

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL WORKSHOP  
WEDNESDAY, FEBRUARY 25, 2009 - 7:00 P.M.  
TOWN HALL CHAMBERS**

A Town Council Workshop of the Old Orchard Beach Town Council was held on Wednesday, February 25, 2009 in the Town Hall Chamber. The Chairman opened the meeting at 7:07 p.m.

**Present:** Chair Sharri MacDonald  
Vice Chair Robin Dayton  
Councilor Mike Tousignant  
Town Manager Steve Gunty  
Assistant Town Manager V. Louise Reid

**Absent:** Councilor Laura Bolduc  
Councilor Shawn O'Neill

The purpose of this Workshop is to consider discussions among the Council and Department Heads on possible changes to the Code of Ordinances.

**Police Department**

The Police Department presented their consideration for Ordinance Changes:

1. Sec. 54-159a add after materials ( or passengers)

2. Create new section 54-114 Milliken Street parking lot

- A) No vehicle shall park in the Milliken Street parking lot with out first obtaining a valid parking slip from a pay station or by obtaining a resident parking permit from the Town Clerk. The parking slip shall be displayed on the dashboard of the vehicle for the allotted time that was paid for. This ordinance will be enforced between the Friday before Memorial Day and Labor Day.
- B) No parking shall be allowed in this lot between the hours of 2 am and 6am.
- C) Any vehicle in violation of section A of this ordinance, the owner or operator shall be subject to a fine of \$25.00.
- D) Any vehicle in violation of section B of this ordinance, the owner or operator shall be subject to a fine of \$30.00.

3. Create new section 54-115 Memorial Park parking lot

- A) No vehicle shall park in the Memorial Park parking lot with out first obtaining a valid parking slip from a pay station or by obtaining a resident or non resident parking permit from the Town Clerk. The parking

slip shall be displayed on the dashboard of the vehicle for the allotted time that was paid for. This ordinance will be enforced between the Friday before Memorial Day and Labor Day.

- B) Memorial Ppark parking lot will have two (2) designated handicap spaces.
- C) Memorial ~~p~~Park ~~park~~-parking lot will have two (2) free one hour parking spaces for use of visitors to Memorial Park and the Dog park only.
- D) No parking shall be allowed between the hours of 2am and 6am.
- E) Any vehicle in violation of section A of this ordinance, the owner or operator shall be subject to a fine of \$25.00.
- F) Any vehicle in violation of section D of this ordinance, the owner or operator shall be subject to a fine of \$30.00.
- G) Any vehicle in violation of section C of this ordinance, the owner or operator shall be subject to a fine of \$25.00

#### 4. section 54-44 Penalty

add # 23 – Expired parking slip/ No permit <u>or slip</u> Milliken St. Lot	\$25.00
add # 24 - Expired parking slip/ No permit <u>or slip</u> - Memorial Park Lot	\$25.00

#### 5. Section 54-4 Regulatory Powers

Add # B5 – Establish specific parking spaces for lifeguards to park during the hours of 9am and 5pm between the Friday before Memorial Day and Labor Day.

#### Sec. 54-4. Regulatory powers.

(a) Under this chapter, the town council shall have authority to:

- (1) Designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in its opinion there is a particular danger to pedestrians crossing the roadway and at such other places as it may deem necessary.
- (2) Mark lanes for traffic on street pavements at such places as it may deem advisable, consistent with this Code and town ordinances.
- (3) Designate a type of pennant to be displayed upon and to identify the vehicles in funeral processions.

- (4) Determine those intersections at which drivers of vehicles shall not make a right turn, left turn, or U-turn, and place proper signs at such intersections.**
- (5) Place markers or signs within or adjacent to intersections, indicating the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.**
- (6) Establish a permanent zone of quiet upon any street where there is a hospital or convalescent home when requested to do so by the proper authorities of the hospital or convalescent home as they deem necessary.**
- (7) Temporarily establish a zone of quiet upon any street where a person is seriously ill if requested to do so by the written statement of at least one registered physician certifying to its necessity. Such temporary zone of quiet shall embrace all territory within a radius of 200 feet of the building occupied by such person, provided that the zone of quiet in this subsection and in subsection (a)(6) of this section shall be designated by the placing in a conspicuous place in the street of a sign or marking bearing the term "quiet zone."**
- (8) Declare any street or part thereof a play street and place appropriate signs or devices in the roadway indicating and helping to protect the street.**
- (9) Determine the location of passenger zones and freight loading zones and place and maintain appropriate signs indicating the zones and stating the hours during which this subsection is applicable.**
- (10) Establish bus stops and stands for other passenger common carrier motor vehicle on such public streets in such places and in such manner as it shall determine to be of the greatest benefit and convenience to the public, and every such bus stop or other stand shall be designated by appropriate signs.**
- (11) Erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in its opinion, interfere with traffic or create a hazardous situation.**
- (12) Determine upon what streets angle parking shall be permitted and mark or sign such streets.**
- (13) Erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet. The width of the roadway shall be deemed not to exceed 30 feet or 20 feet, as provided in this subsection, if the usable width thereof is reduced to these measurements by the piling up of snow by snow plowing operations.**
  - (b) In addition to the authority granted the town council in subsection (a) of this section, the chief of police is hereby authorized to:**
    - (1) Whenever the width of the roadway of any street is reduced by snow to the width as described in subsection (a)(13) of this section, erect signs as provided and is also authorized to make any street temporarily a one-way street when, in his judgment, the usable roadway of such street is reduced by snow to such width as to make such action advisable.**
    - (2) Determine and designate by proper signs distances not exceeding 100 feet at places where the stopping or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.**
    - (3) Determine and designate intersections where particular hazards exist upon other than through streets and determine whether vehicles shall stop at one or more entrances to any such stop intersection and erect a stop sign at every such place where a stop is required, or, if he determines that reduced speed rather than a stop is adequate for safe operation at any such intersection, he shall**

determine such safe speed by engineering investigation and erect signs upon the approaches to such intersection giving notice of such speed. Every such stop sign shall bear the word "stop" in letters not less than six inches in height and shall be reflectorized or self-illuminated. Every stop sign shall be located as near as practicable at the property line of the street at the entrance to which the stop must be made or at the nearest line of the crosswalk or, if none, at a limit line to be indicated by the town council.

(4) Determine and designate intersections where traffic conditions require some type of traffic control but where traffic volumes, both vehicular and pedestrian, and other factors indicate that neither traffic signals nor stop signs are warranted and erect at every such place a sign stating "yield right-of-way." Every such yield right-of-way sign shall conform in design and color to specifications adopted by the state highway department. Every such sign shall be reflectorized to provide good visibility after dark. The driver of a vehicle approaching a yield right-of-way sign shall slow to the legal speed for such intersection, yielding the right-of-way to all traffic on the intersecting street which is so close as to constitute an immediate hazard.

(Ord. of 6-13-1961, § 5-164; Ord. of 9-3-1974)  
Secs. 54-5--54-30. Reserved.

#### **Comments by Council and Staff**

*Councilors had several comments to make after Chief Kelley's presentation including the suggestion that there be five (5) parking spaces in Memorial Park for the Dog Park patrons use. Questions were also raised about the possibility of better monitoring of those who park that they do not stay beyond the amount of regulatory time and enforcement taken when that incident occurs. A suggested business pass for Milliken Street Parking lot be established so that business owners in Old Orchard will have the ability to provide parking for their staff in a reasonable and efficient manner. Concerns were also expressed on the need for more lighting on Milliken Street from Old Orchard Street to Milliken and Walnut. This would be an expense for Public Works in the addition of more lighting and would be a budget consideration. There did not seem to be any interest in permitting overnight parking in the Milliken Street Parking Lot as it was the general opinion that many of the residents and business owners in the Walnut/Milliken Street Parking Lot. The questions was also asked as to how many parking spaces are there in the Milliken Street Parking Lot and also in the Memorial Park Parking Lot and the Chief was asked to secure this information. Consideration of black out dates for the use of the two parking lots is also something that needs to be factored into scheduling.*

#### **Fire Department**

### **AN ORDINANCE CONCERNING CONSTRUCTION AND MAINTENANCE OF PRIVATELY OWNED FIRE HYDRANTS**

Be it hereby ordained by the Town Council of the Town of Old Orchard Beach, Maine, in Town Council assembled, as follows:

## **ARTICLE I – Privately owned fire hydrants.**

### **Definition:**

As used in this Article, the term “privately owned fire hydrant” means any fire hydrant which is not located within the right of way of a town way, state highway or state aid highway, as those terms are defined in Title 23 of the Maine Revised Statutes.

### **Purpose:**

The purpose of this Article is to established uniform standards for privately owned fire hydrants within the Town of Old Orchard Beach so that fire protection activities are not hampered during the course of fire fighting. This Article is designed to help provide for the safety of the public.

### **Section I. Design Standards**

All privately owned fire hydrants installed in the Town of Old Orchard Beach after the effective date of this Article shall comply with the following specifications:

1. The hydrants shall be an AFC B62B, or a substantially similar unit, of design approved by the Biddeford and Saco Water Company.
2. The hydrants shall be equipped as follows:
  - a. A 5 ¼ inch internal valve
  - b. One 4 ½ inch port and two 2 ½ inch ports
  - c. A 6 inch mechanical joint base
  - d. Open right design
3. Hydrant gate valves shall be 6 inches, open right, per Biddeford and Saco Water specifications.
4. Hydrant tees shall be ductile iron, manufactured in accordance with standards of the American Water Works Association, current at the time of installation.
5. The hydrant shall have 5 ½ feet depth of bury (5 feet of cover).
6. The breakaway flange shall be between 8 inches and 18 inches above the final grade. An Old Orchard Beach Fire Department representative shall inspect and give approval of the flange height before any hydrant is installed.
7. The hydrant shall be painted “high visibility traffic yellow”.
8. Hydrants shall be a minimum of 10 feet from all obstructions such as fences, brush, buildings, trees, mailboxes, etc.

### **Section II. Installation**

Hydrants shall be set to provide a minimum horizontal distance between the hydrant and hydrant valve of 10 feet. Hydrants shall be securely braced against firm undisturbed material by means of an acceptable and approved method of thrust restraint. All hydrant branch piping shall be of 6 inch diameter.

### **Section III. Maintenance of Hydrants**

All privately owned hydrants within the Town of Old Orchard Beach, whether installed before, on or after the effective date of this Article, are subject to the

following provisions and owners of such hydrants shall be responsible for compliance with these provisions.

1. The hydrant owner shall provide for at least two maintenance inspections per year by qualified professionals such as an authorized hydrant technician or a vendor approved by Biddeford and Saco Water Company. One such inspection shall occur prior to the winter freeze period.
2. Each maintenance inspection shall include:
  - a. A visual inspection
    - i. Paint shall be resplendent
    - ii. Paint shall not be discolored, faded, or flecked
    - iii. Rust shall be minimal
    - iv. All caps shall be present and operable
  - b. Opening and flushing
  - c. Testing during actual operation
3. No later than 10 days after each inspection, the hydrant owner shall submit an inspection report for each hydrant to the Old Orchard Beach Fire Department.
4. After the pre-winter inspection, the owner shall arrange with the Biddeford and Saco Water Company, or an authorized vendor, for pumping of the hydrant.
5. Snow and ice removal is the responsibility of the hydrant owner and all snow and ice shall be removed up to a three foot radius from the base of the hydrant after every snow storm consisting of four inches or more.

#### **Section IV. Violations and Penalties**

1. **Any person or entity who fails or refuses to comply with any requirement given under the authority of this Ordinance commits a violation punishable by a civil penalty of not less than \$25 and not more than \$100 per hydrant per incident.**

#### **ARTICLE V. PRIVATELY OWNED FIRE HYDRANTS\***

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\*Editor's note: An ordinance adopted March 21, 2006, did not specifically amend the Code. Therefore, such ordinance has been added as sections 30-91--30-95 at the editor's discretion.

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##### **Sec. 30-91. Definition.**

As used in this article, the term "privately owned fire hydrant" means any fire hydrant which is not located within the right of way of a town way, state highway or state aid highway, as those terms are defined in 23 M.R.S.A. (Ord. of 3-21-06(1))

##### **Sec. 30-92. Purpose.**

The purpose of this article is to established uniform standards for privately owned fire hydrants within the Town of Old Orchard Beach so that fire protection

activities are not hampered during the course of fire fighting. This article is designed to help provide for the safety of the public.  
(Ord. of 3-21-06(1))

**Sec. 30-93. Design standards.**

All privately owned fire hydrants installed in the Town of Old Orchard Beach after the effective date of this article shall comply with the following specifications:

- (1) The hydrants shall be an AFC B62B, or a substantially similar unit, of design approved by the Biddeford and Saco Water Company.
- (2) The hydrants shall be equipped as follows:
  - a. A five and one-fourth-inch internal valve.
  - b. One four and one-half-inch port and two two and one-half-inch ports.
  - c. A six-inch mechanical joint base.
  - d. Open right design.
- (3) Hydrant gate valves shall be six inches, open right, per Biddeford and Saco Water specifications.
- (4) Hydrant tees shall be ductile iron, manufactured in accordance with standards of the American Water Works Association, current at the time of installation.
- (5) The hydrant shall have five and one-half feet depth of bury (five feet of cover).
- (6) The breakaway flange shall be between eight inches and 18 inches above the final grade. An Old Orchard Beach Fire Department representative shall inspect and give approval of the flange height before any hydrant is installed.
- (7) The hydrant shall be painted "high visibility traffic yellow".
- (8) Hydrants shall be a minimum of ten feet from all obstructions such as fences, brush, buildings, trees, mailboxes, etc.

(Ord. of 3-21-06(1))

**Sec. 30-94. Installation.**

Hydrants shall be set to provide a minimum horizontal distance between the hydrant and hydrant valve of ten feet. Hydrants shall be securely braced against firm undisturbed material by means of an acceptable and approved method of thrust restraint. All hydrant branch piping shall be of six-inch diameter.

(Ord. of 3-21-06(1))

**Sec. 30-95. Maintenance of hydrants.**

All privately owned hydrants within the Town of Old Orchard Beach, whether installed before, on or after the effective date of this article, are subject to the following provisions and owners of such hydrants shall be responsible for compliance with these provisions.

- (1) The hydrant owner shall provide for at least two maintenance inspections per year by qualified professionals such as an authorized hydrant technician or a vendor approved by Biddeford and Saco Water Company. One such inspection shall occur prior to the winter freeze period.
- (2) Each maintenance inspection shall include:
  - a. A visual inspection:
    - i. Paint shall be resplendent.
    - ii. Paint shall not be discolored, faded, or flecked.
    - iii. Rust shall be minimal.

- iv. All caps shall be present and operable.
  - b. Opening and flushing.
  - c. Testing during actual operation.
  - (3) No later than ten days after each inspection, the hydrant owner shall submit an inspection report for each hydrant to the Old Orchard Beach Fire Department.
  - (4) After the pre-winter inspection, the owner shall arrange with the Biddeford and Saco Water Company, or an authorized vendor, for pumping of the hydrant.
  - (5) Snow and ice removal is the responsibility of the hydrant owner and all snow and ice shall be removed up to a three foot radius from the base of the hydrant after every snow storm consisting of four inches or more.
- (Ord. of 3-21-06(1))

**Comments by Councilors and Staff**

*Suggestions were made that fines be set progressively so that the issue will be taken seriously. The importance of this being a safety issue should also be portrayed in the ordinance itself.*

**Town of Old Orchard Beach Maine**  
**Open Burning Ordinance**

**Burning Permits**

**The Town of Old Orchard Beach allows open burning within the Town limits as a courtesy to its citizens. This allowance can be suspended at any time due to high fire danger periods.**

**All open burning within the Town of Old Orchard Beach will be in accordance with Maine Forestry Department Laws & Regulations and this ordinance.**

**Members of the Fire Department, under the authority of the Fire Chief, Deputy Chief and the Town Fire Warden may issue open burning permits to residents of the Town of Old Orchard Beach.**

**All applicants for permits must be the landowner, or an authorized user of the land and at least 18 years of age. At least one adult shall remain in sight of the fire at all times and shall have possession of the duplicate (yellow) copy of the burn permit.**

**The applicant must provide the Fire Department a telephone number that they can be reached at during the open burning and after the burning, in the event of rekindle or complaint.**

**Permits will be issued after approximately 0900 hours. This will allow for the Fire Department to receive the Maine Department of Conservation fire weather report and class day. Permits may only be issued on class 1 or 2 day, when the wind speed is less than 10 MPH. Permits may only be issued on the day that the**

burning will occur and for 24 hours maximum unless the Fire Chief or Town Fire Warden makes a pre-approved exception.

Permits for the burning of brush, slash, vegetation & wood products must be completely extinguished by 2100 hours. Permits for camp & bon fires may be permitted until 2400 hours. The Fire Chief or Town Fire Warden may alter these times on a case-by-case basis.

Tools and water supply must also be present at all sites of open burning, the Fire Chief or Fire Warden may alter these requirements on a case-by-case basis. A 15 foot "buffer" zone must be maintained free of combustible materials around and above the fire

#### Contractors:

Contractors must have a site inspection by the Fire Chief, Deputy Chief, Town Fire Warden or a Fire Officer before any open burning permits may be issued. Contractors should be notified that the Fire Chief, Deputy Chief, Town Fire Warden or a Fire Officer of the location and he/she will make an inspection as time permits. The Fire Chief, Deputy Chief, Fire Warden or Fire Officer performing the inspection will issue the permit and return a copy to the Fire Department.

#### Change of weather conditions

If the weather becomes hazardous for open burning the Dispatcher on duty will contact the permit holder by telephone and instruct them to extinguish the fire. If the permit holder cannot be reached the Fire Chief, Deputy Chief, Fire Warden or a Fire Officer should be sent to the location, and relay the instruction.

#### Complaints:

If a complaint is received about an open burning site, an Engine Company should be dispatched by still alarm to the location. The officer on the engine should determine if the complaint is valid and extinguish the fire if necessary. If on-duty personnel are not available the Fire Chief, Deputy Chief, Fire Warden or a Fire Officer should be sent to check the site.

#### Open Fires

It is the intent of this section to protect the general health, welfare and safety of the people of the Town of Old Orchard Beach by regulating open fires, which can be dangerous to life and property.

Definitions. As used in this section, the following terms shall have the meaning indicated.

OPEN FIRE-Any outdoor fire or outdoor smoke-producing process from which air contaminants are emitted directly into the outdoor atmosphere.

GARBAGE-The animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

REFUSE-All waste material, including, but not limited to, garbage, rubbish, incinerator residue, street sweepings, dead animals and off fall.

RUBBISH-Solid or liquid waste material, including but not limited to paper, cardboard, paper products; insulation rags; furniture; cans; crockery; plastic cartons; chemicals; paint; grease; sludge; oils and other petroleum products; large quantities of demolition materials; tires; and automobiles and other vehicles and parts for junk, salvage or disposal.

Wood Biomass Products- Limbs, branches, slash, natural wood materials, painted or unpainted wood, brush, bark, wood chips, shavings, sawdust, lumber and stumps.

### Prohibited Burning.

The following fires are prohibited in the Town of Old Orchard Beach.

The burning of garbage, refuse and rubbish in any manner is prohibited.

All open fires are prohibited in the Town of Old Orchard Beach, with the exception of those in conformity with the provisions of "Permitted Burning" section of this ordinance unless authorized by the Fire Chief or Town Warden.

Open burning for outdoor cooking is prohibited in or on multiple dwelling structures.

### Permitted Burning.

Burning in an open fire, provided that it is not contrary to any other federal, state, county or local law, ordinance, rule or regulation, will be permitted by obtaining a written burn permit from the Fire Department as follows:

#### Bonfires.

Bonfires shall be permitted only for a publicly sponsored celebration or event, or for an organization-sponsored event, or for a public or private school sponsored event, or for an approved private event and shall be subject to meeting all requirements of the special event permit application obtained from and filed with the Town Clerks office, prior to any bonfire being lit and taking place. No fire shall be ignited prior to an on-site inspection of the location where the bonfire is to take place and shall be subject to any and all conditions or restrictions the Fire Department may impose for the safety of life and property, nor shall any fire be ignited prior to the issuance of a bonfire permit issued by the Fire Department.

#### Outdoor cooking.

Open burning will be permitted for outdoor cooking when the fire is limited to the minimal size necessary and contained in a device or cooking utensil commonly referred to as a grill or hibachi and designed for outdoor cooking purposes. Fuels for outdoor cooking will be limited to charcoal and charcoal briquettes, natural gas and LP gas. All applicable and/or reasonable safety precautions shall be taken when using said devices or utensils. Outdoor cooking will not be permitted on balconies and covered porches and patios of multi-unit residential structures.

Recreational fires or campfires.

Only approved fire pits for wood biomass products, natural gas or LP gas outdoor fireplaces or fire pits with ceramic logs will be permitted, provided that such appliance conforms to all other applicable codes. All other forms of recreational fires or campfires are prohibited.

Campgrounds are required to obtain a seasonal permit annually to allow campers to have campfires within their campgrounds. Campfire pits must be inspected by the Fire Department annually prior to issuance of this permit.

Open fires containing wood biomass materials  
As defined elsewhere in this ordinance.

Penalties for offenses.

Any violation by a person, firm or corporation of any provision of this ordinance shall be deemed a violation punishable by a fine in accordance with the Laws of the State of Maine.

Any person who takes part in or assists in any violation of this ordinance or the enforcement thereof shall be subject to the penalties provided herein.

Each day (twenty-four-hour-period) that a violation of this section is committed or permitted to exist shall be deemed to constitute a distinct and separate violation. If a location or permitted person receives more than two warnings or citations for improper burning, nuisance burning, or is considered a habitual violator of the rules and restrictions of this ordinance, he or she may forfeit the right to obtain a burning permit for the period of one year.

*Comments Made By Councilors and Staff*

*This is a new ordinance and the Council is being asked to study it and give to consideration in the days ahead to have a Public Hearing on the passage of this ordinance.*

**PARKS AND RECREATION**

**Article IV Town Beach**

**Division 1. GENERALLY**

**ADD NEW Section 42-112 BEACH RULES**

- (a) The Old Orchard Beach lifeguard staff shall set and enforce the following beach rules regarding no pedal or motorized bicycles on the beach, no deep holes dug into the sand, no dangerous games near patrons, no boat to shore or shore to boat swimming, no boats within 100 feet of swimmers, no inflatable rafts or kayaks, no Barbeque grills or campfires, no animals on the beach between the hours of 9:00am and 5:00pm from Memorial Day through Labor Day.
- (b) The lifeguard staff may impose additional rules at their discretion when a danger to public safety exists.

**ADD NEW Section 42-113 FISHING**

**There shall be no fishing from the beach or along the shore from 9:00am to 5:00pm from Memorial Day through Labor Day.**

**Division 3. SURFING**

**Section 42-173. Areas where permitted.**

- (a) Surfing or use of surfboards is allowed and permitted between the hours of 5:00pm and 9:00am along the entire beach.
- (b) Surfing or use of surfboards is permitted at all times in the following area: ~~on the northerly side of the Old Orchard Beach Pier from such pier to a point 125 yards from the pier.~~ During inclement weather, surfing shall be allowed at any time and location along the shore of the Town at the discretion of the lifeguard staff.

**Change to read.....in the following area: adjacent shoreline water beginning on the beach at the end of 4<sup>th</sup> Street and extending 150 feet to the south.**

**Comments from Council and Staff**

***Definition of deep holes, boogie boards. Under Fishing – some consideration of allowing it during inclement weather.***

**Old Orchard Beach Town Council  
Proposed Ordinance Revisions  
Winter 2009**

The following Ordinance revisions are currently under Planning Board review and will be recommended to Town Council:

## **CAMP GROUNDS**

**Campground Ordinance Revisions (Ch. 78 & Ch. 18):** Proposed revisions will update Ordinance to meet current camping standards, bring Town Ordinance into compliance with State regulations, and make Ordinance easy to navigate and understand. The needed revisions became obvious upon discovery that our present Ordinance makes it illegal to use a bathroom in a self-contained RV anywhere in OOB (per 1944 Town Hall meeting).

## **DIGITAL SUBMISSION REQUIREMENTS**

**Digital Submission requirements for Planning Board submissions (Ch. 74 & Ch. 78):** Applicants at Subdivision Review and Plenary Site Plan Review will now be required to submit plans in Datum and PDF digital formats.

**Datum Reference:** All plans must be submitted on Datum so that our GIS consultant will have the most accurate information when updating our GIS data layers. The information collected through this digital submission process will be put on our town-wide GIS mapping system and be made available to the public. This will enable approved plans to be added to our parcel maps at little cost to the taxpayer and this survey quality information will greatly increase the accuracy of our maps.

**PDF Image:** All plans must be submitted as a PDF image. This digital format will be kept in the Planning Department digital files and may be used to send plans to Planning Board Members, abutters, peer review engineers, and all other interested parties.

## **EXEMPTION OF SELECT NONCONFORMING STRUCTURES**

**Allow the exemption of accessibility ramps from nonconforming status (sec. 78-142(2)):** This revision will make the installation of non-conforming accessibility ramps for disabled individuals available through acquiring a simple building permit without appearing before the ZBA. When the accessibility ramp is no longer needed by the disabled individual, it will lose this nonconformity exemption.

**Allow the reconstruction of a nonconforming structure within the previously existing building footprint (Sec. 78-178 (c)):** Currently, reconstruction of a nonconforming structure within the nonconforming footprint requires a Variance from the Zoning Board of Appeals. Enforcing this regulation has consumed a significant amount of staff and Board time. This restriction also discourages property owners from making necessary improvements and inhibits the correction of blighted properties. This revision will encourage improvements for

nonconforming properties and will make the process easier for property owners, Town staff and Board members.

Allow amnesty for structures with nonconforming locations constructed with a building permit prior to February 3, 1998 (Sec. 78-178 (e)): There are several buildings in Town that are in violation of the Space and Bulk requirements of the Zoning Ordinance in affect at the time of their construction. This proposed Ordinance Revision will provide amnesty for these nonconforming structures that were constructed with building permits and provide staff with a way of dealing with these misplaced structures.

## **SHEDS & MEMBRANE STRUCTURES**

Establish a 5ft setback requirement for sheds 120sf or less (Sec. 78-1381(c)): Currently each Zoning District treats sheds differently, with most Districts allowing all sheds a 10ft setback from side and rear property lines. Property owners frequently complain about this restriction and nonconforming shed locations are common. This proposed revision would allow sheds no larger than 120sf to be set 5ft from the side and rear property lines in all districts

Define membrane-covered structures (or little green garages) and establish setback requirements for them (Sec. 78-1381(d) & Sec. 78-1): Structures composed of a rigid framework with a membrane roof covering used for storage, sometimes referred to as “little green garages”, are currently not defined in the Ordinance. By default we are required to classify these structures as buildings and require that they maintain the building setbacks within each Zoning District. This proposed revision would add a definition specifically for these structures and allow them to follow a 50% reduction in the side and rear setback of the District they are located.

## **ADMINISTRATIVE SITE PLAN REVIEW EXEMPTIONS**

Site Plan Review exemption for minor construction projects 240sf or less with no impact on parking requirements (Sec. 78-212(b)): Currently, all construction projects for nonresidential and multi-family residential structures are required to undergo Site Plan Review. Administrative Site Plan review for the very small projects with minimal impact on abutting properties is not necessary and consumes a considerable amount of Staff time. The proposed revision makes construction of new structures and additions to existing structures that are 240sf or less and do not increase the need for additional parking exempt from Administrative Site Plan Review. This revision will save individual Applicants time and make better use of Staff time and resources.

**NON Zoning Ordinance requests:**

### **Chapter 34. The Housing Ordinance**

During the summer, 2008 we discovered that many dwelling units, rooming units and cabins were being rented by college age students that come here through Federal Department of State's J-1 visa program. The students work at many of the seasonal businesses in southern Maine. There are roughly 300 that stay in Old Orchard Beach.

All of the locations that we inspected were properly licensed, with adequate life safety protection facilities such as smoke detectors and GFI outlets and proper egress. The consistent issue that we found was that the units are occupied with an occupant load that exceeds the current dwelling unit standard (200 sq.ft. of space for the first inhabitant and 150 sq.ft. for each additional person). Typically a 12' x 12' bedroom would have two bunks or a small cabin (200 sq.ft.) would have 2 bunks. It conformed to the "dormitory standard" but not the dwelling unit standard. Chief Glass and I met with the principal J-1 sponsor companies and a property owner who rents to J-1 students (Rickie Letowt). Without an amendment to the Housing Ordinance, the J-1 program would be discontinued in Old Orchard Beach. Recognizing the need for the seasonal work force and having seen that the students were in a safe situation, the following amendment came out of our meetings:

Please Amend Section 34-26. Definitions. By adding the following definition:  
Students traveling with a J-1 Cultural Exchange Work Visa means non-immigrant students visiting with a J-1 visa from May to October of the calendar year.

Sec. 34-91. Occupancy requirements.

(a) Generally. No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, dwelling unit, or rooming unit which does not comply with the minimum standards for space and occupancy in this section. Any motel, hotel, guest cottage, cabin, sporting camp or similar facility must comply with these space and occupancy standards when an occupant stays in one or more units for a continuous period in excess of 30 days.

(b) Dwelling and rooming units. Every dwelling, dwelling unit and rooming 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.

(c) Students traveling with a J-1 Cultural Exchange Work Visa, ~~C~~ clubs, dormitories, sorority and fraternity houses. Where sleeping quarters are furnished for ~~more than five persons~~ in a club, dormitory or sorority or fraternity house, the number of occupants in any habitable room occupied for sleeping purposes shall be limited to the number determined on the basis of the floor area, in square feet, of the room divided by ~~50~~ 75 square feet per occupant.

The Second Ordinance that an amendment is proposed for is Chapter 34 Conversion of Seasonal Structures to Year-round Dwellings. This ordinance requires that permits are obtained for this conversion. Further that compliant

setbacks and lot size for the existing structure are not required, but lot area per family (density) and off street parking compliance is required. In 2001, the Town of Old Orchard Beach amended the Zoning Ordinance, raising the lot area per family in the area along East Grand Ave and also in the “Campground” area, throwing most properties into non-conformity and disqualifying them from seasonal conversion without a variance from the Zoning Board. The following amendment striking the density requirement for conversion is proposed to correct this problem:

**Sec. 34-286. Required; criteria for issuance.**

(a) No seasonal structure may be converted to a year-round dwelling until the owner or the person converting the seasonal structure obtains from the building inspector a seasonal structure conversion permit.

(b) The building inspector shall issue a seasonal structure conversion permit only upon making a written determination that the dwelling, after conversion, will conform to all land use regulations applicable to residential dwellings in the zoning district where the dwelling is located at the time of conversion. Where a lot or structure is lawfully nonconforming with respect to dimensional standards of chapter 78, such nonconformity shall not prevent conversion otherwise permitted under this article, except that the dwelling, after conversion, must comply with the ~~lot area per family and~~ parking space per dwelling unit requirements of chapter 78.

(c) A seasonal structure conversion permit shall specify the alterations permitted or required to be completed prior to the issuance of a certificate of occupancy.

#### **Comments by Council and Staff**

*Councilor Dayton has requested copies of the Planning Board and the ZBA Minutes as they relate to digital submission. There were several issues raised about the handicap ramps and a need to consider what can or should be done when someone is not able to meet the requirements of set backs when it comes to placement of a handicap ramp. Continued discussion on whether the need for set back approval from the Council would be required with the passage of exemption of select nonconforming structures. The validity and protection of neighborhoods was discussed in great detail and is a factor to be considered as we move around with this ordinance. A request to move ahead with the Campground Ordinance which was provided to Councilors was encouraged by the Planner.*

*Expressions of appreciation to staff for their involvement, careful planning and meticulous work was expressed.*

**ADJOURNMENT:**

**Respectfully Submitted,**

**V. Louise Reid  
Town Council Secretary**

**I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of sixteen (16) pages is a true copy of the original Minutes of the Town Council Workshop of February 25, 2009.**

**V. Louise Reid**