

City of Biddeford

City Council

August 02, 2022 6:00 PM Council Chambers and via Zoom

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/92824675154>

Webinar ID: 928 2467 5154

Passcode: 920818

Or One tap mobile :

US: +16465588656,,92824675154#,,,,*920818# or

+16469313860,,92824675154#,,,,*920818#

Or Telephone:

US: +1 646 558 8656 or +1 646 931 3860 or +1 301 715 Passcode: 920818

International numbers available: <https://biddeford.zoom.us/j/92824675154>

Status: In-Person and via Zoom; Council Chambers; 6:00 p.m.

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1. Roll Call

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

- 3.a. Order 2022.69 - Approval/Biddeford Saco Chamber of Commerce to Serve Alcohol on City Property (Mechanics Park)/Approval of Special Event Permit (Revised Application)

4. Public Hearing

- 4.a. State Liquor License Application:

5. Liquor License Consideration

- 5.a. Lucky Dog Tasting Room DBA Batson River - 17 Lincoln Street
[8-02-2022 Batson River Liquor License App.pdf](#)

6. Voting Ballot:

- 6.a. Maine Municipal Association - Election of Vice President and Executive Committee Members
[8-02-2022 MMA VP and Executive Committee Voting Ballot.pdf](#)

Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)

7. Consideration of Minutes:

- 7.a. July 19, 2022 Council Meeting Minutes
[7-19-2022 Council Meeting Minutes.docx](#)

8. Second Reading: (Public Comment - 3 minute limit)

- 8.a. 2022.57) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-62-Identification and use of municipal parking lots/Changes to City Hall Parking Lot per New Hours
[7-19-2022 City Hall Parking Lot - Changes for new hours.doc](#)
- 8.b. 2022.58) Amendment/Land Development Regulations/Rezoning of 3 Parcels at University of New England to Institutional Zone (IN)
[7-19-2022 UNE Zone Change to IN Zone-ORDER.docx](#)
[7-19-2022 UNE Zone Change to IN Zone-MEMO.docx](#)
[7-19-2022 UNE Institutional Zone Change-Letter of Request.pdf](#)

9. Orders of the Day: (Public Comment - 3 minute limit)

- 9.a. 2022.68) Approval/Heart of Biddeford - River Jam Music Festival 2022 to Serve Alcohol on City Property (Mechanics Park)/Approval of Special Event Permit
[8-02-2022 RiverJam Special Event-Alcohol Service-ORDER.docx](#)
[8-02-2022 RiverJam Liquor License Application.pdf](#)
[8-02-2022 RiverJam-Fringe Fest Special Event Application.pdf](#)
- 9.b. 2022.69) Approval/Biddeford Saco Chamber of Commerce to Serve Alcohol on City Property (Mechanics Park)/Approval of Special Event Permit (Revised Application)
[8-02-2022 Chamber Fest Alcohol Service-Special Event App-ORDER.docx](#)
[8-02-2022 Chamber Fest Special Event Application-REVISED.pdf](#)
- 9.c. Committee-of-the-Whole: Discussion - Bird Scooters - Rental of Stand-Up Scooters in Biddeford
[20220802 Committee-of-the-Whole Bird Scooter - MEMO](#)
[Bird 2022 City Proposal - Biddeford ME](#)
[Pilot Operating Agreement - Bird - Biddeford ME 2022](#)
[Bird Model Ordinance](#)
[Ordinance Example - City of Kinston](#)

10. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)

11. City Manager Report:

12. Other Business: (Councilors' Comments; Updates; Announcements)

13. Council President Addressing the Council: (Councilor Norman Belanger)

14. Mayor Addressing the Council: (Mayor Alan Casavant)

15. Executive Session

15.a. 1 MRSA 405(6)(A)...Personnel Matter

16. Adjourn

pd #210.00 - 7/26/2022

\$10.00 application fee is applicable to all NEW businesses

\$60.00 advertising fee for new liquor license applications is an up-front charge

City of Biddeford
BUSINESS LICENSE APPLICATION

BUSINESS NAME: Lucky Dog Tasting Room DBA Batson River

Business Address: 17 Lincoln Street, Biddeford Maine Map Lot

Mailing Address: 2 Livewell Drive, Suite 201, Kennebunk, ME 04043

Business Telephone Number: 207-985-5132

Email Address: dlennon@blueprintmaine.com

OWNER/OPERATOR: Tim Harrington and Kevin Lord

Home Physical Address: 35 Summer Street, Kennebunk, ME 04043
39 Washburn Drive, Kennebunkport, ME 04046

Home Mailing Address: 2 Livewell Drive, Suite 201, Kennebunk, ME 04043

Home Telephone Number: 1-305-282-1051

Applicant(s) Date of Birth: 08/24/1963 04/22/1976


Applicant's Signature

07/20/2022

Date

Any information provided in this application, which is found to be false, will result in the denial or revocation of this license – per 1 M.R.S.A. 17-A §453.

TYPES OF ENTERTAINMENT:

\$150.00 (single/multiple events)

- ☐ Concert
- ☒ Exhibitions (live performances)
- ☐ Circus/Carnival

☐ Playhouse/Play

- ☐ Indoor Skating Rink
- ☐ Bowling Lanes
- ☐ Theater/Movie House
(plus \$25.00 per screen)
- ☐ Billiard Room(s)

\$150.00 (annual)

- ☐ Public Firing Range
- ☐ Bottle Club

AUTOMOBILE REPAIR AND/OR GRAVEYARD:

- ☐ Automobile Repair Garage for maintenance
- ☐ Automobile Graveyard

\$75.00

\$200.00

PLACES/DEALERS IN PRODUCTS:

\$200.00

- ☐ Secondhand Dealers
- ☐ Dealers in gold jewelry, etc.
- ☐ Antique Dealer

- ☐ Flea Market (for 20 tables; \$5 per add'l table)
- ☐ Junk Dealer/Recycling

\$10.00 application fee is applicable to all NEW businesses
\$60.00 advertising fee for new liquor license applications is an up-front charge

PAWNBROKER: **\$200.00**

VENDOR ON A PUBLIC PLACE: **\$50.00**

ICE CREAM TRUCK VENDOR **\$75.00**

(need to show proof of at least \$500,000 liability insurance)

VENDING ON WATERWAYS **\$100.00**

OPERATING LICENSE:

- ☐ Victualer (no alcohol)-State Cert. Required **\$75.00**
- ☐ Victualer serving beer and/or wine-State Cert. Required **\$100.00**
- ☒ Victualer serving beer, wine and/or liquor **\$150.00**
State Cert. Required
- ☐ Taxicab, motorbus, public automobile **\$50.00**
(plus \$20.00 per vehicle)
- ☐ Massage Establishment/Therapist **\$100.00**
- ☐ Combined Massage Establishment/Massage Therapist **\$150.00**
- ☐ Adult Business **\$2,000.00**
- ☐ Sludge Disposal **\$50.00**

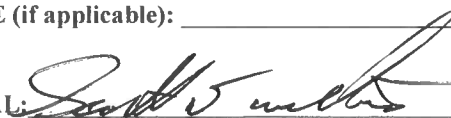
MISCELLANEOUS:

- ☐ Advertising (for liquor licenses) **\$60.00**
- ☐ Newspaper Vending Machines (per machine) **\$10.00**
- ☐ Video Game Devices (up to a max of \$50.00) **\$10.00 (each machine)**

New Business License Application Disclosure: By submitting, signing and paying the applicable \$10.00 application fee (and \$60.00 advertising, when applicable), the issuance of business license in the City of Biddeford is not guaranteed. You will be required to pay the full business license fee(s) once departmental reviews have been completed and an Occupancy Permit has been issued by the Code Enforcement Office.

CITY COUNCIL APPROVAL DATE (if applicable): _____

CODE ENFORCEMENT APPROVAL:
(Occupancy Permit Issued)

 = 7-27-22

CITY CLERK ISSUED: _____ **DATE:** _____



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

Section I: Licensee/Applicant(s) Information;
Type of License and Status

Legal Business Entity Applicant Name (corporation, LLC): Lucky Dog Tasting Room LLC	Business Name (D/B/A): Batson River
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 17 Lincoln Street, Biddeford, ME 04005
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 2 Livewell Drive Suite 201, Kennebunk, ME 04043
Mailing address, if different from DBA address:	Email Address: valerie@atlanticholdings.net
Telephone # Fax #: 207-985-5132	Business Telephone # Fax #:
Federal Tax Identification Number: 83-1060646	Maine Seller Certificate # or Sales Tax #: Applied For
Retail Beverage Alcohol Dealers Permit:	Website address: www.batsonriver.com

1. New license or renewal of existing license? ☒ New Expected Start date: 08/25/2022
☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$ 950,000.00 Beer, Wine or Spirits: \$ 940,000.00 Guest Rooms: _____

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|---|---|
| ☐ Restaurant
(Class I, II, III, IV) | ☒ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

2 Livewell Drive Suite 201

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If **Yes**, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☒ Yes ☐ No

☒ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☒ Yes ☐ No

If yes, please provide details: Kevin Lord is the owner of Lucky Dog Distilling LLC, which provides spirits in the State of Maine.

11. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
Lucky Dog Distilling LLC	SMB-2018-11196	420 Alfred Rd Suite 140 Biddeford, ME

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Kevin Lord	04/22/1976	Springfield, MA
Timothy Harrington	08/24/1963	Lexington, MA

Residence address on all the above for previous 5 years

Name	Address:
Kevin Lord	39 Washburn Kennebunkport, ME
Name	Address:
Timothy Harrington	35 Summer Street Kennebunk, ME
Name	Address:
	16 Island Avenue, Miami Beach, FL
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☒ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

Lincoln Mill MT, LLC

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

See Attached

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Lifeway Christian Church

Distance: 5.20

Section II: Signature of Applicant(s)

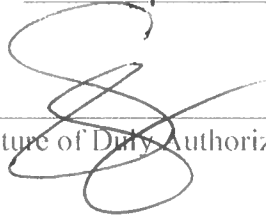
By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: _____

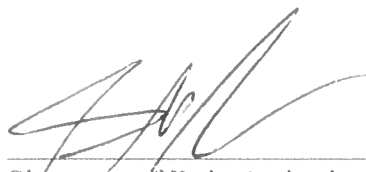
7/11/2020

Signature of Duly Authorized Person



Timothy Harrington

Printed Name Duly Authorized Person



Signature of Duly Authorized Person

Kevin Lord

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

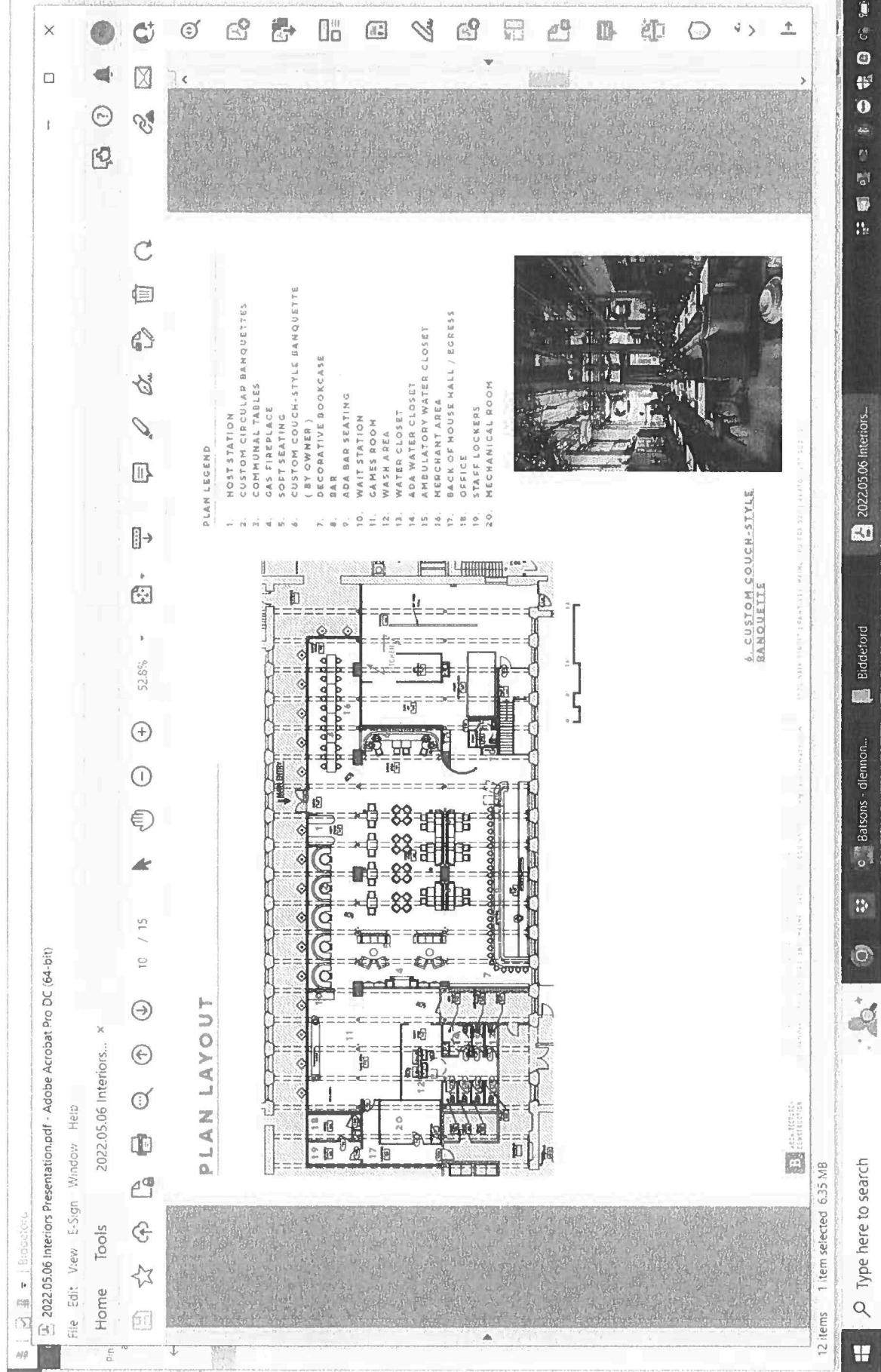
Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

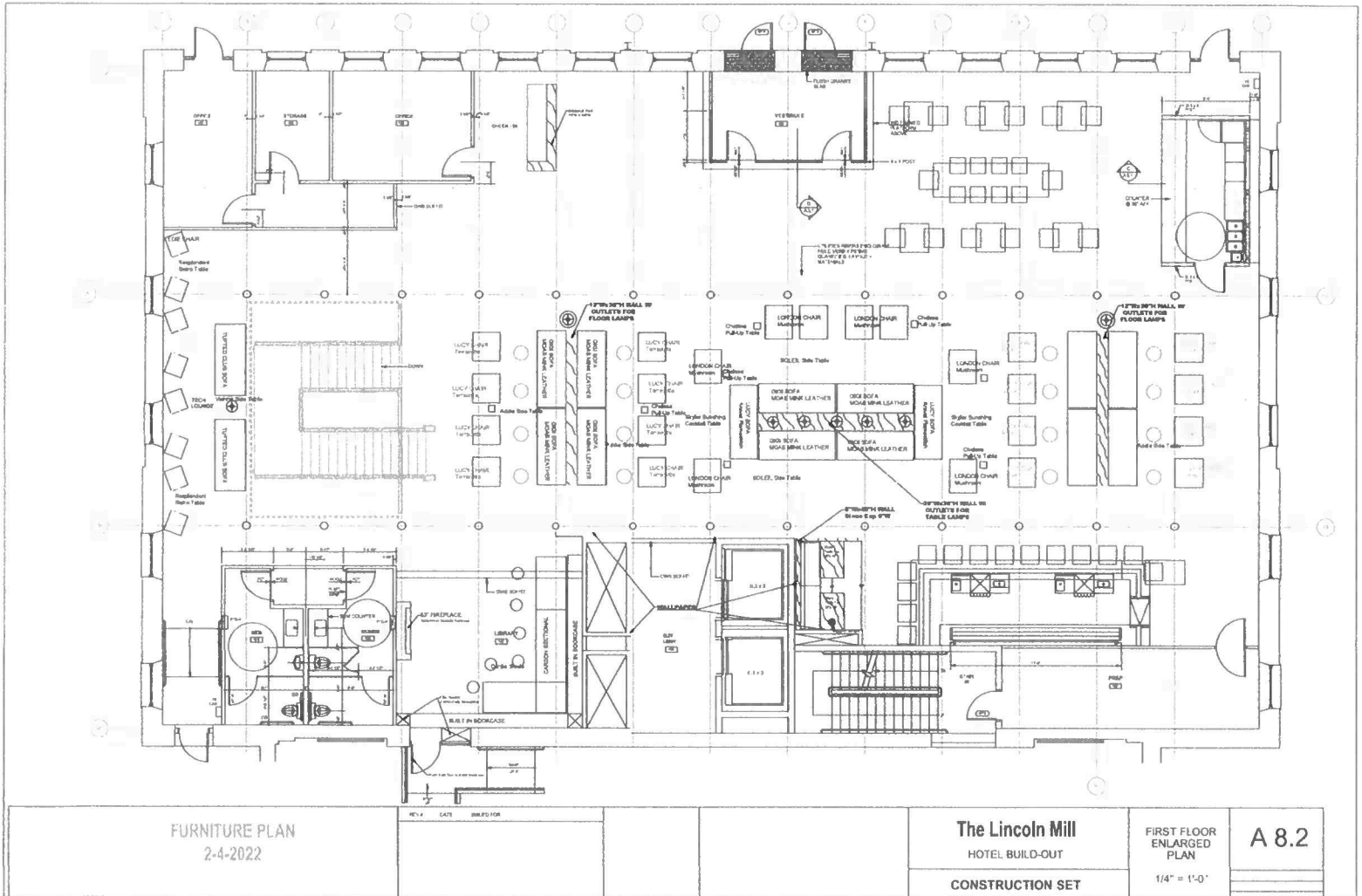
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

Attached

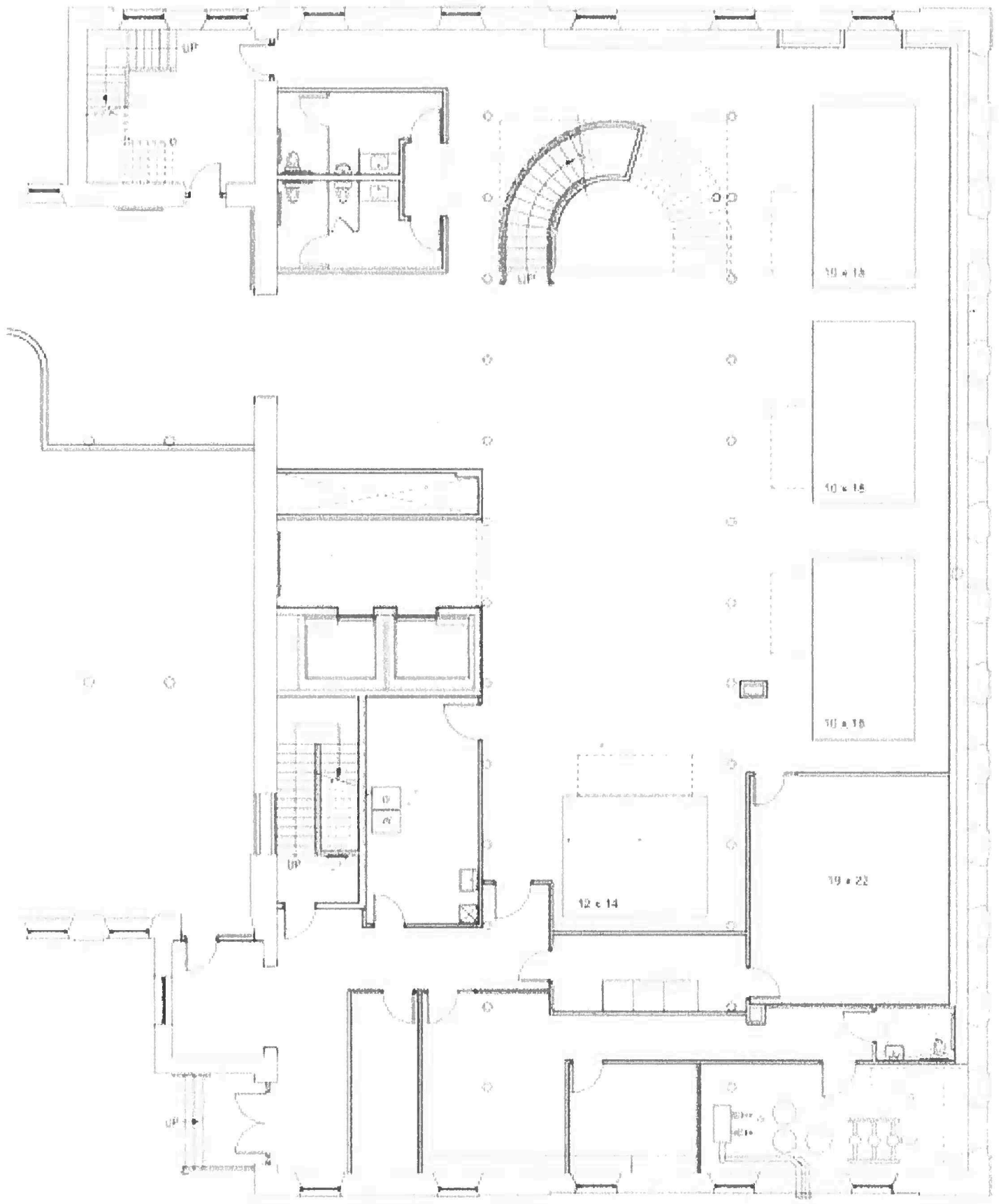
Butzon-Resaurant



Lincoln Hotel- lobby



Lincoln Hotel - lower level



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Lucky Dog Tasting Room LLC
2. Doing Business As, if any: Batson River
3. Date of filing with Secretary of State: 01/22/2018 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Kevin Lord	39 Washburn Dr, Kport, Maine	04/22/1976	Manager	51.0000
Timothy Harrington	35 Summer Street, Kbunk, Maine	08/24/1963	Owner	49.0000
	16 Island Ave, Miami, Florida			

(Ownership in non-publicly traded companies must add up to 100%.)



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Catherine Conlow, MMA Executive Director

DATE: July 5, 2022

SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

Deadline: Friday, August 19, 2022, by 12:00 noon

Nomination Process – Each year member municipalities have an opportunity to vote in the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying for and interested in serving as the MMA Vice President and on the MMA Executive Committee. The MMA Nominating Committee completed its task in May and put forth the 2023 Proposed Slate of Nominees to member municipalities.

Petition Process – As part of the May mailing, information was also provided on the MMA Petition Process. Pursuant to the MMA Bylaws, nominations may also be made by Petition signed by a majority of the municipal officers in each of at least 5 member municipalities. The deadline for receipt of nominations by petition was Friday, July 1, by 12:00 pm. There were no municipal officials nominated by petition.

It is now time for each member municipality to cast its official vote.

Election Process – Enclosed you will find the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee as selected by the MMA Nominating Committee. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference. You will note that unlike municipal elections, MMA does not provide for “Write-in Candidates” since our process includes an opportunity to nominate a candidate by petition, as noted above.

The MMA Voting Ballot must be signed by a majority of the municipal officers or a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association by 12:00 noon on Friday, August 19, 2022. We have enclosed a self-addressed self-stamped envelope for your convenience. MMA Voting Ballots will be counted that afternoon and the election results confirmed under the direction of MMA President James Bennett, City Manager, City of Biddeford.

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at www.memun.org on Monday, August 22. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held on Wednesday, October 5, at 11:00 a.m. Newly elected Executive Committee members will be introduced at the MMA Banquet as well as the MMA Annual Business Meeting and will officially take office on January 1, 2023.

If you have any questions on the Election Process, please contact me or Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at tchavarie@memun.org. Thank you.



MAINE MUNICIPAL ASSOCIATION
VOTING BALLOT

Election of MMA Vice President and Executive Committee Members

Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 19, 2022

VICE-PRESIDENT - 1 YEAR TERM

Vote for One

Proposed by MMA Nominating Committee:

Diane Hines, Town Manager, Town of Ludlow & Reed Plantation

☐

EXECUTIVE COMMITTEE MEMBERS - 3 YEAR TERM

Vote for Three

Proposed by MMA Nominating Committee:

Ivan McPike, Mayor, Town of Hampden

☐

'Phillip Crowell, City Manager, City of Auburn

☐

Anthony Ward, Town Manager, Town of Casco

☐

Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.

The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ **Municipality:** _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Print Name: _____

Signature: _____

Position: _____

OR Signed by a Majority of Municipal Officers

Current # of Municipal Officers: _____

Print Names:

Signatures:

Return To:
MMA Annual Election
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: (207) 626-3358
Email: tchavarie@memun.org

**MAINE MUNICIPAL ASSOCIATION
BIOGRAPHICAL SKETCH OF
PROPOSED SLATE OF NOMINEES FOR 2023 EXECUTIVE COMMITTEE**

**MMA VICE PRESIDENT
(1-Year Term)**

DIANE HINES (TOWN MANAGER, TOWN OF LUDLOW & REED PLANTATION)

Professional & Municipal Experience:

- Town of Reed Plantation, Maine, Town Manager (2015 – Present)
- Town of Ludlow, Maine, Town Manager (2010 – Present)
- Town of Hammond, Maine Town Administrator (2006 – 2014)
- Member, Maine Municipal Association, Legislative Policy Committee
- Treasurer, Aroostook Municipal Association

Other Experience, Committees and Affiliations:

- Member, MMA Executive Committee (2020 - current)
- Member, MMA Property & Casualty Pool Board of Directors (2020 - current)
- Member, MMA Workers Compensation Fund Board of Trustees, (2020 – current)
- Southern Aroostook Community School – Mathematics Teacher (2009 – 2010)
- Wood Prairie Farm, Bridgewater, Maine – Shipping Room Manager (2008 – 2009)
- Hines Sculpture and Stone Work, Hammond, Maine, Self Employed (1995 – 2012)
- Camden-Rockport School District, Camden, Maine – Substitute Teacher (1994)
- Fogg's Home Center, Houlton, Maine – Assistant Manager Home/Garden (1992 – 1994)
- MSAD #29, Houlton, Maine – Substitute Teacher (1985 – 1992)
- McLaughlin Textile, Houlton, Maine – Assistant Manager/Sales (1981 – 1985)
- Maine Glove Company, Houlton, Maine – Assistant Manager and trainer 1979 – 1981)

Education:

- University of Maine at Presque Isle, Presque Isle, Maine (Secondary Education Certification) (1994)
- Philadelphia College of Textiles and Science- Philadelphia, Penna, (B.S. Textile Design) (1974)
- SAD#29 School Board (2002 – 2007)
- Maine Municipal Association - Training Programs (2006 – 2018)
- Public Relations Chair, Houlton Rotary Club (2014 – 2018)

MMA EXECUTIVE COMMITTEE MEMBERS
(3-Year Terms)

IVAN MCPIKE (MAYOR, TOWN OF HAMPDEN)

Professional & Municipal Experience:

- Council, Town of Hampden (2015 – current); Mayor (2017 – current)
- Self Employed Owner, Maine Salt Co., Hampden, (retired in 2010)

Other Experience, Committees and Affiliations:

- Member, MMA Executive Committee (2019 – present)
- Member, MMA Property & Casualty Pool Board of Directors (2019 – present)
- Member, MMA Workers Compensation Fund Board of Trustees, (2019 – present)
- Member, MMA Strategic & Finance Committee (2019 – present)
- President, Downtown Bangor Association
- President, Greater Bangor Chamber of Commerce
- Member, Board of Directors, Bangor YMCA
- Member, Board of Directors, RSU 22 (2015 – current)
- Member, Board of Directors, EMCC Foundation Committee
- Member, Board of Friends of Maine Hockey
- Advisor to Fund Raising Committee, St. Joseph Hospital
- Sargent at Arms and Board Member, Bangor Breakfast Rotary Club, 20 years
- Mason, Past Master Mystic Lodge 66 of Hampden
- Life Member, Anah Shriners of Bangor

Education:

- Hampden Academy, Graduate (1966)
- Bachelor of Accounting, University of Maine

Awards and Certifications:

- Paul Harris Fellow Award
- Jaycees Outstanding Young Man Award for the State of Maine

PHILLIP CROWELL (CITY MANAGER, CITY OF AUBURN)

Professional & Municipal Experience:

- City Manager, City of Auburn (2020 – present)
- Assistant City Manager, City of Auburn (2018 – 2020)
- Chief of Police, City of Auburn (2006 – 2018)
- Acting City Manager, City of Auburn (October 2011 – January 2012)
- Acting Assistant City Manager, City of Auburn (2010 – 2011)
- Interim Director, Lewiston-Auburn 911 (2009 – 2010)
- Deputy Chief of Police, Auburn Police Department (2000 – 2006)
- Detective, Criminal Investigation Division, Auburn Police Department (1998 – 2000)
- School Resource Officer, Criminal Investigation Division, Auburn Police Department (1996 – 1998)
- Patrol Officer, Patrol Division, Auburn Police Department (1993 – 1996)
- U. S. Army, Military Police Officer (1986 – 1992)

Other Experience, Committees and Affiliations:

- President, Executive Committee, Androscoggin Valley Council of Government
- Vice President, Executive Committee, Maine Service Centers Coalition
- Executive Committee, Lewiston-Auburn Metro Chamber of Commerce
- Member, Board of Directors, Androscoggin Home Healthcare and Hospice
- Member, Board of Directors, Promise Early Education
- Member, International City/Council Management Association
- Member, Maine Town, City and County Management Association
- Member, Federal Bureau of Investigation's National Academy Association
- Retired Member, International Association of Chiefs of Police
- Retired Member and Past President, Maine Chiefs of Police Association

Education:

- Bachelor of Science, Administration of Justice, University of Maine Augusta (2006)
- FBI Academy, Quantico, VA, University of Virginia (2004)
- A.S. Criminal Justice, University of Maine Augusta (1998)

Awards and Certifications:

- Certified City Manager, Maine Town, City and County Management Association (2021)
- Maine Chiefs of Police, Chief of the Year Award (2018)
- Juvenile Justice Reform & Collaboration, IACP Law Enforcement Leadership Institute (2014)
- International Association of Chiefs of Police, Civil Rights Award
- Androscoggin County Chamber, Public Service Leadership Award (2011)
- Maine Association of Area Agencies on Aging, Excellence in Aging Award (2010)
- Federal Bureau of Investigation, National Academy (2004)
- Assessor Certification, Commission on Accreditation for Law Enforcement Agencies (2004)
- Babson College, Wellesley, MA, New England Institute of Law Enforcement Management (2004)
- National Exchange Club, 1999 Officer of the Year
- Elks Lodge, Investigator of the Year 1999
- Maine Criminal Justice Academy, Professional Award (1994)
- U.S. Army, Southwest Asia Service Medal with (2) Bronze Service Stars
- U.S. Army, Saudi Arabian Medal for the Liberation of Kuwait
- U.S. Army, Kuwaiti Medal for the Liberation of Kuwait

ANTHONY WARD (TOWN MANAGER, TOWN OF CASCO)**Professional & Municipal Experience:**

- Town Manager/Road Commissioner, Town of Casco (2021 – present)
- Town Manager/Road Commissioner, Town of Sabattus (2015 – 2021)
- Chief of Police, Town of Sabattus (2011 - 2015)
- Internal Affairs Lieutenant/Chief of Police Adjutant, Portland Police Department (2009 – 2011)
- Detective Lieutenant, Portland Police Department (2007 – 2009)
- Internal Affairs Lieutenant, Portland Police Department (2006 – 2007)
- Community Affairs Lieutenant, Portland Police Department (2003 – 2006)
- Patrol Lieutenant, Portland Police Department (2000 – 2003)
- Various positions within the Portland Police Department (1985 – 2000)

Other Experience, Committees and Affiliations:

- Member, Maine Municipal Association Legislative Policy Committee (2018 – 2021)
- Member, Maine Town City and County Management Association (2016 – present)
- Member, Androscoggin Transportation Resource Center (2015 – 2021)
- Vice President, Board of Directors, Soccer for State of Maine (2009 – 2017)
- Member, Board of Directors, Maine Chief of Police Association (2013 – 2015)
- Chair, Community Economic Development Committee, Town of Gray (2012 – 2015)
- Chair, Lisbon Communication Committee 2015
- Advisory Board, Kaplan University, Criminal Justice Program (2013)
- Advisory Board, Southern Maine Community College – Criminal Justice Program (2012)
- Patriot Soccer Club, Gray ME (2002 – 2013)

Education:

- Master of Public Policy and Management, Policy and Financial Management, University of Southern Maine/Muskie School of Public Policy, Portland, Maine
- Bachelor of Science, Applied Technical Leadership, University of Southern Maine, Gorham, ME
- A.S. Law Enforcement Technology, Southern Maine Vocational Technical Institution, South Portland, ME

Awards and Certifications:

- International County/City Managers Association (2015)
- Maine Town & City Management Association (2015)
- Executive Certification by Maine Criminal Justice Academy (2011)
- International Association Chief of Police (2011)
- Maine Chief of Police (2011)

COUNCIL MEETING

JULY 19, 2022

NOTE: Due to COVID-19, this meeting was held in-person in the Council Chambers, as well as virtually (via ZOOM),

Mayor Casavant called the meeting to order at 6:00 p.m.

Roll Call: Scott Whiting, Martin Grohman (join virtually), Bobby Mills, Amy Clearwater, Norman Belanger, Liam LaFountain, Doris Ortiz, Marc Lessard

William Emhiser was excused.

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

Adjustment to the Agenda:

Move Order 2022.63 to the end of Orders of the Day (after the FY23 CIP Allocation has been approved)

Recognition: *Spirit of America Volunteers of the Year*

Mayor Casavant recognized Diane and Robert Cyr as the 2022 Spirit of America Volunteers of the Year for their work with the Biddeford Cultural Heritage Center, as well as their volunteerism with various civic events in our community throughout the year.

Public Hearing: State Liquor License Applications:

- **Papous Pita – 140 Main Street, Suite 101**
- **Barkeep Catering, Inc. – 410 Elm Street, Suite A**

The Chair opened the Public Hearing at 6:07 p.m.

There were no public comments.

The Public Hearing was closed at 6:07 p.m.

Liquor License Applications Consideration:

- **Papous Pita – 140 Main Street, Suite 101**
- **Barkeep Catering, Inc. – 410 Elm Street, Suite A**

Motion by Councilor Lessard, seconded by Councilor Clearwater to recommend the issuance of a State Liquor License to Papous Pita.

Vote: Unanimous.

Motion by Councilor Mills, seconded by Councilor Clearwater to recommend the issuance of a State Liquor License to Barkeep Catering, Inc.

Vote: Unanimous.

Nomination: *Maine Municipal Association's Legislative Policy Committee*

Motion by Councilor Clearwater, seconded by Councilor Mills to nominate Mary Hoffman, Selectboard Member of the Town of Hollis to the MMA Legislative Policy Committee.

Vote: Unanimous.

Public Addressing the Council..(3 minute limit per speaker for up to 15 minutes):

One citizen addressed her concern to the Council.

Consideration of Minutes: June 21, 2022

Motion by Councilor Mills, seconded by Councilor Clearwater to accept the minutes as printed.

Vote: Unanimous.

Orders of the Day:

2022.54

IN BOARD OF CITY COUNCIL...JULY 19, 2022

BE IT ORDERED, that in accordance with the provisions set forth under *Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property*, the City Council of the City of Biddeford does hereby grant approval for B. Peachee, Inc, DBA Suger, to have beer/wine sold and served at their fund raising event July 28, 2022 (raindate: August 4, 2022) at Shevenell Park, providing that the sale and consumption of the alcoholic beverages be confined within a clearly defined area that has been approved and licensed by the State of Maine Bureau of Alcoholic Beverages.

BE IT FURTHER ORDERED, that the City Council does hereby approve the issuance of a Special Event Permit for this event.

Motion by Councilor Clearwater, seconded by Councilor LaFountain to grant the order.
Vote: Unanimous.

2022.55 **IN BOARD OF THE CITY COUNCIL.....JULY 19, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby accept the 2022 Edward Byrne Memorial Justice Assistance Grant (JAG), which has been awarded by the U.S. Department of Justice to the Biddeford Police Department. The Police Department will use this grant money to purchase crime scene / crash reconstruction mapping equipment and related operational software.

NOTE: A stipulation of this Grant is that these funds, or any part thereof may not be used to supplant the Police Department budget. This is a direct Grant, which requires no matching funds, or in-kind contributions. Grant is in the amount of \$28,128.00 and must be officially approved by the city council in order to receive funds.

Motion by Councilor Mills, seconded by Councilor Whiting to grant the order.
Vote: Unanimous.

2022.56 **IN BOARD OF CITY COUNCIL...JULY 19, 2022**

**YORK COUNTY, MAINE HAZARD
MITIGATION PLAN**

RESOLUTION OF ADOPTION

Whereas, natural and man-made disasters may occur at any time, we recognize that to lessen the impacts of these disasters we will save resources, property and lives in York County;

And whereas the creation of a Hazard Mitigation Plan is necessary for the development of a risk assessment and effective mitigation strategy;

And whereas, the 26 towns and 3 cities of York County are committed to the mitigation goals and measures as presented in this plan;

Therefore, **the City of Biddeford** hereby adopts the 2022 York County Hazard Mitigation Plan.

Motion by Councilor Clearwater, seconded by Councilor Mills to adopt the Resolution.
Vote: Unanimous.

2022.57 **IN BOARD OF CITY COUNCIL...JULY 19, 2022**

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 42-62 – Identification and use of municipal parking lots**, be amended by adding or deleting to read as follows:

Sec. 42-62 Identification and use of municipal parking lots.

The following is a list of the municipal parking lots along with a description of their location and authorized use. For the purposes of this chapter, all municipal parking lots are considered as public ways as defined in M.R.S.A. § 29-A. No vehicle shall remain parked in a municipal public parking lot for more than 48 consecutive hours. A vehicle parked in violation of this section may be towed at the owner's expense.

Alfred Street Parking Lot is bordered by Alfred Street, Foss Street, and the property line at 1 Pool Street and further described as Map 38, Lot 404.

- (1) Row 1, which is adjacent to, and is parallel to, the police station, is reserved for police parking only. The first two spaces in Row 1 are reserved for, and shall be posted and clearly marked as, ~~handicap~~ disability parking.

City Hall Parking Lot shall be designated as the ways and parking spaces bordered by City Hall from Adams Street thence southerly along City Hall, thence westerly along the rear of City Hall and City

Theater, thence westerly along properties identified as Map 38, Lots 134 and 134-1, thence easterly along property identified as Map 38, Lot 194, thence easterly along South Street to the Civil War Memorial traffic island, thence easterly on the northerly edge of the Civil War Memorial traffic island, thence northerly on the westerly edge of the Civil War Memorial traffic island, thence northerly along Adams Street to City Hall.

- (1) No vehicle shall be parked in the area designated as the City Hall Parking Lot between the hours of 7:00 a.m. and 5:00 p.m. Monday and Tuesday and between the hours of 8:00 a.m. and ~~5-4:00~~ 4:00 p.m. Wednesday and Thursday, excepting Federal or State Holidays unless such vehicle displays an official parking pass issued by the City Clerk, and displayed in a manner determined by the Clerk.
- (2) The City Clerk may issue official parking passes to municipal officials and employees.
- (3) Two spaces shall be posted and clearly marked and reserved for disability parking. One of the spaces shall be van accessible.
- (4) The area of the City Hall Parking Lot that is immediately adjacent to the Civil War Memorial, and is bordered by South Street, shall have one space marked and reserved for the City Clerk; one space marked and reserved for the City Manager; one space marked and reserved for the Mayor; with the remaining parking spaces reserved for use ~~by~~ by municipal vehicles only between the hours of 8:00 a.m. and 5:00 p.m. Monday through ~~Friday~~ Thursday.
- (5) The area of the City Hall Parking Lot that is immediately adjacent to the City Hall building, and that is bordered by Adams Street, shall be designated and marked as follows: two spaces reserved for use ~~by~~ by municipal vehicles only between the hours of 8:00 a.m. and 5:00 p.m. Monday through ~~Friday~~ Thursday, with the remaining spaces as one-hour parking for use by the general public to conduct business at City Hall between the hours of 7:00 a.m. and 5:00 p.m. Monday and Tuesday and between the hours of 8:00 a.m. and 4:00 p.m. Wednesday and Thursday, excepting Federal or State Holidays.
- (6) The three parking stalls in the area of the City Hall parking lot that is closest to the rear entrance to the City Hall building, and to City Theater, shall be limited to one-hour parking and reserved for City business only between the hours of between the hours of 7:00 a.m. and 5:00 p.m. Monday and Tuesday and between the hours of 8:00 a.m. and 4:00 p.m. Wednesday and Thursday, excepting Federal or State Holidays. ~~8:00 a.m. and 5:00 p.m. Monday through Friday.~~

NOTE: The Policy Committee considered this item at their July 11, 2022 meeting and voted to send to Council for approval.

Motion by Councilor Clearwater, seconded by Councilor LaFountain to grant the first reading of the ordinance amendment.

Vote: Unanimous.

2022.58 **IN BOARD OF CITY COUNCIL...JULY 19, 2022**
BE IT ORDAINED by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

Part III (Land Development Regulations), Article III (Official Zoning Map), is amended to rezone 1 Hills Beach Rd, (Map 51, Lot 11), 583 Pool St, (Map 51, Lot 10), 590 Pool St, (Map 51, Lot 18-1) from Suburban Residential-1 (SR-1) to Institutional (IN).

Note: Following a duly noticed Public Hearing the Planning Board recommended unanimously (4-0 vote) that this amendment be approved.

Motion by Councilor Mills, seconded by Councilor LaFountain to grant the first reading of the ordinance amendment.

Motion by Councilor Lessard, seconded by Councilor Belanger to amend the ordinance amendment to break up the vote into two parts: (1) 590 Pool Street property to be moved into the IN Zone; and (2) 1 Hills Beach Road and 583 Pool Street not to be moved into the IN Zone. Vote: 4/4; Councilors Lessard, Mills, Whiting and Grohman in favor.

Councilors Clearwater, Belanger, LaFountain and Ortiz opposed.
Mayor Casavant voted in opposition to break the tie.
Amendment fails.

Motion by Councilor Belanger, seconded by Councilor Clearwater to tentatively support the zone change to IN Zone, forwarding this to the Planning Board for review and to send back to Council with recommendations for setbacks, buffers, etc.

Vote: 6/2; Councilors Lessard and Mills opposed.

Councilors Whiting, Grohman, Clearwater, Belanger, LaFountain and Ortiz in favor.
Amendment carries.

Vote on ordinance amendment, as amended: 7/1; Councilor Lessard opposed.

Councilors Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain and Ortiz in favor.
1st reading carries.

Councilor Lessard called a Point of Order, asking if the Council can actually give a tentative approval of something.

City Solicitor Harry Center clarified that, ultimately, what the Council voted on is to move the identified parcels into the IN Zone. Councilor Belanger understands, but noted that any zone changes to the Zoning Ordinance, Note P, Exhibit B, Article V will still need to come back to Council for approval.

2022.59 **IN BOARD OF CITY COUNCIL..JULY 19, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the creation of the Biddeford Public Art Policy and the Biddeford Public Art Commission to oversee the inclusion of art in public spaces around the City.

NOTE: This item is being forwarded to Council after review and recommendation from the Downtown Development Commission.

Motion by Councilor Mills, seconded by Councilor Clearwater to grant the order.

Motion by Councilor Mills, seconded by Councilor Clearwater to amend the order by adding a directive that the Policy Committee work with City Staff to develop ordinance language for the establishment of a Biddeford Public Art Commission.

Vote: Unanimous.

Vote on order, as amended: Unanimous.

2022.60 **IN BOARD OF CITY COUNCIL..JULY 19, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve and authorize the City Manager to sign, execute and submit the City's Final Draft of the CDBG Year 5 Action Plan and all associated documents in connection with the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.

Motion by Councilor Clearwater, seconded by Councilor Whiting to grant the order.

Vote: Unanimous.

2022.61 **IN BOARD OF CITY COUNCIL..JULY 19, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase of a CCTV Sewer Camera, A-200 Crawler from Deep Trekker with listed attachments in an amount not to exceed \$46,714.00. The expenditure will come from CSO Abatement Work – Code 417.

NOTE: The Finance Committee will consider this item at their July 19, 2022 meeting and vote to send their recommendation to the Council.

Motion by Councilor Lessard, seconded by Councilor Clearwater to grant the order.

Vote: Unanimous.

2022.62 **IN BOARD OF CITY COUNCIL..JULY 19, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase of two (2) Grit Classifiers for the Wastewater Treatment Plant from Wecor Associates for Wemco Grit Classifiers, along with spare replacement liners and lower bearings and the extra year warranty, for a total not to exceed \$143,320.00. The expenditure will come from ARP Funds.

NOTE: The Finance Committee will consider this item at their July 19, 2022 meeting and vote to send their recommendation to the Council.

Motion by Councilor LaFountain, seconded by Councilor Lessard to grant the order.
Vote: Unanimous.

2022.64 **IN BOARD OF CITY COUNCIL..JULY 19, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase of two(2) 2022 Ford Interceptor Police Cruisers from McGovern Municipal HQ, with trade-ins, in an amount not to exceed \$39,610.00. Funding for these vehicles is in the Police Department Budget, Account 21146-60603 – Vehicles Purchase Capital, in which \$48,000.00 has been allocated.

NOTE: The Finance Committee will consider this item at their July 19, 2022 meeting and vote to recommend approval by the City Council.

Motion by Councilor Lessard, seconded by Councilor Clearwater to grant the order.
Vote: Unanimous.

2022.65) Resolution for Establishment and Maintenance of Accounts with Multi-Bank Securities, Inc.

Motion by Councilor Belanger, seconded by Councilor Lessard to grant the Resolution.

At Councilor Clearwater's request, motion by Councilor Belanger, seconded by Councilor Mills to allow Councilor Clearwater to abstain from this vote due to her employment obligations.
Vote: Unanimous.

Vote on Resolution: Unanimous, with Councilor Clearwater in abstention.

2022.67 **IN BOARD OF CITY COUNCIL..JULY 19, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the Capital Improvement Projects Master Plan allocation for FY23, in the amount of **\$1,600,000** as recommended by the Capital Projects Committee. (see attached list)

NOTE: The Capital Projects Committee reviewed the FY23 CIP Allocation at their June 28, 2022 meeting; however, with no quorum, there was no official vote to recommend passage by the Council.

Motion by Councilor Clearwater, seconded by Councilor Mills to grant the order.
Vote: Unanimous.

2022.63 **IN BOARD OF CITY COUNCIL.....JULY 19, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase of two(2) 2023 GMC 2500 HD Sierra Pickup Trucks with plows, from Bill Dodge Buick GMC; one truck for the Wastewater Treatment Plant and the other for the Public Works Department, in an amount not to exceed \$112,478.00. Funding for the purchase of these pickup trucks will come from the FY23 CIP.

NOTE: The Finance Committee will consider this item at their July 19, 2022 meeting and vote to recommend approval by the City Council.

Motion by Councilor Mills, seconded by Councilor Lessard to grant the order.
Vote: Unanimous.

Appointments:

IN BOARD OF CITY COUNCIL...JULY 19, 2022

ORDERED, that I, Alan Casavant, Mayor of the City of Biddeford, do hereby appoint the following City Councilors to the **Social Service Budget Committee**, to determine the allocation of FY23 Social Service Funds:

**Doris Ortiz
Scott Whiting
Liam LaFountain**

NOTE: Mayor Casavant also serves on this Committee.

Motion by Councilor Lessard, seconded by Councilor Mills to confirm the appointments.
Vote: Unanimous.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
One citizen expressed her concern to the Council.

City Manager Report:

City Manager, James Bennett gave an update on newly passed LD 290, which establishes a capping mechanism on property taxes for senior citizens who own a home and have had a homestead in Maine for over ten years. The Law goes into effect on August 8th and applications for this program are due by December 1st. There are still many unknowns with this legislation and Staff is waiting for clarification on the process. Once the City has more information and a clearer process, eligible homeowners will be notified, more than likely through the mail. He expects that there will be modifications to this Law, and he noted that this program will not be effective until the FY24 budget.

Other Business:

Councilor Lessard: indicated that current economic signs are pointing to a recession and folks should be aware and doing what they feel they need to do with this information.

He cautioned about the extreme heat expected over the next couple of days and urged folks to check in on their neighbors and those around them.

Councilor Clearwater: believes that Seeds of Hope may offer a cooling center during the upcoming extreme hot days; and the McArthur Library may also be a good cool place to be during the day.

She urged folks, especially those who have experienced big rental increases over the past year or so, to go to www.our.biddeford.org and complete the housing survey put out by the City.

Councilor Mills: shared that Brown Dog Carriers just celebrated their 5-year anniversary, and he extended his congratulations.

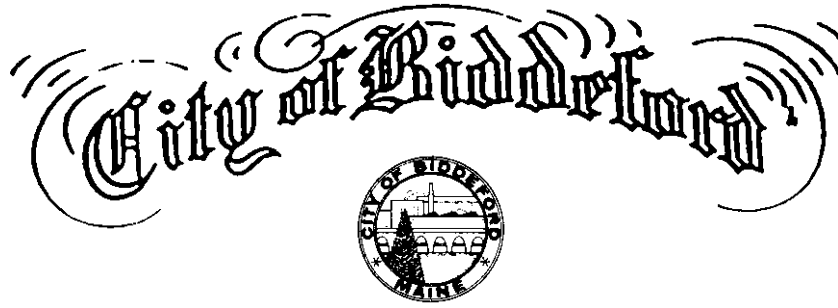
Council President Addressing the Council: Councilor Belanger addressed the email sent by former Councilor McCurry who noted that the Council must meet twice a month, per City Charter and that the Council had no right to waive the July 5th Council Meeting. Councilor Belanger reminded folks that the Council did vote to cancel the July 5th Council Meeting, and that, in his opinion, was sufficient for holding one Council Meeting in July.

Mayor Addressing the Council: Mayor Casavant announced the Suger Soiree being held this coming Thursday, July 28th at Shevenell Park to benefit Heart of Biddeford. He urged all to attend and support this great fundraiser.

He is hearing from more and more constituents who are experiencing housing crises and he is concerned that nobody has a solution for those who are being evicted and have no immediate housing solution. He would like to have a monthly report from Seeds of Hope so that the Council can stay conscious of what is going on in the community in regards to homelessness.

Motion by Councilor Belanger, seconded by Councilor Lessard to adjourn.
Vote: Unanimous.

Attest by: _____
Carmen J. Bernier, City Clerk



2022.57 IN BOARD OF CITY COUNCIL...JULY 19, 2022

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 42-62 – Identification and use of municipal parking lots**, be amended by adding or deleting to read as follows:

Sec. 42-62 Identification and use of municipal parking lots.

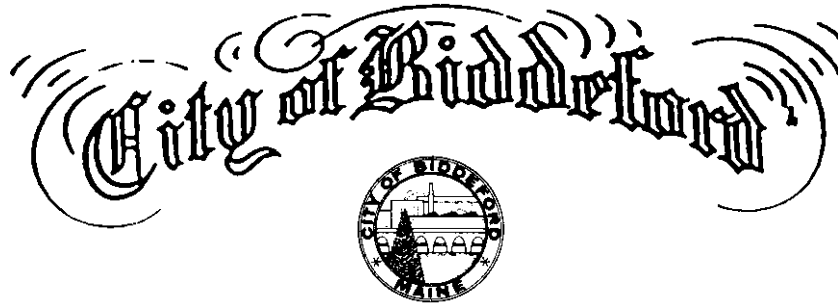
The following is a list of the municipal parking lots along with a description of their location and authorized use. For the purposes of this chapter, all municipal parking lots are considered as public ways as defined in M.R.S.A. § 29-A. No vehicle shall remain parked in a municipal public parking lot for more than 48 consecutive hours. A vehicle parked in violation of this section may be towed at the owner's expense.

Alfred Street Parking Lot is bordered by Alfred Street, Foss Street, and the property line at 1 Pool Street and further described as Map 38, Lot 404.

- (1) Row 1, which is adjacent to, and is parallel to, the police station, is reserved for police parking only. The first two spaces in Row 1 are reserved for, and shall be posted and clearly marked as, ~~handicap~~ disability parking.

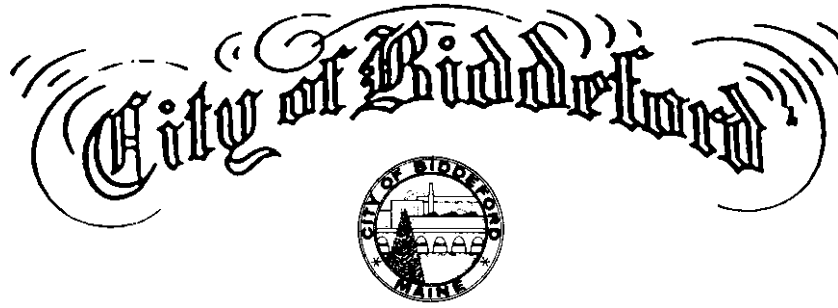
City Hall Parking Lot shall be designated as the ways and parking spaces bordered by City Hall from Adams Street thence southerly along City Hall, thence westerly along the rear of City Hall and City Theater, thence westerly along properties identified as Map 38, Lots 134 and 134-1, thence easterly along property identified as Map 38, Lot 194, thence easterly along South Street to the Civil War Memorial traffic island, thence easterly on the northerly edge of the Civil War Memorial traffic island, thence northerly on the westerly edge of the Civil War Memorial traffic island, thence northerly along Adams Street to City Hall.

- (1) No vehicle shall be parked in the area designated as the City Hall Parking Lot between the hours of 7:00 a.m. and 5:00 p.m. Monday and Tuesday and between the hours of 8:00 a.m. and ~~5~~4:00 p.m. Wednesday and Thursday, excepting Federal or State Holidays unless such vehicle displays an official parking pass issued by the City Clerk, and displayed in a manner determined by the Clerk.



- (2) The City Clerk may issue official parking passes to municipal officials and employees.
- (3) Two spaces shall be posted and clearly marked and reserved for disability parking. One of the spaces shall be van accessible.
- (4) The area of the City Hall Parking Lot that is immediately adjacent to the Civil War Memorial, and is bordered by South Street, shall have one space marked and reserved for the City Clerk; one space marked and reserved for the City Manager; one space marked and reserved for the Mayor; with the remaining parking spaces reserved for ~~use by~~ municipal vehicles only between the hours of 8:00 a.m. and 5:00 p.m. Monday through ~~Friday~~ Thursday.
- (5) The area of the City Hall Parking Lot that is immediately adjacent to the City Hall building, and that is bordered by Adams Street, shall be designated and marked as follows: two spaces reserved for ~~use by~~ municipal vehicles only between the hours of 8:00 a.m. and 5:00 p.m. Monday through ~~Friday~~ Thursday, with the remaining spaces as one-hour parking for use by the general public to conduct business at City Hall between the hours of 7:00 a.m. and 5:00 p.m. Monday and Tuesday and between the hours of 8:00 a.m. and 4:00 p.m. Wednesday and Thursday, excepting Federal or State Holidays.
- (6) The three parking stalls in the area of the City Hall parking lot that is closest to the rear entrance to the City Hall building, and to City Theater, shall be limited to one-hour parking and reserved for City business only between the hours of between the hours of 7:00 a.m. and 5:00 p.m. Monday and Tuesday and between the hours of 8:00 a.m. and 4:00 p.m. Wednesday and Thursday, excepting Federal or State Holidays. ~~8:00 a.m. and 5:00 p.m. Monday through Friday.~~

Clifford Park Parking Lot is a City public parking lot that is located on Pool Street and is further identified as Map 39, Lot 334, with a physical address of 130 Pool Street.



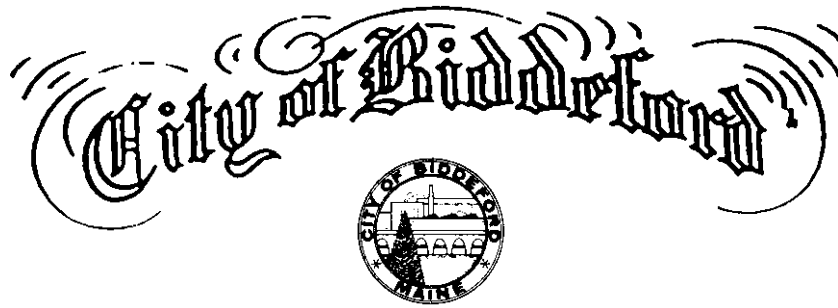
- (1) One space shall be posted and clearly marked as reserved for disability parking.
- (2) No vehicle shall remain parked in this parking lot longer than 24 consecutive hours.

Community Center parking lots refers to the City public parking lots at the J. Richard Martin Community Center, located at 189 Alfred Street as identified on Map 34, Lot 228, and further described as the parking lot which is adjacent and parallel to the Community Center, and Myrtle Street on the east side; and the parking lot which is adjacent and parallel to the Community Center, and Clark Street on the west side.

- (1) Two spaces shall be posted and clearly marked as handicap parking, located on the Clark Street side, at or near the handicap ramp, which is located at the northwest corner of the Community Center building.
- (2) Two spaces shall be posted and clearly marked as handicap parking, located on the Myrtle Street side, at or near the rear of the Community Center building on the southeast corner.
- (3) Two spaces shall be posted and clearly marked as ten-minute limited parking from 6:00 a.m. to 6:30 p.m., Monday through Friday, for YMCA day care, one located on the left side of the main entrance to the day care 10 feet from the concrete curb, and one located on right side of the main entrance to the day care.

Lincoln Street Parking Lot, a parcel of land located at the northeast section of the intersection with Pearl Street, and further described as the former Maine Energy Executive Parking Lot at 3-11 Lincoln Street, having the dimensions of 74 feet $\pm$ in width (measured west to east) and 180 feet $\pm$ in length (measured south to north).

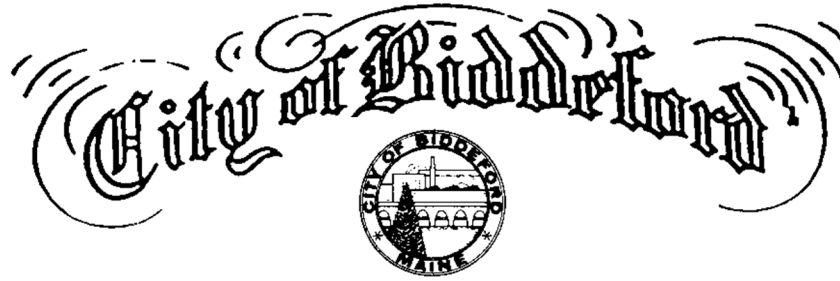
NOTE: The Policy Committee considered this item at their July 11, 2022 meeting and voted to send to Council for approval.



July 19, 2022

Motion by Councilor Clearwater, seconded by Councilor LaFountain to grant the first reading of the ordinance amendment.

Vote: Unanimous.



2022.58

IN BOARD OF CITY COUNCIL...JULY 19, 2022

BE IT ORDAINED by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

Part III (Land Development Regulations), Article III (Official Zoning Map), is amended to rezone 1 Hills Beach Rd, (Map 51, Lot 11), 583 Pool St, (Map 51, Lot 10), 590 Pool St, (Map 51, Lot 18-1) from Suburban Residential-1 (SR-1) to Institutional (IN).

Note: Following a duly noticed Public Hearing the Planning Board recommended unanimously (4-0 vote) that this amendment be approved.

July 19, 2022

Motion by Councilor Mills, seconded by Councilor LaFountain to grant the first reading of the ordinance amendment.

Motion by Councilor Lessard, seconded by Councilor Belanger to amend the ordinance amendment to break up the vote into two parts: (1) 590 Pool Street property to be moved into the IN Zone; and (2) 1 Hills Beach Road and 583 Pool Street not to be moved into the IN Zone.

Vote: 4/4; Councilors Lessard, Mills, Whiting and Grohman in favor.
Councilors Clearwater, Belanger, LaFountain and Ortiz opposed.
Mayor Casavant voted in opposition to break the tie.
Amendment fails.

Motion by Councilor Belanger, seconded by Councilor Clearwater to tentatively support the zone change to IN Zone, forwarding this to the Planning Board for review and to send back to Council with recommendations for setbacks, buffers, etc.

Vote: 6/2; Councilors Lessard and Mills opposed.
Councilors Whiting, Grohman, Clearwater, Belanger, LaFountain and Ortiz in favor.
Amendment carries.

Vote on ordinance amendment, as amended: 7/1; Councilor Lessard opposed.
Councilors Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain and Ortiz in favor.
1st reading carries.

Councilor Lessard called a Point of Order, asking if the Council can actually give a tentative approval of something.

City Solicitor Harry Center clarified that, ultimately, what the Council voted on is to move the identified parcels into the IN Zone. Councilor Belanger understands, but noted that any zone changes to the Zoning Ordinance, Note P, Exhibit B, Article V will still need to come back to Council for approval.



Biddeford City Council

Meeting Date: July 19, 2022

Meeting Time: 6:00 PM

Agenda Item No: 2022.58

Item Description: Proposed zoning amendments to change the zoning district for the following parcels from Suburban Residential-1 (SR-1) to Institutional (IN): 1 Hills Beach Rd, (Map 51, Lot 11), 583 Pool St, (Map 51, Lot 10), 590 Pool St, (Map 51, Lot 18-1).

Submitted by: Matthew Grooms, AICP, City Planner

Supporting Information/Documentation:

- The University of New England Zone Change Request Application

Key Terms: *Institutional Zone (IN): The purpose of the Institutional Zone is to accommodate college and university uses while minimizing the adverse effects that such uses may have on the predominantly residentially zoned neighborhoods surrounding the institutional zone. All university uses or uses conducted by a college or university shall conform to an institutional master plan approved by the Planning Board in accordance with Article V, Section 11 of this Code.*

Executive Summary: Over the past 10 years, the University of New England has acquired 3 additional properties that they are requesting be included within the IN Zone for future use associated directly with the University's programs and operations. The Council considered this request at their November 16, 2021 meeting, with the motion failing to pass.

From Staff's perspective, this proposal is consistent with the intent of the IN Zone. The Planning Board agreed at their November 3, 2021 meeting and recommended this amendment be approved by the City Council. Any future development of the subject properties would need to be consistent with the UNE Master Plan, formally adopted by the Planning Board.

Detailed Review: On November 16, 2021, the City Council voted 1-8 to approve a request by the University of New England to rezone three properties from Suburban Residential-1 (SR-1) to Institutional (IN), which resulted in the motion failing to pass. This followed a 4-0 vote by the Planning Board to recommend the zoning amendment to the Council at their November 3, 2021 meeting. The Council motion failed due to uncertainty around the status and future recommendations of the Comprehensive Plan, and whether the new comprehensive plan, when adopted, would support the requested rezoning.

Following this action, the University of New England made a presentation to the City Council at their April 19, 2022 meeting regarding prior and ongoing efforts to better integrate the University as part of the City of Biddeford, with commitments to coordinate closely with the City around future development or programming changes.

The University of New England has requested that the Council reconsider its prior proposal, to rezone the three properties listed above from SR-1 to IN. Given that the scope of the request remains unchanged from what the Planning board and City Council considered in November 2021, the Planning Board has elected to forward its prior recommendation that the Council rezone the subject property.

Funding Source:

- N/A.

Staff/Planning Board Recommendation:

The Planning Board voted 4-0 in favor of recommending the City Council approve the requested zone amendment.



UNIVERSITY OF
NEW ENGLAND

Biddeford Campus
11 Hills Beach Road
Biddeford, ME 04005
(207) 283-0171 T

Portland Campus
716 Stevens Avenue
Portland, ME 04103
(207) 797-7261 T

June 9, 2022

Alan Casavant, Mayor
Bill Southwick, Chair of the Planning Board
City of Biddeford
P.O. Box 586
Biddeford, Maine, 04005

RE: Rezoning of 3 parcels acquired after the Institutional Zone boundaries were established

Gentlemen,

The University is pleased to re-submit an application to rezone three parcels acquired by the University of New England, after the Institutional Zone boundaries were established. This re-submission is identical to the one previously submitted to and reviewed by the Planning Board on November 16, 2021, whom subsequently recommended forwarded the request to the City Council for consideration. Please see the attached recommendation. These properties are as follows:

- 1 Hills Beach Road, Map 51, Lot 11, acquired 09/01/2010
- 583 Pool Street, Map 51, Lot 10, acquired 07/23/2018
- 590 Pool Street, Map 51, Lot 18-1, acquired 11/26/20218

All three of these parcels are currently zoned SR-1, and are abutting Institutional Zone properties. The University is seeking to have them be rezoned to Institutional Zone, IN. Please see the attached map, *City GIS Map of UNE Parcels to be Rezoned.pfd*, for parcel locations.

The parcel at 1 Hills Beach Road, is currently used as the residence of the President of the University, and for hosting small university events.

The house and the driveway at 583 Pool Street were recently removed, and the lot is currently vacant. The University would like to consider additional landscaping and signage on this parcel.

The property at 590 Pool Street is vacant and the University currently has no plans to utilize the small house that sits on the lot.

Sincerely,

A handwritten signature in black ink that reads "Alan Thibeault". The signature is stylized with a large, sweeping loop at the end.

Alan Thibeault,
Vice President for University Operations

Cc: Jim Bennett, City Manger
William Emhiser, City Councilor, Ward 1
Betsy Martin, Hills Beach Association
Tom Saucier, Site Design Associates



Biddeford City Council

Meeting Date: November 16, 2021

Meeting Time: 6:00 PM

Agenda Item No: 2021.112

Item Description: Proposed zoning amendments to change the zoning district for the following parcels from Suburban Residential-1 (SR-1) to Institutional (IN): 1 Hills Beach Rd, (Map 51, Lot 11), 583 Pool St, (Map 51, Lot 10), 590 Pool St, (Map 51, Lot 18-1).

Submitted by: Greg Tansley, A.I.C.P., City Planner

Supporting Information/Documentation:

- The University of New England Zone Change Request Application

Key Terms: *Institutional Zone (IN): The purpose of the Institutional Zone is to accommodate college and university uses while minimizing the adverse effects that such uses may have on the predominantly residentially zoned neighborhoods surrounding the institutional zone. All university uses or uses conducted by a college or university shall conform to an institutional master plan approved by the Planning Board in accordance with Article V, Section 11 of this Code.*

Executive Summary: Based on the definition above, it could be reasonably presumed that properties owned by the UNE would be subject to the IN Zone. Over the past 10 years, the UNE has acquired 3 properties and now wish to have them included in the IN Zone.

From Staff's perspective, this is consistent with the intent of the IN Zone. The Planning Board agreed and recommended this amendment be approved by the City Council. In the future, if the University wished to do anything with these properties, those uses/developments would have to be consistent with the UNE Master Plan, which must be approved by the Planning Board.

Detailed Review: See above and the applicant's application package.

Funding Source:

- N/A.

Staff/Planning Board Recommendation:

The Planning Board voted 4-0 in favor of recommending the City Council approve the requested zone amendment.

CITY OF BIDDEFORD, MAINE
PLANNING BOARD
P.O. Box 586, 205 Main Street Biddeford, Maine 04005
207-284-9115

APPLICATION FORM

Type of Application:

- ☐ Shoreland Zoning Permit ☐ Site Plan Review ☐ Extraction
☐ Conditional Use Permit ☐ Subdivision ☐ Private Way
☒ Other: Rezoning from SR1 to Institutional Zone (3 abutting parcels)

Applicant Information:

Applicant's Name: Alan Thibeault
Applicant's Mailing Address: 11 Hills Beach Road, Biddeford ME 04005
Applicant's Telephone: 207-602-2253

What is Applicant's legal interest in the property?

- ☒ Owner ☐ Potential Buyer with Contract ☐ Lease/Rental Agreement

Owner's Name: University of New England
Owner's Address: 11 Hills Beach Road, Biddeford ME 04005
Owner's Telephone: 207-283-0170

Agent's Name: _____
Agent's Address: _____
Telephone: _____

Engineer/Surveyor: _____
Engineer/Surveyor's Address: _____
Telephone: _____

Project Location and Lot Information:

Street Address: 1) 1 Hills Beach Rd, Map 51, Lot 11 2) 583 Pool Street, Map 51, Lot 10
Tax Map: _____ Lot: _____ 3) 590 Pool St. Map 51, Lot 18-1
Current Zoning: SR1, SR1, SR1 Shoreland Zoning: 1 Hills Beach, Map 51, Lot 11

Size of lot: 2.0, 0.3, 1.0 ☒ acres ☐ s.f. Lot Frontage: 70', 144', 161'

Existing Use of Property: University/Institutional

Property currently serviced by:

☒ City Road	☐ Private Road
☐ Public Sewer	☒ Septic System
☒ Public Water	☐ Private Well
☐ Public Trash	☒ Private Hauler

Slope Conditions in Area of Construction (if applicable):

☐ Flat (0-3 % slope) ☐ Rolling (3-8% slope) ☐ Hilly (8-15% slope) ☐ Steep (15% + slope)

Are there any wetlands or waterbodies on the site? ☐ Yes ☒ No If yes, attach information

Do you plan to bring fill onto the lot? ☐ Yes ☒ No If yes, attach information

Description of proposed use of property:

Project/Proposed Use Description: Rezone from SR1 to IN, (Institutional Zone)

Property to be serviced by:

☒ City Road	☐ Private Road
☐ Public Sewer	☒ Septic System
☒ Public Water	☐ Private Well
☐ Public Trash	☒ Private Hauler

Is this project part of a larger project? ☐ Yes ☒ No

☒ If in a Shoreland Zone:Percent of residential lot coverage (Max. 20%): 2%Percent of structure expansion (Max. 30%): 0%☐ If Subdivision Review, number of lots proposed: _____☐ If a Private Way is proposed, number of lots served: _____☐ If Site Plan Review, you must provide the following information:

Total new square feet footprint of structures: _____

Total new square feet paving/parking: _____

Waiver Requests (attach details):

1. _____
2. _____
3. _____
4. _____
5. _____

Attachments:

A. Letters of Approval

- ☐ Fire Department - Contact - 282-9986
- ☐ Ability to Serve – Maine Water - 282-1543
- ☐ Ability to Serve - Engineering Department (Sewer) - Contact - 284-9118
- ☐ Police Department - E-911 Road Name Designation - Contact - 282-5127

B. Letter to Planning Board describing project, waiver requests, proposed improvements, addressing permit requirements, etc.

C. Photographs of site.

D. Architectural renderings/drawings of proposed buildings, as required.

E. Engineered Plans, as required.

Fees (due at time of application):

Refer to "Attachment A Fees and Charges" of the Land Development Regulations for more information. Consult with Planning Staff if you have questions.

Required Signatures:

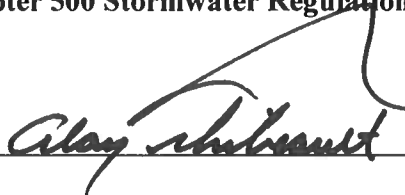
By signing this application, as the foresaid applicant or authorized agent:

- I certify that I have read and completely understand the application;
- I certify that the information contained in this application and it's attachments are true and correct;
- I understand that all information provided on this form and all other documents submitted as part of my proposal is a matter of public record;
- I understand that copies of this information may be supplied upon request to an interested party.
- I understand that additional funds may be required through the course of review for special studies, legal review costs, and/or engineering review.
- I understand that by submitting this application I am not guaranteed a place on any particular agenda. I further understand that the City Planner will place me on an agenda for review when the application is deemed substantially complete.

☐ Project proposed to have 1 acre or more of site disturbance:

-Project may need to apply for a Maine Construction General Permit and shall comply with the requirements of DEP Chapter 500 Stormwater Regulations, as they apply.

Signature of applicant:

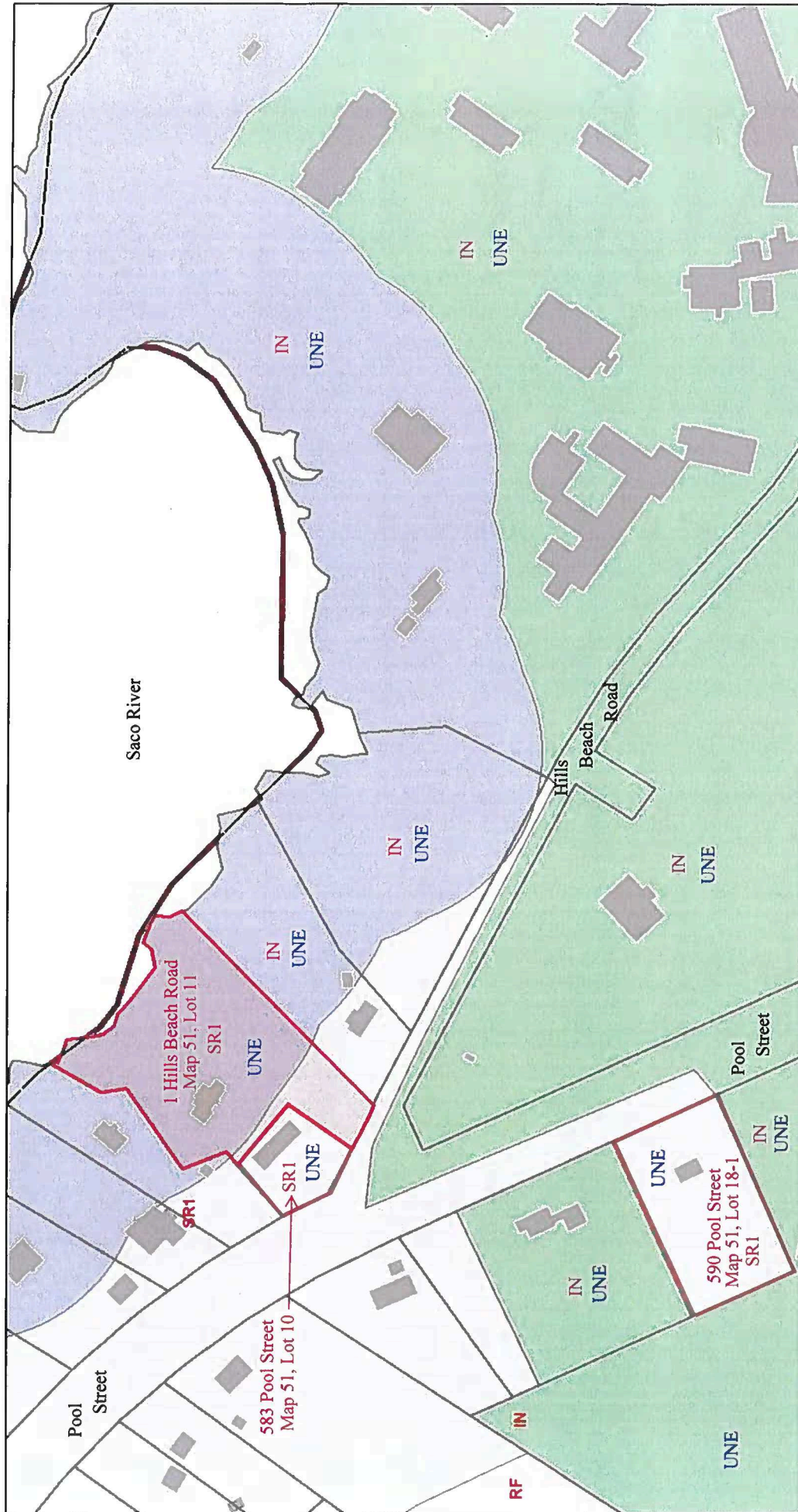


Date: 6/9/22

Signature of owner of property:

Date: _____

UNE Parcels to be rezoned

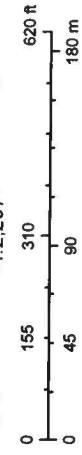


September 14, 2021

- ☐ Municipal Boundaries
- ☐ Parcels
- ☐ Buildings
- ☐ APO
- ☐ CFMA
- ☐ GD-1
- ☐ GD-2
- ☐ LC
- ☐ LR
- ☐ MHP
- ☐ RP
- ☐ RP-1
- ☐ SP
- ☐ B1
- ☐ B2
- ☐ CR
- ☐ I1
- ☐ I2
- ☐ I3
- ☐ IN
- ☐ LRF
- ☐ M
- ☐ MSRD1
- ☐ MSRD2
- ☐ MSRD3
- ☐ OR
- ☐ R1A
- ☐ R2
- ☐ R3
- ☐ RF
- ☐ SR1
- ☐ W1
- ☐ W2
- ☐ W3

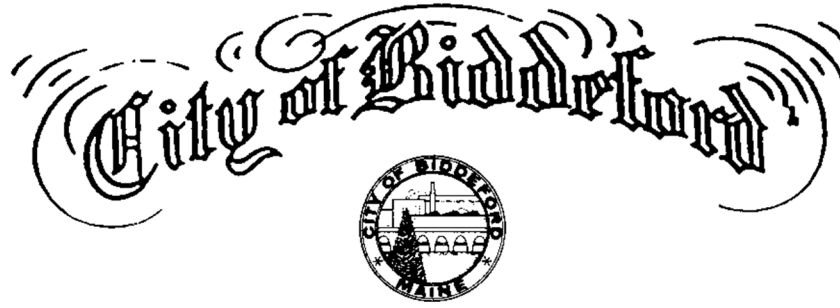
Parcels to be Rezoned

1:2,257



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastysreken, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Data and scale shown on this map are provided for planning and informational purposes only. Biddeford, ME and Vision Government Solutions are not responsible for any use for other purposes or misuse or misrepresentation of this information. Powered by Esri Technology



2022.68

IN BOARD OF CITY COUNCIL..AUGUST 2, 2022

BE IT ORDERED, that in accordance with the provisions set forth under *Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property*, the City Council of the City of Biddeford does hereby grant approval for **Heart of Biddeford** to have beer/wine sold and served at their **River Jam 2022 Music Festival** in Mechanics Park, providing that the sale and consumption of the alcoholic beverages be confined within a clearly defined area that has been approved and licensed by the State of Maine Bureau of Alcoholic Beverages.

BE IT FURTHER ORDERED, that the City Council does hereby approve the issuance of a Special Event Permit for this event.



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for a License for an Incorporated Civic Organization

Section A: Applicant Information:

1. Legal Name of Applicant:

Heart of Biddeford

2. Contact Name for Applicant:

Delilah Poupore

3. Mailing Address of Primary Office of Applicant:

205 Main St, Suite 103
Biddeford, ME 04005

4. Contact Name Telephone/Mobile Number:

(207) 284-8520

5. Email Address of Contact:

director@heartofbiddeford.org

Section B: Event Information:

1. Title Event:

2022 River Jam

2. Purpose of Event:

music festival

3. Duration of Event (check one):



One Day



Multiple Days (only 1 permitted per year)

4. Type of Event: (check one)



Indoor



Outdoor

5. Town or City where Event will take place:

Biddeford, ME

6. Complete Physical Address of Event:

Mechanics Park (cordoned off area)
corner of Main/Water Streets

7. Date of Event:

8/20/2022

Time: From

4pm

To

930 pm

Under Maine liquor laws, alcoholic beverages can only be served from 5:00 am to 1:00 am of the next day, Sunday through Saturday; event times cannot deviate from this statutory requirement.

8. Number of Persons Attending:

1200

9. Describe specific indoor and/or outdoor area to be licensed: (for an outdoor event, please include a diagram of the outside space in Section F below.)

An area of Mechanic Park will be roped off/barricaded.

10. Will dancing be part of the event? Yes ☐ No ☒
- a. Does the venue have a dance license? Yes ☐ No ☐
- b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

Section C: Signature of Applicant

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 6/29/22


Signature of Duly Authorized Person

Delilah Roupore
Printed Name of Duly Authorized Person

Section D: For use by Municipal Officers and County Commissioners only
Approval of an Application for a License for an Incorporated Civic Organization

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this catering event application on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of license to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

Section E: Application Fee; Other Information

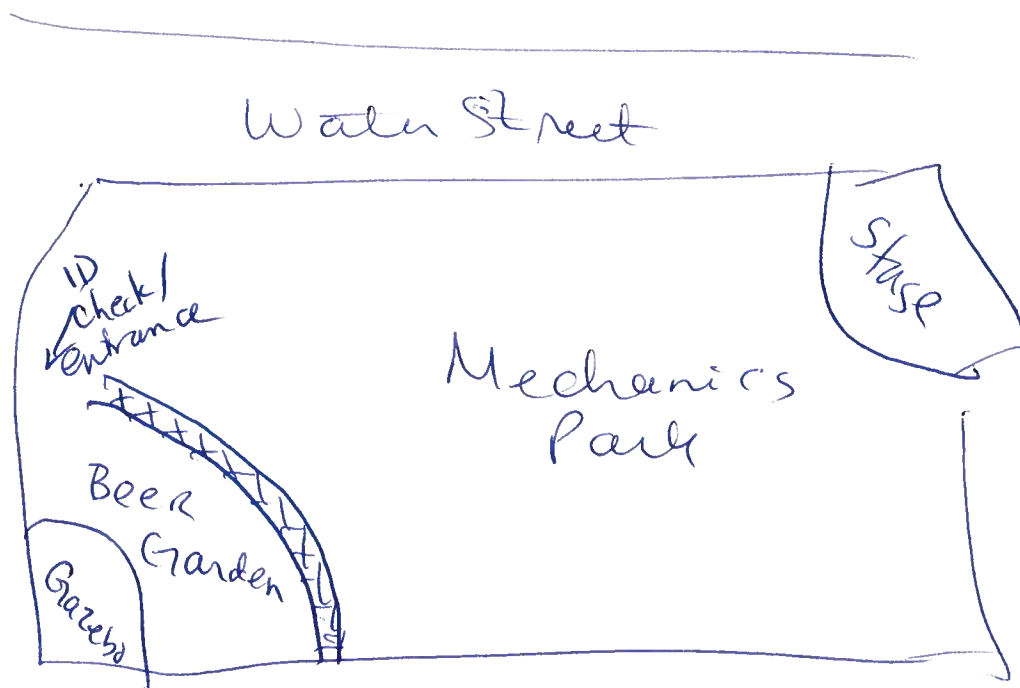
1. The license fee is \$50.00 plus a \$10.00 filing fee; make checks payable to Treasurer State of Maine.
2. The law requires the application to be submitted at least 24 Hours prior to the function, however, a longer notice is appreciated to allow additional time for processing.
3. Once issued, this permit is not assignable and is valid only for use by the licensee named in this application and for the date, time, and location listed in this application. This permit is issued subject to Maine liquor laws under Title 28-A and the Bureau's Administrative Rules. Penalties for failure to comply with the laws and rules are provided in Chapter 33 of Title 28-A.
4. The Division is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.
5. Payments to the Division by check subject to penalty provided by 28-A MRS Section 3-B.

Section F: Diagram for Outdoor Events

The following restrictions apply to outdoor events:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the event to control and monitor the area.

In an effort to clearly define the area that consumption and storage of liquor will occur during this outdoor event, diagrams must be submitted on this form and should be as accurate as possible. Be sure to label the areas of consumption and storage on your diagram.



For Division Use Only

Date Filed: _____

☐ Approved

☐ Not Approved

Date Approved: _____

Approved By: _____

License No: _____

Deposit Date: _____

Amt. Deposited: _____

Payment Type: _____



**STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**

**TELEPHONE: (207) 624-7220
FAX: (207) 287-3434
EMAIL INQUIRIES: maineliquor@maine.gov**

**Application for a License for an Incorporated Civic Organization
Important Information**

- A. General
 - i. The municipality in which the event will take place must have voted to approve on-premises consumption under Title 28-A, Chapter 5.
 - ii. The law requires the application to be submitted at least 24 hours in advance of the event, however, a longer notice is appreciated to allow additional time for processing.
- B. Events open to the public
 - i. Your organization must be an incorporated civic organization or a similarly purposed national organization designated under the United States Internal Revenue Code of 1986, Section 501(c)(3) and verifiable with the office of the Maine Secretary of State, Division of Corporations.

Submit completed forms to:

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008

Courier delivery: 19 Union Street, 3rd floor, Suite 301-B, Augusta, ME 04330

APPLICATION NUMBER: 22-06-036

**INDEMNIFICATION AND RELEASE PROVISIONS
CITY OF BIDDEFORD SPECIAL EVENT PERMIT**

EFFECTIVE 7-6-2017 THE
FOLLOWING FEES WILL APPLY:

B050 Administrative fee

\$25.00

B051 Parade Permit fee

\$50.00

B052 Block Party Permit fee

\$75.00

B053 Mass Gathering fee

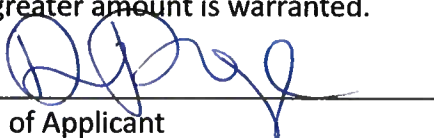
\$100.00

A. In consideration for being permitted to use the facilities and/or rights-of-way of the City of Biddeford, (hereinafter "City"), Heart of Biddeford (insert name of person/entity seeking permission to use facilities and/or right-of-way, hereinafter "Applicant") agrees to indemnify and hold harmless the City, its officers, employees, and insurers, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity on account of damage, loss, or injury, including without limitation claims arising from property loss, or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities and/or rights-of-way, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City, its officers, or its employees, or from any other cause whatsoever.

B. By signing below, Applicant agrees that in the event of damage, loss or injury to the facilities or to any property or equipment therein or to the City rights-of-way, the City may deduct from any damage deposit the full amount of such damage, loss, or injury. Applicant further agrees that if such damage, loss, or injury exceeds the amount of the damage deposit, Applicant will promptly reimburse the City for all costs associated therewith upon billing by the City.

C. In addition, in consideration for being permitted or allowed to use the facilities and/or right-of-way, Applicant on behalf of itself and its officers, employees, members, and participants, hereby expressly exempts and releases the City, its officers, employees, insurers, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability claims and demands result from the act, omission, negligence, or other fault on the part of the City, its officer, or its employees, or from any other cause whatsoever.

D. In addition, Heart of Biddeford has furnished and attached two copies of certificates of insurance with the City of Biddeford named as an additional insured in the amount of \$400,000 unless a greater amount is warranted.


Signature of Applicant

Date

6/30/22

Delilah Poupore

Printed Name of Applicant

APPLICATION NUMBER: _____

**CITY OF BIDDEFORD
SPECIAL EVENT APPLICATION**

City of Biddeford
P.O. Box 586
Biddeford, ME 04005

Name of Event River Jam Fringe Fest Location of Event Shevenell Park/Main Street

Date of Event: Friday August 19 Start Time 3 pm set up Finish Time 9:30 pm clean up

Detailed and specific description of Event (attached separate sheet if necessary)

River Jam Fringe Fest is an annual, free family friendly art festival downtown.

Estimated # of Participants 100 Estimated Attendance 700

Type of Event:

x Festival/Fair With Alcohol: Yes: _____ ** No: x (cowbell may apply for a separate permit - extension of premises)

☐ Race/Walk/Bike Ride

☐ Concert

☐ Parade/March

☐ Other – Please Specify: _____

**** NOTE:** If alcohol is being sold, or otherwise available, permission must be obtained through application at City Clerk's Office, and must be approved by the City Council. If alcohol is sold, this requires applicable State of Maine Liquor license to sell alcohol. List contact name and address of licensee:

APPLICATION NUMBER: _____

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.) Please explain: Music and people downtown, road closure

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing: Social media, posters, mailing, newsletters, TV ads, annoucement at City Council.

Organization (Applicant) Information

Name of Organization or Name of Applicant if NOT an Organization Heart of Biddeford

Physical Address: 205 Main Street, Suite 103 Biddeford ME 04005

Mailing Address: 205 Main Street, Suite 103 Biddeford ME 04005

Business Telephone 207-284-8520 Fax _____ E-mail office@heartofbiddeford.org

Income Tax Exempt: Yes: _____ No: X Tax Exempt Number: _____

Contact Person/Event Coordinator

Name & Address Delilah Poupore

Cellular 207-251-5695 E-Mail director@heartofbiddeford.org

Relationship Organization: Director

General Service Questions

Department of Public Works

Is the use of barricades necessary/requested for this event? Y

If yes, number needed 20

Will it be necessary to cover street and/or parking signs for this event? Y If yes, please note on diagram.

What is your plan for cleanup and debris disposal for this event? Volunteer clean up

Is any other Public Works assistance anticipated? 5 trash cans

Parks and Recreation Department

Revised 8/5/2021

APPLICATION NUMBER: _____

Will this event take place in a Public Right of Way, Public Way, City Park or athletic field? yes

If yes, where Shevenell Park/Main Street Will tenting/staging be utilized for this event? N If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc.? _____

Any Parks and Recreation assistance required? N

Fire Department

Will the Fire Department have access to all sites in the event of an emergency? Y

Will any fire hydrants be obstructed? N Will you have access to E 9-1-1? Y

Will you have First Aid or medical staff present?

_____no_____

******* If First aid or Medical Staff is needed, The Biddeford Fire Department can provide for a fee. Please Contact the Biddeford Fire Department at 207-282-6632 for details.*******

Police Department

Is traffic control necessary for this event? no If yes, who will provide it?

Is crowd control necessary for this event? No If yes, who will provide it?

Other

All vendors *must* obtain proper licenses/permits from the City Clerk's office (284-9307).

Indemnification agreement/insurance certificate must be attached to this application at the time of submission. Site Plan Sketch may be accompanied by a separate map, if necessary.

SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)

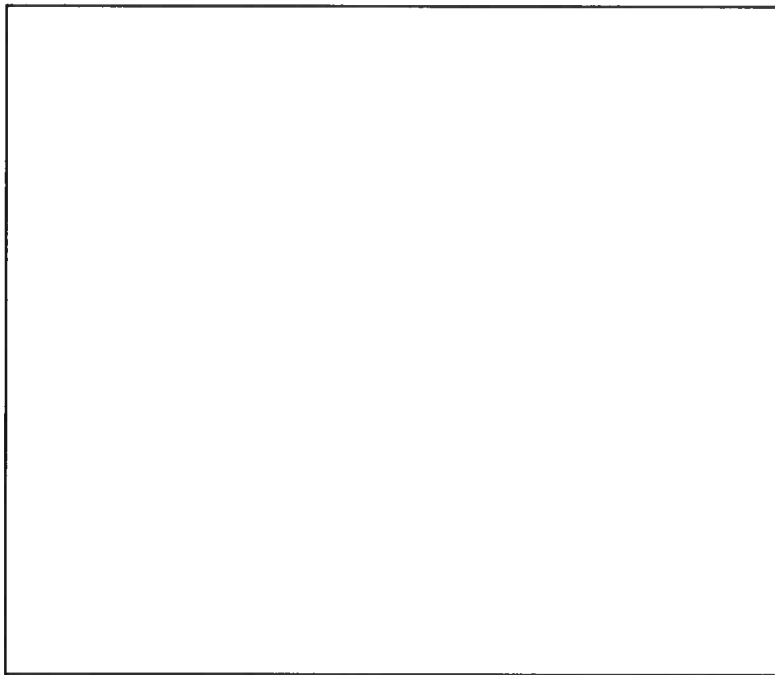
APPLICATION NUMBER: _____

In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location
Event Coordinator's Booth
Tents/Stages/Grandstands
Rest Facilities

Vender Locations
Garbage Cans
Water Sources

Street Closures/Parking Information
Water/Electricity Sources
Loudspeakers



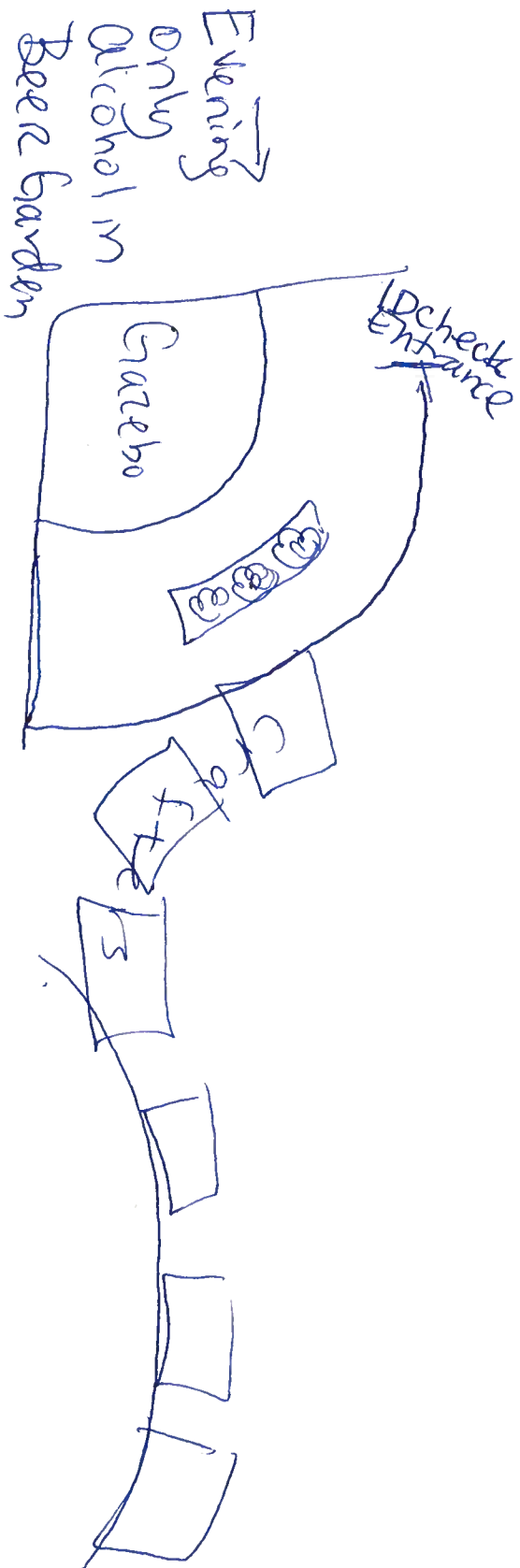
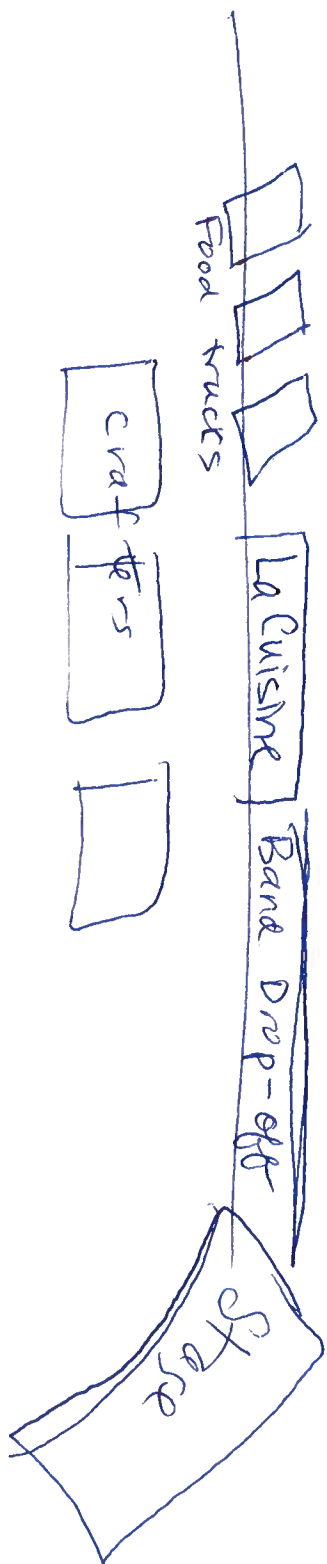
Applicant's Statement of Agreement

Everything I have stated on this agreement is correct to the best of my knowledge. This permit, if granted, is not transferable and is revocable at any time at the discretion of the City of Biddeford. I understand that the issuance of this permit is contingent upon compliance with any and all conditions imposed by the City of Biddeford or its officers.

Applicant Signature: _____ Date _____

River Jan '22 @ Mechanics Park

Water Street Creams open



Evening
Only
Alcohol in
Beer Garden

APPLICATION NUMBER: _____

CITY OF BIDDEFORD
SPECIAL EVENT APPLICATION

City of Biddeford
P.O. Box 586
Biddeford, ME 04005

Name of Event River Jam Location of Event Mechanics Park

Date of Event: Saturday August 20 Start Time 8:00 am set up Finish Time 9:30 pm clean up

Detailed and specific description of Event (attached separate sheet if necessary)

River Jam is an annual, free family friendly music festival along the Saco River.

Estimated # of Participants 100 Estimated Attendance 1500

Type of Event:

x Festival/Fair With Alcohol: Yes: x** No: _____

☐ Race/Walk/Bike Ride

☐ Concert

☐ Parade/March

☐ Other – Please Specify: _____

**** NOTE:** If alcohol is being sold, or otherwise available, permission must be obtained through application at City Clerk's Office, and must be approved by the City Council. If alcohol is sold, this requires applicable State of Maine Liquor license to sell alcohol. List contact name and address of licensee:

HOB is applying for
"license for an Incorporated
Cent organization."

APPLICATION NUMBER: _____

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.) Please explain: Bands will be playing live music, the parking spots on Water Street will be used for vendors/ food trucks.

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing: Social media, posters, mailing, newsletters, TV ads, announcement at City Council.

Organization (Applicant) Information

Name of Organization or Name of Applicant if NOT an Organization Heart of Biddeford

Physical Address: 205 Main Street, Suite 103 Biddeford ME 04005

Mailing Address: 205 Main Street, Suite 103 Biddeford ME 04005

Business Telephone 207-284-8520 Fax _____ E-mail office@heartofbiddeford.org

Income Tax Exempt: Yes: _____ No: X Tax Exempt Number: _____

Contact Person/Event Coordinator

Name & Address Delilah Poupore

Cellular 207-251-5695 E-Mail director@heartofbiddeford.org

Relationship Organization: Director

General Service Questions

Department of Public Works

Is the use of barricades necessary/requested for this event? Y

If yes, number needed 15

Will it be necessary to cover street and/or parking signs for this event? Y If yes, please note on diagram.

What is your plan for cleanup and debris disposal for this event? Volunteer clean up

Is any other Public Works assistance anticipated? 5 trash cans

APPLICATION NUMBER: _____

Parks and Recreation Department

Will this event take place in a Public Right of Way, Public Way, City Park or athletic field? yes

If yes, where Mechanic Park Will tenting/staging be utilized for this event? Y If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc.? _____ We will not be staking the stage, as it is on a trailer. _____

Any Parks and Recreation assistance required? Access to electrical in the Gazebo.

Fire Department

Will the Fire Department have access to all sites in the event of an emergency? Y

Will any fire hydrants be obstructed? N Will you have access to E 9-1-1? Y

Will you have First Aid or medical staff present?

_____no_____

******* If First aid or Medical Staff is needed, The Biddeford Fire Department can provide for a fee. Please Contact the Biddeford Fire Department at 207-282-6632 for details.*******

Police Department

Is traffic control necessary for this event? no If yes, who will provide it?

Is crowd control necessary for this event? yes If yes, who will provide it? _____ We have hired the same security company that we have used in past years. _____

Other

All vendors *must* obtain proper licenses/permits from the City Clerk's office (284-9307).

Indemnification agreement/insurance certificate must be attached to this application at the time of submission. Site Plan Sketch may be accompanied by a separate map, if necessary.

APPLICATION NUMBER: _____

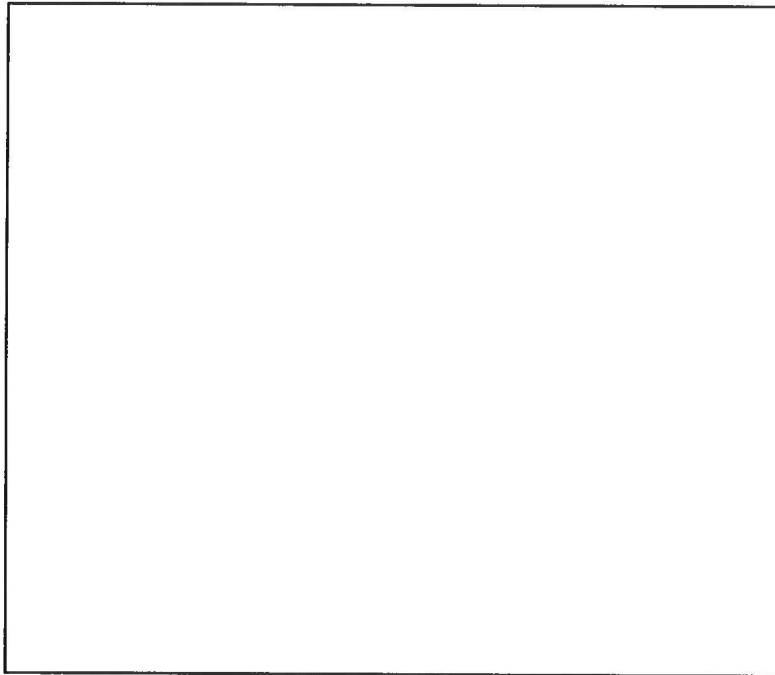
SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)

In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location
Event Coordinator's Booth
Tents/Stages/Grandstands
Rest Facilities

Vender Locations
Garbage Cans
Water Sources

Street Closures/Parking Information
Water/Electricity Sources
Loudspeakers



Applicant's Statement of Agreement

Everything I have stated on this agreement is correct to the best of my knowledge. This permit, if granted, is not transferable and is revocable at any time at the discretion of the City of Biddeford. I understand that the issuance of this permit is contingent upon compliance with any and all conditions imposed by the City of Biddeford or its officers.

Applicant Signature: _____ Date _____

APPLICATION NUMBER: _____

**CITY OF BIDDEFORD
BLOCK PARTY PERMIT APPLICATION**

Name of Applicant _____

Address _____

Telephone # _____

Location of Block Party _____

Date of Block Party _____

Start Time _____ Finish Time _____

Block Party Regulations

Authorization to block off your street for a block party on the above date during the above stated time is contingent upon the following stipulations.

1. Although the street will be closed, provisions must be made for access by **EMERGENCY VEHICLES**. Barricades must be provided at the requesting party's expense. They must be of a temporary nature and easily removable in an emergency.
2. Block party must cease before dark, with all street obstructions and barricades removed.
3. Any debris or litter must be cleaned by the permit holder immediately following the event.
4. Music will be allowed but it must be maintained at a reasonable volume so as not to disturb nearby neighbors. Any complaint regarding noise of any type that is substantiated by the Police Department may cause this permit to be terminated without notice.
5. It is **ILLEGAL** in Maine to consume alcoholic beverages in public areas, which includes city streets and sidewalks. Any consumption of alcoholic beverages must take place on private property only.

On the following page, please attach or sketch a map showing the area to be blocked, the location of the barricades, and any other descriptive information pertinent to the issuance of this permit.

APPLICATION NUMBER: _____

REVIEW BY SPECIAL EVENTS COMMITTEE:

Having completed a review of the application, the proposal itself, the location of the vent and its impact upon services and resources, this application is:

APPROVED WITH MODIFICATIONS AND/OR RESTRICTIONS: _____

APPROVED AS SUBMITTED: _____

DENIED: _____

Modifications / Restrictions:

REASON(S) FOR DENIAL:

Police Chief

Date:

Fire Chief

Date

Public Works Director

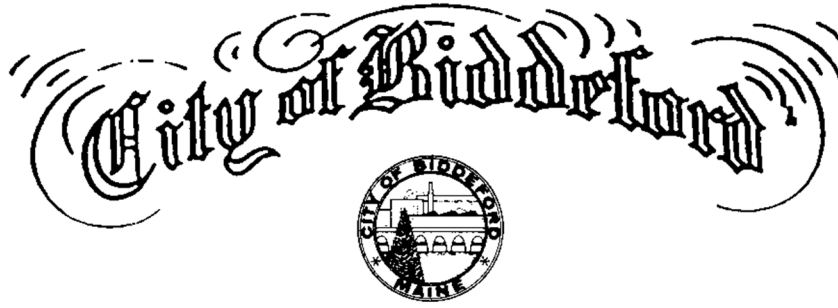
Date:

Codes Enforcement Officer

Date:

Parks & Recreation

Date:



2022.69

IN BOARD OF CITY COUNCIL..AUGUST 2, 2022

BE IT ORDERED, that in accordance with the provisions set forth under *Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property*, the City Council of the City of Biddeford does hereby grant approval for Biddeford Saco Chamber of Commerce to serve liquor at their Membership Cookout on August 2, 2022 at Mechanics Park, providing that the said Biddeford Saco Chamber of Commerce is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

BE IT FURTHER ORDERED, that the City Council also approves the issuance of a Special Event Permit for the Biddeford & Saco Chamber of Commerce Trade Show/Business Expo Event on August 2, 2022 at Mechanics Park.

Revised Application for new date! 8/18/22

APPLICATION NUMBER: Resubmission —

new date

INDEMNIFICATION AND RELEASE PROVISIONS
CITY OF BIDDEFORD SPECIAL EVENT PERMIT

EFFECTIVE 7-6-2017 THE FOLLOWING
FEES WILL APPLY:

Administrative fee	\$25.00
Parade Permit fee	\$50.00
Block Party Permit fee	\$75.00
Mass Gathering fee	\$100.00

A. In consideration for being permitted to use the facilities and/or rights-of-way of the City of Biddeford, (hereinafter "City"), Biddeford + Saco Chamber of Commerce (insert name of person/entity seeking permission to use facilities and/or right-of-way, hereinafter "Applicant") agrees to indemnify and hold harmless the City, its officers, employees, and insurers, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity on account of damage, loss, or injury, including without limitation claims arising from property loss, or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities and/or rights-of-way, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City, its officers, or its employees, or from any other cause whatsoever.

B. By signing below, Applicant agrees that in the event of damage, loss or injury to the facilities or to any property or equipment therein or to the City rights-of-way, the City may deduct from any damage deposit the full amount of such damage, loss, or injury. Applicant further agrees that if such damage, loss, or injury exceeds the amount of the damage deposit, Applicant will promptly reimburse the City for all costs associated therewith upon billing by the City.

C. In addition, in consideration for being permitted or allowed to use the facilities and/or right-of-way, Applicant on behalf of itself and its officers, employees, members, and participants, hereby expressly exempts and releases the City, its officers, employees, insurers, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability claims and demands result from the act, omission, negligence, or other fault on the part of the City, its officer, or its employees, or from any other cause whatsoever.

D. In addition, Biddeford + Saco Chamber of Commerce has furnished and attached two copies of certificates of insurance with the City of Biddeford named as an additional insured in the amount of \$400,000 unless a greater amount is warranted.

[Signature]
Signature of Applicant

2.17.22
Date

Amanda Lutz
Printed Name of Applicant

James Gille 7/27/22

APPLICATION NUMBER: _____

CITY OF BIDDEFORD
SPECIAL EVENT APPLICATION

* Request Reschedule: AUG. 18th

City of Biddeford
P.O. Box 586
Biddeford, ME 04005

Name of Event Chamber Fest Location of Event Mechanics Park

Date of Event: 7/21/22 Start Time 5 PM Finish Time 7:30 PM

Detailed and specific description of Event (attached separate sheet if necessary)

Tradeshow event / Business Expo
Chamber members will share information about
their business at tables with other members and
people from the community, enjoy food and
conversation in a relaxed outdoor setting.

Estimated # of Participants 75 Estimated Attendance 75

Type of Event:

☒ Festival/Fair With Alcohol: Yes: ☒ ** No: _____

☐ Race/Walk/Bike Ride

☐ Concert

☐ Parade/March

☐ Other – Please Specify: _____

**** NOTE:** If alcohol is being sold, or otherwise available, permission must be obtained through application at City Clerk's Office, and must be approved by the City Council. If alcohol is sold, this requires applicable State of Maine Liquor license to sell alcohol. List contact name and address of licensee:

APPLICATION NUMBER: _____

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.) Please explain:

Some parking impact for the short
period of time, but minimal.

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing:

Chamber members to be notified via email /
Social media.

Organization (Applicant) Information

Name of Organization or Name of Applicant if NOT an Organization

Biddeford + Saco Chamber of Commerce

Physical Address: 28 Water Street Biddeford, ME 04002

Mailing Address: _____

Business Telephone 282-1567 Fax _____ E-mail amanda@biddeford
sacochamber.org

Income Tax Exempt: Yes: ☒ No: _____ Tax Exempt Number: _____

Contact Person/Event Coordinator

Name & Address

Amanda Lutz

Telephone 282-1567 Cellular 604-0127 E-Mail amanda@
BiddefordSaco
Relationship Organization: Marketing Manager Chamber.org

General Service Questions

Department of Public Works

Is the use of barricades necessary/requested for this event? NO

If yes, number needed —

Will it be necessary to cover street and/or parking signs for this event? NO If yes, please note on diagram.

What is your plan for cleanup and debris disposal for this event?

Chamber will take care of.

APPLICATION NUMBER: _____

Is any other Public Works assistance anticipated?

no

Parks and Recreation Department

Will this event take place in a Public Right of Way, Public Way, City Park or athletic field? _____

If yes, where

Mechanics Park

Will tenting/staging be utilized for this event? no If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc.?

Any Parks and Recreation assistance required?

no

Fire Department

Will the Fire Department have access to all sites in the event of an emergency?

yes

Will any fire hydrants be obstructed? no Will you have access to E 9-1-1?

yes

Will you have First Aid or medical staff present?

no

***** If First aid or Medical Staff is needed, The Biddeford Fire Department can provide for a fee. Please Contact the Biddeford Fire Department at 207-282-6632 for details.*****

Police Department

Is traffic control necessary for this event? no If yes, who will provide it?

Is crowd control necessary for this event? no If yes, who will provide it?

APPLICATION NUMBER: _____

Other

All vendors *must* obtain proper licenses/permits from the City Clerk's office (284-9307).

Indemnification agreement/insurance certificate must be attached to this application at the time of submission. Site Plan Sketch may be accompanied by a separate map, if necessary.

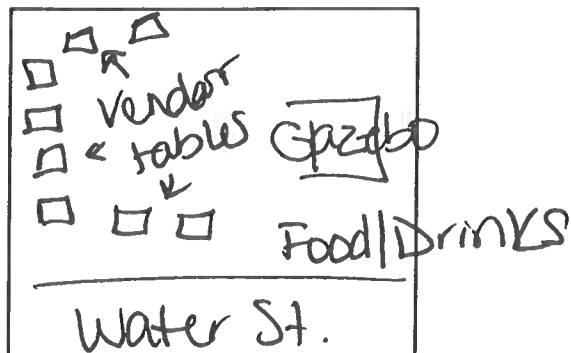
SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)

In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location
Event Coordinator's Booth
Tents/Stages/Grandstands
Rest Facilities

Vender Locations
Garbage Cans
Water Sources

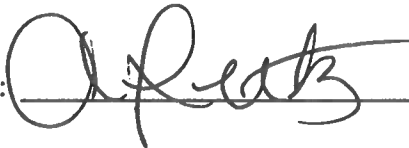
Street Closures/Parking Information
Water/Electricity Sources
Loudspeakers

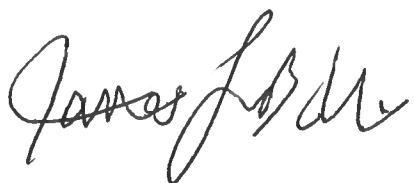


APPLICATION NUMBER: _____

Applicant's Statement of Agreement

Everything I have stated on this agreement is correct to the best of my knowledge. This permit, if granted, is not transferable and is revocable at any time at the discretion of the City of Biddeford. I understand that the issuance of this permit is contingent upon compliance with any and all conditions imposed by the City of Biddeford or its officers.

Applicant Signature:  Date 8.17.22

 7/27/22

APPLICATION NUMBER: _____

REVIEW BY SPECIAL EVENTS COMMITTEE:

Having completed a review of the application, the proposal itself, the location of the vent and its impact upon services and resources, this application is:

APPROVED WITH MODIFICATIONS AND/OR RESTRICTIONS: _____

APPROVED AS SUBMITTED: _____

DENIED: _____

Modifications / Restrictions:

REASON(S) FOR DENIAL:

Police Chief

Date:

Fire Chief

Date

Public Works Director

Date:

Codes Enforcement Officer

Date:

Parks & Recreation

Date:



City Council

Meeting Date: August 2, 2022

Meeting Time: 6:00 pm

Agenda Item No: 9.b

Item Description: Committee-of-the-Whole: Discussion - Bird Scooters – Rental of Stand-Up Scooters in Biddeford

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

Bird 2022 City Proposal – Biddeford, ME

Pilot Operating Agreement – Bird – Biddeford, ME

Model Shared Electric Scooter Ordinance

Ordinance Example – City of Kinston – Micromobility Devices

Key Terms:

N/A

Executive Summary:

Bird Company approached the City with a proposal to allow electric scooter rentals as a pilot project. Upon review staff identified several issues that should be addressed. First, the City should have an ordinance in place to regulate the use and management of electric micromobility devices. And second, the rental model includes provisions for end-of-trip parking on sidewalks. Biddeford's sidewalks appear too narrow to accommodate our current on-street dining, pedestrian travel, and scooter parking.

Staff is looking for guidance on whether or not to pursue the current proposal and whether a general micromobility device ordinance should be prepared in anticipation of future proposals.

Detailed Review:

Bird Company approached the City to inquire about offering for rent electric standup scooters. Bird presented a general proposal (see *Bird 0202 City Proposal – Biddeford, ME*) and a draft pilot operating agreement to allow for a limited roll out of the program (see *Pilot Operating Agreement – Bird – Biddeford ME 2022*).

As part of the initial discussion Bird reviewed the general business model, typical operational limitations and provisions, technology and innovation characteristics, and enforcement and regulation models.

As a general summary here are the major points of the discussion.

- Bird distributes electric scooters through and local franchise agreement.
- The local franchise operator is considered the “fleet manager” and is responsible for coordination, enforcement, maintenance, etc. The fleet manager is actively managing the scooters by deploying and collecting them throughout the day for the most cost effective utilization of the scooters – the more available the units are the more revenue is potentially generated.
- There would typically be 50-75 scooters available with 1/3 in for charging and 2/3s on the street.
- “Nests” are the starting locations where scooters are initially found. The nest locations develop organically as data is received related to pick-up and drop-off locations.
- The scooters are reportedly equipped with significant technology that helps manage the units. Each has a GPS, the ability to geo-fence to prevent operation in restricted areas (parks, sidewalks, outside of city limits or other designated areas). Speed is capped at 15 mph and can be further restricted through the software.
- Riders reserve and collect a scooter from a nest and then are able to drop it off virtually anywhere within the community. The fleet manager monitors the scooters and collects them periodically for recharge and redeployment.
- The downloadable app has a “Community Mode”. Complaints can be filed and the fleet manager has X amount of time to respond.
- Regulation of the scooters is governed by the pilot operating agreement and local ordinance. Bird’s model ordinance is provided for reference along with an active community ordinance, see *Bird Model Ordinance* and *Ordinance Example – City of Kinston*.



Figure 1 - Typical Scooter in Nest



Figure 2 - Example of parked scooters



Figure 3 - View of so-called furniture zone for scooter parking

As you can see in figures 1-3, the scooters are typically parked on the sidewalk in what is designated as the furniture zone. The City has no such designation. The City of Kinston's ordinance addresses parking by listing parking restrictions. This essentially allows parking anywhere that isn't otherwise restricted. The ordinance also allows scooter parking in spaces designated for motorcycles and in unused street parking stalls.

Figures 4 & 5 depict a typical Biddeford sidewalk showing clearances. These clearances are generally the largest within the city due to the width of downtown sidewalks. Most city sidewalks are narrower.

Figure 4 shows a width of 6-feet from the building to the tree boxes. This would be the “furniture zone” as contemplated in the model ordinance. Figure 5 shows the 48-inch clearance remaining from the City’s merchandise area. The merchandise area being the area available to tables, chairs, merchandise, etc., designated in part for outdoor dining.



Figure 4 - Downtown sidewalk width to tree boxes (furniture zone)



Figure 5 - Downtown clearance from merchandise area

On a typical downtown sidewalk the scooters could be parked along the curb as displayed in Figure 1, however in our case there would be very limited pedestrian access in areas where business owners

are utilizing the merchandise area. On side streets the ability to park scooters against the curb is almost non-existent due to sidewalk width. Defaulting to unused parking spaces would not be recommended. It would be difficult for drivers to see a scooter in a space until the driver has committed to space entry. It would also be an inefficient use of on-street parking for a single scooter.

Although there may be other issues related to allowing Bird (or other) micromobility device rentals in Biddeford, the most significant initial concern is that of scooter parking. The pilot proposal contemplates allowing scooter rentals for a period of one year, which would allow the City to evaluate and address unforeseen issues. Even with a pilot program the issue of scooter parking should be addressed up front. This will allow Bird, and or others, to include parking details in their rental agreements.

Staff is looking for direction on whether or not to pursue the proposal further given the parking concerns as well as whether a general micromobility device ordinance should be developed in anticipation of future requests of this nature.

Funding Source:

N/A

Staff Recommendation:

Staff takes a neutral position on the concept of electric micromobility device rentals but does not advise moving forward without a solution to the scooter parking issue.



Hello, Biddeford, ME



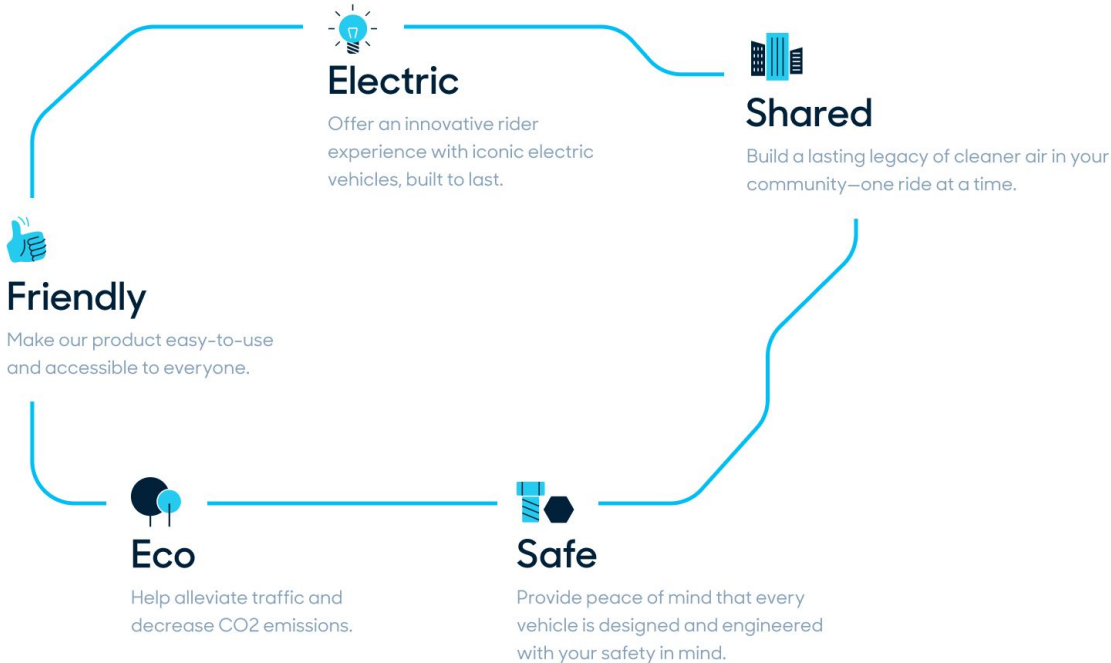
Our Mission

Improve our
communities and
the lives of those
around us.



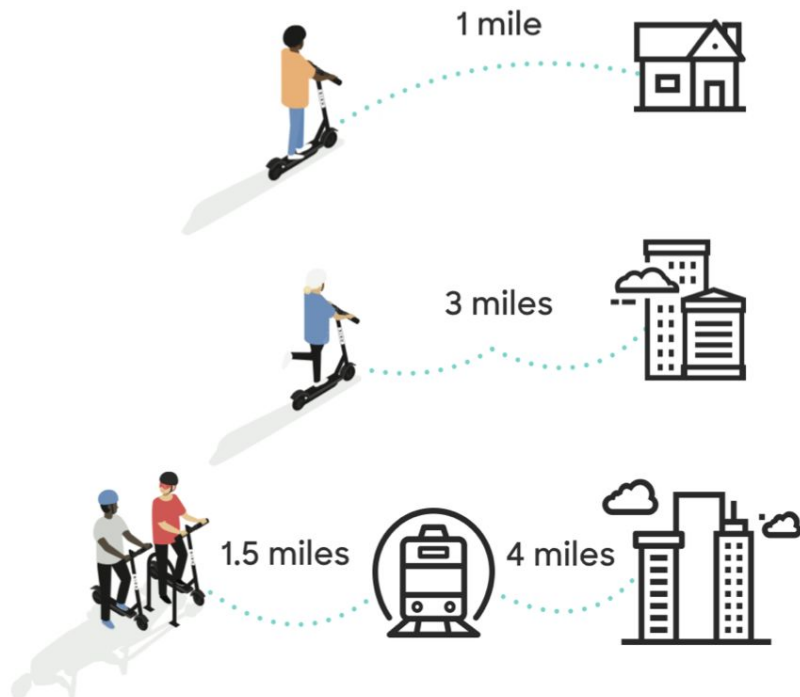
What is Bird?

A micromobility company with a focus in shared electric vehicles.



First Mile Last Mile

Great solution for quick trips



Get to School or Work

Don't hassle to re-park

Connect to transit or go one way

Bird's Story

Founded in 2017, Bird saw instant success as a pioneer in the space.

Today....

5 Continents.

25 Countries.

300 Cities.

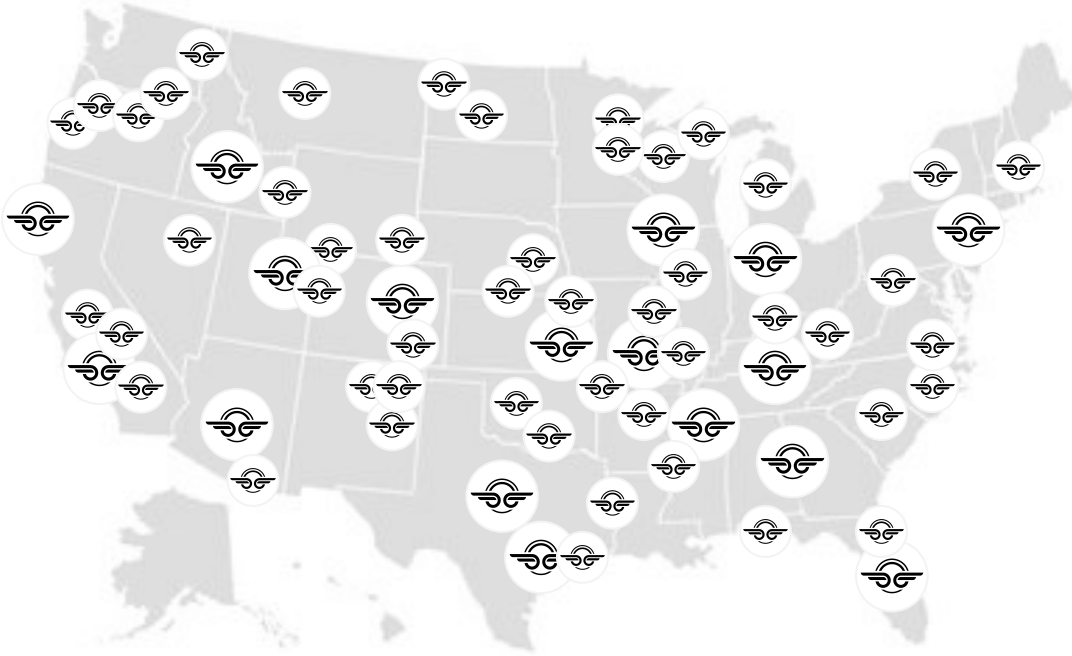
100M+ Rides.

Listed on **NYSE BRDS**

B I R D



Cities Big and Small



BIRD

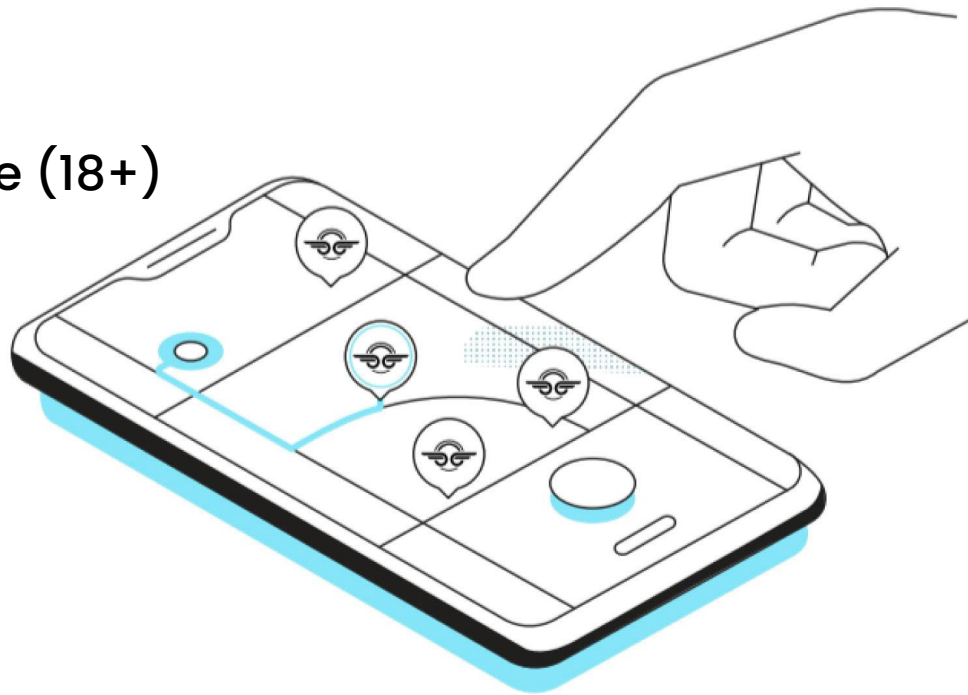
City	Population
Bridgewater, VA	6,062
St. Albans, WV	10,265
Cambridge, MD	12,376
Olean, NY	13,670
Martinsburg, WV	17,404
Oswego, NY	17,470
Salisbury, MD	32,807
Warren, OH	39,562
Manassas, VA	41,501
Springfield, OH	59,208
Nashua, NH	88,341
Newport News, VA	179,388





How it works

1. Download the Bird app
2. Sign user agreement & verify age (18+)
3. Add payment
4. Complete educational tutorials
5. Enjoy the ride!



The Dockless Model

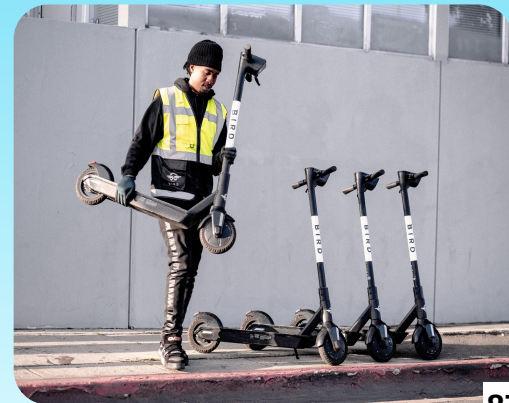
Follow the rules of the road like a bike

Freedom to choose where to pick up and drop off

Available for use within the designated 'operating zone'

Vehicle waits for next rider or is moved by Bird

BIRD



BirdThree

Battery	36 V, 21.0 Ah 10S6P
Charge Time	5.8 hrs
Range	35 miles
Braking	Regen; Drum (front), disc (r)
Wheels	10" pneumatic
Top Speed	15 mph
Dimensions	47.7 in. x 19.3 in. x 46.8 in.
Lights	Front / Rear LEDs

Enhanced Lighting

Anti-Theft Encryption
Enhanced encryption keeps our riders safe and helps deter theft

Autonomous Damage Sensors
Self-reporting damage sensors and automotive-inspired diagnostic technology

Seamless Screws
Protection against injury and theft with no exposed screws

Puncture-Proof Tires
10" tires feature puncture-proof tech, higher traction, and decreased vibration.

Industry's Longest-Lasting Battery
Automotive-grade battery management system. Largest, safest, only operator with IP68 integrated battery

Tip Detection Technology

Throttle-Brake Interlock
Automatic safety actions to protect against accidentally holding the throttle.

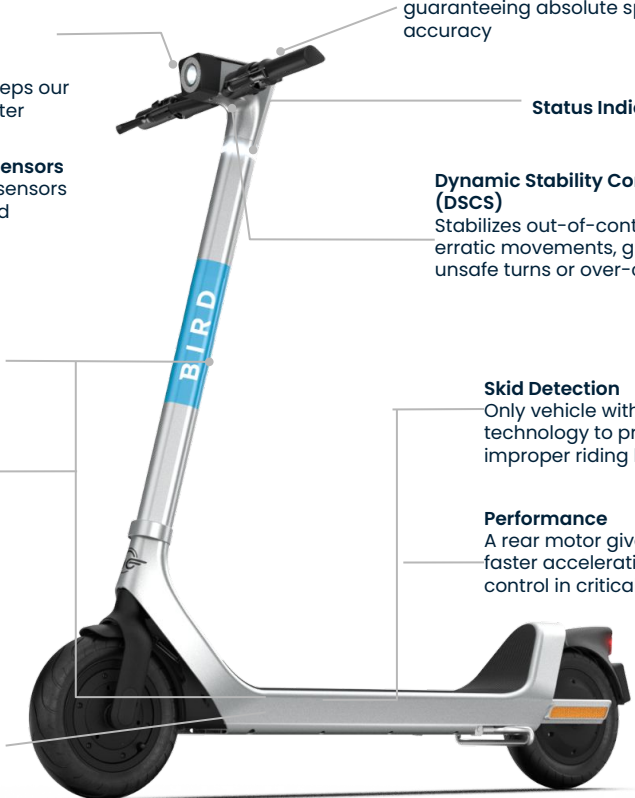
Dual Wiper Throttle
Automotive-grade functional safety and guaranteeing absolute speed-control accuracy

Status Indicator

Dynamic Stability Control Steering (DSCS)
Stabilizes out-of-control, sudden or erratic movements, guards against unsafe turns or over-corrections.

Skid Detection
Only vehicle with skid detection technology to prevent improper riding behavior.

Performance
A rear motor gives Bird Three faster acceleration and more control in critical situations.



Anti-Tip Kick Stand
With a dual anti-tipping kickstand, this Bird stands on its own two feet.

Performance
AEB brings the vehicle to a stop in the event of a brake failure.

Pricing

Standard Pricing

\$1+ a per minute fee. Averaging ~\$6 a ride.

Equitable Pricing Options

Discounts available to those in government assistance programs, veterans, senior citizens, healthcare workers, students with pell grants, etc.



Significant economic benefits of micromobility



Supporting Local Businesses

Over 50% of riders report using a Bird to visit a local business, and the majority of those (70%+) said riding a Bird made them more likely to visit that business.¹



Job Creation

To manage local operations, Bird partners with full time Fleet Managers, responsible for on-the-ground fleet logistics, care, and community education.



Expanding Job Access

By doubling or tripling how far people can travel to access public transit, Bird expands job access without lengthening commutes or adding cars to the road.



Reduction in GHG Emissions

Each Bird Two prevents an estimated 103kg of greenhouse gas emissions during its lifetime.²

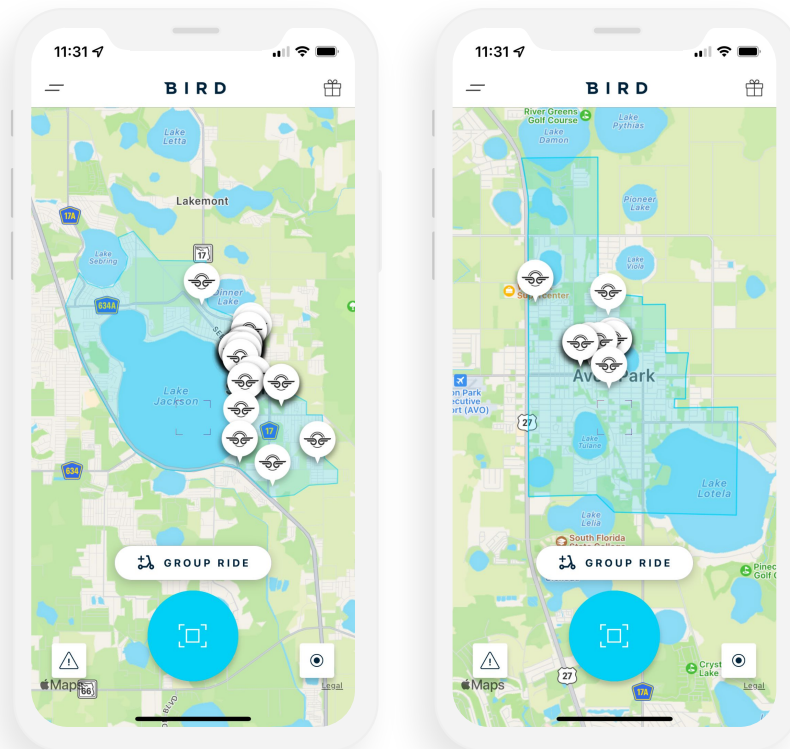


Operating Zone

Scooters will only be active within the city's boundary (highlighted in blue)

Operating Zone can be tailored based on city design

Vehicles will become inoperable should they leave the zone





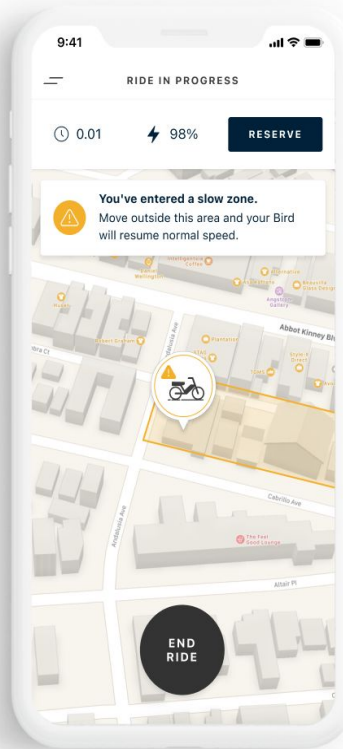
Geo-Zone Technology

All vehicles are tracked with GPS.

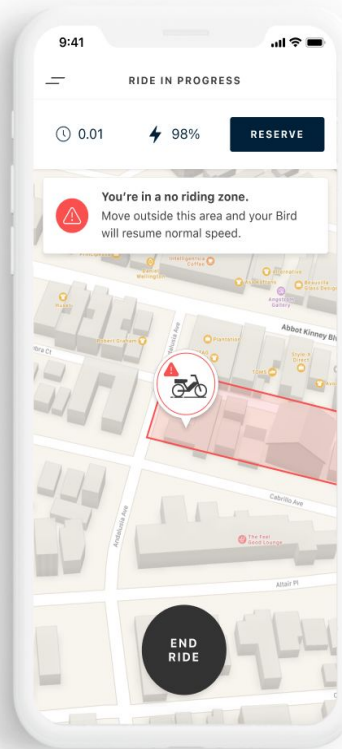
When riders enter a designated geo-zone, vehicles follow set rules.

Vehicles will slow down or stop, and riders are notified by a vehicle sound and an in-app notification.

Slow Zone



No-Ride Zone

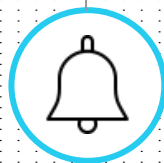


Focus on Reducing Clutter

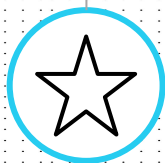
Bird's future relies on properly integrating dockless micromobility into our communities



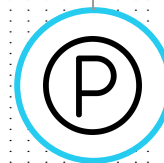
Educate Riders



Nudge Desired Behaviors



Local Presence



Make Space



Leverage Data

Safety is our top priority.

We are committed to providing safe mobility—as evidenced by our industry-leading safety record.

We hold ourselves to strict safety standards, and develop products and tools that protect riders and non-riders.



After 4 years and millions of rides taken on our shared fleets, we are pleased to report a global injury Incidence rate of 1:50K rides, **less than half the medical incident rate of cars.**

Bird's safety focus has driven a safety record superior to cars and micromobility competition.

Documented Medical Incident Rate ^{1,2}



1:50K



1:50K



1:20K



1:10K

- ^{1.} Injury incidence rate calculated as the percentage of total trips with incidents or accidents reported which required medical treatment. Documented injury rates for bicycles, automobiles, and motorcycles reflect national averages, whereas Bird's documented injury rate (1:50K) reflects Bird's global average incidence rate.
- ^{2.} Sources include Bird internal ride data, The U.S. Consumer Product Safety Commission, The U.S. National Highway Traffic Safety Administration, and The U.S. Bureau of Transportation Statistics

Fleet Manager Model

Developed in partnership with cities, our fleet management approach prioritizes compliance and fleet regulation.

How it works

- We partner with cities directly and are the day-to-day contact
- We thoroughly vet local fleet operators to support logistics on-the-ground
- FMs are given small fleet and then scale up based on compliance metrics and other KPIs
- **Zero debt**, do not need to buy vehicles, no cost to leave the program
- We tightly regulate our fleet operations, and develop features, such as "Ride Ready," to ensure compliance with local regulations



80% retention rates
(v 30-40% for other contractor
or hourly models) Many also
employ support staff



**Operational experts, experience in
vehicle management and logistics**



**Create local businesses opportunities
within the community**

Data Dashboard

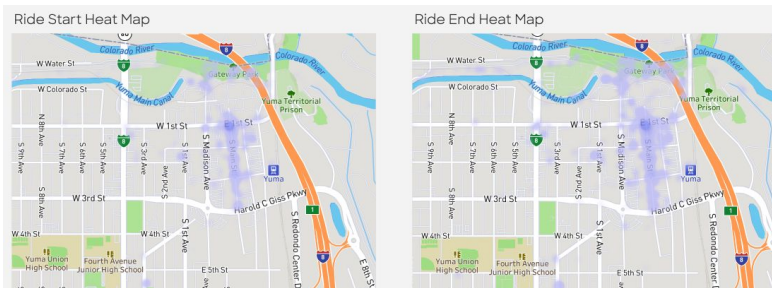
You get access too:

- **Report Summary:**

- Anonymized Rider behaviors such as frequency and length of rides
- Number and length of rides segmented in various dimensions
- Available Birds and number of rides/Bird

- **Map view:** The map will provide a view of the current location of vehicles and nests, with the ability to restrict the view by specific areas

- **Usage heatmaps:** Ride start & end, segmented by various dimensions





Proposal

- ✓ **No Investment Required**
- ✓ **Dedicated Account Manager**
- ✓ **Data Dashboard provided**
- ✓ **# of Vehicles:** 75 (means $\frac{2}{3}$ of fleet on street during peak ridership, others charging at FM location)
- ✓ **Specific operation zone**
- ✓ **Launch Date:** May'22
- ✓ **Approval Documentation:** MOU/OA



Let's Ride

Jeremy Lynch
Sr Account Executive
jlynch@Bird.co



PILOT OPERATING AGREEMENT

This Pilot Operating Agreement (the “Agreement”) is entered into by and between Bird Rides, Inc., located at 406 Broadway #369 Santa Monica, CA 90401 (“Company”), and CITY located at (the “City”) as of [], 2021.

1. Statement and Purpose

The purpose of this Agreement is to establish interim rules and regulations governing the pilot operation of a Stand-up Electric Scooter sharing system within the City while this Agreement is in effect (the “Pilot”), and to ensure that the Pilot is consistent with the safety and well-being of bicyclists, pedestrians, and other users of the public rights-of-way.

2. Scope

This Agreement and its terms apply to any proposed deployment of Stand-up Electric Scooter sharing systems within City’s jurisdictional boundaries. No person shall deploy a Stand-up Electric Scooter sharing system in the City in violation of this Agreement. This Agreement and the Pilot shall remain in effect for a period of twelve months and shall automatically renew for a successive twelve month period unless either party provides written notice to the other of its intention not to renew at least ninety (90) days prior to the end of the then-current term.

3. Operating Regulations

- a. Company, and/or its service providers, agents or assigns, shall be responsible for operating a Stand-up Electric Scooter program in the City with the below requirements.
- b. “Stand-up Electric Scooter” shall mean a device weighing less than 150 pounds, that (i) has handlebars and an electric motor, (ii) is solely powered by the electric motor and/or human power, and (iii) has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor.
- c. Except as otherwise provided herein, City shall regulate the operation of Stand-up Electric Scooters in a manner no more restrictive than City’s regulation of bicycles.
- d. Stand-up Electric Scooters are to be ridden on streets, and where available, in bike lanes and bike paths. Stand-up Electric Scooters are to stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths. Users of Stand-up Electric Scooters shall be 18 or older. Users of Stand-up Electric Scooters who violate these provisions may be fined by City consistent with fines for cyclists.
- e. Company shall provide easily visible contact information, including toll-free phone number and/or e-mail address on each Stand-up Electric Scooter for members of the public to make relocation requests or to report other issues with devices.
- f. Hours of operation when Company’s Stand-up Electric Scooters will be made available to rent in City are 5 a.m. to midnight (local time).

4. Parking

- a. Users of Stand-up Electric Scooters shall park devices upright in the furniture zone of the sidewalk, beside a bicycle rack or in another area specifically designated for bicycle parking, or on the street next to an unmarked curb.
- b. Users shall not park Stand-up Electric Scooters in such a manner as to block the pedestrian clear zone area of the sidewalk; any fire hydrant, call box, or other emergency facility; bus bench; or utility pole or box.
- c. Users shall not park Stand-up Electric Scooters in such a manner as to impede or interfere with the reasonable use of any commercial window display or access to or from any building.
- d. Users shall not park Stand-up Electric Scooters in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.
- e. Users may park Stand-up Electric Scooters on blocks without sidewalks only if the travel lane(s) and 6-foot pedestrian clear zone are not impeded.
- f. Users shall not park Stand-up Electric Scooters in the landscape/furniture zone directly adjacent to or within the following areas, such that access is impeded:
 - i. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - ii. Loading zones;
 - iii. Disabled parking zone;
 - iv. Street furniture that requires pedestrian access (e.g., benches, parking pay stations, bus shelters, transit information signs, etc.);
 - v. Curb ramps;
 - vi. Entryways; and
 - vii. Driveways.
- g. Users of Stand-up Electric Scooters who violate these provisions may be fined by City consistent with fines for cyclists.
- h. Company may stage its Stand-up Electric Scooters in permitted parking areas as described in this section. To the extent Company desires to stage Stand-up Electric Scooters in areas other than the public right-of-way, Company must first obtain the right to do so from the appropriate City department, property owner, or public agency.

5. Operations

- a. Company shall maintain 24-hour customer service for customers to report safety concerns, complaints, or to ask questions. Company shall maintain a multilingual website, call center, and/or mobile app customer interface that is available twenty-four hours a day, seven days a week. The aforementioned shall be compliant with the Americans with Disabilities Act.
- b. In the event a safety or maintenance issue is reported for a specific device, that Stand-up Electric Scooter shall be made unavailable to users and shall be removed within the timeframes provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.

- c. Company shall respond to reports of incorrectly parked Stand-up Electric Scooters, Stand-up Electric Scooters continuously parked in one location for more than 72 hours, or unsafe/inoperable Stand-up Electric Scooters, by relocating, re-parking, or removing the Stand-up Electric Scooters, as appropriate, within 24 hours of receiving notice that must include the location of the Stand-up Electric Scooter.
- d. Company shall provide notice to all users that:
 - i. Stand-up Electric Scooters are to be ridden on streets, and where available, in bike lanes and bike paths;
 - ii. Stand-up Electric Scooters are to stay to the right of street lanes and to offer the right of way to bicycles on bike lanes and bike paths;
 - iii. Helmets are encouraged for all users;
 - iv. Parking must be done in the designated areas; and
 - v. Riding responsibly is encouraged.
- e. Stand-up Electric Scooter riders are required to take a photo whenever they park their scooter at the end of a ride.
- f. Company shall provide education to Stand-up Electric Scooter riders on the City's existing rules and regulations, safe and courteous riding, and proper parking.

6. Data Sharing

City may require Company to provide anonymized fleet and ride activity data for all trips starting or ending within the jurisdiction of City on any vehicle of Company or of any person or company controlled by, controlling, or under common control with Company, provided that, to ensure individual privacy:

- a. such data is provided via an application programming interface, subject to Company's license agreement for such interface, in compliance with a national data format specification such as the Mobility Data Specification;
- b. any such data provided shall be treated as trade secret and proprietary business information, shall not be shared to third parties without Company's consent, and shall not be treated as owned by the local authority; and
- c. such data shall be considered personally identifiable information, and shall under no circumstances be disclosed pursuant to public records requests received by the local authority without prior aggregation or obfuscation to protect individual privacy.

7. Indemnification

Company agrees to indemnify, defend and hold harmless City (and City's employees, agents and affiliates) from and against all actions, damages or claims brought against City arising out of Company's negligence or willful misconduct, except that Company's indemnification obligation shall not extend to claims of City's (or City's employees', agents' or affiliates') negligence or willful misconduct. City expressly acknowledges that in no event shall Company be liable for any special, indirect, consequential

or punitive damages. Company's indemnification obligations shall survive for a period of one (1) year after expiration of this Agreement. Company shall be released from its indemnification obligations under this section if the loss or damage was caused by the City's negligent construction or maintenance of public infrastructure. City's right to indemnification shall be contingent on City notifying Company promptly following receipt or notice of any claim; Company shall have sole control of any defense; City shall not consent to the entry of a judgment or enter into any settlement without the prior written consent of Company.

8. Insurance

Company shall provide City with proof of insurance coverage exclusively for the operation of Stand-up Electric Scooters including: (a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; (c) Umbrella or Excess Liability coverage with a limit of no less than \$5,000,000.00 each occurrence/aggregate; and (d) where Company employs persons within the City, Workers' Compensation coverage of no less than the statutory requirement.

9. Miscellaneous

a. All notices and communications to the City from Company shall be made in writing (includes electronic communications) and sent to the address below.

b. In carrying out their responsibilities, the parties shall remain independent contractors, and nothing herein shall be interpreted or intended to create a partnership, joint venture, employment, agency, franchise or other form of agreement or relationship.

c. This agreement shall be governed by and construed in accordance with the laws of the State of [].

City, State

Bird Rides, Inc.

Signed By:

Signature: _____

Print Name: _____

Title: _____

Address:

Signature: _____

Print Name: _____

Title: _____

{From Bird Scooters}

Model Shared Electric Scooter Ordinance towards effective local policy

Model City Ordinance

CHAPTER ____

ARTICLE _____. – SHARED ELECTRIC SCOOTER PROGRAM

I. Policy Statement and Purpose

The purpose of this ordinance is to establish rules and regulations governing the operation of shared electric scooters providers within the City of ____ (the “City”) and to ensure that such mobility sharing systems are consistent with the safety and well-being of bicyclists, pedestrians, and other riders of the public rights-of-way.

II. Scope

This ordinance applies to any proposed deployment of electric scooter sharing systems within the City’s jurisdictional boundaries.

III. Procedures

Any entity seeking to operate a shared electric scooter program within the City shall first obtain an Electric Scooter Share License (“License”) from the City conditioned on compliance with the provisions of this ordinance and any other conditions (including insurance, indemnity, and performance bond) established by the issuing official. No entity shall operate a shared electric scooter sharing program within the City except pursuant to such License and provisions (each such operator, a “Licensee”). City shall limit the number of Licenses issued to three or fewer.

IV. Operating Regulations

- Shared electric scooters shall mean a device weighing less than 150 pounds, that has (i) has handlebars and an electric motor, (ii) is solely powered by the electric motor and/or human power, and (iii) has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor. Vehicles shall be limited at no less than 15 mph.
- Except as otherwise provided herein, City shall regulate the operation of shared electric scooters in a manner no more restrictive than its regulation of shared bicycles.
- Shared electric scooters are to be ridden on streets, and where available, in bike lanes and bike paths. Shared electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths. Riders of shared electric scooters who violate these provisions may be fined by the City consistent with fines for cyclists.
- Licensees shall provide easily visible contact information, including toll-free phone number and/or e-mail address on each shared electric scooter for City employees and/or members of the public to make relocation requests or to report other issues with devices.
- **Fleet Size/Caps** - Licensees shall target an initial fleet size of an amount similar to other cities with comparable population. The City shall allow Licensees to increase their fleet size on a weekly/monthly basis in the event that Licensees provide data that supports increases in certain areas to meet rider demand for service.
- **Penalties** - The City reserves the right to revoke a license for cause or woefully negligent practices that cannot be remedied after providing such Licensee with a 30 day notice of alleged negligence, and after providing such Licensee a right for a public hearing or to otherwise cure such deficiency. Upon completion of the aforementioned, the City can require that a Licensee's fleet of shared electric scooters be removed from the City's right-of-way within 30 days.
- **Force Majeure** - Bird recommends including a force majeure clause in light of COVID-19. Below are several examples from other types of agreements.
 - a. "Vendor will not be liable for any failure to perform under this Agreement caused by severe weather, civil or military emergencies, or acts of legislative or judicial bodies." or
 - b. "Neither Party shall be liable to the other Party for failure or delay in the performance of a required obligation if such failure or delay is caused by strike,

riot, fire, natural disaster, health pandemic, utilities and communications failures, governmental acts or orders or restrictions, failure of suppliers, or any other reason where failure to perform is beyond the reasonable control of and is not caused by the negligence of the non-performing Party, provided that such Party gives prompt written notice of such condition and promptly recommences performance whenever and to whatever extent possible without delay. Either Party may terminate this Agreement if the force majeure event prevents the non-performing Party's ability to perform in accordance with the terms and conditions of this Agreement for greater than three (3) months."

V. Parking

- Riders of shared electric scooters shall park devices upright on hard surfaces **in the furniture zone of the sidewalk**, beside a bicycle rack or in another area specifically designated for bicycle parking, or on the street next to an unmarked curb.
- Licensee will take reasonable steps to ensure that all riders understand the requirements of ADA accessibility and the importance of leaving ADA paths of travel clear and accessible
- Riders shall not park shared electric scooters in such a manner as to block the pedestrian clear zone area of the sidewalk; ADA paths of travel including accessible ramps, any fire hydrant, call box, or other emergency facility; bus bench; or utility pole or box.
- Riders shall not park shared electric scooters in such a manner as to impede or interfere with the reasonable use of any commercial window display or access to or from any building entrance/exit doorway.
- Riders shall not park shared electric scooters in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.
- **Riders may park shared electric scooters in on-street parking spaces in the following circumstances:**
 - **When marked parking spaces are officially designated stations for such devices ;**
 - **Where the furniture zone is less than three feet wide;**
 - **Where there is no furniture zone;**
 - **In neighborhoods with rolled curbs, or with inadequate sidewalk space;**
 - **In marked parking spaces designated for motorcycles.**

- Riders may park shared electric scooters on blocks without sidewalks only if the travel lane(s) and 6-foot pedestrian clear zone are not impeded.
- Riders shall not park shared electric scooters in the landscape/furniture zone directly adjacent to or within the following areas, such that access is impeded:
 - Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - Loading zones;
 - Disabled parking zone;
 - Street furniture that requires pedestrian access (e.g., benches, parking pay stations, bus shelters, transit information signs, etc.);
 - Curb ramps;
 - Entryways; and
 - Driveways.
- Riders of shared electric scooters who violate these provisions may be fined by City consistent with fines for cyclists.
- A Licensee may stage its shared electric scooters in permitted parking areas described in this section. To the extent a Licensee desires to stage shared electric scooters in areas other than the public right-of-way, the Licensee must first obtain the right to do so from the appropriate City department, property owner, or public agency.

VI. Operations

- Licensees shall maintain 24-hour customer service for customers to report safety concerns, complaints, or to ask questions. Licensees shall maintain a multilingual website, call center, and/or mobile app customer interface that is available twenty-four hours a day, seven days a week. The aforementioned shall be compliant with the Americans with Disabilities Act.
- In the event a safety or maintenance issue is reported for a specific device, that shared electric scooter shall be made unavailable to riders and shall be removed within the timeframes provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.
- Within Licensees' zone of operation, Licensees shall respond to reports of incorrectly parked shared electric scooters, shared electric scooters continuously parked in one location for more than 72 hours, or unsafe/inoperable shared electric scooters by relocating, re-parking, or removing the shared electric scooters, as appropriate, within 24

hours of receiving notice, except that Licensees shall respond within 4 hours of receiving notice in emergency situations.

- Licensees shall provide notice to all riders that:
 - i. shared electric scooters are to be ridden on streets, and where available, in bike lanes and bike paths;
 - ii. shared electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles on bike lanes and bike paths;
 - iii. Helmets are encouraged for all riders; and
 - iv. Riding responsibly is encouraged, and Licensee will notify riders if repeated irresponsible riding is reported and recorded with identifying rider information.
- Shared electric scooter riders are required to take a photo whenever they park their scooter at the end of a ride.
- Licensees shall provide education to shared electric scooter riders on the City's existing rules and regulations, safe and courteous riding, and proper parking.
- Any minimum geographic deployment requirements shall reflect measurable and documented input from local community members, businesses, and community-based stakeholders and organizations. Licensees will ensure service meets rider demand, and shall not be required to deploy in areas or zones where average ridership is below 1.5 rides/day.

VII. Data Sharing

City may require Licensees to provide anonymized fleet and ride activity data for all trips starting or ending within the jurisdiction of City on any vehicle of Licensee or of any person or company controlled by, controlling, or under common control with Licensee, provided that, to ensure individual privacy:

- such data is provided via an application programming interface, subject to Licensee's license agreement for such interface, in compliance with a national data format specification such as the Mobility Data Specification;
- such data shall be safely and securely stored by City which shall implement administrative, physical, and technical safeguards to protect, secure, and, where appropriate, encrypt or limit access to the data;
- such data shall be subject to publicly-available aggregation, retention, and privacy policies of Licensee and City;

- any such data provided shall be treated as trade secret and proprietary business information, and shall be exempt from public records requests and requests by third parties except with the consent of Licensee; and
- such data shall not be shared with law enforcement except pursuant to valid legal process.

VIII. Indemnification

Company agrees to indemnify, defend and hold harmless City (and its officials, employees, and agents) from and against all actions, damages or claims, including reasonable attorneys' fees, (collectively, "Claims") brought against City for personal or bodily injury or death to any person, or damage or destruction of any property, arising out of or resulting from performance or breach of the [permit/license] provided that such claim, damage, loss, or expense is: (1) attributable to personal injury, bodily injury, sickness, death, or destruction of property, including the loss of use resulting therefrom, or breach of contract, and (2) not caused by the negligent act or omission or willful misconduct of the City or its elected and appointed officials and employees acting within the scope of their employment. City expressly acknowledges that in no event shall Company be liable for any special, indirect, consequential or punitive damages. City's right to indemnification shall be contingent on City notifying Company promptly following receipt or notice of any Claims; Company shall have sole control of any defense, including the ability to choose counsel; and City shall not consent to the entry of a judgment or enter into any settlement without the prior written consent of Company.

IX. Insurance

Licensees shall provide City with proof of insurance coverage exclusively for the operation of shared electric scooters including: (a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; and (c) where Licensee employs persons within the City, Workers' Compensation coverage of no less than the statutory requirement.

CHAPTER 22. VEHICLES FOR HIRE

ARTICLE I. DEFINITIONS

Sec. 22-1. - Definitions.

Whenever in this chapter the words defined in this section are used, they shall, unless the context requires otherwise, be deemed to have the following meanings:

Cruising means the movement of unoccupied taxicabs over the public streets in search of, or soliciting, prospective passengers; provided, however, unoccupied taxicabs responding to a request for service from a prospective passenger, and taxicabs returning by the most direct route to the location where such taxicab is housed or to its terminal by the most direct route from a place of passenger discharge shall not be considered cruising.

DMV certificate means the form issued by the city to the owner of a for-hire passenger vehicle authorizing the Division of Motor Vehicles to convey the appropriate license plate for subject vehicle. Such certificate shall only be issued after the taxicab inspector has inspected and passed subject vehicle for use as a taxi and the vehicle owner has provided the necessary proof of required insurance coverage.

Exclusive ride taxi service means taxi service in which the first passenger or party requests to be the only user(s) of the taxicab.

For-hire passenger vehicle means either a taxicab or limousine, as such terms are defined in this section.

Franchise owner means an individual or company. Numerous drivers may drive under a single franchise, however, only one franchise is allowed per business location. Vehicles owned by individuals other than the franchise owner will not be issued a separate franchise certificate, but shall be identified in the franchise owner's application. The franchise owner shall be responsible for ensuring that any privately owned vehicle(s) operating under his/her franchise are in compliance with all rules and regulations of this chapter. All vehicles that operate under a single franchise must be painted alike. Each driver who works within the franchise must possess a vehicle-for-hire driver's permit.

Franchise certificate means the certificate of public convenience and necessity, issued by the city upon due authorization of the city council, permitting the operation of a vehicle-for-hire business. Said franchise certificate shall authorize the holder to operate a specific number of a taxicab(s) from his/her business location and must be renewed annually.

Limousine means a for-hire passenger vehicle, on call or demand, which does not accept passengers indiscriminately between points and along streets or highways. A private business license and a vehicle-for-hire driver's permit is required for operation.

Limousine service is considered a contractual service, therefore, a written contract between the limousine company and the person(s) contracting the service is required. A

copy of the signed contract must be maintained in the limousine while the contractual service is being provided, and must be presented to any law enforcement officer upon request.

Manifest means a daily record, prepared by the driver, of all trips made by the taxicab which the driver operates, showing time and place of origin and destination of each trip and the amount of fare.

Micromobility Devices means any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes, but is not necessarily limited to, dockless bicycles, electric, stand-up scooters, electric-assisted bicycle, and any other vehicle regulated by articles of Chapter 22 that is rented, operated, or used as part of a system of commercially shared micromobility devices. This definition excludes mass transit systems, such as buses and trains, and vehicles otherwise specifically defined in this Article.

Passenger means any person using or riding in a for-hire passenger vehicle and paying the usual charge therefor.

Shared ride taxi service means taxi service in which two (2) or more passengers with either different origins or with different destinations, or with both different origins and destinations, occupy a taxicab at one time.

Taxicab means any motor vehicle seating nine (9) or fewer passengers operated upon any street or highway, on call or on demand, accepting or soliciting passengers indiscriminately for-hire between such points along streets or highways as may be directed by the passenger so being transported.

Taximeter means a mechanical or electrical instrument or device by which the charge for the hire of a taxicab at a predetermined rate is mechanically calculated and registered for the distance traveled and for waiting time separately and upon which such charge shall be indicated by means of legible figures which are electrically lighted each time the taximeter flag is moved from a non-earning position to an earning position.

ARTICLE V. MICROMOBILITY DEVICES

Sec. 22-112. Purpose and scope.

Consistent with N.C.G.S. §20-175.6(d), the city's goals of enhancing mobility and access, easing traffic congestion, promoting sustainability, and protecting the public health and safety, including pedestrian, vehicular, and other traffic within the public rights-of-way, this article both facilitates and regulates the proffer and use of systems of shared

micromobility devices within the public rights-of-way. All references to "dockless bicycles," "devices," "electric, stand-up scooters," "electric-assisted bicycles," "micromobility devices," and "new modes of dockless, shared transport" in this article refer only to those devices that are operated as part of a commercial enterprise which employs a system of shared devices. This article shall not apply to privately-owned micromobility devices that are not operated as part of a commercial enterprise or shared device system or scheme. This article also shall not apply to any mode of transport, business model, or device that requires a fixed or dedicated docking station or storefront for the rental or return of units or to any device or vehicle that is used by an individual with a mobility disability recognized by the Americans with Disabilities Act, for the purpose of locomotion.

Sec. 22-113. Definitions.

- (a) *Abandon* with respect to electric, stand-up scooters or dockless bicycles, shall mean leaving such a device unattended and stationary for 24 or more consecutive hours.
- (b) *Customer* shall mean any person who rents, uses, or rides a micromobility device that is part of a system of shared micromobility devices within the city.
- (c) *City* shall mean the City of Kinston, North Carolina.
- (d) *City manager* shall mean the city manager of Kinston or his or her designee.
- (e) *Dockless bicycle* shall mean a human-powered or electric-assisted bicycle that is operated as part of a commercial bicycle-sharing system or scheme, by which bicycles are made available for rent/shared use, may be unlocked using a mobile application, and do not require fixed docking stations for customers to receive or return units.
- (f) *Electric, stand-up scooter* or *scooter* shall mean a device with no more than three 12-inch or smaller-diameter wheels, that has handlebars, is designed to be stood upon by a customer while riding, is powered by an electric motor that is capable of propelling the device with or without human propulsion, at a speed no greater than 20 miles per hour, is operated as part of a commercial shared device system or scheme, and does not require fixed or dedicated docking stations for customers to receive or return units.
- (g) *Electric-assisted bicycle* shall mean a bicycle with two or three wheels, that is equipped with a seat or saddle for use by the rider, has fully operable pedals for human propulsion, and an electric motor that can achieve a maximum speed of no more than 20 miles per hour when powered solely by such motor, and that is operated as part of a commercial shared device system or scheme.
- (h) *Greenway* shall mean a pathway designated as a public trail for bicycles and pedestrians, and not for motorized vehicular use by the general public. A greenway is not located within the right-of-way of any street.
- (i) *Micromobility device* or *device* shall mean any *dockless bicycles, electric, stand-up scooters, electric-assisted bicycle, and any other vehicle regulated by articles of Chapter 22 that is rented, operated, or used as part of a system of commercially shared micromobility devices. This definition excludes mass transit systems, such as buses and trains, and vehicles otherwise specifically defined elsewhere in Chapter 22.*

- (j) Micromobility device permit or permit shall mean a permit issued, pursuant to section 22-118, below, for the operation of a system of commercial shared micromobility devices.
- (k) New mode of dockless, shared transport shall mean a dockless device that is operated as part of a commercial shared device system or scheme, as defined in subsection (i) above.
- (l) Permittee shall mean any person or business entity to whom or to which the city issues a micromobility device permit.
- (m) Public area shall mean any outdoor area that is open to the public for public use and is owned or operated by the city.
- (n) Re-balancing shall mean re-distributing micromobility devices within the city to achieve a more equitable and even distribution of devices.

Sec. 22-114. Administrative regulations.

- (a) The city manager may adopt administrative regulations to implement the provisions of this chapter, including, but not limited to, permit application procedures and permit conditions, which may include, but shall not be limited to, regulations relating to lawful conduct, public safety, data sharing, data privacy, and/or the timely removal of hazards or obstructions in the public right-of-way.
- (b) No person shall fail to comply with the city's administrative regulations. Any violation of any administrative regulation issued pursuant to this section shall constitute a violation of this article and shall subject the violator to the penalties set forth in this article.

Sec. 22-115. Permit and compliance with article required.

No person or business may proffer or make available for rent any micromobility device upon any public right-of-way or public area, within the city, unless the person or business holds a valid micromobility device permit from the city, has paid the proper fees, and complies with the requirements of this article, administrative regulations adopted pursuant to subsection 22-114(a), the agreement specified in subsection 22-121(1), and the permit.

Sec. 22-116. Prohibited conduct; equipment.

- (a) Permittees shall not discriminate against low- and moderate-income persons in connection with the deployment and rental of the permittee's micromobility devices. Permittees must deploy and maintain a sufficient number of micromobility devices to satisfy customer demand within census tracts of low- and moderate-income areas of the city, as defined in the permit. Conversely, permittees must limit the excessive concentration of devices in congested areas, as the city manager shall determine. Permittees must communicate their strategies for deployment of devices to the city, including information pertaining to the type of work force employed, staffing levels, and general re-balancing schedules.

(b) Each permittee shall implement a program to reduce barriers to the rental by low- and moderate-income persons of the permittee's micromobility devices. Permittees shall do this by providing diverse payment options, including options for persons who possess neither a smart phone nor a credit card. These options shall be made accessible to low- and moderate-income persons at multiple locations throughout the city.

(c) Notwithstanding any other provision of this article, no person or business may:

(1) Use, display, proffer or make available for rent any electric, stand-up scooter or new mode of dockless, shared transport upon any greenway, public park, or city parking deck;

(2) Display, proffer or make available for rent any electric, stand-up scooter or electric-assisted bicycle that is capable of traveling at more than 20 miles per hour;

(3) Ride any electric, stand-up scooter upon any public sidewalk;

(4) Use any new mode of dockless, shared transport upon any public sidewalk;

(5) Deploy, station, leave, abandon, or park a micromobility device in any public right-of-way or any public area in a manner that:

a. Obstructs pedestrian or vehicular travel upon or blocks pedestrian or vehicular access to a public right-of-way (including, but not limited to, parking a device in anything other than an upright position or in a manner that blocks crosswalks, crosswalk activation buttons, ADA ramps, or otherwise violates ADA accessibility requirements or impedes ADA access.);

b. Blocks ingress or egress from a vehicle lawfully parked at the curb of a public right-of-way,

c. Is nearer than 36 inches to a fire hydrant,

d. Poses a public safety hazard, or

e. is otherwise prohibited by applicable laws or administrative regulations, all as the city manager shall, in his or her sole and absolute discretion, determine;

(6) Use, display, proffer, make available for rent, station, or leave any electric, stand-up scooter on or in any public right-of-way between the hours of 9:00 p.m. and 6:00 a.m.;

(7) display, proffer, or make available for rent any micromobility device that is inoperable or unsafe to operate.

(d) The holder of a micromobility device permit issued pursuant to Sec. 22-118 shall be responsible for the abandonment by any customer of any micromobility device operated pursuant to the permit and abandoned in contravention of subsection 22-116(c)(5), above. Said device shall be subject to immediate impoundment by the city, under section 22-123, below, and the permittee shall be subject to the imposition of

both impound fees and civil penalties, per section 22-123, section 22-125, and section 22-126, below.

- (e) Each permittee must have the ability to discover when its devices are being used in restricted areas and must communicate that information electronically to customers during or at the conclusion of a trip.
- (f) Each electric, stand-up scooter must be equipped with always-on front, side, and rear lights that emit white light visible from a distance of at least 500 feet to the front, side, and rear.
- (g) Each micromobility device must be equipped with functional, durable, and effective brakes.
- (h) Each micromobility device must prominently display a unique and conspicuous serial number or other identifier, legible from a distance of ten feet, the name and contact information, including website, e-mail address, and phone number of the permittee under whose permit the device is authorized, legible from a distance of three feet, and information for users pertaining to safety, traffic laws, and manufacturers' recommendations and warnings.
- (i) Each micromobility device must be equipped with state-of-the-art shared mobility technology, such as GPS, which allows the device to be located and tracked, in real time, by its permittee, at all times, which records trip origin, destination, and usage, and which is capable of location-based speed regulation and parking restriction, which shall be employed at the city's request. Each electric, stand-up scooter must be able to recognize and implement enforcement mechanisms to prohibit sidewalk riding.
- (j) Each micromobility device must be clean, safe, and in good working order, and meet applicable safety standards outlined in the Code of Federal Regulations and as propounded by the International Standardization Organization.
- (k) Each micromobility device must be designed and manufactured to withstand the demands of outdoor and shared use.
- (l) Each micromobility device must be equipped with a warning bell or horn and security hardware.
- (m) Each micromobility device must be regularly inspected for wear and tear and for stress-based damage. Each micromobility device must be regularly maintained and repaired, in accordance with manufacturers' recommendations. Worn or damaged parts must be immediately replaced. Unsafe or inoperable devices must be removed from the public right-of-way within one hour of notification to, or discovery by, the permittee, and devices that are unsafe to operate must immediately be made unavailable to the public, but the permittee, via remote lockdown.

Sec. 22-117. Permittees' obligations.

- (a) Each permittee shall remove and/or re-park every micromobility device authorized under the permittee's permit that is parked in violation of subsection 22-116(c)(5) within two hours of receiving notice of the violation from any person, business, or

from the city, via phone, e-mail, or other mobile or web application, unless a shorter timeframe is indicated elsewhere in this article, such as in subsection 22-116(m). Each permittee must implement parking confirmation and notification systems, such as parking confirmation photograph verification and other systems, to reduce poor parking behavior. Additionally, each permittee must re-balance the devices authorized under its permit, throughout the day, to achieve an equitable distribution of devices.

- (b) Each permittee shall retrieve and remove from the public right-of-way any micromobility device authorized under the permittee's permit that is inoperable or unsafe to operate, and, in the case of an unsafe device, remotely lock down the device, all as per the requirements in subsection 22-116(m), above.
- (c) Each permittee shall remove all its micromobility devices from the public right-of-way during any period of time when weather conditions or special events necessitate devices' removal to ensure the public health and safety, as the city manager shall determine.
- (d) Each permittee shall provide the city all data the city requests concerning the permittee's micromobility devices and their use, including real-time data, archival trip data, data pertaining to the frequency and location of trips, data pertaining to the deployment and re-balancing of devices, data pertaining to customer complaints and customer service response, data pertaining to device inspection, maintenance, and defects, accident data, data pertaining to system operations, etc. The data must be accurate, anonymized, and timely provided in a format and via an interface the city approves. The city will only request and use such data as the city needs to support the safe, equitable, and effective management of the permittee's operations within the city. The permittee shall communicate, clearly, conspicuously, and transparently to customers and prospective customers prior to the commencement of a trip that this data will be collected and shared with the city. The permittee shall also communicate, clearly, conspicuously, and transparently to customers and prospective customers, prior to the commencement of a trip, whether the permittee will collect, share, or sell any other data and with whom. The permittee must seek and acquire a customer's permission prior to selling the customer's data or sharing it with parties other than the city. The permittee must provide customers an "opt in" option in furtherance thereof. The permittee must protect, and use industry-accepted encryption to encrypt all financial, personal, and uniquely identifying information it collects, stores, or disseminates, in strict compliance with all applicable federal, state, and local laws, rules, and regulations. All financial transactions in which the permittee engages with customers must be secure and payment-card-industry-compliant.
- (e) Each permittee will record, compile, and maintain data with respect to all accidents involving the permittee's devices, reported to the permittee, the police department, the sheriff's office, or the North Carolina Department of Motor Vehicles, as well as records of all inspection, maintenance, and repair performed on permittee's devices. The permittee will share all such data, which must be accurate and anonymized, with the city, at the city's request.

- (f) Each permittee shall include substantially the following information for prospective customers on the permittee's mobile applications and web site, and shall also display said information on the micromobility device to which the information is applicable:
- (1) Persons operating electric, stand-up scooters must be at least 16 years old and are encouraged to wear a helmet.
 - (2) North Carolina law requires persons operating a micromobility device to follow applicable traffic laws.
 - (3) City ordinance prohibits the operation of electric, stand-up scooters and new modes of dockless, shared transport on sidewalks, greenways and in public parks, except that customers may walk electric, stand-up scooters across the sidewalk.
- (g) Each permittee must adopt and implement programs to educate customers on how to safely operate micromobility devices and must apprise customers of all applicable laws regulating the safe and proper operation of a micromobility device and all manufacturers' recommendations and warnings pertaining to the operation of devices. Each permittee must also engage in regular, repeated, and interactive community outreach/engagement and host regularly recurring classes or events, in order to educate the community, at large, about the use of micromobility devices authorized under the permittee's permit and in order to consider community concerns and needs.
- (h) Each permittee shall communicate to prospective customers sufficient information with respect to charges customers may incur, including rates and dollar amounts, rental charges, minimum charges, maximum charges, charges for additional time, and charges for periods of overage. If charges may be based on time or distance, information on the rate per minute, hour, mile, or other applicable time period and distance shall also be provided.
- (i) Each permittee shall maintain a 24-hour, seven-day-a-week, 365-day-a-year hotline and a local office, within the city, open, at minimum, from 8:00 a.m. to 5:00 p.m. for customers to report safety and other concerns and complaints, to ask questions, to take payments, and to conduct other business. Both the hotline and the local office shall be staffed by personnel who can and must respond or dispatch other personnel who can and must respond to customer or city concerns, complaints, and/or requests within two hours of complaint/request, unless a shorter timeframe is specified elsewhere in this article.
- (j) All communications required by this article to be made by a permittee to a prospective customers shall be in clear, plain English and displayed in a conspicuous manner.
- (k) Permittees must actively engage with city staff to resolve issues and to develop solutions to improve service performance. Permittees shall be responsible for clearly communicating operational adjustments to the city, for promptly responding to citizen and city inquiries and requests, and for promptly resolving any operational issues that arise, all within the timeframes indicated in this article. Each permittee shall provide the city with an organizational chart of the permittee's team, complete with contact information.

- (l) Each permittee must require customers to affirmatively sign or check a box within the permittee's registration, service agreement, or mobile application, prior to the customer's use of the permittee's device, to indicate that the customer agrees to forever release, relinquish, and discharge the city and its officials, officers, employees, representatives, and agents from any and all known and unknown claims, demands, disputes, debts, losses, liabilities, liens, charges, expenses, penalties, proceedings, causes of action, suits, injuries, and damages, including, but not limited to, consequential, indirect, incidental, special, and exemplary damages, pertaining to any personal injury, wrongful death, or property damage which arises, in any manner, in connection with:
- (1) The customer's rental, use, misuse, or proper or improper placement or parking of the permittee's devices;
 - (2) The city's/city manager's issuance of, or decision to approve, the permittee's micromobility device permit;
 - (3) The process used by the city/city manager in making his or her decision;
 - (4) The permittee's operations, acts, or omissions, including, but not limited to, any failure to inspect, repair, service, charge, and/or maintain devices and to communicate to customers applicable traffic safety laws and appropriate manufacturers' and other warnings and recommendations for the use of devices;
 - (5) Any defective device or equipment the permittee displays, deploys, stations, offers for rent, rents, leases, or abandons;
 - (6) The permittee's improper placement or parking of any device;
 - (7) The permittee's or any of its officers', managers', employees', agents', or representatives' alleged or actual violation of any federal, state, or local law, rule, regulation, ordinance, or guidance, in connection with the use of the permit, any device authorized thereunder, or the permittee's business operations;
 - (8) The permittee's or any of its officers', managers', employees', agents', or representatives' violation or breach of this article, the administrative regulations adopted pursuant to subsection 22-114(a), the agreement specified in subsection 22-121(1), or the permit;
 - (9) The permittee's failure to secure the customer's consent to the collection, sharing, selling, or dissemination of data in the manner specified in this article, the permittee's failure to protect any such data or to perform financial transactions in accordance with subsection 22-117(d) and all other applicable federal, state, and local laws, rules, and regulations; and/or
 - (10) The city's failure to enforce the provisions of this article, the administrative regulations adopted pursuant to subsection 22-114(a), the agreement specified in subsection 22-121(1), or the permit.
- (m) A permittee who elects to cease operations within the city before the permittee's permit expires must provide the city written notice at least 14 calendar days in advance of the cessation.

(n) Upon the earlier of expiration of a permit or cessation of operations, a permittee must immediately surrender its permit to the city and remove all its devices and associated equipment from the public right-of-way and public areas, unless the city notifies the permittee otherwise, in writing.

Sec. 22-118. Maximum number of micromobility device permits and micromobility devices; issuance of permits.

(a) The committee, established pursuant to subsection 22-120(a), below, may issue up to two micromobility device permits each year for each category of micromobility device. The categories of micromobility device are:

- (1) Electric, stand-up scooters;
- (2) Dockless bicycles; and
- (3) New modes of dockless, shared transport.

However, if the committee determines, in its sole discretion, that there is a need or demand for more micromobility devices than the number proposed or operated by permittees or prospective permittees, the committee may issue additional permits to other persons or entities, in order to increase the number of devices available.

(b) The city manager may establish the number of micromobility devices authorized under each micromobility device permit. The city manager may limit or specify the total number of micromobility devices, including the mix of shared devices, that are to be operated within the city, in order to:

- (1) Maintain the integrity of the city's entire transportation system;
- (2) keep public rights-of-way free and clear of unnecessary obstructions;
- (3) Protect the health, safety, and welfare of the citizens of the city; and
- (4) Ensure access to micromobility devices by low- and moderate-income citizens.

Once a week, the city manager may adjust the maximum number of devices authorized by each micromobility device permit. The city manager shall take into consideration market needs, the number of devices deployed in the city, data pertaining to device utilization, operator performance, public safety, seasonal, weather, and environmental conditions, special events, and any other criteria set forth in administrative regulations. The city manager shall set forth, in writing, the reasons supporting his or her determinations. The city manager's determinations will be published on the city's website and the city will solicit public comments for two business days, which the city manager will review and consider prior to the city manager's issuance of final determinations. The city manager's determinations under this section shall constitute the final decision of the city and shall not be subject to further administrative review. No person shall fail to comply with the limitation the city manager establishes on the number of devices. A permittee shall comply with any decrease in the number of devices permitted under the permittee's permit within two business days of the city manager's issuance of a final determination.

(c) There shall be a fee for each device authorized under a permit. Said fee is indicated in subsection 22-126(b), below, the device fee. Prior to deploying any additional devices authorized under a permit, the permittee must pay the device fee specified in subsection 22-126(b) for each additional device. The city will not refund any device fees for devices that are required to be removed from the permittee's fleet within the city.

Sec. 22-119. Micromobility device permit application procedure, fees and requirements.

- (a) Any person seeking to obtain a micromobility device permit shall submit a written application by June 1st of the year in which an application is made, signed under penalty of perjury, and using the form designated by the city manager for that purpose.
- (b) Fees for the initial application for, and renewal of, a micromobility device permit are listed in subsection 22-126(a) and (c) below. Said fees defray the city's costs to administer and enforce the provisions of this article, reflect charges associated with the use of public property, pursuant to this article, to conduct a for-profit business, and must be paid at the time of the application for an initial permit or the renewal thereof, before the application will be considered/processed.
- (c) The city manager may specify the information that must be provided in connection with an application and the form in which the information is to be provided. The application shall contain, at a minimum, the following information:
- (1) The applicant's organizing documents (if a corporation, the applicant's articles of incorporation and by-laws; if a limited liability company, the applicant's articles of organization and operating agreement; if a partnership, the partnership's partnership agreement, etc.);
 - (2) If the applicant is a foreign business entity, a certificate of good standing from the secretary of state in the state where the applicant is incorporated, organized, or otherwise formed, as well as a certificate of authority to do business in North Carolina from the North Carolina Secretary of State;
 - (3) If the applicant is a domestic business entity, proof that the applicant is properly registered with the North Carolina Secretary of State and current with respect to all requisite state and local filings and fees;
 - (4) If the applicant is a sole proprietorship or does business under an assumed name, a copy of the applicant's completed "Assumed Business Name Certificate", recorded with the Lenoir County Register of Deeds, in Lenoir County, North Carolina;
 - (5) The name and business address of each person or entity that: (i) has more than a ten percent equity, participation, or revenue interest in the applicant; and/or (ii) is a trustee, director, partner, or officer of that entity or of another entity that owns or controls the applicant;

- (6) The name and business address of any parent or subsidiary of the applicant, including those of any business entity which owns or controls the applicant, in whole or in part, or which is owned or controlled by the applicant, in whole or in part, together with a statement describing the business operations of any such parent or subsidiary and the nature of the relationship between said parent or subsidiary and the applicant;
- (7) Information sufficient to show that the applicant is financially, technically, and legally qualified to operate and maintain a micromobility device system, as the city shall, in its sole discretion determine;
- (8) A description of the proposed plan of operation, including, at a minimum, a detailed description of:
- a. The applicant's current operations in the city and in other cities, including copies of the applicant's operating permits for all such jurisdictions and an explanation of how the applicant's current and future operations will complement existing modes of transportation within the city, such as local transit agencies and existing, docked bike-share,
 - b. The applicant's proposed operations in the city, including the maximum number of micromobility devices the applicant proposes to use, the plan for balancing and re-balancing micromobility devices for equitable city-wide coverage, the plan for inspecting, repairing, servicing, and maintaining micromobility devices, the plan for providing and maintaining adequate levels of staff for operation, inspection, repair, service, maintenance, re-balancing, and administration, and the plan to provide adequate customer service,
 - c. The applicant's history of complying, and plans and ability to comply, with, federal, state, and local law, rules, regulations, and guidelines, including, but not limited to, N.C.G.S. Ch. 20 and any federal, state, and local laws pertaining to data privacy, breach, and the protection of personal information obtained from or about customers of applicant's micromobility devices,
 - d. The applicant's plans to implement safety programs, including, for example, a program by which the applicant will receive information about and notify customers of inappropriate use,
 - e. The applicant's plans to educate customers of micromobility devices about applicable federal, state, and local laws, rules, regulations, and guidelines, as well as any safety and usage recommendations, warnings, or proscriptions applicant or device manufacturers recommend, and
 - f. Any other requirements set forth by administrative regulation.
- (d) Permits shall be valid for a period of 1 (one) year from the date of issue. Applicants may apply to renew their permits, following all the procedures prescribed herein. Applications for renewal shall be subject to the same standards of review as applications for an initial permit. Applicants must submit updated insurance certificates, meeting the requirements of subsection 22-121(2), with any application

for a new or renewed permit. A permit does not grant an exclusive right to its holder to operate a system of shared micromobility devices.

Sec. 22-120. Micromobility permittee selection.

- (a) The city manager will establish a micromobility device permittee selection committee (the "committee"), which shall consist of city staff with appropriate knowledge and experience, and one or more representatives of the public, who are not employees of the city and have been appointed by the city manager.
- (b) The committee shall review all applications and rank applicants, in accordance with objective criteria set forth in this Article and in administrative regulations established pursuant hereto.
- (c) Each qualified applicant shall be evaluated based upon objective criteria which shall include:
 - (1) An evaluation of the applicant's experience;
 - (2) the adequacy (in form and content) of the documentation the Applicant provides in response to the requirements in section 22-119;
 - (3) The applicant's and its officers', owners', and principals' history of compliance with applicable federal, state, and local laws, rules, regulations, and guidelines, both within and without the city, and any violations thereof;
 - (4) The applicant's current operations, both within and without the city;
 - (5) The applicant's plans with respect to the elements identified in subsection 22-119(c)(8), including the applicant's public education strategy;
 - (6) the applicant's financial wherewithal and stability;
 - (7) The adequacy of applicant's insurance;
 - (8) The applicant's ability to begin operations in a timely manner; and
 - (9) Any other objective criteria established by administrative regulation.
- (d) Each applicant shall be furnished with a copy of the committee's rankings relative to its application within five business days of the committee's completion of the rankings and provided an opportunity to submit written comments or objections to the committee's rankings within five business days of the applicant's receipt of the committee's rankings.
- (e) The committee shall consider the applicant's comments or objections thereto, if any, and shall, thereafter, set forth, in writing, the reasons supporting their determination. The committee may request additional information from city staff, any applicant, or any other source that would assist in determining applicants' qualifications and ranking.
- (f) The committee may grant a micromobility device permit to the two applicants ranked highest in each of the:
 - (1) Electric, stand-up scooter;

(2) Dockless bicycle; and

(3) New mode of dockless, shared transport categories.

However, if the committee determines in its sole discretion, per subsection 22-118(a), above, that the need or demand for micromobility devices exceeds the top-ranked permittees' ability/capacity to provide them, the committee may issue additional permits to other persons/entities capable of providing the additional devices.

(g) The city manager may impose, as part of any micromobility device permit the committee issues, any and all conditions necessary to effectuate the purposes of this chapter, to mitigate adverse traffic impacts, to ensure accessibility of the public rights-of-way and the removal of obstructions therefrom, and to protect the public health, welfare, and safety. No person, business entity, and/or applicant shall fail to comply with such permit conditions.

(h) Once the city issues a micromobility permit, the selected permittee will be required to pay all fees required by section 22-126 and begin operations within 30 calendar days thereafter.

(i) The issuance by the city of a micromobility device permit and the execution by the permit holder and the city of an agreement shall, in no way, be construed as a joint venture or an employment or independent contractor relationship.

Sec. 22-121. Limitations on city liability; indemnification; agreements; insurance; bonds.

To the fullest extent permitted by law, the city shall not assume any liability, whatsoever, with respect to any micromobility device permits the city issues or the operation of any micromobility devices thereunder. As a condition to the issuance of any micromobility device permit, the applicant shall be required to meet all of the following conditions (and by accepting a permit, the applicant agrees to the following conditions):

(1) Execute an agreement, in a form approved by the city attorney, agreeing to release, indemnify, defend (at applicant's sole cost and expense), and hold the city and its officers, officials, employees, representatives, and agents harmless from and against any and all claims, suits, causes of action, losses, damages, demands, injuries, liabilities, or losses, including, but not limited to, any consequential, indirect, incidental, special, or exemplary damages (collectively, the "claims"), which, in any manner, arise out of, in relation to, or in connection with:

a. The city's/committee's/city manager's issuance of, or decision to approve, a micromobility device permit;

b. The process used by the city/committee/city manager in making its/his/her decision;

c. The applicant's operations, acts, or omissions, including, but not limited to, any failure to inspect, repair, service, maintain, or properly place or park devices and to communicate to customers applicable traffic safety laws and appropriate warnings and recommendations for the use of devices, including,

but not limited to, any warnings or recommendations issued by manufacturers;

- d. Any defective device or equipment applicant displays, deploys, stations, offers for rent, rents, leaves, or abandons;
 - e. The applicant's and/or its officers', managers', employees', agents', representatives', or customers' injury or damage to person or property, in connection with the use of the permit or the use, misuse, or parking of any device authorized thereunder, including, but not limited to, any injuries or damage to the public rights-of-way;
 - f. The applicant's or any of its officers', managers', employees', agents', representatives', or customers' alleged or actual violation of any federal, state, or local law, rule, regulation, ordinance, or guidance, in connection with the use of the permit, any device authorized thereunder, or the applicant's business operations;
 - g. The applicant's or any of its officers', managers', employees', agents', or representatives' breach of the agreement; and/or
 - h. The city's failure to enforce the provisions of this article, the administrative regulations adopted pursuant to subsection 22-114(a), the agreement specified in subsection 22-121 (a), or any provision of the permit. The applicant's indemnification obligation shall apply to all the above-stated claims, regardless of whether any of the applicant's insurance policies apply thereto.
- (2) Obtain and maintain in continuous effect, for the duration of the micromobility device permit and the applicant's use of the public rights-of-way, and for one year, thereafter, an insurance policy satisfactory to the city manager, from an insurer authorized to conduct business in the state of North Carolina and possessing a current A.M. Best rating of no less than A:VII, with coverage limits and conditions specified by the city manager, as he or she determines necessary and appropriate, from time to time, naming the city an additional insured, on a primary and non-contributory basis to secure the applicant's indemnification obligations under this Section and the aforementioned agreement. The applicant's insurance policy shall be endorsed to state that coverage shall not be cancelled and the amount of coverage shall not be materially reduced until 30 days' following the city's receipt of prior written notice by certified mail. If any insurance policy issued to a permittee is cancelled or the amount of coverage thereof materially reduced, for any reason, the micromobility device permit issued under this article shall be automatically suspended. In order to reinstate the permit, the permittee shall provide a new certificate and policy of insurance to the city, meeting the requirements of this subsection. Original, signed certificates and endorsements, evidencing the coverages required hereunder shall be submitted to the city prior to the issuance of or reinstatement of a permit. The policy limits of the insurance provided hereunder shall not limit the applicant's obligation to the city.

- (3) Provide to the city a performance bond, letter of credit, or other surety acceptable to the city attorney, in an amount determined by the city manager to be sufficient to cover the obligations of the applicant under this article, the administrative regulations adopted pursuant to subsection 22-114(a), the agreement specified in subsection 22-121(1), and the permit. Any bond or letter of credit must be issued by a surety with a credit rating of at least A+ and legally authorized to do business in the state of North Carolina. The surety must guarantee the performance of all of the applicant's obligations under the aforementioned documents. If the amount of the bond is determined according to the number of micromobility devices authorized under the permit, the applicant must submit a revised surety, acceptable to the city attorney, in an amount sufficient to cover the applicant's obligations pertaining to both the existing and additional authorized devices before the additional devices may be deployed.
- (4) Advance to the city all costs and expenses the city anticipates incurring or which the city anticipates others will incur on its behalf as a result of any legal challenge related to the city's approval of, or activities conducted pursuant to, the applicant's micromobility device permit, the device, itself, and/or the damage to, or repair of, the public rights-of-way, public area, or other city property damaged in connection with the applicant's and/or its officers', managers', employees', agents', representatives', or customers' use of the public rights-of-way or public areas pursuant to the permit issued to the applicant.
- (5) Reimburse the city within 30 calendar days of the date of invoice for all costs and expenses, including, but not limited to, attorneys' fees and court costs, which the city incurs (and which have not already been advanced) as a result of any legal challenge related to the city's approval of, or activities conducted pursuant to, the applicant's micromobility device permit, the device, itself, or damages to the public rights-of-way, public areas, or other city property. The city may, in its sole discretion, elect to participate in the defense of any such action, but such participation shall not relieve the applicant of any of its obligations imposed hereunder.
- (6) Reimburse the city within 30 calendar days of the date of invoice for all costs and expenses the city incurs (and which have not already been advanced) to repair the public rights-of-way or other city property damaged in connection with the applicant's and/or its officers', managers', employees', agents', representatives', or customers' use of the public rights-of-way pursuant to the permit issued to applicant.
- (7) The applicant will conduct all defense specified in this section 22-123 at the applicant's sole cost and expense, and the city shall reasonably approve selection of the counsel that will represent the city. The applicant shall not settle or compromise any claim or consent to the entry of any judgment which affects the city, without the prior written consent of the city. In no event, shall an adverse judgment be entered against the city, as part of a settlement, without the city's express, prior, written consent.

- (8) The indemnification obligations expressed in this article shall continue during the suspension of the micromobility device permit, and shall survive the expiration or earlier termination/revocation of the permit and the expiration or lapse of any insurance policy.

Sec. 22-122. Grounds for revocation, suspension, or denial of a permit; grounds for the reduction of the number of micromobility devices authorized under a permit.

A micromobility device permit may be revoked, suspended, or denied by the committee if:

- (1) An applicant/permittee or any of its employees, managers, officers, principals, directors, owners, contractors, representatives, or agents:
- a. Makes any false or misleading statements, or material omissions on the permit application;
 - b. Fails to provide information requested or required by the city;
 - c. Operates or proposes to operate in a manner that endangers the public health, safety, or welfare, as the city manager shall, in his/her sole and absolute discretion, determine;
 - d. Fails to comply with, or abide by, any applicable: (i) federal, state, or local law, rule, regulation, or ordinance, (ii) any standards or guidance adopted pursuant thereto, or (iii) any requirement or condition imposed by this article, the administrative regulations adopted pursuant to subsection 22-114(a), the agreement specified in subsection 22-121 (a), or the permit;
 - e. Is convicted of any criminal offense that is substantially related to the qualifications, functions, duties, or abilities of the applicant, including, but not limited to, any such pertaining to violent or serious felony, fraud, deceit, or embezzlement;
 - f. Fails to pay any civil penalties/fines imposed by the city, pursuant to subsection 22-125(a);
 - g. Fails to pay any impound fees imposed by the city, pursuant to subsection 22-123(b) and subsection 22-126(d); or
 - h. If the committee, or, in the case of an appeal or emergency suspension/revocation, pursuant to subsection 22-122(2), below, the city manager, determines, in his/her sole and absolute discretion, that it is no longer in the public interest for the applicant/permittee to continue to operate within the city.
- (2) However, if the city manager determines, in his/her sole and absolute discretion, that the applicant's operations pose an immediate threat to the public health, safety, or welfare, any suspension or revocation shall take immediate effect following the city manager's decision. The city manager shall provide notice of the

suspension or revocation to the applicant as soon as reasonably practicable thereafter. All other suspensions and revocations shall take effect ten days after the date of notice to the applicant of the suspension or revocation.

- (3) Any applicant whose/which permit has been denied, suspended, or revoked may appeal the denial, suspension, or revocation by filing a written request with the city manager within ten days of the date of service of the notice of denial, suspension, or revocation. The city manager shall hear the appeal, including the appeal of an emergency suspension or revocation pursuant to subsection 22-122(2). The city manager shall send a written notice to the applicant, stating the time and place of the hearing. The applicant may appear in person or through counsel, and may present evidence, provided, however, that the city manager shall have the authority to conduct the hearing in the manner and for the length of time the city manager deems necessary to make a decision. The city manager may affirm or deny the denial, suspension, or revocation, and the city manager's decision shall be final. The applicant's failure to request an appeal within the time and in the manner specified in this subsection shall constitute a waiver of the right of appeal.

Sec. 22-123. Impoundment of devices.

- (a) A micromobility device that is displayed, operated, offered or made available for rent, or that is stationed, left, or abandoned, in the public right-of-way or a public area, in violation of this article, shall be subject to immediate impoundment by the city.
- (b) The city shall charge an impound fee for each device the city impounds, which fee shall reflect the city's costs to investigate violations, to enforce the provisions of this article, the administrative regulations adopted pursuant to subsection 22-114(a), the agreement specified in subsection 22-121, and the permit, and to impound and store devices. The fee is indicated in subsection 22-125(d), below.
- (c) No person shall retrieve any impounded micromobility device without demonstrating proper proof of ownership and paying applicable impound fees and any civil penalties assessed in accordance with subsection 2-125(a) and subsection 22-126(e), below.

Sec. 22-124. Customer requirements.

- (a) Persons using micromobility devices must be at least 16 years old.
- (b) Persons using micromobility devices are encouraged to wear helmets.
- (c) Persons using micromobility devices must follow all applicable traffic laws.
- (d) Persons using micromobility devices must yield the right-of-way to other traffic therein, before entering or crossing a public right-of-way.
- (e) Persons using micromobility devices must yield the right-of-way to pedestrians in the public right-of-way.

Sec. 22-125. Enforcement; penalties for violation.

- (a) Civil penalties for violation of article. Each violation of this article by a permittee, or by a person or business who or which displays, offers, or makes available for rent any micromobility device, without having obtained a permit therefor, shall subject the offender to the assessment of a civil penalty. Similarly, the abandonment by any customer of any micromobility device operated pursuant to a permit and abandoned in contravention of subsection 22-116(c)(5), above, shall subject the permittee to the assessment of a civil penalty. The Committee may assess civil penalties and shall give the offender/permittee written notice of the nature of the violation(s) and the amount of the civil penalties. The notice shall be served by any method allowed by law for the service of summons in a civil action. The civil penalty shall be \$250.00 per violation, plus an additional sum per day for each micromobility device impounded until, and including, the later of the dates on which the offender/permittee lawfully retrieves said device and pays all impound fees and civil penalties thitherto assessed. The amount of the daily impound fee is indicated in subsection 22-126(d). In addition, the offender/permittee shall pay any costs the city incurs as a result of the violation, including, but not limited to, those costs specified in subsection 22-123(b), above.
- (b) Appeal of civil penalties. Anyone who has been assessed a civil penalty under this article may appeal the assessment by filing a written request with the city manager within ten days of the date of service of the notice of civil penalty. The city manager shall hear the appeal. The city manager shall send a written notice to the offender/permittee, stating the time and place of the hearing. The offender/permittee may appear in person or through counsel, and may present evidence, provided, however, that the city manager shall have the authority to conduct the hearing in the manner and for the length of time the city manager deems necessary to make a decision. The city manager may affirm, deny, or modify the penalty, and the city manager's decision shall be final. The offender's/permittee's failure to request an appeal within the time and in the manner specified in this subsection shall constitute a waiver of the right of appeal.
- (c) Collection of civil penalties. If the offender/permittee does not pay the civil penalty or file an appeal with the city manager, in the manner specified, within ten days of the date of service of the notice of civil penalty, or, in the case of an appeal, within ten days of the date of the decision on appeal, the city manager may collect the civil penalty by commencing a civil action for the collection of a debt. The city manager may compromise or abandon a claim, before or after commencement of the civil action, if the city manager finds it improbable that the city will collect the entire amount of the claim and that the resources the city will expend to pursue the civil action do not justify its pursuit.
- (d) Equitable remedies. Any provision of this article, the administrative regulations adopted pursuant to subsection 22-114(a), the agreement specified in subsection 22-121 (a), or the permit issued hereunder may be enforced by an equitable remedy, including abatement orders and mandatory or prohibitory injunctions issued by a court of competent jurisdiction. The Lenoir County Superior Court shall have

jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application by the city for equitable relief that there is an adequate remedy at law.

- (e) Remedies cumulative. All remedies specified herein shall be cumulative, and the city intends that the revocation, suspension, and denial of a permit shall be just a few remedies among others available to the city. Any violations of this article punishable as crimes under state law shall be so punishable.
- (f) Any person found, pursuant to the processes outlined in this article, to have violated the article, administrative regulations adopted pursuant to subsection 22-114(a), the agreement specified in subsection 22-121(1), or any permit condition shall reimburse the city and any participating law enforcement agency their full investigative costs within 30 days of the date of invoice therefor.

Sec. 22-126. Schedule of fees and penalties.

- (a) Initial permit fee. The fee for an initial permit application shall be \$1,000.00.
- (b) Device fees. The fee for each device authorized under a permit shall be:
 - (1) Twenty-five dollars per electric, stand-up scooter,
 - (2) Fifty dollars per dockless, electric-assisted bicycle, and
 - (3) Twenty-five dollars per dockless, human-powered bicycle.
- (c) Permit renewal fee. The fee to renew a permit shall be \$500.00.
- (d) Impound fee. The impound fee shall be \$50.00 per day for each device the city impounds.
- (e) Civil Penalty. The civil penalty shall be \$250.00 for each violation of this article, the administrative regulations adopted pursuant to subsection 22-114(a), the agreement specified in subsection 22-121(1), or the permit by a permittee or for anyone violating subsection 22-115. The civil penalty shall be \$250.00 for any abandonment of a device in contravention of subsection 22-116(c)(5), and shall be assessed only to the permittee under whose permit the device is operated.