

**TOWN OF OLD ORCHARD BEACH  
TOWN COUNCIL MEETING  
Tuesday, June 7, 2011  
TOWN HALL CHAMBERS  
7:00 p.m.**

**A Town Council Meeting of the Old Orchard Beach Town Council was held on Tuesday, June 7, 2011. Chair Quinn opened the meeting at 7:03 p.m.**

**The following were in attendance:**

**Chair Bob Quinn  
Vice Chair Michael Tousignant  
Councilor Shawn O'Neill  
Councilor Robin Dayton  
Councilor Sharri MacDonald  
Town Manager Jack Turcotte  
Assistant Town Manager V. Louise Reid**

**Absent:**

**EMERGENCY ITEM:**

**MOTION:** Vice Chair Tousignant motioned and Councilor O'Neill seconded to revise the business license for Gangway Properties, Inc. dba/Seaside Pushcarts (306-1-2-V), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales from 1 Food Vender Pushcart to 2.

**VOTE:** Unanimous.

**PRESENTATION:** Report by the Ballpark Commission  
Ballpark Commissioners  
Commissioner Paul Crossman

Commissioner Paul Crossman gave an update on the work at the Ballpark over the past few months and the enormous amount of support continues from volunteers. He reported that as of May 31, 2011 Revenues amounted to \$64,276.63 which included advertising income, donations, concession income, gate receipts, field rentals, souvenir revenue, OOB Raging Tides, USACAA Tournament and other revenue. The expenditures including seasonal wages, FICA and Medicare, Utilities, Advertising, Operating Supplies, Ground Maintenance and Improvements, Concession Supplies, Ballpark Improvements and USCAA Tournament expenses in the total amount of \$57,451.82. The Town had previously transferred in the \$25,000 they approved; with additional earnings from the beginning of the period of \$2,579.36 for a total of \$34,404.17. He spoke about the excitement of the beginning of the Raging Tide Baseball Team starting their summer activities and the increased about of exposure this will give to the community. He continued at length thanking countless individual volunteers and contributors for their excellent

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service to the upkeep and revitalization of the Ballpark, noting that without their dedication, all that has been accomplished would not have been possible. He read letters of congratulations from those who have already benefited from the Ballpark improvements and also listed the schedule of events to follow through the summer months. The Council thanked the members of the Ballpark Commission and the host of volunteers for their efforts and also for their involvement in the success of this endeavor. Mr. Crossman also gave an update on the renovation that was done at the Ballpark. He talked about the installation of the sign board and the contribution both in work and funding for that project. He reiterated the success of the USCAA National Championship; talked about the American Legion Tournament that will be coming to the Ballpark this summer; local school activities being hosted as well; participating in the Christopher Cash Race and thanking Bob and Nancy Kelley for this opportunity. He mentioned the United Way Day of Caring which will enhance some of the projects needing to be completed at the Ballpark. One of the great success stories will be the coming of the Raging Tides and for Old Orchard Beach to have its own team and requested families in Old Orchard Beach willing to host members of the team. His final call was that the Ballpark Commission has tried very hard, with limited resources, to provide wholesome, quality and affordable family entertainment at the Ballpark and as success continues to mount they will hopefully be able to bring diverse entertainment for all to enjoy. We now have a reborn facility.

**Presentation of Annual Report to  
Former Chair, Sharri MacDonald  
by Assistant Town Manager**

I would ask that Councilor MacDonald, Vice Chair Tousignant and Linda Mailhot join me this evening.

It is my privilege this evening to present former Town Council Chair Sharri MacDonald a copy of the 2009-2010 Annual Report. Sharri was elected and served on the Town Council since November 6, 2007 and has chaired the Town Council in both 2008 and 2009. The Administration found Chair MacDonald to be reliable and dedicated in providing the time and energy required of the position of Chair. Her involvement with the citizenry is well known and her attendance record at Council Meetings and Workshops has been outstanding. Her concern for budgetary restrictions is evident even in the production of this Annual Report where we cut back on colored photographs with the desire to save money for the taxpayers. The Annual Report, nevertheless, is significant of the dedicated service of the employees of our municipality and the continued progress of the leadership and direction of the past and present Town Council members. It is my pleasure to present this report to Sharri with what I believe has signified her service to the community – as Anne Frank said, “How wonderful it is that nobody need wait a single moment before starting to improve the world .”

In addition to this presentation to former Chair MacDonald, we would also like to recognize Linda Mailhot, former President of OOB365 and Vice Chair Michael Tousignant, a very dedicated member of OOB365 in accepting a copy of the Annual Report which former Chair MacDonald has dedicated to OOB365. It is the responsibility of the Town Chair at the time of the production of the current Annual Report, to dedicate the Annual Report to an individual or individuals, or organization or group, and former

Chair MacDonald has named this year's report in honor of OOB365 and if I may read her dedication to them:

### **OOB 365 – A Gift to the Community**

**OOB 365 is a community organization composed of citizens and business owners whose primary focus is to bring high quality events to Old Orchard Beach on a year round basis. Formally established on March 10, 2009, OOB 365 was started as a way to promote why Old Orchard Beach is a great place to live, work and play. As they have worked together for the common cause, the organization has contributed to the community by raising funds for many community needs. The official mission statement for the groups is as follows:**

**OOB365 is a group of Old Orchard Beach businesses and private citizens dedicated to developing regularly scheduled, quality activities in our community in order to promote interest and commerce in Old Orchard Beach on a year-round basis. To this end, OOB365 will work in cooperation with the local Chamber of Commerce, the Bar & Restaurant Association (BRASS), and the Town of Old Orchard Beach in organizing monthly activities. OOB365 offered FIRST NIGHT – a New Year's Celebration designed to promote our community as more than just a summer destination. First Night was an evening of activities including a bonfire, marshmallow roasting pits and hot cocoa on the beach with fireworks to be enjoyed by all. There were button perks giving visitors and residents a chance to enjoy restaurant and motel discounts. Other sponsored events included the Winter Carnival, the Swap'n'Shop flea market event, the Taste of OOB, the Spirit in America Hot Air Balloon Festival, Autumn Festival, Woofstock and the Progressive Dinner (Savor the Flavor) events. Members of OOB365 have high energy and when you go to OOB365 meetings there is a sense of pride and true friendship. It has been a bright light in Old Orchard Beach and it is important to recognize the effort of this group. It is our honor to dedicate this Annual Report to OOB365 for the work they have done to make our community a great place to live, work and play.**

**Councilor Sharri MacDonald expressed appreciation to all those who have been involved in OOB365 and for the dedication to the mission of the organization.**

### **ACKNOWLEDGEMENTS**

**VICE CHAIR TOUSIGNANT: Our appreciation to Town Clerk, Kim McLaughlin, for organizing the exceptionally large and successful Memorial Day Parade. To all the participants, thank you for making this a very important community activity and in taking the time to express our acknowledgement of the many sacrifices that have been made and are being made by our service men and women today. We appreciated the presence of all the dignitaries that took the time to attend and particularly Governor LePage.**

**COUNCILOR DAYTON: Even though the hour was getting late she encouraged those not voting to hurry to the high school where voting on the RSU Budget and the windows for Loranger School will be going on till 8:00 a.m.**

**ACCEPTANCE OF MINUTES:**

**Special Town Council Minutes of May 11, 2011; Town Council Workshop Minutes of May 11, 2011; Town Council Meeting Minutes of May 17, 2011; Town Council Workshop Minutes of May 19, 2011; Special Town Council Meeting Minutes of May 26, 2011; and Town Council Workshop Minutes of May 26, 2011.**

**MOTION: Councilor Dayton motioned and Vice Chair Tousignant seconded to Accept the Minutes as read.**

**VOTE: Unanimous.**

**PUBLIC HEARING NUMBER ONE:**

**CHAIR: I open this Public Hearing at 7:33 p.m.**

**Shall We Revise Chapter 50, Article II, Sidewalks, Amending Sections 50-52, 50-53, 50-58, 50-148, 50-172, 50-241 and 50-243 adding Sections 50-150 and 50-249 of the Town of Old Orchard Beach Code of Ordinances?**

**From: Code Enforcement Officer;**

**It was felt that another Public Hearing should be held as the Excavator License Performance Standards were added. Also we improved the license revocation process. Attached is a copy of the final draft.**

**Here is a summary of the changes:**

**Chapter 50 Streets, Sidewalks and other Public Places**

**Throughout the Ordinance, where the words Public Works Foreman were found, it was replaced with Public Works Director.**

**Sec. 50-52. Construction by town or abutting landowners. These changes require the owner to obtain three bids. The Town is only responsible for the low bid, but the owner can hire the high bid and pay the difference. This required Town Council Approval.**

**Sec. 50-58. Lien procedure. A typo (CUBING) was corrected with “Curbing”.**

**Sec. 50-148. Permanent resurfacing of pavement. Changes to this section better define how a road must be repaired after a street opening as suggested by the Public Works Director.**

**Sec. 50-150. Excavator license. At the request of the Public Works Director, this section requires a license for excavators that work within the Town Right of Ways.**

**Sec. 50-172 the words “for review and approval.” were added.**

**Sec.50-249. Sidewalk Cafés.** This section would allow for restaurants to have sidewalk cafés. We will be asking that the Town Council set the fee at \$100.00 bas plus \$2.00 per sq.ft. of Town sidewalk. (This is the same square footage price as The City of Portland)

## **Chapter 50 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\***

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**\*Cross references:** Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the town saved from repeal, § 1-9(a)(5); any ordinance establishing and prescribing the street grades of any street in the town saved from repeal, § 1-9(a)(10); any ordinance providing for local improvements and assessing taxes for such improvements saved from repeal, § 1-9(a)(11); department of planning and development, § 2-472; dogs on beach, public streets and sidewalks, § 14-6; environment, ch. 26; urination in public or outdoors, § 38-56; outdoor vending machines, § 38-271 et seq.; parks and recreation, ch. 42; traffic and vehicles, ch. 54; play streets, § 54-103; narrow streets, § 54-150; parades and processions, § 54-246 et seq.; obstructions on public streets, § 54-276; utilities, ch. 58; vehicles for hire, ch. 62; buildings and building regulations, ch. 66; subdivisions, ch. 74; street design and construction standards, § 74-306 et seq.; zoning, ch. 78; street trees, § 78-1771 et seq.; manufactured housing, § 78-2056 et seq.

**State law references:** Nuisances, 17 M.R.S.A. § 2802; obstructing public ways, 17-A M.R.S.A. § 505; removal of obstructions, 23 M.R.S.A. § 3452.

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### **Article I. In General**

**Secs. 50-1--50-25. Reserved.**

### **Article II. Sidewalks**

#### **Division 1. Generally**

**Secs. 50-26--50-50. Reserved.**

#### **Division 2. Construction and Maintenance**

**[Sec. 50-51. Sidewalks and curbing required.](#)**

**[Sec. 50-52. Construction by town or abutting landowners.](#)**

**[Sec. 50-53. Reconstruction; appointment of cost.](#)**

**[Sec. 50-54. Waiver or amendment of requirements.](#)**

**[Sec. 50-55. Substitution of materials.](#)**

**[Sec. 50-56. Service ways and curb cuts; removal of sidewalks and curbing.](#)**

**[Sec. 50-57. Work done by town; lien.](#)**

**[Sec. 50-58. Lien procedure.](#)**

**[Sec. 50-59. Repair and maintenance.](#)**

**Secs. 50-60--50-85. Reserved.**

### **Article III. Streets**

#### **Division 1. Generally**

**Secs. 50-86--50-110. Reserved.**

#### **Division 2. Naming and Numbering**

**[Sec. 50-111. Definitions.](#)**

**[Sec. 50-112. Purpose.](#)**

**[Sec. 50-113. Enforcement and penalty.](#)**

**[Sec. 50-114. Designation of street names.](#)**

**[Sec. 50-115. Designation of street numbers.](#)**

**[Sec. 50-116. Display of numbers.](#)**

[Sec. 50-117. New or renovated property.](#)

Secs. 50-118--50-145. Reserved.

Division 3. Excavations

Subdivision I. In General

[Sec. 50-146. Effect of noncompliance.](#)

[Sec. 50-147. Temporary resurfacing of trench.](#)

[Sec. 50-148. Permanent resurfacing of pavement.](#)

[Sec. 50-149. Traffic control.](#)

[Sec. 50-150. Excavator license.](#)

50-151-50-170. Reserved.

Subdivision II. Permit

[Sec. 50-171. Required.](#)

[Sec. 50-172. Application.](#)

[Sec. 50-173. Fees.](#)

[Sec. 50-174. Dates limited.](#)

[Sec. 50-175. Starting date.](#)

[Sec. 50-176. Moratorium after reconstruction.](#)

Secs. 50-177--50-205. Reserved.

Division 4. Improvements

[Sec. 50-206. Applicability.](#)

[Sec. 50-207. Definitions.](#)

[Sec. 50-208. Authority.](#)

[Sec. 50-209. Power of council.](#)

[Sec. 50-210. No obligations created.](#)

[Sec. 50-211. Conditions.](#)

[Sec. 50-212. Procedure for acceptance or taking.](#)

[Sec. 50-213. Apportionment and assessment of costs.](#)

Secs. 50-214--50-240. Reserved.

Article IV. Obstruction of Public Places

[Sec. 50-241. Definitions.](#)

[Sec. 50-242. Purpose.](#)

[Sec. 50-243. Enforcement.](#)

[Sec. 50-244. Exemptions.](#)

[Sec. 50-245. Outside displays.](#)

[Sec. 50-246. Outside solicitation of sales.](#)

[Sec. 50-247. Obstruction of public passage.](#)

[Sec. 50-248. Placement of posters.](#)

[Sec. 50-249. Sidewalk Cafés](#)

50-250--50-270. Reserved.

Article V. Operation of Noise-Creating Devices on Public Rights-of-way

[Sec. 50-271. Definitions.](#)

[Sec. 50-272. Purpose and policy.](#)

[Sec. 50-273. Certain noises prohibited.](#)

[Sec. 50-274. Exceptions.](#)

[Sec. 50-275. Violation and penalty.](#)

[Sec. 50-276. Controlling provisions.](#)

**ARTICLE I. IN GENERAL**  
Secs. 50-1--50-25. Reserved.

**ARTICLE II. SIDEWALKS**

**DIVISION 1. GENERALLY**  
Secs. 50-26--50-50. Reserved.

**DIVISION 2. CONSTRUCTION AND MAINTENANCE**

**Sec. 50-51. Sidewalks and curbing required.**

Where a nonresidential development or a multifamily residential development, as defined by chapter 78, abuts any accepted street and a sidewalk satisfactory to the public works department has not already been provided, a sidewalk and curbing shall be provided along the entire street frontage of the lot. If either a sidewalk or curbing, but not both, shall exist at such location which is satisfactory to the public works department, only a sidewalk or curbing, as the case may be, shall be provided. In either case, such sidewalk and curbing shall be constructed in accordance with the specifications of chapter 74 and to the satisfaction of the public works department at no cost to the town prior to issuance of any certificate of occupancy for such development.

(Ord. of 3-17-1987, § 1)

**Sec. 50-52. Construction by town or abutting landowners.**

(a) Notwithstanding section 50-51, the town council may at any time direct the construction of a sidewalk or curbing or both along any accepted street in the town. Such sidewalk or curbing shall be constructed by the town, and the cost thereof shall be borne by the town.

(b) Sidewalks or curbing or both may be ordered by the council upon petition of an abutting landowner, and one-half of the cost thereof shall be assessed to such abutting landowner and shall be collected by the town in the manner provided in sections 50-57 and 50-58. The landowner is required to submit three competitive bids. The Town Council, based on the recommendation of the Public Works Director, has the option of selecting to pay half of the lowest bid, but the homeowner has the right to choose any contractor. The Town Council also has the right to reject any and all bids.

**Sec. 50-53. Reconstruction; assessment of cost.**

(a) The town council may at any time direct the reconstruction of any sidewalk or curbing which has been constructed along any accepted street by other than the town and which has not been accepted as the responsibility of the town. Such sidewalk or curbing shall be reconstructed by the town, and the cost thereof shall be borne by the town.

(b) Such improvements may be ordered by the council upon the petition of an abutting landowner, and one-half of the cost thereof shall be assessed to such abutting landowner and shall be collected by the town in the manner provided in sections 50-57 and 50-58. The landowner is required to submit three competitive bids. The Town Council, based on the recommendation of the Public Works Director, has the option of selecting to pay half of the lowest bid, but the homeowner has the right to choose any contractor. The Town Council also has the right to reject any and all bids.

(Ord. of 3-17-1987, § 2)

**(Ord. of 3-17-1987, § 3)**

**Sec. 50-54. Waiver or amendment of requirements.**

**(a) Except as otherwise provided in this division or in chapter 74, the town council may, upon application to it in writing, waive or amend by order the requirement of sidewalks or curbing when it finds that the circumstances in the specific case warrant such waiver or amendment; however, no such order shall be construed as waiving the requirement of cost apportionment, assessment and collection unless expressly stated therein.**

**(b) When any multifamily residential development is reviewed by the planning board as a conditional use pursuant to chapter 78, the planning board shall have the authority to waive or amend the requirements of this division in the same manner as the town council is authorized to do by this section. Any waiver or modification by the town council or by the planning board shall be upon a like finding and upon the same terms and conditions as are set forth in section 74-34 pertaining to variances and waivers.**

**(Ord. of 3-17-1987, § 4)**

**Sec. 50-55. Substitution of materials.**

**The public works director may permit the substitution of other types of materials for sidewalks or curbing when, in the sole and exclusive judgment of the public works director, he finds such substituted materials to be equal to or better than the materials required in this division.**

**(Ord. of 3-17-1987, § 5)**

**Sec. 50-56. Service ways and curb cuts; removal of sidewalks and curbing.**

**The design and location of service ways and curb cuts and sidewalks and curbing shall be as approved by the public works department. No additional service ways or curb cuts and no alterations in the existing service ways or curb cuts shall be made without the prior consent of the public works department, and no such sidewalk or curbing shall be removed except by the town through its duly authorized agents or as authorized by a permit issued by the public works department.**

**(Ord. of 3-17-1987, § 6)**

**Sec. 50-57. Work done by town; lien.**

**The public works department is authorized in accordance with this division to construct or reconstruct sidewalks or curbing along any accepted street in the town, provided that appropriation has been made for such purpose, and the town shall have a lien on the abutting property to which one-half of the expense thereof is properly assessable pursuant to this division.**

**(Ord. of 3-17-1987, § 7)**

**Sec. 50-58. Lien procedure.**

**(a) The public works department shall keep an accurate account of the expense of work under this division and shall, as soon as practicable after the completion thereof, make a return showing the following:**

- (1) The location of such sidewalk or curbing;**
- (2) Its length and width;**
- (3) The material of which it is constructed;**



- (4) The cost of construction; and  
(5) The names of the owners of the abutting property with the amounts properly chargeable against each.  
(b) Within one year after the completion of such work, the town council shall assess upon the abutting properties their just proportion of the cost thereof, and all assessments so made shall constitute a lien on the property in the manner provided for the collection of sewer assessments in the town, except that no owner shall be assessed for more than 200 feet in length of sidewalk or **curbing** on any one street in front of any unimproved lots or parcels of land.  
(Ord. of 3-17-1987, § 8)

**Sec. 50-59. Repair and maintenance.**

The public works department is authorized as it deems expedient or necessary to repair and maintain, at the sole expense of the town, sidewalks or curbing previously constructed by the town or constructed under this division, provided that any sum expended for such work has been previously appropriated by the town council for such purpose. The public works department is further authorized, whenever it deems such work expedient or necessary because of a dangerous or hazardous condition, to make spot repairs at the sole expense of the town on any type of sidewalk, however constructed, provided sums have been appropriated for such purpose.

(Ord. of 3-17-1987, § 9)

Secs. 50-60--50-85. Reserved.

### **ARTICLE III. STREETS**

#### **DIVISION 1. GENERALLY**

Secs. 50-86--50-110. Reserved.

#### **DIVISION 2. NAMING AND NUMBERING**

**Sec. 50-111. Definitions.**

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

**Driveway** means any access road to private property that is wholly contained within the boundaries of that property.

**Property** means any land parcel on which a more or less permanent structure has been erected or could be placed.

**Street** means a public or private way which affords the principal means of access to abutting properties.

(Ord. of 4-1-1997, § 4)

Cross references: Definitions generally, § 1-2.

**Sec. 50-112. Purpose.**

The efficient and effective public safety operations are inhibited by the inconsistent street numbering process and the similarity of names of many streets within the town. It is the desire of the town to fully protect the lives and property of the town's residents. The purpose of this division is to facilitate the rapid location of properties by law enforcement, fire, rescue and emergency medical services.

(Ord. of 4-1-1997, § 2)

**Sec. 50-113. Enforcement and penalty.**

This division shall be enforced by the public safety director, who shall give written notice to any owner or person in charge of a dwelling, place of business or building, advising that person of a date by which the person or owner must comply with this division. If the person to whom the notice is addressed does not correct the violation by the compliance date, such person shall commit a civil violation.

(Ord. of 4-1-1997, § 9)

**Sec. 50-114. Designation of street names.**

(a) The town council shall assign names to all existing and proposed streets within the town. A street name assigned by the town shall not constitute or imply acceptance of the street as a public way.

(b) No two streets shall be given the same name or similar names (e.g., Pine Lane, Pine Road). If duplication is found in existing street names, precedence shall be accorded the street which has held the name the longest or the one which has the greater number of abutting developed properties. No two streets shall have similar-sounding names (e.g., Beech Street and Peach Street).

(c) Current names of streets shall not be changed unless they are classified as prohibited as specified in subsections (a) and (b) of this section. Whenever practical, names for streets will be selected by the residents and property owners associated with the street when the road does not currently have an acceptable name.

(d) Prior to changing the name of any existing street, the town council shall hold a public hearing, which notice shall be posted and published at least ten days prior to the hearing. The notice shall include the date, time and place of the hearing. All property owners of record relative to the street name change shall be mailed a notice of hearing at least ten days prior to the hearing.

(e) Names shall not contain hyphens, apostrophes or nonalphabetic characters and shall not have more than a total of 30 characters and spaces.

(f) The design and style of street name signs and letters of accepted streets within the town shall be provided by the public works department.

(g) The entrance road to a mobile home park will be assigned a name, which it will bear for the entire distance throughout the park. The operator of the mobile park shall not name any street within the park that is not in compliance with this division.

(h) If there are three or more developed parcels that abut a private lane or way, the owners of those lots may petition the town council to name the private way. The assessor shall issue street numbers for that street. It will be the sole responsibility of the owners to maintain a street sign at the entrance to the private way in accordance with the public works department's standards for public road signs. The name of the private way shall not conflict or sound similar to any existing street name.

(Ord. of 4-1-1997, § 5)

**Sec. 50-115. Designation of street numbers.**

(a) The assessor, after consulting with the police chief, shall assign a street number for each dwelling, place of business or building of any type capable of use or occupancy on any street.

(b) The assessor shall keep a record of all numbers assigned under this division.

(c) Upon assigning a number to any new dwelling, place of business or building, the assessor shall send written notice of the assigned number to the owner, occupant or person in charge of the dwelling, place of business or building. Any owner, occupant or person in charge of a dwelling, place of business or building which is numbered and not in compliance with this division shall also

be notified to change the existing number by the procedure set forth in subsection (a) of this section.

(d) Where a building contains more than one dwelling or place of business, the assessor shall determine whether each dwelling, place of business or building shall be assigned its own street number or whether, because of the quantity or configuration of the dwellings or places of businesses, only one street number should be assigned to the building.

(Ord. of 4-1-1997, § 6; Ord. of 1-6-1998)

#### **Sec. 50-116. Display of numbers.**

(a) The number of the dwelling, place of business or building shall be displayed upon the front of the building on the side facing the street. The number shall be plainly visible from the street. Houses or buildings that are set back out of view from the road shall have a post or sign at the driveway entrance upon which shall be affixed the specified number.

(b) Numbers shall be in Arabic figures, no less than three inches in height and a one-half inch stroke, and shall contrast in color with the color of the building or background to which they are affixed.

(c) No person shall affix or allow to be affixed a different street number from the one designated by the assessor.

(Ord. of 4-1-1997, § 7)

#### **Sec. 50-117. New or renovated property.**

(a) The code enforcement officer shall not grant a building permit for any dwelling, place of business or building until the assessor has assigned a street number to the dwelling, place of business or building.

(b) Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, the requirements of subsection (a) of this section shall apply to applications for subdivision approval, building permits and certificates of occupancy pending on the effective date of the ordinance from which this section derives, except that no such approval, building permit or certificate of occupancy shall be withheld if the assessor has not yet assigned a street number to the property at the time when the application is otherwise in order for approval.

(c) Developers of subdivisions shall be required to erect signs naming streets within each approved subdivision at the onset of the construction phase. Signs shall be approved by the public works director.

(Ord. of 4-1-1997, § 8)

Secs. 50-118--50-145. Reserved.

### **DIVISION 3. EXCAVATIONS**

#### **Subdivision I. In General**

#### **Sec. 50-146. Effect of noncompliance.**

If for any reason there is noncompliance with this division, by the applicant, of the specifications established by the town, the foreman of public works shall direct that the repair work be done at the expense of the applicant.

(Ord. of 9-18-1984, § IV)

#### **Sec. 50-147. Temporary resurfacing of trench.**

Temporary resurfacing of a trench excavation shall be completed within 48 hours of the initial excavation. A 12-inch aggregate subbase to be compacted in six-inch loose depths shall be installed. Existing surfaces of the pavement shall be cleaned, which will be bonded to the temporary pavement. Material shall consist of three-inch grade B hot bituminous concrete or bituminous cold mix during winter months. Temporary pavement shall be maintained smooth and free from potholes to a required grade for a period of 30 days. Temporary pavement areas shall be periodically inspected and repaired as necessary, especially during winter months when temporary pavement remains in place for an extended period. The public works director shall have the authority to order repairs done by the contractor to areas which, in his opinion, are in unsatisfactory condition.

(Ord. of 9-18-1984, § I(d); Ord. of 3-4-1986)

#### Sec. 50-148. Permanent resurfacing of pavement.

Permanent resurfacing of a pavement excavation shall be completed within 30 days of the initial excavation. Existing paving shall have edges sawed to provide a vertical bonding face. The contractor will also saw to the depth of 1" the surface pavement course to a minimum of 12" in all directions from the excavation and grind/mill this area to the 1" depth. Existing paving and surface material so cut shall be removed and replaced with a 12-inch aggregate subbase in six-inch loose depth lifts. A tack coat shall be applied to the cut edges, and a two-inch binder course shall be placed over the entire excavated surface and roller compacted. A one-inch state mix shall be applied over the entire excavated surface and the 1' wide minimum surface course beyond the excavation in all directions and roller compacted. All aggregates shall conform to section 704 of state department of transportation specifications. All bituminous hot or cold concrete shall conform to section 702 of state department of transportation specifications.

(Ord. of 9-18-1984, § I(e); Ord. of 12-18-1984; Ord. of 3-4-1986)

#### Sec. 50-149. Traffic control.

If, in the judgment of the foreman of public works, traffic control is necessary for an excavation, the applicant for the permit required in subdivision II of this division shall, at his cost, provide such control as may be required.

(Ord. of 9-18-1984, § I(g); Ord. of 12-18-1984)

Secs. 50-150--50-170. Reserved.

#### Sec. 50-150. Excavator license.

No person or utility shall excavate in a public place without holding a valid excavator's license and obtaining a street opening permit as provided in division 2 of this article, for such work from the Town. The public works department shall issue the excavator's license upon receipt of an application therefore and the annual license fee of \$25.00. The following standards apply:

- a) The Applicant must provide evidence of the competency and ability of the applicant to carry on the business of excavating. Persons or utilities without a previous work history with the Town may be required at the discretion of the director to submit references from responsible municipal officials from other municipalities.
- b) Applicant must provide a certificate of insurance (\$400,000.00 minimum) naming the Town of Old Orchard Beach as additionally insured.
- c) The applicant must establish that they have access to the proper excavating and compaction equipment to comply with all of the standards found in Division 3 of this Chapter.

- d) The Applicant must provide a list of equipment Including, but not limited to, excavators, dump trucks, trailers, compactors and rollers.

No person or utility possessing such license shall allow his or her name to be used by any person or utility, directly or indirectly, either to obtain a permit or to do any work under this license; provided, however, that nothing herein shall be construed to prohibit a licensed excavator from doing such work through an authorized agent or employee who is directly and continuously supervised by him while in the performance thereof. A license issued to an excavator may be revoked after notice and hearing, as specified in Chapter 18 Section 39 Suspensions and revocations, if it is determined by the Town Council that the licensed excavator has willfully disobeyed any portion of this article or the rules and regulations.

## Subdivision II. Permit

### Sec. 50-171. Required.

It shall be unlawful for any person to dig up, excavate, tunnel, undermine, or in any manner break up any street or to make or cause to be made any excavation in or under the surface of the street for any purpose or to place, deposit, or leave upon any street any earth or other material obstructing or tending to interfere with the free use of the street, unless such person shall have first obtained an excavation permit from the public works department.

(Ord. of 9-18-1984, § I(a))

### Sec. 50-172. Application.

(a) No excavation permit shall be issued unless a written application for the issuance of the permit is submitted to the director of public works for review and approval.

(b) The application shall state the following:

- (1) The name and address of the applicant;
- (2) The nature, location and purpose of the excavation;
- (3) The date of commencement of the excavation; and
- (4) The date of completion of the excavation.

(c) The application shall be accompanied by a plan showing the extent of the proposed excavation work, including its location and the dimensions and elevations of the proposed excavated surfaces and such other information as may be reasonably required by the director of public works.

(d) The application shall be accompanied by proof of notice to the utilities as provided in 23 M.R.S.A. § 3360-A(3).

(Ord. of 9-18-1984, § II; Ord. of 12-18-1984)

### Sec. 50-173. Fees.

(a) A deposit shall accompany each written application for an excavation permit and shall be posted and held by the town treasurer until the applicant has complied with all specifications of this division. The deposit shall be in the form of a certified check made payable to the town according to the rates specified in the schedule of license, permit and application fees in appendix A of this Code. The deposit shall be forfeited to the town if the foreman of public works determines that the repair work is not properly accomplished within the specified time period.

(b) An application fee as specified in the schedule of license, permit and application fees in appendix A of this Code shall be paid for each issuance and renewal of the excavation permit.

**(c) Public utilities or districts may be exempt from posting a deposit only at the discretion of the public works foreman.  
(Ord. of 9-18-1984, § III; Ord. of 12-18-1984; Ord. of 3-4-1986; Ord. of 9-19-1995; Ord. of 4-1-2003, § 2)**

**Sec. 50-174. Dates limited.**

**Excavation permits shall only be issued from April 1 to October 31 unless an emergency or special situation exists. A written explanation shall be submitted to the foreman of public works notifying him of the special situation or emergency prior to the issuing of a permit during the months of November 1 through March 31.**

**(Ord. of 9-18-1984, § I(b); Ord. of 12-18-1984)**

**Sec. 50-175. Starting date.**

**Excavation work must be started no later than 30 days from the date of issuance of the excavation permit. After the expiration of the 30-day period, such excavation permit shall become null and void and shall be renewed.**

**(Ord. of 9-18-1984, § I(c))**

**Sec. 50-176. Moratorium after reconstruction.**

**A three-year moratorium, except for emergency or special situations, on the issuance of any excavation permit is in effect after the completion of a newly reconstructed roadway.**

**(Ord. of 9-18-1984, § I(f))**

**Secs. 50-177--50-205. Reserved.**

## **DIVISION 4. IMPROVEMENTS**

**Sec. 50-206. Applicability.**

**This division shall apply to proposed streets, as defined in section 50-207, shown on a plan or a plat recorded in the county registry of deeds prior to two years before the effective date of the ordinance from which this division derives.**

**(Ord. of 8-15-1989, § B)**

**Sec. 50-207. Definitions.**

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

**Abutting lot** means any lot which is adjacent to and bounded by a proposed street, including lots located at the end of a dead-end street or cul-de-sac.

**Accepted** means accepted as a town way by the town council.

**Construct** means to build a roadway in compliance with the requirements of chapter 74 pertaining to subdivision review standards or, when the right-of-way width of the proposed street makes such compliance impossible or impracticable, in compliance with reasonable design and construction specifications approved by the town council.

**Current value** means the value of land and buildings as determined by the municipal assessor on the most recent assessment date.

**Frontage** means the horizontal distance between the intersections of the sidelines of a lot with the sideline of the proposed street.

**Majority of the abutting lots** means any combination of abutting lots which meets both of the following criteria:

- (1) The combined frontage of the lots exceeds 50 percent of the total frontage of all the abutting lots; and**
- (2) The total current value of the lots exceeds 50 percent of the total current value of all the abutting lots.**

**Owner** means any person having any right or interest in a proposed street or abutting lot, which right or interest is recorded in the county registry of deeds.

**Proposed street** means any street, road or right-of-way which appears on a plat or plan recorded in the county registry of deeds prior to two years before effective date of the ordinance from which this division derives which has not been accepted or taken by the town and which has not been constructed, or any portion thereof, which will be accepted or taken subject to apportionment and assessment of costs to construct pursuant to this division.

**Taken** means laid out and taken as a town way by the town council pursuant to 23 M.R.S.A. §§ 3022 and 3023.

**Value** means just value of land and buildings as defined in 36 M.R.S.A. § 701-A.  
(Ord. of 8-15-1989, § C)

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 50-208. Authority.**

This division is enacted pursuant to the authority of article 8, part 2, section 1 of the state constitution, 30-A M.R.S.A. § 3001 and 23 M.R.S.A. § 3606.

(Ord. of 8-15-1989, § A)

#### **Sec. 50-209. Power of council.**

Nothing in this division shall limit the authority of the town council to create a public way by any method provided by law when the cost to construct such way will not be apportioned and assessed pursuant to this division.

(Ord. of 8-15-1989, § G)

#### **Sec. 50-210. No obligations created.**

Nothing in this division shall require the town to accept, take or improve a public way unless the town council determines that the public convenience or necessity requires that such public way be accepted, taken or improved.

(Ord. of 8-15-1989, § H)

#### **Sec. 50-211. Conditions.**

A proposed street may be accepted or taken as a public way by the town council upon the following conditions:

- (1) If the proposed street is to be accepted upon dedication, owners of a majority of the abutting lots shall convey their interest in the proposed street to the town without claim for damages. Owners of fee interests shall convey their interests by warranty deed. Owners of less than fee interests shall convey their interests by quitclaim deed with covenant.**
- (2) If the proposed street is to be taken, owners of a majority of the abutting lots shall petition the town council in writing to lay out and take the proposed street and in such petition shall waive any damages otherwise payable to them as a result of the taking.**
- (3) The owners or petitioners shall submit to the town council plans of the proposed street as it will be constructed after it has been accepted or taken, which plans shall include the following:**

- a. A plot plan drawn when practical to a scale of 40 feet to one inch and to be on one or more sheets of paper not exceeding 24 inches by 36 inches in size. The plot plan shall show the following:
    1. The north point;
    2. The area of all lots;
    3. The length of all lot lines;
    4. The location and ownership of all adjoining subdivisions and adjacent acreages;
    5. Passageways;
    6. Streetlight lines;
    7. Buildings;
    8. Boundary monuments;
    9. Waterways;
    10. Topography (USGS vertical datum) and natural drainage courses with the contour at not greater than five-foot intervals;
    11. All angles and bearings necessary for the plotting of the proposed street;
    12. The distance to the nearest established street line; and
    13. Any buildings abutting on the proposed street together with the stations of their sidelines.
  - b. A profile of the proposed street drawn to a horizontal scale not larger than 50 feet to one inch with a corresponding ten to one ratio vertical scale. The profile shall show the profile of the centerlines of the proposed street and the proposed grades thereof. Any buildings abutting on the proposed street shall be shown on the profile.
  - c. A cross section of the proposed street drawn to a horizontal scale no larger than five feet to one inch and a vertical scale of one foot to one inch.
  - d. The location and size of all existing and proposed water mains, storm drains, sanitary sewers, gas mains, culverts, underdrains and underground utilities shall be shown along with the individual building service connections to each.
- (4) The owners of a majority of the abutting lots shall petition the town council in writing to construct the proposed street after it has been accepted or taken and in such petition shall agree to pay their just portion of the cost to construct the proposed street. The petition shall be accompanied by an estimate, which has been reviewed and approved by the public works director, of the cost to construct the proposed street.
- (Ord. of 8-15-1989, § D)

**Sec. 50-212. Procedure for acceptance or taking.**

The procedure for acceptance or taking of a proposed street shall be as prescribed in 23 M.R.S.A. ch. 304.

(Ord. of 8-15-1989, § E)

**Sec. 50-213. Apportionment and assessment of costs.**

After the proposed street has been accepted or taken and has been constructed, the town council shall apportion no more than two-thirds of the cost to construct among the abutting lots in such proportions as, in the opinion of the town council, the values of the lots have been increased by the acceptance or taking and construction and shall assess such apportioned cost upon such lots, all in the manner, and with the same right of appeal provided in 23 M.R.S.A. §§ 3601--3605. The portion of the cost to be assessed upon the abutting lots may be reduced to less than two-thirds by written agreement between the town, the owners of a majority of the abutting lots and any other person who agrees to contribute to the cost.

(Ord. of 8-15-1989, § F)

Secs. 50-214--50-240. Reserved.



## ARTICLE IV. OBSTRUCTION OF PUBLIC PLACES

### Sec. 50-241. Definitions.

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

**Building entrance** means any exterior door, doorway, entryway, portal, portico, threshold, vestibule, foyer or lobby and includes any recessed area adjacent to the doorway.

**Enclosed** means inside the walls, including windows of the building, and on the interior side of any exterior doors which open inward.

**Front** means the side of a building or lot in which the building entrance is located. Where a building has entrances facing more than one street, each side on which a building entrance is located shall be considered a front.

**Sidewalk Cafe** means the establishment of tables and chairs on the public or privately owned sidewalk directly in front of, and accessory to a licensed victualer. Outdoor dining on private property, other than a sidewalk is not regulated by this article, but is regulated by Chapter 78. For the purposes of this article, a sidewalk cafe is not considered an outside display.

**Outside display** means any deposit, pile, placement, storage or display, outside the enclosed portions of a building, of any goods, wares or merchandise that are offered or available for sale, rental or distribution either inside or outside the building. For the purposes of this article, materials placed in the building entrance as defined in this section, shall be included as an outside display.

**Violator** means and includes any person who commits, causes or creates a violation of this article; any owner of a business which employs a person who commits, causes or creates a violation of this article on the premises of that business; and any owner of property who permits or allows a violation to occur on that property.

(Ord. of 2-5-1991, § 2; Ord. of 8-16-1994; Ord. Of 4-6-2004)

Cross references: Definitions generally, § 1-2.

### Sec. 50-242. Purpose.

This article is intended to facilitate pedestrian traffic across the public sidewalks and in areas adjacent to the sidewalks and streets in order to promote the safety of pedestrians in the town and to improve the appearance of the town, particularly in the downtown area.

(Ord. of 2-5-1991, § 1)

### Sec. 50-243. Enforcement.

~~The license inspector or a~~ Any officer of the police department shall investigate any alleged violation of this article. Upon verification of the alleged violation, any officer of the police department may issue a citation for a civil violation. Service of the citation may be made upon any violator, as defined in section 50-241 and service on an employee or agent of a violator shall constitute service upon the violator.

(Ord. of 2-5-1991, § 8; Ord. of 2-5-1991; Ord. of 4-6-2004)

### Sec. 50-244. Exemptions.

(a) Sections 50-245 and 50-246 do not apply to the following:

(1) The otherwise lawful outside storage, display or sale of new or used motor vehicles, boats or other machinery or equipment customarily stored in a yard or display lot;

(2) The otherwise lawful storage, display or sale of supplies incidental to the rendering of a service at the point of sale, such as motor oil to be dispensed at the gasoline pump island of an automobile service station;

(3) The otherwise lawful nonalcoholic beverage machines and/or ice machines; or

(4) The otherwise lawful, temporary, noncommercial yard sales, garage sales or charitable fundraising events.

(b) Also exempt is a retail sidewalk sale as authorized by the town council. Mobile ice cream trucks shall also be exempt from this article and shall be governed by article VII of chapter 18 pertaining to ice cream trucks.

(Ord. of 2-5-1991, § 10; Ord. of 8-3-1993; Ord. of 8-16-1994; Ord. of 6-15-1999)

#### **Sec. 50-245. Outside displays.**

(a) No person shall cause or permit any outside display to exist, except as authorized by subsection (b) of this section.

(b) If a building is set back 35 feet or more from the edge of the blacktopped portion of the street adjacent to the front property line of the lot where located and upon issuance of a license by the town council pursuant to article II of chapter 18 and upon compliance with other applicable laws and ordinances, including chapter 78 pertaining to zoning, outside displays may be located within five feet, measured at right angles, of the front wall of the building, but no closer than five feet, measured parallel to the building, from either side of the building entrance. No parking of vehicles shall be permitted within five feet of any outside display permitted by this subsection.

(Ord. of 2-5-1991, §§ 3, 4; Ord. of 5-4-1993)

#### **Sec. 50-246. Outside solicitation of sales.**

No person shall engage in the solicitation, sale or rental of any goods, wares or merchandise outside the enclosed portion of a building.

(Ord. of 2-5-1991, § 5)

#### **Sec. 50-247. Obstruction of public passage.**

No person shall hinder or impede the free and uninterrupted passage of pedestrians on, upon, across, or over any sidewalk, walkway, pathway or any other area, public or private, which is customarily used by the public for access to or passage by any business, public place or public building.

(Ord. of 2-5-1991, § 6; Ord. of 4-6-2004)

#### **Sec. 50-248. Placement of posters.**

No person shall place or cause to be placed any advertising poster or notice on any utility pole or other pole or on any tree located on town property or on any public way, unless such poster or notice is expressly permitted by statute or ordinance.

(Ord. of 2-5-1991, § 7)

Secs. 50-249--50-270. Reserved.

#### **Sec.50-249. Sidewalk Cafés**

**No person shall expand a food service establishment to the outside on any sidewalk in the Town except under a duly authorized outdoor dining permit issued provisions of this division.**

#### **a) Regulations and Restrictions**

1. Sidewalk cafés are only allowed for restaurants and food-serving establishments.
2. Sidewalk cafés shall be contiguous with the establishment with which they are associated .
3. Sidewalk cafés can project no more than 7' onto town property provided a minimum width of six (6) feet of sidewalk is left unoccupied and unobstructed in order to allow adequate pedestrian movement. The width of the sidewalk is measured from the property line to curbside obstacles, including but not limited to trees, parking meters, light poles, flag poles, utility poles, and fire hydrants.
4. Sidewalk Café Permits are valid from April 1st to October 31st of each year. Chairs, tables and appurtenances may only be located on the sidewalk area during the time period.
5. No permanent structure or device shall be erected or placed in, on, or about any public sidewalk; however, temporary poles, railings, or similar supports or dividers may be anchored to the building but not in the sidewalk.
6. Any damage done to the public right-of-way by the applicant or by its patrons shall be repaired promptly by the applicant.
7. Refuse receptacles shall be covered at all times.
8. Litter emanating from the sidewalk café area, and from whatever area to which it may flow, shall be collected by the permittee as often as may be required to keep the sidewalk clear of litter and debris.
9. Sidewalks shall be swept and cleaned at the close of business each day.
10. There shall be no outdoor music associated with any eating establishment that is wholly or partially on municipal property.
11. There shall be no additional signage for the outdoor dining.
11. Aside from individual table lighting, such as candles, there shall be no additional exterior lighting installed.

Failure to adhere to these standards may result in the revocation of the permit until such time that the violation has been corrected.

#### b) Permit Procedures

1. The applicant shall apply for a Café Permit from the Code Enforcement Officer on an annual basis.
2. The applicant shall provide a plan showing the area intended for outdoor dining, the proposed seating, the barrier fencing and the ingress and egress. In addition, the plan shall also include the dimensions of the seating area, the projection onto the town sidewalk or walkway and the distance from the barrier fencing to any curbside obstacles.
3. The applicant shall also provide a Certificate of Liability Insurance covering the effective dates of the permit in the amount of \$500,000. In addition, the Town of Old Orchard Beach shall be named as an additional insured.

4. In the event alcoholic beverages are to be sold, a copy of a valid and current liquor permit from the State Liquor Commission shall be presented.

5. Café Permits effective as of May 1st 2010 are subject to an annual application fee as set forth in appendix A of this Code.

#### ARTICLE V. OPERATION OF NOISE-CREATING DEVICES ON PUBLIC RIGHTS-OF-WAY\*

\*Cross references: Noise, § 26-56 et seq.; traffic and vehicles, ch. 54.

##### Sec. 50-271. Definitions.

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

**Motorcycle** means an unenclosed motor vehicle, having a saddle for the use of the operator, with two or three wheels in contact with the ground, including, but not limited to, motorscooters and minibikes.

**Noise-creating device** means any electrical, mechanical or chemical device or instrument, or combination thereof, that creates noise during its operation by a person.

**Operation** means actual control by a person.

**Public right-of-way** means any street, roadway, alley, sidewalk or other area deeded or dedicated for public travel or transportation purposes.

**Straight pipe exhaust system** means any muffler that does not contain baffles, including, but not limited to, glass packs, steel packs, straight pipes and drag pipes.

(Ord. of 5-20-2003, § b)

Cross references: Definitions generally, § 1-2.

##### Sec. 50-272. Purpose and policy.

(a) The town council finds that excessive noise on public ways may:

- (1) Cause distraction to other drivers which impairs the safe operation of motor vehicles;
- (2) Unreasonably disturb the quiet and normal functioning of the town's residential neighborhoods;
- (3) Threaten and intimidate pedestrians; and
- (4) Project a negative image of the town, all to the detriment of the health, welfare and safety of the citizens and guests.

(b) Accordingly, it is the policy of the town to prohibit unnecessary, excessive, annoying or distracting noise on public rights-of-way within the town.

(Ord. of 5-20-2003, § a)

##### Sec. 50-273. Certain noises prohibited.

(a) No person, while occupying any public right-of-way in the town, shall operate any noise-creating device in such a manner that the level of noise causes the public's attention to be drawn to the source of the noise, subject to the exceptions provided in section 50-274.

(b) The prohibition of this section shall include, but not be limited to, the following activity or conduct:

- (1) Discharging fireworks or any exploding device;
- (2) Firing a starter pistol or firearm;

- (3) Sounding a bell or whistle, alarm or horn for so extended a period of time as to cause annoyance to others;**
- (4) Rapid throttle advance and/or revving of an internal combustion engine resulting in increased noise from the engine and exhaust system, including the [so-called] practice of motorcycle "blipping"; and**
- (5) Operation of an unmuffled motor vehicle or a motor vehicle, including motorcycles, with a straight pipe exhaust system, an exhaust system with a cutout, bypass or similar device or an exhaust system that does not meet the requirements of state law, including, but not limited to, 29-A M.R.S.A. § 1912.**  
**(Ord. of 5-20-2003, § c)**

**Sec. 50-274. Exceptions.**

The provisions of this article shall not apply to the following activities or conduct:

- (1) Expression or communication protected by the United States Constitution, including the First Amendment, or the state constitution.**
- (2) Any activity or conduct the regulation of which has been preempted by state statute.**
- (3) Any noise created by a governmental entity in the performance of an official duty.**
- (4) Any noise for which a permit has been issued by an authority having jurisdiction to issue the permit.**
- (5) The sounding of any signaling device permitted by law.**
- (6) Properly licensed common carriers and service vehicles in the performance of their customary duties.**

**(Ord. of 5-20-2003, § d)**

**Sec. 50-275. Violation and penalty.**

Violations of this article constitute civil violations, punishable by the following penalties:

- First offense . . . \$50.00**  
**Second offense . . . 100.00**  
**Third offense . . . 200.00**  
**Fourth and subsequent offenses . . . 500.00**

**(Ord. of 5-20-2003, § e)**

**Sec. 50-276. Controlling provisions.**

This article does not preempt, supercede or repeal any provision of chapter 26, article III, noise. In the event of a conflict or inconsistency between chapter 26, article III, noise and any provision of this article, the more restrictive provision shall apply.

**(Ord. of 5-20-2003, § f)**

**Included in the Council's packet and discussed by Councilor Dayton is information as a result of the Code Enforcement Officer being asked before about the fees for the Sidewalk Cafes and presented to the Council in their packet the following information: The following are Sidewalk Café fees from Cities. Saco does not have a Sidewalk Café program. Biddeford does, but it just has standards with no additional licensing requirements. The City of Portland Charges \$80.00 plus \$2.00 per square foot. Staff's original recommendation was to mirror Portland's Square footage rate (\$2.00) but to charge \$100.00 for the base to be consistent with the other base license Charges. Here are some other areas!!!**

## **Seattle**

The one-time application review fee of \$516.00 is due at the time the application is submitted. Payment may be made in cash, check or credit card (VISA or MC). Platforms require a separate permit for a structure in the right-of-way, which has an additional application and review fee.

Annual permit fees are due once an application has been approved and must be paid in full for one year before a Street Use Permit will be issued. The Annual Use Fee covers a one-year period only and are not pro-rated based on monthly or seasonal use. The current 2009 permit fee is \$146.00 plus \$1.56 per square foot of sidewalk area used by the sidewalk café on public property. SDOT will send an invoice to renew the sidewalk café permit annually if permit is in good standing.

## **Portland, OR**

A \$50.00, non-refundable payment is due at the time of application. The total annual permit fee is \$75.00 plus \$1.50 per linear foot of Sidewalk Café operation. The total permit fee is due at the time of permit issuance.

## **Grand Haven, MI**

*A semi-permanent café:* defined as a sidewalk café that serves alcohol, provides wait staff for its patrons, or has tables that seat more than two persons. The applicant shall enter into a lease agreement with the City for the sidewalk space for exclusive use of the sidewalk café. Annual Fee \$250.00 *A mini-café:* defined as a sidewalk café comprised of bistro tables which seat no more than two persons. Annual Fee \$100.00

**Philadelphia**  
**Sidewalk Cafe License**  
**Cost: \$160**

Discussion relation to this fee schedule continued and the Code Officer indicating that this would be an agenda item on the June 21, 2011 agenda as it is a fee adjustment. The question of the range of possible fees was discussed with Councilor Dayton and Vice Chair Tousignant agreeing with the possible fees charged by Portland, Maine but Chair Quinn indicating that he felt that cost was too high although he agreed with the square footage.

**CHAIR:** I close this Public Hearing at 7:37 p.m.

**PUBLIC HEARING NUMBER TWO:**

**CHAIR:** I open this Public Hearing at 7:37 p.m.

Shall We Amend Chapter 54, Traffic and Vehicles, Sections 54-32 through and including 54-46, 54-102, 54-103, Sections 54-114 through and including 54-115, Sections 54-142, 54-144, 54-146, 54-153, 54-154, 54-160, 54-186, 54-187 of the Town of Old Orchard Beach Code of Ordinances?

## **BACKGROUND:**

**From:** Mike Nugent/Code Enforcement Officer  
**Date:** 6/22/2011

Re: Chapter 54 Traffic Ordinance Revisions

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Attached are the proposed amendments to the above ordinance. This work was done collaboratively with The Ordinance Review Committee and Deputy Chief Babin.

There are also amendments that came as a result of the winter Town Council Parking Work shop.

Deputy Chief Babin and I will present at the meeting.

## Chapter 54 TRAFFIC AND VEHICLES\*

\*Cross references: Ice cream trucks, § 18-386 et seq.; fire lanes required, § 30-65; offenses and miscellaneous provisions, ch. 38; traffic at town beach, § 42-201 et seq.; streets, sidewalks and other public places, ch. 50; operation of noise-creating devices on public rights-of-way, § 50-271 et seq.; vehicles for hire, ch. 62.

State law references: Traffic and vehicles, 29-A M.R.S.A. § 101 et seq.

### Article I. In General

[Sec. 54-1. Definitions.](#)

[Sec. 54-2. Exercise of police power.](#)

[Sec. 54-3. Applicability.](#)

[Sec. 54-4. Regulatory powers.](#)

Secs. 54-5--54-30. Reserved.

### Article II. Enforcement

[Sec. 54-31. Record of violations.](#)

~~[Sec. 54-32. Accident reports.](#)~~

~~[Sec. 54-33. Investigation and record of traffic accidents.](#)~~

[Sec. 54-34.2 Driver files.](#)

~~[Sec. 54-35.3 Annual report.](#)~~

[Sec. 54-36.4 Parking control personnel.](#)

~~[Sec. 54-37.5 School patrol.](#)~~

~~[Sec. 54-38. Appointees' duties assigned by chief of police; removals; vacancies.](#)~~

~~[Sec. 54-39. Compensation of appointees.](#)~~

~~[Sec. 54-40. Badge and equipment for appointees.](#)~~

~~[Sec. 54-41. Enforcement of traffic regulations by appointees.](#)~~

[Sec. 54-42.35 Required obedience.](#)

~~[Sec. 54-43.36 False information.](#)~~

~~[Sec. 54-44.37 Penalty.](#)~~

~~[Sec. 54-45.38 Waiver of court action for parking violations.](#)~~

Secs. 54-46 39--54-70. Reserved.

### Article III. Traffic Control Signs, Signals and Devices

[Sec. 54-71. Signs required.](#)

[Sec. 54-72. Unauthorized placement.](#)

[Sec. 54-73. Placement and maintenance.](#)

[Sec. 54-74. Erection of signs where required.](#)

Secs. 54-75--54-100. Reserved.

#### Article IV. Miscellaneous Rules

Sec. 54-101. Prohibited turns; turning movements.

~~Sec. 54-102. Zone of quiet.~~

~~Sec. 54-103. Play streets.~~

Sec. 54-104.102. Blocking crosswalks and intersections.

Sec. 54-105.103 Driving out from curb.

Sec. 54-106.104 Backing limited.

Sec. 54-107.105 Dimming of headlights.

Sec. 54-108.106 Emerging from driveway.

Sec. 54-109.107 Driving on sidewalks.

Sec. 54-110.108 Clinging to moving vehicles.

Sec. 54-111.109 Riding on handlebars.

Sec. 54-112.110 Drivers to exercise due care.

Sec. 54-113.111 Square on Old Orchard Street.

Sec. 54-114.112 Milliken Street parking lot.

Sec. 54-115.113 Memorial Park parking lot.

Secs. 54-116--54-140. Reserved.

#### Article V. Stopping, Standing, Parking

##### Division 1. Generally

Sec. 54-141. Reservation of powers.

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

Sec. 54-143. Snow removal.

Sec. 54-144. Yellow curbs.

Sec. 54-145. Emergency space.

Sec. 54-146. Seawall or bulkhead.

Sec. 54-147. Taxicab stands.

Sec. 54-148. Loading and unloading.

Sec. 54-149. School crossings.

Sec. 54-150. Narrow streets.

Sec. 54-151. Hazardous or congested places.

Sec. 54-152. Adjacent to schools.

Sec. 54-153. High school.

Sec. 54-154. All-night parking.

Sec. 54-155. Connection of recreational vehicle, van, trailer, mobile home or other vehicle to public service.

Sec. 54-156. Bus stops.

Sec. 54-157 Parallel parking.

Sec. 54-158 Unlawful parking on streets.

Sec. 54-159 Passenger and loading zones.

Sec. 54-160. Motorcycles.

Secs. 54-161—54-185. Reserved.

##### Division 2. Specific Places

Sec. 54-186. Prohibited at specific locations.

Sec. 54-187. Restrictions and prohibitions.

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## ARTICLE I. IN GENERAL

### Sec. 54-1. Definitions.

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

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

Crosswalk means:

(1) That portion of a roadway ordinarily included within the prolongation or continuation of the lateral lines of sidewalks at intersections. Where two or more streets intersect and only some of the crosswalks at such intersection are marked for pedestrian traffic, the word "crosswalk" includes only such marked crosswalks at any such intersections.

(2) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

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

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

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

**Parking meter** means a device which shall indicate thereon the length of time during which a vehicle may be parked in a particular place, having as a part thereof a receptacle or chamber for receiving and storing coins of the United States money, a slot or place in which such coins may be deposited; a timing mechanism to indicate the passage of the interval of time during which parking is permissible with an appropriate signal to indicate when the interval of time shall have elapsed, and brief instructions as to its operation.

**Parking space** means any space adjacent to a parking meter and which is duly designated for the parking of a single vehicle by painted lines or other durable markings.

**Pedestrian** means any person on foot.

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

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

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

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

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

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

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

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

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

**Stop** means complete cessation of movement, when required.

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

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

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

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

(Ord. of 6-13-1961, § 5-101)

Cross references: Definitions generally, § 1-2.

Sec. 54-2. Exercise of police power.

This entire chapter shall be deemed and construed to be an exercise of the town's police power for the preservation and protection of public safety, and all sections of this chapter shall be liberally construed with a view to the effectuation of such purpose.  
(Ord. of 6-13-1961, § 5-182)

**Sec. 54-3. Applicability.**

The sections of this chapter shall apply to every pedestrian; to the driver of any vehicle owned by any person or owned by or used in the service of the United States government, the state, the county, the city or the town; and to every person riding any animal upon a street or driving any animal-drawn vehicle, except such sections which by their very nature can have no application and except as otherwise permitted by this chapter or by state statute or as directed by a police officer or other authorized person.

(Ord. of 6-13-1961, § 5-102)

**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.
- (5) Establish specific parking spaces for lifeguards to park during the hours of 9:00 a.m. and 5:00 p.m. between the Friday before Memorial Day and Labor Day.  
(Ord. of 6-13-1961; Ord. of 9-3-1974; Ord. of 4-7-2009(2))  
Secs. 54-5--54-30. Reserved.

## **ARTICLE II. ENFORCEMENT**

### **Sec. 54-31. Record of violations.**

- (a) The police department shall keep a record of all traffic violations of this chapter or town ordinances or of the state law of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. The record shall be maintained complete for the most recent five-year period. All forms for such records of violations and notices of violations shall be kept available to the public showing the disposal of all such forms.

(b) All such records and reports shall be available for use and study by the town manager and the town council.  
(Ord. of 6-13-1961, § 5-167; Ord. of 7-8-1974)

~~Sec. 54-32. Accident reports.~~

~~It shall be the duty of the police department to receive and properly file all accident reports required to be filed under this chapter or state law, but all such accident reports shall be for the confidential use of the police department and town council, and no such report shall be admissible in any civil or criminal proceeding other than upon request of any person making such report or upon request of the court having jurisdiction to prove a compliance with the laws requiring the making of any such report.~~

~~(Ord. of 6-13-1961, § 5-168; Ord. of 7-8-1974)~~

~~Sec. 54-33. Investigation and record of traffic accidents.~~

~~It shall be the duty of the police department to investigate traffic accidents, and the police department shall maintain a suitable system of filing traffic accident reports. Such accident reports or cards referring to them shall be filed alphabetically by location, and such reports shall be available for the use and information of the town council. Whenever the accidents at any particular location become numerous, the police department shall cooperate with the town council in conducting studies of such accidents and determining remedial measures.~~

~~(Ord. of 6-13-1961, § 5-169; Ord. of 7-8-1974)~~

Sec. 54-~~34~~<sup>32</sup>. Driver files.

(a) The police department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints in which the accidents, warnings, arrests, convictions, and complaints shall be filed alphabetically under the name of the driver concerned.

(b) The police department shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or frequently involved in traffic accidents or any serious accident and shall attempt to discover the reasons therefor and shall take whatever steps are lawful and reasonable to prevent the violations or accidents or have the licenses of such persons suspended or revoked.

(c) Such records shall be maintained complete for the most recent five-year period.

(Ord. of 6-13-1961, § 5-170; Ord. of 7-8-1974)

Sec. 54-~~35~~<sup>33</sup>. Annual report.

The police department shall annually prepare a traffic report to contain information on traffic matters in the town as follows:

(1) The number of traffic accidents, the number of persons killed or injured and other pertinent traffic accident data.

(2) The number of traffic accidents investigated, the number of drivers with bad records interrogated and other pertinent data on the safety activities of the police.

(3) The plans and recommends of the department for future traffic safety activities.

(Ord. of 6-13-1961, § 5-171; Ord. of 7-8-1974)

Sec. 54-~~36~~<sup>34</sup>. Parking control personnel.

The chief of police is hereby authorized to appoint parking control personnel (nonpolice officer) who shall have the same powers in the enforcement of parking regulations as are vested in

members of the police department and who may order into court any violator of parking regulations. Such parking control personnel shall not be considered members of the police department except for administrative purposes and shall not be subject to the provisions of the civil service commission.

(Ord. of 6-13-1961, § 5-172A; Ord. of 4-7-1992)

~~Sec. 54-37. School patrol.~~

~~Upon recommendation of the chief of police, the town manager is hereby authorized to appoint sufficient personnel with consent of the town council to establish a school patrol. Each such appointee shall be of good character and of acceptable personality and shall be sworn to faithful performance of duties.~~

~~(Ord. of 6-13-1961, § 5-172)~~

~~Sec. 54-38. Appointees' duties assigned by chief of police; removals; vacancies.~~

~~The chief of police shall have authority to assign such appointees as are appointed under this article to such localities as shall be best suited to afford protection to those attending school, shall fix their hours of service, and shall familiarize each such appointee with the duties to be performed, and he shall be sole supervisor of the duties of each such appointee. Each such appointee shall be responsible to the chief of police, and any such appointee may be removed from service by the town manager when such removal is recommended by the chief of police. Vacancies shall be filled in the manner provided for original appointments.~~

~~(Ord. of 6-13-1961, § 5-173)~~

~~Sec. 54-39. Compensation of appointees.~~

~~The town council shall fix the compensation to be paid all such appointees as are appointed under this article and shall direct the manner of payment.~~

~~(Ord. of 6-13-1961, § 5-174)~~

~~Sec. 54-40. Badge and equipment for appointees.~~

~~Each appointee that is appointed under this article shall, at the expense of the town, be supplied with a suitable badge and such other equipment as shall be prescribed by the chief of police.~~

~~(Ord. of 6-13-1961, § 5-175)~~

~~Sec. 54-41. Enforcement of traffic regulations by appointees.~~

~~Such appointees as are appointed under this article shall be known as school patrol and shall have the same powers in the matter of traffic control as are vested in members of the police department and may order into court any violator of the traffic rules and regulations as prescribed by this chapter and for the violation of any state laws relating to traffic control.~~

~~(Ord. of 6-13-1961, § 5-176)~~

~~Sec. 54-42~~ **35. Required obedience.**

Except when otherwise directed by a police officer or other authorized person, the driver of any vehicle and every pedestrian shall obey the instructions of any traffic control device, signal, sign or marker installed under this chapter or state law, and every such person shall obey each and every section of this chapter.

(Ord. of 6-13-1961, § 5-177)

**Sec. 54-~~43~~ 36. False information.**

It shall be unlawful for any person, when given a notice by any police officer or other authorized person, to appear to answer for an offense against any section of this chapter by giving other than his true name and true place of his residence or address, upon the request of such police officer or other authorized person.

(Ord. of 6-13-1961, § 5-178)

**Sec. 54-~~44~~ 37. Penalty.**

(a) Any person who violates any section of this chapter shall be guilty of a traffic infraction and shall, upon adjudication, be subject to a fine of not more than \$100.00. All fines shall be recovered, upon complaint, to the use of the town.

(b) Persons charged with a violation of this chapter may waive all court action by payment, to the town within five days of the issuance of a notice of violation, a fee in accordance with the following schedule:

- (1) No parking in center . . . \$ 30.00
- (2) Parked in square . . . 35.00
- (3) Parked wrong side . . . 20.00
- (4) Parking within fire hydrant limits . . . 50.00
- (5) Parked on crosswalk . . . 50.00
- (6) Parked too near corner . . . 20.00
- (7) Double parked . . . 35.00
- (8) No parking in driveway . . . 30.00
- (9) No all-night parking . . . 30.00
- (10) Recreational vehicles, vans, trailers, mobile homes, etc.:

a. No all-night parking:

1. First offense . . . 50.00
2. Subsequent offenses . . . 100.00
- b. No use of public services while parked . . . 50.00

- (11) Tow away zone . . . 50.00
- (12) No parking . . . 30.00
- (13) Other . . . 20.00
- (14) Parking at expired meter . . . 25.00
- (15) Parked overtime . . . 20.00
- (16) No parking, yellow curb . . . 30.00
- (17) Parked in handicap space . . . 250.00
- (18) Parked in loading zone . . . 35.00
- (19) Parked on sidewalk . . . 30.00
- (20) Fire lane . . . 50.00
- (21) Hindering snow removal . . . 30.00
- (22) Parked in bus stop . . . 30.00
- (23) Expired parking slip/no permit or slip Milliken Street Lot . . . 25.00
- (24) Expired parking slip/no permit or slip Memorial Park Parking Lot . . . 25.00

(c) Any person asked to move, after first being advised by a Police Officer, and who refuses to move is subject to a fine.

(d) Waiver fees after five days following issuance of a notice of violation and prior to a court appearance shall be twice the amounts set forth in the fee schedule in this section.

(e) Any vehicle found in violation of any section of this chapter and having three or more outstanding notices of violation may be towed and impounded until all fees and towing charges have been paid in full.

(f) The fact that a vehicle is found in violation of this chapter shall be prima facie evidence of the violation by the person in whose name such vehicle is registered.

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

**Sec. 54-45 ~~38~~. Waiver of court action for parking violations.**

The municipal officers may by resolution establish a method by which persons charged with the violation of parking regulations may waive all court action by payment of specified fees within stated periods of time as provided in 90-A M.R.S.A. § 3(111)(A).

(Ord. of 6-13-1961, § 5-136A)

**Secs. 54-46 ~~39~~--54-70. Reserved.**

### **ARTICLE III. TRAFFIC CONTROL SIGNS, SIGNALS AND DEVICES**

**Sec. 54-71. Signs required.**

No section of this chapter for which a sign is required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being erected to give notice thereof.

(Ord. of 6-13-1961, § 5-104)

State law references: Traffic control devices, 29-A M.R.S.A. § 2057.

**Sec. 54-72. Unauthorized placement.**

(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal. No person shall place or maintain any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(b) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highway is empowered to remove the sign, signal, or marking or cause it to be removed without notice.

(Ord. of 6-13-1961, § 5-105)

State law references: Tampering with signs, 29-A M.R.S.A. § 2107.

**Sec. 54-73. Placement and maintenance.**

(a) The town council shall place and maintain traffic control devices when and as required under this chapter or other town ordinances to make effective this chapter or such ordinances and may place and maintain such additional traffic control devices as it may deem necessary to regulate traffic under this chapter or town ordinances or under state law or to guide or warn traffic.



(b) All traffic control devices shall conform to the manual and specifications which may be approved by the state highway commission, but on such devices as the state highway commission has issued no regulation, they shall be such devices as are approved by the town council. All traffic control devices so erected and not inconsistent with state law or this chapter shall be official traffic control devices.

(Ord. of 6-13-1961, § 5-163)

State law references: Traffic control devices, 29-A M.R.S.A. § 2057.

**Sec. 54-74. Erection of signs where required.**

Whenever any time-limit parking is imposed, except when specifically exempted, and wherever a one-way street is established, the public works department shall erect appropriate signs giving notice thereof, and no such regulations shall be effective until and unless such signs are erected.

(Ord. of 6-13-1961, § 5-165; Ord. of 7-8-1974)

Secs. 54-75--54-100. Reserved.

#### ARTICLE IV. MISCELLANEOUS RULES

**Sec. 54-101. Prohibited turns; turning movements.**

Whenever authorized signs are erected indicating that no right turn or left turn or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. When authorized marks, buttons, or other indications are placed within an intersection indicating the course to be travelled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Ord. of 6-13-1961, § 5-106)

~~Sec. 54-102. Zone of quiet.~~

~~Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of the vehicle except in an emergency.~~

~~(Ord. of 6-13-1961, § 5-107)~~

~~Sec. 54-103. Play streets.~~

~~Whenever authorized signs are erected indicating any street or part thereof is a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area. Any such driver shall exercise the greatest care in driving upon any such street or portion thereof.~~

~~(Ord. of 6-13-1961, § 5-108)~~

~~Cross references: Streets, sidewalks and other public places, ch. 50.~~

**Sec. 54-104. Blocking crosswalks and intersections.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(Ord. of 6-13-1961, § 5-139)

**Sec. 54-105. Driving out from curb.**

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No person shall drive a vehicle out from the curb on any street without first looking to see that he shall not pull directly into the path of an approaching vehicle, nor without giving a signal indicating that he is about to drive out from such curb.  
(Ord. of 6-13-1961, § 5-144; Ord. of 9-3-1974)

**Sec. 54-106. Backing limited.**

The driver of a vehicle shall not back the vehicle into an intersection or over a crosswalk and shall not in any event or at any place back a vehicle unless such movement can be made in safety.

(Ord. of 6-13-1961, § 5-145)

**Sec. 54-107. Dimming of headlights.**

Whenever a motor vehicle equipped with multiple beam road lighting equipment, during the time when lighted lamps are required, is being operated on any street, way, highway or road or portion thereof, under the control of the town, which is sufficiently lighted to reveal a person on the road at a distance of 200 feet ahead of the vehicle, the driver thereof shall dim the headlights or tilt the beams downward so that the glaring rays therefrom are not projected into the eyes of drivers of oncoming vehicles.

(Ord. of 6-13-1961, § 5-146)

**Sec. 54-108. Emerging from driveway.**

The driver of a vehicle emerging from a private driveway, automobile service station or building shall stop such vehicle immediately prior to driving onto a sidewalk and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(Ord. of 6-13-1961, § 5-147)

**Sec. 54-109. Driving on sidewalks.**

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

(Ord. of 6-13-1961, § 5-148)

**Sec. 54-110. Clinging to moving vehicles.**

Any person riding upon any motorcycle, bicycle, coaster, sled, roller skates, or any toy vehicle shall not attach the motorcycle, bicycle, coaster, sled, roller skates, or toy vehicle or himself to any moving vehicle upon any roadway.

(Ord. of 6-13-1961, § 5-149)

**Sec. 54-111. Riding on handlebars.**

The operator of a motorcycle or bicycle when upon a street shall not carry any other person upon the handlebar, frame, or tank of such vehicle, nor shall any person so ride upon such vehicle.

(Ord. of 6-13-1961, § 5-150)

**Sec. 54-112. Drivers to exercise due care.**

Notwithstanding the sections of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or bicyclist upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(Ord. of 6-13-1961, § 5-160; Ord. of 9-3-1974)

**Sec. 54-113. Square on Old Orchard Street.**

(a) As used in this section, the term "square" means the Old Orchard Street Square which is that portion of Old Orchard Street between East Grand Avenue and West Grand Avenue and the beach.

(b) The square shall be closed to all vehicle traffic during the following periods:

(1) Memorial Day weekend from 6:00 p.m. Friday evening until 2:00 a.m. Monday morning; and

(2) From 6:00 p.m. on July 1 until 2:00 a.m. on Labor Day, daily.

(c) The police chief may open the square to vehicle traffic when he finds that the interest of public safety will not be harmed with the square open, and the police chief may close the square at any time that he finds that the interest of public safety will be met by taking this action.

(d) Notwithstanding subsection (b) of this section, business delivery vehicles shall be permitted to load and unload within the square area, between the hours of 2:00 a.m. and 6:00 p.m., prevailing time.

(e) There shall be one designated handicap parking space, allowing parking for no longer than 30 minutes; three ten-minute parking spaces; and two authorized vehicles only spaces, located at the bottom of the square, for use when the Square is open.

(Ord. of 6-13-1961, § 5-183; Ord. of 7-8-1974; Ord. of 7-14-1976; Ord. of 8-2-1978; Ord. of 6-18-1980; Ord. of 7-21-1982; Ord. of 4-2-1985; Ord. of 5-20-1986; Ord. of 8-17-1993; Ord. of 9-16-1997; Ord. of 12-18-2007(1))

**Sec. 54-114. Milliken Street parking lot**

(a) No vehicle shall park in the Milliken Street parking lot without 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 section 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 2:00 a.m. and 6:00 a.m. unless authorized by Town of OOB Police Department (c) Any vehicle in violation of subsection (a) of this section, the owner or operator shall be subject to a fine of \$25.00.

(d) Any vehicle in violation of subsection (b) of this section, the owner or operator shall be subject to a fine of \$30.00.

(Ord. of 4-7-2009(2))

**Sec. 54-115. Memorial Park parking lot.**

(a) No vehicle shall park in the Memorial Park parking lot without first obtaining a valid parking slip from a pay station or by obtaining a resident or nonresident 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 Park parking lot will have two designated handicap spaces.

(c) Memorial Park parking lot will have five 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 2:00 a.m. and 6:00 a.m. unless authorized by Town of OOB Police Department.

(e) Any vehicle in violation of subsection (a) of this section, the owner or operator shall be subject to a fine of \$25.00.

(f) Any vehicle in violation of subsection (d) of this section, the owner or operator shall be subject to a fine of \$30.00.

(f) Any vehicle in violation of subsection (c) of this section, the owner or operator shall be subject to a fine of \$25.00

(Ord. of 4-7-2009(2))

Secs. 54-116--54-140. Reserved.

## ARTICLE V. STOPPING, STANDING, PARKING\*

\*Cross references: Parking lots, § 18-231 et seq.; off-street parking for performing arts facilities, § 18-352; parking, off-street loading and drive-through facilities, § 78-1441 et seq.

State law references: Parking, 29-A M.R.S.A. § 2068.

### DIVISION 1. GENERALLY

#### Sec. 54-141. Reservation of powers.

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

(Ord. of 6-13-1961, § 5-130)

#### Sec. 54-142. Parking at expired meters and overtime parking.

(a) Between the hours of 10 am and 11pm. No person shall park a vehicle in a metered parking space without first depositing a coin into the adjacent parking meter in the amount indicated on the parking meter for the appropriate time. No person shall allow a vehicle to remain in a metered parking space when the time signal on the adjacent parking meter indicates that the time for parking has expired (parking at expired meter). No person shall allow a vehicle to remain in a parking space for a period of time longer than the maximum time limit for that parking space posted on a sign or indicated on a parking meter (parked overtime). Parking shall be allowed in metered spots without first depositing a coin into the adjacent parking meter in the amount indicated on the parking meter between the hours of 11pm and 10 am.

(b) No person shall park or stand any vehicle having fewer than four wheels at or in a metered parking space which is designated by a sign or by notice posted on or near the parking meter as restricted to parking of automobiles only. No person shall park or stand any vehicle other than a motorcycle at or in a metered parking space which is designated by a sign or by notice posted on or near the parking meter as restricted to parking of motorcycles only.

(Ord. of 6-13-1961, § 5-118A; Ord. of 8-4-1992; Ord. of 3-16-2004)

#### Sec. 54-143. Snow removal.

(a) No vehicle shall be parked at any time on any public street or way so as to interfere with or hinder the removal of snow from such street or way by the town by plowing or loading and hauling. The police chief may cause any vehicle so parked on any street or way so as to interfere

with or hinder the removal of snow by the town by plowing or loading and hauling to be removed from the street in accordance with sections 54-276, 54-278, 54-279 and 54-280.

(b) For the purpose of facilitating the removal and plowing of snow, the director of public works or police chief may declare a snow emergency and order a no parking ban. Notice of such ban shall be broadcast as soon as it is reasonably possible along with any alternate parking sites. The police chief or the director of public works may cause to be placed properly marked signs along any street as he shall, from time to time, deem necessary for the removal of snow. It shall be unlawful for the operator of any vehicle to enter upon or park on any public street or way when a no parking ban has been declared and broadcast or within spaces indicated by signs, if either the director of public safety or director of public works has deemed signs necessary.

(c) Snow from driveway or parking area plowing, shoveling or snow blowing from private property shall not be placed on the sidewalk or street. It must be stored on the property from which it was cleared.

(Ord. of 6-13-1961, § 5-119; Ord. of 1-20-1998)

#### Sec. 54-144. Yellow curbs.

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

(b) This section shall be effective ~~yearround~~ from May 15<sup>th</sup> to October 15<sup>th</sup>.

(Ord. of 6-13-1961, § 5-184; Ord. of 6-15-1993)

#### Sec. 54-145. Emergency space.

(a) On any street where space is designated for emergency use, no vehicle shall be stopped or parked in such space except those vehicles for which such space is specifically designated.

(b) This section shall be effective yearround.

(Ord. of 6-13-1961, § 5-184; Ord. of 6-15-1993)

#### Sec. 54-146. Seawall or bulkhead.

(a) No vehicle shall be parked at the seawall or bulkhead at the end of any public way that abuts the beach on either West or East Grand Avenue from May 15<sup>th</sup> – October 15<sup>th</sup>.

~~(b) This section shall be effective yearround.~~

(Ord. of 6-13-1961, § 5-184; Ord. of 6-15-1993)

#### Sec. 54-147. Taxicab stands.

(a) No taxicab or public vehicle shall stand in any street, except in such places where permission to do so has been granted by the municipal officers. Such spaces shall be plainly designated by suitable signs and markings, and no other vehicle shall be allowed to stand or park therein.

(b) This section shall be effective yearround.

(Ord. of 6-13-1961, § 5-184; Ord. of 6-15-1993)

#### Sec. 54-148. Loading and unloading.

Where permitted in this chapter, the loading and unloading exception shall be construed to mean a time period of not more than 15 minutes.

(Ord. of 6-13-1961, § 5-185)

#### Sec. 54-149. School crossings.

Whenever traffic is controlled by a school crossing stop sign exhibiting the word "stop," vehicular traffic facing the sign shall stop before entering the nearest crosswalk or at such other point as may

be indicated by a clearly visible line and shall then proceed with due caution, having regard to the safety of children and other pedestrians crossing at that point. The town council shall designate the time of placing such signs and the location thereof.  
(Ord. of 6-13-1961, § 5-109)

**Sec. 54-150. Narrow streets.**

When signs prohibiting parking are erected on narrow streets, no person shall park a vehicle in any such designated place.

(Ord. of 6-13-1961, § 5-110)

Cross references: Streets, sidewalks and other public places, ch. 50.

**Sec. 54-151. Hazardous or congested places.**

When signs are erected upon approach to hazardous or congested places, no person shall stop, stand, or park a vehicle in any such designated place.

(Ord. of 6-13-1961, § 5-111)

**Sec. 54-152. Adjacent to schools.**

When signs are erected indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place.

(Ord. of 6-13-1961, § 5-112)

**Sec. 54-153. High school.**

Parking at the high school will only be allowed on those paved areas that have been so marked and designated. No parking shall be allowed on any portion of the circular driveway of the high school between the hours of 6 am and 2 pm.

(Ord. of 6-13-1961, § 5-188; Ord. of 3-19-1991)

**Sec. 54-154. All-night parking.**

~~No person shall park a vehicle on any street for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 6:00 a.m. of any day, except physicians or other persons on bona fide emergency calls, excepting between the months of December through March. Overnight parking shall be allowed on streets where on-street parking is allowed by the provisions of this Chapter except as follows:~~

From April 1<sup>st</sup> to September 15<sup>th</sup>, to allow for street sweeping activities overnight parking shall not be allowed in the following locations:

- Old Orchard Street
- The Square
- First Street from Old Orchard Street to Heath Street
- Heath Street
- Milliken Street to Imperial Street
- West Grand from the Square to Union Ave
- East Grand from the Square to Walnut Street
- Seavey Street
- Veteran's Square at Town Hall
- Staples Street
- Imperial Street
- Saco Ave, Rite-Aid to Old Orchard Street

No person shall park a vehicle in any municipal parking lot, and no vehicle shall remain in a municipal parking lot, between the hours of 2:00 a.m. and 6:00 a.m. Municipal parking lots include, but are not limited to, the Milliken Street parking lot, Memorial Park parking lot, and the Town Hall parking lots unless authorized by Town of OOB Police Department. Overnight parking may be allowed in the event of a snow emergency parking ban covered under section 54-143. Overnight parking may be authorized at the Milliken Street parking lot as designated by town council policy.

(Ord. of 6-13-1961, § 5-113; Ord. of 3-18-1986; Ord. of 6-06-2006(1))

**Sec. 54-155. Connection of recreational vehicle, van, trailer, mobile home or other vehicle to public service.**

No recreational vehicle, van, trailer, mobile home or any other vehicle may utilize or be connected to any public service, including water, electricity, or sewage disposal, while parked on any street.

(Ord. of 6-13-1961, § 5-113-A; Ord. of 11-15-1988)

**Sec. 54-156. Bus stops.**

(a) The driver of any bus shall not stand or park at any place other than at a bus stop, except that this shall not prevent the driver of any such bus from temporarily stopping in accordance with other stopping or parking regulations at any place designated for the purpose of and while actually engaged in loading or unloading passengers, unless idling at the designated bus stop in front of the municipal passenger railroad platform on First Street, for a period not to exceed 30 minutes.

(b) The driver of any other bus (i.e., trolley bus, campground bus, sightseeing bus), except those described in subsection (a) of this section, shall not stop or stand upon any street in any business district, except at those locations specifically designated by the town council.

(c) No person shall stop, stand or park a vehicle other than a bus in a bus stop when any such stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such zone.

(Ord. of 6-13-1961, § 5-114; Ord. of 6-18-1991; Ord. of 5-7-2002, § 5-114)

**Sec. 54-157. Parallel parking.**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway, except upon those streets which have been marked or signed for angle parking. Where angle parking is permitted, vehicles shall be parked at the angle to the curb indicated by such marks or signs.

(Ord. of 6-13-1961, § 5-115)

**Sec. 54-158. Unlawful parking on streets.**

No person shall stand or park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying it for sale;
- (2) Washing, greasing or repairing such vehicle except for repairs necessitated by an emergency;
- (3) Advertising.

(Ord. of 6-13-1961, § 5-116)

**Sec. 54-159. Passenger and loading zones.**

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- (a) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials or passengers in any place marked as a loading zone. Use of a loading zone shall be limited to 30 minutes.
- (b) There will be ten-minute parking allowed in all loading zones for vehicles in which a licensed driver remains in the vehicle at all times.
- (c) Loading zone areas shall be designated by the chief of police.  
(Ord. of 6-13-1961, § 5-117; Ord. of 8-2-1978; Ord. of 5-7-2002; Ord. of 7-15-2003; Ord. of 4-7-2009(2))

**Sec. 54-160. Motorcycles.**

- (a) Spaces shall be designated by suitable signs and marked for motorcycle parking.
  - (b) This section shall be effective ~~yearround~~ from May 15<sup>th</sup> to October 15<sup>th</sup>.  
(Ord. of 6-13-1961, § 5-184; Ord. of 6-15-1993)
- Secs. 54-161--54-185. Reserved.

**DIVISION 2. SPECIFIC PLACES**

**Sec. 54-186. Prohibited at specific locations.**

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

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within 20 feet of the near corner of the curbs at an intersection.
- (7) Within ~~30~~ 20 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway except as otherwise specified in this ordinance.
- (8) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of a street or so-called double park.
- (10) Upon any bridge.
- (11) Any place where official signs prohibit stopping.  
(Ord. of 6-13-1961, § 5-118)

**Sec. 54-187. Restrictions and prohibitions.**

(a) The stopping, standing and/or parking of motor vehicles and movement of traffic are hereby regulated on the streets or parts of the streets set forth on the following traffic schedule, and when signs are erected giving notice thereof, the stopping, standing and/or parking of motor vehicles and movement of traffic shall be regulated as set forth in the schedule for such streets or parts of streets:

**Adelaide Road.** No vehicle shall be parked on either side of Adelaide Road for the entire length of Adelaide Road with the exception of two, ten-minute parking spaces on the right side of the road, located 20 feet after the first entrance to the Saco and Biddeford Savings Bank from Saco Avenue.  
**Aldine Terrace.** No vehicle shall be parked on Aldine Terrace.



**Atlantic Avenue.** No vehicle shall be parked on Atlantic Avenue from West Grand Avenue to First Street; only diagonal parking between West Grand Avenue and the seawall (right side facing the ocean). No vehicle shall be parked on either side of Atlantic Ave. from First St. northwesterly for 100 feet.

**B Street and B Street Extension.** Parking on B Street shall be permitted, and on B Street Extension parking will be limited to the west side of the street eliminating all commercial vehicles, including buses and camper trailers. No vehicle shall be parked on the easterly side of B Street Extension.  
**Bay Avenue.** No vehicle shall be parked on the northeasterly side of Bay Avenue (left side facing the ocean).

**Beach Street.** No vehicle shall be parked on Beach Street.

**Blaine Road.** No vehicle shall be parked on Blaine Road.

**Bluff Avenue.** No parking shall be allowed on either side of Bluff Avenue between Seaview Avenue and Park Avenue.

**Boisvert Street.** No vehicle shall be parked on the northeasterly side of Boisvert Street (left side facing the ocean.)

**Brisson Street.** No vehicle shall be parked on the northeasterly side of Brisson Street (left side facing the ocean).

**Brown Street.** No vehicle shall be parked on the northeasterly side of Brown Street (left side facing the ocean).

**Camp Comfort Avenue.** No vehicle shall be parked on the northeasterly side of Camp Comfort Avenue (left side facing the ocean).

**Carlsmith Street.** No vehicle shall be parked on Carlsmith Street.

**Casco Avenue.** No vehicle shall be parked on either side of Casco Avenue from Seaside Avenue to the ocean.

**Cedar Avenue.** There shall be no parking on the right side (facing the ocean) of Cedar Avenue.

**Cleaves Street.** No vehicle shall be parked on the northeasterly side of Cleaves Street (left side facing the ocean).

**Cliff Avenue:** Cliff Avenue is designated as "one way". Vehicles shall be allowed to enter Cliff Avenue from Grove Avenue and proceed in a northwesterly direction to Ivy Avenue.

**Colby Avenue.** Five-minute parking shall be allowed on the southwest side (right side facing the ocean) from West Grand Avenue to Seaside Avenue. No parking shall be allowed on either side of Colby Avenue from Clover Street (Fourth Street) to West Grand Avenue except in four designated spaces on the right side of Colby Avenue (facing the Ocean) just west of the intersection of Clover Street (Fourth Street) before the tennis courts.

**Courtland Street.** No vehicle shall be parked on Courtland Street.

**Durocher Avenue.** No vehicle shall be parked on Durocher Avenue.

**East Grand Avenue.** No parking will be permitted on either side of East Grand Avenue from Old Orchard Street to the Scarborough line, except that parking shall be allowed on the ocean side of East Grand Avenue from Boisvert Street to Cleaves Street. Loading and unloading only will be permitted at the locations defined by the chief of police and designated by proper signs placed on the avenue in front of appropriate business establishments. Parking shall be allowed on the ocean side of East Grand Avenue from Kinney Avenue to Walnut Street commencing on the first Tuesday after Labor Day and ending on the Friday before Memorial Day of each year. Three 15-minute parking spaces will be permitted on the west side (non-ocean side) of East Grand Avenue from 25 feet northerly of Walnut Street to 85 feet northerly along East Grand Avenue.

**Evergreen Avenue.** Evergreen Avenue shall be one way from Pine Avenue to 15th Street. Parking shall be allowed on the sidewalk side of the street. No vehicle shall be parked on either side of Evergreen Avenue from Washington Avenue to the intersection of Pine Avenue.

**Fern Avenue.** There shall be no parking on the right side (facing the ocean) of Fern Avenue.

**Fernald Street.** No vehicle shall be parked on Fernald Street.

**First Street.** No parking on First Street on either side from Union Avenue to ~~Health~~Heath Street, excepting parking shall be allowed on the side abutting the railroad tracks from Union Avenue to Atlantic Avenue. No vehicle shall be parked on First Street from Old Orchard Street to Staples Street. Angle parking only is allowed from Staples Street to ~~Health~~Heath Street, except for bus stop, drop off area, two handicap spaces, and taxi stands located on the ocean side of the street in front of the municipal passenger railroad platform. Four 15-minute parking spaces shall be located in front of the entrance to the chamber of commerce building, which will not include parking meters. Two handicap spaces will be located to the left of the chamber of commerce building.

**Fort Hill Avenue.** There shall be no parking on the left side (facing the ocean) of Fort Hill Avenue from Saco Avenue to the intersection of Longwood Avenue.

**Fourth Avenue.** Vehicles shall be allowed to park on the southwesterly side of Fourth Avenue (right side facing the ocean). No vehicles shall be allowed to park on the northwesterly side of Fourth Avenue (left side facing the ocean).

**Francis Street.** No vehicle shall be parked on either side of Francis Street at any time.

**Goodwin Avenue.** No vehicle, except emergency or municipal vehicles, having a registered gross weight in excess of 9,000 pounds, shall be operated or caused to be operated on or over Goodwin Avenue.

**Grove Avenue.** No vehicle shall be parked on either side of Grove Avenue.

**Harrisburg Street.** No vehicle shall be parked on the northeasterly side of Harrisburg Street (left side facing the ocean).

**Heath Street.** No vehicle shall be parked on the southeasterly and northeasterly sides of Heath Street (none on either side).

**Highland Avenue.** There shall be no parking on the right side (facing the ocean) of Highland Avenue.

**Hoffman Street.** Hoffman Street is designated as "one way." Vehicles shall be allowed to enter Hoffman Street from Carll Avenue and proceed in a northerly direction to Foote Street, on that portion of Hoffman Street only. No vehicle shall be parked on the righthand side of Hoffman Street from Imperial Street to Foote Street.

**Imperial Street.** No parking shall be allowed on the right side (facing the ocean) of Imperial Street from Portland Avenue to Milliken Street. Parking shall be allowed on the left side (facing the ocean) of Imperial Street only from Veteran's Square to Francis Street.

**Jameson Hill Road.** Vehicles shall be allowed to enter Jameson Hill Road from the righthand side of Saco Avenue facing Half Way in a one-way-only direction and proceed in a southwesterly direction, which shall be posted by appropriate signs. Vehicles shall be allowed to be parked on the northwesterly side (right side of the road facing Half-Way) of Jameson Hill Road for a distance of 1,200 feet. Vehicles entering Jameson Hill Road from the opposite direction may proceed in a northeasterly direction only for a distance of 500 feet, where Jameson Hill Road then ceases to be a two-way street.

**King Street.** No vehicle shall be parked on King Street.

**Kinney Avenue.** No vehicle shall be parked on Kinney Avenue.

**Linwood Street.** No vehicle shall be parked on Linwood Street.

**Longwood Avenue.** No vehicle shall be parked on the northerly side of the street between Atlantic Avenue and Central Park Avenue at any time.

**Milliken Road.** See Sandpiper Road.

**Milliken Street.** No vehicle shall be parked on either side of Milliken Street from Old Orchard Street to Walnut Street.

**Morrison Street.** No vehicle shall be parked on Morrison Street.

**Mullen Avenue.** No vehicle shall be parked on Mullen Avenue.

**New Salt Road.** No vehicle shall be parked on New Salt Road.

**Odena Avenue.** No parking shall be allowed on the lefthand side of Odena Avenue (facing the ocean) from the railroad to the seawall.

**Old Orchard Road.** No parking is allowed on either side of Old Orchard Road from the Halfway Section to the Saco Line.

**Old Orchard Street.** Two-hour parking only shall be allowed on both sides of Old Orchard Street. See also section 54-113 and Town hall in this section.

**Old Salt Road.** No vehicle shall be parked on either side of Old Salt Road commencing at a point on West Grand Avenue and extending in a northerly direction to lot #12 on Connecticut Avenue, a distance of 300 feet more or less.

**Pavia Avenue.** No vehicle shall be parked on Pavia Avenue.

**Pearl Avenue.** No vehicle shall be parked on the northeasterly side of Pearl Avenue (left side facing the ocean).

**Pierce Street.** No vehicle shall be parked on Pierce Street.

**Porter Road.** No vehicle shall be parked on Porter Road.

**Portland Avenue.** No vehicle shall be parked on Portland Avenue from Cascade Road to Old Orchard Street. No vehicle, except emergency or municipal vehicles, having a registered gross weight in excess of ~~20,000~~ 30,000 pounds shall be operated or caused to be operated on or over Portland Avenue, from the Scarborough line to the Cascade Road.

**Prospect Street.** Vehicles shall be allowed to park on the northeasterly side only, coming in from Sixth Street.

**Randall Avenue.** No vehicle shall be parked on the northeasterly side of Randall Avenue from Seaside Avenue and West Grand Avenue. No vehicle shall be parked on the southwesterly side (right side facing the ocean) from Seaside Avenue to the ocean.

**Reggio Avenue.** Parking shall be allowed on the righthand side (facing the ocean) of Reggio Avenue from the railroad tracks to West Grand Avenue, and no vehicle shall be parked on the righthand side (facing the ocean) from West Grand Avenue to the beach.

**Roussin Street.** No vehicle shall be parked on the southerly side of Roussin Street.

**Runnells Avenue.** No vehicle, except emergency or municipal vehicles, having a registered gross weight in excess of 9,000 pounds, shall be operated or caused to be operated on or over Runnells Avenue.

**Saco Avenue.** No vehicle shall park on either side of Saco Avenue from Old Orchard Street to where the lower portion of Jameson Hill Road intersects with Saco Avenue, except that parking shall be allowed on the northwesterly side from Washington Avenue to Pine Lane. Five parking spaces shall be allowed on the beach side of Saco Avenue from Staples Street toward Old Orchard Street during church services only.

**Sandpiper Road.** No vehicle shall be parked on Sandpiper Road (formerly Milliken Road).

**Saunders Avenue.** No vehicle shall be parked on Saunders Avenue.

**School Street.** No vehicle, except emergency or municipal vehicles, having a registered gross weight in excess of 9,000 pounds shall be operated or caused to be operated on or over School Street. No vehicle shall be parked on the lefthand side of School Street from Saco Avenue for the entire length of School Street.

**Seaside Avenue.** Diagonal parking only shall be allowed on the ocean side of Seaside Avenue, between Colby Avenue and Temple Avenue; each parking space shall have a 30-minute limit and shall be so marked with appropriate signs. No vehicle shall be parked on either side of Seaside Avenue between Randall Avenue and Porter Road. Parallel parking only shall be allowed on the

**ocean side of Seaside Avenue between Winona and Tunis Avenues. No vehicle shall be parked on the westerly side of Seaside Avenue between Winona and Tunis Avenues. Parking is allowed on both sides of Seaside Avenue from Demeritt Square to Oceana Avenue; parking is allowed on the ocean side only of Seaside Avenue from Oceana to Tunis Avenue; parking is allowed on both sides of Seaside Avenue from Tunis Avenue to Seacliff Avenue. No vehicle shall be parked on either side of Seaside Avenue from Seacliff Avenue to Union Avenue.**

**Seavey Street. Seavey Street is designated as "one way." Vehicles are allowed to enter Seavey Street from Old Orchard Street and proceed in a northerly direction. Parking shall be allowed on the left side of Seavey Street.**

**Second Avenue. No vehicle shall be parked on Second Avenue.**

**Sixth Street. No vehicle shall be parked on Sixth Street.**

**Smith Wheel Road. No vehicle, except emergency or municipal vehicles, having a registered gross weight in excess of 9,000 pounds shall be operated or caused to be operated on or over Smith Wheel Road from Vallee Lane to the Ocean Park Road.**

**Staples Street. No vehicle shall be parked on the northeasterly side (left side facing the ocean) of Staples Street from Saco Avenue to the Boston and Maine Railroad and handicapped parking only shall be allowed on Staples Street from the Boston and Maine Railroad to the sea wall on the left hand side facing the ocean.**

**Sunset Drive. No vehicle shall be parked on either side of Sunset Drive.**

**Surf Street in Ocean Park. No vehicle shall be parked on either side of the street located between Tunis and Tioga Avenues at any time.**

**Surfside Avenue. No vehicle shall be parked on the southeasterly side of Surfside Avenue (side toward the ocean).**

**Temple Avenue. No vehicle shall remain parked on Temple Avenue between West Grand Avenue and Seaside Avenue for a period of time longer than one hour. Parallel parking shall be allowed on the left side (facing the ocean) of Temple Avenue from Seaside Avenue to the seawall; diagonal parking shall be allowed on the right side (facing the ocean) of Temple Avenue from Seaside Avenue to the seawall, except that three consecutive parking spaces shall be designated by the chief of police and shall have a two-hour limit from 7:00 a.m. to 7:00 p.m.**

**T-for-Turn Road (E. Emerson Cummings Blvd.) No vehicle shall be parked on the northeasterly side of T-for-Turn Road for its entire length.**

**Town hall. Upper lot parking shall be limited to town hall business only, Monday through Friday. Lower lot parking shall be by parking permit only Monday through Friday.**

**Traynor Street. No vehicle shall be parked on Traynor Street.**

**Union Avenue. Parking shall be allowed on the righthand side (side facing the ocean) of Union Avenue from Saco Avenue to First Street. No vehicle shall be parked on the lefthand side (side facing the ocean) of Union Avenue from Saco Avenue to First Street. Ten-minute parallel parking shall be allowed on both sides of Union Avenue from First Street to West Grand Avenue, and parking shall be allowed on both sides of Union Avenue from West Grand Avenue to the seawall.**

**Veteran's Square. This refers to the area known as Veteran's Square or that area which runs from Old Orchard Street to Imperial Street. There shall be no entrance onto Veteran's Square from Old Orchard Street, and a righthand turn only shall be permitted from Veteran's Square onto Portland Avenue. Parking shall be limited to permit parking only Monday through Friday.**

**Walnut Street. No vehicle shall be parked on the northeasterly side (left side facing the ocean) of Walnut Street from East Grand Avenue to the seawall. No vehicle shall be parked on Walnut Street from Portland Avenue to East Grand Avenue.**

**Washington Avenue. No vehicle shall be parked on the northwesterly side (right side going toward Union) of Washington Avenue from Saco Avenue to Union Avenue. Loading and unloading only**

will be allowed at designated business locations. The upper portion of Washington Avenue is made a one-way street in the direction of and intersecting with Fifth Street. No lefthand turn shall be allowed at the intersection of Washington Avenue and Saco Avenue from Washington Avenue. Wesley Avenue. No vehicle shall be parked on Wesley Avenue.

Wesley Boulevard. See Wintergreen Street.

West Grand Avenue. No vehicle shall be parked on either side of West Grand Avenue from Old Orchard Street to the Saco Line, except that parking shall be allowed on the ocean side of West Grand Avenue from Ocean Avenue to ~~Reggio~~ Pavia Avenue. Also, ten-minute parking shall be allowed for 20 feet on both sides of West Grand Avenue from Union Avenue. Loading and unloading only may be permitted within 50 feet of commercial establishments if not in conflict with other provisions of this chapter. Signs shall be erected and will define such areas at the designation of the chief of police. Parking shall be allowed on the ocean side of West Grand Avenue from Staples Street to Fourth Street commencing on September 15 and ending on May 1 of each year. West Old Orchard Avenue. There shall be no parking on the left side (facing the ocean) of West Old Orchard Avenue.

Weymouth Avenue. No parking shall be allowed on either side of Weymouth Avenue.

Winona Avenue. Diagonal parking shall be allowed on the south side (right side facing the ocean), and parallel parking shall be allowed on the north side (left side facing the ocean) of Winona Avenue from Seaside Avenue to the seawall.

Wintergreen Street. No vehicle shall be parked at any time on either side of Wintergreen Street.

York Street. No vehicle shall be parked on the southwesterly side of York Street (right side facing the ocean).

(b) Except as otherwise expressly provided, the parking prohibitions and restrictions of this section shall be effective yearround.

(Ord. of 6-13-1961, §§ 5-129, 5-184; Ord. of 7-25-1973; Ord. of 7-8-1974; Ord. of 9-3-1974; Ord. of 3-20-1975; Ord. of 5-1-1975; Ord. of 7-14-1976; Ord. of 7-7-1977; Ord. of 7-17-1977; Ord. of 7-21-1977; Ord. of 9-15-1977; Ord. of 4-5-1978; Ord. of 5-17-1978; Ord. of 8-2-1978; Ord. of 12-6-1978; Ord. of 6-18-1980; Ord. of 7-15-1981; Ord. of 10-21-1981; Ord. of 8-18-1982; Ord. of 12-29-1982; Ord. of 3-15-1983; Ord. of 3-16-1983; Ord. of 6-1-1983; Ord. of 6-15-1983; Ord. of 6-29-1983; Ord. of 8-3-1983; Ord. of 3-21-1984; Ord. of 6-7-1984; Ord. of 6-20-1984; Ord. of 7-8-1984; Ord. of 8-9-1984; Ord. of 4-2-1985; Ord. of 5-21-1985; Ord. of 12-17-1985; Ord. of 3-18-1986; Ord. of 4-15-1986; Ord. of 8-19-1986; Ord. of 8-4-1987; Ord. of 10-6-1987; Ord. of 5-17-1988; Ord. of 6-7-1988; Ord. of 8-2-1988; Ord. of 1-3-1989; Ord. of 5-30-1989; Ord. of 6-8-1989; Ord. of 9-5-1989; Ord. of 11-14-1989; Ord. of 2-6-1990; Ord. of 10-16-1990; Ord. of 1-15-1991; Ord. of 3-19-1991; Ord. of 8-4-1991; Ord. of 8-6-1991; Ord. of 8-4-1992; Ord. of 6-15-1993; Ord. of 8-17-1993; Ord. of 9-20-1994; Ord. of 5-16-1995; Ord. of 8-1-1995; Ord. of 9-5-1995; Ord. of 1-2-1996; Ord. of 4-2-1996; Ord. of 5-7-1996; Ord. of 8-1-1996; Ord. of 11-6-1996; Ord. of 9-16-1996; Ord. of 1-20-1998; Ord. of 6-16-1998; Ord. of 9-15-1998; Ord. of 6-20-2000; Ord. of 7-10-2001; Ord. of 8-7-2001; Ord. of 5-7-2002; Ord. of 7-16-2002; Ord. of 11-6-2002; Ord. of 4-15-2003; Ord. of 9-2-2003; Ord. of 3-16-2004; Ord. No. 6-6-2006(1); Ord. of 12-4-2007; Ord. of 12-18-2007(2); Ord. of 7-7-2009; Ord. of 9-1-09; Ord. of 10-6-09)

Secs. 54-188--54-215. Reserved.

## ARTICLE VI. CRUISING

Sec. 54-216. Title.

The name of this article shall be known as the unnecessary repetitive driving ordinance. (Ord. of 10-19-1993, § 1)

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**Sec. 54-217. Definitions.**

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

**Cruising** means unnecessary repetitive driving.

**Designated area** means west Grand Avenue from Atlantic Avenue to Old Orchard Street; East Grand Avenue from Old Orchard Street to Walnut Street; First Street from Old Orchard Street to Atlantic Avenue; Milliken Street.

**Traffic control point** means a reference point within or adjacent to a designated area selected by a police officer for the purpose of determining unnecessary repetitive driving.

**Unnecessary repetitive driving** means driving a motor vehicle past a traffic control point in the designated area more than six times in any two-hour period between the hours of 7:00 p.m. and 2:00 a.m. from June 1 to September 5 in any calendar year. Passing a designated traffic control point a sixth time under such conditions shall constitute unnecessary repetitive driving and cruising.

(Ord. of 10-19-1993, § 2)

**Sec. 54-218. Cruising prohibited.**

It shall be unlawful for any person to engage in cruising. For the purposes of this section, the person having control or ownership of a motor vehicle shall be considered the person cruising, without regard as to whether that person was actually driving the motor vehicle each time it passed the traffic control point. The phrase "having control or ownership of a motor vehicle" shall mean either the owner of the vehicle, if present in the vehicle at the time of the violation or, if the owner is not present, the person operating the vehicle at the time of the violation.

(Ord. of 10-19-1993, § 3)

**Sec. 54-219. Exemptions.**

The following shall be exempted from this article:

- (1) Any publicly owned vehicle of any city, county, state or the federal government or any governmental unit, while the vehicle is being operated for the official purposes of the governmental unit.
- (2) Any authorized emergency vehicle.
- (3) Any taxicab for hire, public transit bus, livery, or other vehicle being operated for business purposes.

(Ord. of 10-19-1993, § 4)

**Sec. 54-220. Penalty.**

Any person who violates this article shall commit a civil violation and, upon adjudication, shall be subject to the following forfeitures together with the cost of prosecution. Each violation during the designated timeframe shall constitute a separate offense. All fines collected shall belong to the town:

- (1) Not more than \$50.00 if the person has not committed a previous violation of this article within 12 months of the violation.
- (2) Not more than \$100.00 if the person has committed a previous violation of this article within the 12-month period.
- (3) Not more than \$200.00 if the person has committed two or more violations of this article within 12 months of the violation.

(Ord. of 10-19-1993, § 5)

Secs. 54-221--54-245. Reserved.

## ARTICLE VII. PARADES AND PROCESSIONS\*

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\*Cross references: Streets, sidewalks and other public places, ch. 50.

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### Sec. 54-246. Permit required.

No procession or parade, excepting the forces of the United States army, navy, or air force; the military forces of this state; and the forces of the police and fire departments, shall occupy, march, or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this chapter which may apply.

(Ord. of 6-13-1961, § 5-141)

### Sec. 54-247. Funeral and other processions.

(a) A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant of a type designated by the town council or by having headlights and taillights turned on.

(b) Each driver in a funeral or other procession shall drive as near to the righthand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

(Ord. of 6-13-1961, § 5-142)

### Sec. 54-248. Driving through processions.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this article. This section shall not apply at an intersection where traffic is controlled by traffic control signals or police officers or other authorized persons.

(Ord. of 6-13-1961, § 5-140)

Secs. 54-249--54-275. Reserved.

## ARTICLE VIII. REMOVAL OF VEHICLES\*

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\*State law references: Authority to remove, 29-A M.R.S.A. § 2069.

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### Sec. 54-276. Obstructions in public streets.

(a) Any vehicle of any kind or description parked upon a public street of the town at a place, in a manner, or for length of time prohibited by this chapter or other town ordinance is declared to be an obstruction in such street and a menace to the safe and proper regulation of traffic.

(b) No person shall cause or permit any vehicle, including but not limited to a bicycle, a surrey cycle, roller skates, roller blades or skateboard, to be operated upon a sidewalk.

(Ord. of 6-13-1961, § 5-131; Ord. of 5-19-1982; Ord. of 3-19-1991; Ord. of 6-15-1993)

Cross references: Streets, sidewalks and other public places, ch. 50.

**Sec. 54-277. Prima facie evidence of operation.**

No person shall allow, permit, or suffer any vehicle registered in his name to stand or park in any street, way, highway, or road under the control of the town in violation of any section of this chapter or any town ordinance. The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

(Ord. of 6-13-1961, § 5-136)

**Sec. 54-278. Authority to remove.**

Any vehicle parked in a manner described in section 54-276 may be removed by or under the direction of or at the request of any police officer. Such police officer may use such force as may be necessary to enter such vehicle and cause the vehicle to be placed in a condition to be moved, without liability to him or the town for necessary and reasonable damage thereto or its contents or equipment, and may employ any reputable person engaged in the business of towing or storing vehicles for such purpose. Notwithstanding any language contained in this section, the removal and storage of a vehicle pursuant to this chapter and the payment of the charges specified shall in no way relieve or prevent prosecution of the violation of any section this chapter or of town ordinances.

(Ord. of 6-13-1961, § 5-132; Ord. of 7-8-1974)

**Sec. 54-279. Release of vehicle.**

Before the owner of any vehicle or his representative may remove the vehicle from the possession of the person towing or storing it pursuant to this article, he shall:

- (1) Furnish satisfactory evidence of his identity and of his ownership of the vehicle to the officer in charge at the police department and to the person having possession of the vehicle.
- (2) Pay the amount of the parking fine as attached to the vehicle.
- (3) Pay to the person having possession of the vehicle reasonable charges for the towing and storing of the vehicle.
- (4) Sign a receipt for the vehicle.

(Ord. of 6-13-1961, § 5-134; Ord. of 7-8-1974)

**Sec. 54-280. Charges.**

The town council shall establish a schedule of charges for towing and storage of vehicles, and only those persons agreeing to such schedule shall be called to remove and store vehicles.

(Ord. of 6-13-1961, § 5-135; Ord. of 7-8-1974)

Secs. 54-281--54-305. Reserved.

**ARTICLE IX. BICYCLES AND SKATEBOARDS\***

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\*State law references: Bicycles, 29-A M.R.S.A. § 2063; equipment, 29-A M.R.S.A. § 2084.

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**Sec. 54-306. Bicycle defined.**

Bicycles are defined as nonmotorized vehicles with one, two or three wheels, any of which is more than 14 inches in diameter, for one or more people whereon the driver and/or passenger are carried in tandem or one behind the other. Nonmotorized vehicles designed to carry two or more people abreast are not bicycles for the purpose of this chapter.



(Ord. of 6-13-1961, § 5-120; Ord. of 9-3-1974)

**Sec. 54-307. Skateboards and inline skates.**

(a) No person shall use or cause or permit the use of skateboards on any public street, sidewalk or other public property within the following described areas: from the top to the bottom of Old Orchard Street, including the areas known as the square and town hall parking lots; East Grand Avenue to Walnut Street; West Grand Avenue to Atlantic Avenue, including Staples Street Extension; First Street from Old Orchard Street to Staples Street; and Milliken Street from Old Orchard Street to Imperial Street.

(b) Inline skaters are not permitted in the area known as the square.

(c) Any person who violates this section shall commit a civil violation, punishable as follows:

(1) First offense: immediate confiscation of the skateboard or inline skates for a one-week period.  
(2) Second offense: immediate confiscation of the skateboard or inline skates for a period of one month.

(3) Each offense after the second shall result in an additional one-month confiscation period.

(Ord. of 8-15-1995, §§ 1, 2; Ord. of 5-7-1996)

Secs. 54-308--54-320. Reserved.

**ARTICLE X. CLOSING OF WAYS (TEMPORARY ROAD POSTINGS TO WEIGHT LIMITS)\***

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\*Editor's note: An ordinance adopted June 16, 2009, did not specifically amend the Code. Therefore such ordinance has been added as §§ 54-321--54-329 at the editor's discretion.

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**Sec. 54-321. Findings; purpose; statutory authority.**

(a) Temporary closings are necessary at different times of the year and are not limited to springtime or mud season.

(b) The following rules and regulations are necessary to ensure the proper use and to prevent abuse of all roadways/highways under our maintenance or supervision by motor-driven vehicles for the protection of public safety, health and property, to extend and retain the life expectancy of Town of Old Orchard Beach ways and bridges and to reduce the public expense of their maintenance and/or repair.

(c) This article is adopted pursuant to 30-A M.R.S.A. § 3009 and 29A M.R.S.A. §§ 2395 and 1611.  
(Ord. of 6-16-2009(3), § 1)

**Sec. 54-322. Definitions.**

The definitions contained in Title 29A of the Maine Revised Statutes Annotated shall govern the construction of words contained in this article. Any words not defined therein shall be given their common and ordinary meaning.

(Ord. of 6-16-2009(3), § 2)

**Sec. 54-323. Restrictions and notices.**

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted, unless otherwise exempt as provided herein.

(a) The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted and the signature of the posting official.

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**(b) The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the travel way. Whenever a restriction expires or is lifted; the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.**

**(c) No person may remove, obscure or otherwise tamper with any notice so posted, except as provided herein.**

**(Ord. of 6-16-2009(3), § 3)**

**Sec. 54-324. Designation of ways and bridges.**

**The director of public works or his/her designee is hereby directed and authorized to designate such Town of Old Orchard Beach ways and bridges or portions thereof, over which, during such periods of time as he/she may determine are necessary for the protection of such ways and bridges in implementing the within rules for the purpose herein stated.**

**(Ord. of 6-16-2009(3), § 4)**

**Sec. 54-325. Signs.**

**The director of public works or his/her designee is further directed and authorized to cause the construction and/or painting of conspicuous signs for the posting of the closed portions of ways and bridges with the information as provided herein.**

**(Ord. of 6-16-2009(3), § 5)**

**Sec. 54-326. Exemptions.**

**The following vehicles are exempt from this article:**

**(a) Any two-axle vehicle while delivering home heating fuel.**

**(b) Any emergency vehicle (such as fire-fighting apparatus or ambulances) while responding to an emergency or routine training or maintenance activities.**

**(c) Any vehicle while engaged in highway maintenance or repair under the direction of the city or state.**

**(d) Any school transportation vehicle while transporting students.**

**(e) Any public utility vehicle while providing emergency service or repairs.**

**(f) Any vehicle whose owner or operator holds a valid permit from the director of public works or his/her designee as provided herein.**

**(Ord. of 6-16-2009(3), § 6)**

**Sec. 54-327. Permits.**

**(a) The owner or operator of any vehicle not otherwise exempt as provided herein may apply, in writing, to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The director of public works or his/her designee may issue a permit only upon all of the following findings:**

**(1) No other route is reasonably available to the applicant.**

**(2) It is a matter of economic necessity and not mere convenience that the applicant uses the way or bridge.**

**(3) The applicant has tendered cash, a bond or other suitable security tendered to the Town of Old Orchard Beach in an amount sufficient, in the official's judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of the same.**

**(b) Even if the director of public works or his/her designee makes the foregoing findings, he/she need not issue a permit if he/she determines the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. The**

director of public works or his/her designee may also limit the number of permits issued or outstanding as may, in his/her judgment, be necessary to preserve and protect the roadways/highways.

(c) In determining whether to issue a permit, the director of public works or his/her designee shall consider the following factors:

- (1) The gross registered weight of the vehicle.
- (2) The current and anticipated condition of the way or bridge.
- (3) The number and frequency of vehicle trips proposed.
- (4) The cost and availability of materials and equipment for repairs.
- (5) The extent of use by other exempt vehicles.
- (6) Such other circumstances as may, in their judgment, be relevant.

(d) The director of public works or his/her designee may issue permits subject to reasonable conditions, including, but not limited to, restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

(Ord. of 6-16-2009(3), § 7)

#### **Sec. 54-328. Administration and enforcement.**

This article shall be administered and may be enforced by the municipal officers or their duly authorized enforcement designee.

(Ord. of 6-16-2009(3), § 8)

#### **Sec. 54-329. Violations and penalties.**

(a) Any violation of the provisions of this article shall be considered a civil infraction and subject to a minimum mandatory fine of \$250.00 up to a maximum of \$1,000.00. In addition to any fine, the town may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. All penalties shall accrue to the municipality.

(b) Prosecution shall be in the name of the Town of Old Orchard Beach and shall be brought in the Maine District Court.

(Ord. of 6-16-2009(3), § 9)

Deputy Chief Keith Babin went through the several changes both deletions and additions and explained why the changes are being suggested and all with the blessing of the Ordinance Review Committee and also discussions with the Bar and Restaurant Association. Some of the issues that had previously been discussed with the Council such as the hours of operation of the parking meters in the downtown area are one of the major changes made. Vice Chair Tousignant asked about the procedure for tourists and residents knowing the time frame under which the use of the parking meters are used and was told that the stickers applied will denote the time for use. Many of the changes to the ordinance were a result of State requirements and thus the need not to be in the local ordinance.

**CHAIR: I close this Public Hearing at 7:45 p.m.**

#### **PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

**CHAIR: I open this Public Hearing at 7:45 p.m.**

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**Thomas & Pamela Cahill (302-6-7-2), 165 East Grand Avenue, Unit 2, one seasonal rental; Gangway Properties Inc. dba/Seaside Pushkarts (306-1-2-V), 1 East Grand Avenue, Victualers with preparation, no alcohol sales; Harrisburg Group, LLC dba/Harold's 2 (306-3-3), 11 East Grand Avenue, retail; Pierre & Katy Janelle (310-7-2-5) 64 West Grand Avenue, #5, one year round rental; and Timothy & Siobhan Quinlan (319-12-6) 20 Pavia Avenue, one seasonal rental.**

**CHAIR:** I close this Public Hearing at 7:46 p.m.

**MOTION:** Councilor MacDonald motioned and Councilor O'Neill seconded to approve the business licenses as read with the addition of two pushcarts to the **Gangway Properties Inc. dba/Seaside Pushkarts (306-1-2-V), 1 East Grand Avenue, Victualers with preparation, no alcohol sales;**

**VOTE:** Unanimous.

**TABLED ITEM: # 5412 Discussion with Action:** Approve the Special Event Permit application from OOB365 to host the Spirit in America Hot Air Balloon Festival/Smokin' at the Ballpark State Championship BBQ Festival, on June 24<sup>th</sup> through June 26<sup>th</sup>, 2011 from 4:30 a.m. to 10 p.m. each day in the Square and Memorial Park, on the beach, and at the Ballpark. Request for a Beer Garden at the Ballpark. Caterer to provide liquor liability insurance listing the Town of Old Orchard Beach as additionally insured to the Town Clerk's Office at least one week prior to the event; a request for a banner in the Square; and a request to waive the fee in lieu of a donation to the Ballpark.

**MOTION:** Vice Chair Tousignant motioned and Councilor O'Neill seconded to Approve the Special Event Permit application from OOB365 to host the Spirit in America Hot Air Balloon Festival/Smokin' at the Ballpark State Championship BBQ Festival, on June 24<sup>th</sup> through June 26<sup>th</sup>, 2011 from 4:30 a.m. to 10 p.m. each day in the Square and Memorial Park, on the beach, and at the Ballpark. Request for a Beer Garden at the Ballpark. Caterer to provide liquor liability insurance listing the Town of Old Orchard Beach as additionally insured to the Town Clerk's Office at least one week prior to the event; a request for a banner in the Square; and a request to waive the fee in lieu of a donation to the Ballpark.

**VOTE:** Unanimous.

**TOWN MANAGER'S REPORT:** Public Works, Police, Fire and Waste Water Negotiations and many preparation meetings with staff. Working on a project with a citizen regarding a sewer insurance issue of over ten years old. Meeting with a Citizen on a Sewer Insurance Issue. Several meetings regarding the Ballpark and with staff – many preparations for tomorrow's Day of Caring. Meeting with PACTS and the DOT. Meeting with BBI on Waste issue. Chris and I enjoyed the Memorial Day Parade and thanks to Southern Maine Motors for the convertible they provided me to drive in the parade. Meeting with Palace Playland and the Pier owners to discuss upcoming summer season. Report on the Maintenance Truck – Public

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**Works Department. Working on a new option with Extreme Clean. Season Preparations – many complaints regarding the beach cleaning. Working with the Community Garden leader on the project – one gentleman I talked with today has his tomato plants already in. There is a community garden meeting on Thursday night, June 9<sup>th</sup> at 7:00 p.m. at the Ballpark Club house and any resident interested in a community garden plot is invited to attend.**

**ITEM COMMENTARY NUMBER #5418**

**# 5418 Discussion with Action: Consider request of Thomas Ta, owner of 227 Temple Avenue (MBL 211-2-1) to waive or reduce the sewer permit fee for the reconstruction of the building at that location pursuant to Section 58- 121(d) and 58-124 of the Municipal Code.**

**MIKE NUGENT: He presented information on the requirements of the Ordinance and also presented the letter from Mr. Ta.**

**Sec. 58-151. Permit required.**

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

**New discharge includes but is not be limited to the following:**

- (1) Construction of any new building or structure;**
- (2) Replacement of any existing building with a new building on the same lot, except replacement, by the owner, of his principal residence where the residence has been destroyed or damaged by any means beyond his control; and**
- (3) Reconstruction, restoration, remodeling, renovation or rehabilitation of an existing building, where the cost of such reconstruction, restoration, remodeling, renovation or rehabilitation, in the opinion of the superintendent, exceeds 50 percent of the replacement value of the existing building, except repairs, by the owner, of his principal residence where the residence has been destroyed or damaged by any means beyond his control. The burden is on the applicant to demonstrate to the superintendent that the cost does not exceed 50 percent of replacement value. In determining cost and value, the superintendent may consult with the building inspector, the assessor or other town officials or employees, but the determination shall be made by the superintendent. Based on this section the sewer connection fee found in appendix A on the Municipal Code for the commercial first floor is \$4,125. base plus \$550 per plumbing fixture, for the second floor residence it is \$550.00 base plus \$275.00 per additional plumbing fixture.**

**The total is \$6,375.00.**

**Staff is required to assess this fee prior to the issuance of Mr. Ta's building permit.**

**If this were simply a change of use of an existing building, the fee would be just \$4.25 per additional gallon per day of flow for the new use.**

**If the Council so chooses, they can assert the fee, reduce or modify the fee at their discretion.**

**Discussion amongst the Council and the Code Enforcement Officer denoted that there were five fixtures related to this ordinance requirement and that considering the information**

provided it appeared to be acceptable to the Council and to the owner of 227 Temple Avenue, that the cost of \$1,375 be applied.

**MOTION:** Vice Chair Tousignant motioned and Councilor Dayton seconded to reduce the sewer permit fee for the reconstruction of the building at that location of 227 Temple Avenue, Thomas Ta, owner (MBL 211-2-1) pursuant to Section 58- 121(d) and 58-124 of the Municipal Code in the amount \$1,375.

**VOTE:** Unanimous.

**# 5419 Discussion with Action: Review and Approve or Deny a proposed consent agreement/order to resolve a long standing zoning violation at 42 West Old Orchard Ave (MBL 312-8-6) – Owner, Jeffery Wu, represented by James McGuire.**

**MOTION:** Vice Chair Tousignant motioned Councilor MacDonald seconded that, at the request of the Owner, Jeffery Wu, 42 West Old Orchard Ave (MBL 312-8-6), that this Agenda Item be tabled indefinitely.

**VOTE:** Unanimous.

**# 5420 Discussion with Action: Approve and enter into a three-party Agreement with PACTS (Federal Highway and Maine Department of Transportation) – at a cost of \$211,380; and Old Orchard Beach with a share cost of \$21,138 (10%) due by July 19, 2011 to Shim and Overlay Ocean Park Road from I-195 to Temple Avenue (0.28 miles) from Account Number 20203-50506 – Road Maintenance/Improvements with a balance of \$203,705.**

**TOWN MANAGER/PUBLIC WORKS DIRECTOR:** The original PACTS project to shim and overlay Ocean Park Road from I-195 to Temple Avenue (0.28 miles) was to cost \$211,380; with the Federal Highway and Maine DOT paying 75% of the cost or \$158,535; and with Old Orchard Beach's share at 25% or \$52,845. However, the Town Manager and Public Works Director worked with PACTS to secure the following project costs being revised to our benefit. The total cost of the project remains the same at \$211,380 but by entering into a three-party agreement by July 19, 2011, our local share would be only 10% or \$21,138.

Discussion amongst the Council was held with concerns being raised that with the number of more important and immediate road needs in our community, that the money would be more well spent on these projects such as the Saco Avenue, Cascade Road, etc. Councilor O'Neill reminded everyone that although very much appreciating the work of PACTS and the Public Works Director and Town Manager on this issue, it would be better to have representatives of PACTS and the Department of Transportation (DOT) come and visit our community and take a look at the critical needs in major areas of the municipality and Vice Chair Tousignant agreed with the comments of Councilor O'Neill. It was noted that we have been told before that if we don't accept money that it will not be offered again but that has not proved to be the case. Bill  
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Robertson, Public Works Director, and the Town Manager went into detail about the process that had developed over the work on the I-195 to Temple Avenue (0.28 miles) and how the reduction in the cost appeared to be the best option for this particular issue. They also agreed that there were other places within the municipality that were in more critical need of major attention than this specific location. Obviously no one wants to turn away State money but in this case it could be used in a more needed area. Again, it was suggested that the Town Manager invite the DOT and PACTS to visit our community and see first hand the needs that we feel are prevalent to this discussion.

**MOTION:** Councilor O'Neill motioned and Councilor Dayton seconded to DENY the Request to enter into a three-party Agreement with PACTS (Federal Highway and Maine Department of Transportation) – at a cost of \$211,380; and Old Orchard Beach with a share cost of \$21,138 (10%) due by July 19, 2011 to Shim and Overlay Ocean Park Road from I-195 to Temple Avenue (0.28 miles) from Account Number 20203-50506 – Road Maintenance/Improvements with a balance of \$203,705.

**VOTE:** Unanimous.

# 5421 Discussion with Action: Set a Public Hearing Date of June 21, 2011 to Revise Chapter 42, Article III, Recreation and Park Regulations, Amending Sections 42-82, of the Town of Old Orchard Beach Code of Ordinances to allow the sale of alcohol at the Ballpark.

## **ARTICLE III. RECREATION AREA AND PARK REGULATIONS**

### **DIVISION 1. GENERALLY**

#### **Sec. 42-81. Posting of signs.**

The chief of police shall post appropriate signs giving notice of the prohibitions of this article at the main entrance to Memorial Park and at such other parks or recreation property as he deems necessary to ensure compliance with this article.

(Ord. of 9-17-1980, § 3)

#### **Sec. 42-82. Alcoholic beverages.**

It shall be unlawful for any person to possess or to consume any alcoholic beverage or liquor, as defined by 28-A M.R.S.A. § 2, within the boundaries of any park or recreation property owned, leased, managed or controlled by the town except as authorized by the Town Council pursuant to a Special Event Permit under division 5 of Article IV of this chapter or a lease agreement approved by the Town Council for the Ballpark as defined in Chapter 2 division 8 of Article IV.

(Ord. of 9-17-1980, § 1; Ord. of 4-5-1994)

Cross references: Alcoholic beverages, ch. 6.

#### **Sec. 42-83. Hours of use.**

Except for the purpose of ingress or egress in connection with the lawful parking or recovery of a vehicle in parking areas designated by the town, no person shall loiter or remain in or upon any outdoor park or recreation property owned, leased, managed or controlled by the

**town after the hour of 9:00 p.m. to 9:00 a.m. the following morning, prevailing time, with the exception of East and West Surf Streets, commonly referred to as "the beach."**

**(Ord. of 9-17-1980, § 2)**

**Secs. 42-84--42-90. Reserved.**

**The Chair indicated that this agenda item is to set a public hearing date of June 21 for discussion by the public on this ordinance change. John Bird raised his concerns particularly about the section that indicated "within the boundaries of any park or recreation property owned, leased, managed or controlled by the town." Vice Chair Tousignant indicated that this was concerning the Ballpark and again Chair Quinn indicated this would be discussed again under a public hearing on June 21.**

**MOTION: Vice Chair Tousignant motioned and Councilor O'Neill seconded to Set a Public Hearing Date of June 21, 2011 to Revise Chapter 42, Article III, Recreation and Park Regulations, Amending Sections 42-82, of the Town of Old Orchard Beach Code of Ordinances to allow the sale of alcohol at the Ballpark.**

**VOTE: Unanimous.**

**# 5422 Discussion with Action: Appoint Patricia Driscoll as a regular member of the Recycling Committee, term to expire 6/30/2013.**

**MOITON: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Appoint Patricia Driscoll as a regular member of the Recycling Committee, term to expire 6/30/2013.**

**VOTE: Unanimous.**

**# 5423 Discussion with Action: Approve the Special Event Permit for the Surfrider Foundation, Maine Chapter, to hold International Surf Day on the beach at the end of Union Avenue on Saturday, June 18<sup>th</sup>, 2011 from 6 p.m. to 9 p.m., to include the use of grills; request to waive the fee; and Insurance listing the Town as additionally insured to be provided to the Town Clerk's Office at least one week prior to the event.**

**MOTION: Vice Chair Tousignant motioned and Councilor MacDonald seconded to Approve the Special Event Permit as read.**

**VOTE: Unanimous.**

**# 5424 Discussion with Action: Approve the Special Event Permit application from MASS Evolution to hold their 1<sup>st</sup> Annual Father's Day Basketball Game in Memorial Park on Sunday, June 19<sup>th</sup>, 2011, from 9 a.m. to 1 p.m. Request to hang a banner on the gazebo and a request to use the electricity at the gazebo or bathrooms for announcing; request to waive the fee; and proof of Insurance listing**



the Town as additionally insured and paperwork listing their non-profit status to be provided to the Town Clerk's Office at least one week prior to the event.

Chair Quinn indicated that he had gone online and had some reservations about the description of the group and to where the donations would be going. It was indicated that this is just a basketball tournament and that non-profit status would have to be presented to the Town Clerk.

**MOTION:** Councilor Dayton motioned and Councilor O'Neill seconded to Approve the Special Event Permit as read.

**VOTE:** Yea: Councilors O'Neill, Dayton, MacDonald, Vice Chair Tousignant  
Nea: Chair Quinn

# 5425 Discussion with Action: Amend the current Contract with Extreme Clean, Inc. for the remainder of the 2011 contract and extend the Contract for an additional two year period through 2012 and 2013; performing a rolling trash pick up system starting immediately; with the additional cost of \$15,000 to the current contract cost of \$131,100; the 2012 contract at a cost of \$146,100; and the 2013 contract at a cost of \$147,100; from Account Number 20151-50310 – Public Works Service Contract.

Chair Quinn acknowledged the need for a correction on the totals in this agenda item to Read:

# 5425 Discussion with Action: Amend the current Contract with Extreme Clean, Inc. for the remainder of the 2011 contract and extend the Contract for an additional two year period through 2012 and 2013; performing a rolling trash pick up system starting immediately; with the additional cost of \$15,000 to the current contract cost of \$131,000; the 2012 contract at a cost of \$146,000; and the 2013 contract at a cost of \$147,000; from Account Number 20151-50310 – Public Works Service Contract.

**TOWN MANAGER:** He presented the following information that it is his understanding that the Town of Old Orchard Beach is very satisfied with the work accomplished by Extreme Clean, Inc. I personally support this assumed statement. Current contract expires at the end of this 2011 summer season. The original contract was written for:

\$117,600	for 2008 – 2009 *
\$117,600	for 2009 – 2010
\$118,600	for 2010 – 2011

- Note: Contract was amended to \$131,000 on September 9, 2009 to extend weeks of service.

**Proposal # 1:**

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To extend the current contract from 2011 to 2013.

To add a Rolling Trash Collection Program to the Extreme Clean contract.

**Rolling Trash Collection:**

To establish a contractual agreement which will require Extreme Clean to establish a constant rolling trash pickup program where two vehicles will be assigned to pick up trash continually throughout the day and night time contract hours. The Rolling Trash pick up program will eliminate all trash storage challenges which in the past have been a significant problem which in spite of multiple attempts has never been resolved. Adding the Rolling Trash Pick up program is why Extreme Clean requests a contract extension as Extreme Clean will need to purchase two trash hauling vehicles as a new capital expenditure. I support the Rolling Trash Pick up program as storage of downtown trash is a major seasonal problem. Many hours of problem solving discussions have tried to identify a solution. Storage locations have proven to be unacceptable. Extreme Clean is asking for a \$15,000 increase in their contract to perform this Rolling Trash pickup:

Current Contract:	\$131,000
Rolling Trash Collection	15,000
Total for summer of 2011	\$146,000

**Proposed New Contract (2 year extension):**

Current Contract:	\$131,000
Proposed 2011 Summer To add Rolling Trash Pick up (pro-rated to date of implementation)	\$146,000
Proposed 2012 summer	\$146,000 (no change)
Proposed 2013 summer	\$147,000 (\$1,000 increase)

**Proposal # 2:**

The Town Manager has asked the Town Council to establish a .25 user fee for the three municipal public bathrooms. I recommend the fees be used to employ bathroom attendants to assist in the reduction of vandalism which has averaged approximately \$20,000 to \$25,000 dollars per year over the past two years. This expense is an unhealthy amount of taxpayer dollars spent only to repair damaged public property. Extreme Clean, Bill Robertson and I have met on a number of occasions to brainstorm solutions. Extreme Clean has proposed the following: They will provide attendants at our three bathrooms at all times they are open to the public. Their proposal is included for your review: These attendants will man turnstile counters which will result in user data presented to the Town. This recommendation is

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supported both by the Town Manager and the Director of Public Works because as we followed up with a more detailed review of challenges of employing our own staff, both of us were more supportive of Extreme Clean providing this service. The goal of charging for bathroom use was not to generate money. The real goal was to save the money by reducing the cost of vandalism. We recommend we pilot the program for the summer of 2011 with a review of income, public use and vandalism experiences.

A great deal of discussion took place on this item particularly because as Councilor O'Neill mentioned, there is the question of the requirement to go out for an RFP since the regular contract is almost expiring. The other issue discussed is that the figures presented by Extreme Clean are now out there for others to see. Vice Chair Tousignant indicated that outside groups would have been able to see their present contract even now as it is public information. The question of the great need for trash pickup and also for the handling of the bathroom cleanup in the downtown area was necessary questioned as everyone is aware of the many difficulties over the past years. The consensus of the Council was that the Council should have further discussions in this regard and that this item be tabled. Vice Chair Tousignant had made the recommendation to leave the cost of the present contract in place and let Extreme Clean run the bathrooms charging \$.50 per person using them to fund the cost of coverage of all town bathrooms. Again, the question of this needing to go out for an RFP was raised and the decision was made to table the item for further discussions.

**MOTION:** Councilor O'Neill motioned and Councilor Dayton seconded to Table Indefinitely until further discussions are held the issue of Amending or extending the current contract with Extreme Clean, Inc.

**VOTE:** Yea: Councilors O'Neill, Dayton and Chair Quinn  
Nea: Councilor MacDonald and Vice Chair Tousignant

# 5426 Discussion with Action: Approve Liquor License Renewals of Brentland Beth Inc. dba/Bell Buoy Restaurant (205-4-5B), 24 Old Orchard Street, s-m-v in a Restaurant; and Alouette OOB Oceanfront Resorts Inc. (303-1-11), 91 East Grand Avenue, m-v in a Hotel.

**MOTION:** Councilor O'Neill motioned and Councilor Dayton seconded to Approve the Liquor Licenses as read.

**VOTE** Unanimous.

**GOOD AND WELFARE:**

**JOHN BIRD:** He raised the safety concern of there being no lifeguards in the area of Goosefare Brook and that although not deep, the current is such that it is a danger to small children.

**DAVID PUTNAM:** He spoke of the fact that near the Scarborough line there is no lifeguard coverage and reminded everyone of the recent tragedy in New Hampshire where because of the  
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**riptide there was a drowning of a young child. He indicated that he also felt that the rip tide incidents last year only recount the need for lifeguard service all the way down the beach.**

**STEVE PUTNAM: He also agreed that the lifeguard situation is a need that should be addressed as soon as possible and that up to the Friendship Motel there appears to be coverage but nothing after to the Scarborough Line.**

**ADJOURNMENT:**

**MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to adjourn the meeting.**

**VOTE: Unanimous.**

**The meeting was closed at 9:45 p.m.**

**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 sixty (60) pages is a true copy of the original Minutes of the Town Council Meeting of June 8, 2011.**

**Louise Reid**