



Town Council Regular Meeting Commentary

**Tuesday, April 18th, 2023 @ 6:30pm
Council Chambers - 1 Portland Avenue**

www.oobmaine.com/town-council

**Members of the public wishing to view the meeting from home may tune into Local Access TV (Channel 3 or 1301 - check with your provider) or by clicking the Meeting Videos link on oobmaine.com.)*

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACKNOWLEDGEMENTS:

GOOD & WELFARE:

PRESENTATION:

ACCEPTANCE OF MINUTES:

Accept the minutes from 04/04/2023 regular Town Council meeting.

Chair: Shawn O'Neill

PUBLIC HEARING - ORDINANCE AMENDMENTS:

PUBLIC HEARING - Shall the Town Council consider amendments to Ch. 2, Art. IV, Div. 9 - Compensation of Planning Board Members, Sections 2-405 - 409. This ordinance proposes to authorize compensation for Planning Board members.

Chair: Shawn O'Neill

**TO: Old Orchard Beach Town Council
Diana Asanza, Town Manager
Tim Fleury, Executive Assistant**

FROM: Planning Department

SUBJECT: Planning Board Compensation Ordinance

REQUEST: Review Draft Ordinance, Schedule Public Hearing

DATE: 4 April 2023

During 2022, the Planning Board voted to approve a stipend for each member of the Board. The reason the Board thought a stipend is acceptable is due to members' time commitment, the technical work, and overall importance of their decision making. After Board approval, the stipend cost was included in the FY23 budget and approved by Council.

After consulting with the town attorney, we found an ordinance must be created to authorize payment of the stipend. We developed an ordinance which is now presented for your review and vote. Ordinance highlights include:

- Proposed ordinance uses same structure and similar language to the ordinance that establishes compensation for the Council.
- Stipend is divided into payments for chair regular meeting attendance, voting members (regular or alternate member- whoever votes), and site walk/workshop attendance. Total combined stipend for all members is \$2,580.
- Stipend is paid annually.
- Any change to stipend amount requires Council approval through the ordinance amendment process.

AMENDMENTS TO CHAPTER 2 ARTICLE IV, DIVISION 9 SECTIONS 2-405 - 409

Draft 1 - (4/2023)

Ordinance additions are underlined

DIVISION 9. – COMPENSATION OF PLANNING BOARD MEMBERS

Sec. 2-405. Definitions.

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

Planning board means the appointed advisory and quasi-judicial board of the town, as further defined in article VIII of the Charter.

Planning board chairperson means the person selected by the planning board to preside at meetings of the planning board.

Sec. 2-406. Purpose.

The purpose of this division shall be to establish the compensation of the appointed members of the planning board.

Sec. 2-407. Compensation.

The compensation of the planning board shall be as follows:

- (1) Planning board chairperson, \$30.00 per regular meeting.
- (2) Planning board voting member, \$20.00 per meeting for each member who votes at the regular meeting.
- (3) Planning board member attendance at site walks and workshops, \$15.00 for each member.

Sec. 2-408. Payment.

Compensation of the planning board will be paid on an annual basis, from June to June. Payment will be made during the last pay period in June. Members will receive the entire year's stipend, except that payment will be made on a per-diem basis if more than one person serves during the term.

Sec. 2-409. Amendments.

This division may be amended in the customary fashion, except that any increase in compensation will not take effect until the beginning of the town's next fiscal year.

Sec. 2-410 Reserved.

PUBLIC HEARING – BUSINESS LICENSE & APPROVALS:

Royal Anchor Resort, (202-1-5), 203 East Grand, Resort lodging – seasonal rental.

Peter and Sharon Surette, Grandview Condo #209, (301-3-1), 189 East Grand #209, one year round rental – short term.

Jennifer and Greg Hill, (324-16-6), 8 Temple Ave., one year round rental – short term.

Chair: Shawn O’Neill

TOWN MANAGER REPORT

NEW BUSINESS:

AGENDA ITEM #7868

Discussion with Action: Set the Public Hearing Date for May 2, 2023, for the Town Council to consider amendments to Ch. 78, Art. VI, Secs. 78-518, 717, 747, 803, 833, 869, 993, 1023, 1134 and Art. VII, Sec. 78-1281. This is a new ordinance proposing regulations for lodging establishment conversions to condominiums.

Chair: Shawn O'Neill

**TO: Old Orchard Beach Town Council
Diana Asanza, Town Manager
Tim Fleury, Executive Assistant**
FROM: Planning Department
SUBJECT: Lodging Condominium Ordinance Amendments
REQUEST: Review Draft Ordinance, Schedule Public Hearing
DATE: 18 April 2023

During December of last year, Council enacted a moratorium associated with lodging establishments (i.e., motels, hotels, inn's, bed and breakfast) converting to condominiums. This moratorium prevents anyone from converting a lodging establishment into a condominium while the moratorium is in-effect.

Why did we decide to enact a moratorium? Lodging establishment conversions to condominiums have been identified as a concern to town staff. It's a concern due to the recent increase in conversion proposals and inquiries and the minimal jurisdiction and standards available to staff to evaluate conversion proposals as well as a possible way to circumvent rules. To prevent these unregulated conversions from continuing and to allow the town to consider its options, we felt a temporary pause to conversion proposals (through a moratorium) was necessary to allow time to research and develop appropriate mechanisms that provide more protection to occupants of the units, abutting property owners, and the town as a whole.

After consideration of our options, it was clear development of an ordinance with specific regulations for lodging condominium projects is the best choice to provide the regulation the town lacks. We are now moving forward with a draft lodging condominium ordinance. To date, the Planning Board has reviewed the draft ordinance, held a public hearing and are expected to provide a recommendation at the April or May meeting.

Background Information

What is a lodging establishment to condominium conversion? Basically, it is a change of ownership and operations of a lodging establishment from seasonal short term, daytrip, and weekly lodging use on a property that is under single ownership to the creation of a condominium style ownership with separate owners for each unit that may be occupied by the owners or transients both short and long term and available year-round.

When converting a lodging establishment into a condominium, if the condominium continues to operate in a manner similar to a lodging establishment the use (for zoning purposes) does not change. Only the type of ownership changes- from one person owning the entire property and building(s) to each unit owned separately with common facilities (e.g., parking lots, hallways) owned by all unit owners.

If the conversion results in a change so units become dwelling units (a room or suite of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for sleeping, living, cooking, and eating), then the use changes. Once the use changes it must meet applicable standards including parking, density, fire code, etc. The proposal would be considered a multifamily building and no longer a hotel or motel.

One problem with the minimal regulation we have is no guarantee unit owners will continue to operate in a manner similar to a lodging establishment. This means the lodging use (short-term) is changing into a multifamily use (long-term occupancy) and doing this without the proper approvals and meeting the proper regulations.

Why do we need an ordinance? As stated above, the town recently experienced an increased number of conversion proposals. With minimal, if any, legal authority to properly review conversions we cannot evaluate potential issues which include:

- Lack mechanism for thorough review of life safety requirements.
- Lodging units changing into dwelling units after conversion, which have different zoning, code, life safety, etc. requirements.

- Impacts to abutting properties and property owners.
- Inadequate on-site parking.
- Potential increase sewer use without proper analysis.
- Very small rooms built for temporary visitor occupancy becoming long-term housing.
- Absentee landlords.
- Impacts to municipal services and schools.

How do we review conversions now? Because there is no mechanism that allows staff review, we have minimal authority and standards to review conversions.

What will the proposed ordinance do? Require additional municipal review, apply standards specific to lodging condominiums, and ensure lodging condominiums continue to operate in a manner similar to a lodging establishment.

How will the ordinance impact lodging establishment operations that do not convert to condominiums? Typical lodging establishment operations will not be impacted at all. Lodging establishments will only be impacted if they propose to change to a condominium.

Proposed Ordinance Summary

1. What is my goal for this ordinance?

My goal was to allow lodging condominium conversions where lodging establishments are already permitted while requiring additional municipal review, evaluation standards, and ensuring lodging condominiums continue to operate in a manner similar to a lodging establishment.

2. Which proposals must comply?

- Lodging establishments that convert to lodging condominiums after the date of ordinance adoption.
- Changes to lodging condominiums that were converted after the date of ordinance adoption.
- Lodging condominium conversions projects approved by the Town and operating before the date of the adoption of this ordinance. If a lodging condominium proposes a change to another use, add another use to its existing operations, expand the existing use (including additional square footage), or change unit size or location, such change of use, additional use, expansion of use, or unit change must be reviewed and approved by the Planning Board for compliance with this Section.

3. What is a Lodging Condominium and Lodging Condominium Unit?

A Lodging Condominium is a commercial condominium project with lodging condominium units within a lodging establishment, which units are individually owned, and, except for 1 managers unit, 100% are made available for transient use as short-term vacation or tourist rentals when not being used by the unit owner.

A Lodging Condominium Unit is any room or groups of rooms located within a lodging condominium and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

4. Which zoning districts allow Lodging Condominiums?

All zoning districts that currently allow lodging establishments: R2, DD1, DD2, GB1, GB2, NC3, BRD, PMUD, HO. NC1, NC2 and NC4 allow only for certain lodging uses.

5. Permitting highlights

- Conversions require planning board review as a conditional use.
- Applicants must submit plans and other documentation.
- Must meet performance standards specific to lodging condominiums.

6. Licensing highlights

- All unit owners are required to secure a rental business license within 60 days of closing.
- Only short-term rentals are allowed.

- At the time of license renewal, unit owners must provide documentation showing the unit is operated in conformance with the ordinance. This includes rental records.

7. Application highlights (submission of the following)

- Plans prepared by a design professional (e.g., engineer, surveyor).
- Lighting plan.
- Noise analysis.
- Off-street parking plan.
- Solid waste plan.
- Traffic impact analysis.
- Condominium declaration (see #8 below).
- Maintenance agreement.
- Occupancy limits identified for each unit.
- Detailed statements describing use and how all unit owners will comply with the ordinance including the rental and occupancy requirements.

8. Condominium declaration highlights

In addition to compliance with the Maine Condominium Act, condominium declarations must include additional language to ensure the lodging condominium continues to operate in a manner similar to a lodging establishment. This includes:

- Unit owners required to secure rental business license and renewal of these licenses.
- Except for 1 management unit, 100% of units must be rented or available to rent 305 days every calendar year.
- Unit owners personal use of their unit cannot exceed 60 days every calendar year.
- Guests are prohibited from remaining in any unit for 30 or more days.
- Record keeping requirements identifying the way unit owners shall document short term and personal use occupancy.
- Contact available to town 365 days a year, 7 days a week.
- Front desk, housekeeping, short-term rental services available every day year-round.
- Requirement to contract management company.

9. Performance standards highlights

- All units must be completely furnished.
- Front desk and lobby area accessible to general public.
- Waste disposal plan.
- Municipal services and infrastructure impact analysis.
- Traffic impact analysis.
- Short-term rental requirement for each unit.
- Timeshares and other forms of vacation ownership not allowed.
- Front desk, housekeeping, rental services must be available 365 days a year, 7 days a week.
- Occupancy limits for each unit.

10. Short term occupancy

Every unit must be made available for short term rental (less than 30 calendar days) for at least 305 calendar days every year. Owner's personal use cannot exceed 60 days every calendar year.

11. Important points

- All lodging establishments proposing to convert to condominiums will require planning board review as a conditional use.
- Unit owners are required to rent their unit or make their unit available for rental 305 days every calendar year.
- Unit owners personal use of their unit cannot exceed 60 days every calendar year.
- Rentals are limited to less than 30 consecutive calendar days or portions of those days.

- All unit owners must secure rental business license within 60 days after closing.
- License renewal requires each unit owner to provide documentation that they are operating in accordance with the rental and occupancy requirements.

AMENDMENTS TO CHAPTER 78, ARTICLE VI, SECTIONS 78-518, 717, 747, 803, 833, 869, 993,
1023, 1134

Draft 1 - (3/2023)

Ordinance additions are underlined

Sec. 78-518. - Conditional uses. The planning board may authorize the following conditional uses in the residential 2 district (R-2), provided that the conditions and requirements of article VII of this chapter are met:

(8) Lodging Condominium

Sec. 78-717. - Permitted uses. Permitted uses in the downtown district 1 (DD-1) shall be classified as follows:

(3) Conditional uses. Conditional uses are as follows:

c. Lodging Condominium

Sec. 78-747. - Permitted uses. Permitted uses in the downtown district 2 (DD-2) shall be classified as follows:

(3) Conditional uses. Conditional uses are as follows:

c. Lodging Condominium

Sec. 78-803. - Conditional uses. The planning board may authorize the following uses in the general business district 1 (GB-1) provided that the conditions of article VII of this chapter are met:

(9) Lodging Condominium

Sec. 78-833. - Conditional uses. The planning board may authorize the following uses in the general business district 2 (GB-2), provided the conditions of article VII of this chapter are met:

(7) Lodging Condominium

Sec. 78-869. - Conditional uses.

(a) NC-1 and NC-2 district conditional uses. The planning board may authorize the following conditional uses within the NC-1 and NC-2 districts:

(7) Lodging Condominium limited to hotel, motel only

(b) NC-3 district conditional uses. The planning board may authorize the following conditional uses within the NC-3 district:

(9) Lodging Condominium

(c) NC-4 district conditional uses. The planning board may authorize the following conditional uses within the NC-4 district:

(7) Lodging Condominium limited to bed and breakfast establishments only

Sec. 78-993. - Conditional uses. The planning board may authorize the following uses in the beachfront resort district (BRD) provided that the conditions of article VII of this chapter are met:

(7) Lodging Condominium including overnight cabins

Sec. 78-1023. - Conditional uses. Notwithstanding article VII of this chapter, the following conditional uses may be permitted in the planned mixed use development (PMUD) zone:

(20) Lodging Condominium

Sec. 78-1134. - Conditional uses. The planning board may authorize the following use in the historic overlay district (HO), provided that the conditions of article VII of this chapter are met:

(10) Lodging Condominium

AMENDMENTS TO CHAPTER 78, ARTICLE VII, DIV. 2 – CONDITIONS, SEC. 78-1281
Lodging Condominiums (Council Draft 4/2023)
New language underlined

Sec. 78-1281 – Lodging Condominiums

(1) Purpose

The purpose of these regulations is to assure that lodging condominium projects are conditioned upon development approval in such a way as to ensure continued operation as a lodging condominium; to ensure appropriate public health, safety, welfare; to mitigate potential impacts of lodging condominiums on abutting property, off-site vehicular traffic, public utilities, building design and safety, police, fire and emergency services; to require rental licensing of all units; and to provide the town of Old Orchard Beach with appropriate licensing, code compliance, and operational controls.

(2) Applicability

The regulations in this Ordinance shall apply to any persons or entities operating or proposing to convert a lodging use into a lodging condominium in Old Orchard Beach and any persons or entities operating or proposing to operate one (1) or more lodging condominium units.

Lodging condominium projects approved by the town of Old Orchard Beach and operating before the date of the adoption of this ordinance. If a lodging condominium proposes a change to another use, add another use to its existing operations, expand the existing use (including additional square footage), or change unit size or location, such change of use, additional use, expansion of use, or unit change must be reviewed and approved by the Planning Board for compliance with this Section.

(3) Definitions exclusive to Lodging Condominium

As used in this section the terms listed below have meanings set forth below, whether or not such terms are otherwise defined elsewhere in the town of Old Orchard Beach Code of Ordinances. Terms not listed below have the same meanings as in applicable Old Orchard Beach Code of Ordinances Chapter including Chapter 78, Section 78-1 and Chapter 34, Section 34-26.

Habitable Space: Space occupied by one or more persons for living, sleeping, eating or cooking, excluding kitchenettes, bathrooms, toilet rooms, laundries, foyers, pantries, corridors, stairways, closets, cellars, and storage spaces.

Lodging Condominium: A commercial condominium project with lodging condominium units within a lodging establishment, which units are individually owned, and, except as permitted in Section 78-1281 (9), one hundred (100) percent of which are made available for transient use as short-term vacation or tourist rentals when not being used by the unit owner.

Lodging Condominium Unit: Any room or groups of rooms located within a lodging condominium and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Lodging Establishment: A hotel, motel, bed and breakfast establishment or inn.

Personal use: The use or occupancy of a unit by a unit owner, by a non-rental paying guest of an owner, or by a member of the owner's family.

Short-Term Rental: Any building or structure, or portion thereof, that is offered or provided to a guest or guests to be used for living or sleeping for a fee for less than thirty (30) consecutive calendar days. Short-term rental units may be whole house, duplexes, multifamily, apartments, condominiums, lodging condominium, and individual rooms or individual units in homes, duplexes, multifamily, apartments, condominiums, and lodging condominium.

Transient: means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement of whatsoever kind and nature for a period of less than (30) consecutive calendar days, counting portions of calendar days as full days. Any person occupying space in a lodging condominium shall be deemed to be a transient until the period of thirty (30) days has expired.

Unit Owner or Owner: An individual or entity that acquires any ownership interest in, and holds title to, one or more lodging condominium units.

(4) Permitting and Licensing

No person or entity shall construct, occupy or operate a lodging condominium within the Town without first obtaining all necessary permitting and licensing approvals pursuant to Chapter 78, Article VII (Conditional Uses) and this Section. Except as specifically provided for in this Section, all other applicable provisions of the Old Orchard Beach Code of Ordinances, including, but not limited to Chapter 18 (Businesses), Chapter 30 (Fire Prevention and Protection), Chapter 34 (Housing), and Chapter 78 (Zoning) as well as any state and federal codes and laws shall be applicable to the construction, occupancy and operations of lodging condominiums; provided however, that the more specific standards contained in this Section shall prevail over any general standards set forth in the town of Old Orchard Beach Code of Ordinances. A lodging condominium shall be allowed as a conditionally use, subject to the terms of this Ch, 78, Article VII and this Section, and only within those zoning districts in which lodging condominiums are expressly allowed as a permitted or conditional use. Each application for a lodging condominium will be reviewed by the Planning Board. Approval shall be subject to required conditions necessary to carry out the standards of this Section.

Each lodging condominium unit requires a business license which will be reviewed by the Council. As part of business license renewal, each unit owner must provide the Town with copies of all rental records, tax receipts or any other documents necessary to verify conformance with the standards, conditions and requirements set forth in this Section and any Planning Board approval.

(5) Lodging Condominium Application

An application for a lodging condominium shall include the following as well any other information that the Town may determine is necessary to review the application.

- (a) Proposed site plan, drawn at a scale not to exceed one inch equals 40 feet or at a scale otherwise required by the town planner. Such plan shall be sealed by a professional engineer, landscape architect, or a surveyor licensed in the state and shall contain the following information:

1. Property boundary survey class 1, signed and sealed by a state-licensed land surveyor, showing bearings and distances of the subject property boundary, topographic elevations at a contour interval of no more than two feet, location and elevation of all existing and proposed structures, site features and site improvements.
 2. Information block containing location, address, map-block-lot number of the subject.
 3. Property as recorded in the town assessor's office, name and address of the applicant and owner if different.
 4. Approval block providing space for the signatures of planning board members.
 5. Map scale, north arrow (true north), and date the site plan was prepared including the date of any subsequent revisions made to the plan.
 6. Identification and location of all abutters and land use within two hundred (200) feet of property proposed to be converted.
 7. The dimensions and layout of all building and structures.
 8. Delineation of all existing and proposed public and private easements on or directly adjacent to the property.
 9. Location, dimensions, and layout of all existing and proposed built elements, including buildings and structures, parking areas, driveways, roads, sidewalks, fences, walls, steps, piers and docks, patios, swimming pools, and signage.
 10. Location of existing site features located on the property, including but not limited to existing streams, wetlands, drainage swales, tree lines, identification and location of specimen trees greater than eight inches caliper, location of existing rock outcrops, and boundary of 100-year flood zone as defined by the Federal Emergency Management Agency flood insurance rate map for the town.
 11. Location of existing and proposed utilities including overhead telephone poles and/or underground cables, public sewer and water lines, gate valves, fire hydrants, dumpsters or waste receptacles, private septic systems and water supply wells.
 12. Specification, layout, and quantity of proposed and existing landscaping.
 13. Location, layout, and dimensions of all existing and proposed drainage facilities, accompanied by detailed drainage calculations signed and sealed by a professional engineer licensed in the state.
 14. Location, specification, height and photometric data of existing and proposed exterior lighting.
- (b) Submission of the condominium plat prepared in accordance with Maine Revised Statutes Title 33 § 1602-109.
- (c) Submission of the condominium declaration.
- (d) Detailed description of all uses and operations.
- (e) Submission of municipal service and infrastructure analysis. The Planning Board must find the lodging condominium will not have a negative fiscal or services impact on the Town.
- (f) Responses to each of the twelve (12) criteria in Sec. 78-1240 of this Article.
- (g) Demonstrate conformance with the Sound standards in Chapter 26, Environment, including Sec. 26-63, Noise Level Standards, and Sec. 26-66, Measurement Procedures.

- (h) Demonstrate conformance with Conversion of Seasonal Structures to Year-Round Dwellings, Chapter 34, Article VIII.
- (i) Demonstrate conformance with applicable building and life safety code requirements.
- (j) Off Street Parking Plan. Lodging condominiums shall assign two off-street parking spaces for each lodging condominium unit and one off-street parking space for each on-shift employee.
- (k) Traffic impact analysis and assessment prepared by a Maine Licensed Traffic Engineer.
- (l) Submission of a waste disposal operation plan which shall be in compliance with Chapter 46, Solid Waste.
- (m) Detailed description stating how the lodging condominium will comply with the short-term occupancy requirements in this Section.
- (n) Statement describing how the lodging condominium association will ensure the lodging condominium and all unit owners will comply with this Section, including, but not limited to short-term rental and licensing requirements.
- (o) Documentation demonstrating how the lodging condominium complies with the zoning district(s) and applicable standards in Chapter 78, Zoning, including but not limited to Article VIII, Performance Standards.
- (p) Lodging condominium maintenance agreement.
- (q) Identify the maximum occupancy number for each lodging condominium unit.

(6) Condominium Declaration

Each lodging condominium is required to submit a copy of the condominium declaration. In addition to conforming with the condominium requirements identified in the Maine Condominium Act, all condominium declarations shall, at a minimum, include the following:

- (a) Requirement that each unit owner shall secure Town business license approval within sixty (60) days of unit closing and renewal business licenses in accordance with this Section and Chapter 18, Businesses, ordinance.
- (b) Requirement that each unit owner shall include documentation demonstrating compliance with the short-term occupancy standard in this Section.
- (c) Excepting a single unit used for the on-site manager, include language that states one hundred (100) percent of the units in the lodging condominium must be made available as short-term rental units for guests for at least three hundred five (305) days or portions thereof out of every calendar year and personal use of units by unit owners shall not exceed sixty (60) days or portions thereof out of every calendar year.
- (d) Requirement that unit guests are prohibited from remaining in any unit for thirty (30) or more consecutive days or portions thereof out of every calendar year.

- (e) Record keeping requirements identifying the way unit owners shall document short term and personal use occupancy. At a minimum, the manner shall include a recording of the days and payments for guest use and days used for personal use during each calendar year.
- (f) Requirement that the lodging condominium association will provide the Town with contact information (name, phone, email) of lodging condominium association membership and the lodging condominium management entity or company. Information shall include at least one contact who is available seven (7) days a week, twenty-four (24) hours a day. This information shall be provided to the Town Code enforcement officer each year, no later than 15 January or anytime there is a change.
- (g) Lodging condominium association bylaws.
- (h) Requirement that the lodging condominium association secure the services of a lodging condominium management entity or company. The lodging condominium association shall give the lodging condominium management entity or company the right to provide to the lodging condominium, the property, and to unit owners, lessees and other occupants, any or all “on property” services commonly provided at lodging establishments and condominium developments.
- (i) Requirement that unit owners shall be required to enter into a unit maintenance agreement with the lodging condominium association and/or the lodging condominium management.
- (j) Require operation on a three hundred sixty-five (365) calendar days each year, seven (7) day a week basis the following services, at a minimum: front desk and lobby operations, housekeeping, and short-term rental reservation services.
- (k) Acknowledgement that lodging condominium association, lodging condominium management, and each unit owner shall allow town inspection and violation investigation.
- (l) Contracted private waste hauling.
- (m) Assigned parking spaces including two (2) on-site spaces for each unit.
- (n) Identify the maximum occupancy number for each lodging condominium unit.
- (o) Requirement that states the lodging condominium declaration shall not be amended without the prior approval of the Town.

(7) Lodging Condominium Association

A lodging condominium association shall be established to govern, maintain, and operate the lodging condominium and its services. The lodging condominium application and condominium declaration shall require the lodging condominium hotel association to hire a qualified professional management entity or company as management in order to maintain and operate all portions of the lodging condominium. The association and management entity or company shall file contact information with the Town. Any changes to association membership shall be reported to the Town.

Unit owners shall be required to enter into a unit maintenance agreement with the lodging condominium association or the lodging condominium management.

(8) Lodging Condominium Management

The lodging condominium association shall enter a contract with a professional management entity or company to manage operations. The management entity or company shall have experience in the hotel/motel management business and condominium developments. Lodging condominium management responsibilities shall include, at a minimum: front desk and lobby operations, housekeeping, short-term rental reservation services, and monitor and document the use of each lodging condominium unit; and may include care of landscape areas, building maintenance, maintenance of common areas, and other amenities and improvements. Any changes to the lodging condominium management company shall be reported to the Town.

Unit owners shall be required to enter into a unit maintenance agreement with the lodging condominium association or the lodging condominium management.

(9) Short Term Occupancy

Every lodging condominium unit must be made available as a rental unit for guests for a fee (i.e., guests who rent and pay for the owner's unit through the condominium hotel management or entity, or through the unit owner directly) at least three hundred five (305) days or portions thereof out of every calendar year. Unit guests are prohibited from remaining in any unit for thirty (30) or more consecutive days or portions thereof out of every calendar year. Personal use of units by unit owners shall not exceed sixty (60) days or portions thereof out of every calendar year. No unit shall be used as a timeshare, fractional or other vacation ownership unit.

No more than one (1) unit in a lodging condominium may be used for the occupancy by a person or family serving as the on-site manager of the lodging condominium. This unit shall be exempt from the less than thirty (30) day rental and sixty (60) day personal use requirements.

(10) Performance Standards for Lodging Condominiums

A lodging condominium requires approval from the Planning Board prior to the issuance of any business license, building permit or certificate of occupancy. In addition to the standards referenced in this Section, each lodging condominium is required to meet the following standards, conditions, and requirements.

- (a) No unit may be converted into or used as any form of permanent residence.
- (b) All units shall be completely furnished with furniture and appliances.
- (c) A front desk and lobby area accessible to members of the public.
- (d) The lodging condominium shall have in place waste disposal operational plan in conformance with Chapter 46, Solid Waste. Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from public view. All lodging condominiums shall have contracted private waste hauler.

- (e) The lodging condominium will not cause or negatively contribute to existing highway or public road congestion or unsafe conditions with respect to use of highways or public roads existing or proposed. Applicant shall submit a traffic impact analysis and assessment prepared by a Maine Licensed Traffic Engineer.
- (f) Municipal service and infrastructure analysis. All proposed lodging condominium conversions will be reviewed by the Planning Board with respect to its effect upon existing services and facilities. The Planning Board must find the lodging condominium will not have a negative fiscal or services impact on the Town. The applicant for a conversion shall provide analysis addressing how the conversion will affect each of the following:
 - 1. Schools, including enrollment and busing.
 - 2. Road maintenance and snow removal.
 - 3. Police.
 - 4. Fire and ambulance protection.
 - 5. Solid waste disposal.
 - 6. Recreation facilities.
 - 7. Sewer facilities.
 - 8. Runoff water disposal drainageways and/or stormwater infrastructure.
- (g) Each unit must be made available to guests for short-term rental transient use only, except as may specifically provided otherwise in this Section. At all times when a unit owner has not reserved its lodging condominium unit for personal use, the unit shall be made available as a short-term rental unit.
- (h) Each unit owner shall secure business license approval for each short-term rental and up-to-date business license renewal for each short-term rental.
- (i) No unit shall be used as a timeshare, fractional or other vacation ownership unit.
- (j) Each unit owner shall become a member of a condominium hotel association.
- (k) The condominium declaration submitted shall require operation on a three hundred sixty-five (365) calendar days each year, seven (7) day a week basis the following services at a minimum: front desk and lobby operations, housekeeping, and short-term rental reservation services.
- (l) Condominium declaration that complies with Section 78-1281 (6) of this Article.
- (m) Except as specifically provided for in this Section, all other applicable provisions of the Old Orchard Beach Code of Ordinances Chapter 78, Zoning, shall apply to the lodging condominium project, including, but not limited to applicable standards of the zone in which the project is located.
- (n) Conformance with each of the twelve (12) criteria in Sec. 78-1240 of this Article.
- (o) All ancillary or accessory uses to the lodging condominium, such as restaurants, cafes, and retail sales, shall be operated on the same property as the lodging condominium building or buildings.

- (p) Every lodging condominium unit shall contain at least 200 square feet of floor area of habitable space for the first occupant and at least 150 square feet of additional area of habitable space for each additional occupant. A child under the age of one shall not be counted as an occupant for the purposes of this section.

(11) Licensing

Each unit owner shall secure business license approval for each lodging condominium unit and up-to-date business license renewal for each unit. Each unit owner shall secure business license approval for each lodging condominium unit within sixty (60) days of unit closing. Each unit must be made available to guests for short-term rental transient use only, except as may specifically provided otherwise in this Section.

At the time of business license renewal, each unit owner shall provide the Town with copies of all rental records, tax receipts or any other documents necessary to verify conformance with the standards, conditions and requirements set forth in this Section.

(12) Reporting

Each unit owner and the lodging condominium association shall maintain and regularly make available to the Town information, records, and documentation, and also shall allow reasonable access to individual units, as the Code Enforcement Officer or designee finds necessary to inspect, have or review in order to ensure the unit owner's and lodging condominium association's compliance with this Section and other applicable Town laws, regulations, the lodging condominium conditions, the condominium plat and plans, and condominium declaration.

(13) Amendments and Changes

If a lodging condominium proposes a change to another use, add another use to its existing operations, expand the existing use (including additional square footage), or change unit size or location, such change of use, additional use, expansion of use, or unit change must be reviewed and approved by the Planning Board for compliance with this Section. Any plan or plat amendments to must be reviewed and approved by the Planning Board for compliance with this Section. Any condominium declaration change shall be in compliance with this Section. Any changes to association membership or the lodging condominium management company shall be reported to the Town.

(14) Inspections

- (a) Conduct of inspections. The code enforcement officer is authorized to conduct inspections of all premises within the scope of this Section.
- (b) Investigation of complaints. The code enforcement officer shall investigate all complaints of alleged violations of this Section.
- (c) Right of entry. The code enforcement officer in the performance of his duties shall have the right of access to any premises at reasonable hours, upon giving proper identification, for the purpose of inspecting the premises in order to determine compliance with this Section and for the purpose of examining and inspecting any work performed under this Section.

- (d) Access. Owners, agents, operators, and occupants shall provide access to all parts of the premises within their control to the code enforcement. Refusal to provide such access shall be a violation of this Section.

(15) Violations and Enforcement

- (a) When any violation of this Section is found to exist, the code enforcement officer or their designee is hereby authorized and directed to institute any and all actions either legal or equitable that may be appropriate or necessary for the enforcement of this Section, the action to be brought in the name of the town.
- (b) Enforcement. The code enforcement officer or their designee is granted authority to enforce this Section in accordance with town of Old Orchard Beach Code of Ordinances, Chapter 78, Article II

AGENDA ITEM #7869

Discussion with Action: Award a contract to HSE Fire/Safety Equipment in the amount of \$9,981.75 for the purchase of High-Rise Hose & Equipment from CIP account 52002-50895 Fire Equipment/Gear CIP – with a balance of \$37,631.51.

Chair: Shawn O'Neill



Old Orchard Beach Fire Department

INTEROFFICE MEMORANDUM

TO: DIANA ASANZA, TOWN MANAGER
FROM: JOHN GILBOY III, FIRE CHIEF
SUBJECT: CIP FUNDS FOR HOSE & EQUIPMENT
DATE: APRIL 6, 2023
CC: COREY PELLETIER, CAPTAIN
ZACHARY APGAR, CAPTAIN
JORDAN MILES, FINANCE DIRECTOR

While working with an outside training consultant for a review of our high rise guidelines and procedures it was identified that the Old Orchard Beach Fire Department could use upgrades to our current equipment capabilities to better ready the organization for its response appropriate to our staffing levels. After meeting with our sole source hose vendor and performing a hands-on demonstration of different options we're pleased to bring forward the following recommendations for a high-rise attack package that will better meet the needs of our organization.

This package includes (12) 50' lengths of 2" hose, valves, associated fittings with adapters and nozzles to complete the high-rise package carried on each apparatus. This 2" hose allows for flow rates of up to 265 gallons per minute without the staffing required to safely operate our current combination of 2-1/2" and 1-3/4" hose that only flows 185 gallons per minute.

It is important to note for the past 10 years or greater we have been working with a sole source hose vendor (HSE Fire/Safety Equipment representing Mercedes Textiles) to support interoperability among our equipment. This allows us to not have concerns over differences in materials which could lead to hydraulic friction variances.

Please add the following for council action:

Discussion with Action: Award a contract to HSE Fire/Safety Equipment in the amount of \$9,981.75 for the purchase of High-Rise Hose & Equipment from CIP account 52002-50895 – with a balance of \$37,637.51.



Quotation

Date: 3/13/2023	Submitted By: Willie Burk
--------------------	------------------------------

Harrison Shrader Enterprises

475 Pleasant Street Suite 14
 Lewiston, Me 04240
 207-241-0325 Fax: 207-553-2288
www.hsefiresafety.com

Quotation For OOB FD

OOB, Me

CONTACT:	EST. SHIP DATE	SHIP VIA	TERMS
Captain Pelletier		Best way	Net 30 days

QUANTITY	DESCRIPTION		EXT. PRICE
12	50' Length Mercedes Textiles Super II 2" KrakenEXO Permatek Color Treated w/2.5" NH Wayout Couplings		
3	TFT 2.5" NH Inline Pitot Gauge p/n J25G300S		
3	TFT 2.5" NH Cap p/n A01NJ		
3	TFT 2.5" MNH x 1.5" FNPSH Adapter p/n AA5IF-NJ		
3	TFT Small Spanner p/n A3813		
3	FHU Connection Mallet p/n CM-2		
3	Moon American 2.5" NH Gate Valve w/Handwheel p/n 734		
3	TFT 2.5" FNH x 1.5" MNPSH Valve w/Grip p/n J140FP-NJIF w/TFT 1.5" FNPSH x 1 1/8" Straight Tip p/n FSS10		
	Subtotal of 3 HiRise Kits	\$2,828.00	\$ 8,484.00
3	TFT 2.5" FNH x 1.5" MNPSH Valve w/Grip p/n J140FP-NJIF w/ TFT 1.5" FNPSH x 1 1/8" Smoothbore Tip p/n FSS10-IF	\$499.25	\$ 1,497.75
	Subtotal:		\$ 9,981.75
	Plus shipping and handling will be added		
	TOTAL		

SIGNATURE: Willie Burk	ABOVE PRICING WILL BE HONORED FOR: 30 days
------------------------	--

AGENDA ITEM #7870

Discussion with Action: Set the public hearing date of May 2nd, 2023 to amend the Town of Old Orchard Beach code of Ordinances, Chapter 54 Traffic and Vehicles, Section 54-187, Atlantic Avenue, designating a handicap parking space, in front of 76 Atlantic Avenue, MBLU 312-14-2.

Chair: Shawn O'Neill

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on May 2nd, 2023, at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 54, Traffic and Vehicles, Section 54-187, Restrictions and Prohibitions, Atlantic Avenue, by adding the underscored language as follows:

Atlantic Avenue. No vehicle shall be parked on Atlantic Avenue from West Grand Avenue to First Street; only diagonal parking between West Grand Avenue and the seawall (right side facing the ocean). No vehicle shall be parked on either side of Atlantic Ave. from First St. northwesterly for 100 feet. There will be one handicap parking space in front of 76 Atlantic Avenue, MBLU 312-14-21.

Per Order of the Municipal Officers this 18th day of April, 2023.

A True Copy
Attest:

Kim M. McLaughlin, Town Clerk

AGENDA ITEM #7871

Discussion with Action: Per Section 50-111 of the Code of Ordinances, the Town Council, for E-911 services, are naming the private ways in the following campgrounds:

Old Orchard Beach Campground:

- Go Camping Way

Sun Retreats, Wild Acres:

- Blackbird Trail
- Blue Heron Trail
- Blue Jay Trail
- Crow Trail
- Downy Trail
- Eagle Trail
- Elder Trail
- Falcon Trail
- Finch Trail
- Flicker Trail
- Flycatcher Trail
- Gannet Trail
- Goldfinch Trail
- Horned Owl Trail
- Hummingbird Trail
- Iceland Trail
- Loon Trail
- Manx Trail
- Mockingbird Trail
- Morning Dove Trail

- Piping Plover Trail
- Raven Trail
- Razorbill Trail
- Robin Trail
- Sparrow Trail
- Starling Trail
- Stellar Trail
- Stork Trail
- Waxwing Trail
- Yellowthroat Trail

Sun Retreats, OOB Wagon Wheel:

- Allagash Trail
- Black Bear Trail
- Bobcat Trail
- Coyote Trail
- Doe Trail
- Elk Trail
- Finback Trail
- Fox Run Trail
- Grizzly Trail
- Harp Trail
- Lynx Trail
- Mink Trail
- Pilot Trail
- Rabbit Run Trail
- Turtle Trail
- Wolf Trail

Sun Outdoors, OOB Hid'n Pines:

- Allen Trail
- Appledore Trail
- Boon Trail
- Fisherman Trail
- Georgetown Trail
- Great Diamond Trail
- Great Duck Trail
- Harbor Trail
- Jewel Trail
- Lane Trail
- Little Cranberry Trail
- Mackworth Trail
- Monhegan Trail
- Mount Desert Trail
- Peaks Trail
- Saint Croix Trail
- Seal Trail
- Stratton Trail
- Warren Trail

Chair: Shawn O'Neill



Memories Start Here

Town Of Old Orchard Beach
1 Portland Ave, Old Orchard Beach, ME 04064
www.oobmaine.com

Karen L. Fortier
Assessor
207.937.5612
kfortier@oobmaine.com

MEMO

TO: Town Council
From: Karen Fortier, CMA
Assessor / E911 Addressing Officer
DATE: 3/29/2023
RE: New Street Name - Go Camping Way

As a part of our ongoing project to assign E-911 addresses to all campground/resort sites in the Town, the Old Orchard Beach (OOB) Campground has submitted for your approval the new street name, Go Camping Way. This street name has been reviewed by fire and police and they have found this street name to be acceptable.

This private road connects the campground to Ocean Park Rd. By naming this road, the approved campground roads are now connected to an existing road outside the campground which will allow for GIS mapping to the campground sites. The road is highlighted in pink on the following map.

OOB Campground is seeking approval now so that they can prepare for their eventual physical address change in November from 27 Ocean Park Rd to 27 Go Camping Way.



Memories Start *Here*

Town Of Old Orchard Beach
1 Portland Ave, Old Orchard Beach, ME 04064
www.oobmaine.com

Karen L. Fortier
Assessor
207.937.5612
kfortier@oobmaine.com

MEMO

TO: Town Council
From: Karen Fortier, CMA
Assessor / E911 Addressing Officer
DATE: 4/13/2023
RE: New Street Names - Sun Retreats Wild Acres, Sun Retreats OOB Wagon
Wheel and Sun Outdoors OOB - Hidn Pines Campgrounds

As a part of our ongoing project to assign E-911 addresses to all campground/resort sites in the Town, Sun Hidn Pines RV LLC, Sun Wild Acres RV LLC and Sun Wagon Wheel RV LLC have submitted for your approval new street names. These street names have been reviewed by fire and police and they have found these street names to be acceptable.

These campgrounds are seeking approval of the street names now so that they can prepare for the future implementation of their addressing plans.

AGENDA ITEM #7872

Discussion with Action: Consider Council Resolution in support of the Town of Old Orchard Beach participating in the Community Resilience Partnership (CRP). The CRP provides grants and support to assist communities to reduce carbon emissions, transition to clean energy, and become more resilient to climate change.

Chair: Shawn O'Neill

A RESOLUTION COMMITTING THE TOWN OF OLD ORCHARD BEACH TO JOIN THE COMMUNITY
RESILIENCE PARTNERSHIP

April 18, 2023

WHEREAS, the Town of Old Orchard Beach has completed the Community Resilience Partnership's Community Resilience Self-Assessment and List of Community Actions, and held a community workshop on February 13, 2023 which prioritized the following action areas: Improving energy efficiency and reducing greenhouse gas emissions for municipal buildings and operations; supporting alternative transportation modes, including bike and walking infrastructure; protecting the environment, including the coastal sand dunes, and promoting natural climate solutions; building a healthy and resilient community; and reducing flood risk.

WHEREAS, the Town of Old Orchard Beach experiences sea level rise, and its effects including coastal flooding, beach erosion, local ecosystem impacts and other natural hazards and seeks to better prepare for future conditions;

WHEREAS, planning for community and infrastructure resilience will protect people, preserve businesses and the local economy, and reduce the impact and costs of natural disasters;

WHEREAS, investing in energy efficiency and weatherization improvements is proven to lower municipal electricity expenses and make buildings more comfortable for employees and visitors;

WHEREAS, the State of Maine's four-year climate action plan, *Maine Won't Wait*, seeks to put Maine on a trajectory to decrease greenhouse gas emissions 45% by 2030 and 80% by 2050, and achieve carbon neutrality by 2045;

WHEREAS, shifting seasonal temperature and precipitation patterns threaten local natural ecosystems, economic activity such as tourism and seasonal recreation, and public health due to increased incidence of heat-related illness and tick-borne illnesses such as Lyme disease;

WHEREAS, the Town of Old Orchard Beach is prepared to demonstrate leadership in reducing energy use and greenhouse gas emissions, and increasing the resilience of people, infrastructure, and businesses;

BE IT RESOLVED, the Town of Old Orchard Beach commits to participating in the Community Resilience Partnership, which supports community leadership in reducing greenhouse gas emissions and increasing resiliency to extreme weather and climate change impacts;

BE IT FURTHER RESOLVED, the Town of Old Orchard Beach designates the Town Manager or a designee and the Town Planner or a designee to further

coordinate planning, implementation, and monitoring of energy and resilience projects and to be the primary point of contact to the Community Resilience Partnership;

AGENDA ITEM #7873

Discussion with Action: Approve the Beach Management Agreement with the U.S. Fish & Wildlife Services (USFWS) and the Maine Department of Inland Fisheries & Wildlife (MDIFW); from 2023 to 2025.

Chair: Shawn O'Neill

Town of Old Orchard Beach Beach Management Agreement 2023 through 2025

In 2009, representatives of the Town of Old Orchard Beach (the Town), the U.S. Fish & Wildlife Service (USFWS), and the Maine Department of Inland Fisheries and Wildlife (MDIFW) first developed the following Beach Management Agreement for the Town of Old Orchard Beach. In March 2023, representatives of the Town, MDIFW, and Maine Audubon agreed to draft a renewal of the Beach Management Agreement for 2023-2025.

The intent of this agreement is to implement measures that will protect piping plovers, least terns, and migratory shorebirds on Old Orchard Beach from predator and human-related activities and harm. Success of this agreement depends on the participation and cooperation of the Town, USFWS, and MDIFW. **This agreement does not supersede or replace any local, state, or federal statutes, regulations, or guidelines that apply to private properties.**

IMPORTANT! This agreement is in effect annually from April 1 through August 31 when *nesting activity* is occurring, *which is defined as when territorial pairs, nests, and chicks of Piping Plovers are present.* **When nesting activity is not occurring on the Town's beaches, these guidelines are not in effect.** The Town must keep in weekly communication with MDIFW or its designee to know when Piping Plover *nesting activity* is occurring.

This agreement allows the Town of Old Orchard Beach to continue their beach management program without filing a state Incidental Take Plan (ITP) for each Town activity that occurs near or within Piping Plover nesting areas, as long as the Town implements protection measures outlined in this agreement. Compliance with this agreement exempts the Town from Essential Habitat regulations (section IV – L) for activities specifically addressed here. Other activities that overlap with the portion of Old Orchard Beach designated as an Essential Habitat not addressed in this Agreement require MDIFW review.

There is an incentive for the Town to promote the nesting success of plovers, because plovers that nest successfully in April will fledge their chicks by mid-to-late June, thus removing restrictions on the beach. However, if April nesting fails, or the plovers are forced to nest late, the nesting and chick rearing season will extend into July and August, the peak summer months for beachgoers.

I) Introduction

The Piping Plover (*Charadrius melodus*) is a small sandy-colored shorebird that nests on beaches from South Carolina to Newfoundland and is imperiled throughout much of its range in the United States and Canada. Once common on sandy beaches in southern Maine, the Piping Plover is listed as Endangered under the Maine Endangered Species Act (MESA), and the east coast population is listed as Threatened under the federal Endangered

Species Act (ESA). In 2022, a state record of 140 pairs of Piping Plovers nested in the entire state of Maine, an increase from 125 pairs in 2021.

Habitat loss and lack of undisturbed nest sites are two of the primary factors jeopardizing populations of Piping Plovers. Historically, Maine had more than 30 miles of suitable nesting beaches that may have supported up to 200 pairs of Piping Plovers. However, the construction of seawalls, jetties, piers, homes, parking lots, and other structures along Maine's sand-beaches has dramatically reduced the extent of suitable nesting habitat. Continuing development and intense recreational use of nesting beaches is further reducing the capacity of the remaining habitat to support nesting plovers. Ensuring the availability of this limited habitat is essential for the continued existence of Piping Plovers and other coastal wildlife, such as the state listed endangered Least Tern and federally listed Red Knot that use plover nesting beaches to rest and refuel during migration.

Historical records document that Piping Plovers nested on Old Orchard Beach in recent decades. In fact, under ideal conditions, these 3 miles of sand-beach habitat may have once supported as many as 10 pairs of Piping Plovers at densities of 3.5 pairs/mile of beach. Unfortunately, development and associated human disturbance and predation greatly reduced the ability of the habitat to support these rare birds. Piping Plovers were a rare summer resident in Maine in the late 1800s, and in the early 1900s, were extirpated as a breeding bird from the state. With protection from the Migratory Bird Treaty Act in 1918, plovers rebounded, and by 1940, they were common on sandy beaches from Kittery to Cape Elizabeth. Nesting of plovers on Old Orchard Beach resumed in 1993. From 1993 to 2008, one to three pairs of Piping Plovers consistently nested on Old Orchard Beach. With increasing support from the Town, the number of nesting Piping Plovers on Old Orchard Beach has ranged from three to nine pairs during 2014-2022; clearly, habitat management of Old Orchard Beach is essential to the recovery of Piping Plovers in Maine.

In 1995, the MDIFW designated a portion of Old Orchard Beach (PPLT04 and PPLT08) as Essential Habitat for Piping Plovers. In 2010, to incorporate recent nesting locations by Piping Plovers on Old Orchard Beach, MDIFW expanded Essential Habitat to include two more areas (PPLT14 and PPLT15).

II) Authority to Enter Agreement

Maine Endangered Species Act of 1975 (MESA)

Federal Endangered Species Act of 1973 (ESA)

III) Geographic Scope of Agreement

The area under this agreement is the entire, Town-owned beachfront commencing from the Saco/Old Orchard Beach town line at Goosefare Brook, north to the Old Orchard Beach/Scarborough town line. The beachfront includes the seaward side of the frontal dune to the mean low water mark.

The intent of this agreement is to provide a means to protect Piping Plovers on Old Orchard Beach. Success of this agreement depends on the participation and cooperation of the Town and MDIFW.

This agreement does not supersede or replace any local, state, or federal statutes, regulations, or guidelines that apply to private properties.

IV) Beach Management Guidelines for Piping Plovers

IMPORTANT! These guidelines are in effect from April 1 through August 31 when *nesting activity* is occurring, *which is defined as when territorial pairs, nests, and chicks of Piping Plovers are present.* The Town must keep in weekly communication with MDIFW or its designee to know when Piping Plover *nesting activity* is occurring. When *nesting activity* is not occurring on the Town's beaches, these guidelines are not in effect.

A) Daily Pickup of Trash Barrels on the Town's Beaches and Rights-of-ways.

The Town does not place trash barrels on the beach near plover nest sites. If the Town does decide to place trash barrels on the beach, the Town must place them as far away from areas of plover *nesting activity* as possible but no closer than 100 feet from a stake and twine symbolic fence. Any Town vehicle picking up waste from the barrels shall have a trained spotter (trained by MDIFW or its designee) walk in front of the vehicle, which shall proceed no faster than walking speed.

Trash pickup using All Terrain Vehicle (ATV) does not require a spotter if:

1. Personnel picking up trash are in weekly communication with the Town's Plover Monitoring Coordinator and MDIFW or its designee to know the location of nesting plovers and their chicks;
2. ATV operators are trained by MDIFW or its designee; and
3. ATV vehicles proceed no faster than walking speed.

All vehicles will travel as close as possible to the mean high-water mark, to assure no conflicts between piping plovers and vehicular traffic.

B) Seaweed and Debris Cleanup

The Town will follow these beach-cleaning guidelines during periods of Piping Plover nesting activity.

1. All beach-cleaning vehicle entrances/exits to the beach will be at locations agreed upon by the Town and MDIFW.
2. The Town will coordinate with the Town's Plover Monitoring Coordinator to determine current plover nest and/or brood locations. The Plover Monitoring Coordinator or a spotter, trained by MDIFW or its designee will guide all Town beach-cleaning vehicles within 500 feet of nesting areas or plover brood locations.
3. Spotters will use the map given to them by the Town's Plover Monitoring Coordinator (see Section IV, H). They will record observations of adult birds, nests, eggs, and chicks, every 100 feet of the beach prior to vehicular access to that section. If the spotter does not observe plover activity, the cleaner will rake those 100 feet while the spotter stands and watches in that zone. Records of these observations will be submitted to MDIFW at the end of the nesting season or at any time upon request.

4. The spotter will proceed to the next area (approximately 100 feet down the beach), spotting, locating, and watching before giving the signal to allow the vehicles to enter the area.
5. Beach cleaning will not occur within 100 feet of stake-and-twine symbolic fencing. This gives the birds a buffer from disturbance by vehicles and leaves additional foraging habitat intact.
6. The Town will clean rights-of-way by hand unless it is clearly outside any area of plover ***nesting activity*** or conducted outside the plover-nesting season. Instances of need for heavy seaweed removal have historically been few. However, should heavy seaweed removal require using a dump truck and an excavator, a trained spotter will be required on site. No such work will take place within 100 feet of a stake-and-twine symbolic fence.

C) Lifeguards.

Lifeguard stands will be at least 100 feet from a stake-and-twine symbolic fence. In the event that a site does not allow for the required 100-foot buffer, MDIFW and the Town will determine an appropriate placement for the lifeguard stand as far as possible from the stake-and-twine symbolic fence. This mutually agreed-upon location will maintain the public safety requirements as well as protect nesting Piping Plovers. When feasible and appropriate, as determined by the Town, lifeguards will assist in educating the public about safeguarding plovers.

Any vehicles used by lifeguards must use a spotter with similar requests for seaweed cleaning in Section IV-B (above).

D) Police, Emergency, and Non-Emergency Vehicle use

It will be the policy of the Town of Old Orchard Beach that essential (non-emergency) vehicle use will not occur within 100 feet of designated Piping Plover nesting areas. The Town will coordinate with the Town's Plover Monitoring Coordinator to determine current plover nest and/or brood locations. At least two employees shall respond to any non-emergency incident (such as removal of dead or injured marine mammals) within an area of plover ***nesting activity***, with one employee acting as the spotter to and from the scene.

The following USFWS guidelines should be followed within 500 feet of nesting areas and/or brood locations to minimize the probability that chicks will be crushed by essential (non-emergency) vehicles:

- Essential vehicles should travel through chick habitat areas only during daylight hours and should be guided by a qualified monitor who has first determined the location of all unfledged plover chicks.
- Speed of vehicles should not exceed five miles per hour.

- Use of open 4-wheel motorized all-terrain vehicles or non-motorized all-terrain bicycles are recommended whenever possible for monitoring and law enforcement because of the improved visibility afforded operators.
- Essential vehicles should avoid driving on the wrack line, and travel should be infrequent enough to avoid creating deep ruts that could impede chick movements.

All emergency response personnel will account for and avoid nesting areas and chicks to the maximum extent practicable, consistent with the nature and urgency of the emergency. All Public Safety or Town personnel assigned or normally required to use vehicles (including ATV's) on the beach shall annually receive specialized education and training from MDIFW or its designee in the spotting and protection of plover habitat (see Training below). All other personnel shall have training materials and aids available to assist in spotting plover nests, chicks, and fledglings, during their beach management activities. Training workshops shall be available for each nesting season.

E) Recreational Activities

1. **Beach parties, clambakes, volleyball, fires, etc.:** Because these activities could seriously threaten plover nests, eggs, and young, the Town will discourage such activities within 100 feet of symbolic stake-and-twine fencing.
2. **Kite, sand surfer (wind-driven sand cart), parasail, or parboard sail.** The town will discourage these activities within 650 feet of symbolic stake and twine.
3. **Fireworks.** If the Town approves a fireworks display, MDIFW and USFWS require that:
 - a. The fireworks launch site be located a minimum of 1/2 mile from the nearest Piping Plover nesting and/or foraging area.
 - b. For smaller, weekly fireworks displays, at least one uniformed officer is available to control crowds around nesting areas.
 - c. For the annual 4th of July fireworks display, the Town has adequate law enforcement personnel, as defined by MDIFW, to protect nesting areas and assist MDIFW staff/volunteers.

F) Animal Control

Dogs can be a significant source of disturbance and mortality for Piping Plovers. Ideally, dogs should not be allowed on Piping Plover nesting beaches when territorial pairs, nests, and chicks are present. According to Section 14-6 of the Town ordinances, dogs will not be permitted to enter the beach between the hours 9:00 A.M. and 5:00 P.M. inclusive, from May 15 to Labor Day and must be on-leash after 5 P.M.

The Town agrees not to allow dogs within 100 feet of symbolic stake-and-twine fencing and to erect signs alerting beach-goers of the prohibition on dogs in those areas. Signage will be provided by MDIFW and design and verbiage agreeable between the Town and MDIFW. The Town, MDIFW, and USFWS enforcement officers will enforce this prohibition. If the enforcement of this prohibition is ineffective other options will be

discussed for the next season. This prohibition will be in effect from April 1 through August 31, unless MDIFW determines that Piping Plovers are no longer attempting to nest on the beach.

G) Stake-and-twine Fencing and Nest Enclosures

Plover nests that are not quickly fenced are vulnerable to disturbance. In an effort to afford plovers the immediate protection they require, the Town of Old Orchard Beach grants MDIFW or its designee, approval to erect symbolic stake-and-twine fencing and nest enclosures, as needed.

Stake-and-twine Fencing: Temporary, stake-and-twine fencing and signage is for managing recreational use of the beach in the vicinity of Piping Plover nesting areas, and for protecting nesting and feeding habitat for plovers. Ideally, when courtship and nest scraping first occur, biologists erect stake-and-twine fences and signs around the nesting area. Plover nesting areas are fenced using wooden stakes and baling twine; MDIFW or its designee, provide the signs. Only persons engaged in Piping Plover monitoring should enter the fenced areas. Fenced areas should extend 150 feet on either side of the nest whenever feasible. If the 150-foot radius is inadequate to protect incubating adults and unhatched chicks, biologists may expand the fenced area. In some instances, fenced areas may encompass more than one nest. Monitoring of nesting territories should occur frequently (daily if possible) until nests are located. Stake-and-twine fencing will remain on the beach until all chicks in the vicinity have fledged.

Nest Enclosures. Predation by crows, gulls, foxes, dogs, and cats is a major source of nest failure for Piping Plovers. Therefore, MDIFW or its designee, will erect approximately eight-foot diameter nest enclosures around each nest after the birds lay their third egg; this helps protect the eggs and young until hatching is completed. Nest enclosures consist of 2 x 4-inch welded wire fence supported by metal stakes. Biologists string bird netting over the top of the enclosure to help deter avian predators. Guidelines for constructing and maintaining enclosures are in Appendix F of the federal Piping Plover Revised Recovery Plan (U.S. Fish and Wildlife Service 1996).

MDIFW or its designee will remove nest enclosures when territorial pairs, nests, and chicks are no longer present.

H) Monitoring

The goal of monitoring is to establish regular, daily observational walks to maintain an up-to-date account of Piping Plover activity on Old Orchard Beach to better protect them from predation and human activities. Monitoring of Piping Plovers requires frequent visits by plover biologists and volunteer monitors each week throughout the nesting season to ascertain nesting status, nest location, nest success, and success of young. As the season progresses, monitors may discover new nests at any time as renesting occurs, or as new pairs establish nests on the beach. Adult birds and their chicks commonly move 325 to 650 feet away from the nest to preferred foraging areas (wrack line and intertidal flats). Frequent visits are required to track the survival and movements of family groups.

The keystone of the monitoring program is deployment of trained, Volunteer Plover Monitors (Monitors). The Town's Plover Monitoring Coordinator (Coordinator) recruits and supervises these Monitors.

Plover Monitoring Coordinator: The Town will provide the Plover Monitoring Coordinator as needed for the months of April through August. The Coordinator will work under the supervision of the Director of Public Works. In the event the Town cannot find or hire a Plover Monitoring Coordinator, a municipal employee (determined by the Town) will be assigned to coordinate weekly with MDIFW or its designee, regarding piping plover nesting activity.

The Plover Monitoring Coordinator will be in charge of recruiting and scheduling volunteer plover monitors. The Coordinator will communicate with landowners adjacent to Old Orchard Beach to inform them of Piping Plover biology and management needs, and to solicit their support for the monitoring project. The Coordinator will collect daily reports from the volunteer monitors, compile data, and act as liaison between the Town and MDIFW. At the end of each week, The Coordinator will have all volunteers register, submit, and enter their respective time and mileage online (<https://mdifw-surveyforms.plumsail.io/51476fa6-fe9b-4e36-a641-aa5192450fbf>) managed by MDIFW. Neither the Coordinator nor the volunteer plover monitors will be involved in enforcement of regulations.

Volunteer Plover Monitors: Volunteer Plover Monitors must be available for training and should pledge to make at least a weekly commitment of time. Monitors may also be asked to attend a monthly meeting for program review and reinforcement of training. Monitors shall fill out a standard daily report (provided by MDIFW) following their monitoring activities and deliver it to the established collection point for pick up by the Coordinator. Monitors will report on the location of Piping Plover nests and on adherence to the provisions of this beach management plan. The Town will provide free parking, if necessary, for Monitors during the time of their monitoring activities.

I) Education and Outreach

Educational efforts will take many forms, and will rely heavily on local organizations to promote proper stewardship of the Piping Plover and other shorebirds on Old Orchard Beach. Local organizations should be encouraged to include educational materials in their newsletters, at meetings, on bulletin boards, and through other forms of communication.

The Plover Monitoring Coordinator and Volunteer Plover Monitors will utilize opportunities for face-to-face contact with adjacent property owners and beach users to educate them about Piping Plovers and the importance of respecting their habitat.

MDIFW will develop educational packets specifically designed to acquaint renters that use the beach with the guidelines affecting beach use. The Town will encourage landowners and local realtors who handle rental properties to deliver the educational packets to renters. Educational packets will be provided to the Chamber of Commerce, hotels, libraries, Planning Department, Conservation Commission, Town Manager, and the Town Clerk to reach day visitors and citizens of Old Orchard Beach and surrounding communities. MDIFW will put information about regulations governing dogs on the

beach in the renters' packet and in the newsletter mailed to landowners. Volunteer Plover Monitors will also distribute copies of the dog regulations on the beach.

J) Training

In support of the volunteer monitoring program, MDIFW or its designee will conduct annual training sessions for the Plover Monitoring Coordinator, Volunteer Plover Monitors, lifeguards, police and summer reserves, appropriate Department of Public Works employees, Emergency Responders, and other appropriate employees of the Town. These training sessions will be held in April and May, and will include information regarding Piping Plover biology, conservation/management, monitoring protocol, record keeping, and regulations, including dogs on the beach. When possible, MDIFW or its designee will include enforcement personnel of the USFWS and MDIFW for these training sessions to address issues of "take" under the federal ESA and Maine ESA. MDIFW will provide a Volunteer Monitoring Handbook developed by Maine Audubon, to the Volunteer Plover Monitors, which contains background and training materials, regulations (including those pertaining to dogs on the beach), and daily monitoring check-off sheets.

When feasible and appropriate, MDIFW or its designee will train all Town personnel, including the Conservation Commission, at the same time, unless it is not reasonable to do so.

K) Beach Restoration, Maintenance, Nourishment, and Dune Creation

Activities within the sand dune system at Old Orchard Beach occur within a protected resource area under the jurisdiction of the Maine Department of Environmental Protection (DEP). The U.S. Army Corps of Engineers (Corps) has federal jurisdictional responsibilities within the sand dune system; however, all federal activities are subject to review by the USFWS under the Endangered Species Act. Many projects and activities (such as moving sand, altering vegetation, repairs to jetties and seawalls) require a permit from DEP and/or the Corps. Projects located in designated Essential Habitat may need a "Project Review" from MDIFW, Old Orchard Beach will contact MDIFW regional biologist before such projects are permitted (see section L). Therefore, all proposed beach nourishment, sand fencing, planting, and trail plans should be coordinated by the Town of Old Orchard Beach and reviewed by MDIFW, DEP, USFWS, and the Corps to ensure that state and federal regulations are adhered to and that Piping Plovers are not adversely affected.

L) Permit Review Process

Landowners and the Town of Old Orchard Beach must apply for and obtain all appropriate, necessary environmental permits before conducting activities or projects that require environmental review. This Cooperative Beach Management Agreement does not negate this responsibility and legal requirement, nor does it supersede or replace state and federal law.

This Cooperative Beach Management Agreement can facilitate state and federal environmental review and permitting provided that such activities and projects are consistent with other federal and state statutes. Concurrence from the USFWS and MDIFW on any future project that could affect plovers or their habitat within the geographic area subject to this Agreement is contingent upon the successful implementation of all Piping Plover protection measures described in this Agreement and demonstration that these protection measures have proven adequate in avoiding "take" as defined under the federal Endangered Species Act (harass, harm, pursue, hunt, shoot, kill, trap, capture, or collect) of the federal Threatened Piping Plover (U.S. Fish and Wildlife Service 1973), or "take" as defined under the Maine Endangered Species Act (...the act or omission that results in the death of any endangered or threatened species.) (12 MRSA §12808) and "harass" as defined under state statute as any "intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns" (12 MRSA §10001(29)) of the state Endangered Piping Plover.

Essential Habitat: Any project requiring a permit or license from, or to be funded or carried out by, a state agency or municipal government partly or wholly within a Piping Plover and Least Tern nesting, feeding, and brood-rearing area designated as Essential Habitat shall not be permitted licensed, funded or carried out unless MDIFW determines that the project will not significantly alter the Essential Habitat.

Old Orchard Beach is encouraged to contact MDIFW regional biologist early in the planning process of projects located within designated Essential Habitat.

Certain activities/projects described within this agreement that are located in Essential Habitat do not need a "Project Review" by MDIFW as long as the Town agrees to follow guidelines described within the agreement.

These activities/projects include:

- Daily Pickup of Trash Barrels;
- Seaweed and Debris Cleanup;
- Placement of Lifeguard stands;
- Emergency and Non-emergency Vehicle use;
- Small weekly fireworks display located off the pier

Activities/projects that will need an Essential Habitat Review include but are not limited to:

- Annual July 4th fireworks display;
- Dredging, bulldozing, or removing or displacing soil, sand, vegetation, or other materials;
- Draining, filling, including adding sand or other material to a coastal sand dune;
- Beach nourishment or dune restoration;
- Organized group activities including camping and sporting events on the beach

Situations, activities, or projects may arise that are not addressed in this Agreement that affect the Piping Plovers on Old Orchard Beach. Successful resolution of such eventualities requires communication and coordination; landowners and the Town of Old Orchard Beach are encouraged to seek early and frequent consultation with MDIFW and the USFWS prior to initiating activities or projects that may affect Piping Plovers.

V) Time Frame of Agreement

Recognizing that habitat and other management issues may arise that could require modified management, appropriate members of the Town as determined by the Town Council, USFWS, and MDIFW will meet annually in the winter to review this agreement. This Agreement will commence April 1, 2023 and terminate on October 1, 2025.

VI) Amendments

Amendments to this agreement can be made with the concurrence of all signatory parties to the agreement. Amendments shall not be effective unless documented in writing, dated, signed by all parties, and attached to the agreement.

Signatories to the Agreement

DATE:

Old Orchard Beach Town Manager

Chairman, Old Orchard Beach Town Council

Maine Department of Inland Fisheries & Wildlife

AGENDA ITEM #7874

Discussion with Action - Shall the Town adopt amendments to the Code of Ordinances, Chapter 54, Sections 54-37, Penalty, Section 54-141 Reservation of Powers, Section 54-144, Yellow curbs and 54-186, Prohibited at specific locations, adding yellow lines to yellow curbs and removing effective dates to have the section in effect year-round.

Chair: Shawn O'Neill

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on _____ at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 54, Sections 54-37, Penalty, Section 54-141 Reservation of Powers, Section 54-144, Yellow curbs and 54-186, Prohibited at specific locations, by adding the underscored language and deleting the strikethrough language as follows:

Sec. 54-37. Penalty.

- (a) Any person who violates any section of this chapter shall be guilty of a traffic infraction and shall, upon adjudication, be subject to a fine of not more than \$100.00, or as stated below. All fines shall be recovered, upon complaint, to the use of the town.
- (b) Persons charged with a violation of this chapter may waive all court action by payment, to the town within 14 days of the issuance of a notice of violation, a fee in accordance with the following schedule:
 - (1) No parking in center\$ 30.00
 - (2) Parked in square35.00
 - (3) Parked facing traffic30.00
 - (4) Parking within fire hydrant limits50.00
 - (5) Parked on crosswalk50.00
 - (6) Parked too near corner30.00
 - (7) Double parked35.00
 - (8) No parking in driveway30.00
 - (9) No all-night parking30.00
 - (10) Recreational vehicles, vans, trailers, mobile homes, etc.:
 - a. No all-night parking:
 - 1. First offense50.00
 - 2. Subsequent offenses100.00

- b. No use of public services while parked50.00
 - (11) Tow away zone50.00
 - (12) No parking30.00
 - (13) Other30.00
 - (14) Expired meter or receipt/no receipt/receipt face down30.00
 - (15) Parked overtime30.00
 - (16) No parking, yellow curb or yellow line30.00
 - (17) Parked in handicap space250.00
 - (18) Parked in loading zone35.00
 - (19) Parked on sidewalk30.00
 - (20) Fire lane50.00
 - (21) Hindering snow removal30.00
 - (22) Parked in bus stop30.00
 - (23) Expired parking slip/no permit or slip Milliken Street Lot30.00
 - (24) Expired parking slip/no permit or slip Memorial Park Parking Lot30.00
 - (25) Prolonged parking—Feeding meters30.00
 - (26) No parking that takes more than one space30.00
- (c) Any person asked to move, after first being advised by a Police Officer, and who refuses to move is subject to a fine.
- (d) Waiver fees after 14 days following issuance of a notice of violation and prior to a court appearance shall be twice the amounts set forth in the fee schedule in this section.
- (e) Any vehicle having three or more outstanding notices of violation may be towed and impounded until all fees and towing charges have been paid in full.
- (f) The fact that a vehicle is found in violation of this chapter shall be prima facie evidence of the violation by the person in whose name such vehicle is registered.

(Ord. of 6-13-1961, § 5-179; Ord. of 3-3-1982; Ord. of 3-18-1986; Ord. of 11-15-1988; Ord. of 1-2-1990; Ord. of 8-6-1991; Ord. of 4-7-1992; Ord. of 8-4-1992; Ord. of 3-20-2001; Ord. of 5-18-2004; Ord. of 7-18-2006; Ord. of 4-7-2009(2); Ord. of 6-22-2011(2); Ord. of 5-19-2015(2) ; Ord. of 4-4-2017(2) ; Ord. of 12-7-2021)

Sec. 54-141. Reservation of powers.

Nothing contained in this chapter shall be construed as prohibiting the town from providing for free parking space for loading and unloading for taxicabs, bus stops, trucks, commercial vehicles, and other purposes of a similar nature or from providing for no parking areas marked by a yellow curb, or yellow line upon proper petition, for physicians, offices, hotels, motels, other business establishments, governmental agencies, hydrants, fire lanes, or where public safety may require.

Sec. 54-144. - Yellow curbs and yellow lines.

(a) No vehicle shall be stopped or parked in any street next to a yellow curb or yellow line. No parking signs are not required to label this designation.

~~(b) This section shall be effective from May 15 to October 15.~~

Sec. 54-186. Prohibited at specific locations.

No person shall stop, stand or park a vehicle in any of the following places nor shall any person move a vehicle not owned by him into any of the places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, other authorized person, or traffic control device:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within 20 feet of the near a corner or curb of the curbs at an intersection.
- (7) Within 20 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway except as otherwise specified in this article.
- (8) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street or so-called double park.
- (10) Upon any bridge.
- (11) Any place where official signs prohibit stopping.

(Ord. of 6-13-1961, § 5-118; Ord. of 6-22-2011(2))

Per Order of the Municipal Officers this _____ day of _____, 20____.

A True Copy

Attest:

Kim M. McLaughlin, Town Clerk

AGENDA ITEM #7875

Discussion with Action - Shall the Town adopt amendments to the Code of Ordinances, Chapter 54, Sections 54-1 Definitions and Section 54-142 Parking at expired meters and overtime parking, adding definitions for electric vehicles and electric vehicle charging stations, and parking restrictions for electric vehicles at electric vehicle charging stations.

Chair: Shawn O'Neill

ADJOURNMENT

Chair: Shawn O'Neill

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on _____ at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 54, Sections 54-1 Definitions and Section 54-142 Parking at expired meters and overtime parking, by adding the underscored language as follows:

AMENDMENTS TO CHAPTER 54

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

Authorized emergency vehicle means vehicles of the fire and police departments, ambulances and such emergency vehicles as are designated or authorized by the town council.

Crosswalk means:

- (1) That portion of a roadway ordinarily included within the prolongation or continuation of the lateral lines of sidewalks at intersections. Where two or more streets intersect and only some of the crosswalks at such intersection are marked for pedestrian traffic, the word "crosswalk" includes only such marked crosswalks at any such intersections.
- (2) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Driver means every person who drives or is in actual physical control of a vehicle.

Electric Vehicle means a vehicle that uses electricity as their primary fuel or to improve the efficiency of conventional vehicle designs. EV's include all-battery electric vehicles (BEVs), and plug-in hybrid electric vehicles (PHEVs)

Electric Vehicle Charging Station means equipment that connects an electric vehicle, (EV) or (PHEV), to a source of electricity to recharge electric cars, plug-in hybrids and battery electric vehicles (BEVs).

Intersection means the area embraced within the prolongation or continuation of the lateral sidelines of two highways which join one another.

Official traffic control devices means all signs, signals, markings and devices, whether immovable or whether manually, electrically or mechanically operated, placed or erected by authority of the town council, by which traffic is alternately directed to stop and proceed or for the purpose of regulating, warning or guiding traffic.

Parking meter means a device which shall indicate thereon the length of time during which a vehicle may be parked in a particular place, having as a part thereof a receptacle or chamber for receiving and storing coins of the United States money, a slot or place in which such coins may be deposited; a timing mechanism to indicate the passage of the interval of time during which parking is permissible with an appropriate signal to indicate when the interval of time shall have elapsed, and brief instructions as to its operation. Parking meter as used herein shall also include a multi-space parking meter which may accept coins and other forms of payment such as debit and credit cards, and provide a timed receipt permitting parking in any multi-space or single space parking during such time.

Parking space means any space adjacent to a parking meter and which is duly designated for the parking of a single vehicle by painted lines or other durable markings. Parking space shall also include a space controlled by a multi-space meter.

Pedestrian means any person on foot.

Police officer means every officer of the police department or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Prolonged parking shall mean parking, without moving the vehicle out of the space and making the space available for use by another person, at a meter or a designated parking space in excess of the maximum limit of parking designated for such space.

Railroad means a carrier of persons or property upon cars operated upon stationary rails.

Railroad train means a diesel engine, electric, or other motor, with or without cars coupled thereto, operated upon fixed rails.

Receipt shall mean the paper receipt dispensed from a multispace meter showing the date purchased with the time during which it permits parking in a multi or single meter parking space.

Right-of-way means the privilege of the immediate use of the roadway.

Roadway means that portion of a street improved, designed or ordinarily used for vehicular travel.

Sidewalk means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Standard time means standard time or daylight saving time as may be in current use in the town.

Standing means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Stop means complete cessation of movement, when required.

Stop or stopping means any stopping of a vehicle where prohibited except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized person or traffic control sign or signal.

Street or highway means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of traffic.

Traffic means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Ord. of 6-13-1961, § 5-101; Ord. of 5-19-2015(2))

Editor's note(s)—Formerly, § 54-44.

Section 54-142. Parking at expired meters and overtime parking.

- (a) Parking of vehicles in parking spaces; (1) *Single space meter*. Except as provided herein, where a parking meter has been installed, every person shall park a vehicle, or motorcycle, adjacent to the curb and either immediately in front of or behind a single space meter and shall deposit the required amount of United States money in the meter or pay by parking app. (2) *Multi-space meter*. Except as provided herein, where a multi-space meter has been installed, every person shall park a vehicle adjacent to the curb and in a space controlled by a multispace meter and shall deposit the required amount of payment for the time the person intends to park, or pay by the parking app, up to the maximum time limit available. The foregoing shall apply from 10:00 a.m. to 11:00 p.m. from May 1 through September 30 of each year.

(3) Only electric vehicles shall be parked in an associated parking space designated for electric vehicles only. Vehicles must be actively charging while occupying an electric vehicle charger parking space, and may be parked in an associated space a maximum of three (3) hours. Electric Vehicles are subject to all rules, regulations and fees associated with that parking zone.

Per Order of the Municipal Officers this _____ day of _____, 20____.

A True Copy

Attest:

Kim M. McLaughlin, Town Clerk