
- (5) Make reports to the City Council at such times as may be requested by the City Council or as the BFAC determines is necessary.

## Section 3. Membership.

Members shall be appointed by the Mayor and confirmed by a majority of the City Council for staggered three-year terms. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A vacancy is created upon the death or written resignation to the BFAC Chair or upon the vote of the City Council to remove a member. Members of the BFAC shall serve without pay and at the discretion of the City Council.

The Biddeford Fire Chief, or his or her designee, shall serve as the administrator advisor and ex-officio member and shall provide assistance to the BFAC.

#### Section 4. Organization

The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three members. The Chair shall be counted in determining a quorum and shall have one (1) vote.

The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one (1) vote.

The ex-officio member of the BFAC is a nonvoting member and shall serve in an advisory capacity.

The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.

A quorum consisting of three (3) members shall be necessary to take any BFAC action authorized or required by this article. An issue shall carry by a majority of those present and voting.

Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.

The BFAC may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provision of this article.

#### Section 5. Meetings.

Regular meetings of the Biddeford Fire Advisory Committee shall be established by the BFAC. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Prior notice of any change in meeting date, time or place shall be provided to all members, the public, and the administrative staff forty-eight (48) hours in advance of said meeting.

All regularly scheduled and special meetings shall have an agenda approved by the Chair.

*This is being provided as a reference only for the discussion of the Police and Fire Advisory Committees*

City of Biddeford, ME  
Thursday, December 1, 2016

## Chapter 58. Solid Waste

### ARTICLE VI. SOLID WASTE ADMINISTRATION

#### DIVISION 1. GENERALLY

##### Sec. 58-161. Title.

This article shall be known as the "City of Biddeford, Maine, Solid Waste Administration Ordinance."

##### Sec. 58-162. Legislative authority.

This article is enacted pursuant to the authority granted in 30-A M.R.S.A. §§ 2101, 3001 and 3002 and 38 M.R.S.A. §§ 1304-B and 1305.

##### Sec. 58-163. (Reserved)

##### Sec. 58-163.1. Solid Waste Management Commission.

(a) Mission.

- (1) The Solid Waste Management Commission is created by the Council of the City of Biddeford to facilitate the development and implementation of the City's comprehensive waste management program and coordinate the efforts of the several departments in the City that address the municipal waste issues.
- (2) The Commission is further charged with the operation and maintenance of the provisions of this article.
- (3) The Commission shall report to the Mayor and Council upon a periodic basis.

(b) Membership.

- (1)

The Solid Waste Management Commission shall be composed of nine members. Of the nine voting members, two shall be Councilors. A 10th and nonvoting member shall be a School Department representative who shall be nominated by the Superintendent and confirmed by the School Committee. All other members are to be nominated by the Mayor and confirmed by the City Council.

[Amended 9-3-2013 by Ord. No. 2013.73; 4-1-2014 by Ord. No. 2014.27]

- (2) The voting members shall be registered voters and residents of the City of Biddeford.
- (3) The Commission Chairman shall be appointed by the Mayor.
- (c) Terms.
  - (1) The members of the Solid Waste Management Commission shall serve three-year terms and may serve additional terms upon nomination and reappointment.
  - (2) The initial membership shall be appointed for staggered terms in order that a stabilized organization remain in place as much as possible. Initial terms will be:
    - a. Councilors serve two years;
    - b. Two members initially appointed for one year;
    - c. Two members initially appointed for two years;
    - d. Two members initially appointed for three years.
  - (3) Whenever a vacancy occurs in the membership, a replacement member shall be appointed to fill the unexpired term of the vacancy.
  - (4) Members may be removed from the Commission by the Council, upon recommendation by the Commission Chairman to the Council, for reasons to include:
    - a. Inability to attend scheduled meetings;
    - b. Continual conflicts of interest;
    - c. Inability to function with the group process.
- (d) Organization.
  - (1) The Solid Waste Management Commission shall be composed of the following standing subcommittees, membership and Chair to be appointed by the Chairman of the Commission:
    - a. Municipal solid waste: addressing issues of transportation and handling of municipal solid waste.
    - b. Recycling: addressing issues of recycling.
    - c. Transfer station: addressing transfer station issues.
    - d. Wastewater Commission relations: to coordinate Wastewater Commission issues as relating to waste management.

- (2) These subcommittees shall research issues and provide reports as needed by the Chairman of the Commission to fulfill the Commission's mission and long-term goals.
  - (3) The Chairman may appoint additional committees as necessary to fulfill the mission and long-term goals of the Commission.
- (e) Relation with other commissions, committees, etc.
  - (1) With the establishment of this Commission, all other waste management committees are abolished and their functions incorporated in this Commission.
  - (2) This Commission may interact with other commissions, boards, committees and City departments as needed to fulfill its mission and long-term goals.

**Sec. 58-164. through Sec. 58-185. (Reserved)**

## Delivery of Unsolicited Items Ordinance (Outline)

1. Purpose and definition of need: to prevent unwanted items being delivered to properties in the communities; prevent litter, damage to personal property, etc.
2. License requirement: all person and/or company desiring to deliver unsolicited items through personal delivery into driveways, yards, the public right of way and/or other means than personal delivery to the household/business entrance via doorway shall be required to have a valid license from the city.
  - 2.1. Application process: apply city clerk, issued administratively (no council action required)
  - 2.2. Annual fee: small fee to cover administration cost of issuing license and maintaining list (\$50 to \$100 suggested)
3. Regulations:
  - 3.1. Must notify annually all served of 'opt out provision'
  - 3.2. Must not deliver to those 'opt out' requested
  - 3.3. Must remove all delivered but not removed from the ground within forty eight (48) hours
  - 3.4. Use reasonable efforts to minimize on ground deliveries at multi-family, multi-business locations
  - 3.5. City notification process of violations to be articulated for correction twenty four (24) hour notice
4. Violations and Penalties
  - 4.1. Initial alleged violation(s): notification to correct within twenty four (24) hours
  - 4.2. Repetitive violations: defined by xx complaints/violations within a rolling three (3) month period *suggestion is five or more* \$100 fine per incident during the previous three months.
  - 4.3. Failure to cure repetitive violation: after the tenth (10) violation in any calendar year, city can use resources to remove the violation and bill the license holder directly for the cost of removal of the violation
  - 4.4. Revoke business license: the city may, after hearing before City Council, revoke the business license to operate for continued violations (*in excess of ten (10) per year*)
  - 4.5. Failure to obtain license: any person(s) that fails to obtain a license according to this chapter and delivers in violation of ordinance shall be fined not less than five hundred dollars (\$500) or twenty dollars (\$20) per location delivered to, whichever is greater.
5. Opt out provision: the city will keep and maintain the list of residences and business that desire to not receive such deliveries
  - 5.1. List will be dynamic and maintained in real time
  - 5.2. List will be publicly available and electronically accessible by license holders at all times.

- 6. Renewal of license: shall be administratively granted annually unless
  - 6.1. Written complaint is filed with the City by any person(s)
  - 6.2. More than ten (10) violations are alleged to have occurred during the year
  - 6.3. If not granted administratively, shall be granted by City Council, after public hearing and determination if
    - 6.3.1. The allegation(s) in the complaint have been found to be without merit and/or are reasonably corrected (or expected to be corrected) or
    - 6.3.2. The violations that have occurred in the past are not expected to occur in the future
  - 6.4. City Council may issue a temporary license for a period of time less than a year
- 7. Miscellaneous Provisions:
  - 7.1. Severability
  - 7.2. Fees, fines to be returned to city (not kept by court)
  - 7.3. Reasonable attorney costs to be also paid to city for violations that have been determined by the court system to be valid
  - 7.4. Non-payment of outstanding fines, fees and/or court orders shall be justification for non-issuance of license to operate under this chapter.