

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 January 6th, 2026, at 6:30 p.m. to consider the following:

Public Hearin for the Town Council to consider amendments to the Code of Ordinances, Chapter 18, Article V (Parking Lots), Division 1, Sections 18-231 – 18-235; Chapter 38, Article X (Habitation of Temporary Structures and Vehicles), Sections 38-295 – 38-300; Chapter 50, Article IV (Obstruction of Public Places), Sections 50241, 250, 251. The purpose of all three ordinances is to prohibit or limit people from living and sleeping in vehicles and temporary structures on public and private property.

Per Order of the Municipal Officers this 16th day of December, 2025.

A True Copy
Attest:

s/Kim M. McLaughlin
Kim M. McLaughlin, Town Clerk

Amendments to Ch. 18, Art V Parking Lots (Council Draft)
Underlined language is new, ~~strikethrough~~ language is removed.

DIVISION 1. – GENERALY

Sec. 18-231. – Purpose.

The purpose of this Division is to prohibit licensed operators of parking lots from allowing occupancy by a person, for the purposes of habitation, temporary structures or vehicles in a licensed parking lot.

Sec. 18-232. – Definitions

Terms and words as used in this Division and not specifically defined are intended to have their commonly accepted meaning. The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Division, except where the context clearly indicates a different meaning:

Habitation means a space occupied by a person for living, sleeping or cooking.

Occupy means the act, state, or condition of residing in, on or under something.

Person means a human being or an entity (such as a corporation) that is recognized by law and given certain legal rights and duties of a human being. For the purposes of this definition, person is used in the singular and plural.

Temporary Structure means a portable, or easily moveable structure or shelter which does not conform to the structural standards of the town building code. For the purposes of this Division a Temporary Structure includes but is not limited to a tent, canopy, tarp, and storage container.

Vehicle means any conveyance used in transporting a person or things by land, water, and air. For the purposes of this Division a Vehicle includes, but is not limited to cars, trucks, sport utility vehicles, trailers and recreation vehicles such as motorhomes, travel trailers, fifth wheel trailers, truck campers, campers, van conversions.

Sec. 18-233. – Habitation of temporary structures and vehicles in a parking lot.

No licensed operator of a parking lot shall allow a person to occupy, for the purposes of habitation, a temporary structure or vehicle while it is parked in a licensed parking lot.

Sec. 18-234. – Violations

Any licensed operator of a parking lot that violates this Division commits a violation punishable by a civil penalty as provided in Old Orchard Beach Code of Ordinances, Chapter 1, Section 1-14.

Sec. 18-235. – Enforcement

The enforcement of this Division shall be with the police department of the town.

Secs. 18-234 ~~6~~ -18-255. - Reserved.

**Amendments to Ch. 38, New Article X – Habitation of Temporary Structures and Vehicles
(Council Draft)**

Underlined language is new

ARTICLE X. – HABITATION OF TEMPORARY STRUCTURES AND VEHICLES

Sec. 38-295. – Purpose.

The purpose of this Article is to prohibit occupancy by a person, for the purposes of habitation, temporary structures or vehicles in the town.

Sec. 38-296. – Definitions

Terms and words as used in this Article and not specifically defined are intended to have their commonly accepted meaning. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning:

Habitation means a space occupied by a person for living, sleeping or cooking.

Occupy means the act, state, or condition of residing in, on or under something.

Person means a human being or an entity (such as a corporation) that is recognized by law and given certain legal rights and duties of a human being. For the purposes of this definition, person is used in the singular and plural.

Temporary Shelter means a portable or easily moveable physical object such as a tent, canopy, umbrella, or sunshade.

Temporary Structure means a portable or easily moveable structure or shelter which does not conform to the structural standards of the town building code. For the purposes of this Article a Temporary Structure includes but is not limited to a tent, canopy, tarp, and storage container.

Vehicle means any conveyance used in transporting a person or things by land, water, and air. For the purposes of this Article a Vehicle includes, but is not limited to cars, trucks, sport utility vehicles, trailers and recreation vehicles such as motorhomes, travel trailers, fifth wheel trailers, truck campers, campers, van conversions.

Sec. 38-297. – Habitation of temporary structures and vehicles prohibited

- (a) It shall be unlawful for any person to occupy a temporary structure or vehicle for the purposes of habitation.

Sec. 38-298. – Exemptions

Exemptions from this Article include the following:

- (a) Campgrounds duly licensed under Old Orchard Beach Code of Ordinances, Chapter 18.
- (b) It shall be permissible for a person to allow a bona fide guest to occupy their property in a temporary structure or vehicle adjacent to such person's dwelling for a period of time not to exceed 15 calendar days all within the same calendar year unless granted more time by the town council, provided that the person occupying such dwelling shall have granted permission to the person occupying the temporary structure or vehicle to use the householder's toilet facilities.

- (c) It shall be permissible to occupy temporary shelters, erected on the town beach between 5:00am and 2:00am each day. Such temporary shelter must be removed from the public beach between 2:00am and 5:00 am each day.
- (d) A vehicle parked or stored in the town, provided that it shall not be used for habitation purposes during such time it is so stored or parked and provided, moreover, that it shall not be a nuisance, does not constitute a fire hazard, and does not violate other Chapters in the Old Orchard Beach Code of Ordinances.
- (e) Events and activities conducted, sponsored or approved by the town.

Sec. 38-299. – Violations

Any person that violates this Article commits a violation punishable by a civil penalty as provided in Old Orchard Beach Code of Ordinances, Chapter 1, Section 1-14.

Sec. 38-300. – Enforcement

The enforcement of this Article shall be with the police department of the town.

Secs. 30-301 – 30-315. - Reserved.

Amendments to Ch. 50, Article IV – Obstruction of Public Places (Council Draft)

Underlined language is new, ~~strikethrough~~ language is removed.

Sec. 50-241. - Definitions.

Habitation means a space occupied by a person for living, sleeping or cooking.

Occupy means the act, state, or condition of residing in, on or under something.

Person means a human being or an entity (such as a corporation) that is recognized by law and given certain legal rights and duties of a human being. For the purposes of this definition, person is used in the singular and plural.

Temporary Shelter means a portable or easily moveable physical object such as a tent, canopy, umbrella, or sunshade.

Temporary Structure means a portable, or easily moveable structure or shelter which does not conform to the structural standards of the town building code. For the purposes of this Article a Temporary Structure includes but is not limited to a tent, canopy, tarp, and storage container.

Vehicle means any conveyance used in transporting a person or things by land, water, and air. For the purposes of this Article a Vehicle includes, but is not limited to cars, trucks, sport utility vehicles, trailers and recreation vehicles such as motorhomes, travel trailers, fifth wheel trailers, truck campers, campers, van conversions.

Sec. 50-250. – Use of public land

- (1) No person shall occupy a temporary structure or vehicle for the purposes of habitation on public land.
- (2) No person shall occupy public land for the purposes of habitation.
- (3) No person shall ignite or maintain a fire on public lands or parks without first receiving written permission/special event permit from the town and a burn permit from the fire department. This Section shall include portable cooking devices that utilize wood, wood pellets, charcoal or similar fuels. (Note: a burn permit for use on public land must be obtained directly from the fire department and not an on-line service. On-line permits will still be valid for use on private property).
- (4) No person shall erect a tent, canopy or other temporary structure on public land without obtaining written permission/special event permit from the town.

Sec. 50-251. – Exemptions

Exemptions from this Article include the following:

- (1) It shall be permissible to occupy temporary shelters, erected on the town beach between 5:00am and 2:00am each day. Such temporary shelters must be removed from the public beach between 2:00am and 5:00 am each day.
- (2) A vehicle parked or stored in the town, provided that it shall not be used for habitation purposes during such time it is so stored or parked and provided, moreover, that it shall not be a nuisance, does not constitute a fire hazard, and does not violate other Chapters in the Old Orchard Beach Code of Ordinances.
- (3) Events and activities conducted, sponsored or approved by the town.

Per Order of the Municipal Officers this 16th day of December, 2025.

A True Copy Attest:

s/Kim M. McLaughlin

Kim M. McLaughlin, Town Clerk

HABITATION OF VEHICLES & TEMPORARY STRUCTURES, DRAFT ORDINANCES INFORMATION SHEET 12.2025

1. What's the purpose of the ordinances?

The purpose of all three ordinances is to prohibit or limit people from living and sleeping in vehicles and temporary structures on public and private property.

2. What are vehicles and temporary structures?

For the purposes of the proposed ordinances, vehicles and temporary structures have specific meanings:

- A vehicle is anything used to transport a person including cars, trucks, trailers, RV's.
- A temporary structure is a portable structure such as a tent, canopy, tarp, and storage container.

3. You mention three ordinances, what are they and can you explain the difference?

A. Ch. 18, Art V. This ordinance prohibits living and sleeping in vehicles and temporary structures in commercial parking lots. It's quite simple and direct- there's a definition section, a section that has the specific prohibition language, and violation and enforcement sections.

B. Ch. 38, Art X (new article). This ordinance prohibits or limits living and sleeping in vehicles and temporary structures in OOB, including private property. There are several exemptions, including campgrounds and a 15 day period guests of a property owner can camp on the property owner's land.

C. Ch. 50, Art IV. The ordinance prohibits or limits living and sleeping in vehicles and temporary shelters on public land. Also, there is a standard related to igniting fires on public land (see 50-250 3). There are several exemptions, including temporary shelters on the town beach between 5 AM and 2 AM.

4. Speaking of exemptions, are there any uses or activities, such as campgrounds, exempt from the proposed ordinances?

Yes, the amendments to Ch. 38 and 50 have exceptions including:

- Licensed campgrounds
- Guests on private property for no more than 15 days each calendar year
- Shelters on the beach between 5 am and 2 am only
- Vehicles parked or stored as long as they are not used for habitation
- Events sponsored by the town

5. Who is responsible for enforcement?

The Police Dept is responsible for enforcing the three ordinances.

6. What about homeless folks?

Because the ordinances include language that prohibits sleeping in public places, one of our considerations was if the ordinance would violate the constitutional rights of homeless people. After researching federal case law and US Supreme Court decisions, we believe that if challenged a court would likely find the ordinances are not anti-homeless because the language does not target a specific class of people and does not criminalize the status of a person who is homeless.

7. Do the ordinances include any licensing, permitting, municipal review standards?

These ordinances do not include specific permitting or licensing language; although, to qualify for an exemption the use of a vehicle or temporary structure must be part of an event or activity sponsored or approved by the town or be within a licensed campground.