

**Policy Committee Meeting
June 24, 2021**

Committee Member Norman Belanger called the meeting to order at 4:01 p.m.

Roll Call: Councilors Norman Belanger and Doris Ortiz; Committee Member Renee O'Neil

Councilor John McCurry, Jr. and Member Nathan Bean were excused.

Staff Members present: Carmen Morris, City Clerk, Roger Beaupre, Police Chief, Mathew Eddy, Planning & Development Director; Garth Russell, Animal Control Officer

Adjustments to the Agenda:

- Remove: Food Vendor/Mobile Food Court Discussion Item
- Add: Ch. 42, Motor Vehicles & Traffic/Sec. 42-64-Fees for parking violations

Acceptance of Minutes: **February 25, 2021**

Motion by Member O'Neil, seconded by Councilor Ortiz to accept the minutes as printed.

Vote: Unanimous.

Discussion/Approval: **Ch. 46, Parks/Sec. 46-8-Sanitation and Sec. 46-13-Park operating policy/
Add Language for Horses**

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, PARKS, **Section 46-8, Sanitation and Section 46-13, Park operating policy** is amended by adding or ~~deleting~~ to read as follows:

Sec. 46-8(c) **Sanitation.**

- Animal waste: fail to immediately remove and lawfully dispose of any feces left in any park, beach or public space by ~~a dog~~ an animal owned by such person or under his/her control. This regulation shall not apply to ~~a dog~~ an animal accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this subsection.

Sec. 46-13 **Park operating policy.**

- Dogs, horses and horse-drawn vehicles.
 - (1) Dogs, horses and horse-drawn vehicles are prohibited from entering or remaining in any ~~park~~, playground, schoolyard, athletic field, beach areas, or any other area posted under authorization of the Recreation Director, except as follows:
 - **a.** City beaches. No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are completely prohibited from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park.

- **b.** Rotary Park. ~~Horses, horse-drawn vehicles, or~~ dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.
- **c.** Horses.
 - Horses and horse-drawn vehicles are prohibited from entering or remaining in any park, or athletic field. They are restricted from beach areas between the hours of 9:00 a.m. to 5:00 p.m. from May 25 to September 15.
 - Horses using the public beaches must utilize a manure catch device.

Motion by Councilor Ortiz, seconded by Member O'Neil to recommend the ordinance amendment to the City Council.

Vote: Unanimous.

Discussion/Approval: **Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Phillips Lane**

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

Phillips Lane, easterly side, beginning at the intersection with Chapel Street, thence southerly to Pool Street.

Motion by Member O'Neil, seconded by Councilor Ortiz to recommend the ordinance amendment to the City Council.

Vote: Unanimous.

Discussion/Approval: **Ch. 42, Motor Vehicles & Traffic/Sec. 42-92-Limited Parking/Sec. 42-90-No Parking/Sec. 42-88-One-way Streets/Add on Day's Landing**

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 42-92 Limited Parking**, be amended by adding or deleting to read as follows:

Day's Landing, beginning at a point 1,075 feet easterly of the intersection with Old Pool Road, thence easterly for a distance of 315 feet (entire cul-de-sac) ~~30-minute~~ 1-hour parking from Dawn to Dusk.

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

Day's Landing, beginning at a point 1,075 feet easterly of the intersection with Old Pool Road, thence easterly for a distance of 315 feet (entire cul-de-sac) No parking from Dusk to Dawn.

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 42-88** One-way streets, be amended by adding or deleting to read as follows:

Day's Landing, beginning at a point 1,075 feet easterly of the intersection with Old Pool Road, thence easterly for a distance of 315 feet (entire cul-de-sac) one-way, proceeding counter-clockwise.

Motion by Councilor Ortiz, seconded by Member O'Neil to recommend the ordinance amendment to the City Council.

Motion by Councilor Ortiz, seconded by Member O'Neil to amend the ordinance language, Sec. 42-92 by changing 30 minutes to 1 hour.

Vote: Unanimous.

Vote on ordinance amendment, as amended: Unanimous.

Discussion/Approval: Ch. 42, Motor Vehicles & Traffic/Sec. 42-64-Fees for parking violations/Add Language for All Other Violations

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article III PARKING, STOPPING AND STANDING, **Section 42-64 Fees for parking violations** be amended by adding or ~~deleting~~ to read as follows:

Sec. 42-64 Fees for parking violations.

(a) Fees for parking violations shall be set as follows:

- (1) Parking in snow removal or plowing area: \$40.
- (2) Parking in fire lane: \$40.
- (3) Overtime parking: \$25.
- (4) Parking in a truck zone and/or loading/unloading zone: \$30.
- (5) Double parking: \$40.
- (6) Parking in no parking, etc., area: \$40.
- (7) Parking in front of fire hydrant: \$40.
- (8) Blocking driveway (upon complaint): \$40.
- (9) Parking on sidewalks: \$35.

(10) Parking facing traffic: \$25.

(11) Parking in a permit-only zone: \$35.

(12) Parking in a disability-designated area: traffic infraction.

(13) All other violations within this Chapter not specifically listed above: \$25

All parking fines left unpaid after 30 days shall be doubled.

(b) A vehicle with three or more outstanding parking violations issued by the Police Department, and found to be in violation of any of the City parking ordinances, will be subject to towing or immobilized by the use of an auto boot. The vehicle will not be released to the owner or agent of the owner until the violations and tow charges are paid.

(c) It will be prima facie evidence that the registered owner of the vehicle committed the parking violation.

(d) The maximum fee that may be charged by a towing company for a vehicle requested to be towed by the Police Department will be at the direction of the Chief of Police

Motion by Councilor Ortiz, seconded by Member O'Neil to recommend the ordinance amendment to the City Council.

Vote: Unanimous.

Discussion/Approval: **Ch. 58, Solid Waste, Sec. 58-163.1, et al./Change Name of Solid Waste Management Commission**

BE IT ORDAINED, that the City Council of the City of Biddeford does hereby amend the Code of Ordinances, **Chapter 58, SOLID WASTE, Section 58-163.1 et al., Solid Waste Management Commission**, as follows:

**Sec. 58-163.1. ~~Solid Waste Management Commission.~~
Recycling & Waste Management Commission**

(a) Mission.

(1) The ~~Solid Waste Management Commission~~ **Recycling & Waste Management Commission** is created by the Council of the City of Biddeford to facilitate the development and implementation of the City's comprehensive waste management program and coordinate the efforts of the several departments in the City that address the municipal waste issues.

(2) The Commission is further charged with the operation and maintenance of the provisions of this article.

(3) The Commission shall report to the Mayor and Council upon a periodic basis.

(b) Membership.

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

(c) Terms.

- (1) The members of the ~~Solid Waste Management Commission~~ **Recycling & Waste Management Commission** shall serve three-year terms and may serve additional terms upon nomination and reappointment.
- (2) The initial membership shall be appointed for staggered terms in order that a stabilized organization remain in place as much as possible. Initial terms will be:
 - a. Councilors serve two years;
 - b. Two members initially appointed for one year.
 - c. Two members initially appointed for two years;
 - d. Two member initially appointed for three years.
- (3) Whenever a vacancy occurs in the membership, a replacement member shall be appointed to fill the unexpired term of the vacancy.
- (4) Members may be removed from the Commission by the Council, upon recommendation by the Commission Chairman to the Council, for reasons to include:
 - a. Inability to attend scheduled meetings;
 - b. Continual conflicts of interest;
 - c. Inability to function with the group process.

(d) Organization.

- (1) The ~~Solid Waste Management Commission~~ **Recycling & Waste Management Commission** shall be composed of the following standing subcommittees, membership and Chair to be appointed by the Chairman of the Commission:
 - a. Municipal solid waste: addressing issues of transportation and handling of municipal solid waste.
 - b. Recycling: addressing issues of recycling.
 - c. Transfer station: addressing transfer station issues.
 - d. Wastewater Commission relations: to coordinate Wastewater Commission issues as relating to waste management.
- (2) These subcommittees shall research issues and provide reports as needed by the Chairman of the Commission to fulfill the Commission's mission and long-term goals.
- (3) The Chairman may appoint additional committees as necessary to fulfill the mission and long-term goals of the Commission.

(e) Relation with other commissions, committees, etc.

- (1) With the establishment of this Commission, all other waste management committees are abolished and their functions incorporated in this Commission.

- (2) This Commission may interact with other commissions, boards, committees and City departments as needed to fulfill its mission and long-term goals.

Motion by Councilor Ortiz, seconded by Member O'Neil to recommend the ordinance amendment to the City Council.

Vote: Unanimous.

Discussion/Approval: Amendment/Ch. 22, Businesses/Various Sections/Add Marijuana Facilities Licensing Requirements

Motion by Councilor Ortiz, seconded by Member O'Neil to recommend the ordinance amendment to the City Council.

Planning & Development Director Mathew Eddy provided the Committee with an update from when this item was last discussed in February. As Staff has delved into this issue, they are finding that there is a lot more involved than was initially thought. For this reason, no definitive ordinance language is currently being proposed. Mr. Eddy did ask the Committee for guidance on licensing fees and the appeal process.

The Committee members agreed that the fee structure needs to be proportionate to the amount of Staff work involved in the licensing procedure for marijuana facilities. The Committee also advised that the appeal process should go through the Zoning Board of Appeals, and not the City Council.

Councilor Belanger stressed that when dealing with the odor ordinance language, it should not be specific to just marijuana facilities, but should encompass all businesses. The Committee agreed that odor ordinance language should be as objective as possible and appropriate for all types of businesses.

Motion by Member O'Neil, seconded by Councilor Ortiz to table this item until more information can be provided by Staff.

Vote: Unanimous.

Discussion/Approval: Waiver of Noise Ordinance Provisions

Motion by Councilor Ortiz, seconded by Member O'Neil to forward the following proposed ordinance amendment to the Land Development Regulations, Art. VI-Performance Standards, Section 30-Extractive Industry, as follows, to the City Council, who is asked to direct the Planning Board to review and consider:

I. Hours of operation shall not exceed 7:00 a.m. to 6:00 p.m., Monday through Friday and 7:00 a.m. to 2:00 p.m. on Saturdays. No Sunday operation is permitted. The Planning Board may allow for an Extractive Industry to begin operations at 6 AM, Monday-Friday if the applicant can demonstrate that such operation will remain compliant with the City of Biddeford Noise Regulations contained in Chapter 30 (Environment) and LDR, Article VI, Section 48 (Noise). If allowed, the ability to do shall be conditioned on noise regulation compliance and that the

Planning Board may revoke such an allowance upon evidence that the operation is not compliant with the noise regulations for the period of time between 6 AM and 7 AM, Monday through Friday.

Vote: Unanimous.

Motion by Councilor Ortiz, seconded by Member O'Neil to adjourn.

Vote: Unanimous.

Time: 4:47 p.m.