

City of Biddeford
Policy Committee
June 12, 2017 6:30 PM City Hall
Council Chambers

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustments to the Agenda**
- 4. Acceptance of Minutes**
 - 4.1. May 22, 2017 Policy Committee Meeting Minutes
[5-22-2017 Policy Committee Minutes.pdf](#)
- 5. Discussion/Review**
 - 5.1. Delivery of Unsolicited Items
[Delivery of Unsolicited Items Ordinance.docx](#)
- 6. Adjourn**

City of Biddeford, Maine
Policy Committee Meeting
Monday May 22, 2017

Minutes

1. Roll Call – Meeting called to order at 6:35 p.m. by Policy Committee Chair councilor Michael Ready. Other Policy Committee members present were: councilor Laura Seaver and members Nathan Bean and Renee O’Neil. Councilor Norman Belanger was excused.

2. Pledge of Allegiance – The American flag was honored through the Pledge of Allegiance.

3. Adjustments to the Agenda – Councilor READY deleted Agenda Item 5.6 Delivery of unsolicited Items Ordinance from the Agenda, as City Solicitor Keith Jacques could not be in attendance.

4. Acceptance of Minutes: *Motion by SEAVER seconded by BEAN to accept the minutes of the April 24, 2017 meeting as printed. Vote unanimous.*

5.1. Discussion/Review: Ch. 42, Motor Vehicles & Traffic/Sec. 42-90 – No Parking/Add on Dartmouth Street.

The Policy Committee reviewed the Ordinance proposal attached hereto as Item 1

Motion by SEAVER and seconded by BEAN to approve the proposed language as printed, and to forward this Order to the City Council with a recommendation for adoption. Vote unanimous.

5.2. Discussion/Review: Ch. 42, Motor Vehicles & Traffic/Sec. 42-90 – No Parking/Add on Round Hill Street.

The Policy Committee reviewed the Ordinance proposal attached hereto as Item 2

Motion by BEAN and seconded by SEAVER to approve the proposed language as printed, and to forward this Order to the City Council with a recommendation for adoption. Vote unanimous.

5.3. Discussion/Review: Ch. 42, Motor Vehicles & Traffic/Sec. 42-92 – Limited Parking/Add on Yates Street.

The Policy Committee reviewed the Ordinance proposal attached hereto as Item 3

Motion by SEAVER and seconded by BEAN to approve the proposed language as printed, and to forward this Order to the City Council with a recommendation for adoption. Vote unanimous.

5.4. Discussion/Review: Ch. 42, Motor Vehicles & Traffic/Sec. 42-99 – No Through Trucks/Edit Grayson Street.

The Policy Committee reviewed the Ordinance proposal attached hereto as Item 4

Motion by SEAYER and seconded by BEAN to approve the proposed language as printed, and to forward this Order to the City Council with a recommendation for adoption. Vote unanimous.

5.5. Discussion/Review: Ch. 2, Administration/Art. 1, Sec. 2-3 – Code of Ethics.

The Policy Committee reviewed the Ordinance proposal attached hereto as Item 5

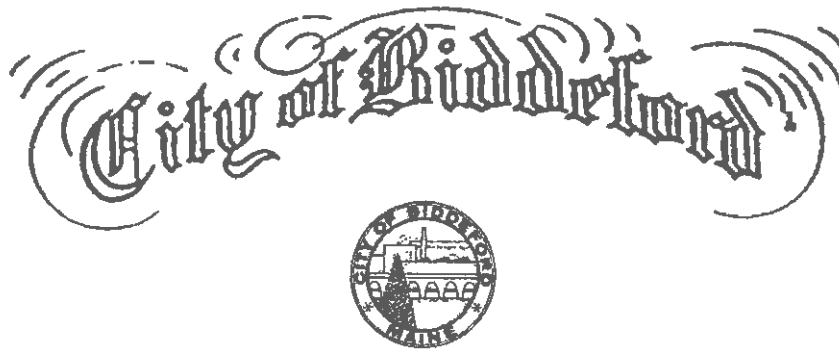
Motion by SEAYER and seconded by ONEIL to approve the proposed language as printed, and to forward this Order to the City Council with a recommendation for adoption. Vote: SEAYER, ONEIL and BEAN in favor; READY in opposition. Motion carries.

5.5. Discussion/Review: Ch. 19 – Marijuana Cultivation and Distribution.

Code Enforcement Officer Roby Fecteau and Assistant Fire Chief Paul LaBrecque addressed the Committee in the explanation of the proposed creation of Chapter 19. Central to a lengthy discussion involved the creating and enacting of a licensing and permitting process versus simply enforcing the building codes. There was no vote for other formal taken, and it was agreed that the City Council would be asked to weigh in on the direction that the city should take.

6. Adjourn – *Motion by SEAYER and seconded by BEAN to adjourn at 8:28 p.m. Vote unanimous.*

ITEM #1



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

Dartmouth Street, even-numbered side, from the intersection with Elm Street thence westerly to the intersection with May Street.

ITEM #2



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

Round Hill Street, odd-numbered side, from the intersection with May Street thence northeasterly to the intersection with Dartmouth Street.

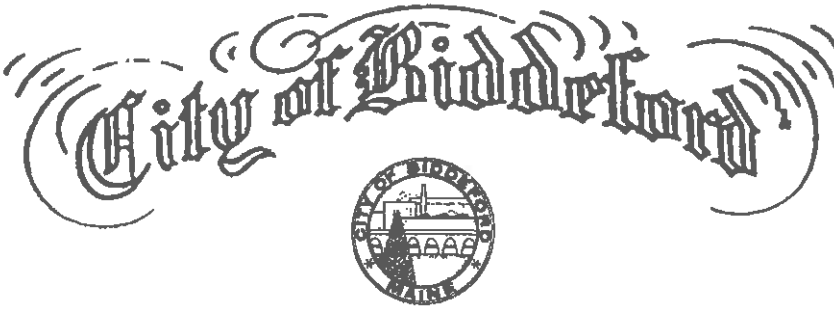
ITEM #3



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**, is amended by adding or ~~deleting~~ to read as follows:

Yates Street, odd-numbered side, beginning at a point 552 feet northwest from the intersection with Mile Stretch Road thence northwesterly to CMP utility pole CMP 9 (entrance to Biddeford Pool Yacht Club), three (3) hours between the hours of 8:00 a.m. and 4:00 p.m. from June 15 to Labor Day of each year.

Item #4



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 42-99 No through trucks**, is amended by adding or deleting to read as follows:

Sec. 42-99 **No through trucks.**

(a) One-half-ton and over.

There shall be no through trucks over one and one half (1 ½) ton in size on the following streets:

Diamond Street, no trucks greater than one and one-half ton (gvwr); local deliveries only

Stone Street, no trucks greater than one and one-half ton (gvwr); local deliveries only

Summer Street, signs to be placed at Summer Street and Harrison Street and Summer Street and Birch Street

(b) Five tons and over.

There shall be no through trucks over five tons gross vehicle weight on the following streets:

Edwards Avenue

Graham Street, any part between Crescent Street and Alfred Streets

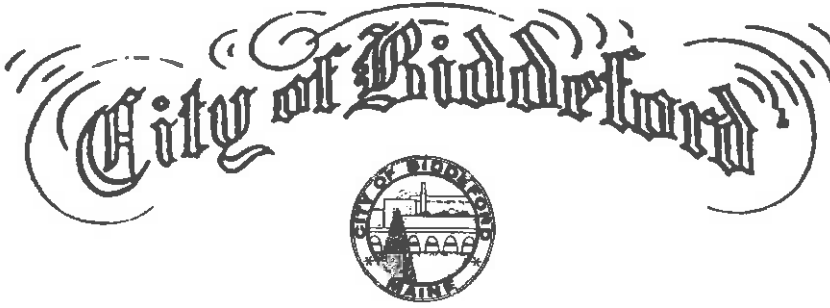
Grayson Street, any part between Elm Street and ~~Mareel Avenue~~ Hill Street

Janelle Street

Maple Avenue, any part

May Street, any part

ITEM #5



2017.56

IN BOARD OF CITY COUNCIL..MAY 16, 2017

BE IT ORDAINED, that the City Council of the City of Biddeford does hereby adopt the following Code of Ethics for all Elected and Appointed City Officials; to be included in the Code of Ordinances, **Chapter 2, Administration, Article I, Sec. 2-3 – CODE OF ETHICS**, as follows:

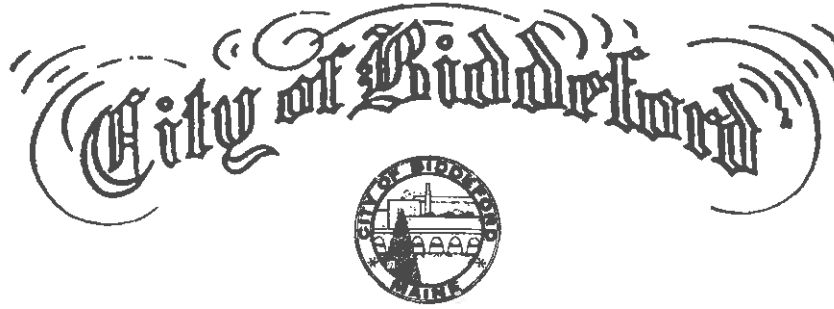
Ch. 2 – Administration, Article I – In General
Sec. 2-3 – Code of Ethics

There shall be a Code of Ethics for all Elected and Appointed Officials in and for the City of Biddeford:

- Officials shall view service to the City as an opportunity to serve the public, state and nation as the best means to promote the City of Biddeford and its citizens. We are working to make Biddeford the best place to live, work and do business.
- No member of the City Council shall be employed by the City of Biddeford or Biddeford School Department as an employee or agent, or hold any office or employment, the compensation of which is payable by the City, during the term for which the Councilor was elected.

~~Officials shall not make disparaging remarks about other City Officials or their opinions.~~

- Officials Members must maintain a courteous tone, especially in reference to any divergence of opinion and shall avoid injecting any personal note into the discussions or debate. Officials Members must never attack or make any allusion to the motives of another Official members.
- Officials shall remember at all times that ~~as an individual~~, they have no legal authority within the City outside the scope of their position, and ~~shall will~~ conduct their relationships with the City of Biddeford staff, the local citizenry, and all media communications in recognition of their authority ~~on the basis of this fact.~~



~~Officials shall recognize that their responsibility is not to operate the City, but to see that the City is well operated.~~

- Officials The members of the Council shall not interfere refrain from interference with the daily administration of City business.

~~Officials shall listen to all citizens but will refer all complaints to the proper authorities and will discuss such complaints only at a regular meeting after failure of an administrative solution.~~

- Officials shall listen to all citizens and shall will refer all complaints or concerns to the proper authorities.

~~Officials shall graciously support a decision once it has been made by a majority of the Council/Committee.~~

- Officials shall not criticize City employees publicly, but shall make such comments to the City Manager for investigation and action, if necessary.
- Officials shall make decisions only after all facts bearing on a question have been presented and discussed.

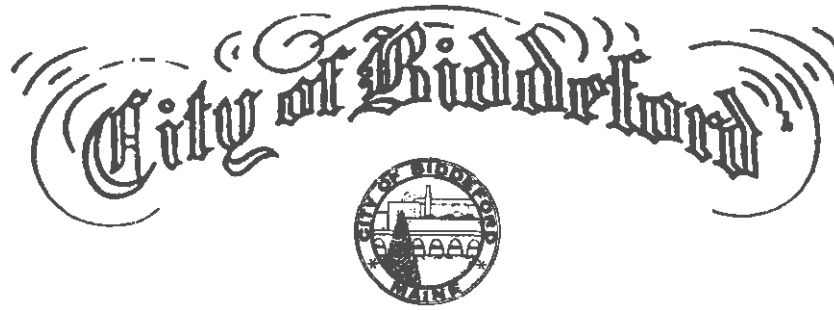
~~Officials shall refuse to make promises as to how they will vote on a matter which should properly come before the Council/Committee as a whole.~~

~~Officials shall not discuss the confidential business of the Council/Committee in their home, on the street or in their workplace; the place for such discussion is at the Council/Committee meetings.~~

- Officials shall not disclose the confidential business of the City Council/Committee to unauthorized persons

1.

~~Officials shall confine their Council/Committee action to policy making, planning or appraisal; leaving the administration of the City to the City Manager.~~



~~Officials shall endeavor at all times to see that the City has adequate financial support within the capabilities of the community and state, in order that every citizen may receive the best possible service.~~

~~Officials shall resist every temptation and outside pressure to use their position as a City Official to benefit themselves or any other individual or agency apart from the total interest of the City.~~

- No Official member shall be permitted to vote on any question in the City Council, nor in committee, whose - when his or her - private right or interests, distinct from public interest, is immediately involved.

~~Officials shall attempt to attend all meetings of the Council/Committee and, if it should become necessary to miss more than three (3) consecutive regular meetings of the Council/Committee or twenty-five percent (25%) of all meetings within any six (6) month period, will meet with the Chair of the Council/Committee and explain the nature of the reason for the absence.~~

- OfficialsEvery member shall take notice of the date and time y-and hour that meetings at which their attendance is expected are scheduled and shall punctually attend all meetings unless for good cause they are unavailable. e-which the Council-stands adjourned and shall give his or her punctual attendance accordingly; and shall attend all special meetings properly called.

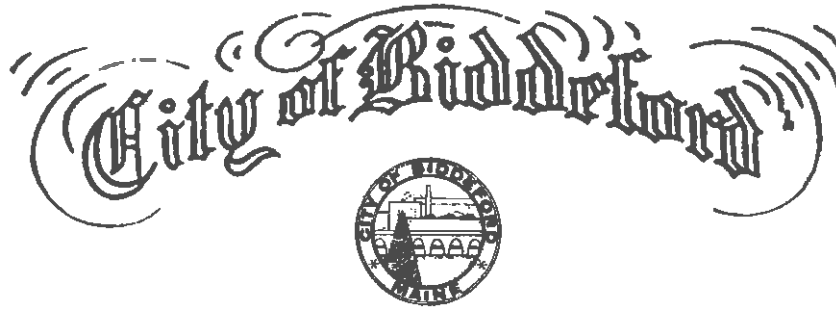
~~Officials shall abstain from individual action on those matters rightfully the authority of the Council/Committee.~~

May 16, 2017

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

Motion by Councilor McCurry to remove #2, #5 and #14.
Motion was withdrawn.

Motion by Councilor Swanton to table this ordinance amendment.
Motion was withdrawn.



Motion by Councilor Lessard, seconded by Councilor McCurry to table this ordinance and send to the Policy Committee for re-working; and bring back to the City Council at the June 6th 2017 Council Meeting.

Vote: 5/4; Councilors Seaver, Ready, Mills and Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Belanger, Ready and Lessard in favor.

Motion to table carries.

Delivery of Unsolicited Items Ordinance

Purpose and Intent: The purpose of this chapter is to protect the rights of Biddeford citizens who desire not to receive unwanted printed or written materials, whether commercial or noncommercial in nature, including unsolicited newspapers. The right of privacy affords citizens an unquestionable and enforceable right to determine and limit the materials they will allow to be delivered on their private property. A person may not be compelled to listen to or view any unwanted communication, spoken or written, whatever its merit, in the privacy of one's residence. When a resident affirmatively provides notice that he desires not to receive delivery of unsolicited print or other written materials, to deliver is, in effect, a trespass against the resident.

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

List of residents not to receive unsolicited materials: The City Clerk shall maintain a list of all residents, by address, who have filed written notice with the City Clerk requesting that all, or certain, unsolicited print or other written materials not be delivered to their premises.

Written notice shall be effective indefinitely until and unless written notice is received by the resident that they now desire to receive all, or certain, unsolicited print or other written materials. The list shall be revised from time to time as the City Clerk is notified by an owner or person in charge of the premises that he wishes to have their property either removed from or placed on the list. Whenever the City Clerk becomes aware that the ownership or occupancy of any listed premises has change, the list shall be revised by deleting said address rom the list. Nothing in this chapter, however, shall require the City Clerk to verify the identity of any owner or person in charge of any premises to verify any change of ownership, occupancy or control. The City shall not be liable for any errors or omissions on the list. The list may be kept and provided electronically.

Registration of distributors; annual license required information required: No person, organization, society, association, company or corporation, or their agents or their representatives, may distribute or deliver any unsolicited print or other written materials upon the property of any City resident without first having obtained an annual license and registered with the City Clerk prior to such distribution or delivery. The registration shall be signed and duly acknowledged by a person who is an owner or authorized agent and accepts responsibility for the receipt of the list of residents described in section xx above hereof and or the compliance by the delivery persons and carriers with the provisions of this chapter.

The registrant shall also provide to the City Clerk the name of the print or other written material to be distributed, the name, addresses and telephone number of the distributor, a list containing the names and addresses of all carriers and delivery persons who will be distributing or delivering its print or other written material in the City and a list of the license plate numbers of any motor vehicles used by the carrier and delivery persons in making their deliveries. The authorized agents shall be responsible for updating the keeping these list current with City.

The annual license shall automatically and administratively be renewed unless:

1. There is written complaints filed by residents about the license holder regarding compliance with this ordinance.
2. More than ten (10) violations have alleged to have occurred during the year of any kind.

If complaints are received, a hearing before the City Council shall occur to determine if the license shall be renewed. A license holder may continue to operate as if they held a license if said hearing is not held by the City Council prior to expiration of said license (December 31). The right to operate in this fashion shall cease upon if the City Council does not grant the license.

The license shall be renewed by the Council after the hearing is held if;

1. The allegation(s) in the complaint have been found to be without merit and/or are reasonably corrected or is expected to be corrected in the future; or
2. The violations that have occurred in the past are not expected to occur in the future; or
3. An agreement has been entered into that provides relief for the residents that have been adversely impacted by the license holder.

An annual fee of one hundred dollars (\$100.00) shall be due and payable by January 1 of each year to accompany the license. The license may not be issued until all outstanding fines, fees, attorney costs and any other charges have been paid except those that are being disputed in the court system.

Prohibition on delivery to listed residents: No person, organization, society, association, company or corporation, or their agents or representatives, including but not limited to the authorized agent described in section xx hereof and that actual deliverer or carrier, shall deliver, distribute, throw, cast or place or cause or permit to be delivered, distributed, thrown, cast, or placed any unsolicited print or other written materials of any nature whatsoever upon the premises of any City resident who has requested that such print or other written materials no be delivered to their premises and whose address has been listed with the City pursuant to section xxx hereof and provided to the registrant in accordance with section xx hereof.

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

Removal: Any person, organization, society, associations, company or corporation, or their agents or representatives, who or which delivers or distributes any unsolicited print or other written materials shall be responsible to clean and remove all of its print or other written materials from the City right-of-way and any other location set forth in section xxx.

Timely removal of unpicked up items: Any lawfully delivered items that are not otherwise picked up by the resident must be removed by the deliver within forty-eight (48) hours from the time of delivery.

Delivery to residences: It shall be unlawful for any person to throw, cast or place upon the doorknob or the door of any residence in the city any unsolicited print or other written materials whatsoever, including but not limited to handbills, circulars, advertising, newspapers and cards.

Penalties for offenses: Any organization, society, association, company, corporation or individual who or which committees, takes part or assists in any violation of the is chapter shall, for each and every violation, for each and every day that such violation continues, be subjected to a fine of not more than \$250 per incident for any violation of this ordinance which is not otherwise specified here within.

Penalties for specific violations: The following penalties shall be applicable for the following specific violations. All fees, fines or other funds collected as a resulted of violations of this chapter shall be retained and for the exclusive use of the City of Biddeford. Reasonable attorney's costs may be also recovered by the City for pursuant of violations.

1. Failure to obtain annual license: fine of not more than five hundred dollars (\$500.00) per event.
2. Failure to continuously remove unpicked items from homes that has not opted out of delivery: fine of not more than one hundred dollars (\$100) per incident, described as eight (8) separate delivery dates where this standard was violated in a rolling twelve month period.

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