

TOWN OF OLD ORCHARD BEACH
ORDINANCE REVISION COMMITTEE MEETING MINUTES **November 10, 2009**

<p>Call to Order at 7:01 pm</p>	<p>Call to Order</p>
<p>Roll Call: Present: Chair George Kerr, Vice Chair Linda Mailhot, Robert Scoville. Excused; Steve Bryant, William Daley. Citizen King Weinstein arrived shortly after meeting began. Staff: Mike Nugent, Code Enforcement Officer. Gary Lamb, Town Planner. Dana Kelley, Chief of Police.</p>	<p>ROLL CALL</p>
<p><u>Acceptance of Minutes</u> Vice Chair Mailhot moved to accept the minutes of October 28, 2009. Mr. Scoville seconded. <i>Motion passes 3-0.</i></p>	<p>ACCEPTANCE OF MINUTES</p>
<p><u>REVIEW PROPOSED REVISIONS FROM 10/28/09:</u> Mr. Nugent stated he spoke with the Town's attorney and because we do not have any bottle clubs in town we do not need to address that. Chair Kerr wanted to take things one at a time. Special amusement area was fine with everyone. He stated we will go through number 2 and then make a motion to accept. Vice Chair Mailhot questioned 14-2 and if the animal control officer was a police officer. Mr. Nugent commented that Mr. Watson came to the last meeting concerning the animal ordinance prepared and ready to go. Chair Kerr explained some of the fees we imposed at the last meeting. Asked if any other questions in reference to alcohol, special amusement, and animal. Chair Kerr motioned to forward the changes from Chapter 6, 10, and 14 to the Town Council. Vice Chair Mailhot seconded. <i>Motion passes unanimously.</i></p>	<p>REVIEW PROPOSED REVISIONS</p> <p>Motion</p> <p>Vote</p>
<p><u>CHAPTER 18: BUSINESS LICENSES</u> Mr. Nugent explained that there are a lot of different terms in the ordinances, and we wished to clarify some especially regarding food. Any establishment where there is food will be just victualers, and there will be different categories regarding what the business does. Then he explained the liquor part of it being explained in addition in an effort to try to be in line with the state. Mr. Lamb explained that this that the license schedule should change dramatically. Chair Kerr said we will move on with this. Mr. Nugent went on to explain each fee and the suggestions to change. Mr. Lamb stated that in campgrounds there are a lot of inconsistencies in licensing, and we are trying to fix that. Chair Kerr stated he felt there was something in the ordinances regarding if it is an arcade there are restrictions as to how close another arcade can be. Mr. Nugent clarified that would be complimentary use. They are to eliminate or restrict uses to help make them go away. Because amusement arcade is a better term, we felt it would be best get rid of amusement casino and adjust the fee schedule to make it more consistent. There was discussion as to what classifies an arcade or what if there should be a fee for each machine. Mr. Nugent clarified why we have two different ways to do this. Chair Kerr felt the fees for an arcade should be higher. Mr. Lamb asked if 20.00 a unit was reasonable. Vice Chair Mailhot felt 10.00 a unit was something reasonable. Chair Kerr thought maybe just a flat fee for an arcade regardless how many units. Mr. Lamb stated you would then need to make sure to have a definition for arcade. King Weinstein then joined the committee. Mr. Nugent stated he felt it was fairer to have a price per unit. Chair Kerr explained to Mr. Weinstein what they were talking about. Mr. Nugent stated we would call this an amusement arcade. Vice Chair Mailhot asked maybe we should bring the accessory unit price down.</p>	<p><u>CHAPTER 18- BUSINESS LICENSES</u></p>

Mr. Lamb stated we are going to take out the words additional devices and also the first \$20.00. Therefore, it will be \$15.00 a machine whether it is an accessory use or a principal use.

Chair Kerr should address this so there is not a monopoly.

Mr. Weinstein asked if the \$75.00 fee is for a new application or for renewal.

Mr. Nugent explained that a lot of these are going to be taken out or changed because they do not apply.

Chief Kelley asked if for amusement rides they should do the same thing and have a fee for each ride.

Chair Kerr stated to get rid of not to exceed \$350.00. What do you want to do for rides.

Mr. Weinstein asked what the purpose of the fee is? Is this just to keep track of them?

Chair Kerr added that they also do this for personal property. Why not have a flat fee. What would you want per ride.

Mr. Scoville stated not to exceed \$350.00 and have them be \$30.00 a unit.

Chief Kelley asked if that would include jet skis, banana boats, etc.

Mr. Nugent stated it is not heavily regulated that we have not found anyone who has been successful.

Chair Kerr stated the town discouraged this type of activity.

Chief Kelly interjected that he could not understand why this is not allowed.

Mr. Lamb asked if we are on animal-drawn vehicles now?

Mr. Weinstein asked if this was for one day or is this allowed as a business?

Mr. Nugent stated that this is to make sure they have insurance.

Chair Kerr asked why administratively you cannot grant a license?

Mr. Nugent stated that in each community he has worked in, the initial license needs to go before council.

Mr. Weinstein stated this was not the case in Saco.

Chair Kerr wanted to have licenses expedited.

Chief Kelley asked why someone who is coming in for a one-time thing needs to go to council. Why can't staff approve this.

Mr. Lamb stated this is because it is written in the ordinance. He stated he fully endorses, aside from liquor and any entertainment, as that always needs to go to council, having a discussion about whether or not other things should be recommended to do at staff level.

Chair Kerr stated that the staff gets paid to do the job, and they can be held accountable. If there is question on the license they could then refer to council. There is a need for the politics to get out of the licensing process. That is why you have a zoning ordinance.

Mr. Lamb felt to be politically smart you need to keep any alcohol and entertainment apart from this.

Chair Kerr agreed.

Mr. Nugent; the two key sections are 18-31 and the section which states the license administrator has the ability to renew.

Mr. Weinstein felt that it should be staff that does this.

Chief Kelley felt he would be surprised if the council would be okay with giving up this power. Maybe there could be a provision where if a councilor had an issue with a business it could be brought up, but if it is a typical license it could be staff approved.

Mr. Nugent stated that rarely the council has a problem with licenses and they are just a consensus vote. He stated that he has many licensees that come to him after the business has been inspected and are waiting to go to council asking if they can open. He is required to say no, not until it goes to council.

Mr. Lamb asks if \$70.00 per vehicle for animal drawn vehicles? Mr. Nugent said yes.

Mr. Nugent stated that petting zoos, etc. would all be on town land so it would be covered by special event permit. This should be taken out. Mr. Nugent went on to explain retail and how it would apply to most of the defined stores.

The committee then went through the entire schedule and decided which things should be licensed and which should not. The revised fee schedule is as follows:

LICENSE ORDINANCE		
Business license- new application	\$75.00	
Re-inspection fee	\$60.00 per return inspection beyond two staff inspections.	
Amusement Arcade	\$15.00 per unit.	
Amusement Park	\$100.00	
Amusement rides including "water toys" as defined in and permitted by the Town of Old Orchard Beach, Maine Ordinance Regulating Use of Motorized and Non-motorized Water Toys on Town Beach.	\$30.00 (per unit)	
Auto body shop	\$100.00	
Automobile junk yards	\$225.00	
Booths devoted to personal services, including but not limited to the following: Art, sketches, astrology, handwriting analysis and personality reading	\$80.00	
Bowling alleys	\$100.00	
Boxing and wrestling shows	\$100.00 (per show)	
Campgrounds	\$75.00 plus \$0.50 p/site fee	
Child care facility and nursery	\$100.00	
Coin operated amusement devices accessory to another licensed activity	\$15.00 (per unit)	
Dog kennels	\$100.00	
Entertainment and dancing	\$100.00	
Gasoline pumps and sidewalk tanks(the maintenance and operation of sidewalk tanks and pumps for the sale and distribution of gasoline and other volatile inflammable liquids for fuel or power)	\$40.00 (per pump)	
Innholders, lodging houses, hotels, motels, & seasonal rentals	\$20.00 unit not to exceed \$200.00	
Junk dealer/Junk Yards	\$100.00	
Laundromat/dry cleaning establishment	\$100.00	
Massage establishments		
Therapeutic massage establishment license	\$100.00	
Massage therapist license	\$70.00	
Combined massage establishment/massage therapist license	\$100.00	
Merry-go-rounds	\$100.00	

Miniature golf course (indoors or outdoors)	\$100.00	
Parking lots	\$200.00	
Personal service	\$100.00	
Rental of merchandise, including "water toys" as defined in and permitted by the Town of Old Orchard Beach, Maine Ordinance Regulating Use of Motorized and Non-motorized Water Toys on Town Beach, furniture, self-storage units/compartments.	\$100.00	
Retail	\$100.00	
Riding stables	\$100.00	
Seasonal rentals units	\$20.00 not to exceed \$200.00	
Service stations (including automotive repairs and services, and fuel services)	\$100.00	
Signs, erection and maintenance of signs, banners, awnings, marquees, and other temporary or permanent structures, excepting temporary or permanent structures of public utilities corporations, over the sidewalks, roadways, and streets of said town.	\$40.00	
Tattoo Establishment (see ordinance regulating same)	\$100.00	
Tow trucks	\$100.00	
Used car lots	\$100.00	
Vehicles for Hire	\$100.00	
Vending machines	\$15.00 (per unit)	
Victualers	\$100.00	
--Without Prep	\$100.00	
--With Prep	\$150.00	
Year round rentals	\$20.00 (per unit)	

Discussion ensued concerning outside displays. Mr. Nugent suggested that the committee leave the category and address this further at another time.

Chair Kerr asked about changing campground fees.

Mr. Nugent stated he would get the fiscal report on this. We actually have print out of what each campground has, and we will discuss this.

Mr. Weinstein felt under 3 family homes should not be licensed.

Mr. Nugent stated this is a public safety thing. It is a very important thing.

Mr. Weinstein stated a building official can get in any time, and he felt it is not necessary

<p>because other towns do not do this. He stated that it probably costs the town a lot of money processing the licenses.</p> <p>Chair Kerr stated he felt code officials needed to have this as a tool to make sure public safety is met.</p> <p>Mr. Nugent stated that he knows other states do require the license.</p> <p>Chair Kerr stated that the time is getting late, and we should continue this at the next meeting. Discussion ensued about when we could have the next meeting. The committee agreed to Thursday, 11/19/2009.</p>	
MEETING ADJOURNED AT 9:20 P.M.	

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 five (5) pages is a true copy of the original minutes of the Ordinance Revision Committee Meeting on November 10, 2009