



**City of Biddeford
City Council**

June 18, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

[Join Zoom Meeting Online](#)

Or call in by phone: +1 312 626 6799
Meeting ID: 953 1699 5460
Passcode:529894

1. Roll Call
2. Pledge of Allegiance
3. Adjustment(s) to Agenda
4. Recognition
 - 4.a Retirement of Captain Peter Anton from the Biddeford Fire Department
5. Appointments
 - 5.a Mayoral Appointments to a Committee -Council
 - 5.b Mayoral Appointment to a Committee -Citizen
6. Proclamation
 - 6.a Juneteenth- PROCLAMATION
 - 6.b Parks and Recreation Month- PROCLAMATION
7. Presentation
 - 7.a Recreation Commission Update to Council
8. Public Addressing the Council
(3 minute limit per speaker for up to a total of 15 minutes)
9. Consideration of Minutes
 - 9.a 20240604 City Council Meeting Minutes
10. Second Reading

10.a Special Events Policy

11. Orders of the Day

11.a Special Events Application La Kermesse to serve beer/wine

11.b Gilbert Boucher Park Bath House update

11.c Approval of Bid for Playground RFP

11.d Approval to Purchase and Haul Gravel

11.e Bid Approval: Lead Hazard Reduction at 14 Gove St

11.f Approval to Contract with Maine Water for Sewer Billing

11.g Rezoning Request / 118 Alfred Street (Tax Map & Lot# 38-303-1) from MSRD-2 to MSRD-1 / First Reading

11.h Zoning Ordinance Text Amendment: Code of Ordinances, Part III: Land Development Regulations, Article XII Floodplain Management Ordinance – FIRST READING

12. Public Addressing the Council

(5 minute limit per speaker)

13. City Manager Report

14. Other Business

15. Council President Addressing the Council

16. Mayor Addressing the Council

17. Adjourn

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with trees. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. The seal is flanked by two decorative, symmetrical scroll-like flourishes.

2024.96 IN BOARD OF CITY COUNCIL... JUNE 18, 2024
BE IT ORDERED, that I Martin Grohman, Mayor of Biddeford, do hereby appoint:

Councilor Dylan Doughty
Ward 4
Chamber of Commerce Liaison
Term to Expire December 2025

Attest by: _____
Robin Patterson, City Clerk

City of Biddeford



2024.102 IN BOARD OF CITY COUNCIL...JUNE 18, 2024
BE IT ORDERED, that I Martin Grohman, do hereby appoint:

Matthew Dubois
Ward 4

to the Planning Board as an Associate Member for a term to expire December 2026,

Maya Atlas
Ward 4

to the BSOOB Transit Committee for a term to expire December 2025,

Wesley Painter
Ward 5

To the Historic Preservation Commission for a term to expire December 2027.

Attest by: _____
Robin Patterson, City Clerk

Committee, Board, and Commission Application Form

Application

Name Matthew Dubois

Ward 4

Need to find your Ward?

[Click here to find your Ward on a map or a list of streets.](#)

(Section Break)

Which City Committee, Board or Commission do you request to be appointed to? Planning Board

If other, please list below. Field not completed.

Why are you interested in serving the City of Biddeford? I've lived in Biddeford my whole life and I'm proud of how far our city has come and would like to contribute in any way I can.

Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve. I work for a large real estate development and property management company. While my current role serves on the management and operations side of the company, I have been involved in many redevelopment projects of our historic downtown mill buildings since 2012. I have received permission from my employer, Reveler Development / Port Property, to serve on this board, and would abstain from voting on any project or application that they submit to the Planning Board.

Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates). I served on the Downtown Development Commission from 2015-2018.

Committee, Board, and Commission Application Form

Application

Name Maya Atlas

Ward 4

Need to find your Ward?

[Click here to find your Ward on a map or a list of streets.](#)

(Section Break)

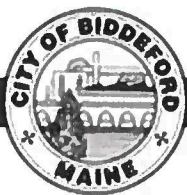
Which City Committee, Board or Commission do you request to be appointed to? Field not completed.

If other, please list below. BSOOB Transit

Why are you interested in serving the City of Biddeford? I am interested in continuing to serve on the BSOOB Transit committee because I think transit is a very important feature of cities and especially of our growing community. There is a lot to be done to increase access to resources, make the city a safe place to commute to and from, and encourage more environmentally friendly means of transportation.

Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve. I have served a term on this committee already

Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates). I am also a member of the Biddeford Conservation Commission



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 06/07/2024

Name: Wesley Painter

Street Address: _____
Biddeford, ME

Mailing Address: _____
(if different) _____

Phone Number(s): _____

Email Address: _____

Ward: _____

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☒ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

**CITY OF BIDDEFORD
Committee Application**

| Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

I served on the board for The Braintree Historical Society in Boston for 2 years and then appointed by the mayer of Braintree to their Historical Commision in which I served on both for 2 months until I accepted a job in Maine. I have been serving on the town of Warren's Cemetery Commission since January until I had to resign due to my relocation to Biddeford.

| Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

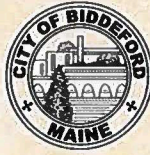
I have worked in historic preservation for the last 7 years. I worked in the archives at Greenwood Cemetery in Brooklyn, warked in cemetery preservation in Charleston, SC and currently work in historic preservation carpentry and timber framing for a company out if Buxton. I also atrend Boaton Architectural College and am currently in their historic preservation program.

| Please provide a brief statement describing your interest in serving the City of Biddeford.

I have a deep passion for serving the community that i reside in. It's extremely important to save buildings and archives to tell our town's past in order to better understand our future.

Attach any additional information to this application and return it to the City Clerk's Office.

City of Biddeford



PROCLAMATION

WHEREAS, the historic work of striving for racial equity has been led by abolitionists, educators, civil rights advocates, lawyers, courageous activists, trade unionists, public officials, and everyday Americans, and all of us dedicated to realizing the ideals of our nation; and

WHEREAS, the Emancipation Proclamation signed on January 1, 1863, declared "that all persons held as slaves are, and henceforward shall be free"; and

WHEREAS, even so, it was more than two years later, on June 19, 1865, the last group of enslaved Americans, located in the City of Galveston, Texas, learned that the Civil War had ended, and that they were free; and

WHEREAS, the purpose of Juneteenth is to commemorate the day Black Americans were first recognized as citizens of this country. It is an important day in which we remember the scourge of slavery, as well as the ongoing challenges of racism, inequality, and inhumanity; and

WHEREAS, Juneteenth is also a day in which we recognize the many significant achievements and successes of Black Americans throughout our nation's history and in the present as we continue along the journey toward racial equity; and

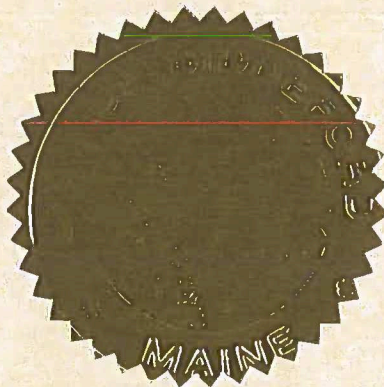
WHEREAS, the legacy of Black-American resistance to systemic inequality is a testament to the struggle, courage and hope of the Black community while reminding us that the struggle is not yet over; and

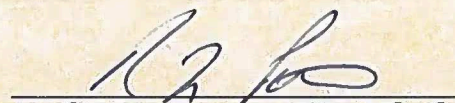
WHEREAS, Juneteenth reminds us that even as we are moving toward equality and justice, we still have more to do to advance true equity in all aspects of civic life, and that we must always strive for a better future;

THEREFORE, be it resolved, that I, Martin Grohman, Mayor of the City of Biddeford, Maine do hereby recognize June 19, 2024 as Juneteenth in Biddeford and invite residents of Biddeford to join in celebrating how far we have come since the abolition of slavery, while continuing to advocate for equality and justice, both today, and every day.

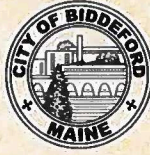
*In Witness Whereof, We the undersigned have herewith affixed
our signatures this 18th day of June 2024.*


Martin Grohman, Mayor




Robin Patterson, City Clerk

City of Biddeford



PROCLAMATION

WHEREAS, outdoor recreation is an integral part of the Biddeford community, and promotes health and wellness, improving the physical and mental health of people who live near our many parks; and

WHEREAS, outdoor recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

WHEREAS, our Parks and Recreation department encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, our parks and recreation department is a leading provider of healthy meals, nutrition services and education; and

WHEREAS, our parks and recreation department offers extensive programming and education activities, such as after school programming, youth sports and environmental education, which are critical to childhood development; and

WHEREAS, having a strong parks and recreation program increases a community's economic prosperity through increased property values, increased tourism, the attraction and retention of businesses, welcoming new residents, and crime reduction; and

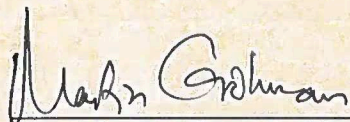
WHEREAS, having a strong parks and recreation program is fundamental to the environmental well-being of our community and is essential and adaptable infrastructure that makes our community resilient; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and learn to respect wildlife by taking care of our outdoor spaces, and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month;

NOW THEREFORE, BE IT RESOLVED, that I, Martin Grohman, Mayor of the City of Biddeford do hereby recognize July as Park and Recreation Month.

*In Witness Whereof, We the undersigned have herewith affixed
our signatures this 18th day of June 2024.*


Martin Grohman, Mayor



Robin Patterson, City Clerk

**City of Biddeford
City Council
June 04, 2024 6:00 PM Council Chambers & Zoom**

Status:

1. Roll Call - all present

2. *Council President LaFountain*
3. *Councilor Lessard*
4. *Councilor Ortiz*
5. *Councilor Emhiser*
6. *Councilor Whiting*
7. *Councilor Beaupre*
8. *Councilor Gross*
9. *Councilor Belanger*

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

Orders of the Day items 11 e. and 11. F will be discussed after 11a and then the agenda will go in sequence.

4. Proclamation:

- 4.a. Proclamation Pride Month

[20240604 2024 Pride Month -PROCLAMATION](#)

Mayor Grohman read the presentation

Councilor LaFountain spoke about the importance of proclamations and thanked everyone who helped celebrate Pride Month on Saturday at Mechanics Park.

5. Presentation:

- 5.a. Presentation Downtown Welcome Signs

[Downtown Welcome Signage](#)

The new sign designs were presented by Danica Lamontagne and Brad Favreau

6. Public Hearing

- 6.a. Public Hearing Liquor License Griffin's Restaurant Group

[Banded Brewing and Griffins Restaurant Public Hearing ad June 2024](#)

Public Hearing opened at: 6:23 pm

Comments: None

Closed at: 6:23 pm

- 6.b. Public Hearing Banded Brewing Liquor License

[Banded Brewing and Griffins Restaurant Public Hearing ad June 2024](#)

Public Hearing opened at: 6:24 pm

Comments: None

Closed at: 6:24 pm

7. Appointments:

- 7.a. Approval/Mayoral Appointments to Citizen Committees
[20240604 Mayoral Appointment to Committee -Citizen -ORDER](#)
[20240604 Application -Ariane Meno Kobo- Recycling Solid Waste](#)
[20240604 Application -Stephani Walsh -Biddeford Fire Advisory](#)

Motion: Councilor LaFountain
Second: Councilor Lessard
Vote: Unanimous in favor
Motion passed.

8. Liquor License Consideration

- 8.a. Approval/Liquor License Griffins Restaurant
[Griffins Restaurant](#)

Motion: Councilor Belanger
Second: Councilor Lessard
Vote: Unanimous in favor.
Motion passed.

- 8.b. Approval/Liquor License for Banded Brewing
[Banded Brewing June 2024](#)

Motion: Councilor Belanger
Second: Councilor Lessard
Vote: Unanimous in favor.
Motion passed.

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

One person spoke about the UNE Pier application and the City Manager letter, he asked the City Council to handle the approval process.

10. Consideration of Minutes:

- 10.a. Council Minutes 5-21-24
Motion: Councilor Whiting
Second: Councilor Lessard
Vote: Unanimous in favor.
Motion passed.

11. Orders of the Day:

- 11.a. 2024.90 Approval/Cancellation of City Council Meeting 7-2-24
[2024.90 Cancellation of Council 7-2-24 meeting](#)

Motion; Councilor Belanger
Second: Councilor Lessard
Vote: 7 yeas – Councilors LaFountain, Ortiz, Emhiser, Whiting, Beaupre, Gross and Belanger
1 nay – Councilor Lessard

Motion passed.

- 11.b 2024.91 Approval/Saco Island Multimodal Bridge
[20240604 Saco Island Multimodal Bridge -RESOLUTION](#)
[20240604 Saco Island Multimodal Bridge -MOU](#)

Motion: Councilor Emhiser
Second: Councilor Lessard
Vote: Unanimous in favor
Motion passed.

- 11.c. 2024.92 Approval/Special Events Policy Committee Recommendations
[20240604 2024.92 Special Events Permit-ORDER](#)
[20240604 Special Events Permit- BRIEF](#)
[SPECIAL EVENTS 2024.Policy.Committee.Recomendation](#)

Motion: Councilor Emhiser
Second: Councilor Belanger
Councilor Emhiser: the policy does a great job clarifying the process.
Councilor Emhiser: motion to amend to remove “block party” from Definitions, Event Coordinator.
Second: Councilor Whiting
Vote on the amendment: Unanimous in favor.
Amendment passed.
Councilor LaFountain would like to make sure that groups know they can request the fees be waived by Council in the future.
Vote on the Order as amended: Unanimous in favor.
Motion passed.

- 11.d 2024.93 Authorization WDC Affordable Housing Development / TIF / Contract Zone – Action items
[Brief 06.04.2024 WDC](#)
[Order 2024.93 WDC](#)
[37 Barra Road - Sketch Plan Submission - 05.29.2024](#)

Motion: Councilor Emhiser
Second: Councilor LaFountain

Westbrook Development Corporation gave a presentation to the Council of the proposed project. It will be an affordable housing project with up to 80 units. They described the timeline of the project and the deadlines for State applications.

Councilor Belanger motion to extend the meeting past 9:00 pm.
Second: Councilor Whiting
Vote: Unanimous in favor.
Motion passed.

Councilors asked questions about different phases of the project and had questions about the pump station.

Members of the public had questions about the details of the JDA, location and project phases.

Councilor Belanger – motion to go into Executive Session, MRS 405 6 (c) Real Estate Matters at 9:38 pm

Second: Councilor Lessard

Vote: 6 yeas – Councilors LaFountain, Lessard, Emhiser, Whiting, Gross and Belanger.

2 nays – Councilors Ortiz and Beaupre

Motion passed

Motion by Councilor Belanger to come out of Executive Session at 9:52 pm

Second: Councilor Emhiser

Vote: Unanimous in favor.

Motion passed.

Councilor Belanger –make sure that both affordable housing projects are treated the same by staff.

Councilor Belanger – motion to amend the JDA if the third year option is exercised, then the \$400,000 reimbursement would go up by the CPI differential between June 1, 2024 and that the time of the option.

Second: Councilor Beaupre

Vote: Unanimous in favor.

Amendment passed

Vote on the order as amended: 7 yeas – Councilors LaFountain, Ortiz, Emhiser, Whiting, Beaupre, Gross and Belanger

1 nay – Councilor Lessard

Motion passed.

11.e. 2024.94 Approval/Unhoused Interim Plan

[20240604 2024.94 Interim Plan for the Unhoused -ORDER](#)

[20240604 Unhoused Interim Plan -Council Update- MEMO](#)

Motion: Councilor LaFountain

Second: Councilor Whiting

Public Addressing the Council:

Vassie Fowler from Seeds of Hope spoke in favor of the program and answered questions from the Council about how the program would operate, the timing and costs of each phase, and questions about barriers to accessing the facility.

Others spoke in favor of the plan, it is long overdue and they appreciate the City getting started.

One citizen spoke in favor of doing something but questioned the cost and ongoing nature of the plan. He gave examples of trying to hire some people and it not working out.

Councilor Lessard – motion to go into Committee of the Whole at 7:12 pm

Second: Councilor Whiting

Vote: Unanimous in favor.

Councilors discussed the costs of the plan, where the money would come from, the timing and ongoing commitments of each phase. Questions were asked about using other locations, particularly the Community Center. City Manager Jim Bennett described the process of looking at space within the City including the Community Center and the rationale behind the proposal as outlined in the plan. Several Councilors commented on the monthly updates to Council and gave guidance on what they would like to see included.

Councilor Belanger motion to come out of Committee of the Whole at 8:17 pm

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

Vote: 7 yeas – Councilors LaFountain, Ortiz, Emhiser, Whiting, Beaupre, Gross and Belanger

1 nay – Councilor Lessard

Motion passed.

- 11.f. 2024.95 Authorize City Manager to create position of Unhoused and General Assistance Supervisor

[20240604 2024.95 Unhoused and General Assistance Supervisor Position- ORDER 20240604 Unhoused and General Assistance Supervisor Job Description](#)

Motion: Councilor Emhiser

Second: Councilor Belanger

Councilor Emhiser asked questions about the positions in the GA department. City Manager Bennett described the new position and the current staff positions. Members of the public spoke in favor of adding the position and the experience of the candidate.

Vote: Unanimous in favor.

Motion passed.

12. Public Addressing the Council..(5 minute limit per speaker)

One person informed the public that there will be a Pride Month bike ride this Friday at 7:00 starting at Shevenell Park.

13. City Manager Report

Reminder that the next Council agenda and packet will be using the new software.

14. Other Business

None

15. Council President Addressing the Council

Council President LaFountain commented that the monthly presentations by committees have been informative and he would like to see more of them.

16. Mayor Addressing the Council

Mayor Grohman mentioned that a delegation from Bideford, England would be visiting next week. Also that the La Kermesse festival is coming up soon.

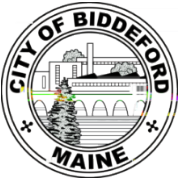
17. Adjourn

Motion to adjourn by Councilor Belanger at 10:01pm

Second: Councilor Ortiz

Vote: Unanimous

Meeting adjourned.



City Council

Meeting Date: June 4, 2024

Meeting Time: 6:00pm

Agenda Item No: 11.c

Item Description: 2024.92 Special Events Permit Policy

Submitted by: James Bennett, City Manager

Supporting Information/Documentation: Draft language provided

Key Terms: N/A

Executive Summary: This policy is a modification to Article IV and was drafted to establish a standard for street closure requests. It was approved with the changes, as presented, by the Policy Committee at the meeting held on May 20, 2024.

Detailed Review: The purpose of the policy is to provide for the safety of special function participants and the general public; and to ensure that all entities, such as City agencies and the general public, have been adequately notified in order to address any of their concerns. This policy also ensures that public input is considered prior to the closing of any public way to minimize any adverse impact upon the community.

Funding Source: N/A

Staff Recommendation: This Policy was drafted with input from the Code Enforcement Office.

City of Biddeford



2024.92 IN BOARD OF CITY COUNCIL...JUNE 4, 2024

BE IT ORDERED, that the Biddeford City Council does hereby approve the Special Events Permit Policy change to Article IV as modified by the Policy Committee on May 20, 2024.

May 20, 2024

Motion: Councilor Emhiser

Second: Councilor Belanger

Councilor Emhiser: motion to amend to remove “block party” from Definitions, Event Coordinator.

Second: Councilor Whiting

Vote on the amendment: Unanimous in favor.

Amendment passed.

Vote on the Order as amended: Unanimous in favor.

Motion passed.

June 4, 2024

Attest by: _____
Robin Patterson, City Clerk

ARTICLE IV

SPECIAL EVENTS

[Adopted 4-19-2011 by Ord. No. 2011.26]

Sec. 6-140 Policy.

The City of Biddeford recognizes that events can enhance the character of the community by bringing the ~~character of its community can be enhanced by events that bring its~~ citizens together; provide opportunities for growth and recreation; and provide Biddeford with cultural and economic benefits. The City's policy is to encourage and allow events that meet this description while ensuring that the needs of those ~~affected~~ impacted by events are adequately considered during the planning and approval process.

Sec. 6-141 Purpose.

This policy is to establish a standard for a street closure request; provide for the safety of special function participants and the general public; and to ensure that all entities, such as City agencies and the general public, have been adequately notified in order to address any of their concerns. This policy is also to ensure that public input is considered prior to the closing of any public way to minimize any adverse impact upon the community.

Sec. 6-142 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

BLOCK PARTY

~~A neighborhood event that is organized by residents of an individual block, street or neighborhood and intended for the collective enjoyment of residents living in the designated area. Block parties may involve the closure of a public way to general traffic for a limited period of time and are restricted to areas that are predominantly residential in nature. Block parties shall not involve the closure of primary streets.~~

COORDINATING COMMITTEE

The following named individuals comprise the Coordinating Committee: Police Chief, Fire Chief, the Director of Codes Enforcement, the Director of Public Works, and the Recreation Director.

DEMONSTRATION or STREET PROTEST

An action by a mass group or collection of groups of people ~~in favor of a political~~ of people gathering for a ~~or other~~ cause; it normally consists of walking in a mass formation, and either beginning with or meeting at a designated endpoint or rally to hear speakers.

EVENT COORDINATOR

The person ~~making~~ submitting an application to hold a block party or special event.

PRIMARY STREET

~~Any United States or state numbered route or other high volume City street deemed critical to the movement of a large number of motor vehicles. Included in Biddeford are Route 1, Route 9, Route 111, Route 208, Guinea Road, Hill Street, Granite Street, Jefferson Street, Lincoln Street, South Street, Main Street, and West Street.~~

SPECIAL EVENT

An event or function occurring within the City of Biddeford that is open to, or intended to attract the general public, and requires the closure of a public way, or any part thereof, for a period longer than two

hours. Large-scale public events may involve or take place on a public way or in or on publicly held facilities. Depending on the location and time of the event, smaller scale events involving a brief or transitory closure of a public way, or any event that requires the full or partial closure of a street for a period of less than two hours, e.g., a parade, shall be reviewed by the Police Chief, who may choose to refer it to the full Coordinating Committee for approval. Except for Route No. 1, a special event may involve the closure of primary streets within the City.

Special events may fall under three categories:

Tier 1 Special Events involve the use of Recreation Department facilities for functions involving 100 or less people.

Tier 2 Special Events include street closure requests, parades, road races, walks or other single-day functions involving 100 or less people.

Tier 3 Special Events are functions that involve a street closure or the use of a City facility for a single-day function involving 100-999 people.

TRAFFIC SAFETY OFFICER

A member of the Police Department assigned by the Chief of Police as the City's coordinator/contact person for block parties and/or special events held on or upon public streets.

Sec. 6-143 Permit required.

[Amended 6-6-2017 by Ord. No. 2017.54]

Any person who desires to conduct or sponsor an event at a public park, public ground, or street of the City in which it could reasonably be assumed that ~~10025~~ or more persons might gather or participate shall first apply for and obtain a permit from the Codes Enforcement Office, ~~which a~~ after collecting the fee described below, ~~will process the application~~ the application will be processed in coordination with the permitting authority as defined under Section 6-144. Special event permit fees shall not be waived without City Council approval.

(1) Fees required per application or per day:

- a. Administrative fee: ~~\$10025.~~
- b. ~~Parade permit~~ Tier 1 Special Event: ~~\$10050.~~
- c. ~~Block party permit~~ Tier 2 Special Event: ~~\$20075.~~
- d. ~~Mass gathering (over 1,000 people)~~ Tier 3 Special Event: ~~\$500100.~~

Sec. 6-144 Permitting authority; regulations.

- (a) The ~~Director of Parks and Recreation~~ Recreation Director or ~~his~~ their designee shall be the permitting authority for ~~events held in any of the City's parks listed in Chapter 46 of the Code of Ordinances, in which it could reasonably be assumed that 25 or more persons might gather or participate.~~ Tier 1 Special Events.
- (b) The Chief of Police or ~~his~~ their designee and the Director of Public Works or their designee shall be the permitting authority for ~~events in which it could reasonably be assumed that public streets, public rights-of-way would be blocked so as to prevent the free and unobstructed movement of vehicular or~~

~~pedestrian traffic.~~ Tier 2 Special Events.

(c) The Coordinating Committee shall be the permitting authority for Tier 3 Special Events.

(de) The City Council shall be the permitting authority for events to be held in City of Biddeford parks, recreation, public buildings, grounds and streets ~~for events in at~~ which it could reasonably be assumed that 1,000 or more persons might gather or participate; or any event which is proposed to last longer than two consecutive days, regardless of the number of persons anticipated to gather or participate.

Sec. 6-145 Permit application.

Any person, firm, corporation, business or organization seeking a permit to hold a special event within the City of Biddeford must file an application (See Appendix A) with the permitting authority at least 30 days prior to the beginning of the event; or in cases related to activities protected by the First Amendment to the United States or Maine Constitution, other than commercial speech, two business days prior to the beginning of the event. Permit applications are available ~~through download~~ on the City's website or at the City Clerk's Office.

(1) The application must include a site plan or a detailed map showing:

- a. The location of the special event.
- b. The location of any grandstand, stage, viewing area, rest-room facilities, vendor's parking/assembly areas (if necessary) and any other equipment or material brought in for use during the special event.
- c. A written description and the location of any traffic control devices, barricades, or other signage necessitated by the event.

(2) The application must describe ~~how~~ the event coordinator's notification plan will notify for the residents and/or businesses in the area that could be affected by the special event. At the least, this shall include a public notification ~~in a local newspaper~~ shared online or in print at least 30 days before the event; and a mass mailing to the residents and/or business in the area.

(3) The application shall be accompanied by an indemnification agreement (Appendix B) which releases the City of Biddeford and its officers and employees from any liability arising from, or in connection with the special event, and a certificate of insurance with minimum liability coverage in the amount of \$400,000.

(4) The applicant and/or organization is responsible for the full cleanup of the area immediately following the special event, and the applicant agrees to reimburse the City for costs to repair any City facility or property damaged during the event, including during the time of set-up and tear down. The City shall invoice the applicant upon completion of the repairs with net thirty-day terms. Only water-soluble, nonpermanent markings or chalk may be used on City rights-of-way.

(5) Depending upon the size and nature of the event, the City may require that City employees, including Police, Fire, Public Works, Code Enforcement and/or Parks and Recreation, are present at or assist with the event. The City shall determine the number of personnel necessary to ensure the safety of the public and participants, ~~and to~~ minimize the inconvenience to residents, and ~~to~~ reduce public liability exposure to the event sponsor and the City. The cost associated with the use of any such personnel, including City equipment, is the responsibility of the event sponsor. A deposit of thirty percent (30%) of the estimated personnel cost for the event will be required with the submittal of the application. The City shall ~~invoice the applicant for the applicable fee with terms net 30 days~~ provide a good faith estimate of the total personnel cost within 10 days after the approval of the application. The complete fee must be submitted to the City prior to the day of the event. Fees may be waived in whole or in part by the City Council prior to the special event.

(6) ~~Upon receipt of a completed application, the Chief of Police will hold a meeting of the Coordinating Committee to discuss logistics for the special event. The meeting shall be scheduled at the earliest opportunity, but shall take into account the notification requirement mandated by this policy, and shall allow sufficient time to permit the event coordination to advise the public of the special event and of the Coordinating Committee meeting.~~

(67) The Coordinating Committee shall review the application with the event coordinator to clarify the nature and circumstances of the event and may establish conditions under which the special event may be held. The purpose of the Coordinating Committee review shall be to determine whether the event can be conducted without any adverse impact upon public safety, or that the proposed event or activity shall not endanger the health and safety of all persons who visit the area to be impacted.

(78) The Coordinating Committee shall consider the following factors prior to granting authority for a street closure under this policy:

- a. The special event must enhance the cultural, recreational or economic potential for the City of Biddeford.
- b. Adequate plans for the detouring of local traffic have been made by the event coordinators.
- c. Reasonable access ~~for business and residents working and living within the affected area~~ has been provided for businesses and for residents living and working in the affected area.
- d. Proper notification of persons living and residing within the affected areas has occurred.
- e. Traffic flaggers are the responsibility of the event coordinator, and must be approved for use by the Committee. ~~Safety training requirements and age of the flaggers will be factors.~~

Sec. 6-146 Exemptions.

The following activities are exempted from the provisions of this policy:

- (1) A special event ~~that is sponsored and already being coordinated by~~ in which the City of Biddeford is the sole sponsor and coordinator.
- (2) Athletic events regulated by the Recreation Department or School Department of the City.
- (3) Utility or maintenance work governed by other provisions of the City ordinances.
- (4) The fees established by this policy shall not apply to activities protected by the First Amendment to the United States or Maine Constitution, other than commercial speech, if the permit for the activity allows the activity to use park space for eight hours or less in one calendar day. The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than 14 cumulative hours in a period of seven consecutive days during which its permit allows exclusive use of park space. For the purpose of this subsection, an event or activity shall be considered to be using park space during the time in which a permit allows the event or activity exclusive use of the space, whether or not the activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time. The City's determination of the need for exclusive use shall be final.
- (5) The fees established under this policy shall not apply to a demonstration or protest that is protected by the First Amendment to the United States or Maine Constitution, nor is a permit required if the demonstration is conducted so as not to interfere with the free and unobstructed passage of vehicular or pedestrian traffic. Otherwise, a permit is required, but no fee shall be imposed.

• Sec. 6-147 **Duties of permittee; exemption.**

(a) Duties.

- (1) The permittee is responsible for designating a person who shall be in charge of the conduct of the event or activity, ~~and who shall be on the park grounds while the event or activity is being conducted.~~
- (2) The permittee is responsible for keeping the park event grounds clean and free from debris.
- (3) Where structures are to be erected ~~in the park~~, the permittee shall be responsible for complying with building code requirements, including, but not limited to, the section of the building code dealing with temporary structures.
- (4) For events where more than 21,000 individuals are anticipated to gather or participate in the event or activity ~~in the park~~, the permittee shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than \$2,000. Such bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the City for excessive damage to real or personal property in the park.

~~(b) Exemption.~~

- ~~(1) Activities protected by the first amendment to the United States or Maine Constitution, other than commercial speech, are exempt from Subsection (a)(4) if the permit for the activity allows the activity to use park space for eight hours or less in one calendar day.~~
- ~~(2) The foregoing exemption shall not apply to an event or activity intended or scheduled to occur more than 14 cumulative hours in a period of seven consecutive days during which its permit allows exclusive use of park space. For the purpose of this subsection an event or activity shall be considered to be using park space during the time in which a permit allows the exclusive use of the space, whether or not the event or activity is actually occurring during that entire time, and whether or not the applicant allows other uses to occur during that time.~~

Sec. 6-148 **Appeals.**

Any person firm or organization who has been denied a special event permit may appeal to the City Manager for reconsideration.



City Council

Meeting Date: June 18, 2024
Meeting Time: 6:00 PM
Agenda Item No: 11.a
Item Description: Special Events Application La Kermesse to serve beer/wine
Submitted By: Roby Fecteau

Supporting Information/Documentation:

Council order June 18, 2024, La Kermesse Festival June 2024

Key Terms:

Executive Summary:

Special Event Permit for La kermesse Franco-Americaine to have their festival June 20th through 23rd at St. Louis Field and the second part of the order allows them to have a vendor onsite for beer/wine to be sold and consumed.

Detailed Review:

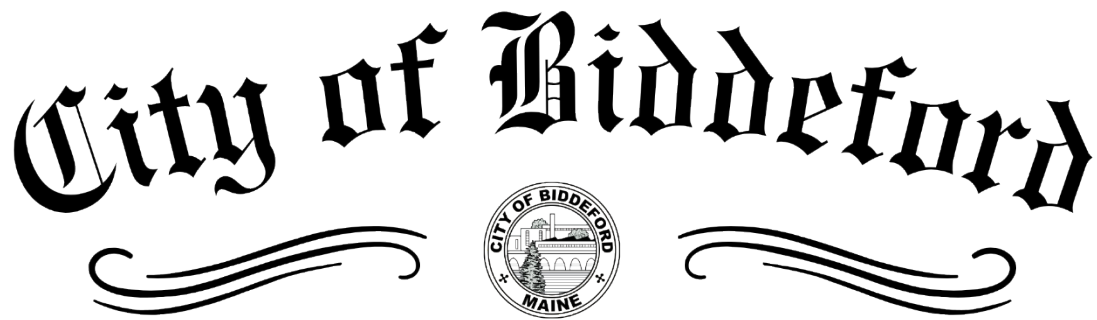
The order provides that in accordance with the provisions set forth under Ch 6 Amusements, Article V-sales, possession and consumption of liquor at and during special events on public property, that the City Council approves beer/wine to be sold and served within clearly defined restricted areas at St. Louis Field that has been approved by the State of Maine Bureau of Alcoholic Beverages and providing that La Kermesses Franco-Americaine is and remains in compliance with the provisions set forth under Chapter 6-178 et seq.

A separate permit request for fireworks has been submitted to the City Managers office for approval.

Funding Source:

Staff Recommendation:

Staff is recommending approval



2024.97

IN BOARD OF CITY COUNCIL... June 18, 2024

BE IT ORDERED, that the City Council of the City of Biddeford does hereby grant approval of a Special Event Permit for LaKermesse Franco-Americaine to have their festival on June 22rd, 23rd, 24th and 25th, 2023 at St. Louis Field; and

BE IT FURTHER ORDERED, that in accordance with the provisions set forth under Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property, that the City Council approves beer/wine to be sold and served within clearly defined restricted areas at St. Louis Field that have been approved by the State of Maine Bureau of Alcoholic Beverages and providing that the LaKermesse Franco-Americaine is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

Attest by: _____

APPLICATION NUMBER: 24-06-039

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

EFFECTIVE 7-6-2017 THE FOLLOWING

FEES WILL APPLY:

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

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

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

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

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

Paul H. Gagne
Signature of Applicant

4.15.24
Date

PAUL H. GAGNE
Printed Name of Applicant

APPLICATION NUMBER: _____

CITY OF BIDDEFORD
SPECIAL EVENT APPLICATION

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

Name of Event Parkinson Festival Location of Event Corner of West & Prospect St. Park Field
Date of Event: June 30-23 Start Time 4:00 (6-23) Finish Time 6:00 (6-23)

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

Estimated # of Participants _____ Estimated Attendance _____

Type of Event:

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

☒ Race/Walk/Bike Ride

☐ Concert

☒ Parade/March

☐ Other – Please Specify: _____

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

APPLICATION NUMBER: _____

Is any other Public Works assistance anticipated?

Yes

Parks and Recreation Department

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

If yes, where

St. James High field corner of Prospect & West St

Will tenting/staging be utilized for this event? X If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc.?

Any Parks and Recreation assistance required?

Yes

Fire Department

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

Yes

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

YES

Will you have First Aid or medical staff present?

Yes

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

Police Department

Is traffic control necessary for this event? X If yes, who will provide it?

We use barricades for the parade

Is crowd control necessary for this event? Yes If yes, who will provide it?

We have our own security

APPLICATION NUMBER: _____

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

Street closed from Prospect + West to Hillside Ave.
Prospect St Traffic sent to Hillside Ave

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

Organization (Applicant) Information

Name of Organization or Name of Applicant if NOT an Organization

La Kermesse Franco Amercaine

Physical Address: _____

Mailing Address: P.O. Box 289

Business Telephone _____ Fax _____ E-mail _____

Income Tax Exempt: Yes: ☒ No: _____ Tax Exempt Number: 01-6095283

Contact Person/Event Coordinator

Name & Address

Telephone _____ Cellular _____ E-Mail _____

Relationship Organization: Treasurer

General Service Questions

Department of Public Works

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

If yes, number needed Coordinate with Public Works

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

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

Have dumpster on field

APPLICATION NUMBER: _____

Other

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

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

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

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

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

Vender Locations
Garbage Cans
Water Sources

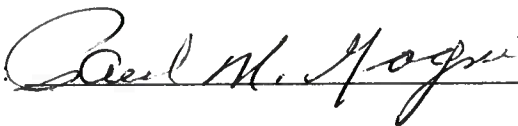
Street Closures/Parking Information
Water/Electricity Sources
Loudspeakers



APPLICATION NUMBER: _____

Applicant's Statement of Agreement

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

Applicant Signature:  Date 9-26-24

APPLICATION NUMBER: _____

CITY OF BIDDEFORD
BLOCK PARTY PERMIT APPLICATION

Name of Applicant _____

Address _____

Telephone # _____

Location of Block Party _____

Date of Block Party _____

Start Time _____ Finish Time _____

Block Party Regulations

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

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

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

APPLICATION NUMBER: _____

PAGE 2 – BLOCK PARTY PERMIT

Attach your map or sketch below.

APPLICATION NUMBER: _____

REVIEW BY SPECIAL EVENTS COMMITTEE:

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

APPROVED WITH MODIFICATIONS AND/OR RESTRICTIONS: _____

APPROVED AS SUBMITTED: _____

DENIED: _____

Modifications / Restrictions:

REASON(S) FOR DENIAL:

Police Chief

Date:

Fire Chief

Date

Public Works Director

Date:

Codes Enforcement Officer

Date:

Parks & Recreation

Date:



La Kermesse Franco-Américaine

P. O. Box 289
Biddeford, ME 04005-0289

June 5, 2024

La Kermesse Franco-Americaine Festival

Mayor Grohman, City Manager and Respected City Members.

I am writing to you on behalf of the La Kermesse Board of Directors. We are in the process of planning for our 41st Annual Festival, which is to be held June 20-23. We are hoping to be able to once again offer Beer and Wine under our Maine Tent as we have in year's past and are sending this letter as a formal request.

We will be working with Sips N Saddle Bar service, which is based out of Saco Maine. We will be working directly with Gina Martinez Preston who runs the mobile bar service. They are fully licensed, insured and brings with her the experience needed to ensure our bar is run professionally, securely and safely. We are under contract to work with her at this year's festival upon approval of the council.

We ask that you approve our request to be able to provide Beer and Wine to our patrons.

We the Board of Directors of La Kermesse thank you for your time and efforts in this matter.

Sincerely,

Jessica J. Quatrone,

La Kermesse President

City of Biddeford

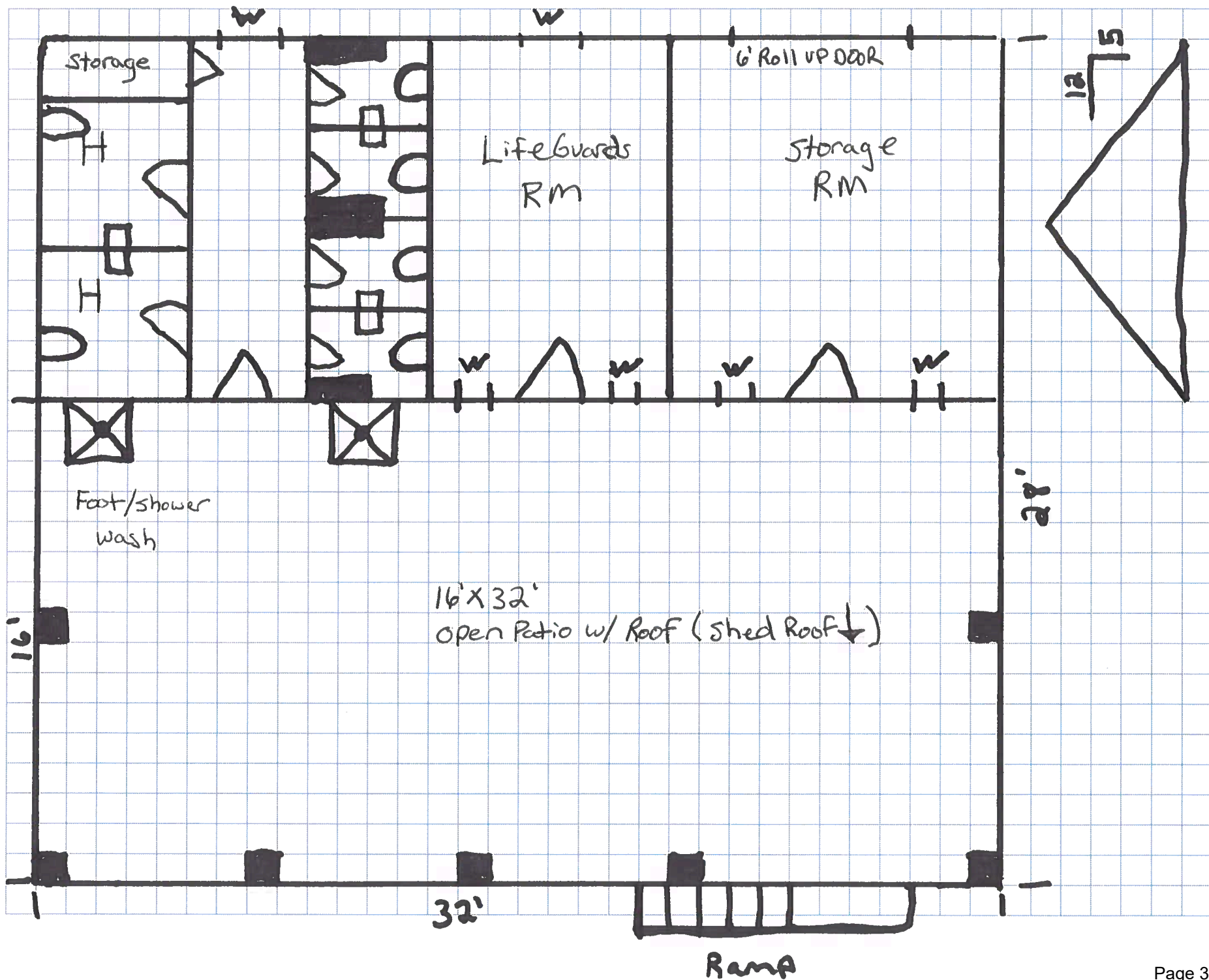
The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with trees. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. The seal is flanked by two decorative, symmetrical scroll-like flourishes.

2024-104

IN BOARD OF CITY COUNCIL... June 18, 2024

BE IT ORDERED, to give approval to the City Manager or his designee to seek bids for a design build of a new bath house at Gilbert Boucher Park .

Attest by: _____



Date: 6.18.2024 Projected Costs Estimates Bath house Project

Bathroom: (pricing is approximate)	
Bathroom design/ build 28 x 32 structure	\$130,000.00
CMP new pole	\$1,200.00
Pump Station	\$150,000.00
Forced main to Mile Stretch Rd.	\$15,000.00
Electricity	\$2,500.00
Water connect	In kind- Public works
Sewer Connect	In kind- Public works
Total Bath house	\$298,700.00
Parking lot: (pricing is approximate)	
Gravel:	\$6,000.00
Reclaim	\$15,000.00
Bumpers:	\$2,550.00
Striping:	\$5,000.00
Signage:	\$2,500.00
Total Parking lot	\$31,050.00
Access to beach: (pricing is approximate)	
Access ramp to beach	\$15,000.00
Total access	\$15,000.00
Miscellaneous: (pricing is approximate)	
Beach wheelchair replacement	\$1,200.00
AED	\$3,000.00
Rescue equipment replacement	\$1,500.00
Lumber for beach rail	\$5,000.00
Additional supplies	\$2,000.00
Total Miscellaneous	\$12,700.00
Total projected cost	\$352,450.00

* already purchased

*

Still working on factors and pricing



City Council

Meeting Date: June 18, 2024
Meeting Time: 6:00 PM
Agenda Item No: 11.c
Item Description: Approval of Bid for Playground RFP
Submitted By: Lisa Thompson, Director of Recreation

Supporting Information/Documentation:

2024 Council Order 2024.103 RFP playground 6.18.24, Ultiplay & DryLA Playground RFP Response-June 3, 2024-Proposal 1 , Ben Schaffer Recreation Proposal 2- Disqualified, Proposal 2 Documentation BSR #4765, Proposal 2 Documentation -ACCORD - BEN SHAFFER, Proposal 2 Documentation -reference, Proposal 2 Documentation -For-Information-Pur_Ben-Schaffer-Rec_23-24-Cert_1-30-2024_1178058907, Proposal 2 Documentation 130-185479-1_2, Proposal 2 Documnetation 130-185479-1_1, Proposal 2 Documentation -Community Build Logistics

Key Terms:

N/A

Executive Summary:

To make a recommendation to the City Council to accept the bid received from Ultiplay Parks and Playgrounds & Dry Landscape Architecture.

Detailed Review:

Two bids were submitted for this project. Ben Schaffer Recreation submitted a bid but it did not meet specifications as it did not provide a nature play option for Clifford Park.

Ultiplay and Dry Landscape submitted a bid with two pricing options; one with a community build option in the amount of \$86,960 and one without a community build option in the amount of \$98,835.00.

Funding Source:

\$86,960.00 for option # 2 with Community Build. Funding will come from the \$100,000.00 playground project designated by City Council.

Staff Recommendation:

Staff recommends to accept the bid submitted by Ultiplay and Dry Landscape Architecture for a Community Build project for the amount of \$86,960.00.

City of Biddeford



2024.103 IN BOARD OF CITY COUNCIL... {DATE}

BE IT ORDERED, that the City Council approves the bid submitted by Ultiplay and Dry Landscape in the amount of \$86,960 for a community build playground project for Clifford, Mayfield and Rotary Park Playgrounds.

Attest by: _____

CITY OF BIDDEFORD PLAYGROUND STRUCTURES
RFP Response
June 3, 2024
Primary Design Package & Design Alternative

Clifford Park
Mayfield Park
Rotary Park
Rotary Beach Park



Clifford Park - Nature Play



Project Approach

Project Overview

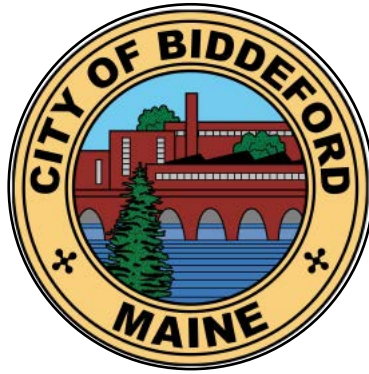
This project involves the design, procurement, and installation of multiple nature-based play structures and structures tailored to different age groups across four distinct park locations: Clifford Park, Rotary Park, Rotary Beach Park and Mayfield Park. The aim is to create engaging, safe, and age-appropriate play environments that promote physical activity and creativity among children.

Project Objectives

We understand the planning that has gone into the issuance of the Playground RFP and realize the amount hard work to get a project to this stage. Our team has visited each site and carefully thought about how best to allocate the funds available to achieve the highest and best use for each of the parks. Our team has reviewed the City of Biddeford's Playground Report presented by the Biddeford Recreation Department and understand the RFP was issued to closely match the proposed option 2.

- We understand a nature-based play structure suitable for children ages 5-12 years old is to be installed at Clifford Park.
- We understand the City of Biddeford is tax exempt.
- All proposed equipment meets and/or exceeds all federal, CPSC, ASTM & IPEMA guidelines.
- A play structure suitable for children ages 2-5 years old at Rotary Park Beach Playground area and/ or a play structure suitable for children ages 2-5 years old is to be installed at the Rotary Park Playground, Main Street location.
- A play structure suitable for children ages 2-5 years old to be installed at Mayfield Park Playground.
- Design and Install Play Structures: Create play areas that cater to children aged 2-12, fostering their physical and social development.
- Ensure Safety and Accessibility: Adhere to the highest safety standards and ensure the structures are accessible to children of all abilities.
- Enhance Community Spaces: Improve the aesthetic and functional value of community parks, encouraging greater use and enjoyment by local residents

Project Team



Role: Project Lead

Mike Parody, CPSI

President/Owner

UltiPlay Parks & Playgrounds

C: 774.287.9182

T: 866.575.PLAY

W: ultiplayus.com

Main Office Address: 43 Main Street,
Blackstone, MA 01504

Role: Project Manager

Chris Martin, CPSI

Northern New England Sales

Representative

C: 774.287.9182

T: 866.575.PLAY

W: ultiplayus.com

Main Office Address: 43 Main Street,
Blackstone, MA 01504

Role: Installer

Chris Martin, CPSI

Northern New England Sales

Representative

C: 774.287.9182

T: 866.575.PLAY

W: ultiplayus.com

Main Office Address: 43 Main Street,
Blackstone, MA 01504

Role: Maine Registered Landscape Architect (Biddeford, ME Resident)

Braden Drypolcher, RLA

Principal/Owner

Dry Landscape Architecture, LLC

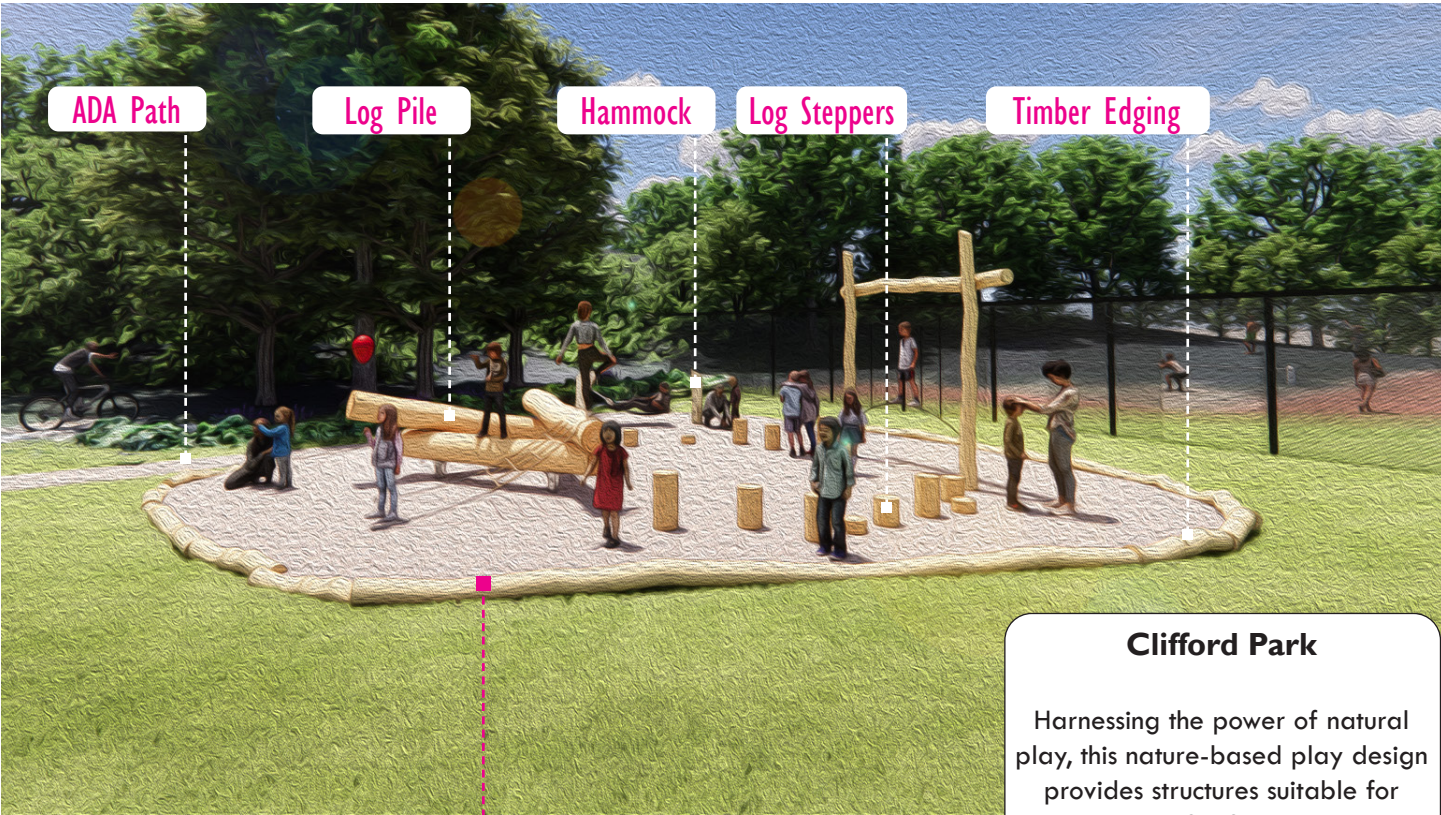
email: dry-la@outlook.com

telephone: (603) 496-8020

Main Office Address: 31 Miller Avenue,
Biddeford, ME

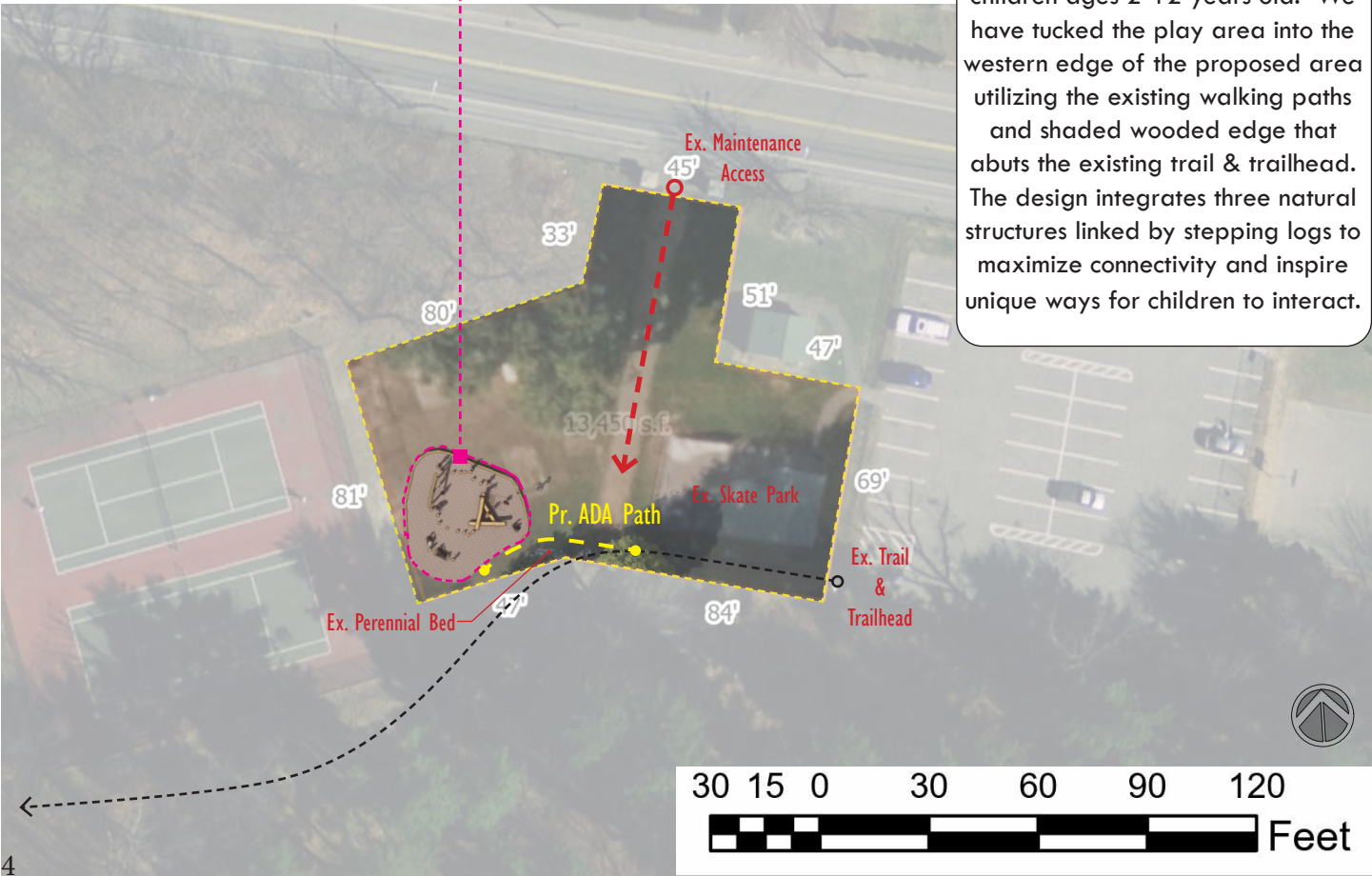
Clifford Park- Log Pile, Vertical Rope, Hammock

Age: 2-12 Nature Play



Clifford Park

Harnessing the power of natural play, this nature-based play design provides structures suitable for children ages 2-12 years old. We have tucked the play area into the western edge of the proposed area utilizing the existing walking paths and shaded wooded edge that abuts the existing trail & trailhead. The design integrates three natural structures linked by stepping logs to maximize connectivity and inspire unique ways for children to interact.



Clifford Park

Manufacturer:



VERTICAL ROPES

Intended user age: 5-12

ASTM F1487



LOG PILE 3.2

Intended user age: 2-5

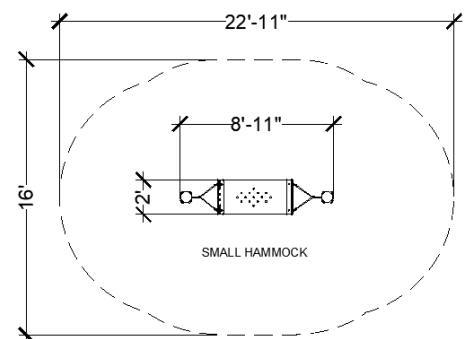
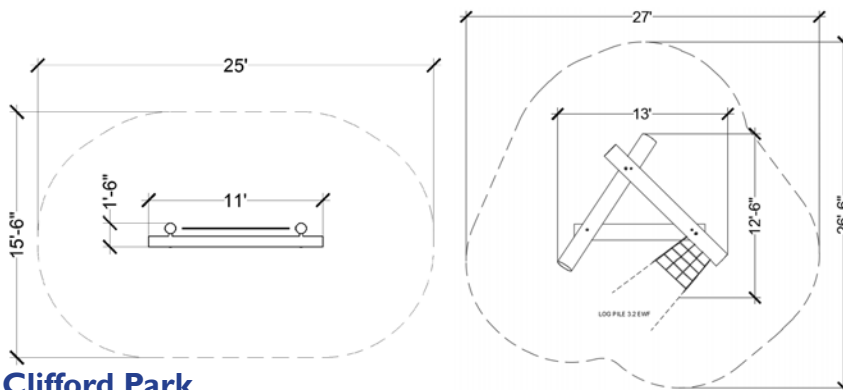
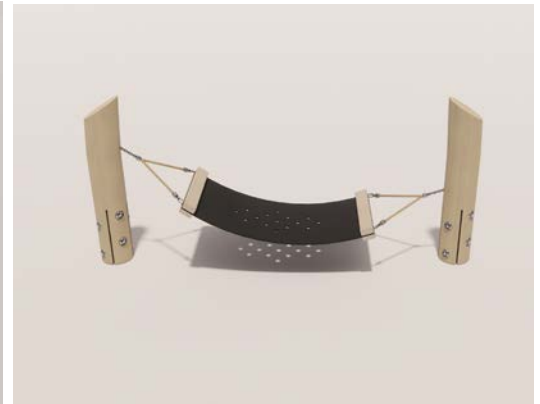
ASTM F1487



SINGLE HAMMOCK - SMALL

Intended user age: 2-12

ASTM F1487



Clifford Park

Log Pile 3.2	\$11,300
Small rope hammock	\$6,500
Vertical ropes	\$7,850
Log steppers for linking	\$1,800
Shipping	\$5,500
Installation	\$10,000
Border timber installation	\$1,500
ADA Stone Dust Path	\$1,500
Site prep, dumpster rental and EWF	\$3,500

TOTAL \$49,500

Log Stepper

Intended user age: 2-12

ASTM F1487



NOTE: Earthscape is not technically IPEMA Certified. IPEMA certification is the International Playground Equipment Manufacturers Association which ensures ASTM compliance. Earthscape is complaint with CSA-Z614, EN1176, ASTM F1487, CPSC & ADA.

3rd Third-party safety and accessibility reviews ensure compliance.



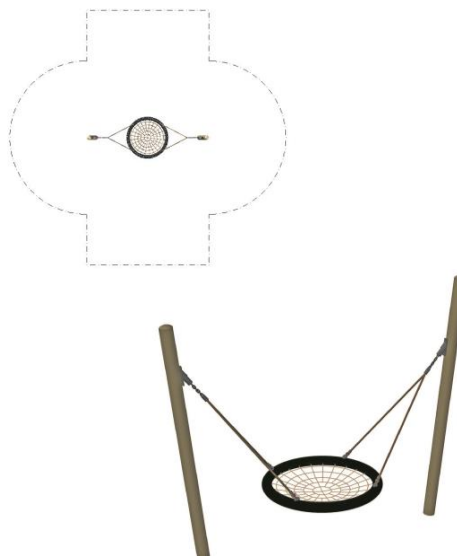
Mayfield Park - Single Palmetto Basket Swing

Age: 3+



Mayfield Park

Introducing a unique basket swing structure to the southeastern edge of the play area seemed fitting for this well maintained and well used park. These structures see much use and adds a visually pleasing and fun adaptation of your everyday swing.



Palmetto Saucer

Greenville is the newest award-winning creation of Berliner Seilfabrik.

As an accessible multi-user swing the Palmetto Saucer convinces through sharing fun. Heavy-duty engineering concealed behind a subtle, though striking design.

Palmetto Saucer - at a glance.

Product Family:	Greenville	Number of Foundations:	2 pc
Item Number:	95.190.578	Concrete Volume C20/C25:	0.7 m³ (25 ft³)
Children's Age:	3 +	Number of skilled installers required:	2
Fall Height (DIN EN 1176):	1,45 m (4'-9")	Installation Time without foundation:	2 hours
Length x Width x Height:	2.9 m x 1.0 m x 2.0 m	Dimensions of largest part:	0.1 m x 0.1 m x 3.1 m
	9'-7" x 3'-4" x 6'-7"		4" x 4" x 10'-2"
Protective Surfacing Area (DIN EN 1176):	-	Weight of heaviest part:	41.2 kg (91 lbs)
Protective Surfacing Area (ASTM 1487):	6.6 m x 6.1 m	Shipping Volume:	Upon request
	21'-7" x 19'-11"	Spare part guarantee:	Lifelong
Minimum space required DIN EN 1176:	-		
Minimum space required ASTM 1487:	28.2 m² (304 sf)		

Technical Data.

The following text can also be used for tenders.

Suspension ropes:

U-Rope®-round strand ropes with galvanized and covered wires: external strands with non-abrasive UV-resistant Polyester-yarn (no Polypropylene); rope-diameter Ø 16 mm (5/8")

Seat:

Ø 1,0 m (3'-3 3/8"); galvanized steel ring covered with shock-absorbing material and wrapped with fiber rope (Ø 20 mm); coil: 115 mm x 95 mm); tight-knit net made of Usacord rope (16 mm) is hung into the ring

Post:

Steel pipes Ø 101.6 mm with a round cast aluminum post top; anti-corrosion treatment and color finish: sandblasting and solvent-free zinc-/ epoxy-/ polyester-process

Berliner
Berliner Seilfabrik GmbH & Co.
Lengeder Straße 2/4
D-13407 Berlin

Tel. +49.(0)30.41 47 24-0
Fax +49.(0)30.41 47 24-33

info@berliner-seilfabrik.com
www.berliner-seilfabrik.com

Revision: June 2018



Rotary Beach Park & Rotary

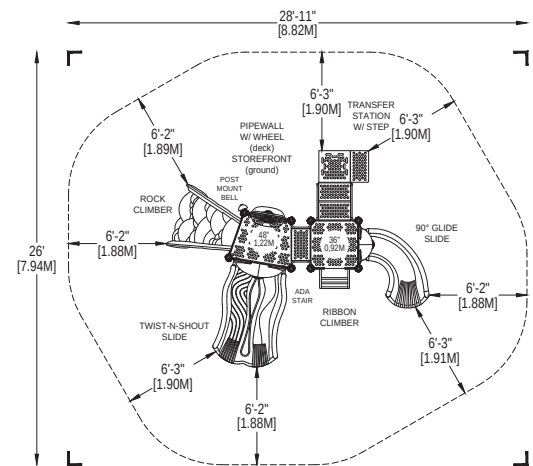
Age: 2-5



Rotary Park

50-1811

Equipment Manufacturer



Rotary Park

350-1811

\$12,475

Installation

\$4,000

Site prep and ewf

\$2,200

Rotary Beach Park

50-1731

Equipment Manufacturer



Rotary Beach Park

350-1731

\$12,960

Installation

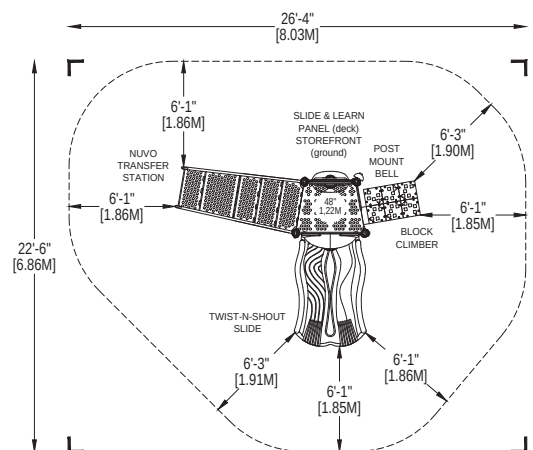
\$4,000

Site prep and ewf

\$2,200

TOTAL ROTARY

\$37,835



BID FORM Summary

Clifford Park

Log Pile 3.2	\$11,300
Small rope hammock	\$6,500
Vertical ropes	\$7,850
Log steppers for linking	\$1,800
Shipping	\$5,500
Installation	\$10,000
Stone Dust Path	\$1,500
Timber edging	\$1,500
Site prep, dumpster rental and EWF	\$3,500

TOTAL	\$49,500
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Rotary Park

350-1811 Cost	\$12,475
Installation	\$4,000
Site prep and ewf	\$2,200

Rotary Park Beach

350-1731	\$12,960
Installation	\$4,000
Site prep and ewf	\$2,200

TOTAL ROTARY	\$37,835
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Mayfield Park

Single palmetto basket swing	\$8,500
Installation	\$2,000
Site prep	\$1,000

TOTAL	\$11,500
--------------	-----------------

PROJECT TOTAL	\$98,835
----------------------	-----------------

BID FORM and PROJECT SUMMARY

We herewith submit our bid in accordance with the requirements and specifications herein acknowledged as follows:

1. We carry general liability (including products liability) insurance, which is in force and shall remain in force during the term of this contract.
2. We carry worker's compensation insurance, which is in force and shall remain in force during the term of this contract.
3. We agree to comply with the general specifications listed in the RFP.
4. We acknowledge having the opportunity to inspect each installation and confirm that site conditions are reflected in the bid submittal.

Company Name: UltiPlay Parks & Playgrounds

Company Address: Main Office Address: 43 Main Street, Blackstone, MA 01504

Company Telephone: T: 866.575.PLAY

Authorized Representative's Name: Christopher Martin, Northern New England Representative

Authorized Representative's Signature: Christopher Martin

Representative's Telephone Number: C: 774.287.9182

Representative's Email: cmartin@ultiplayus.com

PROJECT SUMMARY

Total cost of Clifford Playground \$49,500

Total cost of Mayfield Playground \$11,500

Total cost of Rotary Park Playground \$37,835

Total cost of Rotary Park Beach Playground \$11,500

Total project cost: \$98,835



Design Alternative Project Approach with Community Build *

Design Overview - A Different Take

The goal on this alternative approach would include a community build project for the Rotary Park & Rotary Beach locations to present the city with one cohesive playground at Rotary Beach Park and focus more funding at the Clifford Park location. This would take coordination moving forward that has not been established to date.

By Removing the Rotary Park Playground with the collaboration of a community build this alternative approach seeks to maximize the funding and reduce future maintenance allocations at multiple playground areas. We envision the old Rotary Park location would be well suited by some picnic tables under the maple trees existing on the site.

While the Rotary Park area is a nice amenity it presents some issues from freeze thaw and is in a low area that appears to hold water and is void of any seating. The Rotary Beach location sees more use, has ample shade, trash cans, and existing seating opportunities.

This project involves the design, procurement, and installation of multiple nature-based play structures, a community build endeavor to remove and reset existing play structures, along with new structures tailored to different age groups across three distinct park locations: Clifford Park, Rotary Beach Park and Mayfield Park.

Alternate Approach Summary

- Focus budget on three parks to maximize funding and future maintenance - Clifford Park and Rotary Park.
- Provide a more robust natural play experience at Clifford Park with seating opportunities.
- Remove play area at Rotary Park and move to Rotary Beach Park. Community Build with oversight from UltiPlay and DryLA.
- Include one new 2-5 y.o. Play structure at the newly configured Rotary Beach Park. Add play equipment from Rotary Park.
- Include one new 2-5 y.o. Play structure at Mayfield Play Area.

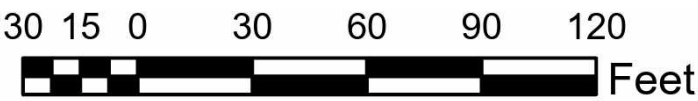
* Total proposed budget for this alternative approach leaves flexibility to adjust to the commitment of community build participation achieved, more Seating, the potential for more play pieces at Clifford Park fixing existing play structures, etc.

To be coordinated with UltiPlay, Dry Landscape Architecture, the City Council, and the Biddeford Recreation Department.

Rotary Park Existing Conditions



Rotary Beach Park & Rotary
with Community Build



Rotary Park & Rotary Beach Park- w/ Community Build

Part 1 Rotary Park

Need someone to head up volunteer organization for community build (2 day build on a Friday and Saturday)

Removal of old equipment — Volunteer work w/ discounted work-lead by UltiPlay

Equipment Removal	\$1,500
Seed & Soil installation	\$2,000

Part 2 Rotary Beach Park

350-1731	\$12,960
Community build	\$6,500 if we can pair up these builds

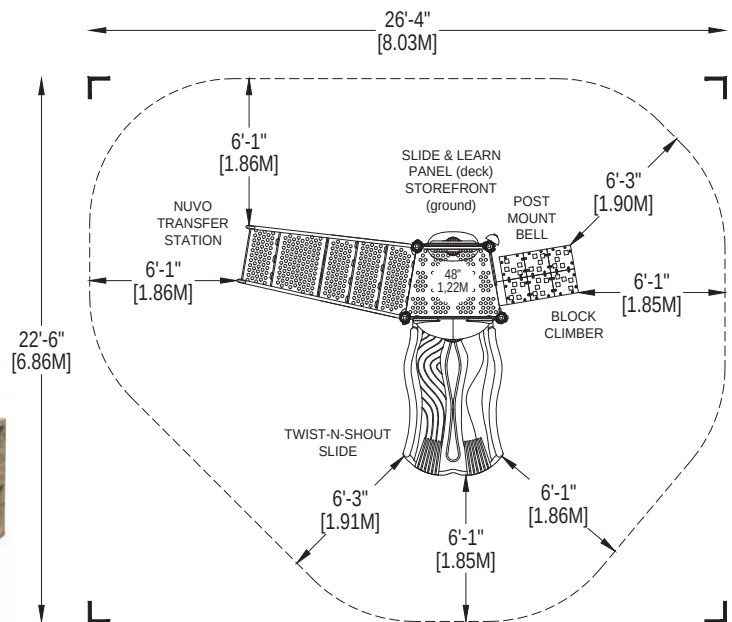
Site prep- minor excavation and removal of materials- volunteer

Items to consider (concrete purchase, excavation, dumpster rental, EWF purchase)

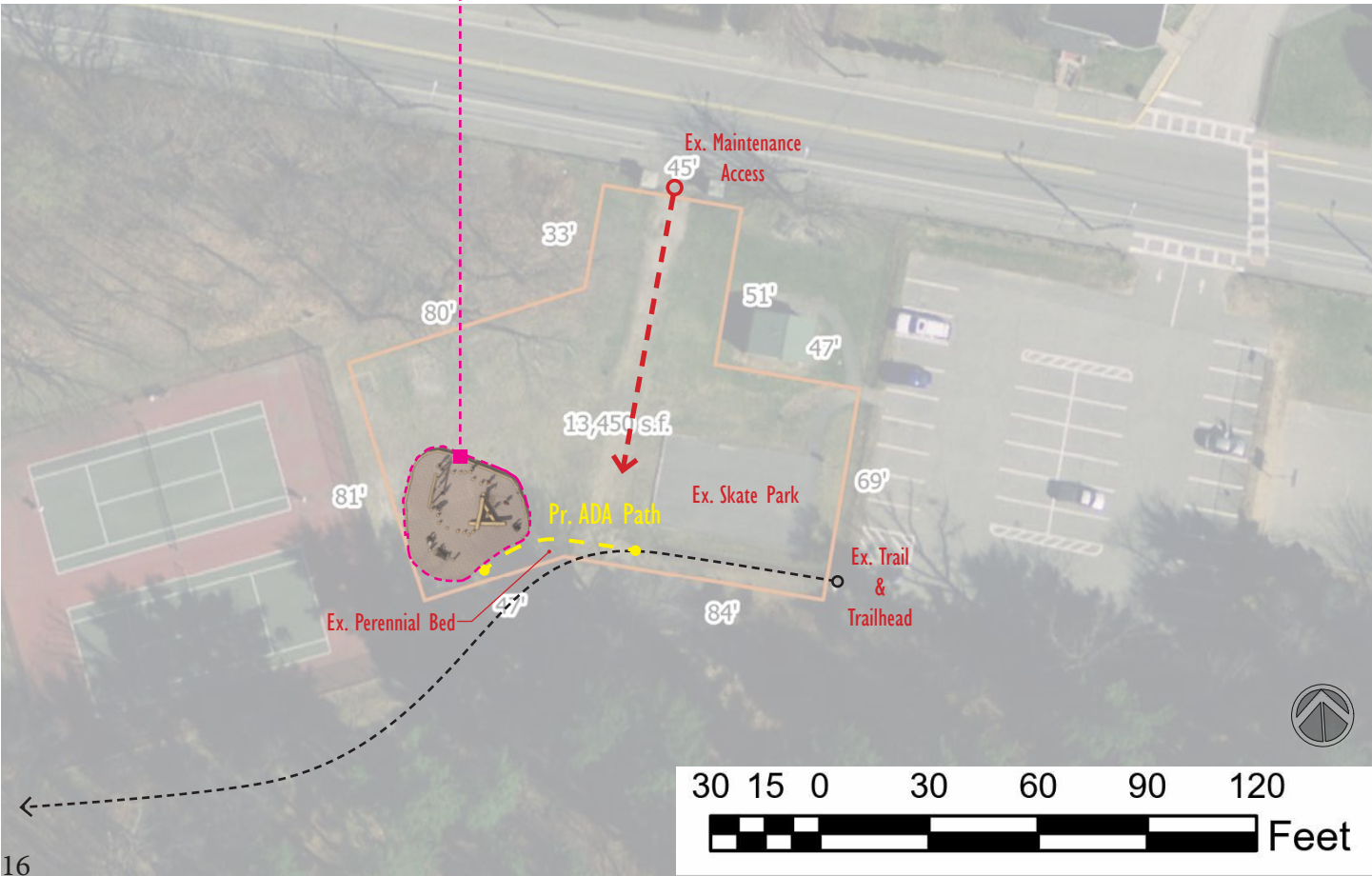
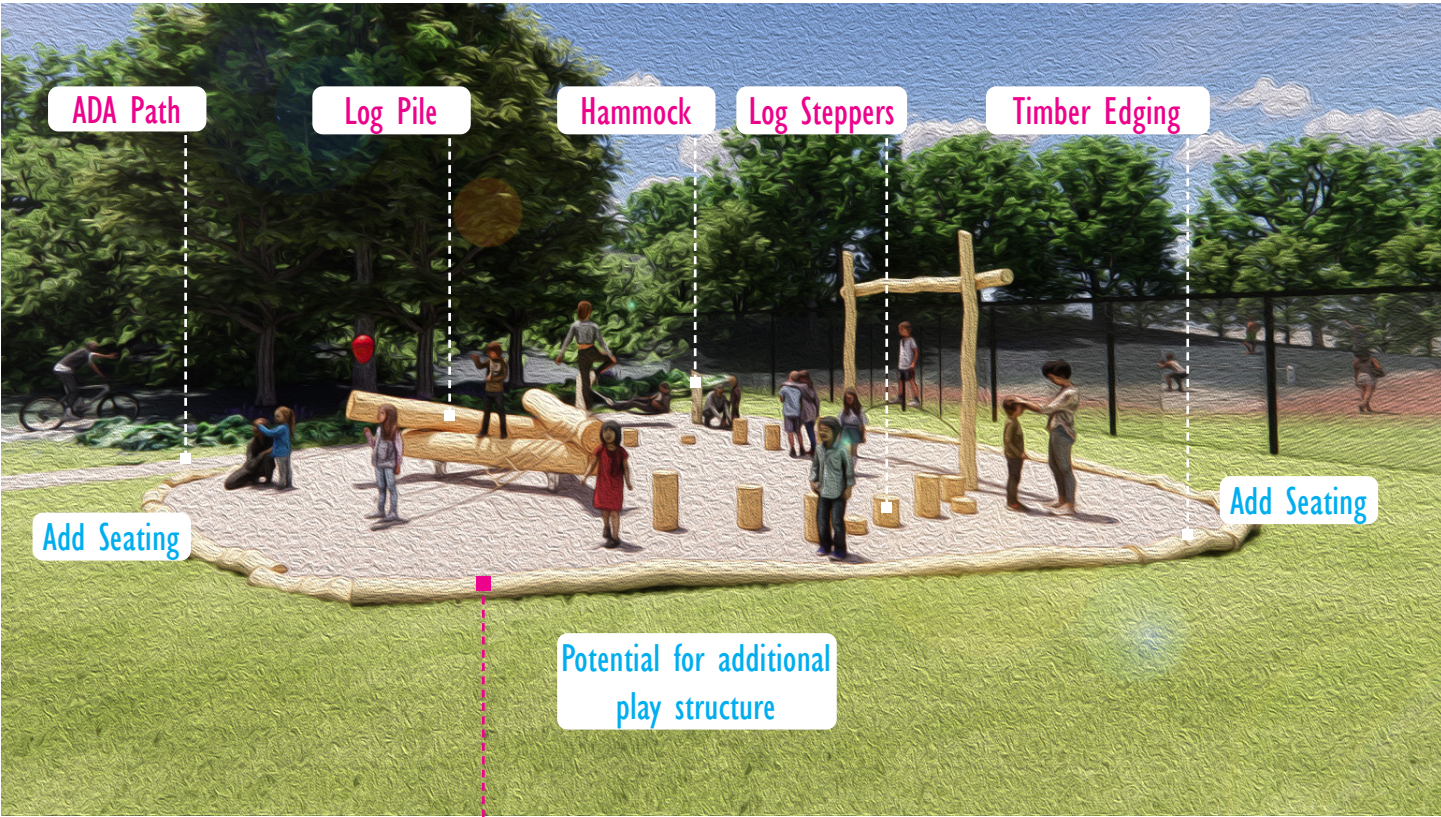
TOTAL \$22,960 Dependent on Community Build Participation.

350-1731

Equipment Manufacturer



Clifford Park- Log Pile, Vertical Rope, Hammock, Seating
Age: 2-12 Nature Play



Clifford Park

Manufacturer:



VERTICAL ROPES

Intended user age: 5-12

ASTM F1487



LOG PILE 3.2

Intended user age: 2-5

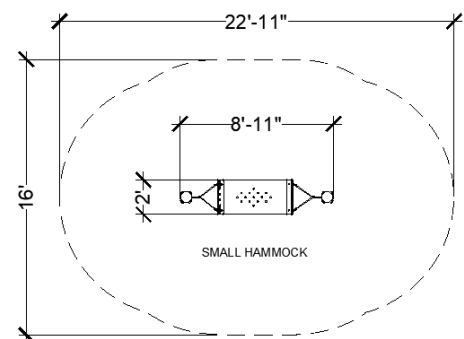
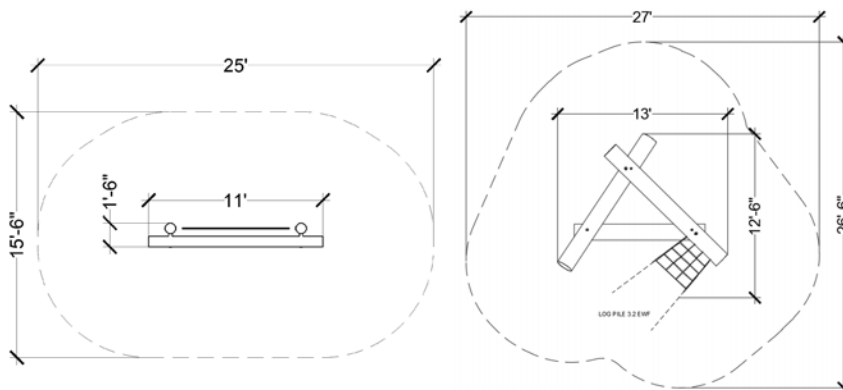
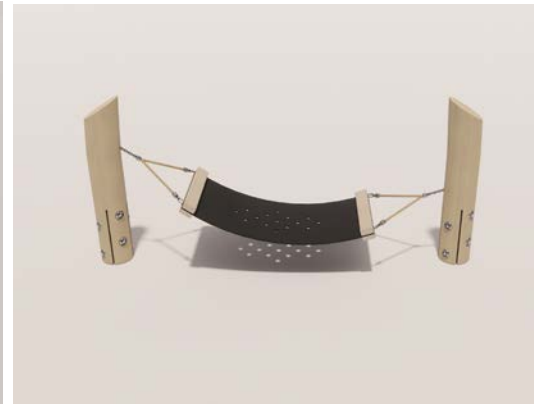
ASTM F1487



SINGLE HAMMOCK - SMALL

Intended user age: 2-12

ASTM F1487



Clifford Park

Log Pile 3.2	\$11,300
Small rope hammock	\$6,500
Vertical ropes	\$7,850
Log steppers for linking	\$1,800
Shipping	\$5,500
Installation	\$10,000
Border timber installation	\$1,500
Seating	\$3,000
ADA Stone Dust Path	\$1,500
Site prep, dumpster rental and EWF	\$3,500

TOTAL \$52,500

Log Stepper

Intended user age: 2-12

ASTM F1487



NOTE: Earthscape is not technically IPEMA Certified. IPEMA certification is the International Playground Equipment Manufacturers Association which ensures ASTM compliance. Earthscape is complaint with CSA-Z614, EN1176, ASTM F1487, CPSC & ADA.

3rd Third-party safety and accessibility reviews ensure compliance.



Mayfield Park - Single Palmetto Basket Swing

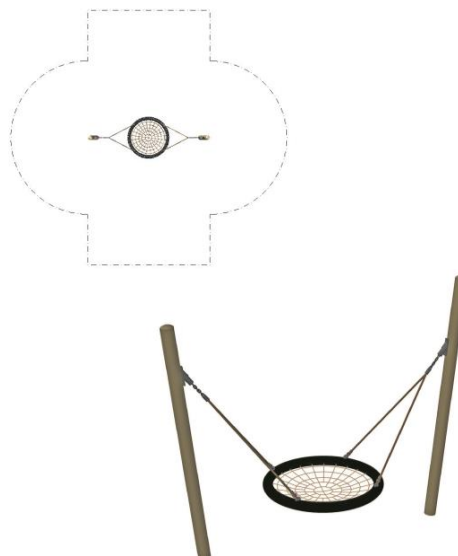
Age: 3+



Mayfield Park

Introducing a unique basket swing structure to the southeastern edge of the play area seemed fitting for this well maintained and well used park. These structures see much use and adds a visually pleasing and fun adaptation of your everyday swing.

Palmetto Saucer - Product Specification



Palmetto Saucer

Greenville is the newest award-winning creation of Berliner Seilfabrik.

As an accessible multi-user swing the Palmetto Saucer convinces through sharing fun. Heavy-duty engineering concealed behind a subtle, though striking design.

Palmetto Saucer - at a glance.

Product Family:	Greenville	Number of Foundations:	2 pc
Item Number:	95.190.578	Concrete Volume C20/C25:	0.7 m³ (25 ft³)
Children's Age:	3 +	Number of skilled installers required:	2
Fall Height (DIN EN 1176):	1,45 m (4'-9")	Installation Time without foundation:	2 hours
Length x Width x Height:	2.9 m x 1.0 m x 2.0 m	Dimensions of largest part:	0.1 m x 0.1 m x 3.1 m
	9'-7" x 3'-4" x 6'-7"		4" x 4" x 10'-2"
Protective Surfacing Area (DIN EN 1176):	-	Weight of heaviest part:	41.2 kg (91 lbs)
Protective Surfacing Area (ASTM 1487):	6.6 m x 6.1 m	Shipping Volume:	Upon request
	21'-7" x 19'-11"	Spare part guarantee:	Lifelong
Minimum space required DIN EN 1176:	-		
Minimum space required ASTM 1487:	28.2 m² (304 sf)		

Technical Data.

The following text can also be used for tenders.

Suspension ropes:

U-Rope®-round strand ropes with galvanized and covered wires: external strands with non-abrasive UV-resistant Polyester-yarn (no Polypropylene); rope-diameter Ø 16 mm (5/8")

Seat:

Ø 1,0 m (3'-3 3/8"); galvanized steel ring covered with shock-absorbing material and wrapped with fiber rope (Ø 20 mm); coil: 115 mm x 95 mm); tight-knit net made of Usacord rope (16 mm) is hung into the ring

Post:

Steel pipes Ø 101.6 mm with a round cast aluminum post top; anti-corrosion treatment and color finish: sandblasting and solvent-free zinc-/ epoxy-/ polyester-process

Berliner
Berliner Seilfabrik GmbH & Co.
Lengeder Straße 2/4
D-13407 Berlin

Tel. +49.(0)30.41 47 24-0
Fax +49.(0)30.41 47 24-33

info@berliner-seilfabrik.com
www.berliner-seilfabrik.com

Revision: June 2018



ultiplay
parks & playgrounds

dry
landscape
architecture l.l.c.

BID FORM Summary

Clifford Park

Log Pile 3.2	\$11,300
Small rope hammock	\$6,500
Vertical ropes	\$7,850
Log steppers for linking	\$1,800
Shipping	\$5,500
Installation	\$10,000
Border timber installation	\$1,500
ADA Stone Dust Path	\$1,500
2 Benches	\$3,000
Site prep, dumpster rental and EWF	\$3,500

TOTAL \$52,500

Mayfield Park

Single palmetto basket swing	\$8,500
Installation	\$2,000
Site prep	\$1,000

TOTAL \$11,500

Rotary Park & Rotary Beach Park W/ Community Build

Part 1 Rotary Park

Equipment Removal	\$1,500
Seed & Soil installation	\$2,000

Part 2 Install Rotary Beach

350-1731	\$12,960
Community build	\$6,500 if we can pair up these builds

TOTAL \$22,960

PROJECT TOTAL	\$86,960*
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BID FORM and PROJECT SUMMARY

We herewith submit our bid in accordance with the requirements and specifications herein acknowledged as follows:

1. We carry general liability (including products liability) insurance, which is in force and shall remain in force during the term of this contract.
2. We carry worker's compensation insurance, which is in force and shall remain in force during the term of this contract.
3. We agree to comply with the general specifications listed in the RFP.
4. We acknowledge having the opportunity to inspect each installation and confirm that site conditions are reflected in the bid submittal.

Company Name: UltiPlay Parks & Playgrounds

Company Address: Main Office Address: 43 Main Street, Blackstone, MA 01504

Company Telephone: T: 866.575.PLAY

Authorized Representative's Name: Christopher Martin, Northern New England Representative

Authorized Representative's Signature: Christopher Martin

Representative's Telephone Number: C: 774.287.9182

Representative's Email: cmartin@ultiplayus.com

PROJECT SUMMARY

Total cost of Clifford Playground **\$52,500**

Total cost of Mayfield Playground **\$11,500**

Total cost of Rotary Park Playground **\$3,500***

Total cost of Rotary Park Beach Playground **\$ 22,960***

Total project cost: **\$86,960** *Dependent on Community Build Participation



CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
 02/14/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER A & P Insurance Agency, Inc. 107 South Main Street Uxbridge, MA 01569 Paul F. Boutot	508-278-5577		CONTACT NAME: Paul F. Boutot	
			PHONE (A/C, No, Ext): 508-278-5577	FAX (A/C, No): 508-278-5577
			E-MAIL ADDRESS:	
			INSURER(S) AFFORDING COVERAGE	
			INSURER A: Gemini Insurance Co	
			INSURER B: AmTrust North America, Inc.	
			INSURER C: Safety Insurance Co	
			INSURER D: Evanston Insurance Co	
			INSURER E:	
			INSURER F:	

COVERAGES	CERTIFICATE NUMBER:	REVISION NUMBER:
------------------	----------------------------	-------------------------

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ DED \$5000 Per Occ GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X	X	VCGP084520	12/01/2022	12/01/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
C	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY	X	X	2702155	10/07/2022	10/07/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
D	☐ UMBRELLA LIAB ☒ EXCESS LIAB ☒ DED ☐ RETENTION \$ 0			XOBW9507922	12/01/2022	12/01/2023	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	WWC3525243	05/17/2022	05/17/2023	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

 Preservation of Affordable Housing, Inc
 2 Oliver Street, Suite 500
 Boston, MA 02109

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

2023/02/14 07:07:35 11 /15 .

2023/02/14 07:07:35 11 /15 .

2023/02/14 07:07:35 11 /15 .

2023/02/14 07:07:35 11 /15 .





Ben Shaffer Recreation, Inc.

PO Box 844 | Lake Hopatcong, NJ 07849 | 973-663-2021

Proposal 130-185479-1 | 5/20/2024



**BEN
SHAFFER
RECREATION**

May 20, 2024

Lisa Thompson
City Of Biddeford
189 Alfred Rd
Biddeford, ME 04005-3277
Phone: 2076280841

Dear Lisa Thompson:

Ben Shaffer Recreation, Inc. is delighted to provide City Of Biddeford with this playground equipment proposal.

This design was developed with your specific needs in mind, and we look forward to discussing this project further with you to ensure your complete satisfaction. Ben Shaffer Recreation, Inc. is confident that this proposal will satisfy City Of Biddeford's functional, environmental, and safety requirements -- and most importantly -- bring joy and excitement to the children and families directly benefiting from your new playground.

You have our personal commitment to support this project and your organization in every manner possible, and we look forward to developing a long-standing relationship with City Of Biddeford. We appreciate your consideration and value this opportunity to earn your business.

Sincerely,

Ryan Tumminello
Sales Representative

Ben Shaffer Recreation, Inc.
PO Box 844
Lake Hopatcong, NJ 07849
www.benshaffer.com
www.bciburke.com

Phone: 973-663-2021
Fax: 973-663-4615
ryan@benshaffer.com



COOPERATIVE PURCHASING OPTIONS

PLAYGROUNDS WITHOUT ALL THE PAPERWORK

Purchasing with contracts may sound intimidating, but getting your community playspace doesn't need to be a painful process of writing specifications, issuing RFP's and jumping through hoops – it can be simplified – we promise! As you continue planning for your new playground, review the Purchasing Contracts offered through our partners.

EQUALIS GROUP

Equalis is an innovative cooperative purchasing organization that believes in the power of partnership and that when you work together you achieve more. The basic premise of the Equalis cooperative purchasing organization is to leverage the combined buying power of all members for better pricing and favorable contract terms. Equalis Group uses the lead agency model for competitively bid contracts, provides our participants the savings they expect and offers efficiencies and peace of mind within the procurement process. It is our mission to continuously improve the measurable and meaningful impact of cooperative services for everyone throughout the supply chain.

GOVMVMT

GOVMVMT is a non-profit group purchasing organization that meets the highest industry standards while putting the public's interest at the forefront of everything they do. Each one of GOVMVMT's first-class suppliers has consciously joined their mission to create the most credible, ethical, and public agency-focused non-profit cooperative purchasing program in the country.

GSA

Federal parks, child development programs, military bases and other agencies are a major priority for BCI Burke, and agencies can purchase Burke playgrounds through Burke's GSA contract for installation virtually anywhere in the world.

OMNIA PARTNERS

OMNIA Partners, Public Sector (Subsidiary National IPA) is the largest and most experienced organization in purchasing and supply chain management. Comprised of participants and suppliers in the public sector, we bring together industry-leading buying power and world-class suppliers to offer an extensive portfolio of competitively solicited and publicly awarded contracts and partnerships. OMNIA Partners is proud to offer more value and resources to state and local government, higher education, K-12 education and non-profits.

SOURCEWELL

As a leader in cooperative purchasing, Sourcewell is passionate about helping members fulfill their public service missions. Sourcewell builds strong relationships with members and vendors to develop practical solutions together.

The easiest way to Join Our Movement is to call your local Representative at 800.266.1250 or visit bciburke.com/rep. Our passion is bringing play to communities like yours and we can't wait to help you get started!



DESIGN SUMMARY

Ben Shaffer Recreation, Inc. is very pleased to present this Proposal for consideration for the City Of Biddeford located in Biddeford. BCI Burke Company, LLC has been providing recreational playground equipment for over 100 years and has developed the right mix of world-class capabilities to meet the initial and continuing needs of City Of Biddeford. We believe our proposal will meet or exceed your project's requirements and will deliver the greatest value to you.

The following is a summary of some of the key elements of our Proposal:

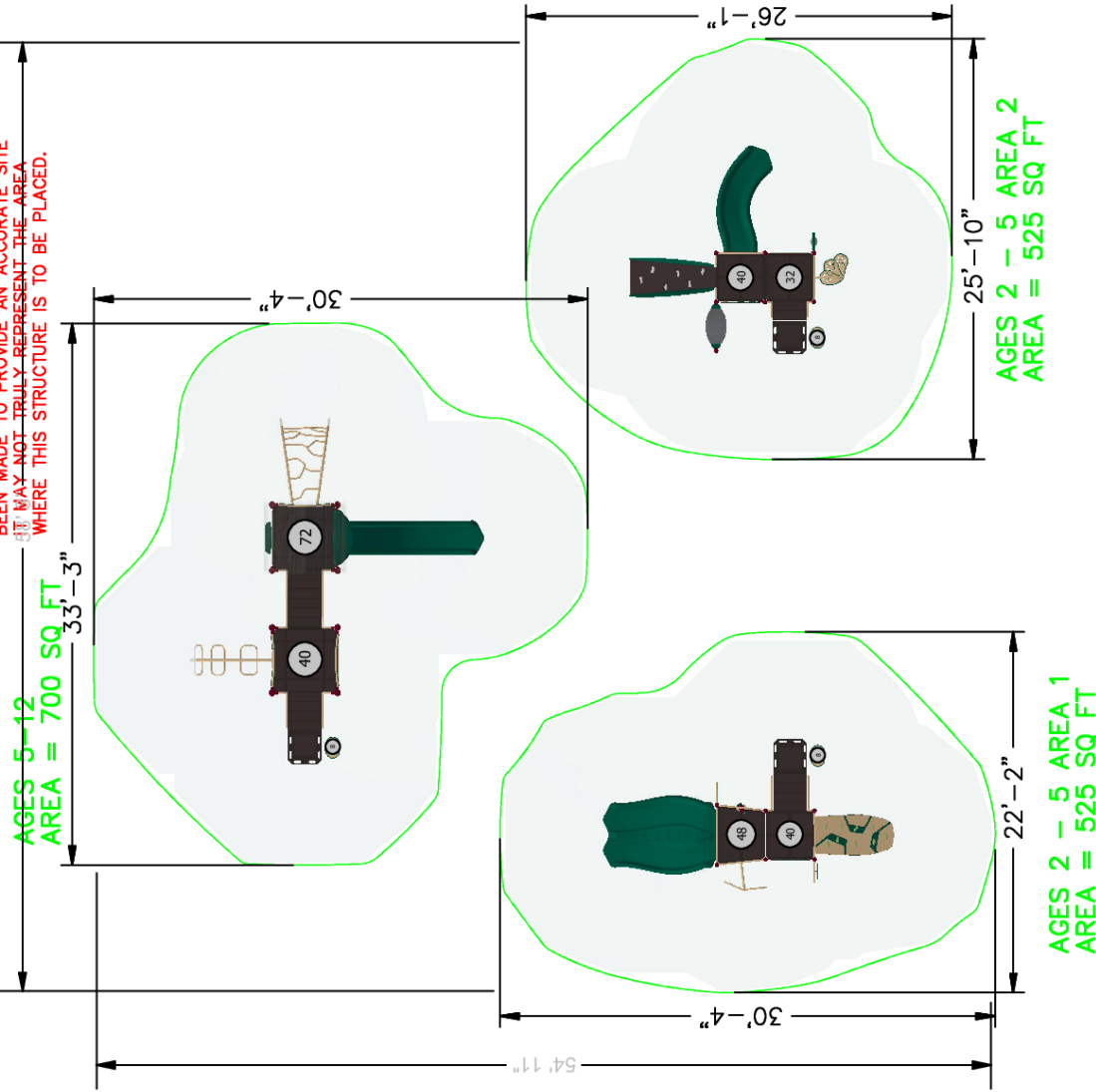
- Project Name: City Of Biddeford
- Project Number: 130-185479-1
- User Capacity: 87
- Age Groups: 5 to 12, 2 to 5
- Dimensions: 58' 2"x54' 10"
- Designer Name: John T. Uelmen

Ben Shaffer Recreation, Inc. has developed a custom playground configuration based on the requirements as they have been presented for the City Of Biddeford playground project. Our custom design will provide a safe and affordable playground environment that is aesthetically pleasing, full of fun for all users and uniquely satisfies your specific requirements. In addition, proposal # 130-185479-1 has been designed with a focus on safety, and is fully compliant with ASTM F1487 and CPSC playground safety standards.

We invite you to review this proposal for the City Of Biddeford playground project and to contact us with any questions that you may have.

Thank you in advance for giving us the opportunity to make this project a success.

NOTE: ALTHOUGH ALL ATTEMPTS HAVE BEEN MADE TO PROVIDE AN ACCURATE SITE PLAN, IT MAY NOT TRULY REPRESENT THE AREA WHERE THIS STRUCTURE IS TO BE PLACED.



OVERALL BOUNDING OF USE ZONES ***The space requirements shown here are to ASTM standards. Requirements for other standards may be different.

Area: 3192 sq.ft.
Perimeter: 226.1 ft.
STRUCTURE SIZE: 11"x58' 3"
POST SIZE(S): 5, 5"

PLAYGROUND ACCESSIBILITY (Provided/Required)

TOTAL EVENTS	ELEVATED EVENTS	TRANSFER ACCESSIBLE EVENTS	RAMP ACCESSIBLE EVENTS	GROUND EVENTS	TYPES OF GROUND EVENTS
21	13 / 7	13 / 0	0 / 0	8 / 4	6 / 3

The use and layout of play components identified in this plan conform to the CPSC guidelines. U.S. CPSC recommends the separation of age groups in playground layouts.

Warning: Accessible safety surfacing material is required beneath and around this equipment that is compliant with ASTM, CPSC, and ADAAG requirements.

SERIES Synergy | Burke Basics | Nucleus

SITE PLAN VIEW

GROUP:
5 - 12 Structure | 2 - 5 Structure - 1 | 2 - 5 Structure - 2

City Of Biddeford
Biddeford, ME 04005-3277

05/20/2024

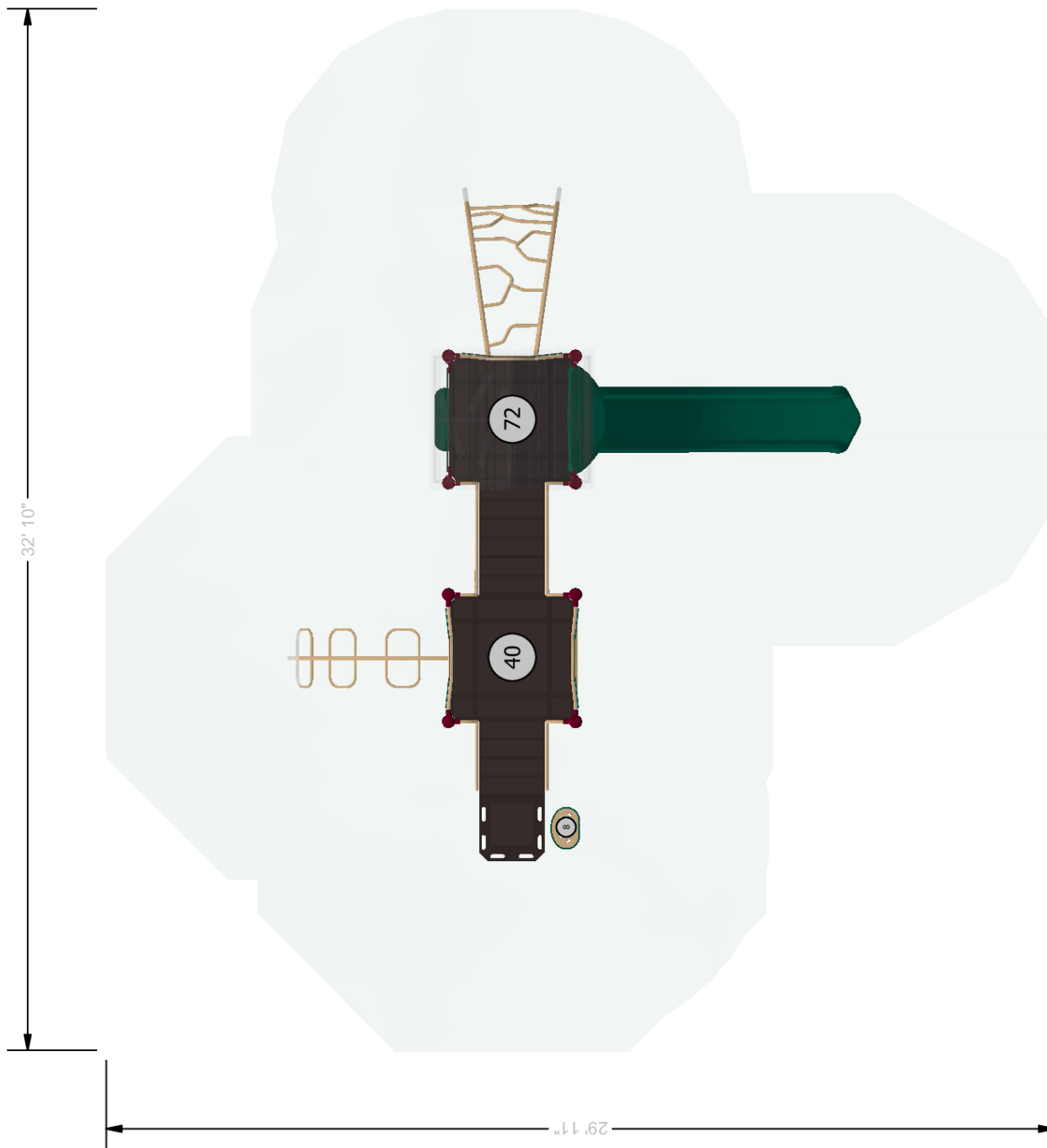
DESIGNED FOR AGES:
5 to 12, 2 to 5

Burke
PLAY THAT MOVES YOU.

Ben Shaffer Recreation, Inc.
130-185479-1

Designer: John T. Uelmen

BCI BURKE COMPANY, LLC | PO BOX 549 FOND DU LAC, WI 54936-0549 | 920.921.9220 | BCI BURKE.COM



OVERALL BOUNDING OF USE ZONES **The space requirements shown here are to ASTM standards. Requirements for other standards may be different.

Area: 3192 sq.ft.
Perimeter: 226.1 ft.
STRUCTURE SIZE: 11"x58' 3"
POST SIZE(S): 5, 5"

PLAYGROUND ACCESSIBILITY (Provided/Required)

TOTAL ELEVATED EVENTS	TRANSFER ACCESSIBLE EVENTS	RAMP ACCESSIBLE EVENTS	GROUND EVENTS	TYPES OF GROUND EVENTS
21	13 / 7	13 / 0	0 / 0	8 / 4
				6 / 3

The use and layout of play components identified in this plan conform to the CPSC guidelines. U.S. CPSC recommends the separation of age groups in playground layouts.

SERIES Nucleus | Burke Basics

SITE PLAN VIEW

GROUP:
5 - 12 Structure

City Of Biddeford
Biddeford, ME 04005-3277

05/20/2024

DESIGNED FOR AGES:
5 to 12

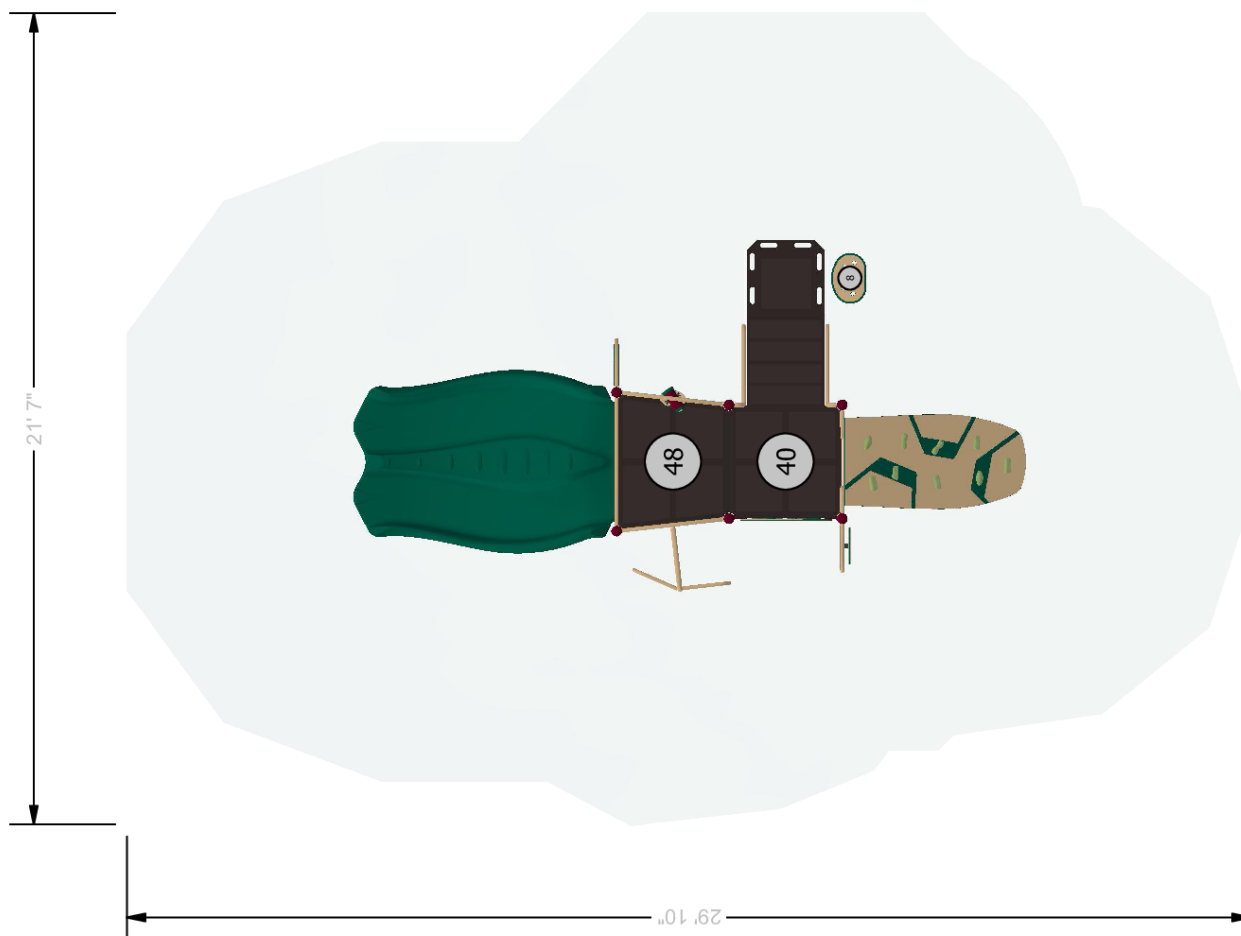
Burke
PLAY THAT MOVES YOU.

Ben Shaffer Recreation, Inc.
130-185479-1

Designer: John T. Uelmen

BCI BURKE COMPANY, LLC | PO BOX 549 FOND DU LAC, WI 54936-0549 | 920.921.9220 | BCIBURKE.COM

Warning: Accessible safety surfacing material is required beneath and around this equipment that is compliant with ASTM, CPSC, and ADAAG requirements.



OVERALL BOUNDING OF USE ZONES ***The space requirements shown here are to ASTM standards. Requirements for other standards may be different.

Area: 3192 sq.ft.
 Perimeter: 226.1 ft.
STRUCTURE SIZE: 11"x58' 3"
POST SIZE(S): 5, 5"

PLAYGROUND ACCESSIBILITY (Provided/Required)				
TOTAL EVENTS	ELEVATED EVENTS	TRANSFER ACCESSIBLE EVENTS	RAMP ACCESSIBLE EVENTS	TYPES OF GROUND EVENTS
21	13 / 7	13 / 0	0 / 0	8 / 4 6 / 3

The use and layout of play components identified in this plan conform to the CPSC guidelines. U.S. CPSC recommends the separation of age groups in playground layouts.

SERIES Synergy | Burke Basics

SITE PLAN VIEW

GROUP:
2 - 5 Structure -1

City Of Biddeford
Biddeford, ME 04005-3277

05/20/2024

DESIGNED FOR AGES:
2 to 5

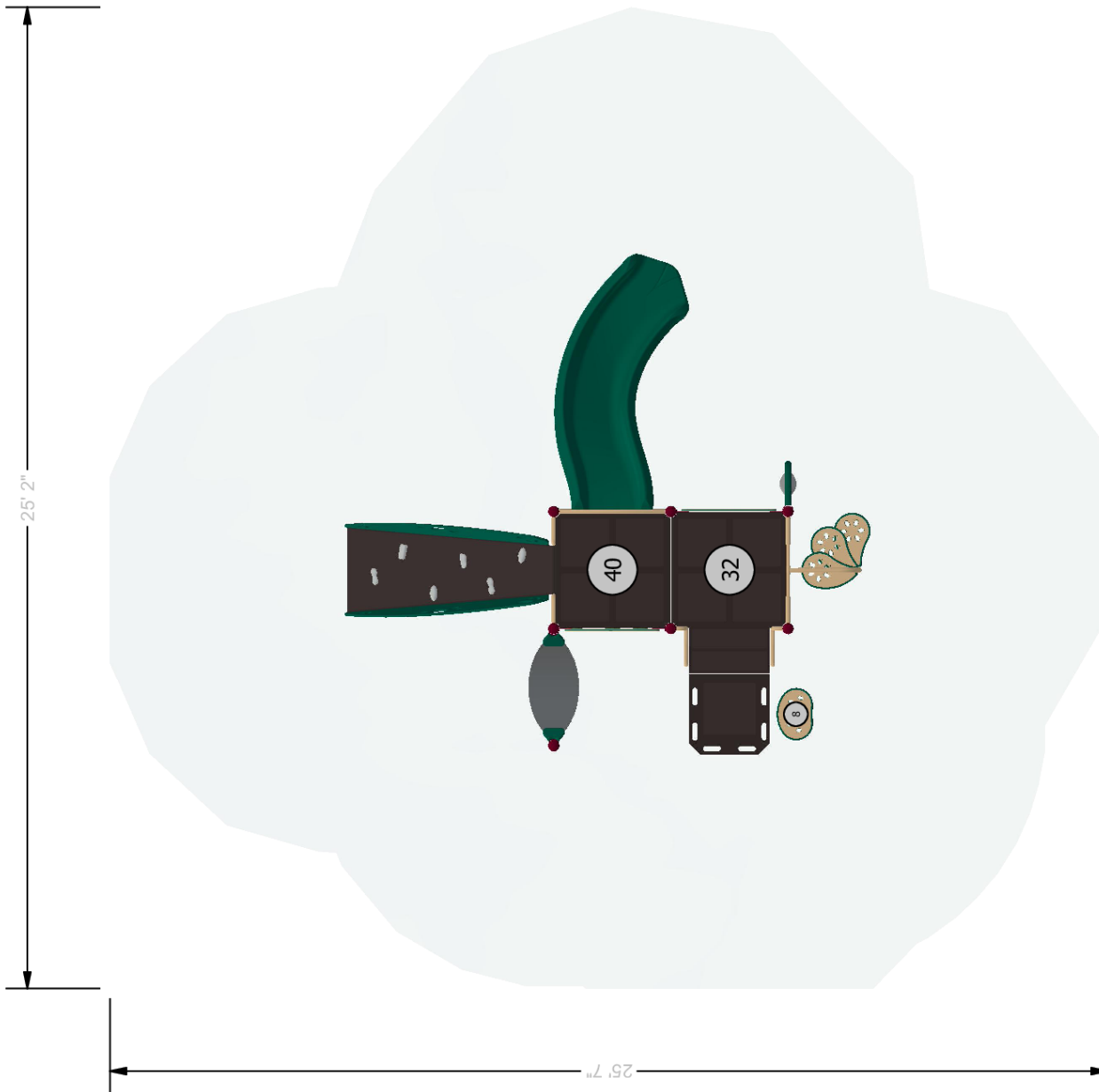
Burke
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Ben Shaffer Recreation, Inc.
130-185479-1

Designer: John T. Uelmen

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Warning: Accessible safety surfacing material is required beneath and around this equipment that is compliant with ASTM, CPSC, and ADAAG requirements.



OVERALL BOUNDING OF USE ZONES **The space requirements shown here are to ASTM standards. Requirements for other standards may be different.

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PLAYGROUND ACCESSIBILITY (Provided/Required)				
TOTAL ELEVATED EVENTS	TRANSFER ACCESSIBLE EVENTS	RAMP ACCESSIBLE EVENTS	GROUND EVENTS	TYPES OF GROUND EVENTS
21	13 / 7	13 / 0	0 / 0	8 / 4
				6 / 3

The use and layout of play components identified in this plan conform to the CPSC guidelines. U.S. CPSC recommends the separation of age groups in playground layouts.

Warning: Accessible safety surfacing material is required beneath and around this equipment that is compliant with ASTM, CPSC, and ADAAG requirements.

SERIES Synergy | Burke Basics

GROUP:
2 - 5 Structure - 2

DESIGNED FOR AGES:
2 to 5

City Of Biddeford
Biddeford, ME 04005-3277

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SITE PLAN VIEW

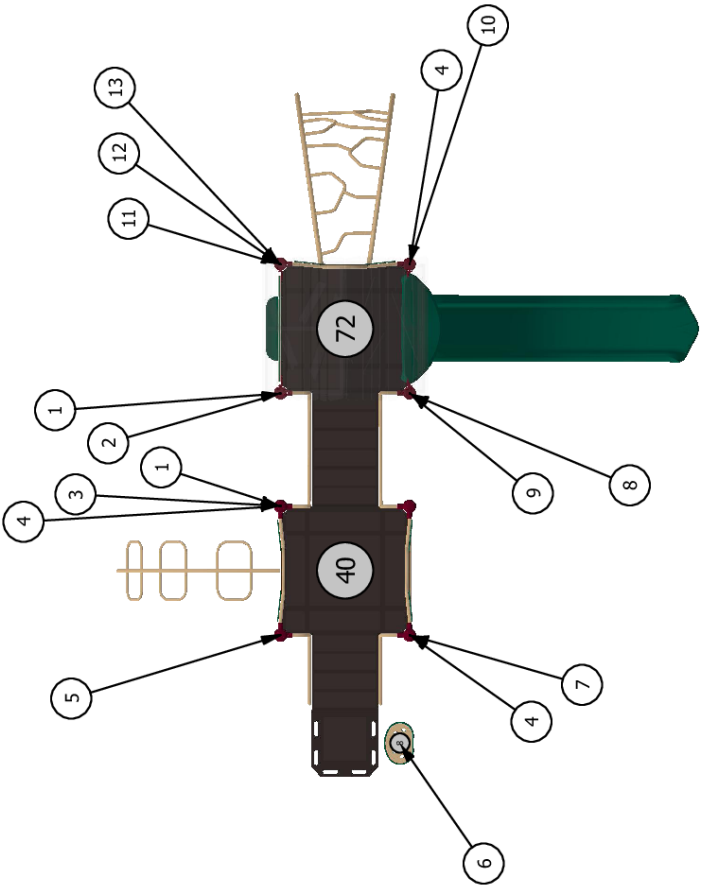
05/20/2024

Ben Shaffer Recreation, Inc.
130-185479-1

Designer: John T. Uelmen

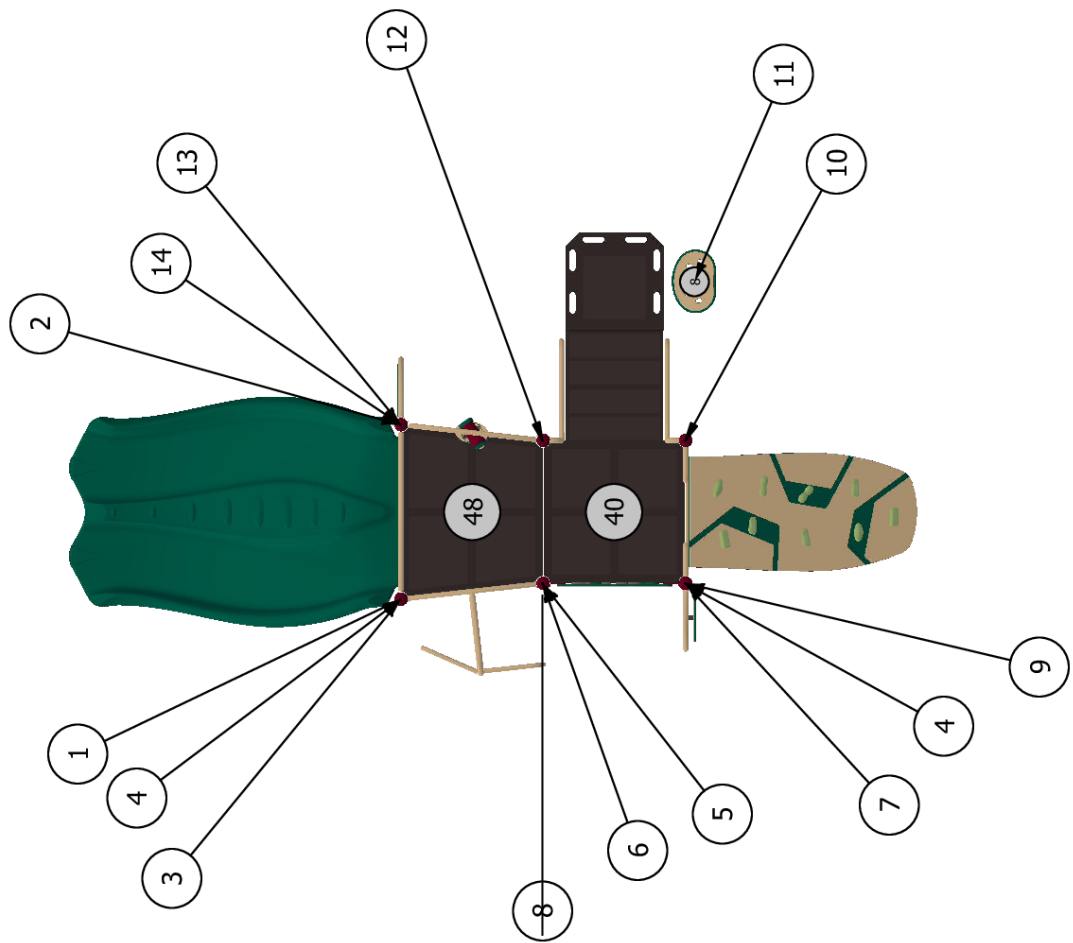
BCI BURKE COMPANY, LLC | PO BOX 549 FOND DU LAC, WI 54936-0549 | 920.921.9220 | BCIBURKE.COM

ITEM	COMP.	DESCRIPTION
1	270-0130	SQUARE PLATFORM
2	370-0468	32" TRANSITION STAIR W/BARRIERS
3	370-0054	CENTPEDE CLIMBER 32" - 40"
4	270-0285	NP UNITARY ENCLOSURE
5	370-1658	TRANSFER STATION, HANDRAIL 40"
6	580-1364	LIL NOVO BEAN STEP
7	370-0861	TREE BRANCH CLIMBER 40"
8	470-0754	VELO SLIDE 64"-72", W/O HOOD
9	470-0967	SLIDE HOOD, LOW SIDE WALL
10	370-1682	BETA CLIMBER 64"-72"
11	570-0838	CLUBHOUSE COUNTER PANEL
12	570-1565	NP FULL BOARD PANEL W/SIGN
13	470-0625	CLUBHOUSE RETREAT ROOF



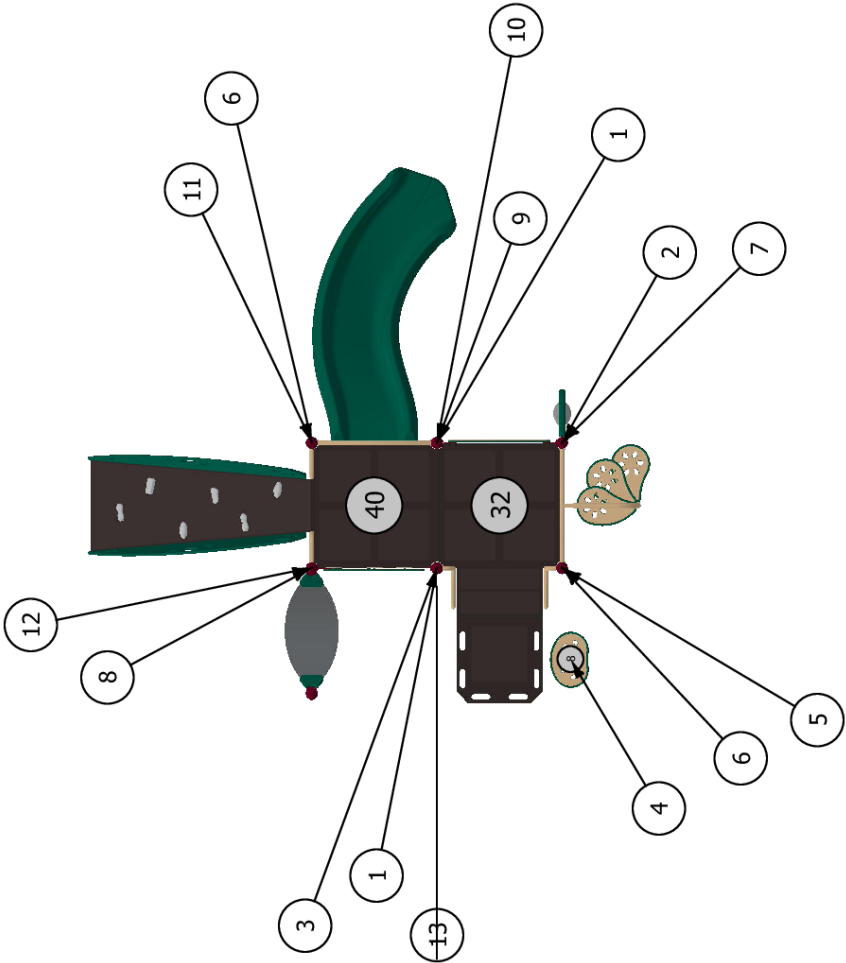
SERIES Nucleus Burke Basics		COMPONENT VIEW	
GROUP: 5 - 12 Structure		05/20/2024	
DESIGNED FOR AGES: 5 to 12		Ben Shaffer Recreation, Inc. 130-185479-1 Designer: John T. Uelmen	
City Of Biddeford Biddeford, ME 04005-3277			
BCI BURKE COMPANY, LLC PO BOX 549 FOND DU LAC, WI 54936-0549 920.921.9220 BCIBURKE.COM			

ITEM	COMP.	DESCRIPTION
1	290-0103	TRAPEZOID PLATFORM
2	590-0153	CHIMES CRESCENT PANEL, RIGHT
3	390-0143	32"-48" DOUBLE WING CLIMBER
4	290-0111	CLIMBER ENCLOSURE 2-5
5	290-0102	SQUARE PLATFORM
6	290-0101	8" CLOSURE PLATE
7	590-0140	SPINNER CRESCENT PANEL
8	590-0114	3-IN-A-ROW PANEL, 2-5 ABOVE PLATFORM
9	390-0223	ASCEND ROCK CLIMBER 32"-40"
10	390-0148	TRANSFER STATION, HANDRAIL 40"
11	580-1364	LIL NOVO BEAN STEP
12	590-0410	PIPE WALL W/ KALEIDOSCOPE
13	490-0137	LUGE SLIDE 48"-56"
14	490-0138	DOUBLE SLIDE SIT DOWN BAR

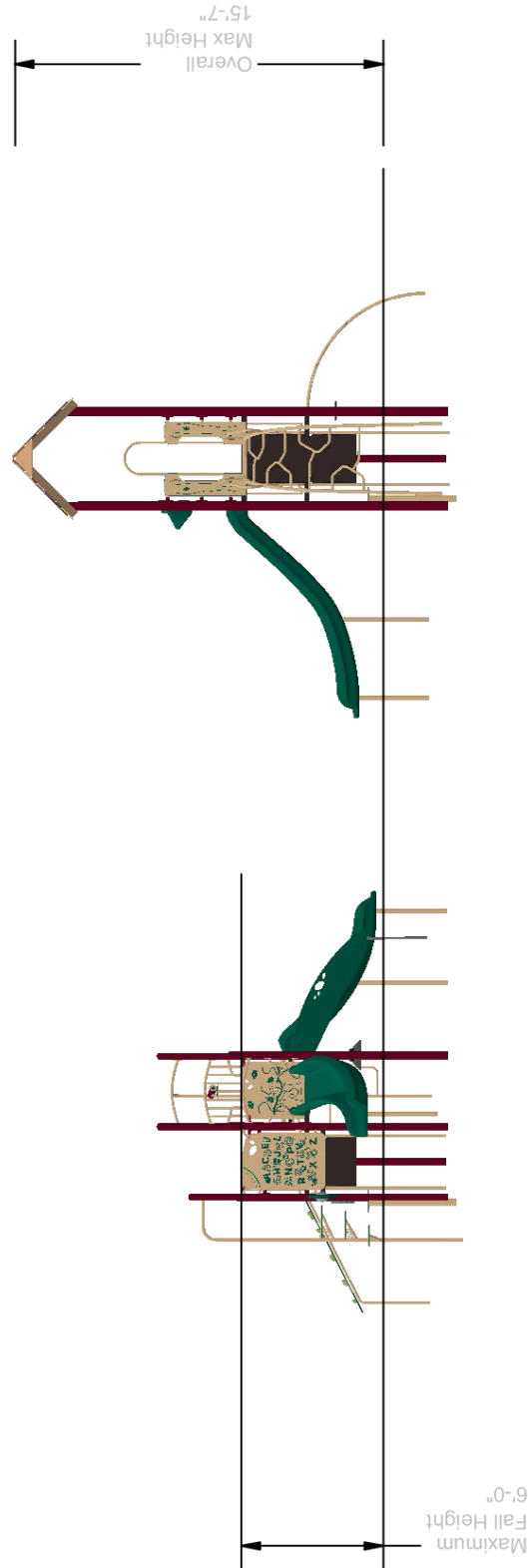


SERIES Synergy Burke Basics		COMPONENT VIEW
GROUP: 2 - 5 Structure -1	City Of Biddeford Biddeford, ME 04005-3277	05/20/2024 Ben Shaffer Recreation, Inc. 130-185479-1 Designer: John T. Uelmen
DESIGNED FOR AGES: 2 to 5		
BCI BURKE COMPANY, LLC PO BOX 549 FOND DU LAC, WI 54936-0549 920.921.9220 BCIBURKE.COM		

ITEM	COMP.	DESCRIPTION
1	290-0102	SQUARE PLATFORM
2	590-0101	BUBBLE MIRROR ACTIVITY PANEL
3	390-0147	TRANSFER STATION, HANDRAIL 32"
4	580-1364	LIL NOVO BEAN STEP
5	390-0284	PETAL STEP CLIMBER 32"
6	290-0111	CLIMBER ENCLOSURE 2-5
7	590-0158	ABC PANEL 2-SIDED 2-5, ABOVE PLATFORM
8	490-0189	HAMMOCK SEAT
9	490-0186	MONACO SLIDE, 32"-40"
10	490-0141	SLIDE SIT DOWN BAR
11	390-0306	ROCK CRAWL
12	590-0099	ACORN PANEL, 2-5 ABOVE PLATFORM
13	290-0101	8" CLOSURE PLATE



SERIES Synergy Burke Basics		COMPONENT VIEW	
GROUP: 2 - 5 Structure - 2		05/20/2024	
DESIGNED FOR AGES: 2 to 5		Ben Shaffer Recreation, Inc. 130-185479-1 Designer: John T. Uelmen	
City Of Biddeford Biddeford, ME 04005-3277			
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SERIES Synergy | Burke Basics | Nucleus

ELEVATION VIEW

GROUP:

5 - 12 Structure | 2 - 5 Structure - 1 | 2 - 5 Structure - 2

DESIGNED FOR AGES:

5 to 12, 2 to 5

City Of Biddeford

Biddeford, ME 04005-3277

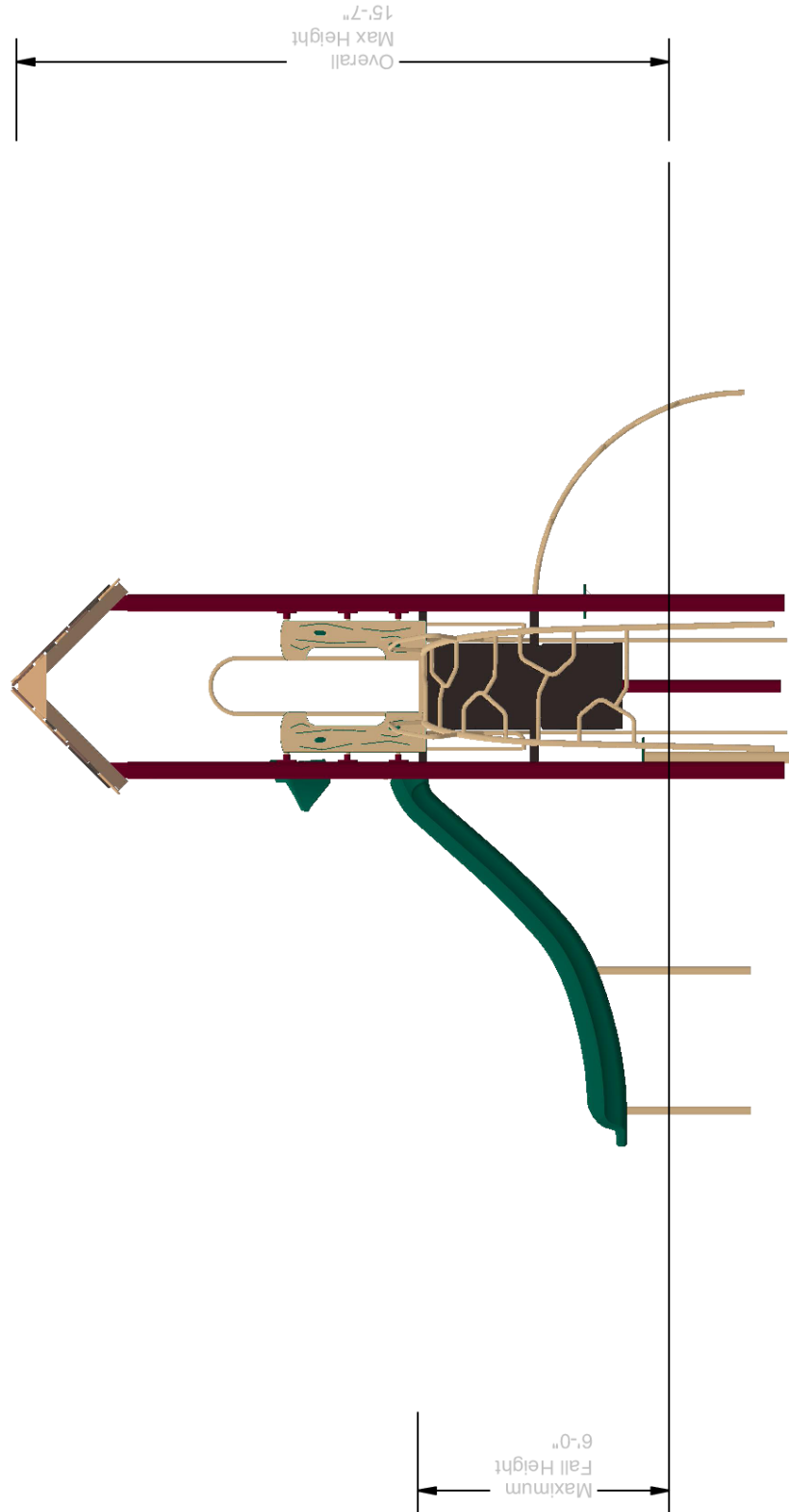
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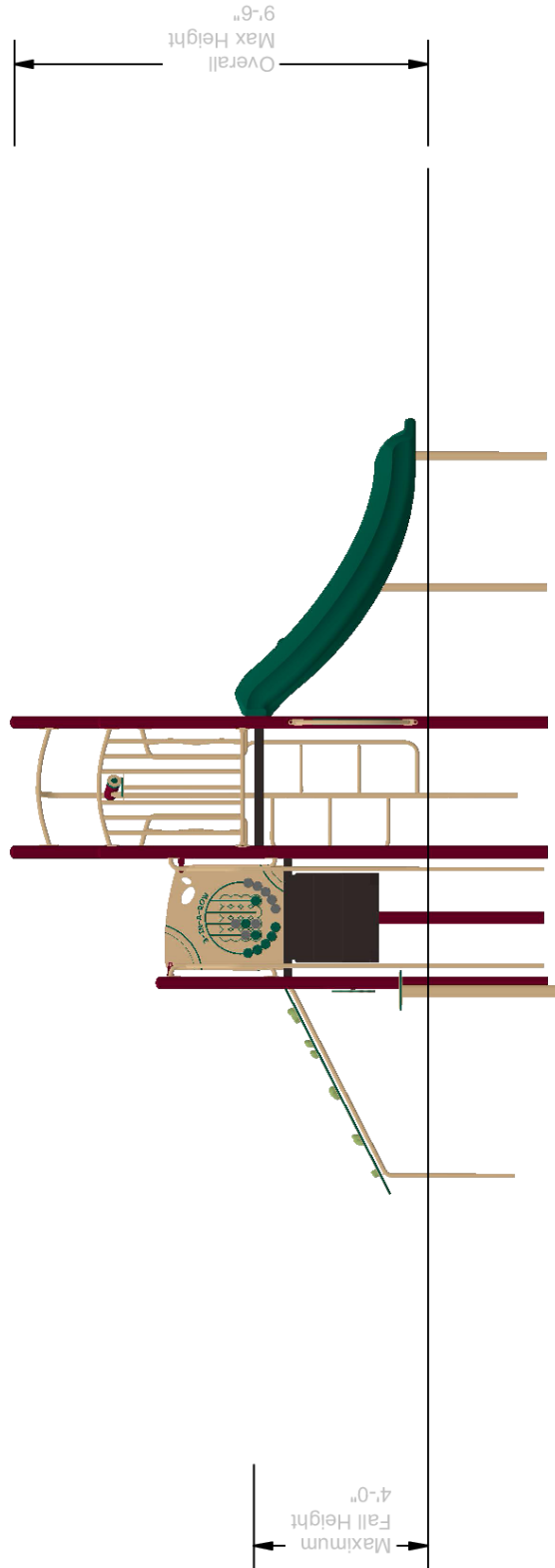
Ben Shaffer Recreation, Inc.

130-185479-1

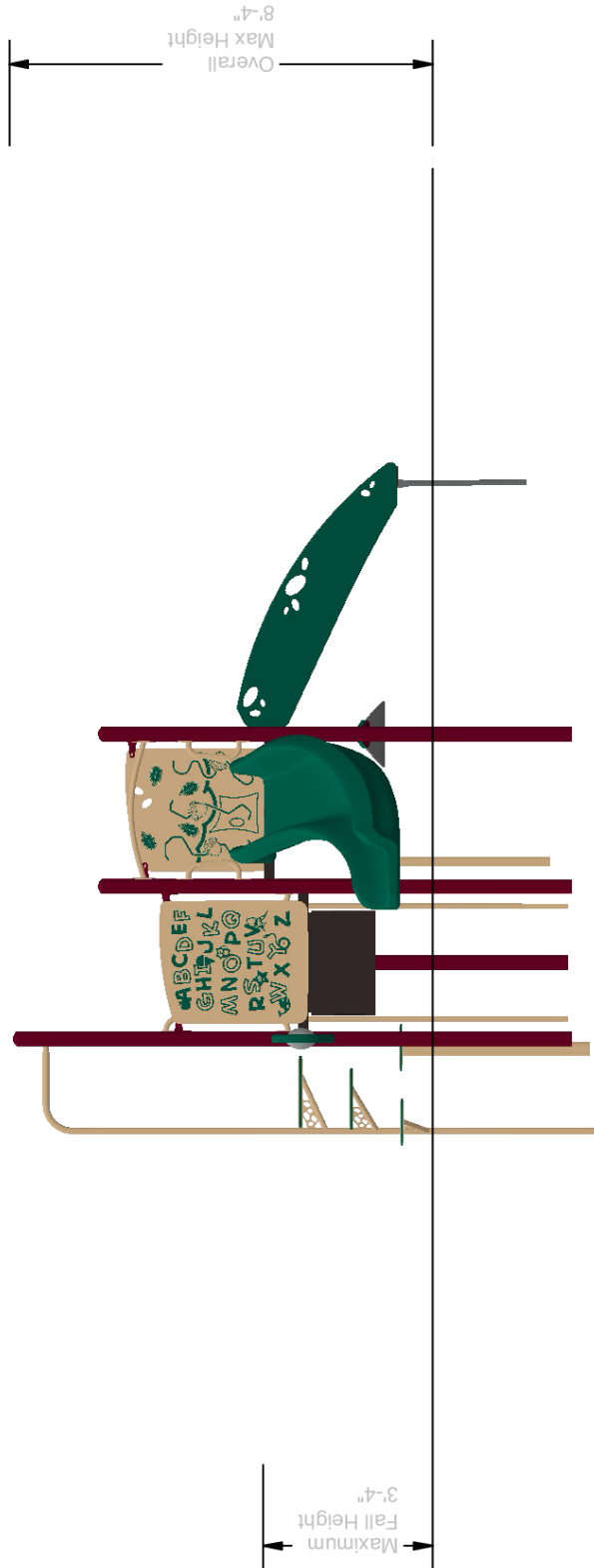
Designer: John T. Uelmen



SERIES	Nucleus Burke Basics	ELEVATION VIEW
GROUP: 5 - 12 Structure	City Of Biddeford Biddeford, ME 04005-3277	05/20/2024 Ben Shaffer Recreation, Inc.
DESIGNED FOR AGES: 5 to 12		130-185479-1 Designer: John T. Uelmen
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SERIES Synergy Burke Basics		ELEVATION VIEW
GROUP: 2 - 5 Structure -1 DESIGNED FOR AGES: 2 to 5	City Of Biddeford Biddeford, ME 04005-3277 	05/20/2024 Ben Shaffer Recreation, Inc. 130-185479-1 Designer: John T. Uelmen
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SERIES Synergy | Burke Basics

ELEVATION VIEW

GROUP:
2 - 5 Structure - 2

City Of Biddeford
Biddeford, ME 04005-3277

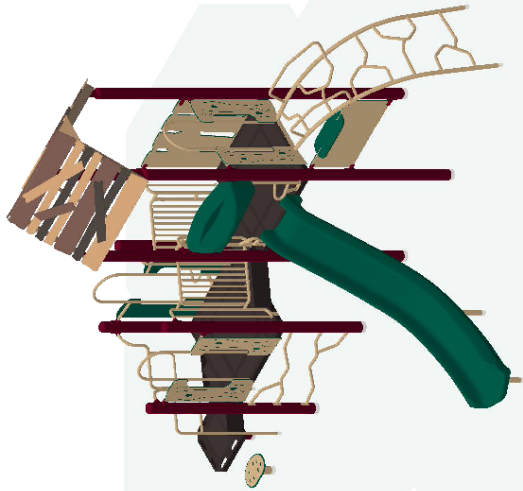
05/20/2024

DESIGNED FOR AGES:
2 to 5

Burke
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Ben Shaffer Recreation, Inc.
130-185479-1

Designer: John T. Uelmen



SERIES Synergy | Burke Basics | Nucleus

ISOMETRIC VIEW

GROUP:

5 - 12 Structure | 2 - 5 Structure - 1 | 2 - 5 Structure - 2

DESIGNED FOR AGES:

5 to 12, 2 to 5

City Of Biddeford

Biddeford, ME 04005-3277

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05/20/2024

Ben Shaffer Recreation, Inc.

130-185479-1

Designer: John T. Uelmen

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SERIES Nucleus | Burke Basics

ISOMETRIC VIEW

GROUP:
5 - 12 Structure

City Of Biddeford
Biddeford, ME 04005-3277

05/20/2024

DESIGNED FOR AGES:
5 to 12

Ben Shaffer Recreation, Inc.
130-185479-1

Designer: John T. Uelmen

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SERIES Synergy | Burke Basics

ISOMETRIC VIEW

GROUP:
2 - 5 Structure -1

City Of Biddeford
Biddeford, ME 04005-3277

05/20/2024

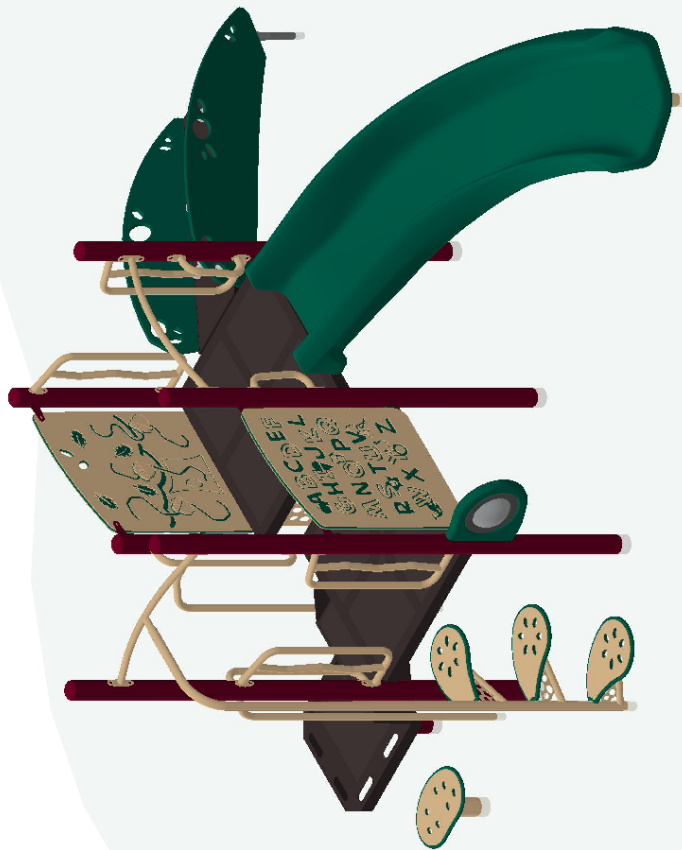
DESIGNED FOR AGES:
2 to 5

Ben Shaffer Recreation, Inc.
130-185479-1

Designer: John T. Uelmen

Burke
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BCI BURKE COMPANY, LLC | PO BOX 549 FOND DU LAC, WI 54936-0549 | 920.921.9220 | BCIBURKE.COM



SERIES Synergy | Burke Basics

ISOMETRIC VIEW

GROUP:
2 - 5 Structure - 2

City Of Biddeford
Biddeford, ME 04005-3277

05/20/2024

DESIGNED FOR AGES:
2 to 5

Ben Shaffer Recreation, Inc.
130-185479-1

Designer: John T. Uelmen

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The play components identified in this proposal are IPEMA certified. The use and layout of these components conform to the requirements of ASTM F1487. To verify product certification, visit www.ipema.org.



The space requirements shown in this proposal are to ASTM standards. Requirements for other standards may be different.

Component No.	Description	Qty	User Cap	Ext. User Cap	Weight	Ext. Weight
5 - 12 Structure						
Nucleus						
072-0500-116C	5" OD X 116" CAPPED POST	2	0	0	61	122
072-0500-132C	5" OD X 132" CAPPED POST	2	0	0	69	138
072-0502-188S	5" OD X 188" SWAGED POST	4	0	0	99	396
270-0130	SQUARE PLATFORM	2	6	12	106	212
270-0285	NP UNITARY ENCLOSURE	3	0	0	42	126
370-0054	CENTIPEDE CLIMBER 32" - 40"	1	2	2	35	35
370-0468	32" TRANSITION STAIR W/BARRIERS	1	3	3	215	215
370-0861	TREE BRANCH CLIMBER 40"	1	2	2	17	17
370-1658	TRANSFER STATION, HANDRAIL 40"	1	5	5	172	172
370-1682	BETA CLIMBER 64"-72"	1	3	3	57	57
470-0625	CLUBHOUSE RETREAT ROOF	1	0	0	182	182
470-0754	VELO SLIDE 64"-72", W/O HOOD	1	2	2	111	111
470-0967	SLIDE HOOD, LOW SIDE WALL	1	0	0	37	37
570-0838	CLUBHOUSE COUNTER PANEL	1	4	4	53	53
570-1565	NP FULL BOARD PANEL W/SIGN	1	0	0	50	50
600-0104	NPPS SUPERVISION SAFETY KIT	1	0	0	3	3
660-0103	MAINTENANCE KIT, STRUCTURE	1	0	0	7	7
660-0104	INSTALLATION KIT, STRUCTURE	1	0	0	5	5

5 - 12 Structure

Burke Basics

580-1364	LIL NOVO BEAN STEP	1	1	1	28	28
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Total User Capacity: 34
Total Weight: 1966 lbs.
Total Price: \$25,093

2 - 5 Structure - 2

Synergy

072-0300-103C	3 1/2" OD X 103" CAPPED POST	1	0	0	38	38
072-0300-107C	3 1/2" OD X 107" CAPPED POST	1	0	0	40	40
072-0300-111C	3 1/2" OD X 111" CAPPED POST	2	0	0	41	82
072-0300-131C	3 1/2" OD X 131" CAPPED POST	2	0	0	48	96
072-0300-55C	3 1/2" OD X 55" CAPPED POST	1	0	0	21	21
290-0101	8" CLOSURE PLATE	1	0	0	5	5

290-0102	SQUARE PLATFORM	2	4	8	59	118
290-0111	CLIMBER ENCLOSURE 2-5	2	0	0	17	34
390-0147	TRANSFER STATION, HANDRAIL 32"	1	4	4	134	134
390-0284	PETAL STEP CLIMBER 32"	1	2	2	43	43
390-0306	ROCK CRAWL	1	2	2	134	134
490-0141	SLIDE SIT DOWN BAR	1	0	0	5	5
490-0186	MONACO SLIDE, 32"-40"	1	2	2	76	76
490-0189	HAMMOCK SEAT	1	1	1	18	18
590-0099	ACORN PANEL, 2-5 ABOVE PLATFORM	1	2	2	26	26
590-0101	BUBBLE MIRROR ACTIVITY PANEL	1	2	2	7	7
590-0158	ABC PANEL 2-SIDED 2-5, ABOVE ...	1	2	2	25	25

2 - 5 Structure - 2

Burke Basics

580-1364	LIL NOVO BEAN STEP	1	1	1	28	28
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Total User Capacity: 26
Total Weight: 930 lbs.
Total Price: \$14,259

2 - 5 Structure - 1

Synergy

072-0300-107C	3 1/2" OD X 107" CAPPED POST	2	0	0	40	80
072-0300-123C	3 1/2" OD X 123" CAPPED POST	2	0	0	45	90
072-0300-147C	3 1/2" OD X 147" CAPPED POST	2	0	0	54	108
290-0101	8" CLOSURE PLATE	1	0	0	5	5
290-0102	SQUARE PLATFORM	1	4	4	59	59
290-0103	TRAPEZOID PLATFORM	1	4	4	64	64
290-0111	CLIMBER ENCLOSURE 2-5	2	0	0	17	34
390-0143	32"-48" DOUBLE WING CLIMBER	1	2	2	40	40
390-0148	TRANSFER STATION, HANDRAIL 40"	1	5	5	175	175
390-0223	ASCEND ROCK CLIMBER 32"-40"	1	2	2	81	81
490-0137	LUGE SLIDE 48"-56"	1	4	4	168	168
490-0138	DOUBLE SLIDE SIT DOWN BAR	1	0	0	6	6
590-0114	3-IN-A-ROW PANEL, 2-5 ABOVE P...	1	2	2	27	27
590-0140	SPINNER CRESCENT PANEL	1	1	1	17	17
590-0153	CHIMES CRESCENT PANEL, RIGHT	1	1	1	17	17
590-0410	PIPE WALL W/ KALEIDOSCOPE	1	1	1	44	44

2 - 5 Structure - 1

Burke Basics

580-1364	LIL NOVO BEAN STEP	1	1	1	28	28
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Total User Capacity: 27
Total Weight: 1043 lbs.
Total Price: \$15,608

Special Notes:

Prices do not include freight, unloading, material storage, site excavation/preparation, removal of existing equipment, removal of excess soil from footing holes, site security, safety surfacing, installation, or sales tax (if applicable). Prices are based on standard colors per CURRENT YEAR BCI Burke Catalog. Custom colors, where available, would be an extra charge. **Pricing is valid for 30 days from the date of this proposal.**

COLOR SELECTION LIST | Default Color Option

GROUP 1 (2 - 5 Structure - 2)

Deck: Brown
Post: Burgundy
Plastic: Green
Acc: Tan
Panel: Tan-Green-Tan
Flat: Green

GROUP 2 (2 - 5 Structure - 1)

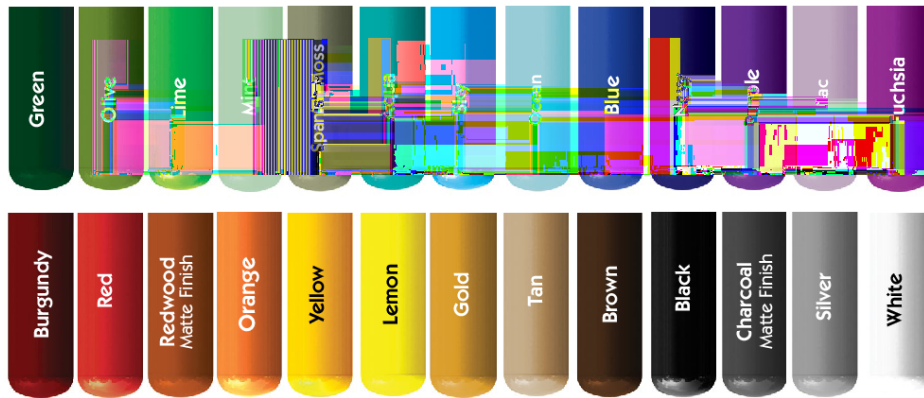
Deck: Brown
Post: Burgundy
Flat: Green
Acc: Tan
Panel: Tan-Green-Tan
Plastic: Green

GROUP 3 (5 - 12 Structure)

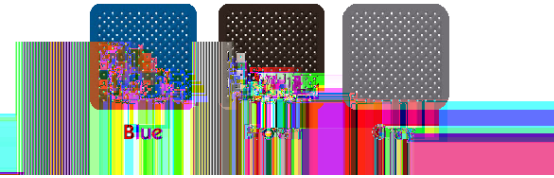
Deck: Brown
Post: Burgundy
Acc: Tan
Panel: Tan-Green-Tan
Plastic: Green
Flat: Green

COLORS THAT MOVE YOU

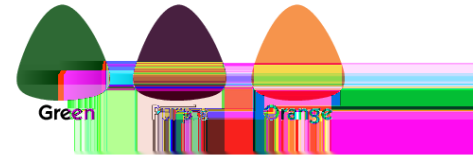
POWDER COAT PAINT



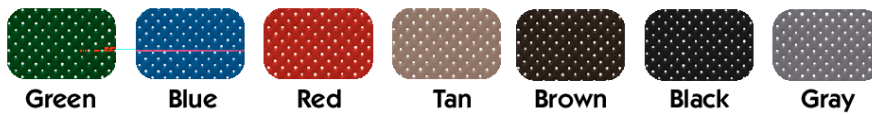
PLATFORMS



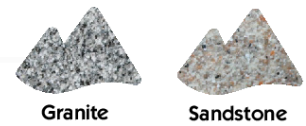
SOLIS HUE TOPPERS



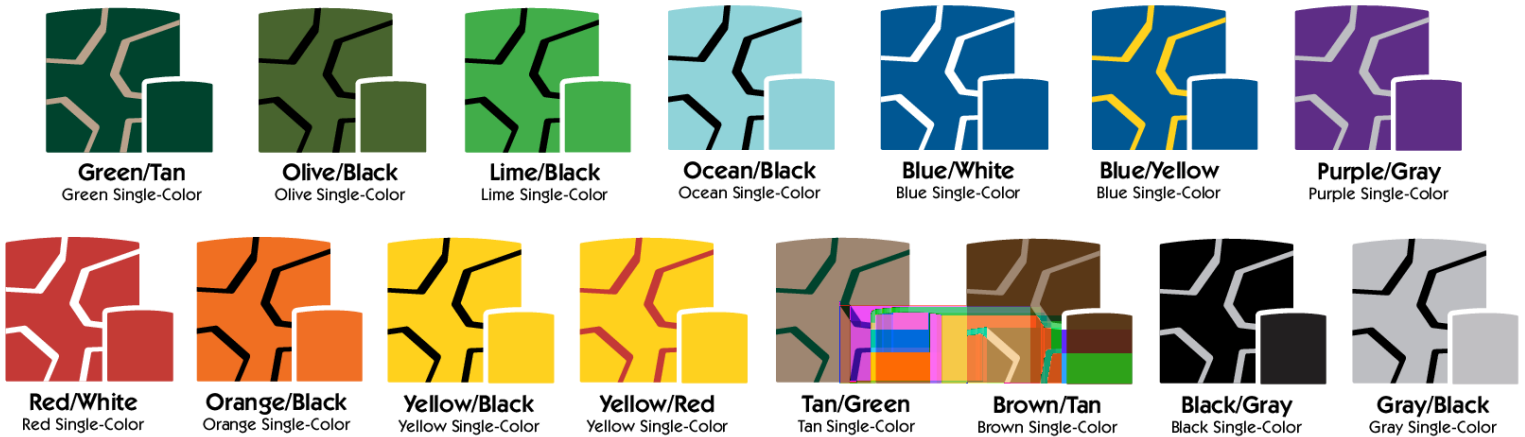
TRADITIONAL SERIES SITE AMENITIES



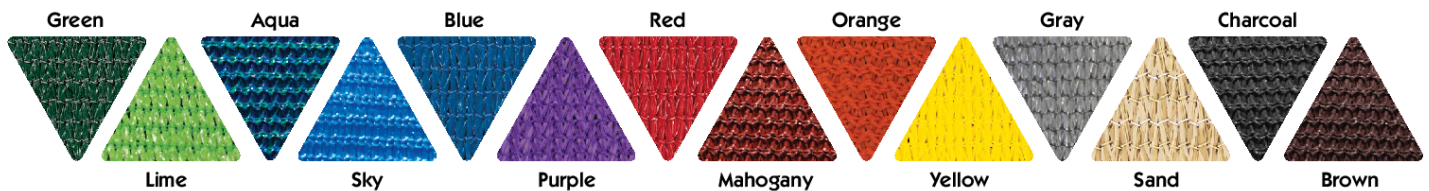
ROCKIT CLIMBERS



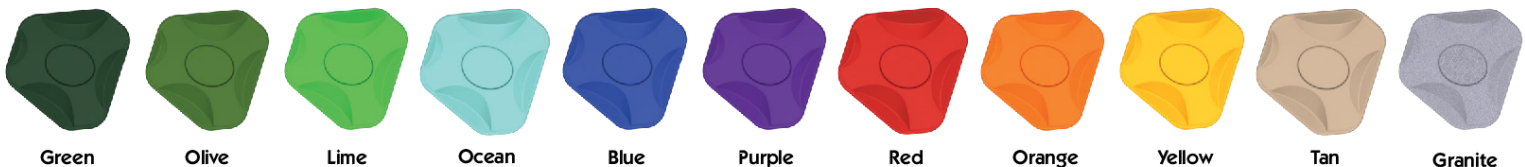
HDPE PLASTIC PANELS



SHADE CANOPIES



ROTOMOLD PLASTIC



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BCIBURKE.COM

Burke

800.266.1250

BURKE GENERATIONS WARRANTY®

BCI Burke Company, LLC ("Burke") warrants that all standard products are warranted to be free from defects in materials and workmanship, under normal use and service, for a period of one (1) year from the date of shipment.

We stand behind our products.

In addition, the following products are warranted, under normal use and service from the date of shipment as follows:

- One Hundred (100) Year Limited Warranty on aluminum and steel upright posts (including Nucleus®, Nucleus Evolution®, Nucleus Aspire™, Intensity®, Level X®, Synergy®, Synergy Imagination® & 4Me® against structural failure due to corrosion, deterioration or workmanship.
- One Hundred (100) Year Limited Warranty on KoreKconnect® clamps against structural failure due to corrosion, deterioration or workmanship.
- One Hundred (100) Year Limited Warranty on Hardware (nuts, bolts, washers)
- One Hundred (100) Year Limited Warranty on bolt-through fastening and clamp systems (Synergy®, Intensity®, Nucleus®).
- Twenty-Five (25) Year Limited Warranty on spring assemblies and aluminum cast animals.
- Fifteen (15) Year Limited Warranty on structure platforms and decks, metal roofs, table tops, bench tops, railings and barriers against structural failure due to materials or workmanship.
- Fifteen (15) Year Limited Warranty on all plastic components including StoneBorders against structural failure due to materials or workmanship.
- Ten (10) Year Limited Warranty on ShadePlay® Canopies fabric, threads, and cables against degradation, cracking or material breakdown resulting from ultra-violet exposure, natural deterioration or manufacturing defects. This warranty is limited to the design loads as stated in the specifications.
- Ten (10) Year Limited Warranty on NaturePlay® Boulders and GFRC products against structural failure due to natural deterioration or workmanship. Natural wear, which may occur with any concrete product with age, is excluded from this warranty.
- Ten (10) Year Limited Warranty on Full Color Custom Signage against manufacturing defects that cause delamination or degradation of the sign. Full Color Custom Signs also carry a two (2) year warranty against premature fading of the print and graphics on the signs.
- Five (5) Year Limited Warranty on Nucleus®, Intensity®, and RopeVenture® cables against premature wear due to natural deterioration or manufacturing defects. Determination of premature wear will be at the manufacturer's discretion.
- Five (5) Year Limited Warranty on rubber belt material against premature wear due to natural deterioration or manufacturing defects. Determination of premature wear will be at the manufacturer's discretion.
- Five (5) Year Limited Warranty on moving parts, including swing components, against structural failure due to materials or workmanship.
- Five (5) Year Limited Warranty on PlayEnsemble® cables and mallets against defects in materials and workmanship.
- Three (3) Year Limited Warranty on electronic panel speakers, sound chips and circuit boards against electronic failure caused by manufacturing defects.

The warranty stated above is valid only if the equipment is erected in conformity with the layout plan and/or installation instructions furnished by BCI Burke Company, LLC using approved parts; have been maintained and inspected in accordance with BCI Burke Company, LLC instructions. Burke's liability and your exclusive remedy hereunder will be limited to repair or replacement of those parts found in Burke's reasonable judgment to be defective. Any claim made within the above stated warranty periods must be made promptly after discovery of the defect. A part is covered only for the original warranty period of the applicable part. Replacement parts carry the applicable warranty from the date of shipment of the replacement from Burke. After the expiration of the warranty period, you must pay for all parts, transportation and service charges.

Burke reserves the right to accept or reject any claim in whole or in part. Burke will not accept the return of any product without its prior written approval. Burke will assume transportation charges for shipment of the returned product if it is returned in strict compliance with Burke's written instructions.

THE FOREGOING WARRANTIES ARE EXCLUSIVE AND IN LIEU OF ANY OTHER WARRANTY, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. IF THE FOREGOING DISCLAIMER OF ADDITIONAL WARRANTIES IS NOT GIVEN FULL FORCE AND EFFECT, ANY RESULTING ADDITIONAL WARRANTY SHALL BE LIMITED IN DURATION TO THE EXPRESS WARRANTIES AND BE OTHERWISE SUBJECT TO AND LIMITED BY THE TERMS OF BURKE'S PRODUCT WARRANTY. SOME STATES DO NOT ALLOW THE EXCLUSION OF CERTAIN IMPLIED WARRANTIES, SO THE ABOVE LIMITATION MAY NOT APPLY TO YOU.

Warranty Exclusions: The above stated warranties do not cover: "cosmetic" defects, such as scratches, dents, marring, or fading; damage due to incorrect installation, vandalism, misuse, accident, wear and tear from normal use, exposure to extreme weather; immersion in salt or chlorine water, unauthorized repair or modification, abnormal use, lack of maintenance, or other cause not within Burke's control; and

Limitation of Remedies: Burke is not liable for consequential or incidental damages, including but not limited to labor costs or lost profits resulting from the use of or inability to use the products or from the products being incorporated in or becoming a component of any other product. If, after a reasonable number of repeated efforts, Burke is unable to repair or replace a defective or nonconforming product, Burke shall have the option to accept return of the product, or part thereof, if such does not substantially impair its value, and return the purchase price as the buyer's entire and exclusive remedy. Without limiting the generality of the foregoing, Burke will not be responsible for labor costs involved in the removal of products or the installation of replacement products. Some states do not allow the exclusion of incidental damages, so the above exclusion may not apply to you.

The environment near a saltwater coast can be extremely corrosive. Some corrosion and/or deterioration is considered "normal wear" in this environment. Product installed within 500 yards of a saltwater shoreline will only be covered for half the period of the standard product warranty, up to a maximum of five years, for defects caused by corrosion. Products installed in direct contact with saltwater or that are subjected to salt spray are not covered by the standard warranty for any defects caused by corrosion.

Contact your local Burke Representative for warranty information regarding Burke Turf® and Burke Tile products.

Terms of Sale

Pricing: Prices published in this catalog are in USD, are approximate and do not include shipping & handling, surfacing, installation nor applicable taxes. All prices are subject to change without notice. Contact your Burke representative for current pricing. Payments are to be made in USD.

Weights: Weights are approximate and may vary with actual orders.

Installation: All equipment is shipped unassembled. For a list of factory-certified installers in your area, please contact your Burke representative.

Specifications: Product specifications in this catalog were correct at the time of publication. However, product improvements are ongoing at Burke, and we reserve the right to change or discontinue specifications without notice.

Loss or Damage in Transit: A signed bill of lading is our receipt from a carrier that our shipment to you was complete and in good condition upon arrival. Before you sign, please check the Bill of Lading carefully when the shipment arrives to make sure nothing is missing and there are no damages. Once the shipment leaves our plant, we are no longer responsible for any damage, loss or shortage.

For more information regarding the warranty, call Customer Service at 920-921-9220 or 1-800-356-2070.

01/2024



Ben Shaffer Recreation
P.O. Box 844
Lake Hopatcong NJ 07849 US

Proposal

TERMS

REP

DATE

Proposal #

Ryan
Tumminello

5/30/2024

4765

BILL TO

Biddeford Recreation
Department
Lisa Thompson
189 alfred st
biddeford ME 04005

SHIP TO

CONTACT

Lisa Thompson

ITEM# / DESCRIPTION	VENDOR	QTY	RATE	AMOUNT
PROJECT 130-185479-1	BCI Burke Company, LLC	1.00	\$54,960.00	\$54,960.00
INSTALL Proposal includes 3 structures, one to be constructed at each of three sites in Biddeford. Each structure shall be assigned to a site for installation prior to KMA arrival Quote does not include demolition of existing structures, excavation. Quote is for installation ONLY at the 3 schools BCI Burke to deliver to one site and KMA to offload if coordinated with delivery KMA to transport equipment from delivery at the first school to each of the two other schools Layout and finish grade to be determined at each site prior to installation Installation according to plans,specifications and installation instructions Concrete by KMA All shipping debris and debris generated from installation to be disposed of in on site dumpsters provided by others		1.00	\$32,500.00	\$32,500.00
PROJECT 125 Yards Wood Fiber Delivered		1.00	\$4,000.00	\$4,000.00
FREIGHT Freight		1.00	\$4,400.00	\$4,400.00

\$95,860.00

Prices are honored for 30 days from date of quote.

Approximate delivery time is 5-7 weeks after receipt of order. When placing your order, kindly advise whom the trucker should notify to schedule delivery. The trucker will make one contact and that person must inform any other parties to coordinate delivery.

Please make your check payable to "Ben Shaffer Recreation Inc." Prices are honored for 30 days from date of quote.

Standard colors and finish are quoted unless noted. Final count is the responsibility of the contractor/purchaser. Note that assembly/installation is NOT provided. Sales Tax will be added if applicable.



Ben Shaffer Recreation
P.O. Box 844
Lake Hopatcong NJ 07849 US

Proposal

TERMS

REP

DATE

Proposal #

Ryan
Tumminello

5/30/2024

4765

Ryan Tumminello
Ben Shaffer Recreation Inc.

Recreation Consultant
Ryan@BenShaffer.com
P: 201-874-3221

If you agree to the terms set forth in this proposal, please fill out name, signature, and date to confirm approval:

Estimate Approved By _____

Signature _____

Date _____

P.O. Number _____

Trucker Contact _____ Trucker Phone _____

Ship To Address _____

Conditions of Installation

RE: _____

Installations of equipment are subject to the following conditions and/or exclusions. Unless otherwise specifically included in the accompanying quote, Ben Shaffer Recreation and its contracted installers are not responsible for the following. If non-included services are needed, additional charges will apply and be billed at the contract cost:

- Unforeseen obstructions (such as in sub-surface) resulting in delayed installation or additional removal fees (rock, pipes, old building or site debris, hidden borders, oversized footings or other items that may be discovered during the excavation and removal process)
- Accepting delivery and/or checking materials
- Storage/security of materials at jobsite
- Relocation or transport of materials to jobsite
- Site preparation (grading, drainage, etc.)
- Finish work to site area (borders, protective surfacing)
- Removal/ Disposal of existing equipment
- Off-site disposal of shipping materials (cardboard, crating, etc.). Shipping materials will be neatly stacked on site, or placed in an on-site dumpster provided by site owner/manager.
- Equipment not included as part of original project number
- Any permits or clearance by utility companies and/or local building departments if applicable • Site security for rubber safety surface installation provided by others.
- If there are no on-site provisions for disposition of excavated footing materials (i.e. soil, blacktop, rocks, etc.)

NOTE: You should contact your utility companies directly to clear the area for all utilities prior to ordering equipment. Any necessary changes in equipment or layout can then be done prior to start of construction. You must indicate that the mark-out is for survey only. Customer is responsible for locating any privately owned utilities. We cannot be responsible for any damage to water, gas or other utilities as a result of owner's failure to clear underground plans.

If finish work is being done by installer (borders, protective surfacing), direct access for delivery trucks must be provided.

If site is to be graded or leveled, this must be coordinated and approved by installer to ensure adequate anchorage for structure.

The owner shall hold Ben Shaffer Recreation harmless in the event of injury due to lack of, or insufficient, resilient surface.

Sharp objects (i.e., sports spikes, heeled shoes, etc.) will damage rubber surface and void surface warranties

Ben Shaffer Recreation and its sub-contractors are in no way responsible for any issues associated with product design, manufacturing defect, lack of resilient surfacing or maintenance thereof.

I have read, understood, and agree to the above conditions.

Signed: _____ Print Name: _____ Date: _____

Please sign/save and email to sales@benshaffer.com; or print and fax to 973-663-4615.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

01/30/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  THOMAS A. ZIEGENBALG, AGENT 1489 UNION VALLEY RD. WEST MILFORD, NJ 07480	CONTACT NAME: THOMAS A. ZIEGENBALG PHONE (A/C, No. Ext): 973-728-9169 FAX (A/C, No): 973-728-3757 E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: State Farm Fire and Casualty Company INSURER B: State Farm Indemnity Insurance Company INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 25143 43796
INSURED BEN SHAFFER RECREATION INC PO BOX 844 LK HOPATCONG, NJ 07849-0844		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY	X		119 5905-A01-30 -001	01/01/2024	07/01/2024	COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ 1,000,000 BODILY INJURY (Per accident) \$ 1,000,000 PROPERTY DAMAGE (Per accident) \$ 1,000,000 \$
	UMBRELLA LIAB EXCESS LIAB ☐ OCCUR ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N	N / A	90-CR-E726-7	06/26/2023	06/26/2024	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	EMPLOYMENT PRACTICES LIABILITY INSURANCE - EPLI			PS0000006546403	05/27/2023	05/27/2024	LIABILITY \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Thomas A. Ziegenbalg

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With 100+ years of service to the residents of New Jersey and recently Northern New England, Ben Shaffer Recreation has become a trusted partner to specifiers, community leaders and maintenance personnel that put a high value on quality, design, and service. In partnership with manufacturers that share our high standards, we are committed to bringing your concept to reality. Let us take your dreams, design your concept, and deliver your project complete and correct for many years of joy and pride at your facility.

Anticipated lead times are 6-9 weeks

Carrie Ricker School

Litchfield ME

Jon Varney (207-480-0659)



Erica Rogers (603-948-3627)

Elizabeth Fernald Park

Farmington NH



Eric Hilton (207-286-7343)

Town Of Chesterville ME





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/30/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER Cooper Risk Advisors, LLC 904 N Main St Lapel IN 46051	CONTACT NAME: Bill Hodgkins PHONE (A/C, No, Ext): 321-214-1990 E-MAIL ADDRESS: billh@cooperindiana.com	FAX (A/C, No): 765-534-2067
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: Cincinnati Specialty Un Ins Co		13037
INSURER B: Evanston Insurance Company		35378
INSURER C: Cincinnati Insurance Co		10677
INSURER D:		
INSURER E:		
INSURER F:		

COVERAGES**CERTIFICATE NUMBER:** 1178058907**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC ☐ OTHER:			CSU0153147	7/1/2023	7/1/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☒ RETENTION \$ 10,000			EZXS3054535	7/1/2023	7/1/2024	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N ☐	N / A				PER STATUTE E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	BPP			ENP0582781	7/1/2023	7/1/2024	Contents Deductible \$2,555 \$500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
For Information Purposes Only

CERTIFICATE HOLDER**CANCELLATION**

For Information Purposes Only
USA

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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COLOR KEY

- BURGUNDY
- TAN
- GREEN
- TAN/GREEN



Community Build Logistics – Ultiplay

- UltiPlay will provide three site supervisors for the build. These site supers are there to ensure these items are installed to spec and everything complies with ASTM, CPSC and ADA guidelines. These community builds are typically done on a Friday and Saturday as volunteers can be hard to come by on weekdays. We leave Sunday open for a weather date or if we are delayed at all in the build.
- The town will be responsible for organizing volunteers, the required equipment (skid or tractor), site prep (guided by UltiPlay before the build dates), and materials on site (concrete and ewf). UltiPlay can provide these things at an additional charge. We like to do two shifts on Friday and Saturday from 8am to noon and noon to approximately 4- 5pm. UltiPlay supervisors will arrive on site at 7am Friday to begin layout of equipment and staging job sites for volunteers. Delivery will be scheduled for Friday morning at 8am.
- Prior to the build we will have multiple site meetings to ensure they have enough volunteers, have the right equipment and materials and everything is buttoned up for our build.
- The schedule could look like this:

Mon-Thurs Clifford park Earthscape installation (Ultiplay). During that time UltiPlay staff or Chris Martin and I can meet with town volunteers to remove Rotary Park equipment and stage for the Beach community build.

Friday - Two site supervisors and Chris Martin stay to lead the community build Friday and Saturday.

Possible groups for Community Build – one or a combination of the following:

- New Life Church
- Rec. Dept. Sponsored Event- Community Build Day at the Beach
- UNE Clubs and students
- Center for Technology students
- Girls Scouts, Boy Scouts

Based on what the city will be responsible for, there will be some skilled labor from Public Works needed.



City Council

Meeting Date: June 18, 2024
Meeting Time: 6:00 PM
Agenda Item No: 11.d
Item Description: Approval to Purchase and Haul Gravel
Submitted By: Jeff Demers - Director of Public Works / Waste Water

Supporting Information/Documentation:

RFP Material purchase, Material trucking 1

Key Terms:

The City of Biddeford's Public Works Department posted a Request for Proposals for a vendor/contractor's assistance to provide purchasing and trucking services for hauling materials to Andrews Road in Biddeford. The Contractor must have a minimum inventory of gravel and dump/trailer trucks that are fully operational to meet the minimum requirements of the requested RFP. The City had one contractor supply a bid. That being Shaw Brothers Inc.

Executive Summary:

On April 2, 2024, the Finance Committee and City Council approved the hauling of contaminated materials from the Pearl Street site to the Andrews Road landfill. That said material was to act as a base for the City's new composting pads. The mentioned task has been completed and within the scope of funds requested. Staff went in requesting \$235,000 of the \$400,000 budgeted for this project in hopes the material would be suited for the asphalt cap.

Detailed Review:

After laying the material in place and getting it all compacted, City staff noticed a considerable amount of clay material in the contaminated soil. After getting some engineering and paving advice, Staff came to the conclusion that both subbase type "D" and type "A" gravels should be applied. It is the opinion of staff and outside experts that the pad will settle and move, causing the asphalt to crack and break if a good base is not applied prior to the pavement. If paved today without the proper gravel, the pavement would not last a long term. Staff feels if done correctly, the surface will last 10 or so years with a proper standard operating procedure for turning compost piles.

Funding Source:

Furnish Sub base gravel 4,900 yards @ \$17.00 a yard = \$83,300

Base gravel 1,070 yards @ 23.00 a yard = \$24,610

Trucking from pit to landfill 5,970 cy = 351 trips at 1.25hr/trip = 440 hours @ 115,00 per hour = \$50,600

Total = \$158,510

Staff Recommendation:

Staff recommends contracting Shaw Brothers to apply the appropriate gravels needed to give the City the best long term paving product.

REQUEST FOR PROPOSALS FOR PURCHASING AND HAULING OF GRAVEL

Issued By:
City of Biddeford Public Works Department
371 Hill Street
Biddeford, Maine 04005

The City of Biddeford is issuing a Request for Proposal (RFP) for contractor assistance for the purpose of Purchasing and Hauling up to an estimated 6,000 C.Y of gravel type Material(s).

Contractor will deliver one (1) original RFP to the following Address:

City of Biddeford Public Works Department
371 Hill Street
Biddeford, Maine 04005

Office hours are 7:30 am to 3:30 pm, Monday through Friday, excluding holidays.

Proposal due Date and Time

Thursday, May 9, 2024 at 2 p.m.

Proposals received after the above cited date and time will be considered late and are not Acceptable.

Please make sure the envelope or package is marked:
"TRUCKING SERVICES for GRAVEL HAULING RFP"

1. PURPOSE OF PROPOSAL

The City of Biddeford is seeking Vendor/contractors assistance to provide Purchasing and trucking services for hauling materials to the Andrews Road in Biddeford. The Contractor must have a minimum inventory of Gravels and dump/trailer trucks that are fully operational to meet the minimum requirements of this RFP.

II. PROPOSAL TERMS:

The City of Biddeford reserves the right to reject any and all proposals received as a result of this RFP. If a proposal is selected it will be the most advantageous regarding price, quality of service, contractors' qualifications and capabilities to provide the specified materials and trucking services. The City of Biddeford reserves the right to consider proposals for modifications at any time before a contract would be awarded, and negotiations would be undertaken with that contractor whose proposal is deemed to best meet the City's specifications and needs.

Proposals must be signed by an official authorized to bind the contractor to its provisions for at least a period of 60 days. Failure of the successful proposer to accept the obligation of the contract may result in the cancellation of any award.

In the event it becomes necessary to revise any part of this RFP an addenda will be provided. Deadlines for submission of RFPs may be adjusted to allow for revisions. To be considered, original proposal and amended proposal must be at the City of Biddeford's public works department on or before the date and time specified.

The prices stated in the bidder's proposal will not be subject to any price increase from the date on which the proposal is opened to the mutually agreed end date of contract.

III. SCOPE OF SERVICES

During the course of the month of late May, the City is requesting pricing to purchase both Sub Base MDOT Type "D" and MDOT Type "A" gravels. The City is also requesting Bids for assistance from private contractors to supplement the hauling of said gravels for the City of Biddeford, The City intends to sign contracts for at least Six (6) trucks for Gravel Material Hauling purposes. This is a time sensitive contract and must be completed prior to May 31, 2024

The City will also have a Dozer and loader at the Andrews road to push and monitor activity.

Contractors who undertake the Hauling work will be required to perform services pursuant to the terms described in this Request for Proposal (RFP). The City shall retain the right to remove any Contractor if Contractor fails to meet and maintain the terms described in this RFP or fails to perform work in a workman-like manner within the demands and time constraints established by the City for the service.

Term of Contract: The initial term of this contract shall be for one (20) days commencing on May 15, 2024 and expiring May 31, 2024. The term of this agreement may be extended for one-month periods for a maximum of two (2) additional months, if approved and accepted in writing by both the contractor and the city prior to May 30, 2024 of the appropriate year. Contractor performance, quality of service, price, and reliability are some of the criteria that will be used as a basis for the City to exercise an option month. The awarded contractor or city may submit a written notification requesting to exercise the extension by no later than May 30, 2024 of the appropriate month. The initial agreement places no obligation on the City to renew beyond the initial term of the contract.

Rates: Contractor agrees that rates as set forth in the bid will remain in effect through This contract.

Invoice: Contractor shall invoice the City within 45 days of a completed service. The City shall make payment within 30 days of receipt of invoice.

IV. PROCEDURE

Submittal Requirements: Contractors must complete the Proposal Form keeping in mind the Following:

1. Rates per Unit per Hour quoted on the proposal shall be valid until end of contract. Unit hourly pricing must be inclusive; that is, cost of equipment, all labor costs, overhead, etc. Unit refers to each piece of equipment with operator(s).
2. Please include with your proposal a list of equipment (size, count, etc.) that are available and will be used for the City's Material Hauling operations.

V. GENERAL REQUIREMENTS

1. All trucks must be capable of carrying a minimum of 12 CY of material per load.
2. Contractor must ensure that all truck's used must be properly registered and inspected. The City reserves the right to verify this information.
3. Trucks used for Material Hauling shall have clean, end/side-dump boxes with no material staying in the box when unloaded. If truck does have condition in which material remains, the City personnel will remove the truck from operation and billable time will stop upon notification to driver. Truck will not be allowed to return until material condition is corrected and visually inspected by city personnel.
4. All drivers must be properly licensed operators. Contractor is responsible for updating operator information as necessary. The City reserves the right to verify this information.
5. Contractor must provide contact information for designated representative for truck scheduling. The inability to make contact with Contractor within a reasonable amount of time is cause for the City to use other Contractors.
6. The City shall have no obligation to engage the services of the Contractor for a specified number of times.
7. Contractor shall be knowledgeable and comply with all federal, state, and local laws, rules, regulations and ordinances that may be applicable to the operation of the equipment provided by Contractor for material removal trucking services.
8. This contract is binding on the City and the contractor, their successors and assigns. Neither the City nor the contractor will assign or transfer its interest in this contract without the written consent of the other.
9. Termination without cause. Either party may terminate the contract by giving ten (10) days written notice to the other party.
10. The contractor is responsible for all applicable state and federal social security benefits and unemployment taxes and agrees to indemnify and protect the city against such liability.
11. The contractor will comply with all federal, state, and local laws and regulations. All documents developed as a result of this contract will be freely available to the public. None may be copyrighted by the contractor. During the performance of the service, the contractor will be responsible for any loss of or damage to the documents which are in its possession and must

Restore the loss or damage at its expense. Any use of the information and results of this contract by the contractor must reference the project sponsorship by the City.

VI. PAYMENT

Payment will be based on the following items:

1. The hourly rate bid for each truck.
2. Time for payment will commence at the specified time the truck has been told to report, Provided the truck is at the reporting location on time.
3. The time for payment will terminate when the City releases the truck.
4. Payment will be computed to the nearest one-half (1/2) hour.
5. **ABSOLUTELY NO PAYMENT WILL BE MADE FOR TIME LOST DUE TO TRUCK BREAKDOWNS, MAINTENANCE OR REPAIRS, LUNCH OR DINNER PERIODS OR ANY OTHER REASONS THAT TAKE THE TRUCK OUT OF SERVICE.**
6. **LUNCH OR DINNER PERIODS:** It is expected that operators be given rest periods and time to eat. Any billing for more than eight (8) hours in one day will have thirty (30) minutes deducted for a lunch period.
 - a. For example: if the operator works from 8:00AM to 8:00PM, a period of 12 hours, the Amount billed and to be paid shall be 11 hours.
7. Payment will be made to the contractor within thirty (30) days after the City receives the invoice from the contractor and verifies that the invoice is correct.
8. The bill or invoice sent to the City shall show the dates and hours for each truck.

VII. INSURANCE REQUIREMENTS

VIII. NEGOTIATION

After evaluating proposals, the city may enter into negotiations with one contractor or multiple contractors. The primary purpose of negotiations is to maximize the City's ability to obtain the best value based on the mandatory requirements, evaluation criteria, and cost. Multiple rounds of negotiations may be conducted with one contractor or multiple contractors. Negotiations will be structured to safeguard information and ensure that all bidders are treated fairly.

BID TAB SHEET TRUICKING

City Of Biddeford
Request For Proposal "Hauling Gravels"

Landfill Compost pads

Contractor:
Address: _____

Phone: _____

E-Mail _____

Quantity of Trucks 15-20 Cubic Yards _____

Unit Price Per Hour _____

The City reserves the rights to accept or reject any or all proposals, or alternate proposals, and to wave any informality.

BID TAB SHEET GRAVELS

City of Biddeford
Request for Proposal "purchase of Gravels"

Landfill Compost pads

Contractor
Address _____

Phone: _____

E-mail: _____

	Quantity	Unit Price	Total
Furnish Subbase MDOT TYPE-D Gravel	4,900 Yds		
Furnish Base MDOT TYPE-A Gravel	1,070 Yds		

The City reserves the rights to accept or reject any or all proposals, or alternate proposals, and to wave any informality.



City Council

Meeting Date: June 18, 2024
Meeting Time: 6:00 PM
Agenda Item No: 11.e
Item Description: Bid Approval: Lead Hazard Reduction at 14 Gove St
Submitted By: Gail Wilkerson, HUD Housing Programs Director

Supporting Information/Documentation:

Order 2024.107- Bid Approval for 14 Gove St Lead Hazard Reduction (1), Re-BID TAB -- 14 GOVE ST 6-11-24, 14 GOVE ST --PRE-ABATEMENT

Key Terms:

HUD: US Department of Housing & Urban Development

Executive Summary:

The Housing Division recommends awarding this re-bid for lead hazard reduction and other health/safety improvements at 14 Gove St. to Ray Corp of Lewiston for \$40,175. The City's independent cost estimate is \$38,900 (a variance of only \$1,275 or 3%).

Detailed Review:

Staff inspected the 3-unit building for lead and other health/safety hazards in early 2024. The abatement work involves removing lead dust from the living units, replacing the 1st & 2nd floor interior stair treads, replacing 2 leaded windows, covering exterior window casings with coil, and repainting stairway baseboards, window casings, and stair stringers. To enhance tenant safety, the Healthy Homes work includes installing 2 fire-rated doors and 2 porch lights, raising the interior stair rails to Code height, and replacing the deteriorating front steps.

This project first went out to bid on May 16, but only 2 contractors attended the May 22nd bid walk, and only 1 (Ray Corp) submitted a bid. In hopes of receiving at least 2 competitive bids, Housing staff re-bid the project on May 30, this time adding repairs to the wall and ceiling of the property's basement entrance. Four contractors attended the June 5th site walk, but again, only Ray Corp submitted a bid. With only a 3% variance between the City's cost estimate of \$38,900 and Ray Corp's bid of \$40,175, Housing staff believes cost reasonableness is demonstrated and recommends awarding the project to Ray Corp. Work would begin by late July and take 4 weeks to complete.

Funding Source:

100% funded by the HUD Lead Hazard Reduction & Healthy Homes Grant Program

Staff Recommendation:

Award bid for the 14 Gove St project to Ray Corp of Lewiston for \$40,175. Contractor has satisfactorily performed this work for the City's HUD Housing Programs within the past year and is a firm in good standing with the federal government, as evidenced by a check of the System for Award Management (sam.gov).

City of Biddeford



2024.107 IN BOARD OF CITY COUNCIL...June 18, 2024,

BE IT ORDERED, that the award for the Lead Hazard Reduction and Healthy Homes project at 14 Gove Street, as detailed in IFB#2024-05-30-01-LEAD, be made to Maine-licensed lead abatement contractor Ray Corp of Lewiston in the amount of \$40,175. Contractor's bid is within 3 percent of the City's independent cost estimate, and Ray Corp is a firm in good standing with both the City and federal government, as evidenced by satisfactory work performed on similar projects in Biddeford and a check of the US Government's System for Award Management (sam.gov) dated June 11, 2024.

Attest by: _____

Bid Summary: IFB# 2024-05-30-01-LEAD (Re-bid of IFB# 2024-05-16-01-LEAD)
Lead Hazard Reduction & Healthy Homes Work
at 14 Gove St., Biddeford, ME

Number of Units: 3
Bid Notice Date: 5/30/2024 3:19 PM **Bid Walk:** 6/5/24 9 AM
Bid Open Date: 6/11/2024 12:53 PM
Bid Open Attendees: Michael Koerner, Gail Wilkerson, City of Biddeford.

Scope of Work	Octagon Restoration Windham	RC Group Biddeford	Sanderson Restoration S Portland	Ray Corp Lewiston	City's Cost Estimate
Exterior	N/A*	N/A*	N/A*	6,400	6,350
Common Areas	N/A	N/A	N/A	11,400	13,350
Unit 1	N/A	N/A	N/A	3,900	2,900
Unit 1A	N/A	N/A	N/A	1,000	400
Unit 2	N/A	N/A	N/A	6,000	3,650
Healthy Homes	N/A	N/A	N/A	11,475	12,250
Bid Totals	N/A	N/A	N/A	40,175	38,900

Variance: 3%

**Attended the bid walk but declined to submit a bid*

Staff Recommendation: **Award bid to Ray Corp for \$40,175**
with an expected start of 7-25-2024

Signature:


Gail Wilkerson, Director, HUD Housing Programs





City Council

Meeting Date: June 18, 2024
Meeting Time: 6:00 PM
Agenda Item No: 11.f
Item Description: Approval to Contract with Maine Water for Sewer Billing
Submitted By: Brian S. Phinney

Supporting Information/Documentation:

20240621 2024.106 - Contract with Maine Water for Sewer Billing - ORDER, 20240618 Maine Water Billing Agreement - DRAFT

Key Terms:

N/A

Executive Summary:

This item, if approved, authorizes the City Manager to enter into an agreement with Maine Water for outsourcing sewer billing services. Outsourcing sewer billing to Maine Water is intended to eliminate the complexity of the current billing process and provide more administrative capacity within the Finance Department. The services currently provided through BillTrust will be terminated in exchange for services provided by Maine Water. The net budget impacted is expected to be approximately \$65,960. Implementation may take as long as 6-months.

Detailed Review:

For the past several years the City has outsourced bill preparation and mailing of sewer bills to BillTrust. This same company performs a similar function for property tax billing.

The sewer billing process has proven to be very complicated with frequent errors requiring significant staff time preparing data and addressing errors post billing. The current process involves receipt of water use data from Maine Water, conversion of the data into a Munis format, verification that conversion was complete, conversion of data to BillTrust format, sending the billing file to BillTrust, review of a BillTrust return file, and authorization for BillTrust to finalize and issue the sewer bills. The cost for this service has averaged \$21,055/yr since FY2019.

In discussions with Maine Water, the provider of our flow data for sewer billing, they provide

sewer billing services to municipalities; Saco being one such community that utilizes their services. Saco staff reports a very efficient process. They are very satisfied with the services Maine Water offers and there is a very low rate of errors.

Maine Water prepared a service contract for evaluation. The contract specifies a set \$4.75 per bill issued. At this rate, and assuming the current number of monthly and quarterly bills, the estimated expense for Biddeford would be \$87,015/yr plus a onetime expense of approximately \$16,000 for history transfer and system set up. The setup cost is an estimate by Maine Water utilizing their system provider. Maine Water is not requiring the use of their provider. The setup price was included in the proposal for budgeting purposes. This expense would be offset by the current BillTrust average annual cost of \$21,055/yr resulting in a net expense of approximately \$81,960 in year one and \$65,960 moving forward. This impact could be further reduced by consolidating the sewer billing frequency to quarterly-only. This will reduce the overall number of sewer bills and result in reducing the net impact in future years to approximately \$49,860. Converting the sewer billing frequency to quarterly-only would ultimately be a policy decision. However, this option is being noted since it would reduce the overall cost of sewer billing by reducing the overall number of sewer bills issued.

Maine Water reports that their provider's current schedule for new client conversion and setup is approximately 6-months. The City could reduce the \$16,000 setup estimate and shorten the implementation window by contracting with a vendor of our choosing that may be able to expedite the work.

Funding Source:

This project impacts two funds; Fund 601-Sewer Operations and Fund 001-General Fund. The impact on the Sewer Operations Fund is neutral. 601-Sewer Operations currently transfers \$211,474 (35102-60799) to the General Fund (24199-40801). This transfer is to cover administrative support by Finance including, but not limited to, sewer billing.

The General Fund will be impacted by an increase in expenses for outsourcing sewer billing since there is no staff reduction associated with the outsourcing. Specifically, the General Administration expense budget will increase by the cost of the outsourcing.

As this was not a budgeted item there is no line item for the expense. The added expense will be offset by a corresponding reduction in General Fund expenses over the course of FY25 and will be a budgeted item moving forward.

Staff Recommendation:

Staff recommends authorizing the City Manager to enter into an agreement with Maine Waste to outsource sewer billing.

City of Biddeford



2024.106

IN BOARD OF CITY COUNCIL... JUNE 18, 2024

BE IT ORDERED, that the City Council authorizes the City Manager to enter into an agreement with Maine Water Co., for sewer billing services.

NOTE: As this was not a budgeted item there is no line item for the expense. The added expense will be offset by a corresponding reduction in General Fund expenses over the course of FY25 and will be a budgeted item moving forward.

Attest by: _____

CUSTOMER SERVICE AND BILLING AGREEMENT
Between
THE MAINE WATER COMPANY and THE CITY OF BIDDEFORD

This Customer Service and Billing Agreement (the “Agreement”) dated as of _____, is between the City of Biddeford (the “City”) whose address is 205 Main Street, Biddeford ME 04005, and Maine Water Company (MWC), whose address is 93 Industrial Park Rd., Saco, Maine 04072.

Whereas, The City is the owner of the Biddeford public wastewater system, and as it desires to hire MWC to perform certain duties on behalf of the City in accordance with the terms herein:

Whereas, Maine Water desires to accept such engagement upon the terms and conditions set forth, and

Whereas, the City is authorized by law to enter into this Agreement,

Now, therefore, in consideration of the promises and the mutual covenants contained herein, the parties agree to the following:

SECTION ONE-ENGAGEMENT SCOPE OF SERVICES

1.1 Routine Services-Beginning on _____, (the “effective date”), the City hereby engages Maine Water to provide, and Maine Water agrees to provide in accordance with the terms hereof, the following: preparation and mailing (either printed or in electronic format as requested by customer) of all the City’s Wastewater bills, which bills shall indicate the name of “City of Biddeford” on each, collection and processing of cash receipts, daily maintenance, and updating of customer records, reminder notices for non-payment, preparation of reports as needed, customer service support for all inquiries and lien research as needed.

The parties agree that wastewater bills are an obligation that is owed to the City. The wastewater bill payments will be sent to MWC, as Trustee for the City, at an address provided. MWC agrees to regularly and faithfully deposit all cash, checks, ach, debit or credit card receipts for wastewater bills into an interest bearing and federally insured bank account.

These services shall be provided by Maine Water at rates established in Section Three.

For so long as this contract is in effect, and not later than Wednesday of each week, MWC will electronically transfer to the City (per wiring instructions provided by the City) those payments received by it the immediately prior week. Each month, MWC will provide the City with a print out or electronic report of all bills paid, all bills outstanding, and all amounts collected and on hand.

1.2 Non-Routine Services- Any additional services not specifically outlined above will be provided by Maine Water at rates established in Section Three. Approval by the City will be required for all non-routine services.

1.3 Insurance Coverages-Maine Water will provide at all times during the terms of this agreement the following insurance coverages:

- (a) Workers' compensation insurance in compliance with the State of Maine statutes for Maine Water employees
- (b) General liability insurance coverage with a minimum combined single limit of \$2,000,000, and
- (c) Automobile liability insurance with a combined single coverage limit of \$500,000.

Maine Water shall name the City as an additional insured on the general liability coverage and will provide the City certificates of insurance as evidence of coverage, if requested.

1.4 Audit - At least once per year, and upon reasonable notice at all other times, MWC shall provide full access to, and accounting of, its collections activities and the segregated account set up hereunder, to the City Finance Director and/or to the City's independent auditors if the Finance Director directs, it being the intention of the Parties to assure full transparency in the collection and reporting of revenues.

SECTION TWO-RESPONSIBILITIES OF THE CITY OF BIDDEFORD

2.1 The City, and not MWC, shall be responsible for the operations and maintenance of the City Pollution Control Facilities and compliance with all required regulations and reporting. The City shall maintain in full force all easements, permits, licenses or other similar approvals and consents necessary to operate and maintain the wastewater system. No part of this agreement is intended to require, suggest or infer that MWC shall be responsible for any part of such operations and maintenance of the City's Wastewater Facilities.

2.2 The City shall be responsible for all capital expenditures required to maintain its Wastewater Facilities.

2.3 The City shall be responsible for all operating costs other than those not specifically mentioned under Routine Services above.

2.4 The City shall provide MWC access to the wastewater operator, wastewater records and systems as needed and required to fulfill the Routine Services outlined above.

2.5 The City will maintain in full force and effect property, workers compensation and liability insurance pertaining to the wastewater system.

2.6 Each party acknowledges that the other party's ability to effectively carry out its obligations under this agreement depends in large part upon the cooperation and prompt and timely fulfillment of each party's obligation hereunder. Each party hereby agrees that it shall execute documents and take such actions at such times and in such manner so as to enable the other party to perform its obligations hereunder.

SECTION THREE-COMPENSATION

3.1 Routine Services-As compensation for all services rendered pursuant to Section 1.1 above, including postage and all billing supplies, MWC shall bill the City on a monthly basis, commencing with the effective date at a rate of \$4.75 per wastewater bill issued. Additionally, upon completion of the initial start-up of the billing system, MWC will bill the City the actual costs of initial set up and conversion charges by Northern Data Systems and OSG, estimated to be no more than \$16,000.

3.2 Non-Routine Services –Costs for non-routine utility services provided by MWC pursuant to Section 1.2 above shall be paid by the City to MWC on a time and expense basis using the labor and materials and supplies rates. Labor rates will be charged as established annually.

3.3 Materials, Supplies, and Subcontractors- Materials, supplies, and services purchased through MWC, other than routine billing supplies and postage, will be billed to the City at actual cost plus a 10% fee. Maine Water agrees to pass on to the City any discounts on materials, supplies, and subcontractors received by Maine Water.

3.4 Payment Terms-Maine Water's invoices for services rendered hereunder and for reimbursement of amounts expended shall be due and payable by the City within 30 days of the invoice date. All past due amounts shall bear interest after the due date at the rate of one and one-half percent (1.5%) per month.

SECTION FOUR-TERM OF AGREEMENT AND TERMINATION

4.1 Term- This agreement shall remain in effect for one year from the effective date, and may be extended for additional terms as mutually agreed upon by Maine Water and the City, subject to price adjustments.

4.2 Termination- In the event of a default by either party, the nondefaulting party may terminate this agreement on thirty (30) days written notice to the defaulting party, except that this agreement shall not be terminated if the defaulting party cures the default during the thirty (30) day written notification period. Either party may terminate the contract upon one year's advance written notice.

4.3 Authority-The City and MWC warrant and represent that each has the authority to enter into this Agreement. The City warrants that it has appropriate funds available for payment to MWC required by the Agreement.

4.4 Force Majeure-If because of any act of occurrence beyond the reasonable control of either party, including, without limitations, acts of God, legislation or lawful regulations of any governmental body, court ordered, fire, flood, explosion, strikes, labor disputes or shortages, wars or civil commotion, either party is prevented from performing any or all of its obligations hereunder, and if the party unable to perform gives prompt notice to the other party of such force majeure, then such party unable to perform shall be required to resume performance of its

obligations under this Agreement only upon termination of the aforementioned force majeure and any time or date limitation shall be extended to the extent such party is so prevented.

4.5 Modifications and Amendments- This Agreement may not be modified or amended and no provision hereof shall be waived except in writing and signed by both parties.

4.6 Dispute Resolution. If the Parties have a disagreement or dispute arising from this Agreement and the services provided herein, each agrees to first attempt to resolve such dispute via mediation before filing suit. The Parties agree in advance that they shall mediate their dispute in Portland Maine before a mutually selected practicing mediator or practicing attorney such mediation to last at least one half day. Only if such mediation fails, may one or the other initiate a lawsuit against the other. All fees for mediation shall be split, except each shall pay their own costs for counsel.

IN WITNESS WHEREOF, the Maine Water Company by its duly authorized officer, and the City, by its duly authorized City Manager, have executed this Agreement as of the date and year written on page one.

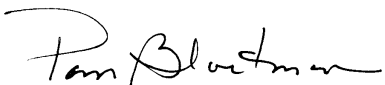
WITNESS:

CITY OF BIDDEFORD

James Bennett
City Manager

WITNESS:

MAINE WATER COMPANY





Mark Vannoy
President



City Council

Meeting June 18, 2024

Date:

Meeting 6:00 PM

Time:

Agenda Item 11.g

No:

Item Rezoning Request / 118 Alfred Street (Tax Map & Lot# 38-303-1) from MSRD-2 to

Description: MSRD-1 / First Reading

Submitted David C.M. Galbraith, Deputy Development Director / City Planner

By:

Supporting Information/Documentation:

118 Alfred Street Rezoning. Order 6-18-24 1st reading, Exhibit A - 118 Alfred Street Rezoning - Map - Council 1st Reading 6-18-24, 118 Alfred Rezoning Dominos PB FINAL Hearing 5-15-24

Key Terms:

Executive Summary:

City Staff is proposing to rezone the property located at 118 Alfred Street (Tax Map & Lot# 38-303-1) from MSRD-2 to the MSRD-1 zoning district. The subject property is surrounded on two (2) sides by properties, including the Post Office to the immediate north, which are currently zoned MSRD-1.

Detailed Review:

The proposed rezoning was first introduced to the Planning Board on March 20, 2024 as planners Business. The proposed map amendment was also discussed on April 17, 2024 and was tabled as the Board requested additional information. The Planning Board also held two (2) additional public hearings, on May 1, 2024 and May 15, 2024. At the May 15th meeting the Board voted to approve the proposed rezoning which passed with a 2-1-0 vote.

The proposed rezoning came about due to the anticipated Elm Street Corridor Improvements which include the acquisition by eminent domain, by the Maine Department of Transportation (MDOT), of the existing Domino's Pizza which would be removed to make way for the

reconfiguration / extension of Pearl Street to make a four (4) way intersection of Pearl, Elm Street and Spruce Street.

When identifying possible locations for the relocated Domino's store, the only site that worked for the owner is the 118 Alfred Street location. This site was ideal as it keeps her store in the same general neighborhood and customer base, which was key as their existing Biddeford store is their most profitable store under her ownership. The 118 Alfred Street property is currently zoned MSRD-2 rezone but the Use (Restaurant) is currently not permitted in that zone.

However, the property is surrounded on 2 sides with properties located in the MSRD-1 zoning district, the most notable is the Post Office (Tax Map & Lot # 38-304), which is located to the immediate north and shown in pink, and additional commercially MSRD-1 zoned properties that extend down the east side of Alfred Street, beyond the subject property, ending at Birch Street. The immediate area would best be described as a mixed use neighborhood primarily made up of multi-family residential buildings and commercial buildings. Therefore, to relocate the business to this location, the zoning would need to be changed from MSRD-2 to MSRD-1.

The subject property is .37 acres (approx. 16,117 square feet) in area and the proposed rezoning would include the proposed property and portions of Washington Street and Alfred Street, immediate adjacent to the property as the existing zoning delineation lines are located at the center lines of the right-of-way.

Funding Source:

Staff Recommendation:

Staff recommends approval of the proposed rezoning as it seeks to extend the MSRD-1 zoning line to include the subject property, located to the immediate south and west of the current MSRD-1 zoning district boundary, which would allow the Domino's Pizza to relocate to this property. The Planning Board reviewed the proposed map amendment and forwarded a positive recommendation to the City Council to approve the proposed rezoning.

City of Biddeford



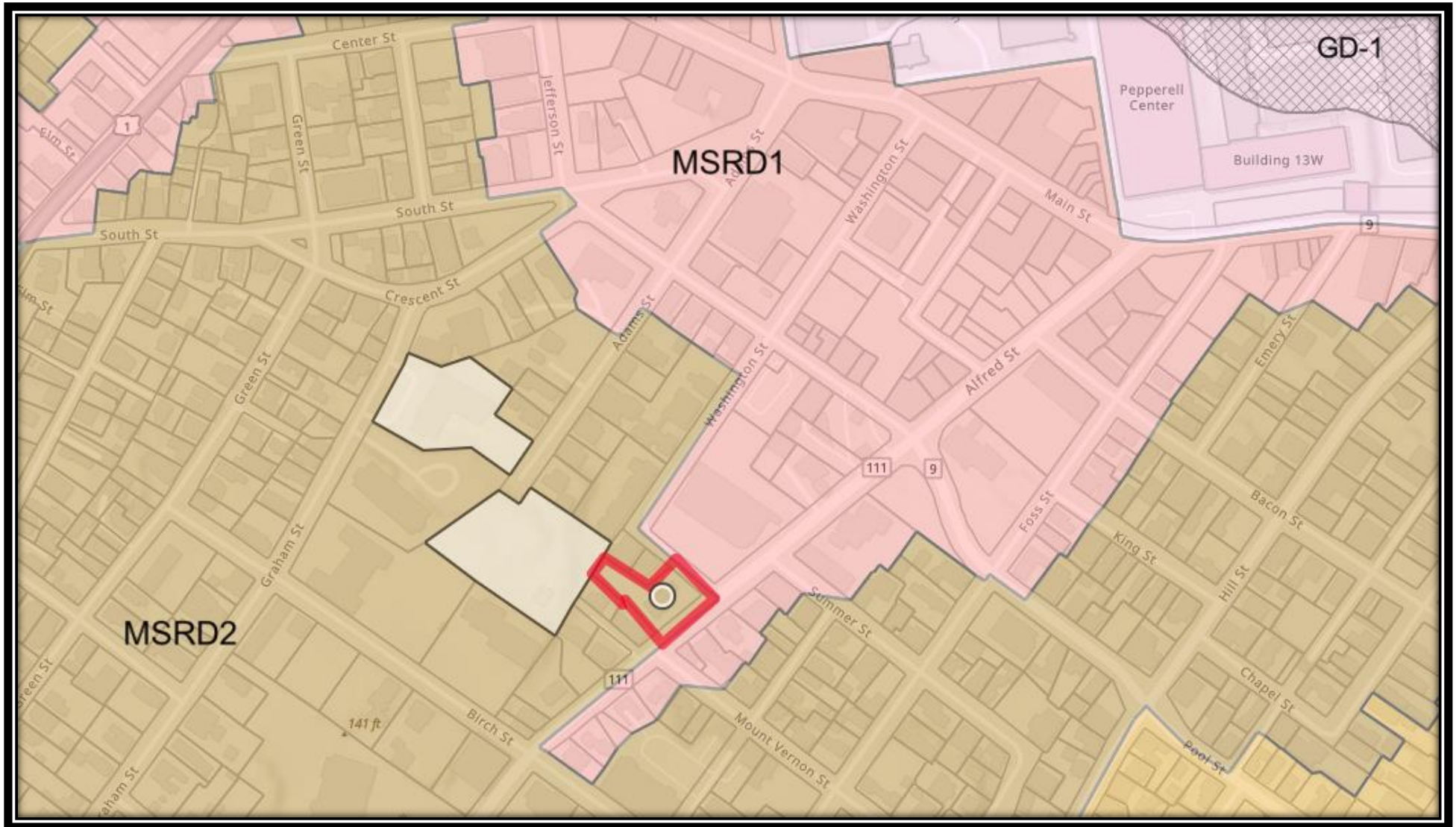
2024.99 **IN BOARD OF CITY COUNCIL JUNE 18, 2024 BE IT ORDAINED**, by the City Council of the City of Biddeford, that the Zoning and Land Use Map be amended to rezone the property located at 118 Alfred Street (Tax Map & Lot# 38-303-1) from MSRD-2 to MSRD-1, as illustrated on the attached map.

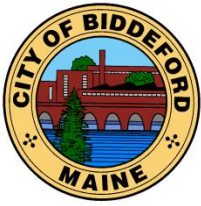
Attest by: _____

City Council – Meeting Date June 18, 2024

Rezoning Request: 118 Alfred Street (Tax Map & Lot# 38-303-1) from MSRD-2 to MSRD-1 / First Reading

Exhibit # 1





CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

David.Galbraith@biddefordmaine.org

PLANNING BOARD MEMORANDUM

TO: Chair Patoine and Members of the Biddeford Planning Board

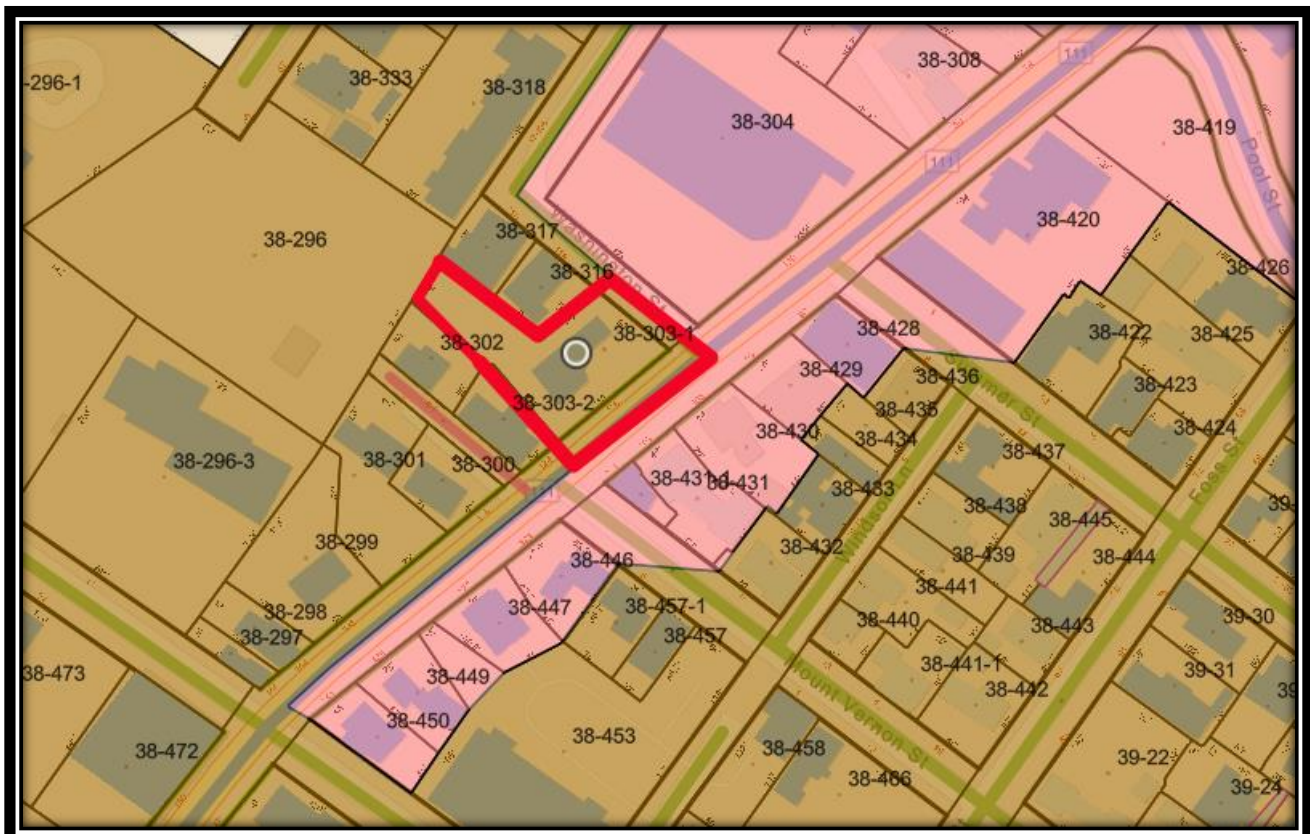
FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: May 2, 2024

RE: **Case # 2024.17 Rezoning Request / 118 Alfred Street (Tax Map & Lot# 38-303-1) / from MSRD-2 to MSRD-1 / Second Reading**

Hearing Date: May 15, 2024

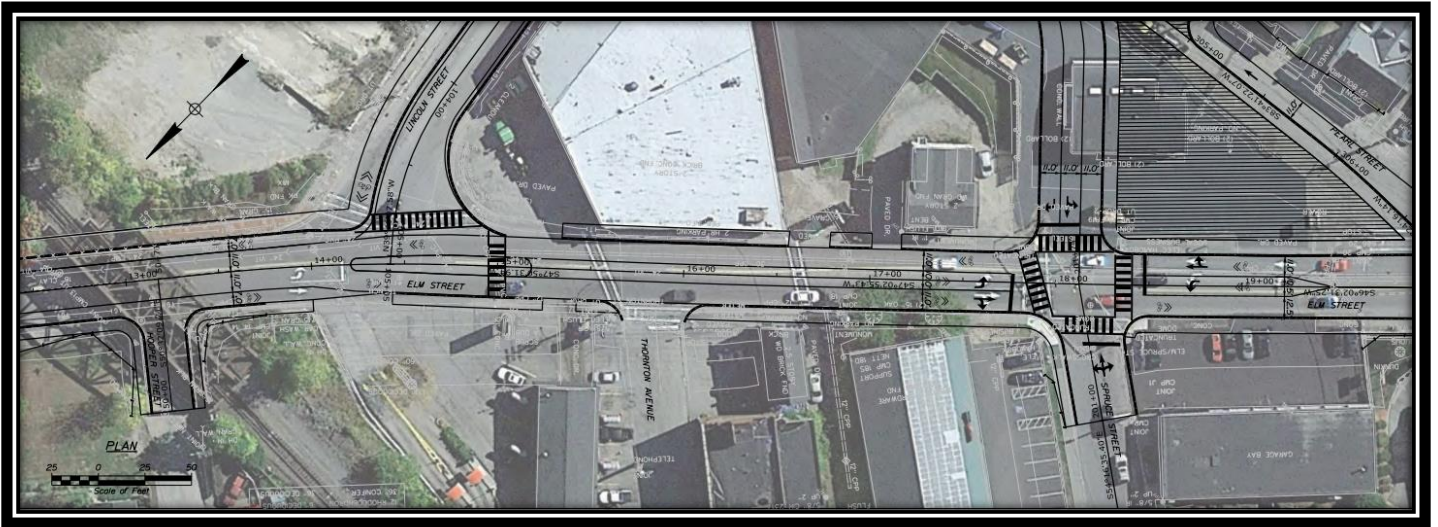
City Staff is proposing to rezone the property located at 118 Alfred Street (Tax Map & Lot# 38-303-1) from MSRD-2 to the MSRD-1 zoning district. This rezoning request was first brought before the Board under "Planner's Business" on March 20, 2024. This meeting included a very brief overview of the rezoning request, the existing use of the property and a discussion of the existing zoning in the immediate area.



118 Alfred Street (highlighted in red) proposed rezoning from MSRD-2 to MSRD-1

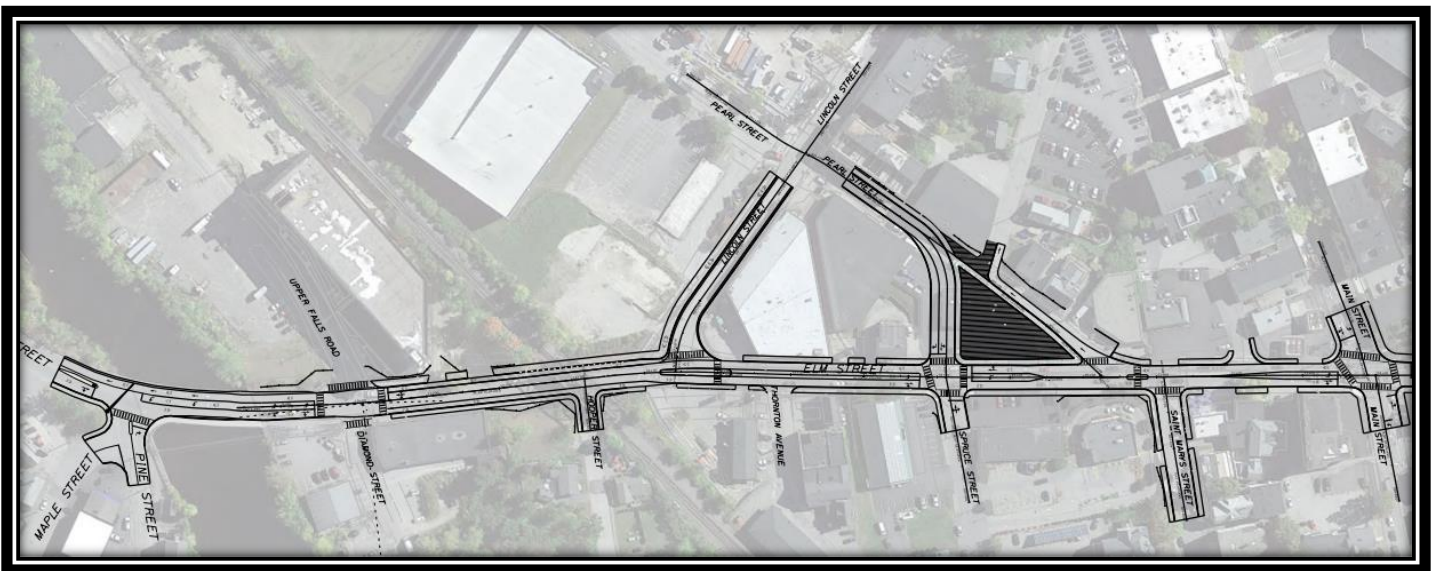
Case # 2024.17 – Rezoning Request / 118 Alfred Street (Tax Map & Lot# 38-303-1) / from MSRD-2 to MSRD-1 / Second Reading
Hearing Date: May 15, 2024

As the Board was made aware, City Staff has been working with the owner of Domino's Pizza, who is currently located at 111 Elm Street, who was/is searching for a new location for her business.



Elm Street Corridor Improvements – Progress Plans – Spruce Street Intersection Upgrades

As previously discussed at the Board meetings of March 20, 2024 (project introduction), April 17, 2024 (preliminary hearing – TABLED), and most recently at the Board’s May 1, 2024 meeting (preliminary hearing #2 – Passed 2-1-0), the property owner needs to vacate their existing building due to the planned Elm Street Corridor Improvement Project. The Corridor Project extends the length of Elm Street from Main Street (Biddeford) to Pine Street in the City of Saco. As illustrated above, the existing Domino’s Pizza (top right hand corner of above image) is proposed to be removed and replaced by an extension of Spruce Street, at the existing intersection. The Spruce Street extension would (as currently designed) need to go through the existing building and would connect to Pearl Street. The primary need for the Spruce Street extension is due to the need to make Lincoln Street a one way road flowing to the north. The existing left turn from Elm Street onto Lincoln Street, and the left hand turn from Lincoln Street onto Elm Street need to be eliminated for more efficient traffic flow.

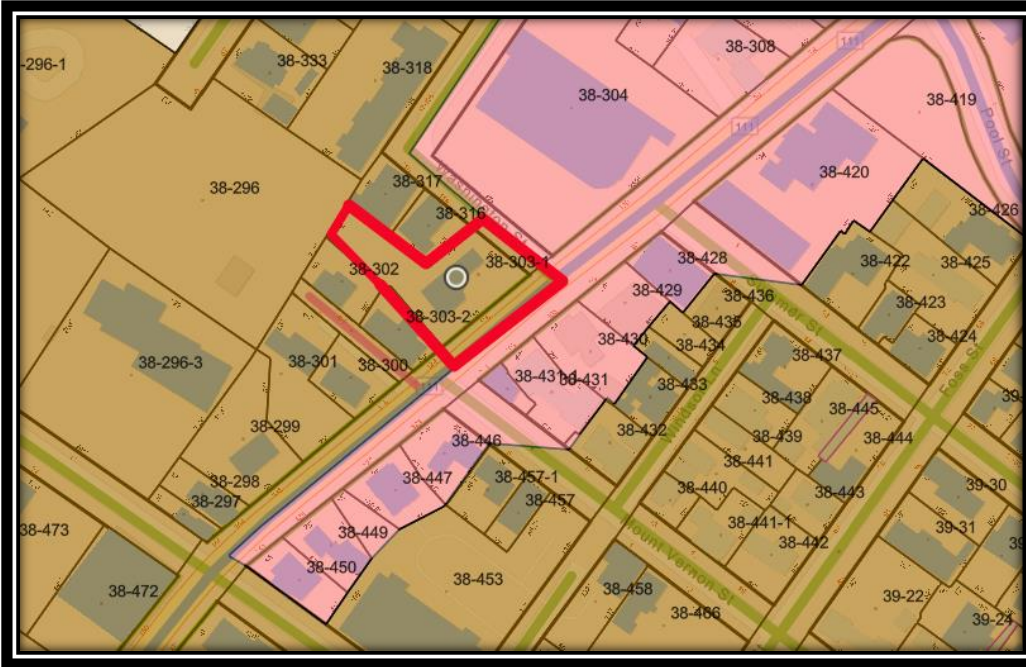


Elm Street Corridor Improvements – Progress Plans – Project Scope

Case # 2024.17 – Rezoning Request / 118 Alfred Street (Tax Map & Lot# 38-303-1) / from MSRD-2 to MSRD-1 / Second Reading
Hearing Date: May 15, 2024

When identifying possible locations for the relocated Domino’s store, the only site that seemed to work for the owner is the 118 Alfred Street location. This site was ideal as it keeps her store in the same general neighborhood and customer base, which was key as their existing Biddeford store is their most profitable store under her ownership. The 118 Alfred Street property is currently zoned MSRD-2 rezone but the Use (Restaurant) is currently not permitted in that zone. However, the property is surrounded on 2 sides with properties located in the MSRD-1 zoning district, the most notable is the Post Office (Tax Map & Lot # 38-304), which is located to the immediate north and shown in pink, and additional commercially MSRD-1

zoned properties that extend down the east side of Alfred Street, beyond the subject property, ending at Birch Street. The immediate area would best be described as a mixed use neighborhood primarily made up of multi-family residential buildings and commercial buildings. Therefore, to relocate the business to this location, the zoning would need to be changed from MSRD-2 to MSRD-1.



Proposed Rezoning Area from MSRD-2 to MSRD-1



118 Alfred Street (Tax Map & Lot# 38-303-1) / from MSRD-2 to MSRD-1



118 Alfred Street (Tax Map & Lot# 38-303-1) / from MSRD-2 to MSRD-1

The subject property is .37 acres (approx. 16,117 square feet) in area and the proposed rezoning would include the proposed property and portions of Washington Street and Alfred Street, immediate adjacent to the property as the existing zoning delineation lines are located at the center lines of the right-of-way.

2. PROJECT DATA/INFORMATION:

Property Address: 118 Alfred Street
Tax ID#: Tax Map & Lot# 38-303-1
Current Zoning: MSRD-2
Proposed Zoning: MSRD-1
Lot Size: .37 acres (approx. 16,117 square feet)

Case # 2024.17 – Rezoning Request / 118 Alfred Street (Tax Map & Lot# 38-303-1) / from MSRD-2 to MSRD-1 / Second Reading
Hearing Date: May 15, 2024

3. **REVIEW PROCESS:** The proposed rezoning process requires two (2) public hearings by the Planning Board followed with a recommendation to the City Council for approval or denial. The City Council then reviews, at two (2) regularly scheduled meetings, and votes to deny or approve the proposed rezoning.

4. **STAFF RECOMMENDATION:** This request is being evaluated for Final Rezoning review. Staff is supportive of the proposed rezoning as it seeks to extend the MSRD-1 zoning line to include the subject property, located to the immediate south and west of the current MSRD-1 zoning district boundary.

5. **SAMPLE MOTIONS:**

A. Motion to approve Case # 2024.17 Final Rezoning Review for the property located at 118 Alfred Street (Tax Map & Lot# 38-303-1) from the MSRD-2 zoning district to the MSRD-1 zoning district.

B. Motion to Table Case # 2024.17 Final Rezoning Review for the property located at 118 Alfred Street (Tax Map & Lot# 38-303-1) from the MSRD-2 zoning district to the MSRD-1 zoning district, based upon the following reasons:

- a) _____
- b) _____
- c) _____

C. Motion to Deny Case # 2024.17 Final Rezoning Review for the property located at 118 Alfred Street (Tax Map & Lot# 38-303-1) from the MSRD-2 zoning district to the MSRD-1 zoning district, based upon the following reasons:

- a) _____
- b) _____
- c) _____



City Council

Meeting June 18, 2024

Date:

Meeting 6:00 PM

Time:

Agenda 11.h

Item No:

Item Zoning Ordinance Text Amendment: Code of Ordinances, Part III: Land

Description: Development Regulations, Article XII Floodplain Management Ordinance – FIRST READING

Submitted David C.M. Galbraith, Deputy Development Director

By:

Supporting Information/Documentation:

Floodplain Management Zoning Amendment. Order, Floodplain Management Ordinance Planning Board Hearing 2 6-6-24 FINAL red and blue, Floodplain Management Ordinance SECOND READING PB MEMO 6-5-2024

Key Terms:

Executive Summary:

Based upon discussions at a public hearing at the Planning Board's May 15, 2024, City Staff has prepared amended Floodplain Management Ordinance for City Council discussion and passage.

The proposed Floodplain Management Ordinance Amendments includes amended text and FEMA Flood Maps which will be adopted on or before July 17, 2024 as dictated by the Federal Emergency Management Agency (FEMA). This is the City Council's first reading of this Ordinance Amendment and a second reading will be required.

Detailed Review:

The proposed Ordinance amendment was first discussed at a public hearing at the Planning Board's May 15, 2024 and the second required hearing was conducted on June 5, 2024. The Board reviewed the proposed Ordinance Amendment, and voted 4-0-0 to forward a recommendation for Council approval as originally proposed and written.

The City of Biddeford received a Letter of Final Determination (LFD) from the Federal Emergency Management Agency (FEMA) which sets the effective date of the new Digital Flood

Insurance Rate Maps (DFIRMs) for York County on or before July 17, 2024. The LFD marks the beginning of a six-month time period for communities to update their local Floodplain Management Ordinances to reflect any changes since the last ordinance was adopted and to incorporate the new map date.

Biddeford must adopt an updated Floodplain Management Ordinance which references the new map date on or before July 17, 2024, in order to avoid being immediately suspended from the NFIP.

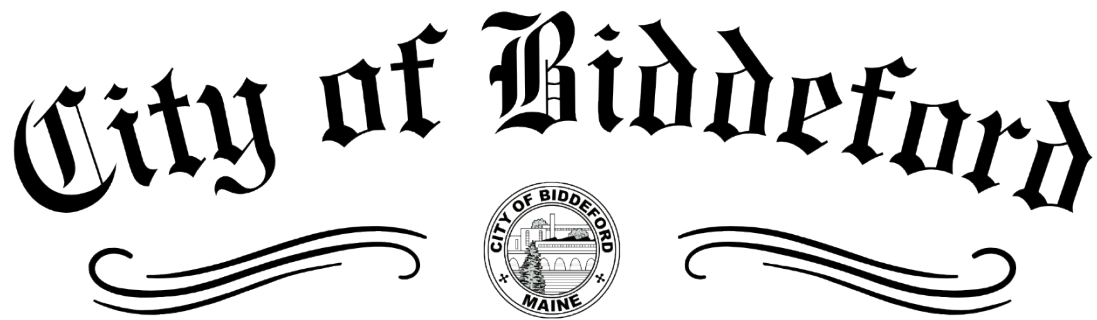
Suspension from the NFIP will have immediate affects, particularly for those with flood insurance policies in effect. Policies cannot be renewed and new policies cannot be written if the community is suspended. Obviously, the City does not want to see that happen to our citizens / property owners. Participation in the NFIP provides protection to those members of our community who may be affected by flooding. In addition, federal flood insurance is available to those who have federally backed mortgages in the floodplain. Another important benefit is our community's eligibility for disaster funding and low interest loans if/when our county is in a declared disaster area. This is all possible by way of our community's commitment to adopt, administer, and enforce its floodplain ordinance and our commitment to regulate development within Biddeford's flood prone areas.

Attached is a copy of the most current state model Floodplain Management Ordinance that has been customized specifically for the City of Biddeford. The attached Ordinance contains all the changes that have occurred at the federal and state level since our Floodplain Management Ordinance was last adopted / amended. As FEMA has very specific requirements regarding ordinance language, the City is being encouraged to adopt the Ordinance without changes. The Planning Board reviewed the Ordinance Amendment and forwarded a positive recommendation to the City Council to adopt the proposed Ordinance as written.

Funding Source:

Staff Recommendation:

As outlined above, Biddeford must adopt an updated Floodplain Management Ordinance which references the new map date on or before July 17, 2024, in order to avoid being immediately suspended from the NFIP. Staff is recommending the adoption of the proposed / attached Ordinance in addition to repealing the City's existing Ordinance, immediately following the adoption of the proposed Ordinance. Attached for the City Council's review is the proposed Amendments to the City's Floodplain Management Ordinance with proposed text highlighted in blue underline and text deletions shown in ~~red strikethrough~~. These changes reflect the adoption of the new standards in their entirety, and deleting our existing ordinance in their entirety, as recommended by the Department of Agriculture, Conservation & Forestry – Maine Floodplain Management Program.



2024.98 **IN BOARD OF CITY COUNCIL ON JUNE 17, 2024 BE IT**
ORDAINED, by the City Council of the City of Biddeford, that the City's Code of
Ordinances, Part III: Land Development Regulations, Article XII – Floodplain
Management Ordinance Amendment to include the proposed text additions highlighted in
blue underline and text deletions shown in ~~red strikethrough~~. These changes reflect the
adoption of the new standards in their entirety, including the adoption of the new FEMA
Flood Maps on or before July 17, 2024, and deleting our existing ordinance in its entirety,
as dictated by Federal Emergency Management Agency (FEMA) and as recommended
by the Department of Agriculture, Conservation & Forestry – Maine Floodplain
Management Program – FIRST READING.

Attest by: _____

FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

CITY OF BIDDEFORD, MAINE

ENACTED: _____
Date

EFFECTIVE: _____
Date

CERTIFIED BY: _____
Signature

CERTIFIED BY: _____
Print Name

Title

Affix Seal

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FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the City of Biddeford, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the City of Biddeford, Maine has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the City of Biddeford, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The City of Biddeford has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the City of Biddeford having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the City of Biddeford, Maine.

The areas of special flood hazard, Zones A, AE, and VE for the City of Biddeford, York County, Maine, identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study – York County, Maine” dated July 17, 2024, with accompanying “Flood Insurance Rate Map” dated July 17, 2024, are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

The Code Enforcement Officer shall be designated as the local Floodplain Administrator. The Floodplain Administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

Before any construction or other development (as defined in Article XIV), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer, except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the City of Biddeford, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address, and phone number of the applicant, owner, and contractor;

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- B. An address and a map indicating the location of the construction site;
 - C. A site plan showing locations of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
 - D. A statement of the intended use of the structure and/or development;
 - E. A statement of the cost of the development including all materials and labor;
 - F. A statement as to the type of sewage system proposed;
 - G. Specification of dimensions of the proposed structure and/or development;
- [Items H-K.3. apply only to new construction and substantial improvements.]
- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE, and VE from data contained in the "Flood Insurance Study - York County, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.M. and IX.D.; or,
 - (2) in the absence of all data described in Article III.H.1.b.(1), information to demonstrate that the structure shall meet the elevation requirement in Article VI.H.2.b., Article VI.I.2.b., or Article VI.J.2.b.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement;
 - 4. lowest machinery and equipment servicing the building; and,
 - 5. level, in the case of non-residential structures only, to which the structure will be floodproofed.
 - I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
 - J. A written certification by:

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1. a Professional Land Surveyor that the grade elevations shown on the application are accurate; and,
2. a Professional Land Surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate.

K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form FF-206-FY-22-153, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article VI.I., and other applicable standards in Article VI;
2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE and Coastal AE Zone, will meet the criteria of Article VI.R.; and other applicable standards in Article VI;
3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.N.2.a.;
4. a certified statement that bridges will meet the standards of Article VI.O.;
5. a certified statement that containment walls will meet the standards of Article VI.P.

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee shall be paid to the City through the Code Enforcement Office. This fee is separate from the other required permit and review fees.

- a. The fee for development projects will be \$100.
- b. In cases where projects meet the definition for minor development the fee shall be \$50.

An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

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ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study - York County, Maine," as described in Article I;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.(1); Article VI.M.; and Article IX.D., in order to administer Article VI of this Ordinance; and,
 - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b.(1), the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits, based on the type of development:
 - 1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an "under construction" Elevation Certificate completed by a Professional Land Surveyor based on the Part I permit construction for verifying compliance with the elevation requirements of Article VI, paragraphs H., I., J., or R. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

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2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.I.1. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance, and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. All Development - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and,
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.

- B. Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

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- C. Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. Utilities** - New construction or substantial improvement of any structure (including manufactured homes) located within:
1. Zones A and AE shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least one foot above the base flood elevation.
 2. Zone VE shall meet the requirements of Article VI.R.2.
- G. Physical Changes to the Natural Landscape** - Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.
1. All development projects in Zones AE and VE that cause physical changes to the natural landscape shall be reviewed by a Professional Engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.
 - a. If the Professional Engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.
 - b. If the Professional Engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.
 2. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.
 3. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than 6 months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.

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H. **Residential** - New construction or substantial improvement of any residential structure located within:

1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
2. Zone A shall have the lowest floor (including basement) elevated:
 - a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D., or;
 - b. in the absence of all data described in Article VI.H.2.a., to at least two feet above the highest adjacent grade to the structure.
3. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of Article VI.R.

I. **Non-Residential** - New construction or substantial improvement of any non-residential structure located within:

1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K., and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zone A shall have the lowest floor (including basement) elevated:
 - a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D., or;
 - b. in the absence of all data described in Article VI.I.2.a., to at least two feet above the highest adjacent grade to the structure; or,
 - c. together with attendant utility and sanitary facilities, be floodproofed to one foot above the elevation established in Article VI.I.2.a. or b. and meet the floodproofing standards of Article VI.I.1.a., b., and c.

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5. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of Article VI.R.

J. **Manufactured Homes** - New or substantially improved manufactured homes located within:

1. Zone AE shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) All components of the anchoring system described in Article VI.J.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.J.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D.; or,
- b. in the absence of all data described in Article VI.J.2.a., to at least two feet above the highest adjacent grade to the structure; and,
- c. meet the anchoring requirements of VI.J.1.c.

5. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of Article VI.R.

K. **Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A and AE shall either:

- a. be on the site for fewer than 180 consecutive days; and,

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b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.J.1.

2. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of either Article VI.K.1.a. and b., or Article VI.R.

L. Accessory Structures - New construction or substantial improvement of Accessory Structures, as defined in Article XIV, shall be exempt from the elevation criteria required in Article VI.H. & I. above, if all other requirements of Article VI and all the following requirements are met.

1. Accessory Structures located in Zones A and AE shall:

a. meet the requirements of Article VI.A.1. through 4., as applicable;

b. be limited in size to a one-story two car garage;

c. have unfinished interiors and not be used for human habitation;

d. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and, when possible, outside the Special Flood Hazard Area;

e. be located outside the floodway;

f. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure;

g. have hydraulic openings, as specified in Article VI.N.2., in at least two different walls of the accessory structure; and

h. be located outside the Coastal AE Zone.

2. Accessory Structures in Zone VE and Coastal A Zones shall meet the requirements of Article VI.R.

M. Floodways -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such

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encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones A and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.M.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

- a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
- b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.

3. In Zones A and AE riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

N. Hydraulic Openings/Flood Vents - New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs H., I., or J. and is elevated on posts, columns, piers, piles, or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIV;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

- a. be engineered and certified by a registered professional engineer or architect; or,
- b. meet or exceed the following minimum criteria:

- (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

- (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

- (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

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3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

O. **Bridges** - New construction or substantial improvement of any bridge in Zones A, AE, and VE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings or columns) is elevated to at least one foot above the base flood elevation; and,

2. a registered professional engineer shall certify that:

a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.M.; and,

b. the foundation and superstructure attached thereto are designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

P. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones A, AE, and VE shall:

a. have the containment wall elevated to at least one foot above the base flood elevation;

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

Q. **Wharves, Piers, and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in and over water and seaward of the mean high tide if the following requirements are met:

1. in Zones A and AE, wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; or,

2. in Zone VE, wharves, piers, and docks shall have a registered professional engineer develop or review the structural design, specifications, and plans for the construction.

R. **Coastal Floodplains** -

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1. New construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.R.7.
2. New construction or substantial improvement of any structure located within Zone VE or Coastal AE Zone shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least one foot above the base flood elevation. Systems, fixtures, equipment, and components shall not be mounted on or penetrate through walls intended to break away under flood loads.
3. New construction or substantial improvement of any structure located within Zone VE and Coastal AE Zones (as defined) shall:
 - a. be elevated on posts or columns such that:
 - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to at least one foot above the base flood elevation;
 - (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
 - (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
 - b. have the space below the lowest floor:
 - (1) free of obstructions; or,
 - (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
 - (3) constructed with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
 - c. require a registered professional engineer or architect to:
 - (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,
 - (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.R.3.

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4. The use of fill for structural support in Zone VE and Coastal AE Zones is prohibited.
5. Human alteration of sand dunes within Zone VE and Coastal AE Zones is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
6. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.
7. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.I. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.M., and VI.N. are met:
 - a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.
 - b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
 - c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
 - d. The structure shall have unfinished interiors and shall not be used for human habitation.
 - e. Any mechanical, utility equipment, and fuel storage tanks must be anchored and either elevated or floodproofed to at least one foot above the base flood elevation.
 - f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and, when possible, outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Code Enforcement Officer that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

A. Review Procedure for a Conditional Use Flood Hazard Development Permit

1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied may serve as the permit application for the Conditional Use Permit.
2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.

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3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.
4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:

1. an Elevation Certificate completed by a Professional Land Surveyor for compliance with Article VI, paragraphs H., I., J., or R.; and,
2. for structures in Zone VE and Coastal AE Zone (as defined), certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Article VI.R.3.

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.

C. Within 10 working days, the Code Enforcement Officer shall:

1. review the required certificate(s) and the applicant's written notification; and,
2. upon determination that the development conforms to the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, local ordinances or regulations, and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE X - APPEALS AND VARIANCES

The Board of Appeals of the City of Biddeford may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances; and,

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- 3. a showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances; and,
- 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. the criteria of Article X.A. through C. and Article VI.M. are met; and,
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - 1. the development meets the criteria of Article X.A. through C.; and,
 - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Variances may be issued for new construction and substantial improvement of Agricultural Structures being used for the conduct of agricultural uses provided that:
 - 1. the development meets the criteria of Article X.A. through C.; and,
 - 2. the development meets the criteria of Article VI.M. and Article VI.N.
- G. Any applicant who meets the criteria of Article X.A. through C. and Article X.D., E., or F. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

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1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage; and,
2. such construction below the base flood level increases risks to life and property; and,
3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks, and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

H. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE XI - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.

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C. In addition to other actions, the Code Enforcement Officer, upon identifying a violation, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial. The valid declaration shall consist of:

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XII - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIV - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law, and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

Adjacent Grade - the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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Agricultural Structure - structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

Area of Special Flood Hazard - land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - any area of a building that includes a floor that is subgrade (below ground level) on all sides.

Breakaway Wall - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - see **Structure**.

Certificate of Compliance - a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Coastal AE Zone - The portion of the Coastal High Hazard Area with wave heights between 1.5 feet and 3.0 feet and bounded by a line labeled the “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM). VE Zone floodplain construction standards are applied to development, new construction, and substantial improvements in the Coastal AE Zone.

Coastal High Hazard Area - An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zone VE and Zone AE bounded by a line labeled “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM).

Code Enforcement Officer - a person certified under Title 30-A MRSA, Section 4451 (including exceptions in Section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws.

Conditional Use - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

Containment Wall - a wall surrounding all sides of an above ground tank to contain any spills or leaks.

Development - any manmade change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

Elevated Building - a non-basement building that is:

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- a. built, in the case of a building in Zones A or AE, so that the top of the elevated floor, or in the case of a building in Zone VE or Coastal AE Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, posts, or piers; and,
- b. adequately anchored to not impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.N. In the case of Zone VE and Coastal AE Zone, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.R.3.b.(3).

Elevation Certificate - an official form (FEMA Form FF-206-FY-22-152, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

Existing Manufactured Home Park or Subdivision - a manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community's first floodplain management regulations.

Flood or Flooding -

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

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Floodplain or Floodprone Area - any land area susceptible to being inundated by water from any source (see **Flood or Flooding**).

Floodplain Management - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

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1. By an approved state program as determined by the Secretary of the Interior, or,
2. Directly by the Secretary of the Interior in states without approved programs.

Limit of Moderate Wave Action (LiMWA) - The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are bounded by a line labeled “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM). The LiMWA line delineates that portion of the Special Flood Hazard Area (SFHA) landward of a VE zone in which the principal sources of flooding are astronomical high tides, storm surges, or tsunamis, not riverine sources. These areas may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces. The floodplain development and construction standards for VE Zones will be applied in the Coastal AE Zone.

Locally Established Datum - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.N. of this Ordinance.

Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

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National Geodetic Vertical Datum (NGVD) - the national vertical datum, a standard established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD is based upon mean sea level in 1929 and has been called “1929 Mean Sea Level” (MSL).

New Construction - structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD) - the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon the vertical data used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - a vehicle that is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and,
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, and,
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a

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manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

Variance - a grant of relief by a community from the terms of a floodplain management regulation.

Violation - the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

ARTICLE XVI - DISCLAIMER OF LIABILITY

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

Section 1 Purpose and establishment.

[Ord. No. 2006.26,^[1] 5-2-2006]

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~~Certain areas of the City of Biddeford, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.~~

~~Therefore, the City of Biddeford, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.~~

~~It is the intent of the City of Biddeford, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.~~

~~The City of Biddeford has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A M.R.S.A. §§ 3001 through 3007, 4352 and 4401 through 4407, and Title 38 M.R.S.A. § 440.~~

~~The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the City of Biddeford having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This ordinance establishes a flood hazard development permit system and review procedure for development activities in the designated flood hazard areas of the City of Biddeford, Maine.~~

~~The areas of special flood hazard, Zones A, A1 — 30, AO, and V1 — 30, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study-City of Biddeford, Maine, York County," dated November 15, 1983 with accompanying "Flood Insurance Rate Map" dated May 15, 1984, and "Flood Boundary and Floodway Map" dated May 15, 1984, which are hereby adopted by reference and declared to be a part of this ordinance.~~

~~[1] Editor's Note: This ordinance amended former Art. XII, Floodplain Management Ordinance, in its entirety. Said Art. XII was originally adopted as Ord. of 6-2-198(3), Arts. I through XIV.~~

Section 2 Permit required.

[Ord. No. 2006.26, 5-2-2006]

~~Before any construction or other development (as defined in Section 14), including the placement of manufactured homes, begins within any areas of special flood hazard established in Section 1, a flood hazard development permit shall be obtained from the Code Enforcement~~

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~~Officer except as provided in Section 7. This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances of the City of Biddeford, Maine.~~

~~Section 3 **Application for permit.**~~

~~{Ord. No. 2006.26, 5-2-2006}~~

~~The application for a flood hazard development permit shall be submitted to the Code Enforcement Officer and shall include:~~

- ~~A. The name, address and phone number of the applicant, owner, and contractor;~~
- ~~B. An address and a map indicating the location of the construction site;~~
- ~~C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;~~
- ~~D. A statement of the intended use of the structure and/or development;~~
- ~~E. A statement of the cost of the development including all materials and labor;~~
- ~~F. A statement as to the type of sewage system proposed;~~
- ~~G. Specification of dimensions of the proposed structure and/or development;
{Items H—K3 apply only to new construction and substantial improvements.}~~
- ~~H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum in Zone A only, of the:
 - ~~1. Base flood at the proposed site of all new or substantially improved structures, which is determined:
 - ~~a. In Zones A1—30, AO, and V1—30, from data contained in the "Flood Insurance Study-City of Biddeford, Maine," as described in Section 1; or~~
 - ~~b. In Zone A:
 - ~~(1) From any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA-265/July 1995), including information obtained pursuant to Section 6K and 9D;~~~~~~~~

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~~(2) From the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a professional land surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data;~~

~~(3) To be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.~~

~~2. Highest and lowest grades at the site adjacent to the walls of the proposed building;~~

~~3. Lowest floor, including basement; and whether or not such structures contain a basement; and,~~

~~4. Level, in the case of nonresidential structures only, to which the structure will be floodproofed;~~

~~I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Section 6;~~

~~J. A written certification by a professional land surveyor, registered professional engineer or architect, that the base flood elevations and grade elevations shown on the application are accurate;~~

~~K. The following certifications as required in Section 6 by a registered professional engineer or architect:~~

~~1. A floodproofing certificate (FEMA Form 81-65, 01/03, as amended), to verify that the floodproofing methods for any nonresidential structures will meet the floodproofing criteria of Section 3H4; Section 6G; and other applicable standards in Section 6;~~

~~2. A V-Zone certificate to verify that the construction in coastal high hazard areas, Zones V1—30, will meet the criteria of Section 6P; and other applicable standards in Section 6;~~

~~3. A hydraulic openings certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Section 6L2a;~~

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~~4. A certified statement that bridges will meet the standards of Section 6M;~~

~~5. A certified statement that containment walls will meet the standards of Section 6N;~~

~~L. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and~~

~~M. A statement of construction plans describing in detail how each applicable development standard in Section 6 will be met.~~

~~Section 4 **Application fee and expert's fee.**~~

~~[Ord. No. 2006.26, 5-2-2006]~~

~~A nonrefundable application fee shall be paid to the City through the Code Enforcement Office. This fee is separate from other required permit and review fees.~~

~~a. The fee for development projects will be \$100.~~

~~b. In cases where projects meet the definition for minor development the fee shall be \$50.~~

~~An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire an expert may appeal that decision to the Board of Appeals.~~

~~Section 5 **Review standards for flood hazard development permit applications.**~~

~~[Ord. No. 2006.26, 5-2-2006]~~

~~The Code Enforcement Officer shall:~~

~~**A.** Review all applications for the flood hazard development permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of Section 6 (development standards) have, or will be met;~~

~~**B.** Utilize, in the review of all flood hazard development permit applications:~~

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- ~~1. The base flood data and floodway data contained in the "Flood Insurance Study—City of Biddeford, Maine," as described in Section 1.~~
- ~~2. In special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Section 3 H1b; Section 6K and Section 9D, in order to administer Section 6 of this ordinance.~~
- ~~C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 1 of this ordinance;~~
- ~~D. In the review of flood hazard development permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;~~
- ~~E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Emergency Management Agency;~~
- ~~F. If the application satisfies the requirements of this ordinance, approve the issuance of one of the following flood hazard development permits based on the type of development:~~
 - ~~1. A two-part flood hazard development permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an elevation certificate completed by a professional land surveyor, registered professional engineer or architect, based on the Part I permit construction, "as built," for verifying compliance with the elevation requirements of Section 6, Paragraphs F, G, H, or P. Following review of the elevation certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the flood hazard development permit. Part II shall authorize the applicant to complete the construction project; or~~

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~~2. Issue a flood hazard development permit for flood proofing of nonresidential structures that are new construction or substantially improved nonresidential structures that are not being elevated but that meet the floodproofing standards of Section 6G1a, b, and c. The application for this permit shall include a floodproofing certificate signed by a registered professional engineer or architect; or~~

~~3. A flood hazard development permit for minor development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, or renovations, whose value is less than 50% of the assessed value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Section 6J, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.~~

~~G. Maintain, as a permanent record, copies of all flood hazard development permit applications, corresponding permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 10 of this ordinance, and copies of elevation certificates, floodproofing certificates, certificates of compliance and certifications of design standards required under the provisions of Sections 3, 6, and 8 of this ordinance.~~

~~Section 6 Development standards.~~

~~[Ord. No. 2006.26, 5-2-2006]~~

~~All development in areas of special flood hazard shall meet the following applicable standards:~~

~~A. All development. All development shall:~~

- ~~1. Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;~~
- ~~2. Use construction materials that are resistant to flood damage;~~
- ~~3. Use construction methods and practices that will minimize flood damage; and,~~

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- ~~4. Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.~~
- ~~B. Water supply. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.~~
- ~~C. Sanitary sewage systems. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwaters.~~
- ~~D. On-site waste disposal systems. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.~~
- ~~E. Watercourse carrying capacity. All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood-carrying capacity of any watercourse.~~
- ~~F. Residential. New construction or substantial improvement of any residential structure located within:
 - ~~1. Zones A1—30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.~~
 - ~~2. Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.~~
 - ~~3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - ~~a. At least one foot higher than the depth specified in feet on the community's flood insurance rate map; or,~~
 - ~~b. At least three feet if no depth number is specified.~~~~~~

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- ~~4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Section 3H1b; Section 5B; or Section 9D.~~
- ~~5. Zones V1—30 shall meet the requirements of Section 6D.~~

~~G. Nonresidential. New construction or substantial improvement of any nonresidential structure located within:~~

- ~~1. Zones A1—30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:~~
 - ~~a. Be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;~~
 - ~~b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and~~
 - ~~c. Be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by Section 3K and shall include a record of the elevation above mean sea level to which the structure is floodproofed.~~
- ~~2. Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.~~
- ~~3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:~~
 - ~~a. At least one foot higher than the depth specified in feet on the community's flood insurance rate map; or~~
 - ~~b. At least three feet if no depth number is specified; or~~

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~~c. Together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of Section 6G1.~~

~~4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Section 3H1b; Section 5B; or Section 9D; or~~

~~a. Together with attendant utility and sanitary facilities meet the floodproofing standards of Section 6G1.~~

~~5. Zones V1—30 shall meet the requirements of Section 6P.~~

~~H. Manufactured homes. New or substantially improved manufactured homes located within:~~

~~1. Zone A1—30 shall:~~

~~a. Be elevated on a permanent foundation such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation; and~~

~~b. Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and~~

~~c. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:~~

~~(1) Over the top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by~~

~~(2) Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).~~

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~~(3) All components of the anchoring system described in Section 6, Paragraph H1c(1) and (2) shall be capable of carrying a force of 4,800 pounds.~~

~~2. Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.~~

~~3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:~~

~~a. At least one foot higher than the depth specified in feet on the community's flood insurance rate map; or~~

~~b. At least three feet if no depth number is specified; and~~

~~c. Meet the anchoring requirements of Section 6H1c.~~

~~4. Zone A shall:~~

~~a. Be elevated on a permanent foundation as described in Section 6H1b, such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Section 3H1b; Section 5B; or Section 9D; and~~

~~b. Meet the anchoring requirements of Section 6H1b.~~

~~5. Zones V1—30 shall meet the requirements of Section 6P.~~

~~I. Recreational vehicles. Recreational vehicles located within:~~

~~1. Zones A1—30 shall either:~~

~~a. Be on the site for fewer than 180 consecutive days;~~

~~b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick~~

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~~disconnect type utilities and security devices, and has no permanently attached additions; or~~

~~c. Be permitted in accordance with the elevation and anchoring requirements for manufactured homes in Section 6H1.~~

~~2. Zones V1—30 shall meet the requirements of either Section 6I1a or b, or Section 6P.~~

~~J. Accessory structures. Accessory structures, as defined in Section 14, located within Zones A1—30, AO, and A, shall be exempt from the elevation criteria required in Section 6F and G above, if all other requirements of Section 6 and all the following requirements are met. Accessory structures shall:~~

~~1. Be 500 square feet or less and have a value less than \$3,000;~~

~~2. Have unfinished interiors and not be used for human habitation;~~

~~3. Have hydraulic openings, as specified in Section 6L2, in at least two different walls of the accessory structure;~~

~~4. Be located outside the floodway;~~

~~5. When possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and~~

~~6. Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the special flood hazard area.~~

~~K. Floodways.~~

~~1. In Zones A1—30 riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's "flood boundary and floodway map," unless a technical evaluation certified by a registered professional engineer is provided demonstrating~~

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~~that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.~~

~~2. In Zones A1—30 and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Section 6K3 unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:~~

~~a. Will not increase the water surface elevation of the base flood more than one foot at any point within the community; and~~

~~b. Is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study Guidelines and Specifications for Study Contractors, (FEMA 37/January 1995, as amended).~~

~~3. In Zones A1—30 and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high-water mark to the upland limit of the floodplain.~~

~~L. Enclosed areas below the lowest floor. New construction or substantial improvement of any structure in Zones A1—30, AO, and A that meets the development standards of Section 6, including the elevation requirements of Section 6, Paragraphs F, G, or H and is elevated on posts, columns, piers, piles, stilts, or crawl spaces may be enclosed below the base flood elevation requirements, provided all the following criteria are met or exceeded:~~

~~1. Enclosed areas are not "basements" as defined in Section 14; and,~~

~~2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:~~

~~a. Be certified by a registered professional engineer or architect; or~~

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~~b. Meet or exceed the following minimum criteria:~~

~~(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;~~

~~(2) The bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and~~

~~(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the entry and exit of floodwaters automatically without any external influence or control such as human intervention, including the use of electrical and other nonautomatic mechanical means;~~

~~3. The enclosed area shall not be used for human habitation; and~~

~~4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.~~

~~M. Bridges. New construction or substantial improvement of any bridge in Zones A1—30, AO, A, and V1—30 shall be designed such that:~~

~~1. When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and~~

~~2. A registered professional engineer shall certify that:~~

~~a. The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Section 6K; and~~

~~b. The foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.~~

~~N. Containment walls. New construction or substantial improvement of any containment wall located within:~~

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~~1. Zones A1—30, A, and V1—30 shall:~~

- ~~a. Have the containment wall elevated to at least one foot above the base flood elevation;~~
- ~~b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and~~
- ~~c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by Section 3K.~~

~~2. Zone AO shall have adequate drainage paths around containment walls on slopes, to guide floodwater away from the proposed walls.~~

~~3. Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:~~

- ~~a. At least one foot higher than the depth specified in feet on the community's flood insurance rate map; or~~
- ~~b. At least three feet if no depth number is specified; and~~
- ~~c. Shall meet the requirements of Section 6N1b and c.~~

~~O. Wharves, piers and docks. New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A1—30, AO, A, and V1—30, in and over water and seaward of the mean high tide if the following requirements are met:~~

- ~~1. Wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and~~
- ~~2. For commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.~~

~~P. Coastal floodplains.~~

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- ~~1. All new construction located within Zones A1—30, A, and V1—30 shall be located landward of the reach of mean high tide, except as provided in Section 6PG.~~
- ~~2. New construction or substantial improvement of any structure located within Zones V1—30 shall:~~
 - ~~a. Be elevated on posts or columns such that:~~
 - ~~(1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood level;~~
 - ~~(2) The pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and~~
 - ~~(3) Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.~~
 - ~~b. Have the space below the lowest floor:~~
 - ~~(1) Free of obstructions; or~~
 - ~~(2) Constructed with open wood lattice work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or~~
 - ~~(3) Constructed with nonsupporting breakaway walls which have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.~~
 - ~~c. Require a registered professional engineer or architect to:~~
 - ~~a. Develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the Coastal Construction Manual, (FEMA-55/June, 2000); and~~
 - ~~b. Certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Section 6L2.~~

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- ~~3. The use of fill for structural support in Zones V1—30 is prohibited.~~
- ~~4. Human alteration of sand dunes within Zones V1—30 is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.~~
- ~~5. The area below the lowest floor, shall be used solely for parking vehicles, building access, and storage.~~
- ~~6. Conditional use. Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Section 6G, only if permitted as a conditional use following review and approval by the Planning Board, as provided in Section 7, and if all the following requirements and those of Section 6A, 6K, and 6L are met:~~
 - ~~a. The conditional use shall be limited to low-value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.~~
 - ~~b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.~~
 - ~~c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.~~
 - ~~d. The structure shall have unfinished interiors and shall not be used for human habitation.~~
 - ~~e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.~~
 - ~~f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the special flood hazard area.~~

~~Section 7 **Conditional use review.**~~
~~[Ord. No. 2006.26, 5-2-2006]~~

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~~The Planning Board shall hear and decide upon applications for conditional uses provided for in this ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Code Enforcement Officer that a conditional use permit is required shall file an application for the permit with the Planning Board.~~

~~**A. Review procedure for a conditional use flood hazard development permit.**~~

- ~~1. The flood hazard development permit application with additional information attached addressing how each of the conditional use criteria specified in the ordinance will be satisfied, may serve as the permit application for the conditional use permit.~~
- ~~2. Before deciding any application, the Planning Board shall hold a public hearing on the application within 30 days of their receipt of the application.~~
- ~~3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.~~
- ~~4. A conditional use permit issued under the provisions of this ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.~~
- ~~5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.~~

~~**B. Expansion of conditional uses.**~~

- ~~1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued conditional use permit or if it is a building or use which would require a conditional use permit if being newly established or constructed under this ordinance.~~

~~**Section 8 Certificate of compliance.**~~

~~[Ord. No. 2006.26, 5-2-2006]~~

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~~No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a certificate of compliance is issued by the Code Enforcement Officer subject to the following provisions:~~

~~A. For new construction or substantial improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:~~

~~1. An elevation certificate completed by a professional land surveyor, registered professional engineer, or architect, for compliance with Section 6, paragraphs F, G, H, or P; and~~

~~2. For structures in Zones V1—30, certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Section 6P2.~~

~~B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.~~

~~C. Within 10 working days, the Code Enforcement Officer shall:~~

~~1. Review the required certificate(s) and the applicant's written notification; and~~

~~2. Upon determination that the development conforms with the provisions of this ordinance, shall issue a certificate of compliance.~~

~~**Section 9 Review of subdivision and development proposals.**
[Ord. No. 2006.26, 5-2-2006]~~

~~The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on five or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:~~

~~A. All such proposals are consistent with the need to minimize flood damage.~~

~~B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.~~

~~C. Adequate drainage is provided so as to reduce exposure to flood hazards.~~

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- ~~D.—All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.~~
- ~~E.—Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a special flood hazard area, are to be constructed in accordance with Section 6 of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.~~

~~Section 10~~**Appeals and variances.**
~~[Ord. No. 2006.26, 5-2-2006]~~

~~The Board of Appeals of the City of Biddeford may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made of the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this ordinance. The Board of Appeals may grant a variance from the requirements of this ordinance consistent with state law and the following criteria:~~

- ~~A.—Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.~~
- ~~B.—Variances shall be granted only upon:~~
- ~~1. A showing of good and sufficient cause; and,~~
 - ~~2. A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,~~
 - ~~3. A showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,~~

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- ~~4. A determination that failure to grant the variance would result in "undue hardship," which in this subsection means:~~
- ~~a. That the land in question cannot yield a reasonable return unless a variance is granted; and~~
 - ~~b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and~~
 - ~~c. That the granting of a variance will not alter the essential character of the locality; and~~
 - ~~d. That the hardship is not the result of action taken by the applicant or a prior owner.~~
- ~~C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.~~
- ~~D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:~~
- ~~1. Other criteria of Section 10 and Section 6K are met; and~~
 - ~~2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.~~
- ~~E. Variances may be issued by a community for the repair, reconstruction, rehabilitation, or restoration of historic structures upon the determination that:~~
- ~~1. The development meets the criteria of Section 10, Paragraphs A through D above; and~~
 - ~~2. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~

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~~F. Any applicant who meets the criteria of Section 10, Paragraphs A through E shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:~~

- ~~1. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per 100 of insurance coverage;~~
- ~~2. Such construction below the base flood level increases risks to life and property; and,~~
- ~~3. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.~~

~~G. Appeal procedure for administrative and variance appeals.~~

- ~~1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within 30 days after receipt of a written decision of the Code Enforcement Officer or Planning Board.~~
- ~~2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.~~
- ~~3. The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.~~
- ~~4. The person filing the appeal shall have the burden of proof.~~
- ~~5. The Board of Appeals shall decide all appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals.~~

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- ~~6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a flood hazard development permit, which includes any conditions to be attached to said permit.~~
- ~~7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with state laws within 45 days from the date of any decision of the Board of Appeals.~~

~~Section 11 **Enforcement and penalties.**~~
~~{Ord. No. 2006.26, 5-2-2006}~~

- ~~A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance pursuant to 30-A M.R.S.A. § 4452.~~
- ~~B. The penalties contained in 30-A M.R.S.A. § 4452 shall apply to any violation of this ordinance.~~
- ~~C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:~~
- ~~1. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;~~
 - ~~2. A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance;~~
 - ~~3. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;~~
 - ~~4. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,~~
 - ~~5. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.~~

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~~Section 12 **Validity and severability.**
[Ord. No. 2006.26, 5-2-2006]~~

~~If any section or provision of this ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.~~

~~Section 13 **Conflict with other ordinances.**
[Ord. No. 2006.26, 5-2-2006]~~

~~This ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, by law, permit, or provision of law. Where this ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this ordinance shall control.~~

~~Section 14 **Definitions.**
[Ord. No. 2006.26, 5-2-2006]~~

~~Unless specifically defined below, words and phrases used in this ordinance shall have the same meaning as they have at common law and to give is ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.~~

ACCESSORY STRUCTURE

~~A small detached structure that is incidental and subordinate to the principal structure.~~

ADJACENT GRADE

~~The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.~~

AREA OF SHALLOW FLOODING

~~A designated AO and AH Zone on a community's flood insurance rate map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

AREA OF SPECIAL FLOOD HAZARD

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~~The land in the floodplain having a one-percent or greater chance of flooding in any given year, as specifically identified in the flood insurance study cited in Section 1 of this ordinance.~~

~~BASE FLOOD~~

~~The flood having a one-percent chance of being equaled or exceeded in any given year; commonly called the "one-hundred-year flood."~~

~~BASEMENT~~

~~Any area of the building having its floor subgrade (below ground level) on all sides.~~

~~BREAKAWAY WALL~~

~~A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.~~

~~BUILDING~~

~~See "structure."~~

~~CERTIFICATE OF COMPLIANCE~~

~~A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this ordinance.~~

~~CODE ENFORCEMENT OFFICER~~

~~A person certified under 30-A M.R.S.A., § 4451 (including exceptions in Subsection 4451, Paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.~~

~~CONDITIONAL USE~~

~~A use that because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Section 7.~~

~~DEVELOPMENT~~

~~Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving,~~

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~~excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.~~

ELEVATED BUILDING

A nonbasement building:

- ~~a. Built, in the case of a building in Zones A1—30, A, or AO to have the top of the elevated floor, or in the case of a building in Zones V1—30, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or stilts; and~~
- ~~b. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.~~

~~In the case of Zones A1—30, A, or AO, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Section 6L. In the case of Zones V1—30, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Section 6P2b(3).~~

ELEVATION CERTIFICATE

~~An official form (FEMA Form 81-31, 01/03, as amended) that:~~

- ~~a. Is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and~~
- ~~b. Is required for purchasing flood insurance.~~

FLOOD or FLOODING

~~a. A general and temporary condition of partial or complete inundation of normally dry land areas from:~~

- ~~1. The overflow of inland or tidal waters.~~
- ~~2. The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature,~~

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~~such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Paragraph a1 of this definition.~~

~~FLOOD ELEVATION STUDY~~

~~An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.~~

~~FLOOD INSURANCE RATE MAP (FIRM)~~

~~An official map of a community, on which the administrator of the federal insurance administration has delineated both the special hazard areas and the risk premium zones applicable to the community.~~

~~FLOOD INSURANCE STUDY~~

~~See "flood elevation study."~~

~~FLOODPLAIN or FLOOD-PRONE AREA~~

~~Any land area susceptible to being inundated by water from any source. (See "flooding")~~

~~FLOODPLAIN MANAGEMENT~~

~~The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.~~

~~FLOODPLAIN MANAGEMENT REGULATIONS~~

~~Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.~~

~~FLOODPROOFING~~

~~Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.~~

~~FLOODWAY~~

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~~See "regulatory floodway."~~

~~FLOODWAY ENCROACHMENT LINES~~

~~The lines marking the limits of floodways on federal, state, and local floodplain maps.~~

~~FREEBOARD~~

~~A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.~~

~~FUNCTIONALLY DEPENDENT USE~~

~~A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.~~

~~HISTORIC STRUCTURE~~

~~Any structure that is:~~

- ~~a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~
- ~~b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;~~
- ~~c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or~~
- ~~d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - ~~1. By an approved state program as determined by the Secretary of the Interior; or~~~~

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~~2. Directly by the Secretary of the Interior in states without approved programs.~~

~~LOCALLY ESTABLISHED DATUM~~

~~For purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.~~

~~LOWEST FLOOR~~

~~The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Section 6 of this ordinance.~~

~~MANUFACTURED HOME~~

~~A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.~~

~~MANUFACTURED HOME PARK OR SUBDIVISION~~

~~A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

~~MEAN SEA LEVEL~~

~~For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.~~

~~MINOR DEVELOPMENT~~

~~All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It includes, but is not limited to: accessory structures as provided for in Section 6J, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage~~

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~~disposal systems or water supply facilities that do not involve structures; and nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.~~

~~NATIONAL GEODETIC VERTICAL DATUM (NGVD)~~

~~The national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".~~

~~NEW CONSTRUCTION~~

~~Structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.~~

~~ONE-HUNDRED-YEAR FLOOD~~

~~See "base flood."~~

~~RECREATIONAL VEHICLE~~

~~A vehicle which is:~~

- ~~a. Built on a single chassis;~~
- ~~b. Four hundred square feet or less when measured at the largest horizontal projection, not including slideouts;~~
- ~~c. Designed to be self-propelled or permanently towable by a motor vehicle; and~~
- ~~d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~REGULATORY FLOODWAY~~

~~a. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot; and~~

~~b. When not designated on the community's flood boundary and floodway map, it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the floodplain, as measured from the normal high-water mark to the upland limit of the floodplain.~~

~~RIVERINE~~

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~~Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.~~

~~SPECIAL FLOOD HAZARD AREA~~

~~See "area of special flood hazard."~~

~~START OF CONSTRUCTION~~

~~The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of pipes, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.~~

~~STRUCTURE~~

~~For floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.~~

~~SUBSTANTIAL DAMAGE~~

~~Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the assessed value of the structure before the damage occurred.~~

~~SUBSTANTIAL IMPROVEMENT~~

~~Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the assessed value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:~~

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~~a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or~~

~~b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.~~

VARIANCE

~~A grant of relief by a community from the terms of a floodplain management regulation.~~

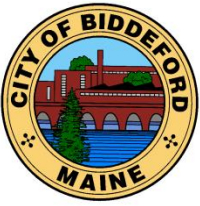
VIOLATION

~~The failure of a structure or development to comply with a community's floodplain management regulations.~~

Section 15 Abrogation.

~~[Ord. No. 2006.26, 5-2-2006]~~

~~This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).~~



CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

David.Galbraith@biddefordmaine.org

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: May 29, 2024

RE: **Zoning Ordinance Text Amendment: Code of Ordinances, Part III: Land Development Regulations, Article XII Floodplain Management Ordinance – SECOND READING**

MEETING DATE: June 5, 2024

Overview:

The proposed Ordinance amendment was first discussed at a public hearing at the Planning Board's May 15, 2024 meeting. As discussed at this hearing the City of Biddeford received a Letter of Final Determination (LFD) from the Federal Emergency Management Agency (FEMA) which sets the effective date of the new Digital Flood Insurance Rate Maps (DFIRMs) for York County for July 17, 2024. The LFD marks the beginning of a six-month time period for communities to update their local Floodplain Management Ordinances to reflect any changes since the last ordinance was adopted and to incorporate the new map date. **Biddeford must adopt an updated Floodplain Management Ordinance which references the new map date on or before July 17, 2024, in order to avoid being immediately suspended from the NFIP.**

Suspension from the NFIP will have immediate affects, particularly for those with flood insurance policies in effect. Policies cannot be renewed and new policies cannot be written if the community is suspended. Obviously, the City does not want to see that happen to our citizens / property owners. Participation in the NFIP provides protection to those members of our community who may be affected by flooding. In addition, federal flood insurance is available to those who have federally backed mortgages in the floodplain. Another important benefit is our community's eligibility for disaster funding and low interest loans if/when our county is in a declared disaster area. This is all possible by way of our community's commitment to adopt, administer, and enforce its floodplain ordinance and our commitment to regulate development within Biddeford's flood prone areas.

Attached is a copy of the most current state model Floodplain Management Ordinance that has been customized specifically for the City of Biddeford. The attached Ordinance contains all the changes that have occurred at the federal and state level since our Floodplain Management Ordinance was last adopted / amended. As FEMA has very specific requirements regarding ordinance language, the City is being encouraged to adopt the Ordinance without changes.

Zoning Ordinance Amendment: Code of Ordinances, Part III: Land Development Regulations, Article XII – Floodplain Management Ordinance to include the new map date and to be in compliance as dictated by the Federal Emergency Management Agency (FEMA) – Second Reading.

Planning Board Meeting: June 5, 2024 – SECOND HEARING

Staff Recommendation:

As outlined above, Biddeford must adopt an updated Floodplain Management Ordinance which references the new map date on or before July 17, 2024, in order to avoid being immediately suspended from the NFIP. Staff is recommending the adoption of the proposed / attached Ordinance in addition to repealing the City's existing Ordinance, immediately following the adoption of the proposed Ordinance. Staff recommends the Planning Board forward a positive recommendation for adoption of the proposed Ordinance to the City Council. Attached for the Board's review is the proposed Amendments to the City's Floodplain Management Ordinance with proposed text highlighted in blue underline and text deletions shown in ~~red-strikethrough~~. These changes reflect the adoption of the new standards in their entirety, and deleting our existing ordinance in their entirety, as recommended by the Department of Agriculture, Conservation & Forestry – Maine Floodplain Management Program.

SAMPLE MOTIONS:

- A. Motion to Approve: I motion to APPROVE the proposed Zoning Ordinance Text Amendment: Code of Ordinances, Part III: Land Development Regulations, Article XII Floodplain Management Ordinance – SECOND READING, as written, and upon adoption replace the City's existing Floodplain Management Ordinance.
- B. Motion to Deny I motion to DENY the proposed Zoning Ordinance Text Amendment: Code of Ordinances, Part III: Land Development Regulations, Article XII Floodplain Management Ordinance – SECOND READING, for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.
- C. Motion to Table: I motion to TABLE the proposed the proposed Zoning Ordinance Text Amendment: Code of Ordinances, Part III: Land Development Regulations, Article XII Floodplain Management Ordinance – SECOND READING, for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.