

City of Biddeford
Policy Committee
December 10, 2018 6:30 PM Council Chambers

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustments to the Agenda**
- 4. Acceptance of Minutes**
 - 4.1. September 10, 2018 Policy Committee Meeting Minutes
[9-10-2018 Policy Committee Minutes.doc](#)
- 5. Discussion/Review**
 - 5.1. Ch. 18, Buildings and Building Regulations, Article II-Buildings/Add New Section, 18-26 et al. - Registrations and Inspections
[Ch. 18 - Buildings-Registrations and Inspections.doc](#)
 - 5.2. Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Cardinal Lane
[No Parking Cardinal Lane.doc](#)
 - 5.3. Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Lily Pond Avenue
[No Parking Lily Pond Avenue.doc](#)
 - 5.4. Ch. 42, Motor Vehicles & Traffic/Sec. 42-100-Disability Parking/Time Restrictions for On-Street Parking
[Disability Parking - Double Time Limits.docx](#)
 - 5.5. Delinquent Property Tax Policy - Revisions
[Delinquent Property Tax Policy-REVISED.doc](#)
 - 5.6. Ch. 42, Motor Vehicles & Traffic/Sec. 42-59-Snow Emergency Parking Ban/Addition of Parking Lots
[Snow Emergency Parking-Add All City Lots.docx](#)
- 6. Adjourn**

City of Biddeford, Maine
Policy Committee Meeting
Monday September 10, 2018

Minutes

1. **Roll Call** – Meeting called to order at 6:30 p.m. by Policy Committee Chair councilor Marc Lessard. Other Policy Committee members present were: Councilor Norman Belanger and Councilor Laura Seaver; members Renee O’Neil and Nathan Bean.
2. **Pledge of Allegiance** – The American flag was honored through the Pledge of Allegiance.
3. **Adjustments to the Agenda** – No adjustments.
4. **Acceptance of Minutes:** Chair accepted the minutes of the August 13, 2018 meeting, without objection.
5. **Discussion/Review**

5.1 Ch.42, Motor Vehicles and Traffic, Sec.42-90 – No Parking/add on Yale Street.

The Committee considered the following language:

2018. IN BOARD OF CITY COUNCIL...

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

Pool Street, both sides, from the intersection with Hills Beach Road, thence easterly to the Kennebunkport Town line.

NOTE: Chief Beaupre requested that this Order receive passage by the Council as an Emergency measure, for reasons of Public Safety.

Motion by SEAVER and seconded by BELANGER to approve this Oder as printed, and to forward the Order to the City Council with a recommendation for Adoption as Emergency due to Public Safety reasons. Vote: unanimous.

5.2 Ch.42, Motor Vehicles and Traffic, Sec.42-1 – LOADING ZONE.

2018. IN BOARD OF CITY COUNCIL...

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article I - IN GENERAL, **Section 42-1** Definitions, is amended by adding or ~~deleting~~ to read as follows:

LOADING ZONE A parking area reserved exclusively for use in the active loading or unloading of a vehicle that is displaying commercial, apportioned, or other commercial vehicle registration plates, or with a permit issued by the Chief of Police for that purpose.

Motion by BELANGER and seconded by ONEIL to approve this Order as printed, and to forward the Order to the City Council with a recommendation for Adoption. Vote: unanimous.

5.3 Policy Review: Sewer Abatement Policy - Hardship

9-10-2018 Policy Committee Briefing Memo – Sewer Abatement Policy – Update
8-13-2018 Sewer Abatement Policy – Attachment 1 .docx
9-10-2018 Sewer Abatement Policy – Attachment 2 - Revised

Motion by SEAVER and seconded by BELANGER to approve this Order.

DISCUSSION:

The Committee reviewed the update from the August Policy Committee Meeting as submitted by COO Brian Phinney regarding the above captioned Attachments, and more specifically, Abatements due to Hardship.

Mr. Phinney was queried as to the current process for Sewer Abatement, and his reply was that the current policy is silent on hardships therefore hardship, by default, is a basis for an appeal. The difficulty with this type of abatement is that it requires a review of confidential information and there is no process for the Wastewater Commission to conduct such an evaluation. Currently, unpaid fees go to sewer lien. This process will not change. Regarding abatements, Mr. Phinney presented three options for consideration: Option 1 is to do nothing; Option 2, use the existing G.A. (General Assistance) hardship review process; Option 3, Create a new system based on a modification of the Tax Abatement process. Mr. Phinney also advised the Committee that the Waste Water Fund is a separate fund, therefore money must be set aside in consideration of granting Sewer Abatements to cover the loss of revenue.

After the update, Councilor BELANGER expressed his concerns that there is a lack of written criteria as to how much the Abatement is, and how that determination is made by Staff or the Waste Water Commission. Following his statement and further discussion, BELANGER made a motion to AMEND the Order under bullet point "General Criteria", Technical Review Section -

Commission Review, that the determination for the Abatement will be based on its own merits, and the fairness of this determination for Abatement. Motion was seconded by SEAYER. Vote unanimous.

Under further discussion, SEAYER voiced concern that large abatements could overwhelm the GA fund and asked for clarification on residential hardships vs. business PFAs. Mr. Phinney confirmed that businesses would follow the policy as adopted and only residential PFAs would have access to the GA hardship review process. The discussion then proceeded to adding the G.A. (General Assistance) Option to the policy. Moved by BEAN and seconded by SEAYER to add the G.A. option. Vote unanimous.

Under further discussion O'Neil asked for clarification on what happens if they do not qualify under the GA process. Mr. Phinney confirmed that anyone is eligible to set up a payment plan with the Finance Department. Also, the sewer lien process takes approximately 18 months so this would allow a reasonable amount of time for repayment.

Motion by BELANGER and seconded by SEAYER to accept the REVISED Order, as Amended, and to forward the Amended Order to the City Council with a recommendation for Adoption. (NOTE: Mr. Phinney is to write the amended language to the Order prior to it being sent to City Council for approval)

Indulgence request by Councilor Lessard.

Councilor Lessard asked for consideration by the Committee to deviate from the normal committee approval process and to forward the following Order addressing No Parking on Cathedral Oaks directly to the City Council for its consideration and approval.

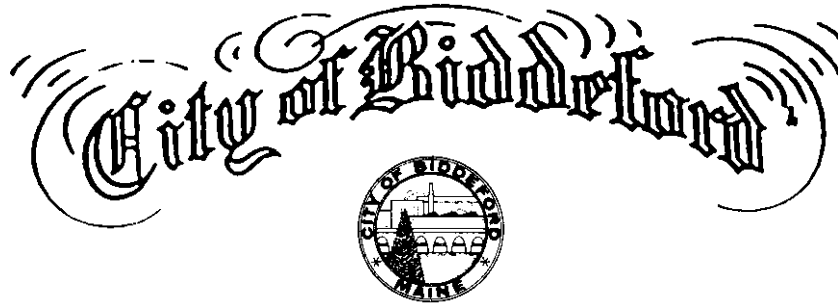
2018. IN BOARD OF CITY COUNCIL...

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

Cathedral Oaks Drive, odd-numbered side, beginning at the southeast corner of the intersection with Indian Ridge Drive, at the four way intersection of Cathedral Oaks Drive, Alexander Drive, and Indian Ridge Drive, thence southerly for a distance of ~~60~~ 75 feet.

Motion by SEAYER and seconded by BELANGER to grand approval this Oder, and to forward the Order to the City Council with a recommendation for Adoption. Vote: unanimous.

6. Adjourn – *Motion by SEAYER and seconded by BEAN to adjourn at 6:57 p.m. Vote unanimous.*



BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 18, Buildings and Building Regulations, Article II Buildings, **Section 18-26 et al - Registrations and Inspections**, be amended by adding the following:

Article II: BUILDINGS

DIVISION 1: REGISTRATIONS & INSPECTIONS

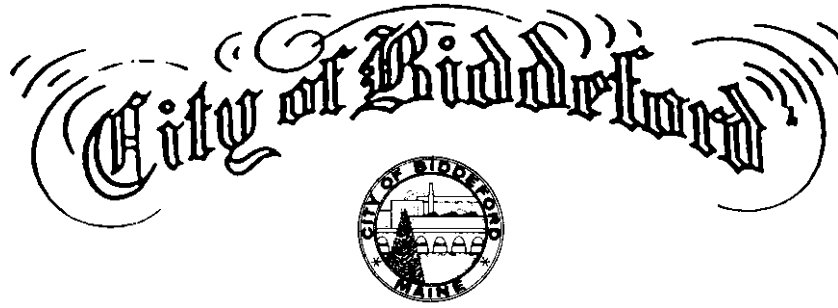
§ 18-26 Purpose.

The City intends to hold owners of multifamily dwellings accountable and responsible for the maintenance of safe living conditions by establishing a multifamily dwelling unit registration and inspections program. Many owners form limited liability companies and other various forms of proprietorships in order to have undisclosed and unidentifiable principals. Many individuals no longer have landlines and communicate mainly with cell phones which are mostly unlisted. This makes the effort to locate the person(s) who owns the property extremely difficult and very time consuming. By requiring the disclosure of ownership, it provides a transparency to the citizens of Biddeford and enables City officials to perform their duties. The City intends to improve safety and sanitary living conditions for the residents of multifamily dwellings by establishing a program of regular inspections of such properties through its Code Enforcement Office. The City seeks to assure properties come into compliance with current life safety codes and standards, and that owners are alerted to any detrimental conditions that could place tenants at risk. The City intends to work cooperatively and proactively with owners of such properties by setting a protocol for regular inspections, as well as providing owners with clear standards for maintenance of their properties.

§ 18-27 Definitions.

As used in this article, the following terms shall have the meanings indicated:

DWELLING UNIT



A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

LIFE SAFETY INSPECTION

An inspection performed by the Code Enforcement Office to evaluate the building for compliance with current life safety standards and compliance with the International Property Maintenance Code.

MULTIFAMILY DWELLING

A building containing three or more dwelling units located all within the same structure and under the same ownership.

PROPERTY MANAGEMENT FIRM

Any company responsible for the management of a multifamily dwelling unit and which has access and control over the entire premises.

PROPERTY MANAGER

Any individual responsible for the management of a multifamily dwelling unit and who has access and control over the entire premises.

§ 18-28 Multifamily dwelling unit ownership/registration.

A.

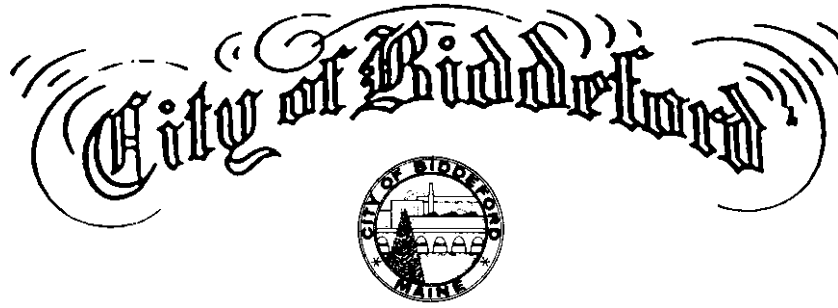
Owner(s) of a multifamily dwelling building shall register their ownership with the City. Registrations are due annually or within 30 days of purchase of the property. If a new owner registers mid-year, they will not be charged unless the inspection is scheduled for that year. The registration is valid through the calendar year.

B.

Registrations will be done through the Code Enforcement Office. All fees shall be made payable to the City of Biddeford and shall be processed at the submission of the registration.

C.

In the event the owner uses a property management firm or has a property manager, the owner shall provide the property manager's or property



management firm's contact information at the time of registration. If the property management changes during the twelve-month registration period, the owner shall notify the City within 30 days of the date of the change.

D.

The annual registration and inspection fee is \$25.00 per dwelling unit.

(E)

Newly constructed multifamily dwelling units/buildings shall be exempt from inspection requirements for 10 years from the date of issuance of the certificate of occupancy.

§ 18-29 Inspections.

A.

Life safety inspections for all multi-families shall be completed every 5 years. The owner will be notified at the time of registration if the inspection will be completed that year, or a later year. Once a property has been inspected, it will not be re-inspected for five years thereafter, unless there is just cause.

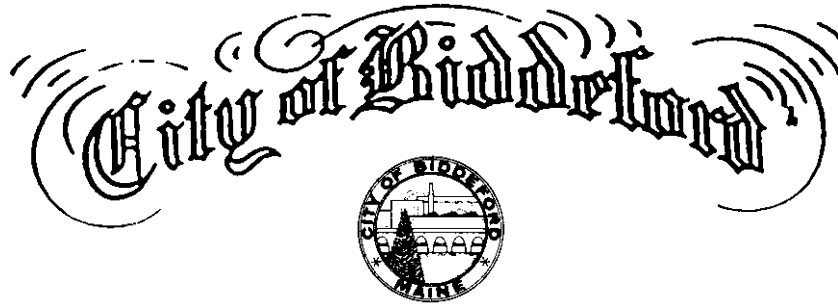
B.

Upon two weeks of notice, the owner shall grant the Code Enforcement Office full access to the property during the life safety inspection. This shall include, but not be limited to, each dwelling unit, all common areas, all basements, all outbuildings, and any other area of the property the Code Enforcement Officer deems necessary to inspect.

§ 18-30 Violations and enforcement.

A.

The Code Enforcement Office shall have the primary responsibility for enforcement of this article. If the Code Enforcement Officer, or his/her designee(s), determines that a violation of this article has occurred, he or she shall send a notice to the property owner indicating a violation exists, and a time



frame for remediation shall be established. Subsequent violations of this article shall be subject to the penalties set forth below.

B.

Violations are as follows:

(1)

Failure to register shall result in a penalty fee of \$250 assessed for each calendar day after that date until such time the registration fee and all penalty fees are paid in full.

(2)

Failure to update property management/owner contact information shall result in a penalty fee of \$250 for each calendar day after the date the owner was required to notify the city until such a notice is given and all penalty fees are paid in full.

(3)

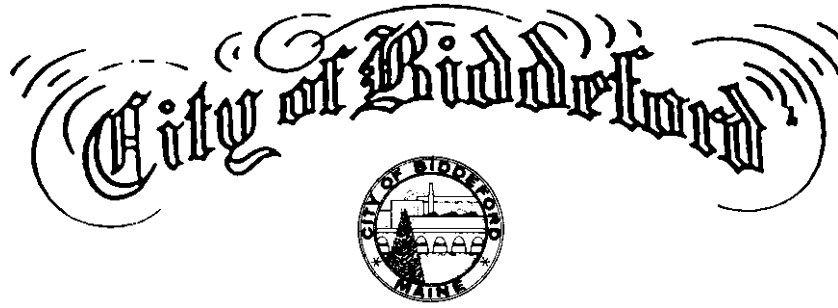
Providing false information shall result in a penalty fee of \$1,000 for each calendar day after such information was provided until such time as the information is corrected and all penalty fees are paid in full.

(4)

Failure to allow the Code Office to conduct the inspection shall result in a fee of \$1,000 for each day until the inspection is complete.

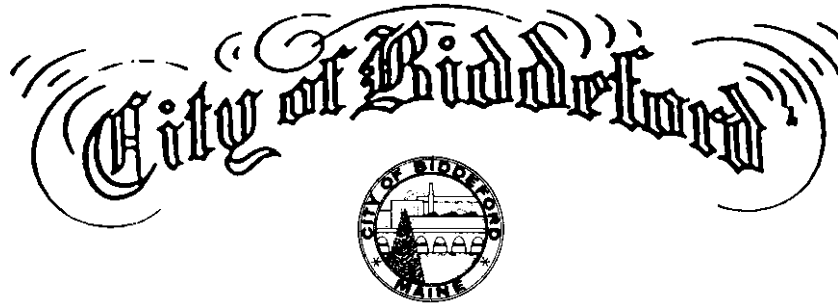
(5)

Renting a unit that has not been registered shall result in a fee of \$250 for each calendar day after the unit was rented until such time the registration fee and all penalty fees are paid in full.



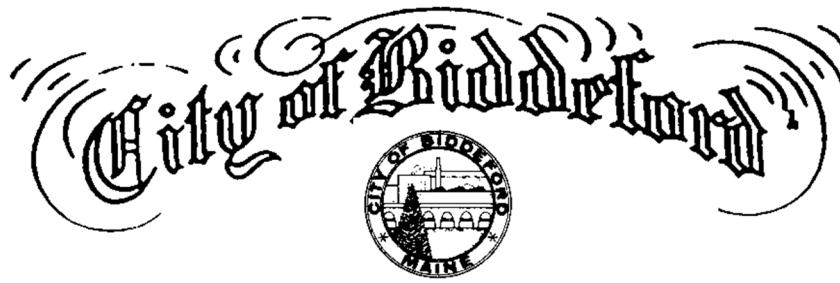
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

Cardinal Lane, odd-numbered side, from the intersection with Marial Avenue to dead end.



BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

Lily Pond Avenue, both sides, from the intersection with Fortunes Rocks Road, both entrances, entire street.



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IN BOARD OF CITY COUNCIL...NOVEMBER 26, 2018

BE IT ORDERED, by the Downtown Committee of the City of Biddeford that Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV, Specific Street Regulations, **Section 42-100 Disability Parking**, is amended by adding or ~~deleting~~ to read as follows::

Sec. 42-100 Disability Parking

- (a) In addition to those areas listed below, and designated as disability parking, the Chief of Police is authorized to temporarily designate an area as reserved for "disability parking" in order to meet special needs and circumstances. The enforcement of these spaces would be consistent and pursuant to the provisions under Section 42-51(a). All such designated disability parking shall remain in effect for not longer than 72 hours.

The following locations are designated for disability parking only:

Adams Street, odd-numbered side, in front of 25 Adams Street, three spaces between 8:00 a.m. and 4:00 p.m. only on those days that District Court is open to conduct regular business

Birch Street, odd-numbered side, beginning at a point 30 feet east from the northeast corner of Graham Street, thence southeasterly for a distance of 44 feet, with a time limit of 20 minutes

Community Center Parking Lot, back end corner of Clark Street and Prospect Street, as posted

Foss Street, odd-numbered side, 26 feet from the intersection of Foss/Pool Street, one space

Graham Street, odd-numbered side, beginning at a point 20 feet northeasterly from the intersection with Harding Street, thence northeasterly for a distance of two parking spaces.

Graham Street, two spaces, easterly side, in front of the United Church of Christ, Congregational, transept (or annex) entrance

Hill Street, even-numbered side, in front of the Park and Recreation building, one space

Lester B. Orcutt Boulevard, even -numbered side, beginning at a point 20 feet east of the intersection with First Street thence easterly for a distance of 50 feet, St. Brendan' s Chapel Mass times only: Saturday and Sunday, from May 1 to October 31.

Lincoln Street, even-numbered side, beginning at a point 50 feet from the intersection of Main Street and Lincoln Street curblines, thence northerly, for one handicap parking space

Main Street, even-numbered side, beginning at a point 47 feet west from the northwest corner of the intersection with Laconia Street, thence northwesterly for a distance of one parking space

Main Street, even-numbered side, one space in front of the Biddeford Savings Bank

Main Street, odd-numbered side, beginning at a point 61 feet west from southwest corner of the intersection with Alfred Street, thence westerly for a distance of one parking space

Main Street, odd-numbered side, beginning at a point 62 feet southwest from the intersection with Alfred Street, thence northwesterly for a distance of 21 feet

Main Street, one parking space in front of 205 Main Street, beginning at a point 36 feet from the intersection of Main and Adams Street curblines, thence northwesterly for one handicap parking space

Main Street, one space in front of McArthur Library, located at 270 Main Street

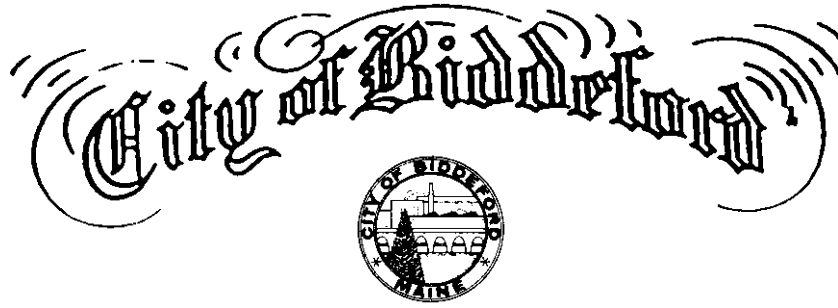
Shevenell Court, odd-numbered side, beginning at a point 50 feet southeast of the intersection with Green Street, thence southeasterly for a distance of 22 feet

Vines Landing, one space reserved for disability parking

Washington Street, odd-numbered side, beginning at a point 20 feet southeast from the intersection with Main Street, thence southwesterly for a distance of 43 feet, two parking spaces

- (b) The Biddeford School Committee shall by resolve, designate parking areas that are in or on the property owned by the City, and under the jurisdiction and control of the Biddeford School Department, as "disability parking." All areas so designated must be clearly marked and posted as reserved for disability parking, and shall be enforced by the Police Department pursuant to the provisions of Section 42-51. An attested copy of the adopted resolution shall be forwarded to the Police Department for enforcement.

- (c) Except as otherwise established elsewhere in this Chapter a vehicle displaying a disability plate or placard issued in accordance with 29-A M.R.S.A. § 521, shall be allowed to park for double the allotted time limitations imposed under section 42-92 for Downtown Streets. All other posted parking restrictions shall apply.



BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt the following ***Delinquent Property Tax Policy***:

Section I – Purpose

The purpose of this policy is to establish clear and fair guidelines for the collection of delinquent property taxes that reflect State statutes.

Section II – Commercial (including Industrial) and multi-family real property

The Tax Collector shall notify commercial, industrial or multi-family taxpayers when their taxes are overdue and to try to make arrangements for payments of all past due taxes, interest and penalties.

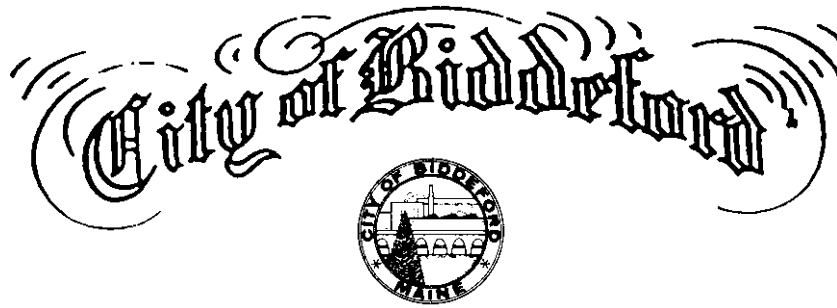
If the taxpayer fails to pay all past due taxes, interest, penalties and costs, sale of the property shall be commenced by a sealed bid process within a reasonable period after automatic foreclosure. Such sale proceedings shall be initiated against all taxpayers with respect to commercial, industrial and multi-family real property who have more than one year of delinquent taxes due, or who have one year of delinquent taxes due which is more than one year in arrears. Any exceptions to the foregoing regarding any individual property shall require approval by vote of the City Council.

Section III – Single-family residential real property

The Tax Collector shall notify taxpayers when their taxes are overdue and try to make arrangements for payments of all past due taxes, interest and penalties.

The Treasurer is authorized to enter into a delinquent tax payment agreement with any taxpayer with delinquent property taxes with respect to the taxpayer's single-family residential property. A taxpayer who desires to enter into a delinquent tax payment agreement must do so within six months of the property becoming tax acquired. A delinquent tax payment agreement shall include:

- The name of the property owner;
- The parcel number of the delinquent tax account;
- The tax years covered under the agreement;
- The payment plan negotiated with the taxpayer;
- A statement clearly stating that the agreement will be voided if a payment is not received as scheduled unless prior agreement is received from the Tax Collector;
- A clear statement that if the agreement is voided the account will immediately become eligible for tax sale or within a reasonable time after automatic foreclosure if automatic foreclosure has not yet occurred; and



- A clear statement that if the agreement is voided the taxpayer forfeits his or her right to enter into a subsequent tax payment agreement.

The payments under any delinquent tax payment agreement shall be at a minimum sufficient to repay all past due taxes, interest, penalties and costs and to bring the taxpayer current with respect to the property within three years of entering into the delinquent tax payment agreement.

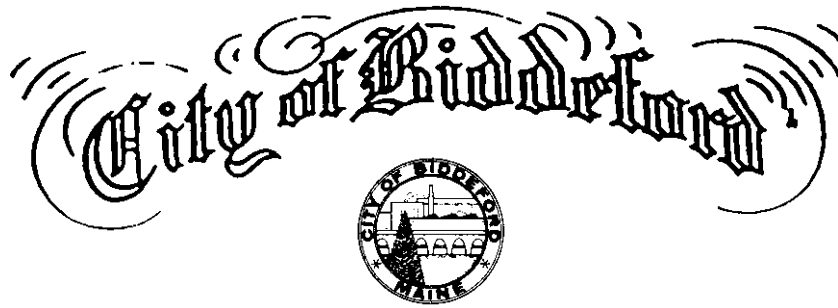
Annually, the Tax Collector shall review all delinquent tax payment agreements to make sure (1) taxpayers who have entered into such agreements are complying with those agreements and (2) the payment terms continue to be sufficient to resolve all outstanding amounts within three years from when the agreement was made.

If there already has been an automatic foreclosure of the single-family residential property, the delinquent tax payment agreement may provide for the conveyance of the property by quit claim deed to the taxpayer but only after all taxes, assessments, liens and other charges, including interest thereon, have been paid and the taxpayer otherwise has complied with all provisions of the agreement.

If for any reason the taxpayer with delinquent property taxes does not enter into a delinquent tax payment agreement or does not enter into such agreement within six months of the property becoming tax acquired, or fails to comply with a delinquent tax payment agreement, and the single-family residential property has become tax acquired, sale of the property shall be ~~commenced by a sealed bid process~~ **commence in accordance with LD1629**. If an automatic foreclosure has not yet occurred, the sale shall be commenced within a reasonable period after automatic foreclosure and in accordance with LD1629. Any exceptions to the foregoing regarding any individual property shall require approval by vote of the City Council.

Policy Implications/Dates

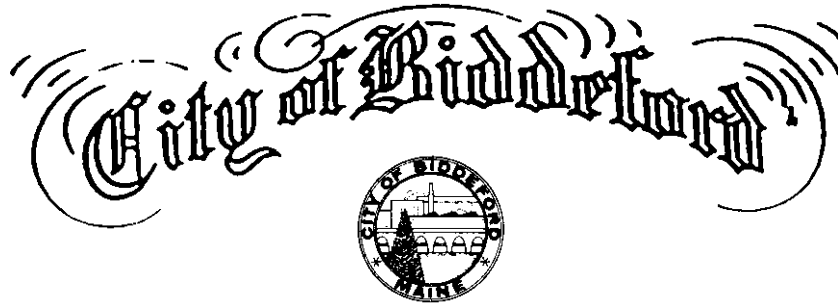
<u>Unpaid tax bill</u>	➤	<u>30-60 days – make contact</u>
<u>Attempt Voluntary Repayment Plan</u>	➤	<u>30-60 days of placement of lien</u>
<u>Tax acquired properties (matured tax liens)</u>		
<u>Commercial</u>	➤	<u>10 – 30 days for repayment</u>
<u>Fails to pay</u>	➤	<u>Commence sale process</u>
<u>Residential in accordance with LD1629</u>		



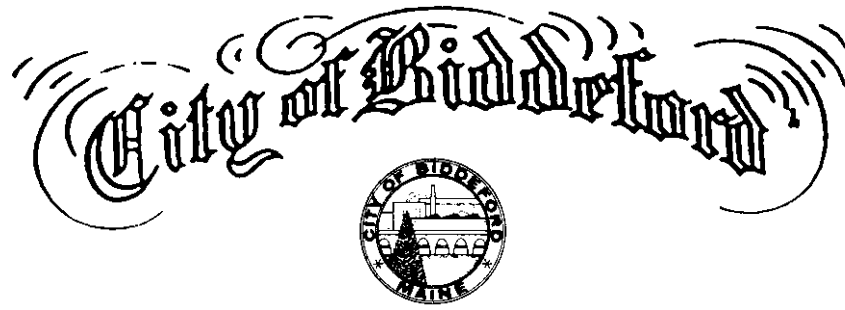
<u>Enter into mandatory repayment plan</u>	➤	<u>Within 6 months of tax acquired</u>
<u>Fails to enter into agreement</u>	➤	<u>Commence sale process in accordance with LD1629</u>
<u>Fails to follow agreement</u>	➤	<u>30 days to cure default</u>
<u>Fails to cure default</u>	➤	<u>Commence sale process in accordance with LD1629</u>

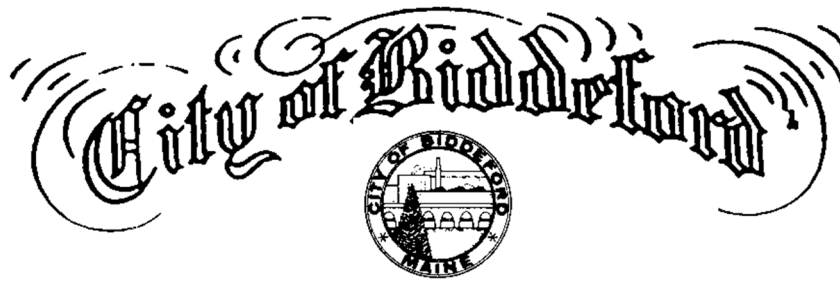
Six month review for compliance

One year review for compliance and to make sure terms still sufficient to resolve all outstanding amounts within 3 years.



<u>State Law/Process</u>		
<u>30-day Notice of lien</u>	➤	<u>9 to 12 months from commitment date (date Assessor commits taxes to Tax Collector, usually a few days after Council sets the budget)</u>
<u>Lien Maturity</u>	➤	<u>18 months from placement of lien</u>
<u>Notice of lien maturing</u>	➤	<u>30-45 days before lien maturity</u>
<u>To avoid losing property (under age 65)</u>	➤	<u>Before lien matures - requires payment of all taxes, costs & interest</u>
<u>To avoid losing property (age 65 and older)</u>	➤	<u>Before lien matures - requires payment of all taxes, costs & interest in accordance with LD 1629</u>
<u>Once Lien Matures (under age 65)</u>	➤	<u>Taxpayer loses property and City becomes owner</u>
<u>Once Lien Matures (age 65 and older)</u>	➤	<u>Taxpayer loses property and City becomes owner in accordance with LD 1629</u>





BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article III, Parking Stopping and Standing, **Section 42-59 Snow Emergency Parking Ban**, be amended by adding or ~~deleting~~ to read as follows:

The following provisions shall apply during snow emergencies as declared by the Director of Public Works:

- (1) When the Director of Public Works deems it necessary to allow for the safe and efficient removal of snow and ice from the public ways within the City, the Director may declare that a snow emergency exists. The Director of Public Works will announce the snow emergency by notifying the local radio and television media, and request that they make periodic announcements of the parking ban. The Director will state in his notice that during the hours of the emergency, parking of motor vehicles is prohibited on any way or municipal parking lot within the jurisdiction of the City, except that the municipal parking lots at the Community Center (Myrtle Street side only) and Clifford Park East Biddeford Little League parking lot (on Hill Street), Public Access parking lot (on Pool Street) and Sullivan Street parking lot, are open for parking during the period of the emergency at no fee, and the, Foss Street Parking Lot, Washington Street Parking Lot, Gas House Parking Lot, and the Water Street Parking Lot are open for parking during the period of the emergency on a pay-per-use permit-only basis.
- (2) For permit-only lots, a permit may be obtained through self-service kiosks, mobile app when available or through the city clerk's office. The form of permit to be displayed shall be the license plate referenced on the valid vehicle registration, appropriately recorded during the permitting process, and properly attached to the vehicle. Municipal parking permit holders must comply with all snow emergency parking ban notices and instructions regardless of the nature of the parking permit.
- (3) A vehicle parked in violation of the declared snow emergency shall be towed at the owner's expense.
- (4) Vehicles parked in the Foss Street and Washington Street, Clifford Park, Community Center, Gas House and Water Street municipal parking lots as authorized by this section must be removed prior to 7:00 a.m. on the day of the end of the snow emergency, and these municipal parking lots may not be used until they have been cleared of snow.