

City of Biddeford
Policy Committee
August 14, 2017 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. June 12, 2017 Policy Committee Meeting Minutes
[6-12-2017 Policy Comm Meeting Minutes.doc](#)
- 5. Discussion/Review**
 - 5.1. Ch. 42, Motor Vehicles & Traffic/Sec. 42-89-Stop Intersections/Add at Mile Stretch Road and Lester B. Orcutt Blvd
[Stop Sign-Mile Stretch and LB Orcutt.doc](#)
 - 5.2. Ch. 42, Motor Vehicles Traffic/Sec. 42-90 - No Parking/Add: No parking within 2 feet of private driveway, gate or entrance
[No Parking Driveway or within 2 feet.doc](#)
 - 5.3. Delivery of Unsolicited Printed or Written Materials Ordinance
[Delivery of Unsolicited Items Ordinance-August 2017.docx](#)
- 6. Adjourn**

City of Biddeford, Maine
Policy Committee Meeting
Monday June 12, 2017

Minutes

1. Roll Call – Meeting called to order at 6:30 p.m. by Policy Committee Chair councilor Michael Ready. Other Policy Committee members present were: councilor Laura Seaver and members Nathan Bean and Renee O’Neil. Councilor Norman Belanger was excused. Present by invitation was City Attorney Keith Jacques.

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: *Motion by SEAVER seconded by BEAN to accept the minutes of the May 22,, 2017 meeting as printed. Vote unanimous.*

5.1. Discussion/Review: Delivery of Unsolicited Items.

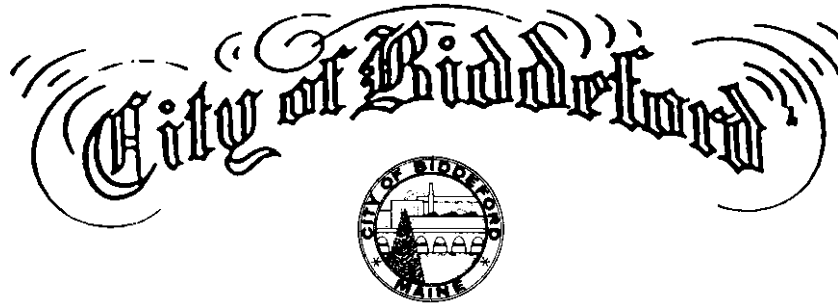
The Policy Committee entertained a question and answer period with City Attorney Keith Jacques regarding the Delivery of Unsolicited Items.

Several questions and key points were raised by the Committee, and by Keith Jacques, some of which included:

- Can the city limit the delivery of newspapers as to where they are dropped?
- Since the practice of newspaper delivery has been allowed to go on so long, it becomes more difficult for the city to force a change in that practice.
- Any ordinance that could be interpreted as prohibiting free speech is problematic.
- Possible ordinance could be implemented that controls mechanism by which it is delivered, vs. an outright ban.
- Opt in versus an Opt out option was discussed, with the Opt out option being viewed as least negative impact on the public.
- Discussed enacting an ordinance that would incorporate a requirement that newspapers are picked up after a specific amount of time after delivery; or, no delivery after an accumulated of papers that are left behind.
- Implementation of language to would ban delivery during a snow ban parking.

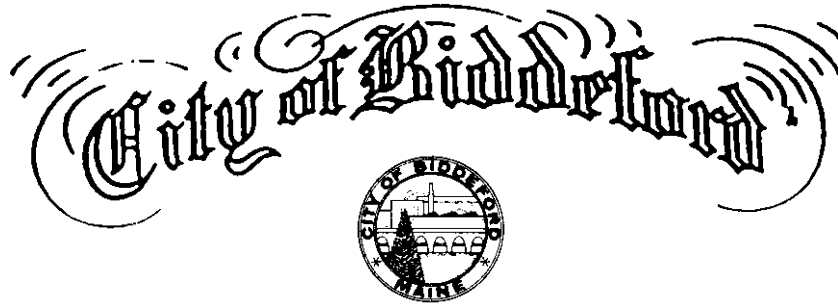
Attorney Jacques was charged with crafting an ordinance that would address some of these points, and certain one that would include the acceptable method of delivery, and one that would insure the pick up of any papers that are left on the streets, sidewalks, and entrances to property. The Committee took no formal vote on this issue.

6. Adjourn – *Motion by SEAVER and seconded by ONEIL to adjourn at 7:25 p.m. Vote unanimous.*



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 42-89** Stop intersections, be amended by adding or ~~deleting~~ to read as follows:

Mile Stretch Road at Lester B. Orcutt Blvd.



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:

A person may not park a motor vehicle or allow a motor vehicle under that person's control to remain parked on a public highway in a manner that blocks the entrance to a private driveway, gate, or entrance to a place of business or within two (2) feet thereof, without the permission of the owner of that private driveway, gate, or entrance to a place of business.

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances,
CHAPTER ____, _____, Article ____, _____:

Delivery of Unsolicited Printed or Written Materials

Sec. ____ Purpose and Intent: The purpose of this Article is to protect the rights of Biddeford residents and property owners who desire not to receive unwanted printed or written materials, whether commercial or noncommercial in nature, including unsolicited newspapers. The right of privacy affords citizens the right to determine and limit the materials they will allow to be delivered on their private property. When a resident or property owner affirmatively provides notice that they do not want to receive delivery of unsolicited print or other written materials on their property, to deliver such materials in contravention of such expressed desire is, in effect, a trespass against the resident or property owner.

This Article is intended to ensure and protect the privacy rights of Biddeford residents and property owners on their private property and to deter the accumulation of unsolicited printed or written materials that might signal that a house is unoccupied. It is further intended to prevent littering and protect the aesthetic appearance of the City by reasonable regulation as to the time, place, and manner of the distribution and delivery of unsolicited print or written materials within the community.

Sec. ____ Opt-Out List: The City Clerk shall maintain a list of all residents and property owners, by address, that have filed written notice with the City Clerk requesting that unsolicited print and other written materials not be delivered to their property.

Written notice shall be effective indefinitely until and unless written notice is received from the resident or property owner that they now desire to receive unsolicited print or other written materials. The list shall be revised from time to time as the City Clerk is notified by a resident or property owner that they desire to have their property either removed from or placed on the list. Nothing in this Article shall require the City Clerk to verify the identity of any resident or property owner or to verify any change of ownership, occupancy or control. The City shall not be liable for any errors or omissions on the list. The list shall be maintained by the City Clerk and provided electronically.

Sec. ____ Annual License and Record-Keeping Requirements: No person, organization, business, or other entity, or their agents or representatives, may distribute or deliver any unsolicited print or other written materials upon the property of any City resident or property owner on more than two occasions in any calendar year without first having obtained an annual license from the City Clerk prior to such distribution or delivery. The license application shall be signed and duly acknowledged by an individual, or in the case of an organization, business, or other entity, by the authorized agent or representative who shall agree to accept responsibility for (i) the receipt of the opt-out list of residents and property owners described in section ____ above, and (ii) any notice of violations by delivery persons and carriers with the provisions of this Article.

Applicants shall provide to the City Clerk the name of the print or other written material to be distributed, and the name, address and telephone number of the delivery persons and carriers. Applicants also shall acknowledge that they are required to maintain a list of the names, addresses and vehicle license plate numbers of all delivery persons and carriers distributing or delivering its print or other written material in the City. Upon written request from the City, license holders shall provide the list of delivery persons and carriers to the City within seven (7) days.

Sec. ____ License Renewal: The City Clerk shall administratively renew the license annually upon payment of the annual \$100.00 license fee unless five (5) or more violations of this Article have occurred within the prior calendar year.

If the Applicant has had five (5) or more violations, a hearing before the City Council shall be held to determine if the license shall be renewed. A license holder may continue to distribute print or other written material in accordance with this Article after the expiration of its license until a decision by the City Council denying the license renewal.

The license shall be renewed by the City Council if at the conclusion of the hearing the City Council determines:

1. The violations have been reasonably corrected or are expected to be corrected in the future; and
2. The violations that have occurred in the past are not expected to occur in the future; and
3. An agreement has been entered into that provides relief for the residents or property owners that have been adversely impacted by the license holder.

An annual administrative fee of one hundred dollars (\$100.00) shall be due and payable by December 1 of each year to accompany the license application or renewal. The license may not be issued until all outstanding penalties, fees, attorney fees, court costs, and any other charges have been paid.

Sec. ____ Prohibition of Delivery to Opt-Out Properties: No person, organization, business, or other entity, or their employees, authorized agents or representatives, including but not limited to the authorized agent described in section ____ hereof and their delivery persons and carriers, shall deliver, distribute, throw, cast or place or cause or permit to be delivered, distributed, thrown, cast, or placed any unsolicited print or other written materials of any nature whatsoever upon the premises of any City resident or property owner who has requested that such print or other written materials not be delivered to their property and whose address has been listed with the City pursuant to section ____ hereof.

This section shall not apply to persons, organizations, businesses, or other entities, or their agents or representatives, who distribute or deliver unsolicited print or other written materials upon the property of any City resident on no more than two occasions in any calendar year.

Sec. ____ Delivery in Public Places: No person, organization, business or other entity shall throw, cast or place in or upon any City right-of-way, street, avenue or highway any unsolicited print or other written material, including but not limited to newspapers, handbills, circulars, advertising and cards.

This section shall not apply to public service announcements or notices distributed by the City or a Department of the City. Such announcements or notices shall be placed on the driver's side of the windshield of the vehicle.

Sec. ____ Required Removal from Public Places: Any person, organization, business, or other entity, or their agents or representatives, that delivers or distributes any unsolicited print or other written materials shall collect and remove all of its print or other written materials, from the City right-of-ways, streets, avenues, or highways and all other locations set forth in section ____ within forty-eight (48) hours from the time of delivery.

Sec. ____ Required Removal of Uncollected Items: Any lawfully delivered items that are not collected by the resident or property owner must be removed by the person, organization, business, or other entity distributing such materials within forty-eight (48) hours from the time of delivery.

This section shall not apply to persons, organizations, businesses, or other entities, or their agents or representatives, who distribute or deliver unsolicited print or other written materials upon the property of any City resident or property owner on no more than two occasions in any calendar year.

Sec. _____ Violations and Penalties:

1. Penalties for Violations. Any person, organization, business or other entity that violates any provisions of this Article shall be subject to a minimum penalty of \$100.00 and a maximum penalty of \$2,500.00 per violation. Provided, however, that any person, organization, business or other entity that fails to obtain or renew a license in accordance with this Article shall be subject to a minimum penalty of \$500.00 and a maximum penalty of \$2,500.00 per violation.
2. Revocation of License. The City Council, after notice and hearing may revoke the license of any person, organization, business or other entity that has committed five (5) or more violations of this Article in a calendar year or who has failed to pay any fines, penalties and costs assessed under this Article.
3. Recovery of Costs. In any action that the City initiates to enforce the provisions of this Article, the City if it is the prevailing party shall be entitled to recover its reasonable costs, including attorneys fees and court costs.

Sec. _____ Severability: If any section or provision of this Article is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.