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Debby Willis, Chairperson
Angelia Christopher, Administrative Assistant

ORDINANCE REVIEW COMMITTEE MEETING

Monday June 15, 2020@ 5:00 PM
VIA Virtual Conferencing

**In accordance with An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency, as enacted to read: Sec. G-1 1 MRSA §403-A Public proceedings through remote access during declaration of state of emergency due to COVID-19*

- 1.) **Call the meeting to order-** Chair Willis called the meeting to order at 5:06 pm
- 2.) **Roll Call-** Chair Debby Willis, Rusty Greenleaf, Clare Marron, Lester Young, Louis Sigel-absent Mayor Pat Hart. Also present Mark Eyerman- City Planner, Tracey Desjardins-Economic Development Director, Kris McNeill- Code Enforcement Officer, Angelia Christopher- Planning and Development Assistant
- 3.)
- 4.) **Review of February 24, and May 18, 2020 meeting notes-** Chair Willis asks if we have any comments, questions, or corrections for either set of notes. No. She asks for a motion. Rusty Greenleaf makes a motion to approve both sets of meeting notes. Kris McNeill makes the second motion. Chair Willis asks for a Roll Call vote. Debby Willis- yes, Rusty Greenleaf-yes, Clare Marron-yes Lester Young-yes, Louis Sigel-yes all in favor.
- 5.) **Discussion on the regulation of dogs and other household pets-** Mark Eyerman goes over the memo he sent out to the committee. There is a provision referring to dogs in section 7 in the Code of Ordinance. The problem is that ordinance is very vague and often hard to interpret. There are some things that Kris will deal with under the Land Use Ordinance, such as issues with kennels, and there are issues that PD will deal under Section 7 of the City Code with such as barking dogs, dogs at large, etc. Farmington has a good ordinance that is full of detail. Such an ordinance would enable the City to develop more define rules a log, which would track offenders/ offenses. These measures in place would help to take out some of the uncertainty of the rules. Chair Willis asks members if they have read the Farmington ordinance. Do the members think the Farmington ordinance is a good place to start? Most agree that it is. Mark will

use this as a springboard for developing the new Gardiner Ordinance. The overall goal when we get complaints is for voluntary compliance, and try not to do many citations. If the committee is comfortable, Mark will work with some of the information in the Farmington Ordinance and some of the suggestions from the Chief, and come up with a draft to review at the July meeting. Whatever Ordinance we come up with will have to go through the DA's office for approval before it is finalized.

Dennis Doiron is here to speak. The current ordinance is outdated, and ambiguous. Dennis Doiron asks that the Committee consider leaving some flexibility for unusual circumstances.

Kennels-Definition for kennel currently reads: Any place, building, tract of land, abode, enclosure, or vehicle where 3 or more dogs or 3 or more cats, owned singly or jointly, are kept for any purpose, including but not limited to breeding, hunting, show, field trials or exhibition, or where one or more dogs or other pets are kept for their owners in return for a fee. This definition shall not apply to dogs or cats under the age of 6 months.

Kennels are currently allowed in Rural and Planned development. Les feels there needs to be a limit on the number of dogs that can be kept at a residence.

Several board members state that some dogs are so well behaved; you cannot even tell they are there. Some, not so much. It can be hard to determine what is ok and what is not. There is a discussion about dogs being left outside after dark, because there is a risk that they can start barking and become disruptive. Kris feels that setting limits on how many dogs a person can have is unfair, and does not agree with the nighttime possible rule either because he feels it is not enforceable and too restrictive. The topic of enclosures is brought up- there have been some very unsafe models around town. A tire with a rope around a dog's neck, etc. Clare Marron points out that this is something that needs to be discussed because it is problematic when dogs are not contained the way they need to be. Kris feels that this is addressed in the Code under control.

Chair Willis asks Mark if he has enough to start working on this ordinance. Mark agrees that he has plenty of material to start working with. He will look into the Animal Welfare laws and see what he can come up with for the July meeting. Les asks if Gardiner has ever had any issue with vicious dogs. There was an attack a couple of years ago. He asks if we need provisions for vicious dogs. Chair Willis states that Gardiner does not have provisions for Breed control. Dennis asks that the City consider non-profit rescue operations as commercial. Such operations can get very large, very quickly and need to be monitored.

The topic of no dogs in the front yard will be challenging and Kris feels difficult to enforce. Chair Willis feels it will not be difficult to enforce but it will be difficult to tell citizens about the rule. Every dog is different, and it will come down to how disruptive the animal is. Telling people that they have to have a fence can end up being intrusive. The City needs to be careful about putting too many restrictions on, and making residents feel unwelcome.

Kris offers his opinion that any issue that comes up in regards to dogs, need to be addressed as they come up. Whether it be a noise issue, barking dog issue, or a dangerous dog issue, when an issue with a dog comes up, that is when we deal with it. We don't regulate how many dogs you have, what time of day they go out, whether or not if you have a fence, what type of fence, or where the dog is on your property. If there is a problem, the Code will address it, not the Land Use Ordinance.

Dennis feels that dog kennel structures are meant for leaving dogs out all day, and be protected. He feels that this type of fencing, (chain link) should not be in front yards, should be subject to setbacks and also should be well screened. Kris brings up the fact that some people have fenced in yards for other reasons, gardens, etc. It would be unfair, to set a rule about front yard fencing,

when it does not always apply to dogs. Therefore, something to consider is where, and what kind of material would be acceptable fencing.

Mark will work on these, and present a draft at the July meeting.

6.) Finalize recommendations for Marijuana Facilities License Fees- Mark Eyerman

reviews the memo that he sent out. He states that City Council wanted changes made such as Amending the Marijuana Establishment Licensing Ordinance and replacing it with a fee schedule. This amendment should be adopted only when the City Council has adopted the fees as part of the fee schedule.

- Adopt the fees that are in the licensing ordinance as part of the City's fee schedule. After reviewing those fees with other communities, the overall belief is that those fees are fair and reasonable.
- To account for situations where more than one licensed facility is located on the same lot, the Committee recommends that the total licensing fee paid for all marijuana facilities located on the same lot be capped at \$2,500.

–City staff notes that we are being bombarded with calls about starting marijuana businesses in Gardiner. After a second look, our fee structure is very reasonable compared to other communities. IS ORC ready to send this to City Council? Rusty Greenleaf moves that we send it to City Council. Louis Sigel seconds the motion. Debby Willis- yes, Rusty Greenleaf-yes, Clare Marron-yes Lester Young-yes, Louis Sigel-yes all in favor. Roll call, all in favor. Chair Willis says that she can handle this at City Council, and Mark Eyerman will not have to be there. Will have to do public hearing, it is an amendment to ordinance 2 readings.

Kris makes a comment- we had discussed a zone for cultivation PIC. We can discuss later

7.) Consider the treatment of Tiny Homes – We will be discussing this at a later date.

8.) . Establish a density standard for multifamily housing in the SLR –We will be discussing this at a later date

9.) Review draft of a property maintenance code -Jon Pottle reviewed and marked up a few things. Kris is good w/most of the changes that Jon Pottle made, however he feels that a couple areas are a little more restrictive than he wanted to be. Kris' intentions with this Code was to have something in place to help him, keep landlords and property owners, in check with their buildings. He also feels that the section about roofing, fences, wall surfaces needing to be painted will be hard to enforce, Mark feels this is a policy issue and how far we want to go. Debby asks him to finalize this draft for the next meeting; Kris should make changes/comments, and send it back to Mark for adjustments. City Council had said that that this ordinance was too restrictive at first. They are more concerned with safety than aesthetics.

10.) Next meeting –next ORC meeting is scheduled for July 20, 2020 at 5pm -

11.) Adjourn- Chair Willis asked for a motion to adjourn. Rusty Greenleaf made a motion to adjourn. Lester Young seconded the motion. All in favor to adjourn at 6:40 pm.