

City of Biddeford
Policy Committee
February 13, 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. December 12, 2016
[12-12-2016 Policy Committee Meeting MInutes.doc](#)
- 5. Discussion/Review**
 - 5.1. Ch. 2, Administration/Add New Sec. 2-329 - Exempting Eligible Active Duty Military Personnel From Vehicle Excise Tax
[1-17-2017 Excise Tax Exemption-Military Personnel.docx](#)
 - 5.2. Delivery of Unsolicited Items Ordinance
[Delivery of Unsolicited Items Ordinance.docx](#)
- 6. Adjourn**

City of Biddeford, Maine
Policy Committee Meeting
Monday December 12, 2016

Minutes

1. Roll Call – Meeting was called to order at 6:30 p.m. by Interim Policy Committee Chair councilor Rick Laverriere. Other Policy Committee members present were: councilor Laura Seaver along with members Nathan Bean and Renee O’Neil. Excused was Councilor Michael Ready.

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

3. Adjustments to the Agenda – There were no adjustments

4. Acceptance of Minutes: *Motion by SEAVER seconded by ONEIL to accept the minutes of the November 14, 2016 meeting as printed. Vote unanimous.*

5. Discussion/Review: *Remove from Table:* Various Amendments to Chapter 46, Parks and Recreation; and Chapter 2, Administration/Amendments: City of Biddeford Parks Ordinance.

Motion by SEAVER and seconded by BEAN to remove these items from table. Vote unanimous.

Motion by SEAVER and seconded by BEAN to approve the proposed language changes as presented, posted, and included in the Committee Agenda and to forward these Orders to the City Council with a recommendation for adoption. Vote: unanimous.

6. Discussion/Review: Police Advisory Committee and Fire Advisory Committee.

The Committee considered the following amendments to the City Code of Ordinances:

2016. IN BOARD OF CITY COUNCIL...

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 2, ADMINISTRATION, Article IV BOARDS, COMMITTEES, COMMISSIONS, DIVISION 11, BIDDEFORD FIRE ADVISORY COMMITTEE (BFAC), is amended by adding new Sections to read as follows:

Sec. 2-326. Establishment.

There is hereby created and established the Biddeford Fire Advisory Committee, herein after BFAC, comprised of five (5) members and a member of the Biddeford Fire Department to serve as an ex-officio member. All members shall be citizens and reside within the corporate limits of the City of Biddeford, with the exception of the ex-officio member who may reside outside of the City. In appointing members to the BFAC, the

Mayor and City Council shall seek to appoint members from a cross-section of all citizens. The BFAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council

Sec. 2-327. Purpose.

The purpose of the committee is to provide and organized forum for two-way communication between the Biddeford Fire Department and the community. Responsibilities shall include:

(1) Where appropriate, make recommendations to the city council and Fire department on substantive issues, with the goal of improved Fire services. For the purpose of this article, "substantive" issues are defined as matters of major or practical importance to all concerned. It shall not include personnel issues involving individual members or officers of the Fire department, or daily Fire operations and implementation.

(2) Assist in identifying potential Fire department community partnerships to address public safety related issues within the community.

(3) Identify community resources and support for public safety activities (such as parking, and traffic); and give input to the city council and the Fire department regarding perceived effectiveness.

(4) Receive information and comments from citizens at the Committee's open and public meeting forum regarding public safety issues.

(5) Make reports to the City Council at such times as may be requested by the City Council or as the BFAC determines is necessary.

Sec. 2-328. Membership.

Members shall be appointed by the Mayor and confirmed by a majority of the City Council for staggered three-year terms. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A vacancy is created upon the death or written resignation to the BFAC Chair, or upon the vote of the City Council to remove a member. Members of the committee shall serve without pay and at the discretion of the City Council. The Biddeford Fire Chief, or his designee, shall serve as the administrator, advisor and ex-officio member, and shall provide assistance to the BFAC.

Sec. 2-329. Organization of the Fire Advisory Committee.

The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three (3) members. The Chair shall be counted in determining a quorum and shall have one (1) vote.

The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair, or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at

which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one (1) vote.

The ex-officio member of the BFAC is a nonvoting member and shall serve in an advisory capacity.

The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.

A quorum consisting of three (3) members shall be necessary to take any BFAC action authorized or required by this article. An issue shall carry by a majority of those voting.

Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.

The BFAC may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provisions of this article.

Sec. 2-330. Meetings.

Meetings of the Biddeford Fire Advisory Committee shall be established by the BFAC. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Prior notice of any change in meeting date, time or place shall be provided to all members, the public, and the administrative staff forty-eight (48) hours in advance of said meeting.

All regularly scheduled and special meetings shall have an agenda approved by the Chair.

Sections 2-331 to 2-340 reserved.

2016. IN BOARD OF CITY COUNCIL...

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 2, ADMINISTRATION, Article IV BOARDS, COMMITTEES, COMMISSIONS, DIVISION 12, BIDDEFORD POLICE ADVISORY COMMITTEE (BFAC), is amended by adding new Sections to read as follows:

Sec. 2-341. Establishment.

There is hereby created and established the Biddeford Police Advisory Committee, herein after BPAC, comprised of five (5) members and a member of the Biddeford Police Department to serve as an ex-officio member. All members shall be citizens and reside within the corporate limits of the City of Biddeford, with the exception of the ex-officio

member who may reside outside of the City. In appointing members to the BPAC, the Mayor and City Council shall seek to appoint members from a cross-section of all citizens. The BPAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council

Sec. 2-342. Purpose.

The purpose of the committee is to provide and organized forum for two-way communication between the Biddeford Police Department and the community. Responsibilities shall include:

- (1) Where appropriate, make recommendations to the city council and police department on substantive issues, with the goal of improved police services. For the purpose of this article, "substantive" issues are defined as matters of major or practical importance to all concerned. It shall not include personnel issues involving individual members or officers of the police department, or daily police operational enforcement and implementation.
- (2) Assist in identifying potential police department community partnerships to address public safety related issues within the community.
- (3) Identify community resources and support for public safety activities (such as parking, and traffic); and give input to the city council and the police department regarding perceived effectiveness.
- (4) Receive information and comments from citizens at the Committee's open and public meeting forum regarding public safety issues.
- (5) Make reports to the City Council at such times as may be requested by the City Council or as the BPAC determines is necessary.

Sec. 2-343. Membership.

Members shall be appointed by the Mayor and confirmed by a majority of the City Council for staggered three-year terms. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A vacancy is created upon the death or written resignation to the BPAC Chair, or upon the vote of the City Council to remove a member. Members of the committee shall serve without pay and at the discretion of the City Council. The Biddeford Police Chief, or his designee, shall serve as the administrator, advisor and ex-officio member, and shall provide assistance to the BPAC.

Sec. 2-344. Organization of the police advisory committee.

The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three (3) members. The Chair shall be counted in determining a quorum and shall have one (1) vote.

The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair, or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one (1) vote.

The ex-officio member of the BPAC is a nonvoting member and shall serve in an advisory capacity.

The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.

A quorum consisting of three (3) members shall be necessary to take any BPAC action authorized or required by this article. An issue shall carry by a majority of those voting.

Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.

The BPAC may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provisions of this article.

Sec. 2-345. Meetings.

Meetings of the Biddeford Police Advisory Committee shall be established by the BPAC. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Prior notice of any change in meeting date, time or place shall be provided to all members, the public, and the administrative staff forty-eight (48) hours in advance of said meeting.

All regularly scheduled and special meetings shall have an agenda approved by the Chair.

Sections 2-346 to 2-350 reserved.

Motion by SEAVER and seconded by ONEIL to approve the proposed language changes as presented, posted, and amended, and to forward these Orders to the City Council with a recommendation for adoption. Vote: unanimous.

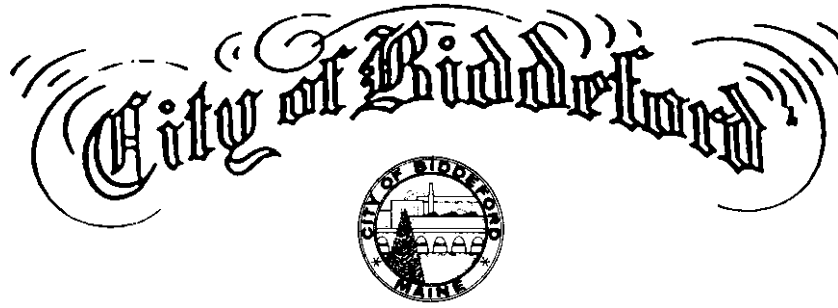
7. Discussion/Review: Handbills/Newspaper Ordinance Language.

City Manager James Bennett addressed the Policy Committee to garner feedback on the proposed Ordinance outline, the purpose of which is to regulate the process of delivery to those who do not wish to receive newspapers and to develop a mechanism for their

removal. The Committee discussed concept of licensing, the clarity as to what constitutes a violation, and consideration as to what constitutes frequency of violations.

The City Manager stated that the City of Saco has expressed a desire and willingness to work with Biddeford officials to develop and draft an ordinance that effectively and legally addresses the ongoing problem of discarded newspapers.

8. Adjourn – *Motion by SEAVER and seconded by BEAN to adjourn at 7:06 p.m. Vote unanimous.*



2017.9 IN BOARD OF CITY COUNCIL...JANUARY 17, 2017
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 2, Administration, Article V FINANCE, **Add Section 2-329-Exempting Eligible Active Duty Military Personnel From Vehicle Excise Tax** to read as follows:

Section 2-329 - Exempting Eligible Active Duty Military Personnel From Vehicle Excise Tax

Authority.

This ordinance is enacted pursuant to 36 M.R.S.A. § 1483-A, which expressly authorizes such ordinances.

Excise tax exemption; qualifications.

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

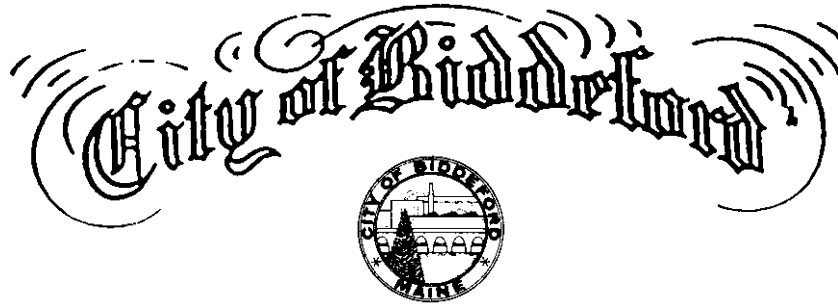
For purpose of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.

For purpose of this section, "deployed for military service" has the same meaning as in 26 M.R.S.A. § 814(1)(A).

For purpose of this section, "vehicle" has the same meaning as in 36 M.R.S.A. § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. § 13001.

Effective date; duration.

This ordinance shall take effect thirty days after its adoption by the City Council and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.



January 17, 2017

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

Motion by Councilor McCurry, seconded by Councilor Ready to table the ordinance amendment and send to the Policy Committee for review.

Vote: Unanimous.

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.