

**Policy Committee Meeting
December 10, 2018**

Committee Chair, Councilor Marc Lessard called the meeting to order at 6:30 p.m.

Members present: Councilors Marc Lessard, Laura Seaver and Norman Belanger; Members Renee O’Neil and Nathan Bean.

The Committee and all who were present recited the Pledge of Allegiance.

Adjustments to the Agenda:

- Disability Parking/Time Restrictions for On-Street Parking to be considered first
- Delinquent Property Tax Policy Revisions to be considered second

Acceptance of Minutes: **September 10, 2018**

Motion by Councilor Belanger, seconded by Councilor Seaver to accept the minutes as printed.
Vote: Unanimous.

Discussion/Review: **Ch. 42, Motor Vehicles & Traffic/Sec. 42-100-Disability Parking/
Time Restrictions for Downtown On-Street Parking**

Sec. 42-100 Disability Parking

~~Except as otherwise established elsewhere in this Chapter Any a vehicle displaying the required 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 without any time limitations imposed under section 42-92 for Downtown Streets. may park in a public way on any street without time limits. All other posted parking restrictions shall apply.~~

Motion by Councilor Seaver, seconded by Councilor Belanger to recommend the ordinance amendment to the City Council.

City Solicitor, Keith Jacques explained that the proposed ordinance amendment is consistent with State Law.

Jules Dennison, Ward 5 resident addressed her concern to the Committee that her issue to have unlimited disability parking near her residence is not on this agenda. She had been led to believe that it would be. Councilor Lessard explained the Ms. Dennison’s request was not intentionally left off the agenda, but the intention is to include it on the January Policy Committee meeting, after the City Solicitor has had a chance to look into the legalities of granting the request.

Motion by Councilor Belanger, seconded by Councilor Seaver to amend the proposed ordinance language by removing “for double the allotted time,” and replacing with, **without any time.**
Vote on amendment: 4/1, with Councilor Lessard in opposition.

Vote on proposed ordinance amendment, as amended: 4/1; with Councilor Lessard in opposition.

Discussion/Review: **Delinquent Tax Policy Revisions**

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Councilor Lessard noted that any reference to LD129 made in the policy will need to be changed to “State Law.”

Motion by Councilor Belanger, seconded by Member Bean to adopt the policy revisions, including the change to ***State Law*** wherever LD1629 is referenced.
Vote: Unanimous.

**Discussion/Review: Ch. 18, Buildings and Building Regulations, Art. II-Buildings/
Add New Section 18-26 et al. – Registrations and Inspections**

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, as long as the annual fee has already been paid for the building. 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 requiring a certificate of occupancy for the entire building 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 ten(10) calendar days which elapse 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 ten(10) calendar days which elapse 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 ten(10) calendar days which elapse after such information was provided until such time as the information is corrected and all penalty fees are paid in full.

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

(5) Renting a unit that has not been registered shall result in a fee of \$250 for each ten(10) calendar days which elapse after the unit was rented until such time the registration fee and all penalty fees are paid in full.

Motion by Councilor Seaver, seconded by Councilor Belanger to recommend the ordinance amendment to the City Council.

Code Enforcement Officer, Roby Fecteau explained that this ordinance is part of the ongoing inspection program of the multi-family homes of three or more units. The first round of inspections of this program has almost been completed, and has been done at no fee to the property owners. Moving forward, subsequent inspections will include a charge to property owners; and penalties have been outlined in this ordinance. \$62,500 is what was budgeted in the FY19 Budget for the second round of inspections.

Motion by Member Bean, seconded by Member O'Neil to amend Sec. 18-28 (A) to include language that the annual fee will not be charged to a new owner, as long as it has already been paid by the prior owner.

Vote on amendment: Unanimous.

Motion by Councilor Belanger, seconded by Councilor Seaver to amend Sec. 18-28 (E) to add language that includes any building requiring a certificate of occupancy for the entire building.

Vote on amendment: Unanimous.

The following amendments were made to Sec. 18-30 – Violations and enforcement (B):

(1) Motion by Councilor Belanger, seconded by Councilor Seaver to amend by adding:

ten(10) calendar days which elapse.

Vote: Unanimous.

(2) Motion by Councilor Belanger, seconded by Councilor Seaver to amend by adding:

ten(10) calendar days which elapse.

Vote: Unanimous.

(3) Motion by Councilor Belanger, seconded by Councilor Seaver to amend by adding:

ten(10) calendar days which elapse.

Vote: Unanimous.

(4) Motion by Councilor Belanger, seconded by Councilor Seaver to amend by replacing the word "Failure" with "Refusal;" and add "for each calendar day."

Vote: Unanimous

(5) Motion by Councilor Belanger, seconded by Councilor Seaver to amend by adding:

ten(10) calendar days which elapse.

Vote: Unanimous.

Vote on ordinance amendment, as amended: Unanimous.

Discussion/Review: Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Cardinal Lane

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.

Motion by Councilor Seaver, seconded by Member Bean to recommend the ordinance amendment to the City Council.

Vote: Unanimous.

Discussion/Review: Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Lily Pond Avenue

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.

Motion by Councilor Seaver, seconded by Member Bean to recommend the ordinance amendment to the City Council.

Vote: Unanimous.

Discussion/Review: Ch. 42, Motor Vehicles & Traffic/Sec. 42-59-Snow Emergency Parking Ban/Addition of Parking Lots

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.

Motion by Councilor Belanger, seconded by Councilor Seaver to recommend the ordinance amendment to the City Council.

Vote: Unanimous.

Motion by Councilor Seaver, seconded by Councilor Belanger to adjourn.

Vote: Unanimous.

Time: 7:22 p.m.