

**WARRANT RETURN
FOR THE
SPECIAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT
Tuesday, November 3, 2009**

The Special Town Meeting was called to order by Town Clerk Judy Shaw-Kagiliery with the Reading of the Call, Return and First Article. The polls were declared open at 9:00AM.

Marjorie Esau, Frederica Hart, Alan Kupper, Leila Kupper, Tracy Leach, and Mary Littlefield served as Ballot Clerks/Counters. A total of **758** votes were cast.

Article 1: To elect a Moderator to preside at said Meeting. [**Note:** This question is not intended to be acted upon as part of the official secret ballot at the Special Town Meeting.]

Christine L. Murphy was elected as Moderator.

Article 2: Shall the municipality approve the Charter amendment reprinted below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Section 303 Election and Term of Office

303.1 Select Board members shall be elected for a term to ~~run from July 1 to June 30,~~ commence upon conclusion of the Annual Town Meeting. Election shall be for a three-year term, unless elected to fill an unexpired term.

YES - 644 - NO - 78

Article 3: Shall the municipality approve the Charter amendment reprinted below? [**Note:** Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Section 503 Budget Process

~~503.6 On those articles where the recommendations of the Select Board and the Budget Review Committee differ, the voters shall have the choice to vote on the Select Board's recommendation or the Budget Review Committee's recommendation.~~

YES - 437 - NO - 245

Article 4: Shall the municipality approve the Charter amendment reprinted below? [**Note:** Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Section 801 Town Boards, Committees & Commissions

801.1.1 Organization

A. All Boards and Committees:

b. shall annually elect a chairperson and vice-chairperson, and other officers as necessary and required by their by-laws. A chairperson

or vice chairperson shall not serve simultaneously as a chairperson or vice chairperson on any other board, committee or commission;

YES - 631 - NO - 87

Article 5: Shall the municipality approve the Charter amendment reprinted below?
[Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Section 803 — Planning Board:

~~There shall be an elected Planning Board with two (2) appointed alternates to assist residents, developers and the Town with future land use planning, including the application of ordinances, proposing of ordinances and protecting and enhancing the visual charm of Ogunquit. Members of said Committee shall be registered voters of the Town. The Planning Board shall adopt such by-laws; as it deems necessary.~~

~~**803.1** The Planning Board consists of five (5) members who shall be elected at the Annual Town Meeting commencing June 2009. As vacancies occur when the terms of previously appointed members end, those vacancies will be filled by election to a three (3) year term.~~

~~**803.2** The Planning Board will also have a first and a second alternate who are appointed for one year terms by the Select Board.~~

~~**803.3** Filling of Vacancies~~

~~**803.3.1** If for any reason a vacancy shall occur in the membership of the Planning Board, the vacancy will be filled in the following manner:~~

~~A. In the event that the Select Board has previously appointed Alternates to the Planning Board, the first Alternate will succeed to fill the vacancy, the Second Alternate will succeed to First Alternate, and the Select Board will fill the vacancy by appointment.~~

~~B. In the event that no Alternates have been appointed, the Select Board shall fill the vacancy by appointment.~~

~~C. The new Committee member will serve until there is either an Annual or Special Town Meeting. At such time there will be an election to fill the remainder of the original term.~~

~~**803.3.2** Any such election shall be conducted in accordance with the statutes of the State of Maine. In the event that more than one position is to be filled by election, all positions shall be considered "At Large", with the candidates receiving the highest vote totals elected to the longest terms.~~

~~**803.3.3** In the event of a tied election result, the Select Board shall schedule a special run-off election to be held within sixty (60) days pursuant to 30-A M.R.S.A. § 2828(10).~~

YES - 422 - NO - 236

Article 6: Shall the municipality approve the Charter amendment reprinted below?
[Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Section 801 Town Boards, Committees & Commissions

The Select Board shall appoint a Board of Assessment Review, a Planning Board, a Zoning Board of Appeals and any other Boards as required by State Statutes. All boards shall conduct their business in accordance with the rules set forth in this Charter.

YES - 534 - NO - 165

Article 7: Shall the Town vote to **conceptually approve the *Municipal Building Plan*** that has been presented to the Select Board by the Building Needs Committee? [Note: Approval would mean that the Town accepts the *Municipal Building Plan* as a future goal. The *Municipal Building Plan* includes renovating the lower level of the Dunaway Center primarily as a Police Station and renovating the upper level of the Dunaway Center exclusively as a Community Center. The Plan includes renovating the Ogunquit Village School Building as consolidated Municipal Offices including the Land Use Department. The current Land Use property would most likely be leased to generate revenue to partially offset renovation costs. The municipal grounds would be landscaped as an attractive public park with playground and more convenient parking. **[No funding is being requested at this time]**.]

YES - 495 - NO - 218

Article 8: Shall an Ordinance entitled “**Enhanced E911 Ordinance**” more specifically referenced as **Title II, (Health, Safety and Welfare), Chapter 6, Section 6.A.2 (Administration) and Section 6.A.7 (Enforcement)** of the Ogunquit Municipal Code, be amended to “**Indicate Where Maps and Listings are Located and E-911 Enforcement Defined**” as set forth herein? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Chapter 6 Enhanced 911 Ordinance

6. A.2 Administration

The Town of Ogunquit Select Board is authorized to, and shall, assign road names and numbers to all properties, both existing and proposed roads, in accordance with the criteria in Sections 4 and 5. The Land Use Office shall be responsible for maintaining the following official records and maps of this ordinance:

6. A.2.a ~~An Ogunquit map for official use showing road names and numbers. These maps are digitally produced on compact discs (CD's) by The Maine Office of Geographic Information Systems. Updates are generated by the Addressing Officer. Copies of these CD's are located at the Land Use Office.~~

6. A.2.b ~~An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers. A complete list of all property owners listed by Address, Map & Lot and Last name is located at Town Hall and The Assessor's Office.~~

~~6. A.2.c~~ — An alphabetical list of all roads with property owners listed in order of their assigned numbers.

6. A.7

Enforcement

~~To be completed by Enhanced 911 Committee.~~

~~When it has been determined by the Addressing Officer that an officially issued E-911 address number is missing, incorrect or not visible from a distance of 50Ft. from the street, the Addressing Officer shall within (3) three business days, notify the property owner of the violation. Notification shall be sent by Certified Mail. Notification shall also be given verbally whenever possible but does not eliminate the requirement for the addressing officer to notify the property owner via Certified Mail. The Addressing Officer shall order placement of the assigned E-911 number and shall explain the penalties, as noted in Section 6.A.7.a and Section 6.A.7.b for noncompliance as applicable to the property.~~

6. A.7.a A business property owner has (10) ten business days from the date of receipt of the Certified Mail to install an officially issued E-911 address number as ordered to do so by the Addressing Officer. If the business property owner fails to comply within the (10) ten business days the Addressing Officer will send a follow up warning letter via Certified Mail stating that if the business property owner does not comply within (5) five business days from receipt of the warning letter they shall be subject to the denial or immediate revocation of his/her business license. The above shall be enforced by the Ogunquit Code Enforcement Officer.

6. A.7.b A residential property owner has (10) ten business days from the date of receipt of the Certified Mail to install an officially issued E-911 address number as ordered to do so by the Addressing Officer. If the residential property owner fails to comply within the (10) ten business days the Addressing Officer will send a follow up warning letter via Certified Mail stating that if the residential property owner does not comply within (5) five business days from receipt of the warning letter they shall be fined \$50.00 plus an additional \$5.00 for each day the violation continues thereafter. The above shall be enforced by the Ogunquit Code Enforcement Officer.

YES - 558 - NO - 147

Article 9: Shall the Town vote to amend **Title IV, Chapter 4, Section 403.4.1 (Beaches - Other Beach Restrictions)** and **Chapter 5, Section 503 (Marginal Way – Dogs Prohibited)** of the **Public Resources and Conservation Ordinance** to **“To Make Titles IV and VII (Animal Control Ordinance) Consistent As It Relates to Dogs Permitted in Beach Areas”** and is set forth herein? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Chapter 4 Other Beach Restrictions

403.4 Animals

403.4.1 Dogs are permitted within the Ogunquit Beach area from October 1 to March 31. ~~if on a leash, cord or chain.~~ Dogs are not permitted within the entire Ogunquit Beach area, from Main Beach to the Moody Beach Town Line from April 1 to September 30. Dogs are not permitted in the Ogunquit River Estuary.

Chapter 5 Marginal Way

503 Dogs Prohibited

Dogs are permitted on the Marginal Way from October 1 to March 31, if on a leash, cord or chain. Dogs are not permitted on the Marginal Way from April 1 to September 30. ~~(This same restriction is found in the Animal Control Ordinance of Ogunquit.)~~

YES - 483 - NO - 244

Article 10: Shall an Ordinance entitled “**Bicycle and Pedestrian Ordinance**”, more specifically referenced as **Title VI, Chapter 1, Section(s) 101, 102 and 103 (Purpose and Authority) and Chapter 2, Section 201 (Operation) and 204 (Skateboards)** of the Ogunquit Municipal Code, be amended as set forth herein? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.] All other portions of the ordinance are proposed to remain unchanged. The symbol “* * * *” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.]

**TITLE VI
BICYCLES AND OTHER WHEELED GOODS**

**AND
PEDESTRIAN ORDINANCE**

Chapter 1 Purpose and Authority

101 Purpose

The purpose of this Ordinance is to provide for the ~~registration and safe operation of bieleles~~ wheeled goods in Ogunquit. Regulations found in this Ordinance are in addition to those provided by State statute. State laws shall apply to pedestrian movement in Ogunquit.

102 Authority

Town authority to regulate vehicles, including ~~bieyeles~~ wheeled goods, is found in Title 30 of the Maine Revised Statutes. This authority is specifically delegated to the ~~Board of Selectmen~~ Select Board.

103 Definitions

103.1 ~~The definition of bicycle provided by State statute shall apply to this Ordinance.~~ A device upon which a person may ride that is propelled by human power and has 2 tandem wheels, either of which is more than 20 inches (20”) in diameter.

ADD

103.2 Wheeled Goods: A device that moves on or is equipped with wheels (i.e., bicycle, skateboard, roller skates, in-line skates or roller blades).

Chapter 2 Bicycles-Wheeled Goods

201 Operation

- 201.1 A person shall not operate any wheeled goods (i.e., bicycle, skateboard, roller skates, in-line skates, or roller blades) in an unsafe and hazardous manner so as to endanger the operator or other people or property.
- 201.2 A person shall not operate any wheeled goods (i.e., bicycle, skateboard, roller skates, in-line skates or roller blades) so as to impede or hinder traffic.
- 201.3 A person operating a any bicycle wheeled goods shall not pass motor vehicles unless the motor vehicles are stopped or nearly stopped, and the bicyclist operator can pass the other vehicles safely. Such passing shall be to the right only while proceeding in the same direction as traffic.
- 201.4 A person shall not operate a any bicycle wheeled goods on a sidewalk except that young children riding bicycles having wheels less than twenty inches (20") in diameter may ride on sidewalks.

* * * * *

204 Wheeled Goods Prohibitions

- 204.1 No person shall use, ride or operate, or attempt to use, ride or operate any the following wheeled goods (i.e., skateboard, roller skates, roller blades or in-line skates) on U.S. Route One, Shore Road, Beach Street, River Road, Hoyt's Lane, and Berwick Road, Perkins Cove Road, Wharf Lane and the ramp between the Upper and Lower Lots, or upon a lawful sidewalk, or upon private property without permission from the property owner. Bicycles are permitted on the aforementioned roads.

All wheeled goods, including bicycles, are not permitted on the Marginal Way.

The operation of a ~~skate board and use of roller blades or roller skates~~ all wheeled goods, including bicycles, within public parking areas is permitted within a public parking area, if undertaken in a manner, which does not interfere with the flow of traffic associated with vehicular parking and vehicular and pedestrian passage

- 204.2 A person shall not ride a bicycle on any lawful sidewalk or Marginal Way, on any private property without permission of the owner, on Ogunquit Beach from May 15 until September 15 of each year, or in a fashion which causes damage to any municipal property. A bicyclist is permitted to walk a bicycle over any grassy area, wooded trail, or any paved surface, including sidewalks, reserved for pedestrian use.
- 204.3 ~~For the purposes of this Ordinance, skateboard shall mean any wheeled vehicle intended and designed to be propelled by foot with one (1) foot on the vehicle at the moment of initial propulsion.~~

204.4 ~~3~~ Any person convicted of a violation of this Ordinance shall be liable to a penalty of not more than twenty-five dollars (\$25) and may suffer in the sound discretion of the court forfeiture of his interest in the ~~skateboard~~ wheeled goods in question to the Town of Ogunquit for disposition in such a manner as the court may direct.

YES - 542 - NO - 150

Article 11: Shall an Ordinance entitled “**Ogunquit Zoning Ordinance**, more specifically referenced as **Title X, Article 8, Section 8.10(Off Street Parking and Loading)** of the Ogunquit Municipal Code be amended “**To Clarify the Standards for Waivers of Parking Requirements**” as set forth herein? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.] All other portions of the ordinance are proposed to remain unchanged. The symbol “* * * * *” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.]

8.10 Off Street Parking and Loading

* * * * *

C. Off-Street Loading Standards

1. The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations and changes of use;
 - a. Office buildings, hotel and motel with a gross floor area of more than 100,000 square feet require one bay-

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D. Off-Street Parking Standards

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3. Required off-street parking in all residential and business districts shall be located on the same lot as the principal building or within 100 feet measured along lines of access for business and industry except where it cannot reasonably be provided on the same lot, the Planning Board may authorize residential off-street parking to be located on another lot within 300 feet of the residential uses ~~and a reasonable distance from business and industrial uses served~~, as measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the uses served and evidence of such control or lease shall be required. Arrangements for parking on leased land shall not be acceptable for meeting the minimum required parking provisions of this Ordinance unless the lessee is specifically given the option of renewing the lease indefinitely.

* * * * *

8. Except for transient accommodations and residential uses, the Planning Board may reduce the requirements of this Section for the number of parking spaces, where it is shown that the application meets one or more of the following standards:
 - a. appropriate parking and loading spaces will be maintained sufficiently for the intended use, based on the availability of public transit, which can reasonably be expected to be utilized by sufficient numbers of customers or patrons of the use, to justify the waiver request;
 - b. the proximity of a public parking lots is located within five hundred (500) feet of the proposed use; and
 - c. the location of the proposed use appropriate parking and loading spaces will be maintained sufficiently for the intended use, based on the availability of adequate and safe pedestrian facilities and crosswalks, which can reasonably be expected to be utilized by sufficient numbers of customers or patrons of the use, to justify the waiver request in comparison to major pedestrian areas; or
 - d. the owner or operator of the proposed use will provide valet parking service for customers or patrons.

9. The Planning Board may require additional information be provided by the applicant in support of any request for a waiver of parking requirements, including, but not limited to:
- a. projections regarding how many customers or patrons will arrive at the proposed use at various times of day, by each possible mode of transportation;
 - b. proposed hours, methods, and locations for the provision of valet parking; or
 - c. distance measurements and/or diagrams showing connections to pedestrian or transit facilities, and projected customer travel routes.

YES - 515 - NO - 184

Moderator Murphy closed the polls at 8:00PM and the counting of any unread ballots commenced. Counting of ballots was completed at 8:30PM and the Moderator declared the Election officially adjourned.

Dated: November 5, 2009

UNDER SEAL OF THE TOWN, A True Copy: ATTEST:

Office of the Town Clerk