

**TOWN OF OLD ORCHARD BEACH
ORDINANCE REVISION COMMITTEE MEETING MINUTES January 06, 2010**

Call to Order at 7:05 pm	Call to Order
<p>Roll Call: Present: Chair George Kerr, Robert Scoville, Steve Bryant, and William Daley. Vice Chair Linda Mailhot arrived at 7:10 p.m. Staff: Mike Nugent, Code Enforcement Officer. Tori Geaumont, Ordinance Secretary.</p>	<p>ROLL CALL</p>
<p><u>Item 1: Approval of Minutes</u> Mr. Daley moved to approve the minutes from 11/19/09 and 12/23/09. Mr. Scoville seconded. <i>Motion was passed unanimously.</i></p>	<p>Moved Vote</p>
<p><u>Item 2: Final review of Chapter 18 and License fees in Appendix A of the Code of Ordinances of the Town of Old Orchard Beach – Businesses and recommend to Town Council for action.</u> <u>Review of Chapter 2 of the Code of Ordinances of the Town of Old Orchard Beach – Administration. Discussion of changes to recommend to the Town Council.</u> Chair Kerr summarized that Chapter 2 was tabled at the last council meeting. He stated the council was willing to go with \$2000.00 instead of \$5000.00 for the changes regarding bids in Chapter 2. Mr. Nugent explained how they need to revamp the assistant town managers position to take out the job description, but keep in the position itself. He then went on to explain the changes in Chapter 18. Discussion centered on Tattoo and Piercing and how the intent is to reference the state. We also removed some language concerning massage parlors. Mr. Nugent then went on to the Ballpark, as the town attorney stated the ordinance needed to be taken out entirely. The town council can then recreate an ordinance for the Ballpark when applicable. Mr. Nugent pointed out the different language regarding year round rentals. Section 18-28 was mostly housekeeping. In section 18-31, there is new language regarding giving the staff the authority to grant new business licenses. Mr. Nugent indicated that Mr. Lamb wished to keep an either/or language, as in “either the licensing authority or the town council”. Chairman Kerr felt that this should be done by staff only unless staff feels the need to bring it to the council’s attention. Chairman Kerr wanted to clarify with the entire committee what their wishes were, as he felt the committee should all be in agreement if they go forward with that. Mr. Nugent stated that Mr. Lamb wished to add the Town Council into the wording. Chairman Kerr wanted to have the recommendations for the council be to leave out the wording of Town Council and if they are not happy it can be added back in. He felt he needed to bring his feelings about this forward. Vice Chair Mailhot asked if the either/or wordage was left who would make the call who grants the license. Mr. Nugent explained the staff will ask council to grant the authority to Mr. Lamb. Vice Chair Mailhot asked if he could then kick it up to council. Mr. Nugent stated yes. Chairman Kerr stated he did not like that. The ordinances need to be consistent. There is not predictability if the council is to adopt someone doing this. Discussion continued regarding the current license procedure. Mr. Bryant asked what information the council would have that staff would</p>	<p>REVIEW PROPOSED REVISIONS</p>

not have which would make their decision a better one.
The committee agreed that staff has the same information that council does.
Chairman Kerr stressed his desire to have predictability.
Mr. Scoville stated he was afraid the council would not approve of that because of power issues. He felt the ordinance would come back to the committee again.
Chairman Kerr felt that committee needed to try. He stated he felt this was pivotal and was about making it easier to do business in town.
The committee agreed to put forward having town staff authorize licenses without going to council.
Mr. Nugent stated we could have language ready in the event the council did not approve.
Vice Chair Mailhot felt that maybe the council would like this, as it is a time consuming part of the meetings.
The committee then voted on the original language to remove the word "town council". The vote was unanimous.
Mr. Nugent continued on and explained the two-year license schedule and how that will change. We also added pro ration.
Kathy Smith, license clerk, stated she was concerned about how they would be broken up.
Mr. Nugent explained the system and how things would be pro rated, and Ms. Smith understood.
Chairman Kerr wanted to make sure that Ms. Smith was comfortable with what was being proposed. She states she was.
Mr. Daley asked if someone was denied a license how would it get appealed.
Mr. Nugent explained it would go to superior court, but before it got that far it would be kicked up to the council. He then stated that we need to add the pro rata wording which was taken out in 18-36.
Chairman Kerr wished to have a meeting next week to go over all the changes.
Mr. Nugent went over the word "relevant" and the additional explanation of this. This was explained the Vice Chair Mailhot as she did not attend the last meeting.
Chairman Kerr requested to strike section 18-69 from the ordinance, as the state does not have that.
Mr. Daley asked if the state gives rules.
Mr. Nugent stated the state does and has all the rules on their website. The deletions are part of the state statutes. The tattoo ordinance is exactly the same situation. Article X stays the same. Article VI has been completely removed at the recommendation of the town attorney. No changes to the ice cream truck section. The other deletions are things are not applicable to today's massage therapy businesses.
Ms. Smith pointed out to take out "town council" in the ice cream truck section regarding licensing.
Mr. Nugent continued on with general housekeeping. Campgrounds were just recently done. Auctions are deleted. The victualers section is new because the state has invited the town to take over the inspections. This will create new revenue for the town. The last part is the fee schedule. Ms. Smith correlated the categories and fleshed out some. There are no large revenue changes.
Ms. Smith stated she is putting together a list concerning the liquor categories and how much will change.

Vice Chair Mailhot stated she has a lot of lettering and indentation issues. She will give them to us.
Mr. Nugent stated the next council meeting is the 19th. The public hearing will be then.
Ms. Smith brought up concerns with ice cream trucks and how long the staff needs to “hold” one for a resident. There was also discussion about the number of trucks allowed.
Mr. Nugent did not know why we limit this. We can get ride of this entirely. It will foster free enterprise. There also needs to be a change regarding expiration to make correlate with this.
Chairman Kerr made sure the committee was comfortable with changes.

Discussion of changes to Chapter 22 – Emergency Services.
Discussion of changes to Chapter 26 – Environment.
Discussion of changes to Chapter 30 – Fire Prevention and Protection.

**Chapter 22, 26,
and 30**

Mr. Nugent stated concerning chapters 26, 28, and 30; he has not heard from the Fire Chief yet.
Chairman Kerr asked if we could just reference the state where we can. Can the Chief get back to the committee?
Mr. Nugent stated the Chief would be getting back to him.
Vice Chair Mailhot had some punctuation and indentation issues.
Chairman Kerr asked about chapter 26.
Mr. Nugent said that some things are not enforced. It is from 1989.
Discussion ensued about who enforces and if this was much of a problem.
Mr. Nugent felt this was more of a statement and not an ordinance.
Chairman Kerr questioned why we even needed it. Maybe we should take this out, especially if it is not enforceable.
Mr. Bryant suggested to reference the property maintenance code and state law which was agreed to by the committee.
Mr. Nugent continued to the noise ordinance. He stated that Mr. Lamb was currently doing research regarding the noise studies which were done a few years ago. He stated the Police Chief has a difficult time enforcing it because ambient noise in many instances is louder then what is allowed.
Discussion continued regarding construction noise, generators, and hours of noise.
Mr. Nugent stated we will get the information regarding what the study found for the next meeting.
Vice Chair Mailhot requested to change the hours for construction in 26-64.
Mr. Nugent explained the exemptions and that could go away. He then pointed out that 26-65 talks about animals, and that has been addressed in the animal ordinance.
Chairman Kerr stated to get rid of that.
Mr. Nugent stated that subsection 2 is contentious.
Vice Chair Mailhot asked what the criteria for excessive times was.
Mr. Nugent will need to check with the police chief. He then moved on to Chapter 30 which concerned the fire department. He stated he wished to wait for Chief Glass’ input.
Chairman Kerr wanted to know why not just use the state standards.
Mr. Nugent stated that is a question for Chief Glass. Chairman Kerr inquired about single family house putting in sprinklers.

<p>Mr. Nugent explained only in a three study house which is intending on renting. They should adopt the state fire marshall code. Chairman Kerr thought we already did that with the electrical code. Mr. Nugent stated the town does, but not for the building.</p>	
<p><u>Good and Welfare</u> Mr. Nugent spoke to the committee about FEMA coming to the town and presenting us with a plaque to award the town with improvements to flood plain management.</p>	<p style="text-align: center;"><u>Good And Welfare</u></p>
<p>MEETING ADJOURNED AT 8:40 P.M.</p>	<p style="text-align: center;"><u>Adjournment</u></p>

I, Tori Geaumont, Secretary to the Ordinance Revision Committee of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of four (4) pages is a true copy of the original minutes of the Ordinance Revision Committee Meeting on January 6, 2010