

**AGENDA**  
**SCARBOROUGH TOWN COUNCIL**  
**WEDNESDAY – FEBRUARY 15, 2012**  
**TOWN COUNCIL WORKSHOP WITH THE LIBRARY – 6:00 P.M.**  
**REGULAR MEETING – 7:00 P.M.**

**NO NEW BUSINESS SHALL BE TAKEN UP AFTER 10:00 P.M.**

- Item 1.** Call to Order.
- Item 2.** Pledge of Allegiance.
- Item 3.** Roll Call.
- Item 4.** General Public Comments.\*
- Item 5.** Minutes: February 1, 2012 – Regular Meeting.
- Item 6.** Adjustment to the Agenda.
- Item 7.** Items to be signed: a. Treasurer’s Warrants.

**\*Procedure for Addressing Council** [Posted in Chambers.]

**Item 8. Non Action Items.**

- a. Update from the Wentworth Intermediate Building Committee regarding the work that has been accomplished to date and the work in progress.

**OLD BUSINESS:**

**Order No. 11-107.** First reading and schedule a public hearing and second reading on the proposed amendments to Chapter 614 – the Town of Scarborough Noise Abatement Ordinance. [This item was table from the December 7<sup>th</sup> Town Council meeting.]

**Order No. 12-03.** Second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance, Section IX. PERFORMANCE STANDARDS - J. Accessory Units.

**NEW BUSINESS:**

**Order No. 12-19.** First reading and schedule a public hearing on the proposed new ordinance entitled Chapter 608A – the Town of Scarborough Consumer Fireworks Ordinance.

**Order No. 12-20.** First reading and schedule a public hearing on the proposed amendments to Chapter 614 – the Town of Scarborough Noise Abatement Ordinance.

**Order No. 12-21.** First reading and schedule a public hearing on the proposed amendments to Chapter 608 – the Town of Scarborough Fireworks Ordinance.

**Order No. 12-22.** Act on the request from the Vacationland Dog Club, Inc. and York County Kennel Club, for a Mass Gathering Permit for the AKC sanctioned dog show, the Southern Maine Coastal Classic, located at Wassamki Springs Campground.

**Order No. 12-23.** Act on the names posted to the various committees/boards, as recommended by the Appointments Committee at the February 1<sup>st</sup> Town Council meeting.

**Order No. 12-24.** Act on the request from the Town Clerk to change the start time of Elections.

**Item 9.** Standing and Special Committee Reports and Liaison Reports.

**Item 10.** Town Manager Report.

**Item 11.** Council Member Comments.

**Item 12.** Adjournment.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 15, 2012 REGULAR MEETING – 7:00 P.M.**

**Order No. 11-107.** Move approval of the first reading on the proposed amendments to Chapter 614 – the Town of Scarborough Noise Abatement Ordinance and schedule a public hearing and second reading for Wednesday, March 7, 2012.

**Proposed Amendments to Chapter 614 – the Town of Scarborough  
Noise Abatement Ordinance**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the Town of Scarborough, Maine does hereby amend the Chapter 614 – the Town of Scarborough Noise Abatement Ordinance, as shown below with the additions underlined and the deletions ~~struck through~~:

**Section 1. Loud, offensive noises prohibited.**

No person shall make, continue or cause to be made or continued any loud, boisterous, unnecessary or unusual noises which shall annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others.

**Section 2. Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section:

*Daytime hours* means the hours between 7:00 a.m. and 9:00 p.m. Monday through Thursday; between 7:00 a.m. and 10 p.m. Friday through Saturday; and between 9:00 a.m. and 9:00 p.m. on Sunday.

*Domestic power equipment* means but is not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

*Nighttime hours* means the hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Friday morning; between 10:00 p.m. and 7:00 a.m. Friday evening through Saturday morning; and between 10:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

*Property line* means that line along the ground surface and its vertical extension which:

- (1) Separates real property owned or controlled by any person from contiguous real property owned or controlled by another person; or
- (2) Separates real property from the public right-of-way.

**Section 3. Enforcement.**

- (a) This ordinance may be enforced by any officer of the Scarborough Police Department.
- (b) No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this ordinance while such person is engaged in the performance of his duty.
- (c) Violations of this ordinance shall be prosecuted in the same manner as other civil violations; provided, however, that for an initial violation of this ordinance, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken on the initial violation if the cause of the violation has been removed or the condition abated or fully corrected within the time period specified in the written notice. If the cause of the violation is not removed or the condition abated or fully corrected within the time period specified in the written notice, or if the same person commits a subsequent violation of the same provision or provisions, of

this ordinance specified in the written notice, then no further action is required prior to prosecution of the civil violation.

- (d) If the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred, in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice.

#### **Section 4. Penalties.**

Any person who violates any section of this ordinance or fails to obey any lawful order of any officer charged with the enforcement of the provisions contained herein commits a civil violation and shall be fined not less than \$100 for each day such violation continues after the time for correction of the violation specified in the notice under Section 3(c) has expired. Every day of continued violation constitutes a separate violation, and the amount of the fine shall be doubled for each day the violation continues, up to a maximum of \$400.00 per day.

#### **Section 5. Exclusions.**

This ordinance shall not apply to noise emitted by or related to:

- (1) Any bell or chime from any building clock, school or church.
- (2) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms or car alarms not terminating within 30 minutes after being activated shall be unlawful.
- (3) Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
- (4) Farming equipment or farming activity.
- (5) Noise from domestic power equipment, such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.
- (6) Timber harvesting (felling trees and removing logs from the woods).
- (7) Noise generated by any construction or demolition equipment which is operated during daytime hours. Emergency construction or repair work by public utilities shall also be exempted. The police department may allow construction during nighttime hours if it is demonstrated that the extenuating circumstances disallow construction during the daytime hours.
- (8) Noise created by refuse and solid waste collection.
- (9) Municipal, public works or utility projects.

#### **Section 6. Specific prohibitions.**

The following acts, among others, are declared to be loud, boisterous, unnecessary or unusual noises which shall annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others in violation of this ordinance, but such enumeration shall not be deemed to be exclusive:

- (1) Owning, possessing or harboring a barking dog or any animal or bird which, frequently and repeatedly or for continued duration, makes sounds which create a noise disturbance across

a property line onto residential property. For the purpose of this ordinance, a barking dog shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" for purposes of this ordinance if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated.

- (2) The using or operating or the permitting to be played, used or operated of any radio, receiver, electronically amplified musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of music or sound which is audible outside of any structure during the nighttime hours or which broadcasts the sound in a loud and unreasonable manner during day-time hours which is audible a minimum of 200 feet from the source of the noise except as otherwise permitted, licensed or sponsored by the Town.
- (3) The use of any automobile, motorcycle or other vehicle, nonessential to safe and reasonable operation, in one or more of the following ways:
  - a. Revving of motor vehicle engines.
  - b. Squealing of tires.
  - c. Accelerating or braking unnecessarily so as to cause a harsh, objectionable or unreasonable noise.
  - d. Operating audio equipment clearly audible beyond the confines of a motor vehicle.

(4) **Consumer Fireworks.** Using, display, firing, or exploding of consumer fireworks within the Town of Scarborough is limited to the hours of 9:00 a.m. and 9:00 p.m. Monday through Thursday; between 9:00 a.m. and 10 p.m. Friday through Saturday; and between 9:00 a.m. and 9:00 p.m. on Sunday. The use, display, firing, or exploding of consumer fireworks outside these hours is declared to be loud, boisterous, unnecessary or unusual noise in violation of this ordinance.

For the purposes of this Ordinance, "consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47.

"Consumer fireworks" does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

This provision is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A § 3001, and the provisions of P.L. 2011, ch. 416, § 5 (effective Jan. 1, 2012), codified at 8 M.R.S.A § 223-A.

The restrictions pertaining to the use of consumer fireworks do not apply to a person or group of persons issued a fireworks display permit by the Town of Scarborough pursuant to the Town of Scarborough Fireworks Display Ordinance, Chapter 608, and/or the State of Maine in accordance with 8 M.R.S.A. §§ 227-A to 237.

**Section 7. Severability.**

Should any section or provision of this ordinance be determined in a court of law to be unconstitutional, invalid or unenforceable, such determination shall not affect the validity of any other portion of the ordinance or of the remainder of the ordinance as a whole.

## **AGENDA**

**SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – FEBRUARY 15, 2012  
REGULAR MEETING – 7:00 P.M.**

**Order No. 12-03.** Move approval of the second reading on the proposed amendments to Chapter 405 – the Zoning Ordinance, Section IX. PERFORMANCE STANDARDS - J. Accessory Units.



## *Town of Scarborough, Maine*

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SCARBOROUGH, MAINE • 04070-0360

To: Town Council Members  
CC: Tom Hall, Town Manager and David Grysk, Zoning Administrator  
From: Dan Bacon, Town Planner  
Date: January 12, 2012

### **Subject: Proposed Amendments to the Zoning Provisions for Accessory Units**

In 2003 the Town established a provision to allow property owners to create an accessory dwelling unit (often referred to as in-law apartments) to provide for a separate, smaller living space accessory to a single-family residence. Because this was a new allowance in Scarborough at the time and because the Town wanted to ensure that the creation of such units didn't change or impact the character of single-family neighborhoods, the performance standards and approval process for such units are fairly stringent.

To this end, there are currently a range of standards, including requiring the property owners be present when the accessory unit is occupied; that sewered lots be at least 15,000 sq. ft. in size; that any accessory unit be registered with the Town, County Registry and renewed every five years; and that accessory units in outbuildings (barns, carriage houses etc) must dedicate 50% of the structure for use by the single-family dwelling, among others. In addition, accessory units were classified as special exceptions, which require Board of Appeals review and approval.

While these standards and approval process have worked generally as intended, much has changed since 2003, and based on the Town's experience with this ordinance over the past eight years we are providing a range of amendments for consideration by the Town Council. In developing these amendments, town staff worked first with a focus group of Town residents and builders who are familiar and interested in these standards as well as the Council's Ordinance Committee.

The following outlines the primary draft changes:

- Change to a Permitted Use, rather than a Special Exception. From year to year the Board of Appeals reviews between 10 to 15 accessory units and approves the vast majority of them with little discussion or issues. Given this, and the thoroughness of the performance standards, special exception review seems like an unnecessary step and cost.
- Eliminating the requirement that the property owner be present in order for the accessory unit to be occupied. This change is offered because in some

cases it may be beneficial for an accessory unit at a seasonal property to be occupied to use, watch over and maintain the property. (Subsection A.)

- Change the living space allowance so that an accessory unit can be sized (scaled) in relationship to the principle single-family home on the property. This change is in response to some homeowners wanting to enable larger accessory units to accompany larger homes, while trying to ensure these accessory units remain accessory (secondary and incidental) to the principle home. (Subsection C.)
- Eliminate the minimum lot size requirement (currently 15,000 sq. ft.) for which to establish an accessory unit and make it clear they are allowed on nonconforming lots. This change is proposed to enable even our denser neighborhoods, subdivisions and zoning districts to allow for accessory units. Our beach communities and some of our more contemporary subdivisions (Eastern Village and Dunstan Crossing for example) allow for lots smaller than 15,000 sq. ft. and if these lots are served by public water and sewer, have space for adequate parking, and meet the building coverage requirements, it seems reasonable to allow accessory units. (Subsections D. and E.)
- Allow outside stairways to provide access to accessory units, but limit them from facing the street. Currently outside stairways aren't permitted to access these units, which has been problematic for a number of applicants. This new language under Subsection L. is intended to allow for such stairways but in a way that maintains the appearance of a single-family property.
- Eliminate the requirement that these units be registered with the Town and County. Since this use is now proposed to be a permitted use, the building permit process seems adequate and appropriate for tracking to creation of accessory units.
- Eliminate the requirement that detached structures containing accessory units maintain at least 50% of the floor area for use by the single-family dwelling. This requirement was established in 2007 out of concern that accessory units would be created in outbuildings with significant distance and privacy from the principle home thereby creating essentially two single-family homes on one lot. This requirement coupled with a requirement that accessory units be located within 75' of the principle home was established to curb this. While the distance requirement has been generally effective, the requirement for detached structures to devote 50% of their space to the single-family residence has in some cases caused property owners to build larger structures than they otherwise would or prevented them from converting an outbuilding to a unit because it couldn't comply with this standard. We think eliminating the 50% requirement while maintaining a distance requirement (100' is now proposed) may be appropriate.

Proposed Amendments to the Zoning Ordinance to Amend the Accessory Unit Performance Standards, Definitions and Zoning Districts in which they are allowed:

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following amendments to the Zoning Ordinance of the Town of Scarborough, Maine, be and hereby are adopted:

1. Amend subsection J. PERFORMANCE STANDARDS – ACCESSORY UNITS of Section X. PERFORMANCE STANDARDS to read (additions are underlined; deletions are struck through):

**J. PERFORMANCE STANDARDS – ACCESSORY UNITS [11/05/03]**

The following standards are intended to allow the addition and use of one accessory unit to a single family dwelling in a manner that will preserve the single family residential character of the property and neighborhood. In the R M F, R F, R 2, R 3, VR 2, VR 4, R 4, and R 4A districts, the Board of Appeals may issue a permit for the construction of an accessory unit. In addition to meeting the standards for special exceptions in Section IV.I.4 of this Ordinance, a The Code Enforcement Officer may issue a permit for the construction of an accessory unit only if the ~~a~~ Accessory unit ~~must~~ adheres to the following standards:

- A. The owner(s) of the lot on which the principal structure is located must reside in the principal structure or the accessory unit, either of which residence may be seasonal. ~~An accessory unit may be located on a lot which the owner occupies as a seasonal residence; however, the non-owner occupied living area (accessory unit or principal unit) can be occupied only in a season during which the owner is also in residence. For this purpose, “season” means any three consecutive calendar months during which the owner is in residence for a minimum of 28 days.~~
- B. The number of occupants of the accessory unit is limited to two.
- C. The floor area of an accessory unit shall not exceed the following percentage of floor area of the single family dwelling to which the unit is accessory or the following maximum amounts, whichever are applicable: ~~contain up to a maximum of 750 square feet of living space.~~

<u>If the floor area of the single family dwelling is:</u>	<u>The floor area of the accessory unit shall not exceed:</u>
<u>Under 2,000 sq. ft.</u>	<u>40% or 750 sq. ft., whichever is greater</u>

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<u>2,000 sq. ft. or more, but less than 3,000 sq. ft.</u>	<u>35% or 750 sq. ft., whichever is greater</u>
<u>3,000 sq. ft. or more, but less than 5,000 sq. ft.</u>	<u>30% or 1,050 sq. ft., whichever is greater</u>
<u>Over 5,000 sq. ft.</u>	<u>20% or 1,500 sq. ft., whichever is greater</u>

~~C.D.~~ Accessory units are permitted on nonconforming lots, but the structures in which they are located (attached or detached), shall meet the lot coverage requirements for the district in which they are located.

~~D.E.~~ Accessory units located in the Shoreland Zone must be connected to the public water and sewer system. A lot must have a minimum of 15,000 square feet, if sewer, to be eligible for the addition of an accessory unit to an existing dwelling. The applicant shall have the burden to establish the lot area, which burden may include a survey signed and sealed by a Professional Land Surveyor, at the discretion of the Code Enforcement Officer.

~~E.F.~~ In order for an accessory unit to be added to an unsewered lot, the lot must comply with the requirements of the state minimum lot size law, 12 M.R.S.A. §§ 4807 – 4807-G for multiple unit housing. The applicant shall have the burden to establish the lot area, which burden may include a survey signed and sealed by a Professional Land Surveyor, at the discretion of the Code Enforcement Officer. The septic system on the property in question shall be functioning properly at the time of application for ~~special exception~~ accessory unit approval. In addition, the applicant must submit a new HHE-200 form as documentation that the existing system can support the addition of an accessory unit and must provide certification from a licensed soils evaluator that another area of suitable soil exists on the property to be used for septic repair in the event of failure of the original system. The HHE-200 form, after review and approval by the Code Enforcement Officer, shall be recorded at the Cumberland County Registry of Deeds.

~~F.G.~~ A minimum of 1 off-street parking spaces shall be provided for ~~the an~~ accessory unit in accordance with Section XI. Off-Street Parking Regulations of this Ordinance.

~~G.H.~~ Proper ingress and egress shall be provided to the accessory unit.

~~H.I.~~ Only one accessory unit per principal structure shall be permitted on a lot.

~~I.J.~~ The accessory unit and the principal structure must be serviced by common utility meters, unless the utility company providing the service refuses to do so. Should a utility company be unwilling to service the accessory unit with a common meter,

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the applicant must provide the Board of Appeals Code Enforcement Officer with a letter signed by the utility company so stating, with specific reasons for the refusal.

~~J.K.~~ Accessory units shall retain and respect the existing streetscape, ~~and~~ character of the neighborhood, and preserve the single-family appearance, architectural style, and character of the original dwelling and property. Outside stairways (either open or closed) that service accessory units on upper stories are permitted, provided that they are integrated into and consistent with the architecture of the building. Outside stairways serving upper stories shall not be located on the side of the building that faces the street, except in the case of a building on a corner lot that fronts two or more streets, a stairway may be allowed on one of the sides of the building that faces a street if no reasonable alternative exists. ~~No open or enclosed outside stairways shall be permitted except for access to the first floor of the building.~~

~~K.L.~~ All municipal and state buildings codes in effect at the time of application must be followed.

~~L.M.~~ An applicant for a special exception permit for an accessory unit may also apply to the Zoning Board of Appeals for a limited reduction of yard size under Section V.B.5 of this Ordinance where such reduction is reasonably necessary to allow construction of the accessory unit.

~~M.~~ ~~An application to the Board of Appeals for a Special Exception for an accessory unit shall be accompanied by the Registration of Accessory Unit Form attached as Appendix D to this Ordinance, filled in by the owner(s) of the principal structure. Upon approval of the application by the Board of Appeals, the applicant shall record the Registration of Accessory Unit Form in the Cumberland County Registry of Deeds no later than 90 days after the date of approval. If the applicant does not record the Registration of Accessory Unit Form within 90 days, the approval shall lapse and can be revived only by submission and approval of a new special exception application. If the property containing the accessory unit is transferred to another ownership or if the owners to whom the special exception permit was issued for the accessory unit cease to occupy the property, the use of the accessory unit must cease. In the event of change of ownership, the new owner(s) may continue or resume use of the accessory unit by submitting a new Registration of Accessory Unit Form to the Code Enforcement Officer and recording the new Registration of Accessory Unit Form in the Cumberland County Registry of Deeds. A Registration of Accessory Unit Form is valid for five years from the date of recording. At the end of that five years, the registration shall lapse and the approval of the accessory unit shall expire unless:~~

- ~~i. a new Registration of Accessory Unit Form showing no changes from the previously recorded form is presented to and approved by the Code Enforcement Officer and recorded in the Cumberland County Registry of Deeds within 90 days after the Code Enforcement Officer's approval; or~~

PROPOSED AMENDMENTS TO THE ACCESSORY UNIT PROVISIONS OF THE ZONING ORDINANCE DATED 1-12-12

~~ii. if any of the information on the form has changed, a new special exception approval is obtained from the Board of Appeals and a new Registration of Accessory Unit Form is recorded in the Cumberland County Registry of Deeds within 90 days of the Board of Appeals approval.~~

N. Should the owner(s) of the principal structure be found in non-compliance with the standards contained in this section, the non-compliance shall be considered a violation of this Ordinance, and the structure shall revert to a single family dwelling or the previous use.

O. In order for an accessory unit to be located in a detached accessory structure, the following requirements must be met: [09/05/07]

i. The ~~entire~~ detached accessory structure must be located no further than ~~75-100~~ feet from the nearest point of the principal structure; and

~~ii. At least 50 % of the floor area of the detached accessory structure must be devoted to uses other than living space which are accessory to the principal structure, such as storage or parking, and must be available for use by the occupants of the principal structure; and~~

~~iii.~~ii. The detached accessory structure must be designed and constructed in the style of a garage, barn, storage building, carriage house, accessory cottage, or similar structure customarily located on the same lot with a single-family residence.

2. Amend the Accessory Unit definition in Section VI. DEFINITIONS to read (additions are underlined; deletions are struck through):

**Accessory Unit:**

A living area located within a single family dwelling or within a structure accessory to a single family dwelling, such as a garage, ~~or~~ barn, or accessory cottage, which is designed and equipped with complete housekeeping facilities so that it can be occupied by a person or persons living independently from the persons occupying the single family dwelling. ~~A~~ Town approved accessory unit ~~approved by the Board of Appeals and~~ meeting the requirements of ~~Sections VII.B and IX.I-J~~ shall not be considered a separate dwelling unit under this ordinance, the Scarborough Subdivision Regulations, the Scarborough Growth Management Ordinance, the Scarborough Impact Fee Ordinance, the Scarborough Road Impact Fee Ordinance or the Scarborough Sewer Assessment Ordinance. [11/05/2003]

3. Amend the Permitted and Special Exception Uses under Section XIII. RFM District to read (additions are underlined; deletions are struck through):

**B. PERMITTED USES**

22. Accessory units subject to the performance standards of Section IX.J.

C. SPECIAL EXCEPTION USES

~~12. Accessory units subject to the performance standards of Section IX.J.~~

4. Amend the Permitted and Special Exception Uses under Section XIV. RF District to read (additions are underlined; deletions are struck through):

B. PERMITTED USES

21. Accessory units subject to the performance standards of Section IX.J.

C. SPECIAL EXCEPTION USES

~~12. Accessory units subject to the performance standards of Section IX.J.~~

5. Amend the Permitted and Special Exception Uses under Section XV. R2 District to read (additions are underlined; deletions are struck through):

B. PERMITTED USES

14. Accessory units subject to the performance standards of Section IX.J.

C. SPECIAL EXCEPTION USES

~~11. Accessory units subject to the performance standards of Section IX.J.~~

6. Amend the Permitted and Special Exception Uses under Section XV.A. R3 District to read (additions are underlined; deletions are struck through):

B. PERMITTED USES

9. Accessory units subject to the performance standards of Section IX.J.

C. SPECIAL EXCEPTION USES

~~7. Accessory units subject to the performance standards of Section IX.J.~~

7. Amend the Permitted and Special Exception Uses under Section XV.B. VR2 District to read (additions are underlined; deletions are struck through):

C. PERMITTED USES

13. Accessory units subject to the performance standards of Section IX.J.

D. SPECIAL EXCEPTION USES

~~7. Accessory units subject to the performance standards of Section IX.J.~~

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8. Amend the Permitted and Special Exception Uses under Section XV.C. VR4 District to read (additions are underlined; deletions are struck through):

C. PERMITTED USES

13. Accessory units subject to the performance standards of Section IX.J.

D. SPECIAL EXCEPTION USES

~~8. Accessory units subject to the performance standards of Section IX.J.~~

9. Amend the Permitted and Special Exception Uses under Section XV.I. R4 District to read (additions are underlined; deletions are struck through):

B. PERMITTED USES

9. Accessory units subject to the performance standards of Section IX.J.

C. SPECIAL EXCEPTION USES

~~8. Accessory units subject to the performance standards of Section IX.J.~~

10. Amend the Permitted and Special Exception Uses under Section XV.II R4A District to read (additions are underlined; deletions are struck through):

B. PERMITTED USES

12. Accessory units subject to the performance standards of Section IX.J.

C. SPECIAL EXCEPTION USES

~~5. Accessory units subject to the performance standards of Section IX.J.~~

11. Amend the Permitted and Special Exception Uses under Section XV.IIA RPO District to read (additions are underlined; deletions are struck through):

B. PERMITTED USES

15. Accessory units subject to the performance standards of Section IX.J.

C. SPECIAL EXCEPTION USES

~~9. Accessory units subject to the performance standards of Section IX.J.~~

12. Amend the Permitted Uses under Section XV.IIIC TVC2 District to read (additions are underlined; deletions are struck through):

B. PERMITTED USES

*PROPOSED AMENDMENTS TO THE ACCESSORY UNIT PROVISIONS OF THE ZONING ORDINANCE DATED 1-12-12*

7. Accessory units subject to the performance standards of Section IX.J.

13. Amend the Permitted Uses under Section XV.IIID TVC3 District to read (additions are underlined; deletions are struck through):

B. PERMITTED USES

7. Accessory units subject to the performance standards of Section IX.J.

14. Amend the Permitted Uses, Conventional and Planned Development under Section XXA. RH District to read (additions are underlined; deletions are struck through):

C. PERMITTED USES

6. Accessory units subject to the performance standards of Section IX.J.

15. Amend the Permitted Uses, Conventional and Planned Development under Section XXB. RH2 District to read (additions are underlined; deletions are struck through):

C. PERMITTED USES

7. Accessory units subject to the performance standards of Section IX.J.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 15, 2012 REGULAR MEETING – 7:00 P.M.**

**Order No. 12-19.** Move approval of the first reading on the proposed new ordinance entitled Chapter 608A – the Town of Scarborough Consumer Fireworks Ordinance and schedule a public hearing for Wednesday, March 7, 2012.

**PROPOSED NEW  
CHAPTER 608A  
TOWN OF SCARBOROUGH  
CONSUMER FIREWORKS ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the new Chapter 608A, the Consumer Fireworks Ordinance for the Town of Scarborough, Maine be adopted, as shown below:

**SECTION I: Purpose**

This Ordinance regulates the use of consumer fireworks to ensure the safety of the residents and property owners of the Town of Scarborough and of the general public.

**SECTION II: Title and Authority**

This Ordinance shall be known as the "Town of Scarborough Consumer Fireworks Ordinance." It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions 8 M.R.S.A. § 223-A.

**SECTION III: 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:

**Consumer Fireworks** – "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products:

- A. Missile-type rockets, as defined by the State Fire Marshal by rule;
- B. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
- C. Sky rockets and bottle rockets. For purposes of this definition, "sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

**SECTION IV: Use of Consumer Fireworks Restricted**

A person shall not use, display, fire, or cause to be exploded consumer fireworks within the Town of Scarborough or in or from any watercraft within waters of the Town except on the following days and during the following times:

- a) July 4th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day;

- b) July 3rd and July 5th, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day when July 3rd and July 5th fall on a weekend, and beginning at 9:00 a.m. and ending at 10:00 p.m. when July 3rd and July 5th fall on a weekday;
- c) December 31st, beginning at 9:00 a.m. and ending at 12:30 a.m. the following day; and
- d) January 1st, beginning at 9:00 a.m. and ending at 10:00 p.m.

#### **SECTION V: Violation and Enforcement**

- a) **PENALTY FOR VIOLATION:** Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus attorney's fees and costs to be recovered by the Town of Scarborough for its use. Each day such violation occurs or continues to occur shall constitute a separate violation.
- b) **ENFORCEMENT:** This Ordinance shall be enforced by the Town of Scarborough Police Department.
- c) **INJUNCTION:** In addition to any other remedies available at law or equity, the Town of Scarborough, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.
- d) **SEIZURE & DISPOSAL OF CONSUMER FIREWORKS:** The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.

#### **SECTION VI: Exceptions**

This Ordinance does not apply to a person or group of persons issued a fireworks display permit by the Town of Scarborough pursuant to the Town of Scarborough Fireworks Display Ordinance, Chapter 608, and/or the State of Maine in accordance with 8 M.R.S.A. §§ 227-A to 237.

The regulation of the display of fireworks shall otherwise be as provided for in the Town of Scarborough Fireworks Display Ordinance, Chapter 608, and any other applicable state or federal law or regulation.

#### **SECTION VII: Severability**

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 15, 2012 REGULAR MEETING – 7:00 P.M.**

**Order No. 12-20.** Move approval of the first reading on the proposed amendments to Chapter 614 – the Town of Scarborough Noise Abatement Ordinance and schedule a public hearing for Wednesday, March 7, 2012.

**CHAPTER 614  
TOWN OF SCARBOROUGH  
NOISE ABATEMENT ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 614, the Noise Abatement Ordinance for the Town of Scarborough, Maine is amended, as shown below:

**Section 1. Loud, offensive noises prohibited.**

No person shall make, continue or cause to be made or continued any loud, boisterous, unnecessary or unusual noises which shall annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others.

**Section 2. Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section:

*Daytime hours* means the hours between 7:00 a.m. and 9:00 p.m. Monday through Thursday; between 7:00 a.m. and 10 p.m. Friday through Saturday; and between 9:00 a.m. and 9:00 p.m. on Sunday.

*Domestic power equipment* means but is not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

*Nighttime hours* means the hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Friday morning; between 10:00 p.m. and 7:00 a.m. Friday evening through Saturday morning; and between 10:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

*Property line* means that line along the ground surface and its vertical extension which:

- (1) Separates real property owned or controlled by any person from contiguous real property owned or controlled by another person; or
- (2) Separates real property from the public right-of-way.

**Section 3. Enforcement.**

- (a) This ordinance may be enforced by any officer of the Scarborough Police Department.
- (b) No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this ordinance while such person is engaged in the performance of his duty.
- (c) Violations of this ordinance shall be prosecuted in the same manner as other civil violations; provided, however, that for an initial violation of this ordinance, a written notice shall be given the alleged violator which specifies the time by which the condition shall be corrected. No complaint or further action shall be taken on the initial violation if

the cause of the violation has been removed or the condition abated or fully corrected within the time period specified in the written notice. If the cause of the violation is not removed or the condition abated or fully corrected within the time period specified in the written notice, or if the same person commits a subsequent violation of the same provision or provisions, of this ordinance specified in the written notice, then no further action is required prior to prosecution of the civil violation.

- (d) If the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his last known address or at the place where the violation occurred, in which event the specified time period for abating the violation or applying for a variance shall commence at the date of the day following the mailing of such notice.

#### **Section 4. Penalties.**

Any person who violates any section of this ordinance or fails to obey any lawful order of any officer charged with the enforcement of the provisions contained herein commits a civil violation and shall be fined not less than \$100 for each day such violation continues after the time for correction of the violation specified in the notice under Section 3(c) has expired. Every day of continued violation constitutes a separate violation, and the amount of the fine shall be doubled for each day the violation continues, up to a maximum of \$400.00 per day.

#### **Section 5. Exclusions.**

This ordinance shall not apply to noise emitted by or related to:

- (1) Any bell or chime from any building clock, school or church.
- (2) Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms or car alarms not terminating within 30 minutes after being activated shall be unlawful.
- (3) Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
- (4) Farming equipment or farming activity.
- (5) Noise from domestic power equipment, such as but not limited to power saws, sanders, grinders, lawn and garden tools or similar devices operated during daytime hours.
- (6) Timber harvesting (felling trees and removing logs from the woods).
- (7) Noise generated by any construction or demolition equipment which is operated during daytime hours. Emergency construction or repair work by public utilities shall also be exempted. The police department may allow construction during nighttime hours if it is demonstrated that the extenuating circumstances disallow construction during the daytime hours.
- (8) Noise created by refuse and solid waste collection.
- (9) Municipal, public works or utility projects.
- (10) Using, displaying, firing, or exploding consumer fireworks within the Town of Scarborough in accordance with the Consumer Fireworks Ordinance, Chapter 608A and any other applicable law or regulation.

## **Section 6. Specific prohibitions.**

The following acts, among others, are declared to be ~~loud, disturbing and unnecessary noises in violation of this ordinance,~~ loud, boisterous, unnecessary or unusual noises which shall annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others in violation of this ordinance, but such enumeration shall not be deemed to be exclusive:

- (1) Owning, possessing or harboring a barking dog or any animal or bird which, frequently and repeatedly or for continued duration, makes sounds which create a noise disturbance across a property line onto residential property. For the purpose of this ordinance, a barking dog shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten minutes or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a “barking dog” for purposes of this ordinance if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated. Frequent and repeated sounds by any animal which are reasonably in response to the use of consumer fireworks shall not be considered a violation of this ordinance.
- (2) The using or operating or the permitting to be played, used or operated of any radio, receiver, electronically amplified musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of music or sound which is audible outside of any structure during the nighttime hours or which broadcasts the sound in a loud and unreasonable manner during day-time hours which is audible a minimum of 200 feet from the source of the noise except as otherwise permitted, licensed or sponsored by the Town.
- (3) The use of any automobile, motorcycle or other vehicle, nonessential to safe and reasonable operation, in one or more of the following ways:
  - a. Revving of motor vehicle engines.
  - b. Squealing of tires.
  - c. Accelerating or braking unnecessarily so as to cause a harsh, objectionable or unreasonable noise.
  - d. Operating audio equipment clearly audible beyond the confines of a motor vehicle.

## **Section 7. Severability.**

Should any section or provision of this ordinance be determined in a court of law to be unconstitutional, invalid or unenforceable, such determination shall not affect the validity of any other portion of the ordinance or of the remainder of the ordinance as a whole.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 15, 2012 REGULAR MEETING – 7:00 P.M.**

**Order No. 12-21.** Move approval of the first reading on the proposed amendments to Chapter 608 – the Town of Scarborough Fireworks Ordinance and schedule a public hearing for Wednesday, March 7, 2012.

**CHAPTER 608**  
**TOWN OF SCARBOROUGH**  
**FIREWORKS DISPLAY ORDINANCE**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Chapter 608, the Fireworks Ordinance for the Town of Scarborough, Maine is amended, as shown below:

**SECTION I Purpose & Title**

This ordinance recognizes the need for regulation of the display of fireworks to assure the safety of the spectators, property owners, citizens, and visitors of the Town of Scarborough. This Ordinance shall be known as the “Town of Scarborough Fireworks Display Ordinance.”

**SECTION II Definitions**

**Display Fireworks** - Any combustible or explosive composition or substance; any combination of such compositions or substances; or any other article which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including any device containing any explosive substance or flammable compound. Display fireworks are classed as Explosives, 1.3G and described as Fireworks, UN0335 by the U. S. Department of Transportation. Display fireworks do not include consumer fireworks as defined in 8 M.R.S.A. § 221-A.

**Proximate Audience** - An audience closer to pyrotechnic devices than permitted by NFPA 1123, Code for Fireworks Displays.

**Pyrotechnic Device** - Any device containing pyrotechnic materials and capable of producing visual or audible effects by combustion, deflagration, or detonation.

**SECTION III Regulations & Codes**

Fireworks storage, transportation, and displays are regulated through laws, codes and standards including:

- a) State of Maine Laws for the Fire Service, 1997 edition, Title 8, section 222-227
- b) NFPA 1123 Code for Fireworks Displays
- c) NFPA 1126 Use of Pyrotechnics before a proximate audience
- d) Title 49 CFR, Federal Regulation for Transport
- e) Title 27 CFR, Part 181 Commerce in Explosives

All fireworks display operators shall be technicians licensed by the State of Maine Fire Marshal's Office.

## **SECTION IV Permit Required**

No person shall possess, store, arrange, or detonate Display Fireworks within the Town of Scarborough after the effective date of this ordinance without holding a valid permit from the Scarborough Fire Department and a valid permit from the State of Maine Fire Marshal's office.

No person shall possess, store, arrange, or detonate pyrotechnic devices before a proximate audience within the Town of Scarborough after the effective date of this ordinance without holding a valid permit from the Scarborough Fire Department and a valid permit from the State of Maine Fire Marshal's office. The Scarborough Fire Department may issue a seasonal permit for outdoor pyrotechnic displays before a proximate audience that are regularly scheduled, are detonated from an approved location, and are similar in size and effect.

## **SECTION V Application Procedure**

Application for a fireworks display permit shall be made to the Scarborough Fire Department by the responsible party for the display at least ten (10) days prior to the event as outlined below:

- a) Prior to applying for a Scarborough Fire Department Fireworks Permit the applicant must have a valid State of Maine permit issued by the State Fire Marshal's office.
- b) A copy of the State Fire Marshal's permit application and written State Fire Marshal's permit shall accompany the local permit application form.
- c) Written permission from the local landowner of the property from where the fireworks will be detonated shall accompany the local permit application form.
- d) The proper fee as outlined in the current Town of Scarborough Schedule of License, Permit, and Application Fees shall be paid prior to the issuance of a local fireworks display permit.

## **SECTION VI Fire Protection Coverage**

The Chief of the Scarborough Fire Department, or his designee, shall determine what, if any, fire department resources will be required to stand by during the event based on the size of the display, the current weather conditions, and other safety factors. The Fire Chief or his designee shall make the final decision as to the safety of the scene and weather conditions, and will either grant or deny permission for the display to proceed after evaluating the current conditions at the proposed time for the event.

## **SECTION VII Permit, Apparatus, & Manpower Fees**

The Scarborough Fire Department shall collect a reasonable permit fee that is sufficient to offset the cost of administration and inspection of the site. The applicant shall also be responsible for reimbursing the Town of Scarborough for the required fire apparatus and manpower coverage to assure safety during the display as specified in Section VI and deemed appropriate by the Scarborough Fire Chief, or his designee. The permit amount and the rates for apparatus and manpower are published in the current Town of Scarborough Schedule of License, Permit, and Application Fees.

## **SECTION VIII Notifications**

The applicant must submit a written notification plan that addresses how they intend to notify the neighbors and general public of the proposed event. This notification plan must be approved by the Police Chief, or his designee, prior to the issuance of a Fireworks Permit. Evidence that the notifications were made according to the approved plan must be presented before permission to proceed with the show will be given as outlined in Section VI.

**SECTION IX Hours of Detonation**

No person shall detonate or discharge or cause to be detonated or discharged or permit to be detonated or discharged on his property any fireworks within the Town of Scarborough after the hour of 10:30 P.M. daily, prevailing time.

**SECTION X Violation and Enforcement**

- a) PENALTY FOR VIOLATION: Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than \$100.00 and not more than \$500.00 to be recovered on complaint to the use of the Town of Scarborough. Each day such violation occurs or continues to shall constitute a separate violation.
- b) PENALTY FOR WILLFUL VIOLATION: Any person who violates the provisions of this ordinance after having been informed by any officer or employee or agent of the Town of Scarborough that a planned or anticipated detonation or discharge of fireworks would violate this Ordinance shall be fined \$10,000.00.
- c) ENFORCEMENT: This Ordinance shall be enforced by the Town of Scarborough Police Department.
- d) INJUNCTION: In addition to any other remedies available at law or equity, the Town of Scarborough, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance.

**SECTION XI Severability**

In the event that any section, subsection or portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

**SECTION XII Consumer Fireworks**

The regulation of consumer fireworks is as enumerated in the Town of Scarborough Consumer Fireworks Ordinance, Chapter 608A, and any other applicable state or federal law or regulation.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 15, 2012 REGULAR MEETING – 7:00 P.M.**

**Order No. 12-22.** Move approval on the request from the Vacationland Dog Club, Inc. and York County Kennel Club, for a Mass Gathering Permit for the AKC sanctioned dog show, the Southern Maine Coastal Classic, located at Wassamki Springs Campground.

*Town of Scarborough, Maine*

259 US ROUTE ONE, PO BOX 360  
SCARBOROUGH, MAINE • 04070-0360

**MEMORANDUM**

TO: Town Council Members  
Thomas J. Hall, Town Manager

FROM: Yolande P. Justice, Town Clerk

RE: Application for a Mass Gathering Permit

DATE: February 6, 2012

The Town Clerk's Office received a request for a Mass Gathering Permit from the Vacation Dog Club, Inc. and York County Kennel Club of Maine. Pursuant to the Mass Gathering Ordinance, The application package was sent to the Fire Chief, Police Chief and the Codes Department for review.

Notification was received from all Departments [as noted above] and there are no issues with this application and they would recommend approval. Should you have any questions, please contact the Town Clerk's Office.

Thank you in advance for your consideration on this request.

Attachments

**Carroll I Goodwin III**  
**Show Chair Vacationland Dog Club**  
**P.O. Box 336**  
**Alfred, Me 04002**

RECEIVED

2012 FEB -6 A 11:19  
TOWN OF SCARBOROUGH

Board of Selectmen  
Town of Scarborough, Me  
259 US Rt. 1  
Scarborough, Me 04074

Dear Sirs:

On behalf of Vacationland Dog Club, Inc. and York County Kennel Club of Maine I am requesting a mass gathering permit. This permit is for our four day AKC sanctioned dog show, Southern Maine Coastal Classic, at Wassamki Springs Campgrounds again this year.

I am providing the following information to comply with permit requirements:

1. The dates are May 17, 18, 19 and 20, 2012.
2. Our shows start at 8:30 AM and end by 4:00 PM each day.
3. The only sound amplification equipment used is a small P.A. system that will be used to play the national anthem on the beginning of each day's events.
4. No alcoholic beverages are sold or allowed on the show site.
5. There is no parking on town roads, streets or walkways. Parking for exhibitors and spectators is on the property of and controlled by the staff of Wassamki Springs Campground.
6. Fire lanes are maintained to allow access and egress to emergency vehicles should the need arise.
7. There will be a licensed EMT on site during the show hours.
8. Attendance is greatly affected by weather. We are hoping for good weather so that our attendance will be on a par with our previous shows at this site.
9. Portable toilets are contracted by the sponsoring clubs and augment campground facilities.
10. Attached are copies of each club's public liability insurance naming the Town as an additional insured.

I thank you for your consideration in granting us a mass gathering permit.



Carroll I Goodwin III,  
Show Chair Vacationland Dog Club

**MASS GATHERING PERMIT REQUEST FORM  
TOWN OF SCARBOROUGH, MAINE**

Non-refundable Fee: \$175.00

Make check payable to "Town of Scarborough"

Before submitting your request you will need to meet with the Chief of Police, the Fire Chief and the Chief Code Enforcement Officer. They will assist you in reviewing the ordinance to determine what is required, i.e. number of police officer, number of sanitation facilities, etc. When this has been done, you will need to submit a detailed letter addressing each section of the ordinance, along with this form and the non-refundable permit fee. Please note that your request must be submitted sixty (60) days prior to the Gathering for Town Council approval.

The Town Council meets the first and third Wednesdays of each month, with exception of the July and August when they meet on the third Wednesday. Agenda items must be received in the Clerk's Office by 2:00 p.m. the Wednesday prior to the meeting. If you have any questions, please contact the Town Clerk's Office at 730-4020.

Name of Contact Person: CARROLL I. GOODWIN, III

Name of Event: SOUTHERN MAINE COASTAL CLASSIC (AKC DOG SHOW)

Date of the Event: MAY 17, 18, 19, & 20, 2012

Physical Address of Event: WASSAMKI SPRINGS CAMPGROUND, 56 SAGO ST.

Address of Contact Person: P.O. BOX 336, ALFRED, ME 04002

Telephone Number: 207-324-5400

Signature: Carroll I. Goodwin III

Date: 01/25/2012

Date received in Office: 02/06/2012



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
1/25/2012

PRODUCER (207) 985-3361, Fax (207) 985-7977

Cole-Harrison Agency  
83 Main Street  
P.O. Box 358

Kennebunk ME 04043

INSURED

Vacationland Dog Club, Inc.

C/O Teri Welch, Treas.

33 Lafayette Street

Yarmouth ME 04096

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: Peerless Insurance Company

INSURER B:

INSURER C:

INSURER D:

INSURER E:

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/>	CBP9552875	01/22/2012	01/22/2013	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
					MED EXP (Any one person) \$ 5,000
					PERSONAL & ADV INJURY \$ 1,000,000
					GENERAL AGGREGATE \$ 2,000,000
					PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ 0
					BODILY INJURY (Per person) \$
					BODILY INJURY (Per accident) \$
					PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT \$
					OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
	EXCESS / UMBRELLA LIABILITY OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$
					AGGREGATE \$
					\$
					\$
					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below				WC STATUTORY LIMITS OTH-ER
					E.L. EACH ACCIDENT \$
					E.L. DISEASE - EA EMPLOYEE \$
					E.L. DISEASE - POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS  
May 17, 18, 19, 20 2012

## CERTIFICATE HOLDER

Town of Scarborough  
246 Route One

Scarborough, ME 04074

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Donna Brunelle



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
1/25/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Cole Harrison Agency 83 Main Street P.O. Box 358 Kennebunk ME 04043		<b>CONTACT NAME:</b> Donna Brunelle <b>PHONE (A/C, No, Ext):</b> (207) 985-3361 <b>FAX (A/C, No):</b> (207) 985-7977 <b>E-MAIL ADDRESS:</b> dbrunelle@coleharrison.com <b>PRODUCER CUSTOMER ID #:</b> 00007373	
<b>INSURED</b> York County Kennel Club of Maine, Inc. C/O Jay Kitchener PO Box 78 Ogunquit ME 03907		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Peerless Insurance Company <b>NAIC #</b> 24198 <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	


**COVERAGES**                      **CERTIFICATE NUMBER:** CL1212502927                      **REVISION NUMBER:**

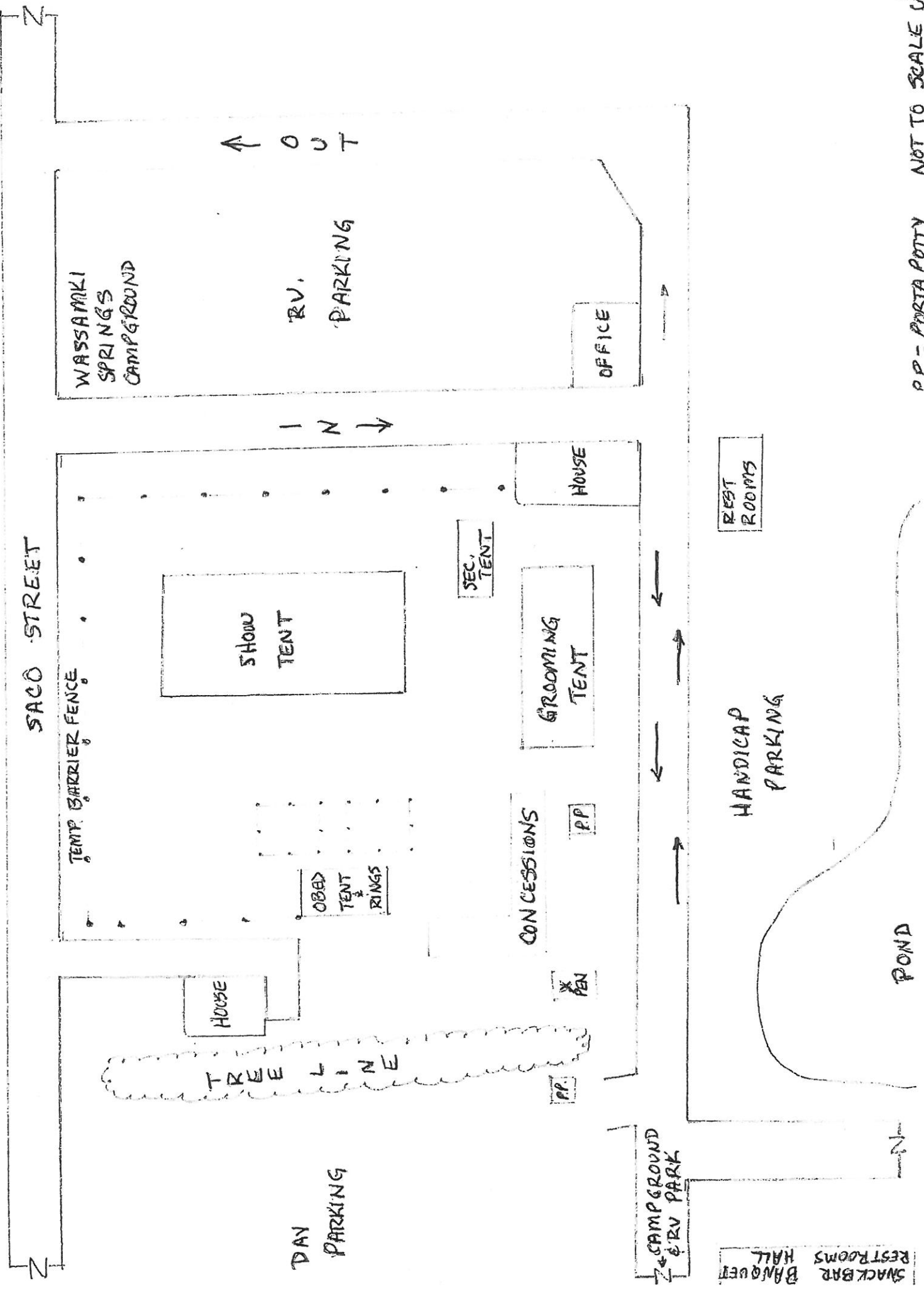
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			CBP9671638	2/1/2012	2/1/2013	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:							PERSONAL & ADV INJURY
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS							\$
	<input type="checkbox"/> NON-OWNED AUTOS							\$
								\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	<input type="checkbox"/> EXCESS LIAB						AGGREGATE	\$
	<input type="checkbox"/> OCCUR							\$
	<input type="checkbox"/> CLAIMS-MADE							\$
	DEDUCTIBLE							\$
	RETENTION \$							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS	OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH)						E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
May 17, 18,19 and 20, 2012

**CERTIFICATE HOLDER****CANCELLATION**

Town of Scarborough, Me 236 Route One Scarborough, ME 04076	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  Donna Brunelle/DMB 
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PP - PORTA POTTY NOT TO SCALE

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 15, 2012 REGULAR MEETING – 7:00 P.M.**

**Order No. 12-23.** Move approval on the names posted to the various committees/boards, as recommended by the Appointments Committee at the February 1<sup>st</sup> Town Council meeting, as follows:

Appoint Joyce Pelletier to the Community Services and Recreation Advisory Board, as 1<sup>st</sup> Alternate, with a term to expire in 2012.

Appoint Kate Norfleet to the Community Services and Recreation Advisory Board, as 2<sup>nd</sup> Alternate, with a term to expire in 2013.

Appoint Elizabeth Bates to the Seniors Program Advisory Board, as 1st Alternate, with a term to expire in 2013.

Appoint Karen Vachon to the Cable Television Committee, as a full voting member, with a term to expire in 2014.

## **AGENDA**

### **SCARBOROUGH TOWN COUNCIL WEDNESDAY – FEBRUARY 15, 2012 REGULAR MEETING – 7:00 P.M.**

**Order No. 12-24.** Move approval on the request from the Town Clerk to change the start time of Elections.

# *Town of Scarborough, Maine*

US ROUTE ONE, PO BOX 360  
SCARBOROUGH, MAINE • 04070-0360

TO: Members of the Town Council

From: Yolande P. Justice, Town Clerk

RE: Change in Opening of the Polls

DATE: February 9, 2012

Pursuant to Title 21-A: Elections Chapter 9 – Conduct of Elections §626 Polling, the Polls must be opened no earlier than 6:00 a.m. and no later than 8:00 a.m. on Election Day and the municipal officers of each municipality shall determine the time of opening the polls within these limits.

At this time, I would like to formally request the change in time for the opening of the Polls, for all Elections, from 6:00 a.m. to 7:00 a.m. If approved, this will give the Town Clerk's Office adequate time to notify the Secretary of State as well as the voters of the Town of Scarborough of the change.

Currently we may have half a dozen voters who come in between 6:00 and 7:00 a.m. and with the early voting by absentee ballot we have seen a decline in the number of individuals who do come to the Polls.

The issue for the Town Clerk's Office has been a decline in Election Workers who do not want to work the first shift, which begins at 5:30 a.m. [final setup of Polls]. In discussing this issue with our workers, we found workers would be willing to a start time of 6:30 a.m. [final setup of Polls] and opening at 7:00 a.m.

Thank you in advance for your consideration on this item.