

City of Biddeford
Policy Committee
May 22, 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. April 24, 2017 Policy Committee Meeting Minutes
[4-24-2017 Policy Comm Meeting Minutes.doc](#)
- 5. Discussion/Review**
 - 5.1. Ch. 42, Motor Vehicles & Traffic/Sec. 42-90 - No Parking/Add on Dartmouth Street
[Dartmouth Street No Parking Amendment.docx](#)
 - 5.2. Ch. 42, Motor Vehicles & Traffic/Sec. 42-90 - No Parking/Add on Round Hill Street
[Round Hill Street - No Parking.docx](#)
 - 5.3. Ch. 42, Motor Vehicles & Traffic/Sec. 42-92 - Limited Parking/Add on Yates Street
[Yates Street - Limited Parking.docx](#)
 - 5.4. Ch. 42, Motor Vehicles and Traffic/Sec. 42-99-No Through Trucks/Edit Grayson Street to Hill Street
[No Through Trucks.doc](#)
 - 5.5. Ch. 2, Administration/Art. I, Sec. 2-3 - Code of Ethics
[5-16-2017 Ch 2-Code of Ethics.doc](#)
 - 5.6. Delivery of Unsolicited Items Ordinance
[Delivery of Unsolicited Items Ordinance.docx](#)
 - 5.7. Add New Chapter: Ch. 19 - Marijuana Cultivation and Distribution
[Marijuana Cultivation and Distribution.docx](#)
- 6. Adjourn**

City of Biddeford, Maine
Policy Committee Meeting
Monday April 24, 2017

Minutes

1. Roll Call – Meeting called to order at 6:30 p.m. by Policy Committee Chair councilor Michael Ready. Other Policy Committee members present were: councilors Laura Seaver and Norman Belanger; members Nathan Bean and Renee O’Neil.

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

3. Adjustments to the Agenda – Agenda items 5 as originally posted, was changed to Item 7, and item 7 became Item 5 within the Agenda order.

4. Acceptance of Minutes: *Motion by SEAVER seconded by ONEIL to accept the minutes of the March 13, 2017 meeting as printed. Vote unanimous.*

5. Discussion/Review: **Ch. 46, Parks, Sec. 46-13-Park operating policy/Dogs on Beaches; and Ch. 10, Animals, Art. II-DOGS - Sec. 10-35-Running at large on public ways prohibited; restraint required**

The Committee considered the following Ordinance proposals:

2017. IN BOARD OF CITY COUNCIL...

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

§ 46-13 Park operating policy.

A. Hours. All Parks, as defined herein, shall be open to the public every day of the year from dawn to dusk. In the event that activities are conducted at either the St. Louis Field or Mechanics Park for which there is an admission fee charged or access is otherwise controlled, no member of the public shall have the right to enter said Park areas without authorization and/or payment of such admission fee. The Director shall cause notices of the opening and closing hours to be posted in each individual Park for public information and enforcement purposes.

B. Closed areas. Any section or part of any Park may be declared closed to the public by the Director at any time for any interval of time, either temporarily or at regular stated intervals (daily or otherwise).

C. Entry prohibited. Except with the written permission of the Director, no person shall enter, pass through or remain in any Park, or the closed area of any Park, except during the hours and times when such Park, or portion thereof, is open to the public as provided in this section.

D. Dogs horses and horse-drawn vehicles. Dogs, horses and horse-drawn vehicles are prohibited from entering or remaining in any Park or Beach areas. **Except as follows:**

(1) 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.

(2) Rotary Park:

Horses or 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.

~~horses, horse-drawn vehicles or dogs may not use any part of the City's public beaches between the hours of 9:00 a.m. to 5:00 p.m. from May 25th to September 15th; No unleashed dog is allowed on any of the City's public beaches between the hours of 9:00 a.m. and 8:00 p.m. at Rotary Park, from May 25 to September 15 of each year. From September 16 and May 24, and during operating hours, dogs may be off leash and under voice command. Nothing herein is intended to prohibit the Recreation Commission from creating and maintaining a Dog Park, as defined herein under section 46-1(B), and for establishing rules and regulations governing the operation thereof.~~

2017. IN BOARD OF CITY COUNCIL...

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 10, ANIMALS, ARTICLE II, DOGS, Section 10-35, Running at large on public ways prohibited; restraint required by adding or ~~deleting~~ to read as follows:

Sec. 10-35 **Running at large on public ways prohibited; restraint required.**
[Code 1975, § 5-30; amended 11-18-2014 by Ord. No. 2014.109]

Dogs on a public way or place shall be under restraint. For a dog to be "under restraint" as required in this section, it must be controlled by a leash, which shall not be more than eight feet long, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper, or in specially defined "off leash" areas.

Off-leash areas: All dogs must be within 50 feet of owner or keeper and be under voice control. "Voice control" is defined as being able to immediately call the dog back with one call.

Off-leash areas within the City include:

(1) Rotary Park: The river bank along the boat launch side of the park. This shall be defined as the area bordered by and including the boat launch, up the river bank to where the access road and the river split. The "river bank," for this purpose, is defined as up to but not including the dirt road in the park. 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.

(2) Clifford Park: Dogs may be off leash and under voice command on designated trails in the wooded section of the park. This section is defined as the wooded area of the public park and 100 yards from all trail heads and parking areas.

(3) City Beaches: 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. **See Chapter 46, section 46-13 (d).**

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

6. Discussion/Review: Ch. 42, Motor Vehicles & Traffic, Sec. 42-90- No Parking/Summit Street

The Policy Committee reviewed the following Ordinance language changes:

2017. IN BOARD OF CITY COUNCIL...

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:

Summit Street, even-numbered side, from the intersection with Alfred Street thence northerly to the intersection with Round Hill Street.

2017. IN BOARD OF CITY COUNCIL...

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:

Summit Street, odd-numbered side, from the intersection with Alfred Street thence northerly to the intersection with Round Hill Street.

Motion by BELANGER 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.

7. Discussion/Review: Ch. 46, Parks, Sec. 46-11-Alcoholic beverages; fires; use of closed areas; and Ch. 6, Amusements, New Article V-Sales, Possession and Consumption of liquor at and during Special Events on City Public Property

The Policy Committee reviewed the following Ordinance proposals:

2017. IN BOARD OF CITY COUNCIL...MARCH 21, 2017

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS, Section 46-11**, Alcoholic beverages; fires; use of closed areas is amended by adding or ~~deleting~~ to read as follows:

Sec. 46-11 Alcoholic beverages; fires; use of closed areas.

(a) Intoxicating beverages.

(1) Liquor defined. For purposes of this subsection, "liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption which contains more than 1/2 of 1% of alcohol by volume.

(2) Prohibition. Except as specifically authorized in writing by the City Council, No person within in a city park, public beach, or athletic field, identified under section 46-5 of this Chapter, or in any parking area contiguous thereto shall may transport, possess or consume liquor at any time.

(b) Fires. No person in a park shall build or attempt to build a fire, except at such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(c) Closed areas. No person in a park shall enter an area posted as "Closed to the Public," nor shall any person use or let the use of any area in violation of posted notices.

2017 **BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 6, AMUSEMENTS, be amended by adding a new **ARTICLE V, Sales, Possession and Consumption of liquor at and during Special Events on City Public Property**, to read as follows:

In addition to the requirements set forth under Article IV of this Chapter, applications for the sale, possession and consumption of liquor at Special Events which are held on city public property, that falls within the jurisdiction of the City Council, must be completed on a form that has been approved by the City Clerk.

As used herein, "Liquor" means spirits, wine, malt liquor or hard cider, or any substance containing liquor, intended for human consumption, that contains more than ½ of 1% of alcohol by volume.

Sec. 6-175. Purpose.

This policy sets forth the procedures, requirements, and limitations on the use of City property for the service and/or sale of liquor at and during permitted special events. Special events do not include gatherings of family and friends in public parks, listed under Chapter 46, section 46-5. This policy is subject to and supplements any applicable provisions in the Code of Ordinances for special events on and other uses of City property.

Sec. 6-176. Properties Authorized for Special Events.

Whenever a Special Event has been specifically authorized by the City Council for the service and/or sale of liquor, this authorization shall be limited to income tax exempt organizations or governmental entities, and restricted to the following properties:

Facility:

Mechanics Park
Shevenell Park
St. Louis Field

Address:

Corner of Water & Main Streets
147 Main Street
284 Hill Street

Sec. 6-177. Reviewing Authority:

Applications for liquor on City Property for sale, possession, and/or consumption of liquor at special events shall be submitted along with the Event Application to the Biddeford Codes department not less than 30 (thirty) days prior to the special event, although the Codes Enforcement Officer may accept late applications in exigent or special circumstances.

Sec. 6-178. Restrictions and Permissions:

An Applicant who has received permission to sell or serve liquor during a special event must agree to the following restrictions in order to gain permission to serve liquor:

- Liquor is limited to malt liquor and wine only. No other spirits are permitted.
- Liquor may be sold and served for on-premises consumption only by a licensed caterer, or other non-profit organization registered with the Secretary of State, and licensed to sell alcoholic beverages through the Bureau of Alcoholic Beverages. Prior to the special event, the caterer, or other qualified non-profit organization, shall provide proof that the caterer has received all State and local licenses and permits necessary for the sale and service of liquor at the event, and shall provide a Certificate of Liquor Liability insurance in an amount to be determined by the City, which Certificate names both the City of Biddeford and the Applicant as additional insureds.
- At least thirty (30) days prior to the event, the Applicant must provide to the City the following: (1) copy of all required permits, licenses and insurance certificates; (2) the name(s) and complete and accurate contact information for the State-licensed caterer, or qualified non-profit organization, who will be staffing the event; (3) the names and addresses of the trained servers who are expected to be staffing the event, together with evidence of their training; and (4) the name of a Responsible Party (which may also be the Applicant or caterer) designated by the Applicant to supervise the sale and/or service of liquor at, and during the special event.
- The Responsible Party listed on the Event Application shall serve as the contact person during the event, and must be present on the site and for the entire duration of the sale or service of liquor at the special event.
- The Security and Fees Chart below specifies the number of Security Personnel to be present, and the arrangements and expense for the same shall be borne by the Applicant.
- All liquor servers at the special event must have received TIPS training (Training for Intervention Procedures) approved by the State of Maine.
- Liquor may be served only in area(s) specifically laid out and identified as such in the special events application, reviewed by the City, and approved by the State of Maine Bureau of Alcoholic Beverages. The Applicant shall assure that signs are prominently posted that identifies liquor restrictions at all entrance and exit points.
- The Applicant must designate TIPS trained servers (number specified in chart below) to serve and oversee the area that is licensed for the sale and consumption of liquor at all times. This person is responsible for verifying the legal age of each person consuming or possessing liquor.
- The Applicant or its caterer is responsible for the purchase and transportation of all liquor to be sold or served at the special event.
- Patrons attending the event are strictly prohibited from bringing in their own beverages.

- Only a caterer or TIPS trained server may dispense beer from kegs or barrels. Proper recycling of empty liquor containers is the responsibility of the Applicant. No person less than 21 years of age may serve, possess and/or consume liquor.
- Oversized drinks, contests, volume discounts, or similar incentives are not permitted.
- The serving of all liquor must cease at least 30 minutes prior to the specified and approved closing time of the special event.
- All liquor and related containers must be removed from the premises immediately after the event. The Applicant must provide appropriate cleaning of the area sufficient to eliminate any liquor residue or smell on the premises.
- An adequate supply of food must be served and available to persons attending the special event. It is recommended that all event organizers take steps to encourage food consumption to help reduce the risk of intoxication. Non-liquor must be made available and at a lower cost than any liquor.

Security and Fees Chart

Number of people	1 - 100	101-200	201-300*
Security Personnel	Min. 1 Security Personnel	Min. 2 Security Personnel	Min. 3 Security Personnel
Liquor Permit Fee	\$150	\$150	\$150
Servers/Caterer (TIPS training)	Min. 1 TIPS trained server	Min. 2 TIPS trained server	Min. 3 TIPS trained servers

* Requisite levels of staffing for special events with over 300 participants shall be determined by the reviewing authority on a case-by-case basis.

The City reserves the right to amend and/or impose additional policies, requirements, deposits and restrictions by Order of the City Council and/or as conditions imposed on one or more special events applicants.

Sec. 6-179. Termination of Activity.

The Code Enforcement Officer, Chief of Police, or their designee may order the immediate termination of the special event if the Applicant is found to be in violation of any term or condition of Applicant's permit, or any State Statute or local ordinance or regulation. Upon such termination, all activities shall cease and all equipment, furnishings and other material shall be removed from the premises, and the premises cleaned and restored to its original condition forthwith.

Sec. 6-180. Assignment.

Permits issued pursuant to these Regulations are for the specific event, with a specific date, time and place listed on the application. Permits are not transferable or assignable to any other person, group or other entity.

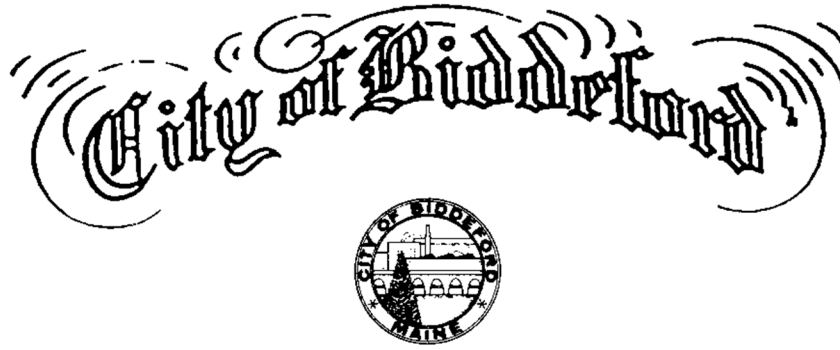
Except as authorized herein, liquor may not be sold, served or consumed at any of the City's athletic fields or playgrounds.

After discussion and some modifications to the language, the committee took the following action on BOTH Orders:

Motion by BELANGER 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 4 in favor (Seaver, Belanger, O'Neil and Bean) and 1 in opposition (Ready). Both councilors Ready and Seaver expressed opposition to the drinking of alcoholic beverages in or on any of the City's Parks. Seaver, however, voted in favor of sending these items for consideration by the City Council.) Motion passes 4 to 1.

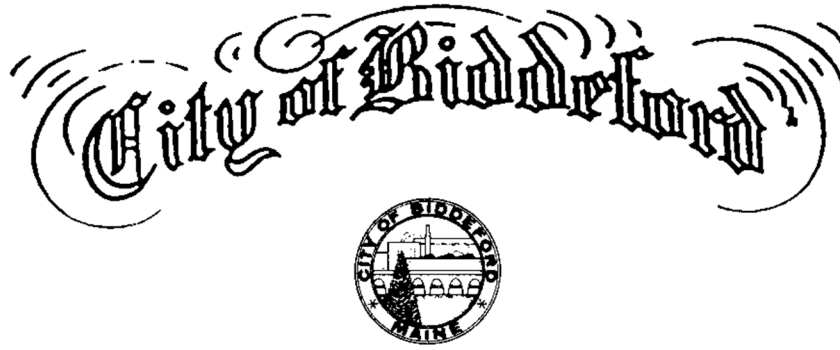
8. Adjourn – Councilor Ready informed the Committee that the newspaper ordinance would be reviewed at the May 8th Policy Committee meeting.

Motion by SEAVER and seconded by BELANGER to adjourn at 7:33 p.m. Vote unanimous.



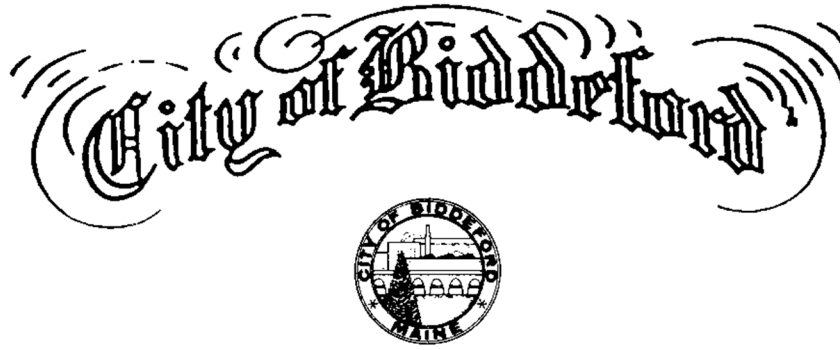
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

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



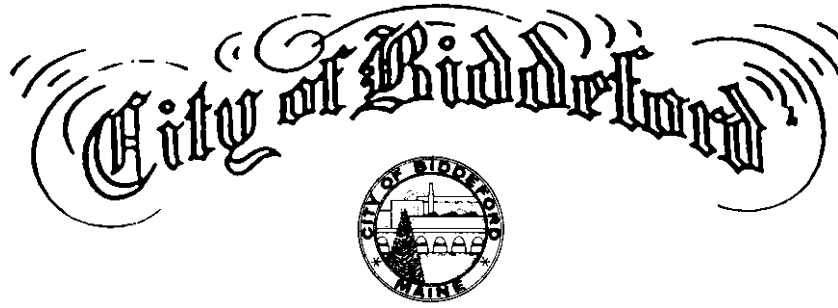
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

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



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.



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 (gvw); local deliveries only

Stone Street, no trucks greater than one and one-half ton (gvw); 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

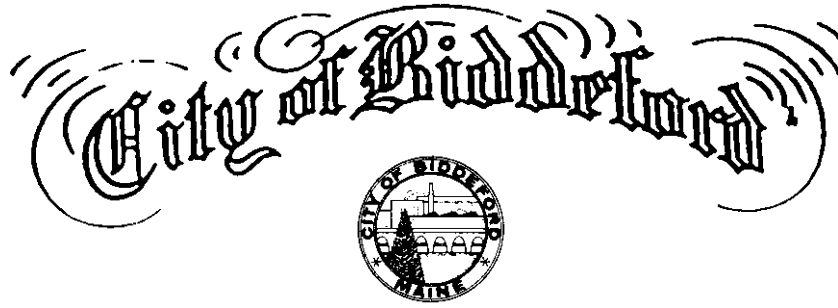
Graham Street, any part between Crescent Street and Alfred Streets

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

Janelle Street

Maple Avenue, any part

May Street, any part



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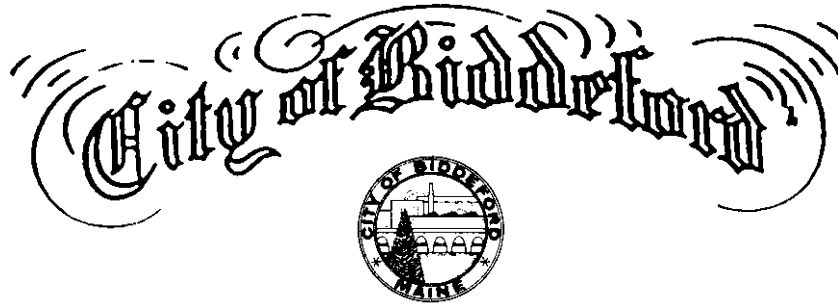
IN BOARD OF CITY COUNCIL..MAY 16, 2017

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:

1. 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.
2. Officials shall not make disparaging remarks about other City Officials or their opinions.
3. Officials shall remember at all times that as an individual, they have no legal authority outside the scope of their position, and will conduct their relationships with the City of Biddeford staff, the local citizenry, and all media communications on the basis of this fact.
4. Officials shall recognize that their responsibility is not to operate the City, but to see that the City is well operated.
5. 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.
6. Officials shall graciously support a decision once it has been made by a majority of the Council/Committee.
7. Officials shall not criticize City employees publicly, but shall make such comments to the City Manager for investigation and action, if necessary.



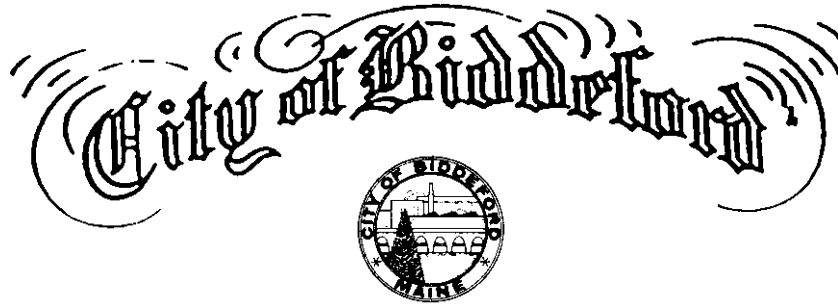
8. Officials shall make decisions only after all facts bearing on a question have been presented and discussed.
9. Officials shall refuse to make promises as to how they will vote on a matter which should properly come before the Council/Committee as a whole.
10. Officials shall not discuss the confidential 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.
11. Officials shall confine their Council/Committee action to policy making, planning or appraisal; leaving the administration of the City to the City Manager.
12. 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.
13. 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.
14. 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.
15. 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.

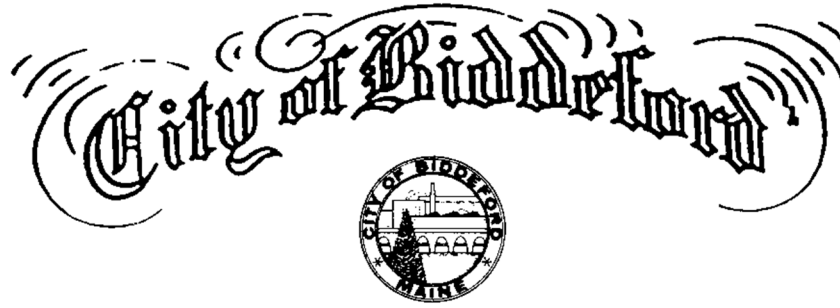
Delivery to residences: It shall be unlawful for any person to throw, cast or place upon the doorknob or the door of any residence in the city any unsolicited print or other written materials whatsoever, including but not limited to handbills, circulars, advertising, newspapers and cards.

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.



BE IT ORDAINED, by the City Council of the City of Biddeford to amend the Code of Ordinances by creating a new **Chapter 19 – Marijuana Cultivation and Distribution**, as follows:

MARIJUANA CULTIVATION AND DISTRIBUTION

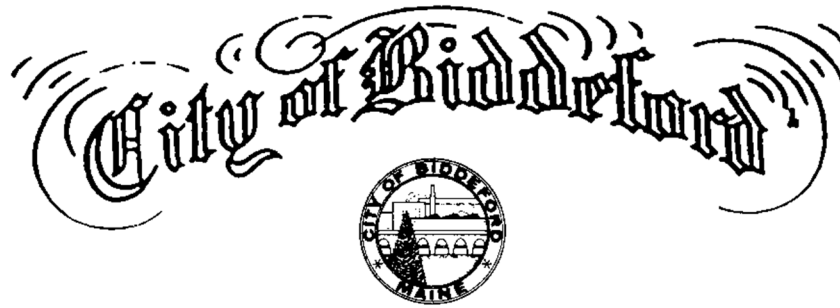
§ 19-1. Title. § 19-9. Decision; Standards for Denial.
§ 19-2. Findings; Purpose. § 19-10. Appeals.
§ 19-3. Licenses Required. § 19-11. Notices of hearing.
§ 19-4. Permitted locations. § 19-12. Reserved.
§ 19-5. Violations. § 19-13. Reserved.
§ 19-6. Applications. § 19-14. Reserved.
§ 19-7. Fees. § 19-15. Enforcement; Penalties.
§ 19-8. Investigation. § 19-16. Severability.
§ 19-1. Title.

This chapter shall be known as the "Marijuana Cultivation and Distribution Ordinance".

19-2. Findings; Purpose.

The State of Maine has recently enacted laws allowing greater cultivation, handling, storing, packaging, processing and distribution of marijuana plants and products. In addition, the citizens of the State in a recent referendum have voted to allow for and decriminalize personal or so called recreational use of marijuana. Additional State laws and regulations are anticipated regarding recreational marijuana. These are not policy decisions of the City, but the City has become aware of certain adverse effects from these recent legislative undertakings, and it proposes to address potential issues that have arisen.

Specifically, the City has learned through its Code Enforcement Office, through its Electrical Inspector, as well as through other public officials including its police and fire departments, that individuals are rapidly installing throughout the City cultivation facilities without City knowledge, without proper City inspection and review and in some cases in areas not zoned for such use. Of particular concern is the installation of energy intensive lighting that can pose significant risk of injury, death and of fires within residential structures. The City Council has received information regarding structure fires in other communities caused by heat intensive lighting used for cultivation and growing equipment.



The Council is also aware that not all states have decriminalized marijuana, and this community's easy highway access and close proximity to the border, may make Biddeford an attractive location for those who intend to traffic marijuana as part of a criminal enterprise.

It is evident that businesses and citizens desire to commercialize and otherwise avail themselves of opportunities presented by these new laws. However, doing so in an unregulated, and in some cases surreptitious fashion, poses substantial risk of criminal activity, physical harm, even death. These conditions have created an emergency for the community.

19-3. License Required.

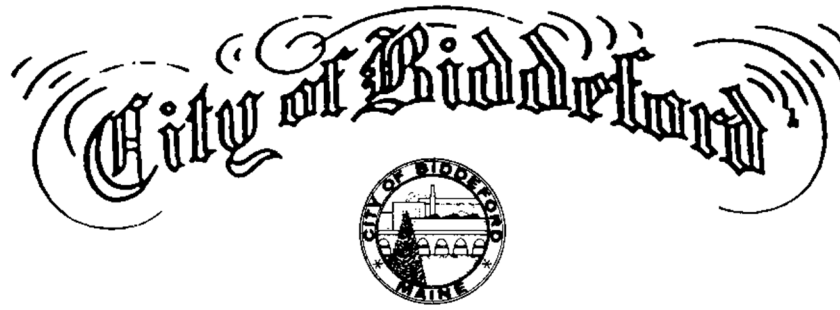
A. All persons and parties who grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana, or any marijuana product, or material or medication derived thereon ("marijuana products"), from or within the City of Biddeford, must register with the City and must secure and maintain a valid license at all times. A license is not required for personal use of any marijuana within one's own premises provided there is no associated growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products

B. All businesses, commercial enterprises, as well as any not for profit entity, that grows, cultivates, harvests, manages, processes, transfers, exchanges or distributes marijuana, or any marijuana products, from or within the City of Biddeford, must register with the City of Biddeford and must secure and maintain a valid license at all times.

C. To register means to complete and submit to the City Clerk of Biddeford the forms created by that office, and to pay the fees set forth herein. No registration shall be approved, and no license granted, until the required fees have been paid, and all applicable reviews and inspections have been completed.

D. Once all applicable reviews have been fully and properly completed, and the applicant has been found qualified, the Clerk shall thereupon issue a license to the Applicant.

E. All licenses shall run for one year (365 Days), and may be renewed as set forth herein. No license shall be issued, denied, or revoked by the City Clerk except as expressly provided in this Ordinance.



F. In the absence of the City Clerk, the City Manager will assume all authority and responsibility of the Clerk as designated herein.

19-4. Permitted locations.

A. A resident of a single family structure who holds a license may grow, cultivate and harvest marijuana for their own personal use, and for the personal use of a resident family member, regardless of the Zone the structure is located.

B. The limit as to the number of permitted marijuana plants and ounces of harvested marijuana for each person in single family structure shall be set by State Law.

C. In no event may any person owning or residing in a single family structure increase their home electrical service beyond 200 amps.

D. In no event may a person renting, owning or occupying a single family structure grow, cultivate, distribute, harvest, manage, process, transfer, exchange, or distribute any amount of marijuana or marijuana products for a third party, except for a resident family member living in the same structure as permitted in Subsection A above.

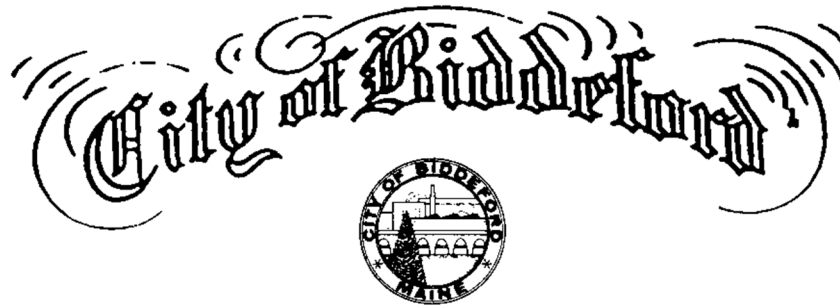
E. All parties who grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana or marijuana products for any other third party may do so provided they operate ☐ ☐

from a structure or premises found within the City of Biddeford's I-1 Zone or I-2 Zone. No growing, cultivation, harvesting, managing, processing, transferring, exchanging or distribution of marijuana or marijuana products shall be allowed outside the boundaries of these two zones of the City. Such activity shall be a violation of this Ordinance.

F. No other properties outside of the I-1 and I-2 Zones may be used or licensed for growing, cultivation, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products for any party's personal use except for personal use as permitted in subsection A above.

G. No license issued by the City may be transferred, sold or assigned by the license holder to any other person or entity.

19-5. Violations.



A. No person or entity shall grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana or marijuana products without having registered with the Clerk and without having obtained a valid, in force and effect, license as required herein.

B. Every license holder shall exhibit their license in a conspicuous place on the premises, visible to the public. The failure to display the issued license at all times is a violation of this

Ordinance. Upon discovering that a person, party or entity has not displayed its license, the City shall deliver a written warning. The failure to display a license after written warning shall constitute a violation of this Ordinance

C. No person, party or entity may sell, transfer or assign their license. Any attempt to sell, transfer or assign will confer no rights, and will render the license immediately void. The sale, assignment or transfer of a license is a violation of this Ordinance.

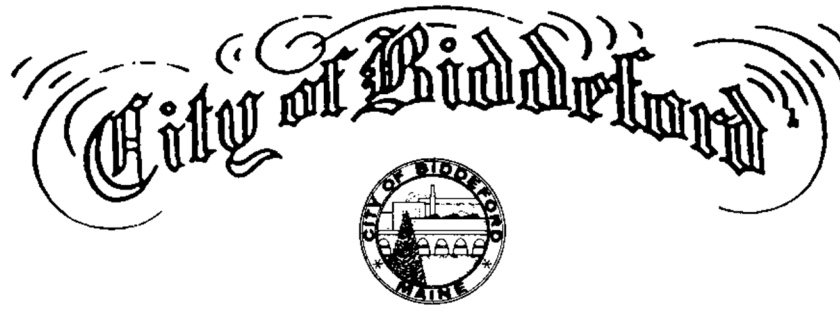
D. It is violation of this Ordinance to grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana, or any marijuana product, in any structure or zone not otherwise allowed as set out in Section 19-4 (A) and (E).

E. It is a violation of this Ordinance for any third party, including but not limited to contractors, plumbers, carpenters, electricians, tradesmen to assist, aid, abet, promote or otherwise suffer any person, applicant or license holder to violate any provision of this Ordinance. It shall be a violation for any person, party or entity to provide assistance, advice, skills, work effort or cooperate, with the installation of facilities, equipment or materials, or otherwise provide service, education or support, that aids or advances the unlicensed growing, cultivation, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products.

F. It is a violation of this Ordinance for any license holder to traffic, transport, mail, distribute, transfer, or otherwise assist in the trafficking, transporting, mailing, distribution or transfer of marijuana or marijuana products outside the boundaries of this State. It is a violation of this Ordinance for any agent, employee or officer of the license holder to do the same.

19-6. Applications.

A. All registrations for personal use shall be made in writing on a form provided by the Clerk. Each registration shall state the applicant's name, address, telephone number, and e-mail, and



such additional information as deemed necessary by the Clerk, including the map and lot number property where the license will be posted.

B. All registrations to grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana or marijuana products for any third parties shall be made in writing on forms provided by the Clerk. Each registration shall state the applicant's name, address, telephone number and email. In addition; applicant shall:

1. Identify its estimated yearly production of marijuana;
2. Whether it will ship or distribute any marijuana outside of the State of Maine;
3. Identify all individuals and entities to whom it will contract for delivery of marijuana and include the amounts expected to be delivered monthly and annually.
4. If a caregiver, the names of all patients, as well as a copy of all applicable State licenses.

C. All registrations submitted by an entity applicant shall contain the information set out above in Subsection A or B (as applicable) and shall also include the following:

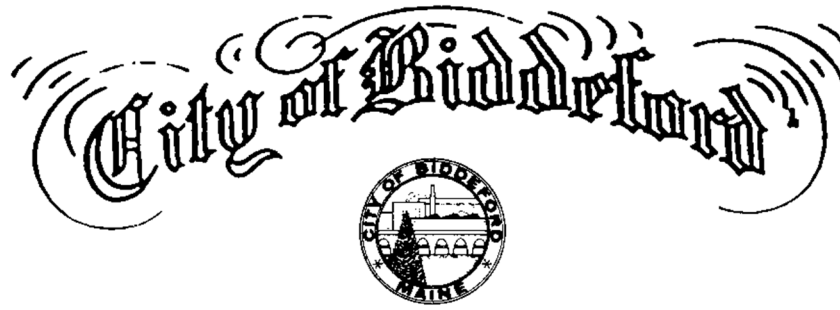
1. Federal Tax ID #
2. Type and State of Organization
3. Names, addresses and date of birth of all principal officers, owners and managers
4. Whether the entity is for profit or non-profit entity, and confirmation thereof
5. Proof of Insurance upon the proposed premises in the name of the license holder
6. Name and address of Clerk or Registered Agent for Service of Process

D. If the applicant is seeking a license for family use, the applicant shall list separately the names and the address of each family member for which the license holder will grow, cultivate, harvest, manage or distribute such marijuana or marijuana products.

E. No employee, officer, or appointed or elected official of the City of Biddeford shall have any beneficial interest in an issued license, or license holder.

F. Copies of all registrations and materials shall, upon completion, be transmitted to the Code Enforcement Officer, Electrical Inspector, and the City of Biddeford Fire and Police Departments for the following purposes:

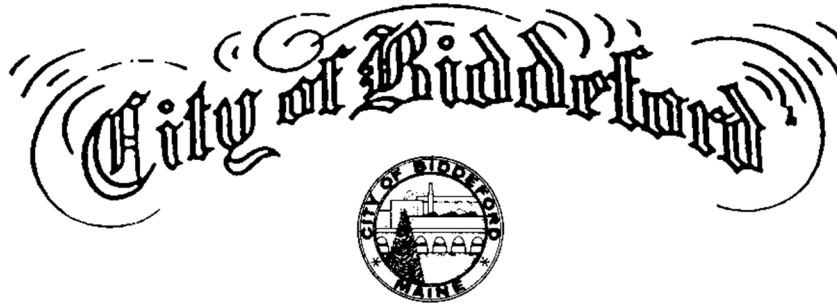
1. Review compliance: that the applicant license holder is permitted to operate in each and every location (map and lot number) where specified; and



2. To record such information into any existing Code Enforcement Officer management program ("Code Enforcement Pro") for use and review; and
 3. To perform a Criminal Background Check including "NCIC" Review; and
To perform a Criminal Background Check including "NCIC" Review; and
 4. Site inspection by Code Officer, Electrical Inspector and Fire Department at any and all applicable location(s) used for growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products; and
 5. To allow inspection of plan drawings detailing nature of site, location of utilities and how utilities such as electrical power will be used; and such other factors deemed necessary or advisable by City staff; and
 6. For a follow-up inspection between 30-60 days after issuance of license to inspect any facilities related to marijuana growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products.
 7. To determine if the applicant needs or has a duly issued State license for the state use/undertaking, and to determine that applicant is in compliance with all State of Maine requirements.
- G. The City of Biddeford will treat all licenses and registration materials collected, under all circumstances, as public records under Maine law.

19-7. Fees.

- A. The fee for an initial application/registration for personal use shall be \$500.00. This fee is non-refundable in all circumstances.
- B. The fee to renew a license for personal use shall be \$250.00. This fee is non-refundable under all circumstances.
- C. The fee for an initial application/registration for any premises in the I-1 or I-2 Zones, where cultivation, growing, handling, storage, cultivation, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products shall be on a larger scale and for third parties, the initial registration fee is \$1,000.00 due to the



significant time and effort involved in life-safety review by the Code Office, Electrical Inspector, Fire and Police Departments.

D. The fee to renew a license for applicant/license holders in the I-1 and I-2 Zone is \$500.00.

19-8. Investigations.

A. Registration. The Clerk shall accept and maintain an applicant's registration forms and all supporting material. The Clerk shall submit all registration materials to City staff for review as set out in Section 19-6 (F). All findings and conclusions of City staff shall be reported to the Clerk within 30 days.

B. Licenses. Upon receipt of an application for renewal of license, the Clerk shall inquire of City Officials, whether a license may be renewed in compliance with the provisions of this Ordinance. City staff shall have 30 days to complete their investigation.

C. Only upon satisfaction of the Clerk, and after review by all appropriate departments, and only upon full compliance with all conditions set forth in this Ordinance, shall the Clerk issue a license.

E. The Clerk shall complete his or her review promptly and grant or deny a license or license renewal.

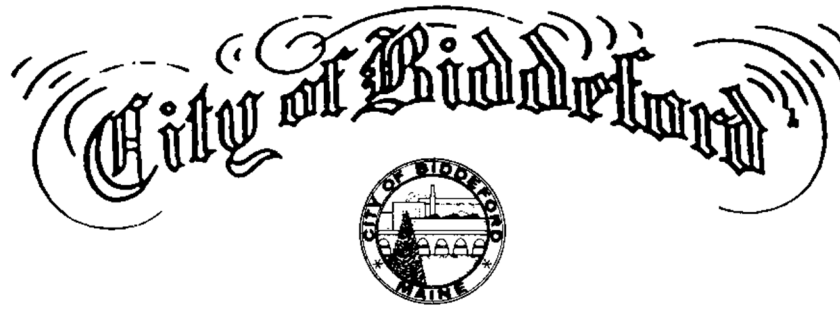
19-9. Decision; Standards for Denial.

A. Notice. The Clerk shall issue all decisions in writing.

B. Grounds. A license, and the renewal of a license may be denied, or revoked, upon a one or more of the following grounds:

1. Failure to fully complete the application forms; knowingly making a false or incorrect statement of a material nature on such form; failure to supply any requested information reasonably necessary to determine whether such license may be issued; or failure to pay any fee required hereunder;

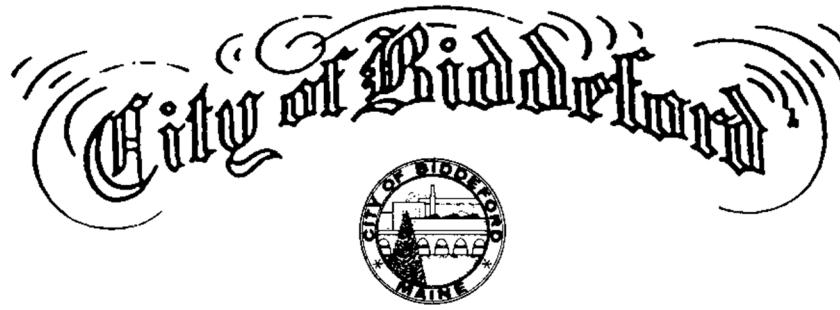
2. The person or party applicant or license holder has caused a significant breach of the peace; has been convicted of more than one misdemeanor, or has been convicted of any felony;



3. There is a clear danger to the public if the license is issued, including significant risk of injury or fire;
4. The parties or persons patronizing the license holder will adversely affect the peace and quiet of the neighborhood, whether or not residential;
5. The person, party or entity has violated a provision of this Ordinance or other ordinance of the City of Biddeford, including its Zoning Ordinance;
6. The occurrence of any event subsequent to issuance of the license, which event would have been a basis for denial of the license, shall be grounds for revocation thereof;
7. Real or personal property taxes or legal judgments that are due and owing to the City and are determined to be in arrears as of the date of the license request or license renewal;
8. The licensee has received more than one public complaint filed with the Clerk; or
9. Such other acts or conduct found to be detrimental to the citizens or community, including but not limited to suffering a fire or significant injury arising from growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products after the issuance of a license;
10. A principal, officer or manager of the license holder is convicted of, or found to have a criminal conviction of any kind, or is known to associate with others convicted of criminal offenses.

C. Hearings.

1. Except as expressly provided in this chapter, no license may be revoked without prior notice to the person, party or entity, and only after a hearing.
2. In the case of the revocation of a license, a hearing shall be given to the individual or entity and a generalized statement of the nature of the complaint constituting the basis for the proposed action shall be included in the notice of hearing. Failure of the person, party or entity to appear at the hearing shall be deemed a waiver of the rights to said hearing.
3. All revocations shall be upon substantial evidence, and all hearings shall be conducted with substantial fairness. Rules of evidence shall not apply in such hearing.



D. Fairness. The Clerk shall not arbitrarily deny any registration or license renewal but must base their decision upon substantial and credible evidence of one or more of the grounds described above.

E. Complaints. Any citizen or public official of the City can file and/or initiate a complaint against a license holder. Complaints will be kept and maintained by the City Clerk and may be considered when and if a licensee seeks a renewal of their license in any succeeding year.

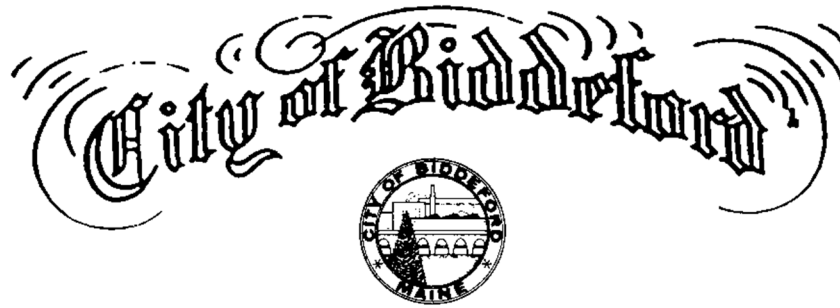
19-10. Appeals.

A. Procedure. An appeal of the Clerk's decision to the City Council may be taken by any person aggrieved by the denial, or revocation of a license by filing a notice of appeal within thirty (30) days of the decision with the City Manager. Every appeal should be in writing and shall state the basis for the appeal. The City Council shall hear the appeal within thirty (30) days after the filing of the appeal and may affirm, reverse or modify the decision appealed from.

B. Scope of review. On appeal, the City Council shall review the decision of the Clerk and determine whether the decision was based upon substantial evidence and in compliance with the standards of the ordinance. The Council may take additional evidence with respect to such decision or action and, if additional testimony or evidence is taken, it shall determine the appeal upon all of the evidence.

C. Status or operations pending municipal appeal. During the pendency of an appeal to the City Council, the person, business or entity aggrieved by the decision of the City Clerk may operate without risk of fine if they have an existing license and the Clerk has revoked or denied a renewal of the license. However, if the person, business or entity has been denied its initial license, then any operation prior to a decision by the City Council will be subject to the civil penalties set forth herein.

D. Appeal to the Superior Court. Any person aggrieved by the decision of the City Council may appeal to the Superior Court in accordance with the provisions of Maine Rule of Civil Procedure 80B.



19-11. Notices of hearing.

A. Content. Whenever a hearing is required, the Clerk shall give written notice of the time and place of the hearing, to the license holder, and the City Manager. Notice shall also be posted in two prominent public locations.

19-12. Reserved.

19-13. Reserved.

19-14. Reserved.

19-15. Enforcement and Penalties.

A. Lack of License. Any person or entity that grows, cultivates, harvests, manages, processes, transfers, exchanges or distributes marijuana or marijuana products without a valid license shall be subject to the following fines:

\$2,500 First violation

\$5,000 Second violation

\$10,000 Each subsequent violation

B. The failure to publically display a license shall be \$500.00 per offense.

C. The fine for selling, transferring or assigning a license in violation of Section 19-5 (C) shall be \$5,000.00.

D. The fine for violating Section 19-5 (D) shall be \$2,500.00 for the first offense and \$5,000.00 for each occurrence thereafter.

E. The fine for parties violating Section 19-5 (E) shall be \$5,000.00 per offense.

F. Violation of Section 19-5 (F) (Transporting or Trafficking) shall result in permanent loss of license.

19-16. Severability.

If any portion of this Ordinance is held to be invalid, the remainder of the Ordinance shall remain in full force and effect, it being the City Council's intention that these provisions be severable to the greatest extent allowed by law.

