

**AGENDA & PROPOSED ORDERS**  
**GORHAM TOWN COUNCIL**  
REGULAR MEETING  
April 6, 2010 – 7:00 p.m.  
Gorham Municipal Center – Council Chamber

Pledge of Allegiance to the Flag

Roll Call of the Town Council

Acceptance of the minutes of the March 2, 2010 Regular Town Council Meeting

Open Public Communications

Councilor Communications

Chairman's Report

Town Manager's Report

The Town Manager will make a brief presentation on the proposed 2010-2011 budget

School Committee Report

**Old Business**

**Item #7808** Action to consider authorizing a referendum for a bond to make repairs to local roads. (Adm. Spon.)

**Proposed Order #7808** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize a referendum for a bond to make repairs to local roads to be held on June 8, 2010, and;

**BE IT FURTHER ORDERED** that the Town Council hold a public hearing on this referendum on May 4, 2010.

**BE IT FURTHER ORDERED** that the question be phrased as follows;

**Referendum Question #1.**

Shall a capital expenditure of a sum of money not to exceed \$3,000,000 be authorized for costs of improvements to roads in the Town, said sum of money to be raised by the issuance of general obligation bonds and/or notes of the Town in a total aggregate principal amount of up to \$3,000,000, hereby authorized, with such dates, maturities, denominations, interest rate(s) and other details (including provisions that the bonds may be subject to call for redemption with or without premium) as the Municipal Officers shall determine?

(Total estimated debt service of \$4,171,167, of which principal is \$3,000,000 and estimated interest, at rates ranging from 4.15% to 5.15% depending on the year of maturity, over 15 years is \$1,171,167.)

The debt payment is anticipated to increase the property tax rate by 27.1 cents.

**Item #7818** Action to consider an Ordinance to provide a moratorium on medical marijuana dispensaries. (Adm. Spon.)

**Proposed  
Order #7818**

**WHEREAS**, legislation adopted by a State-wide referendum vote on November 3, 2009 liberalized the laws relating to medical marijuana dispensaries; and

**WHEREAS**, the State of Maine's Department of Health and Human Services is required to but has not yet formulated the rules and regulations relating to the licensing of medical marijuana dispensaries; and

**WHEREAS**, the potential unregulated location of medical marijuana dispensaries in the Town raises legitimate and substantial questions about the impact of such dispensaries on the Town of Gorham, including questions of the compatibility of medical marijuana dispensaries with existing residential and commercial zoning districts; the adequacy of streets to additional traffic; the potential adverse health and safety effects of medical marijuana dispensaries on the community; the possibility of illicit sale and use of illegal drugs, misuse of prescribed marijuana and associated criminal activity; and the increased burden on the Town's Police Department; and

**WHEREAS**, the Town's Ordinances do not adequately address the concerns listed above; and

**WHEREAS**, the possible effect of the location of a medical marijuana dispensary has implications for the health, safety, welfare, and moral climate of the Town and its citizens; and

**WHEREAS**, once the State of Maine's Department of Health and Human Services (DHS) issues its required rules and regulations, the Town needs time to study the DHS rules and regulations relating to the licensing of medical marijuana dispensaries and to study its own Ordinances to determine the implications of future proposed medical marijuana dispensaries to develop reasonable regulations governing location and operations of such dispensaries; and

**WHEREAS**, the Town, under its home rule authority, and its police power generally, has the authority to impose reasonable restrictions, conditions, and limitations on such a dispensary; and

**WHEREAS**, the Town's existing Ordinances or other applicable law, if any, is not adequate to prevent serious public harm by the development of a medical marijuana dispensary in the Town and thereby necessitating a moratorium; and

**WHEREAS**, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of a medical marijuana dispensary being located in the Town; and

**WHEREAS**, it is anticipated that such a study, review, and development of recommendations will take at least one hundred and eighty (180) days from the date the Town first enacts this Moratorium Ordinance on Medical Marijuana Dispensaries;

**NOW, THEREFORE, BE IT ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled does hereby declare a moratorium on the location or licensing of any medical marijuana dispensaries within the Town of Gorham. This Ordinance shall take effect upon enactment by the Town Council, but shall be applied as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the effective date of this Ordinance, unless extended, repealed, or modified by the Town Council;

**BE IT FURTHER ORDAINED**, that this Ordinance shall apply to medical marijuana dispensaries, which means a “nonprofit dispensary” as that term is defined in 22 M.R.S.A. § 2422(6), as may be amended from time to time, that may be proposed to be located within the Town on or after the applicability date of this Ordinance; and

**BE IT FURTHER ORDAINED**, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed medical marijuana dispensary for which an application for a Certificate of Use and Occupancy has not been submitted and acted on by the Code Enforcement Officer or other Town official prior to March 2, 2010, the applicability date of this Ordinance; and

**BE IT FURTHER ORDAINED**, that no person or organization shall develop or operate a medical marijuana dispensary within the Town on or after the applicability date of this Ordinance; and

**BE IT FURTHER ORDAINED**, that the during the time this moratorium is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, certificate of occupancy, special exception review, site plan review and/or any other permits or licenses related to a medical marijuana dispensary; and

**BE IT FURTHER ORDAINED**, that those provisions of the Town’s Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, but not otherwise; and

**BE IT FURTHER ORDAINED**, that if medical marijuana dispensaries are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, its reasonable attorney’s fees and costs in prosecuting any violations; and

**BE IT FURTHER ORDAINED**, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**New Business**

**Public Hearing #1** Public Hearing on a proposal to amend the Land Use and Development Code, Chapter 1, Sec. V – Sec. XVI and Sec. XVIII to allow auxiliary public utility structures on lots that do not meet minimum lot size.

**Item #7825** Action to consider amending the Land Use and Development Code, Chapter 1, Sec. V – Sec. XVI and Sec. XVIII to allow auxiliary public utility structures on lots that do not meet minimum lot size. (Adm. Spon.)

**Proposed Order #7825** **WHEREAS**, the Town has a Land Use and Development Code that contains appropriate requirements regarding the size of residential lots; and,

**WHEREAS**, there are instances when an auxiliary structure for public utilities must be located in a development; and,

**WHEREAS**, that auxiliary structure currently must be placed on a full size lot consuming more land than is necessary which also places a burden on the developer; and,

**WHEREAS**, allowing an auxiliary public utility structure to be placed on smaller lots provides more flexibility to the developer and to the Planning Board in the design of the development;

**NOW, THEREFORE, BE IT ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled amend the Land Use and Development Code, Chapter 1, Sec. V – Sec. XVI and Sec. XVIII to allow auxiliary public utility structures and lots that do not meet minimum lot size as follows:

(Note: Additions are underlined and deletions are ~~struck-out~~.)

**SECTION V – DEFINITIONS**

**Aquaculture**

The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species. (Applies to Shoreland Area Protection, Chapter II, E.)

**Auxiliary Public Utility Structure:**

A structure not to exceed 500 square feet in gross floor area and 16 feet in height, operated by a public utility, including but not limited to pumping stations, excluding wireless telecommunications towers and wind turbines.

a) Such utility structures must remain unoccupied except for required maintenance.

b) Vegetative screening is required where such structures abut residential uses, and may be required along a public and or private way.

**SECTION VI - URBAN RESIDENTIAL DISTRICT**

**D. SPACE STANDARDS**

	<u>Watered &amp; Sewered</u>	<u>Unsewered</u>
Minimum lot size	15,000 sq.ft.**	20,000 sq.ft.
Minimum area per dwelling unit	10,000 sq.ft.	20,000 sq.ft.
Minimum street frontage	80 ft.	80 ft.
Minimum front yard	25 ft.	25 ft.
Minimum rear and side yards	15 ft.*	15 ft.*

\*Buildings higher than 30 feet shall have side and rear yards not less than 50% of building height.

\*\*The June 3, 1997 amendment to the minimum lot size shall apply prospectively only, from that date forward, and only to (1) lots newly created after that date as evidenced by a deed on record in the Cumberland County Registry of Deeds on or before that date or (2) lots not part of a subdivision plan approved on or before that date or lots in a proposed subdivision plan grand fathered by law on or before that date.

Maximum building height	None	None
Maximum building coverage	25%	25%

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size, building coverage, and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION VII - SUBURBAN RESIDENTIAL DISTRICT**

**D. SPACE STANDARDS**

Minimum lot size	60,000 square feet
Minimum lot area per dwelling unit	40,000 square feet
Minimum street frontage	200 feet*
Minimum front yard local street	50 feet
Minimum front yard collector or arterial street	70 feet
Minimum side and rear yards	20 feet
Maximum building height	None

\*May be reduced up to 50% for lots fronting on turning circles provided that the lot width at the front setback line is equal to or greater than the minimum street frontage required.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION VIII - RURAL DISTRICT**

**D. SPACE STANDARDS**

Minimum lot size for residential lots which are not a part of a subdivision	60,000 sq.ft. per dwelling unit
Minimum lot area per dwelling unit for residential subdivisions or multi-family housing	60,000 sq.ft.
Minimum lot size for non-residential lots	60,000 sq.ft.**
Minimum street frontage	200 ft.*
Minimum front yard	
*local street	50 ft.
*collector or arterial street	70 ft.
Minimum side and rear yard	
*residential	20 ft.
*non-residential	50 ft.
Maximum building height	None

\*May be reduced up to 50% for lots fronting on turning circles provided that the lot width at the front setback line is equal to or greater than the minimum street frontage required.

\*\*The minimum lot area per dwelling unit shall be used to calculate the net residential density or the maximum number of dwelling units that can be placed on a parcel. Individual lots in a subdivision may vary in size as long as the subdivision conforms to the overall net residential density of the parcel, no lot for a single-family home is smaller than 40,000 square feet in area, and the individual lots are laid out to reflect the development suitability of the parcel.

Notwithstanding the provisions of this subsection D,

1. A lot listed on the National Register of Historic Places need not meet the minimum lot size or street frontage requirements so long as the lot is subject to either a conservation

easement or deed restriction limiting its use or development solely to non-commercial conservation or historic purposes.

2 An Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

## **SECTION IX - VILLAGE CENTERS DISTRICT**

### **SUBSECTION 1. LITTLE FALLS VILLAGE CENTER DISTRICT**

#### **D. SPACE STANDARDS**

Minimum lot size:	None*
Minimum area per dwelling unit:	*
Minimum street frontage	None*
Building setback:	New buildings constructed in the Village Center District shall be located in such a manner as to maintain the established relationship of buildings to the street. No building shall be setback further than the average of the existing setbacks in the block in which the building is located or if an existing building is being demolished, than the pre-existing setback, whichever is greater.
Minimum side and rear yards:	10 feet* except as otherwise required by the buffer provisions of this Code.
Maximum building height:	35 feet
Maximum building coverage:	None*

\*Space standards for residential uses shall be the same as for those in the Urban Residential District.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

### **SUBSECTION 2. GORHAM VILLAGE CENTER DISTRICT**

#### **D. SPACE STANDARDS**

Minimum lot size:	None*
Minimum area per dwelling unit:	*
Minimum street frontage	None*
Building Setback:	New buildings constructed in the Village Centers District shall be located in such a manner as to maintain the "village character" with respect to the relationship of buildings to the street. No building shall be setback further than the average of the existing setbacks in the block in which the building is located or if an existing building is being demolished, than the preexisting setback, whichever is less subject to the performance standards of Subsection E.
Minimum side and rear yards:	10 feet* except as otherwise required by the buffer provisions of this Code.
Maximum building height:	35 feet
Maximum building coverage:	None*

\*Space standards for residential uses shall be the same as for those in the Urban Residential District.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION X URBAN COMMERCIAL DISTRICT**

**D. SPACE STANDARDS**

1) Urban Commercial District:	
Minimum lot size:	None*
Minimum area per dwelling unit:	*
Minimum street frontage:	None*
Minimum front yard:	25 feet*
Minimum side and rear yards:	10 feet* except as otherwise required by the buffer provisions of this Code
Maximum building height:	35 feet*
Minimum open space:	25% of lot area.

\*Except that space standards for residential uses shall be the same as for the Urban Residential District.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size, street frontage requirements, and open space requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XI - ROADSIDE COMMERCIAL DISTRICT**

**D. SPACE STANDARDS**

Minimum lot size:	None
Minimum area per dwelling unit:	*
Minimum street frontage:	None*
Minimum front yard:	50 feet*
Minimum side and rear yards:	30 feet except as otherwise required by the buffer provisions of this Code and except when the side and/or rear yards abut a residential district in which case a minimum of 30 feet for commercial uses and 50 for light industrial uses or 50% of the building or outdoor stored material height, whichever is greater, shall be required.
Maximum building height:	None
Maximum building or outdoor stored material coverage:	None*

\*Except that space standards for residential uses shall be the same as those of the Suburban District.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XII - INDUSTRIAL DISTRICT**

**D. SPACE STANDARDS**

Minimum area of lot	None*
Minimum area per dwelling unit	*
Minimum street frontage	None*
Minimum front yards	50 feet
Minimum side and rear yards	30 ft.* except as otherwise required by the buffer provisions of this Code and except where the side and/or rear yards abut a residential district in which case a minimum of 30 ft. or 50% of the building or outdoor stored material height, whichever is greater, shall be required.
Maximum building height	None
Maximum building coverage	None*

\*Except that space standards for residential uses shall be the same as for the Suburban Residential and Rural Districts.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XIII - COMMERCIAL/OFFICE DISTRICT**

**D. SPACE STANDARDS**

1) Residential Uses

Standards for residential uses shall be the same as the standards of the Suburban Residential District.

2) Non-Residential Uses

Standards for non-residential uses shall be as follows:

Minimum lot size 60,000 square feet

Minimum street frontage 200 feet

Minimum front yard - local or collector street 50 feet or two (2) times the building height, whichever is greater

Minimum front yard - arterial street 80 feet or three (3) times the building height, whichever is greater

Minimum side and rear yard 50 feet or two (2) times the building height, whichever is greater

Maximum building height 35 feet

Maximum floor area ratio 0.35

Minimum landscaped buffer on any side abutting an arterial street 50 feet

Minimum landscaped buffer on any side abutting a collector or local street 25 feet

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size, street frontage, and floor area ratio requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XIV - OFFICE-RESIDENTIAL DISTRICT**

**E. SPACE STANDARDS FOR NON-RESIDENTIAL USES**

A structure existing at the date of adoption of this Section that does not conform to any of the following space standards may be converted or rehabilitated to an allowed non-residential use, provided that such conversion involves no exterior enlargement of the existing structure or additional area for vehicular parking or access. Conversions involving exterior enlargement or additional parking or access areas shall adhere to all applicable space standards.

Minimum lot size 20,000 square feet

Minimum street frontage 80 feet

Building setback New buildings constructed in this district shall be located in such a manner as to maintain the relationship to the street established by existing neighboring structures. Where no such relationship exists, the minimum setback shall be 40 feet.

Minimum side and rear yards 20 feet

Maximum building height 30 feet or two stories, whichever is less.

Maximum floor area ratio 0.15

Maximum impervious coverage ratio 0.40

Maximum gross floor area per each principal structure 8,000 square feet

Maximum gross floor area per lot 20,000 square feet

Notwithstanding the provisions of this subsection E, an Auxiliary Public Utility Structure is exempt from the minimum lot size, street frontage, floor area ratio, and impervious coverage requirements of this district. Structures must meet setback requirements.



Additional screening and buffering can be requested by the Planning Board.

**SECTION XV - MANUFACTURED HOUSING PARK OVERLAY DISTRICT**

**E. SPACE STANDARDS FOR MANUFACTURED HOME PARKS**

1. Minimum lot size:

Lots served by public sewer 6,500 square feet

Lots served by individual subsurface waste disposal system 20,000 square feet

2. Minimum lot width:

Lots served by public sewer 50 feet

Lots served by individual sub-surface waste disposal systems 100 feet

Notwithstanding the provisions of this subsection E, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XVI - NARRAGANSETT DEVELOPMENT DISTRICT**

**C. DIMENSIONAL STANDARDS**

1) Net Acreage - The density of all developments shall be based on the established net acreage of the proposed site. Net acreage shall be determined in accordance with Chapter I., Section V. (Net Acreage). Deductions under this net acreage provision shall be subtracted from the gross acreage of the proposed site.

2) Non-residential Density - The total gross floor area of all the non-residential uses shall not exceed thirty percent (30%) of the net acreage of the parcel dedicated to such uses. No more than seventy percent (70%) of the net acreage of the non-residential parcel may be covered with buildings, structures, accessory uses such as parking lots and other impervious surfaces.

3) Dedicated open space - Developments shall reserve thirty percent (30%) of the gross acreage as dedicated open space, excluding landscaping and buffer yard requirements.

4) Non-residential Space Standards

a) Minimum lot size - Fifty thousand (50,000) square feet.

b) Minimum street frontage - One hundred, fifty (150) feet.

c) Minimum front yard - 80 feet or three (3) times the building height whichever is greater.

d) Minimum side and rear yard - 50 feet or two (2) times the building height whichever is greater.

e) Maximum building height - 50 feet or four stories, whichever is less.

5) Residential Space Standards - Space standards for existing residential uses shall be the same as for the Suburban Residential District.

6) Notwithstanding the provisions of this subsection C, an Auxiliary Public Utility Structure is exempt from the minimum lot size, street frontage, net acreage, gross floor area, and dedicated open space requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**SECTION XVIII – DEVELOPMENT TRANSFER OVERLAY DISTRICT**

**D. SPACE STANDARDS**

The following space standards apply to the subdivision or project and to the lots within the subdivision based upon the underlying zoning district.

<b>Standard</b>	<b>If the underlying zone is any district other than Rural</b>	<b>If the underlying zone is Rural</b>
Minimum net acreage per dwelling unit	6,000 sq. ft.	9,000 sq. ft.

Minimum lot size: - one-family dwelling - two-family dwelling - multi-family dwelling or apartment - non-residential use	8,500 sq. ft. 15,000 sq. ft. 20,000 sq. ft. 15,000 sq. ft.	12,750 sq. ft. 22,500 sq. ft. 30,000 sq. ft. 15,000 sq. ft.
Minimum street frontage: - one-family dwelling - two-family dwelling - multi-family dwelling or apartment - non-residential use	75 feet 100 feet 120 feet 100 feet	75 feet 125 feet 150 feet 100 feet
Minimum front yard for one and two-family dwellings: - access or sub-collector street or private way - collector street or service road - arterial street	15 feet 30 feet 70 feet	15 feet 30 feet 70 feet
Maximum front yard for one and two-family dwellings: - access or sub-collector street or private way - collector street or service road - arterial street	25 feet* none none	25 feet* none none
Minimum front yard for multi-family dwellings, apartments and non-residential uses: - access or sub-collector street or private way - collector street or service road - arterial street	20 feet 30 feet 70 feet	20 feet 30 feet 70 feet
Minimum side and rear yards: - one-family dwelling - two-family dwelling - multi-family dwelling, apartment, or non-residential use	10 feet 15 feet 30 feet or height of building whichever is greater	10 feet 15 feet 30 feet or height of building whichever is greater
Maximum building height	None	None

\* Not more than ten percent (10%) of single and two-family dwellings within a subdivision may have a front yard or setback of more than twenty-five (25) feet provided that:

- 1) any lot with a front yard greater than twenty-five (25) feet may not abut another lot with a front setback of more than twenty-five feet, and
- 2) any lot with a front yard greater than twenty-five feet must be identified on the approved subdivision plan and the maximum front yard for the lot specified on the plan.

Notwithstanding the provisions of this subsection D, an Auxiliary Public Utility Structure is exempt from the minimum lot size and street frontage requirements of this district. Structures must meet setback requirements. Additional screening and buffering can be requested by the Planning Board.

**Public  
Hearing #2  
Item #7826**

Public Hearing on a proposed ordinance for disorderly property.

Action to consider an ordinance to regulate disorderly property. (Admin.

**Proposed  
Order #7826**

Spon.)

**WHEREAS**, there are situations when the police and other emergency resources are repeatedly called to certain properties because the activities at these properties are disrupting the peaceful enjoyment of nearby residential property; and,

**WHEREAS**, repeatedly dispatching police and other emergency services to the same property because of disruptive behavior is expensive and costly to the taxpayers of Gorham and ties up resources that may be needed elsewhere in the community;

**NOW, THEREFORE, BE IT ORDAINED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled adopt the Disorderly Property Ordinance as proposed.

**Town of Gorham  
Ordinance for Disorderly Property**

**Section 1. Purpose.**

The purpose of this Ordinance is to provide for the health and welfare of the Community and to regulate repeated behavior that disrupts the peaceful enjoyment of residential property.

**Section 2. Authority.**

**2.1** This Ordinance is enacted pursuant to Title 30-A, MRSA, Section 3001.

**Section 3. Severability Clause.**

**3.1** If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

**Section 4. Definitions.**

**4.1** A "disorderly house" is any building which:

**(a)** The police have visited two (2) or more times in any thirty (30) day period, or four (4) times in any 180 days, in response to situations which are created by the owner, tenants, or tenants' cohabittees, guests or invitees and which would have a tendency to disturb unreasonably the community, the neighborhood or an ordinary individual in the vicinity of said building, through, but not limited to: loud music; boisterous parties; sounds emanating from within the structure which are audible outside the building; loud noise or fights within the building or in its vicinity involving tenants of the building or their invitees (excluding incidents involving domestic violence); tenants or invitees of tenants being intoxicated on public ways in the vicinity of the building; other similar activities in the building or outside the building itself; or

**(b)** The police have visited two (2) or more times in any 180 day period in response to situations which are created by the owner, tenants, or tenants' cohabittees, guests or invitees and involve the arrest and conviction of tenants or their invitees for activities which constitute either a crime or civil infraction under law, or create a reasonable suspicion that illegal drug use or sales under 17-A M.R.S.A. chapter 45 or prostitution or public indecency under 17-A M.R.S.A. chapter 35 has occurred.

**(c)** The situation to which the visit pertains shall be documented by the police department. Such documentation may include sworn affidavits by named citizens which may be sufficient to create a reasonable suspicion said illegal activity has occurred.

**Section 5. Disorderly houses.**

**5.1** No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit (hereinafter jointly and severally "building") which is a disorderly house as defined herein.

**Section 6. Notice of disorderly house.**

**6.1** Whenever a building has been visited by the Police in response to a disturbance described in Section 4.1, it shall notify the owner of the circumstances of the visit. Such

notice shall be deemed sufficient for all legal purposes.

**6.2** Whenever a building has been identified as a disorderly house the Town shall provide written notification of the event which forms the basis for the designation to be given to the owner. The notice shall require the owner to meet with the Town of Gorham Police Department within five (5) business days from the date of the written notification, or such other time as is agreed upon by the Police Department, to identify ways in which the problems which have been identified will be eliminated.

**6.3** At the time of said meeting, the owner shall be obligated to provide to the Town the following documentation:

(a) A copy of the names of all tenants or other persons authorized to reside or presently residing in the building and the units they occupy;

(b) copies of all leases with tenants residing in the building;

(c) contracts with any property manager or other person responsible for the orderly operation of the building;

(d) an accurate and up to date disclosure of building ownership.

**6.4** In addition, the owner will agree to take effective measures to address the disorderly house, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the Town and shall be implemented within one (1) week of said meeting unless another date is agreed upon by the Town. Failure to enter into such an agreement at the conclusion of the meeting will be deemed a violation of this Ordinance, and the Town shall file a complaint in the Maine District Court seeking all compensatory and equitable relief permitted by law.

**6.5** If the same building should be classified as a disorderly house on a subsequent occasion, then the Town is under no obligation to meet with the owner but may condemn and post the building or any units therein, and/or proceed directly with a complaint to the District Court seeking all compensatory and equitable relief permitted by law.

**6.6** The notices provided for in this section may be given to an owner who has not complied with section 6, but are not required.

#### **Section 7. Enforcement.**

**7.1** If the owner

(a) refuses to agree to take effective measures to address the disorderly house,

(b) takes ineffective measures to address the disorderly house as determined by the Town,

(c) fails to implement the agreement reached with the Town to address the disorderly house or

(d) if, in the discretion of the Town, the disorderly house requires immediate posting, the Town may condemn and post the building against occupancy, and/or may file a legal action against the owner seeking any and all damages and remedies to which it is entitled pursuant to laws.

#### **Section 8. Violation and Penalties.**

**8.1** Except as otherwise provided by law, anyone found guilty of violation of any provision of this Ordinance shall be subject to a fine of not less than Five Hundred Dollars (\$500) for the first offense and not less than One Thousand Dollars (\$1000) for subsequent offenses, to be recovered for use by the Town of Gorham and shall be subject to such other legal and equitable remedies as may be available to the Town. Each day such a violation continues shall be deemed a new offense.

#### **Item #7827**

Action to consider authorizing a referendum vote to acquire a heavy rescue truck. (Adm. Spon.)

#### **Proposed Order #7827**

**ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize a referendum vote to be held on June 8, 2010 to acquire a heavy rescue truck; and,

**BE IT FURTHER ORDERED** that a public hearing be held on this referendum on May 4, 2009; and

**BE IT FURTHER ORDERED** that the question to appear on the ballot be as follows;

**Referendum Question #3.**

Shall a capital expenditure of a sum of money not to exceed \$450,000 be authorized for costs of acquisition of a heavy rescue truck, said sum of money to be raised by the following or such combination thereof as determined appropriate by the Town Council: (a) the issuance of general obligation bonds and/or notes of the Town in a total aggregate principal amount of up to \$450,000, hereby authorized, with such dates, maturities, denominations, interest rate(s) and other details (including provisions that the bonds may be subject to call for redemption with or without premium) as the Town Council shall determine, or (b) equipment lease purchase financing, with the lease to be in such form and contain such terms and provisions, including interest rate(s), as the Town Council determines appropriate; and/or (c) existing reserve funds of the Town?

(Total estimated debt service of \$\_\_\_\_\_, of which principal is \$450,000 and estimated interest, at rates ranging from \_\_\_% to \_\_\_% depending on the year of maturity, over \_\_\_ years is \$\_\_\_\_\_)

(The Town Council recommends a "Yes" vote.)

**Item #7828** Action to consider going to referendum to establish a dedicated capital fund.

**Proposed Order #7828** To be determined.

**Item #7829** Action to consider an agreement with the First Parish Congregational Church to lease the Town Clock to the Church for placement in the Church building. (Adm. Spon.)

**Proposed Order #7829** **WHEREAS**, the Town is the owner of the E. Howard Tower Clock, made by the Howard Watch and Clock Company of Boston Massachusetts, identified as Clock Number 44 (hereinafter the "Clock"); and,

**WHEREAS**, the Clock was a charitable gift to the citizens of the Town from Toppan Robie in 1886 and is now invaluable; and

**WHEREAS**, the Church owns a certain lot or parcel of land, which includes a church building, located at One Church Street in Gorham as shown on the Town's Tax Map 102 as lot 79 (hereinafter the "Church property" or the "Church building"); and

**WHEREAS**, the Church building includes a tower that has four separate clock faces; and

**WHEREAS**, installation of the Clock in the Church will allow the clock faces in the Church building to operate; and

**WHEREAS**, the Town has an obligation to ensure that the Town's property is protected, both physically and financially, and remains reasonably available for viewing by members of the public; and

**WHEREAS**, the parties wish to have the Town lease the Clock to the Church and install it in the Church building, subject to the terms and conditions set forth herein;

**NOW, THEREFORE, BE IT ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled approve the lease as presented, and

**BE IT FURTHER ORDERED** that the Town Council authorize the Town Manager to sign the lease on behalf of the Town.

**Item #7830** Action to consider an abatement of taxes due to a clerical error. (Adm. Spon.)

**Proposed Order #7830** **ORDERED**, that the Town Council of the Town of Gorham, Maine, in Town Council assembled abate taxes on property located at 315 Fort Hill Road, shown on tax map 43, as lot 25, because of a clerical error for the tax year 2008/2009 in the amount of \$865.60 and for tax year 2007/2008 in the amount of \$865.60, plus interest and costs.

**Item #7831** Action to consider amending Schedule C of the Streets and Sidewalks Ordinance to restrict 3, 4 and 5 axle trucks on McLellan Road. (Councilor Minor Spon.)

**Proposed Order #7831** **WHEREAS**, the Town Council of Gorham, Maine voted to receive a petition from Mary Jane Lecours to impose weight limits on McLellan Road at the March 2, 2010 Town Council meeting; and,

**WHEREAS**, heavily loaded vehicles accelerate the deterioration of a roadway's useful life,

**NOW, THEREFORE, BE IT ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to amend Schedule C of the Streets and Sidewalks Ordinance to restrict 3, 4 and 5 axle trucks on McLellan Road to the Ordinance Committee for their review and recommendation.

**Item #7832** Action regarding accepting a resignation from the Planning Board. (Adm. Spon.)

**Proposed Order #7832** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled accept the resignation of Michael W. Parker from the Planning Board effective March 31, 2010.

**Item #7833** Action regarding appointments to various Town Boards and Committees. (Adm. Spon.)

**Proposed Order #7833** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled make appointments to various Town Boards and Committees as recommended by the Appointments Committee.

**Item #7834** Action to consider where to relocate the gazebo. (Councilor Minor Spon.)

**Proposed Order #7834** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled authorize the gazebo, currently located at the

Public Safety Building, to be relocated to the front lawn area between the Municipal Center and South Street as part of a project to do Phase 1 of the Chick Property Master Plan

**Item #7835** Action to consider establishing a committee to create a Gorham Vision for 2020. (Councilor Mattingly Spon.)

**Proposed Order #7835** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to create a committee, to be called Gorham Vision 2020, to find ways to move Gorham ahead into the next decade, to the Ordinance Committee for the Ordinance Committee to refine the concept and scope of the new committee and make recommendations back to the Town Council.

**Item #7836** Action to consider contracting with a grant writer for the purpose of identifying grants and submitting applications. (Councilor Mattingly Spon.)

**Proposed Order #7836** **ORDERED** that the Town Council of the Town of Gorham, Maine, in Town Council assembled refer a proposal to contract with a grant writer for the purpose of identifying grants and submitting applications on behalf of the Town to the Finance Committee for their review and recommendation.

**ADJOURN**