

**WARRANT RETURN
FOR THE
2013 SPECIAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT**

The Special Town Meeting was called to order on November 5, 2013, by Town Clerk Christine Murphy, with the Reading of the Call, Return and First Article. The polls were declared open at 8:00AM.

Cynthia Douglass, Blanche Feinberg, Kay Hamlin, Frederica Hart, Leila Kupper and Tracey-ann Leach served as Ballot Clerks/Counters. A total of 395 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 L. Emery was elected as Moderator.

ARTICLE 2: Shall the Town vote to approve the proposed Charter amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

ARTICLE III - SELECTBOARD

SECTION 310 - POWERS OF THE BOARD

310.16 The Select Board shall issue a written ~~M~~mid-~~Y~~year ~~R~~report each ~~February~~ January updating the citizens of the Town on the Articles passed at the last Annual Town Meeting and any subsequent Special Town Meetings. This report shall also summarize the ~~include any~~ important activities and issues currently before the Select Board. The Mid-Year Report ~~Annual Report~~ shall cover the first six (6) months of the current Fiscal Year.

Notice of this report shall be given seven (7) calendar days prior to its issuance. Notice shall be posted in three (3) conspicuous places and on the community public access channel (WOGT). This "Town State of Ogunquit Mid-Year Report" shall be posted on the town website (townofogunquit.org) and copies shall be available in Town Hall. The first item on the agenda at the Select Board's meeting following the "Mid-Year Report" shall be a public forum for questions and comments. ~~For the purpose of this Charter, the Annual Report shall be considered the "Year End Report"~~.

YES 363 NO 22

ARTICLE 3: Shall the Town vote to approve the proposed Charter amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

ARTICLE III — SELECTBOARD

SECTION 310 - POWERS OF BOARD

310.19 Provide oversight, liaison and leadership to the volunteer committees and advisory groups that serve at the Board's pleasure. No Select Board member shall serve as a voting member of a committee or advisory group.

YES 331 NO 54

ARTICLE 4: Shall the Town vote to approve the proposed Charter amendment printed below? [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 Charter, which is not proposed to be changed, is not shown below, in order to save space].

ARTICLE V - FINANCIAL PROCEDURES

SECTION 504 - REVENUE AND EXPENDITURES

This transfer is limited to an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00) ~~Ten Thousand Dollars (\$10,000.00)~~ for any one department and not to exceed 1% (One Percent) of the total municipal operating budget ~~Fifty Thousand Dollars (\$50,000.00)~~ for the departments overall. Amounts above these limits require approval at a Special Town Meeting.

YES 282 NO 100

ARTICLE 5: Shall the Town vote to approve the proposed Charter amendment printed below? [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 Charter, which is not proposed to be changed, is not shown below, in order to save space].

SECTION 506 - INDEPENDENT ANNUAL AUDIT

This information shall be published in the Annual Report which shall be made available to the voters within 90 days of the close of the Town's Fiscal Year. Extensions to this time line due to mitigating circumstances may be voted by an affirmative vote of the Select Board. In any case, the Annual Report must be available to the public ninety (90) days fifteen (15) days prior to the Annual Town Meeting.

YES 354 NO 28

ARTICLE 6: Shall an ordinance entitled, "**An Ordinance to amend Title XII of the Ogunquit Municipal Code, Article 2**", as shown below be enacted? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~. A copy of Maine Uniform Building and Energy Code is and shall remain on file with the municipal clerk and is available for public use, inspection and examination.]

ARTICLE 2 - APPLICABLE CODES

2.1 ADOPTION BY REFERENCE

~~The following codes are hereby adopted by reference in accordance with the provisions of Title 30-A M.R.S.A. Section 3002.3, to include the insertions and deletions noted as amendments herein:~~

- a. ~~The 2000 International Building Code, as published by the International Code Council, Inc., First Printing, with the following amendments:~~
 - 1) ~~Section 101.1, Insert "the Town of Ogunquit"~~
 - 2) ~~Section 101.4.1, Delete "ICC Electrical Code" and replace with "applicable regulations set forth in the National Electrical Code, National Electrical Safety Code or electrical provisions of other safety codes which have been approved by the American Standards Association in accordance with Title 30-M.R.S.A. Section 4161"~~
 - 3) ~~Section 101.4.2, Delete entire text~~
 - 4) ~~Section 101.4.3, Delete entire text~~
 - 5) ~~Section 101.4.4, Delete "International Plumbing Code" and replace with "State Plumbing Code - Internal Plumbing (144 CMR 238)"; and delete "International Private Sewage Code" and replace with "Maine Subsurface Waste Water Disposal Rules (144A CMR 241)"~~

- 6) — Section 101.4.5, Delete entire text
- 7) — Section 101.4.6, Delete entire text
- 8) — Section 101.4.7, Delete entire text
- 9) — Section 103, Delete entire text
- 10) — Section 105.2, Delete “Building” items 1, 2, & 12
- 11) — Section 105.2.3, Delete entire text
- 12) — Section 107.3, Delete “ICC Electrical Code” and replace with “applicable regulations set forth in the National Electrical Code, National Electrical Safety Code or electrical provisions of other safety codes which have been approved by the American Standards Association in accordance with Title 30-A M.R.S.A. Section 4161”
- 13) — Section 108.4, Delete “building official” and replace with “Board of Selectmen as set forth in Section 1.10 of this Ordinance”
- 14) — Section 108.6, Delete entire text and replace with “No refunds shall be issued following the review of the submitted plan unless exceptional circumstances so warrant as may be determined by the Building Official”
- 15) — Section 109.3.5, Delete entire text
- 16) — Section 109.3.7, Delete entire text
- 17) — Section 110.2, Delete entire text
- 18) — Section 110.3, Amend existing text to read: “After the building official inspects the building or structure and finds no violations of the provisions of this code or other applicable laws that are enforced by the department of building safety the building official shall have ten (10) days to issue a certificate of occupancy that shall contain the following:”
- 19) — Section 112.1, Amend existing text to read: “The Zoning Board of Appeals shall act as the Building Code Board of Appeals in order to hear appeals of orders, decision or determinations made by the building official relative to the application and interpretation of this code., there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business. Appeals to the Zoning Board of Appeals shall be submitted as otherwise set forth in the Ogunquit Zoning Ordinance in accordance with the Board's rules and regulations as set forth in its By-Laws, subject to the payment of any fees as may be determined by the Board of Selectmen.”
- 20) — Section 112.3, Delete entire text
- 21) — Section 1009.2, Delete the subsection entitled “Exception”
- 22) — Chapter 11, Delete entire text
- 23) — Chapter 13, Delete entire text
- 24) — Section 1612.3, Insert “Town of Ogunquit and July 15, 1992”
- 25) — Chapter 27, Delete entire text
- 26) — Chapter 28, Delete entire text
- 27) — Chapter 29, Delete entire text

- 28) — Chapter 30, Delete entire text
- 29) — Chapter 32, Delete entire text
- b. — The **2000 International Residential Code for One and Two Family Dwellings**, as published by the International Code Council, Inc., Fourth Printing, with the following amendments:
- 1) — Section R101.1, Insert “*the Town of Ogunquit*”
 - 2) — Section R102.7, Delete “the International Property Maintenance Code or the International Fire Code”
 - 3) — Section R103, Delete entire text
 - 4) — Section R105.2 Delete “Building” items 1,2, & 9
 - 5) — Section R105.2.3, Delete entire text
 - 6) — Section R105.3.1, Amend existing text to read “...the building official shall issue a permit therefore as soon as practicable *within ten (10) days.*”
 - 7) — Section R107.3, Delete “ICC Electrical Code” and replace with “*applicable regulations set forth in the National Electrical Code, National Electrical Safety Code or electrical Provisions of other safety codes which have been approved by the American Standards Association in accordance with Title 30-A M.R.S.A. Section 4161*”
 - 8) — Section R108.5, Delete entire text and replace with “*No refunds shall be issued following the review of the submitted plan unless exceptional circumstances so warrant as may be determined by the Building Official.*”
 - 9) — Section R110.2, Delete entire text
 - 10) — Section R110.3, Amend existing text to read: “After the building official inspects the building or structure and finds no violations of the provisions of this code or other *applicable* laws that are enforced by the department of building safety, the building official shall *have ten (10) days to* issue a certificate of occupancy that shall contain the following:”
 - 11) — Section R112.1, Amend existing text to read: “*The Zoning Board of Appeals shall act as the Building Code Board of Appeals* in order to hear appeals of orders, decision or determinations made by the building official relative to the application and interpretation of this code., there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and finding in writing to the appellant with a duplicate copy to the building official. *Appeals to the Zoning Board of Appeals shall be submitted as otherwise set forth in the Ogunquit Zoning Ordinance in accordance with the Board's rules and regulations as set forth in its By-Laws, subject to the payment of any fees as may be determined by the Board of Selectmen.*”
 - 12) — Section R112.2.1, Delete entire text
 - 13) — Section R112.2.2, Delete entire text
 - 14) — Section R112.3, Delete entire text
 - 15) — Section R112.4, Delete entire text

~~16) Section R31 0.1.1, Delete the subsection entitled "Exception"~~

~~17) Chapters 10 thru 42, Delete entire text~~

~~e. The NFPA 101 Life Safety Code, as published by the National Fire Protection Association, 2000 Edition.~~

~~d. The NFPA 1 Fire Prevention Code, as published by the National Fire Protection Association, 2000 Edition.~~

"Maine Uniform Building and Energy Code (MUBEC), as adopted on October 11, 2010 by the Maine Department of Public Safety's Building Codes and Standards Board, be adopted by reference, as authorized by 10 M.R.S.A, section 9724 (1-A) and 30-A M.R.S.A., section 3003. The penalty for violation of any provision of MUBEC shall be as provided by 30-A M.R.S.A., section 4452.

YES 277 NO 68

ATTEST:

A TRUE COPY _____

Town Clerk/Date: