MODERATOR'S CERTIFICATE OF ELECTION RESULTS
(SECRET BALLOT ELECTION)

SPECIAL TOWN MEETING - TOWN OF OGUNQUIT
(REFERENDUM ELECTION)
NOVEMBER 6, 2018

The Special Town Meeting was called to order on November 6, 2018, by Town Clerk Christine Murphy with the reading of the Call, Return and First Article. The polls were declared open at 8:00AM.

Marjorie Esau, Blanche Feinberg, Kay Hamlin, Frederica Hart, Leila Kupper and Tracey Ann Leach served as Ballot Clerks/Counters. A total of **857** people voted at the polls.

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.]

Cheryl Emery was elected as Moderator

**** Submitted by Petition ****

Article 2: Shall the municipality approve and adopt the Ogunquit Comprehensive Plan revision, dated August 10th, 2018, superseding the 2004 Comprehensive plan. A copy of said plan is available in the Town Clerk's Office for inspection, use and examination by the Public. This Warrant Article is by Petition of Voters.

Yes	378
No	**412 (Failed)**
Blanks	67

Article 3: Shall an ordinance entitled **"Amendments to Title IV, Public Resources and Conservation Ordinance, Chapter 4 – Beaches, as it relates to fines and penalties for trespassing in the dunes and dogs on the Beach and in the Estuary"** be enacted?

Note**: The symbol of "**" indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity. **Underline** indicates proposed language added; and **~~strikeout~~** indicates proposed removal of language.*

Amendments to Title IV, Public Resources and Conservation Ordinance, Chapter 4 - Beaches

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403 Other Beach Restrictions

The following restrictions pertaining to the Ogunquit Beach are in addition to applicable State of Maine laws and other Ogunquit ordinances governing the public area.

403.1 Public Behavior

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403.1.3 No person shall enter restricted portions of the Ogunquit Beach **including the dune areas** and the Ogunquit Sewer Treatment Plant. The Select Board shall designate restricted areas. The minimum fine for violation of this subsection shall be ~~Fifty Dollars $50~~ **$200 for each violation.**

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403.4 Animals

The restrictions in this subsection are also found in the Animal Control Ordinance of Ogunquit.

403.4.1 Dogs are permitted within the Ogunquit Beach area from September 9 to March 31. Dogs are not permitted within the entire Ogunquit Beach area from the Main Beach to the Moody Beach Town Line from April 1to September 8. Dogs are not permitted in the Ogunquit River Estuary **year round.** *(Amended Annual Town Meeting 04/09/2001, Amended Special Town Meeting 11/04/2008, Amended Special Town Meeting 1/03/2009, Amended Annual Town Meeting Amended Annual Town Meeting 06/14/2016)*

403.4.2 Ponies or horses are not permitted on Ogunquit Beach, including the Ogunquit River Estuary, year-round. *(Amended Special Town Meeting 11/04/2008)*

403.4.3 Penalties

The minimum fine for violation of this subsection shall be $200 for each violation.

Yes	**571 (Passed)**
No	233
Blanks	53

Article 4: Shall an ordinance entitled **"Amendments to Title IX, Business Ordinance, Chapter 9 – Business Registrations"** be enacted?

Note**: The symbol "**" indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity. **Underline** indicates proposed language to add, and ~~**strikeout**~~ indicates proposed removals of language.*

Chapter 9 Business Registration

901 Title, Purpose and Definition

901.1 This Chapter shall be known and may be cited as the ~~1989~~ Business Registration Ordinance of Ogunquit.

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902 Registration Required

902.1 No business in Ogunquit shall conduct any enterprise unless the 24 business has registered with the Town of Ogunquit and obtained all required licenses with the State of Maine. *STM 11/04/14*

902.2 Application

Applications for registration shall be on forms prescribed by the Municipal Officers and filed with the Town Clerk. Applications shall state the name of the applicant; all aliases; the applicant's residence address; the name of the business to be conducted; the business address; the precise location of the business; the nature of the business; whether the applicant has ever had a license to conduct business either denied or revoked and, if so, the circumstances of such denial or revocation. ~~**If the applicant is other than an individual, the applicant shall describe its legal structure and, in the case of a partnership, shall state, for each partner, all of the information required for the individuals. If the applicant is a corporation, the applicant shall state the name, all aliases, and the names and residential and business addresses of all directors and officers.**~~ The applicant shall also state the size of the business in terms required by the Municipal Officers, ~~the age of the business,~~ the maximum number of employees, and other information the Municipal Officers deem generally useful for administrative and planning purposes.

The applicant will certify that all personal property taxes assessed against the owner and/or business are paid in full, including any upcoming tax installments; and that a declaration of value was filed with the Tax Assessor for that years April 1 assessment date. (*Amended Annual Town Meeting 06/14/2016*)

902.3 After a completed application is filed with the Clerk, together with the required non-refundable registration fee, the Clerk shall forward **the application** ~~a Notice of Inspection~~ to the Code Enforcement Officer ~~or~~, **Fire Chief or designee** or Harbormaster ~~and the Fire Chief~~ **for compliance review.** The Tax Collector shall verify receipt of **real and** personal property tax payment ~~and the Tax Assessor will verify the filing of the declaration of value~~. An inspection of the business premises **may** ~~shall~~ be conducted by the Code Enforcement Officer and the Fire Chief **or designee** and if these officials find the business and the business premises to be in compliance with all municipal ordinances,

regulations and life safety codes, they shall issue a Certificate. ~~within thirty (30) days of receipt of the application~~. This certificate shall be displayed conspicuously within the business premises at all times.

The certificate, so issued, shall only be evidence of compliance with this Business Registration Ordinance and shall not prevent the Town or others from later asserting noncompliance with other municipal ordinances, regulations or life safety codes. *(Amended Annual Town Meeting 06/14/2016)*

902.4 A copy of the certificate, signed by either the Code Enforcement Officer, Fire Chief **or designee** or the Harbormaster ~~and by the Fire Chief~~, shall be returned to the Clerk and filed with the original application as a permanent record of the Town.

902.5 The Harbormaster shall be the Inspection and Enforcement authority under this Section for all boats and fishing businesses afloat.

902.6 Businesses, which do not provide access to the public, and do not have any employees other than the owners are exempt from the inspection requirements of 902.3, but must register said business with the Clerk.

903 Registration Fee

The registration fee shall be one hundred fifty dollars ($150). Non-profit civil, religious and municipal organizations shall pay no registration fee. The Municipal Officers are authorized to change this fee commensurate to costs of administration. *(Select Board 04/10/2012, Select Board 05/20/2014)*

903.1 If it is determined by the Code Enforcement Officer**, Fire Chief** or **the** Harbormaster ~~or Fire Chief~~ that the business or business premises does not comply with all municipal ordinances and regulations and life safety codes, then the applicant or business owner shall make all necessary changes, modifications or renovations that the Code Enforcement Officer, ~~or~~ Fire Chief or Harbormaster may lawfully require in writing, within a specified time and date determined by the Code Enforcement Officer, Fire Chief or Harbormaster. If the applicant or business owner fails to comply with the lawful requirements of the Code Enforcement Officer, Fire Chief or Harbormaster by the time and date specified by such official, then the business shall be closed to both the public and the business's employees until such compliance. The Code Enforcement Officer**, Fire Chief** or Harbormaster may inspect the business premises at any time after issuance of the certificate to ensure compliance with this Ordinance. If at any time the premises are not in compliance, the certificate may be revoked and the business subject to all remedial actions described herein.

903.2 Businesses ordered closed under this section will be posted as closed by the Code Enforcement Officer, ~~or~~ Fire Chief or Harbormaster, and requests for reinspection shall be treated as a new application.

904 Registration Term

All businesses shall register annually by **June 30th** ~~**May 31**~~. New businesses shall register before the establishment is open to the public and thereafter by **June 30th** ~~**May 31**~~. The Business Registration filing will cover the **upcoming Fiscal Year (July 1 – June 30)** ~~**current calendar year.**~~ *(Amended Annual Town Meeting 06/14/2016)*

905 Business Registration Inspections

905.1 The Code Enforcement Officer, Fire Chief or ~~**his**~~ **designee** may, at any time, inspect every registered business for compliance with Fire Safety related laws, regulations and registration conditions. The business owner or representative shall permit access to the business premises for inspection upon request of the Code Enforcement Officer, Fire Chief or his designee. *(Amended Special Town Meeting 11/04/2014)*

~~**905.2 Purpose**~~

~~**Because of the number of businesses in the Town of Ogunquit affected by this Ordinance, an orderly schedule of inspections must be provided.**~~

~~**905.3 Businesses shall be divided into the following/groups:**~~

~~**Group 1: All new businesses.**~~
~~**Group 2: All existing lodging houses, guest houses, rental cabins, hotels, motels, or all transient housing.**~~
~~**Group 3: All existing restaurants and retail businesses, which sell food or food products.**~~
~~**Group 4: All other business not described in Groups 1, 2, and 3, including non-profit organizations.**~~

905.**2**~~**3**~~ Time Compliance

Repealed at Special Town Meeting, November 4, 2014.

905.**3**~~**4**~~ Appeals

Appeals from the decision of the Code Enforcement Officer, ~~**or**~~ Fire Chief or Harbormaster shall be to the Municipal Officers and from the Municipal Officers to Superior Court in accordance with Maine law. The Municipal Officers shall have the following powers and duties:

To hear and decide where it is alleged that there is an error in the order, requirement, decision, or determinations made, or not made, by the Code Enforcement Officer, ~~or~~ Fire Chief or Harbormaster in the administration or enforcement of this Ordinance. The action of the Code Enforcement Officer, ~~or~~ Fire Chief or Harbormaster may be modified or reversed by the Municipal Officers by majority vote of those present and voting; however, there shall be no appeal to the Municipal Officers from any order or decision of the Code Enforcement Officer or Fire Chief which is required by the Life Safety Code and the State of Maine Plumbing Code.

906 Enforcement

The Clerk shall notify the Code Enforcement Officer~~,~~ in writing~~, and by group,~~ after May 31, but before the end of the last working day in June, each year, of the businesses described in Section 901.3.1 ~~and 905.2~~ that are not in compliance with this Chapter.

The Code Enforcement Officer or Harbormaster shall issue citations for violations of this Chapter. If after thirty (30) days a business owner does not take action to sure the violation alleged by the citation, the Police Chief is authorized to summon the applicant or the business owner to court. Businesses, which have not complied with the provisions of this Ordinance, are subject to injunctions as well as monetary penalties.

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Yes	**437 (Passed)**
No	309
Blanks	111

Article 5: Shall an ordinance entitled **"Amendment to the Ogunquit Zoning Ordinance Article 2, Definitions - Expansion of a Structure"** be enacted? [***Note:*** *Copies of the proposed ordinance amendments are available in the Town Clerk's Office.]*

Amendment to the Ogunquit Zoning Ordinance
Article 2 Definitions - Expansion of a Structure

Note*: The symbol "*****" indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity.* ***Underline*** *indicates proposed language to add, and* ***~~strikeout~~*** *indicates proposed removals of language.*

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Expansion of a Structure

An increase in the footprint **or height** of a structure, including all extensions such as, but not limited to: attached decks, garages, porches, and greenhouses. (Amended 11/4/08, Effective 4-1-09, Amended 6-12-18)

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Yes 465 (Passed)
No 292
Blanks 100

Article 6: Shall an ordinance entitled **"Amendment to the Ogunquit Zoning Ordinance, Article 6, Section 6.6.E.4 - Establishing a time frame within which a denied application may return to the Planning Board"** be enacted?

Amendment to the Ogunquit Zoning Ordinance Article 6 Section 6.6.E, Establishing a time frame within which a denied application may return to the Planning Board

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4. If the Planning Board denies an application another application of a similar nature shall not be brought before the Board within 1 year from the date of the denial, unless in the opinion of a majority of the Board, substantial new evidence will be brought forward that makes the revised application different based on the initial decision to deny the application.

Yes 495 (Passed)
No 256
Blanks 106

Article 7: Shall an ordinance entitled **"Amendment to the Ogunquit Zoning Ordinance Article 6, Section 6.6.E.5 to establish a time frame by which an active application may remain in tabled status"** be enacted?

Amendment to the Ogunquit Zoning Ordinance Article 6 Section 6.6.E to establish a time frame by which an active application may remain in tabled status

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5. The Planning Board shall, within 30 days of finding the application complete, hold a Public Hearing. If no decision is made concurrent to the Public Hearing, the application may not be tabled for longer than 60 days unless there is additional time mutually agreed to by the Planning Board and the Applicant. Should the parties be unable to reach an agreement the Application shall be deemed to be denied.

4**6**. An appeal may be taken to Superior Court within 30 days after a decision is rendered.

Yes **541 (Passed)**
No 202
Blanks 114

Article 8: Shall an ordinance entitled **"Amendment to the Ogunquit Zoning Ordinance Article 9.15.P.6 - Shoreland Zoning Standards"** be enacted?

Amendment to the Ogunquit Zoning Ordinance Article 9.15.P.6
Shoreland Zoning Standards

*Note: The symbol "*****" indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity.* ***Underline*** *indicates proposed language to add, and* ~~***strikeout***~~ *indicates proposed removals of language.*

6. An excavation contractor conducting excavation activity within the shoreland zone shall ensure that a person certified in erosion control practices by the Department of Environmental Protection is responsible for management of erosion and sediment control practices at the site and is present at the site each day earth-moving activity occurs for a duration that is sufficient to ensure that proper erosion control practices are followed. This requirement applies until erosion control measures that will permanently stay in place have been installed at the site or, if the site is to be revegetated, erosion control measures that will stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion have been installed.

For the purposes of this Article "excavation contractor" shall mean an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in the business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

This Article does not apply to: activities resulting in less than one cubic yard of earth material being added or displaced; a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, State and federal employees engaged in projects associated with that employment.

Yes **527 (Passed)**
No 215
Blanks 115

Article 9: Whereas Article 70 of the June 13, 2018 Annual Town Meeting authorized a Capital Improvement Project for repair of the Wharf Lane Footbridge in an amount if $30,000.00; and,

Whereas on May 15, 2018 the Select Board approved the use of up to $35,000.00 from the Natural Disaster Emergency Repair Fund for the immediate Repair of the Wharf Lane Footbridge; and

Whereas, the repair work was completed for a cost of $28,550.00,

Now, therefore, the Capital Improvement Project approved in Article 70 of the June 13 Annual Town Meeting is hereby abandoned and $28,550.00 of the authorized $30,000.00 shall be transferred to the Natural Disaster Emergency Fund to make it whole for the funds authorized and expended; and $1,450.00, the balance of the authorized amount, shall be returned to the General Fund?

Yes	**709 (Passed)**
No	75
Blanks	73

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I, Cheryl Emery, Moderator of the Town of Ogunquit, hereby certify that ballots cast at the Special Town Meeting/Referendum Election held on November 6, 2018 were counted and tabulated as above.

Cheryl Emery, Moderator

Date: 11-16-2018

State of Maine
County of York, ss

UNDER THE SEAL OF THE TOWN ATTEST:
A TRUE COPY

Office of the Town Clerk
Town of Ogunquit, Maine