

**AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
October 3, 2023
6:30PM
Burleigh Loveitt Council Chambers**

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the September 5, 2023 Regular Town Council Meeting and the September 5, 2023 Special Town Council Meeting.

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

**Public hearing #1
On Item #2023-10-1**

Public hearing to hear comment on a proposal to issue a renewal Medical Marijuana License to Nicholas Wilson, Forest City Organics, 11 Gorham Industrial Parkway. Property owned by Jack McInerny. (Admin. Spon.)

**Proposed
Order #23-144**

Ordered, that the Town Council issue a renewal Medical Marijuana License to Nicholas Wilson, Forest City Organics, 11 Gorham Industrial Parkway. Property owned by Jack McInerny. The granting of this License is subject to the following conditions of approval:

Licensee's full compliance with all requirements contained in the Administrative Consent Agreement by and between the Licensee and the Town, dated June 9, 2021, which administrative Consent Agreement is incorporated into this License by reference.

**Public hearing #2
On Item #2023-10-2**

Public hearing to hear comment on a proposal to issue a renewal Liquor License to MakeDough LLC, DBA Otto Pizza. (Admin. Spon.)

**Proposed
Order #23-145**

Ordered, that the Town Council issue a renewal Liquor License to MakeDough LLC, DBA Otto Pizza, 109 Main Street, Unit C.

**Public hearing #3
On Item #2023-10-3**

Public hearing to hear comment on a proposal to issue a Large Outdoor Event License to Daniel Walker for an event at Raceway Drive on October 28, 2023. (Admin. Spon.)

**Proposed
Order #23-146**

Ordered, that the Town Council issue a Large Outdoor Event License to Daniel Walker for an event at Raceway Drive on October 28, 2023.

**Public hearing #4
On item #2023-10-4**

Public hearing to hear comment on renewal applications for Automobile Graveyards/Junkyard Permits for 2023-2024. (Admin. Spon.)

**Proposed
Order #23-147**

Ordered, that the Town Council issue renewal Automobile Graveyards/Junkyard Permits for 2023-2024 to the following:

**Steve Luce, LKQ Corp/Gorham Auto, 192 Narragansett Street
Casco Federal Credit Union, 375 Main Street
Gary Nelson, Chet's Auto Sales, 475 Ossipee Trail
Gordon Reichert, Reichert's Auto Body, 112 Shaws Mill Road
Shawn Moody, Moody's Coworker Owned, 200 Narragansett Street
John Dumbrocyo, Dumbo Enterprises, 86 Longfellow Road**

Public hearing #6
On Item #2023-10-5

Public hearing to hear comment on a proposal to amend the Fire Suppression Systems Ordinance. (Ordinance Com. Spon.)

Proposed
Order #23-148

Ordered, that the Town Council amend the Fire Suppression Systems Ordinance as follows:

ARTICLE II. Definitions and Requirements:

Section 5.

9. An "Accessory Apartment" shall mean a separate dwelling unit that has been added on, or created within, a lot with a single family dwelling unit for the purpose of providing separate living accommodations.

ARTICLE VII. SPRINKLER/SUPPRESSION SYSTEMS FOR ONE AND TWO FAMILY HOMES:

Section 1.

B. Exemptions

2. An Accessory Apartment that is 800 square feet or less shall be exempt from the requirements of the Fire Suppression System Ordinance.

Additions: Underlined

Public hearing #7
On Item #2023-10-6

Public hearing to hear comment on a proposal to amend the Animal Control Ordinance. (Ordinance Com. Spon.)

Proposed
Order #23-149

Ordered, that the Town Council amend the Animal Control Ordinance as follows:

TOWN OF GORHAM
ANIMAL CONTROL ORDINANCE

Adopted - April 7, 2009

Effective - May 7, 2009

Amended – March 2, 2010

Amended – October 3, 2023

TOWN OF GORHAM ANIMAL CONTROL ORDINANCE

Section 1. Purpose

1.1 The purpose of this ordinance is to require that all animals in the Town of Gorham be kept under the control of their owner ~~or keeper~~ at all times so that they will not injure persons or other animals, damage property or create a public health threat.

1.2 The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

Section 2. Authority.

2.1 This ordinance is enacted pursuant to ~~Title 30-A, M.R.S.A., Section ., Chapter 141 and 7 M.R.S., Chapter 725.~~

Section 3. Severability Clause.

3.1 If any part of this ~~Ordinance~~ shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ~~Ordinance~~.

Section 4. Definitions

4.1 ~~ABANDONED ANIMAL:~~
An animal that has been deserted by its owner ~~or keeper~~.

4.2 ~~ANIMAL:~~
Every living, sentient creature not a human being.

4.3 ~~ANIMAL CONTROL:~~
Control of dogs, cats and other domesticated animals.

4.4 ~~ANIMAL CONTROL OFFICER:~~
Any person appointed by the Town of Gorham to enforce animal control laws.

4.5 ~~ANIMAL SHELTER:~~
~~A facility that includes a physical structure, or part of a physical structure, that provides temporary or permanent shelter to stray, abandoned, abused or owner surrendered animals.~~

4.6 ~~AT LARGE:~~
Off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.

4.7 ~~6~~ **DOG:**

Any of large and varied groups of domesticated animals in the canine family.

4.87 DOMESTICATED ANIMAL:

Any animal that is normally dependent on humans for food or shelter, including, but not limited to, horses, swine, fowl, sheep, cattle, goats, dogs, deer, buffalo, wildlife hybrids, and other similar animals.

4.9-8 LEASH:

Hand held device, 30 feet or less in length, which can be used to restrain a dog. A leash must be used if the dog fails to respond to voice commands ~~or~~, if the owner ~~or responsible party~~ is ordered by the Animal Control Officer or a law enforcement officer to leash the dog, and at all times when this ~~Ordinance~~ordinance requires dogs to be leashed.

4.10-9 OWNER:

Any person ~~or persons, firm, association or corporation~~ owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.

4.11. RESPONSIBLE PARTY:

~~As used in this ordinance, the term “responsible party” means any person who has possession or custody of a domestic animal.~~

~~4.12.~~

4.10 MUNICIPALLY-OWNED RECREATIONAL FACILITY:

Any municipally-owned athletic field, court, playground, skate park, or similar and like facility used for recreational purposes, but not including any municipally-owned trails.

4.11 VOICE CONTROL:

As used in this ordinance, the term “voice control” means that the dog returns immediately to and remains by the side of the ~~responsible party~~owner in response to the ~~responsible party’s~~owner’s verbal command. If a dog approaches or remains within 10 feet of any person other than the ~~responsible party~~owner, that dog is not under voice control and a violation of this ~~Ordinance~~ordinance occurs unless such person (or in the case of a minor child, an adult present with the child) has clearly communicated to the ~~responsible party~~owner by spoken word or gesture that such person consents to the presence of the dog.

Section 5. Animal Control Officer

5.1 A qualified person may be employed by the police department ~~who~~and shall be known as and perform the duties of Animal Control Officer. The Animal Control Officer shall be principally responsible for the enforcement of all laws and ordinances related to dogs, cats, and other domesticated animals. ~~However, all~~Any qualified law enforcement ~~officers~~officer may also perform any duty of the Animal Control Officer or take other action to enforce this ordinance in place of or in addition to the Animal Control Officer.

Section 6. Disposition of Impounded Animal

6.1 An owner ~~is entitled to resume~~may regain possession of any impounded animal provided that~~once~~ all provisions of this ordinance have been met, and ~~that~~ all impoundment fees due under

~~the provisions of~~ this ordinance have been paid. Any animal not claimed within fourteen (14) days after the owner has been notified may be classified as an abandoned animal, and the animal's owner ~~may be subjected~~ will remain subject to all ~~civil~~ penalties authorized by this ordinance.

Section 7. Impoundment Fee

7.1 An owner may reclaim an impounded animal by first paying a fee of ~~\$30.00~~ (thirty dollars) (\$30.00) for each animal impounded. All fees will be deposited in the separate account required by ~~Title 7; M.R.S.A. §~~ 3945.

Section 8. Animal Noise

8.1 Except as provided in ~~subparagraph (subsections 8.2) and (through 8.3)~~ 4 below, no owner shall permit or allow any animal to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 10 minutes or more, or recur intermittently for one hour or more.

8.2 ~~Section 8~~ It shall not apply ~~be considered a violation of subsection 8.1 if~~ any animal is provoked by trespassing ~~people~~ persons or animals on private property on which the animal is situated, or by other legitimate cause for provocation.

8.3 ~~Section~~ Subsection 8.1 shall not apply to farm animals kept on a property located in the Rural or Rural-Manufactured Housing Districts under the Gorham Land Use and Development Code. In all other zoning districts, ~~Section~~ section 8 shall not apply to farm animals kept on a property, a use of which is, the commercial production of farm products and is either a conforming use or a lawful nonconforming use under the Gorham Land Use and Development Code. For purposes of this ~~exceptions~~ subsection, dogs are not "farm animals" ~~and kennels are not~~ "farms."

8.4 Subsection 8.1 also shall not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of dangers to the livestock. For purposes of this subsection, "livestock" means cattle; equines; sheep; goats; swine; domesticated cervids, fowl and rabbits; members of the family Camelidae, genus lama and genus vicugna; bison; and ratites.

Section 9. Control of Animal Waste

9.1 An owner must remove and dispose of any feces left by their animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) and deposit such feces into appropriate litter receptacle. An owner whose animal is present on any property from which the animal's feces is required to be removed pursuant to this section must have in his or her possession a plastic bag or similar utensil not part of the human body for collecting and removing the feces. This regulation shall not apply to any person who, by reason of physical handicap, is unable to comply with the requirement.

Section 10. Dangerous or Nuisance Dogs

10.1 Any person who is assaulted or threatened with bodily injury by a dog ~~or~~, any person witnessing an assault or threatened assault against a person or domesticated animal by a dog, or ~~any~~ any person with knowledge of an assault or threatened assault against a minor, ~~within thirty days of the assault by a dog~~, may make a written complaint within thirty (30) days to the Animal Control Officer that the dog is a dangerous or nuisance dog. The Animal Control Officer may issue a civil violation ~~citation~~ summons for keeping a dangerous or nuisance dog pursuant to 7 M.R.S.A. ~~§ §~~ § 3952-~~A~~.

10.2 After issuing the ~~citation~~ summons under subsection 10.1 and before hearing in court, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner's premises, ~~or to~~ may have the dog confined at the owner's expense at a place determined by the Animal Control Officer. If the owner fails to comply with such order, the Animal Control Officer may apply to the District Court, Superior Court or a Justice of the Peace pursuant to 7 M.R.S.A. ~~§ §~~ § 3952-~~A~~ for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

Section 11. Trespass

11.1 An owner of an animal may not allow that animal to enter onto the property of another after the owner has been warned by the Animal Control Officer ~~or a law enforcement officer~~ that the animal was found on the property of another.

11.2 The owner of an animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer, ~~may~~, at the owner's expense, remove and ~~control~~ impound the animal ~~if~~: the owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing; ~~or~~ if the animal is an immediate danger to itself, to persons or to another's property. Any animal so removed shall be subject to impoundment under the provisions of sections 6 and 7.

~~A. Any animal so removed shall be subject to the provisions of Sections 6 and 7, in the same manner as an at large dog.~~

Section 12. Dogs at Large, Prohibited in Cemeteries and Athletic Fields

12.1 It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner of any dog found at large shall be subject to the ~~civil~~ fees and penalties provided in this ordinance.

12.2 It shall be unlawful for any owner to allow or permit any dog, whether on a leash, under voice control or ~~roaming~~ at large ~~or unrestricted~~, to enter any cemetery or municipally-owned ~~athletic field~~ recreational facility in the Town of Gorham, except that a service animal providing assistance to a person with ~~disabilities~~ a disability may enter a cemetery or ~~athletic field~~ municipally-owned recreational facility.

Section 13. Tags and Stickers License Required

13.1 No dog shall be kept within the limits of the Town of Gorham unless such dog is licensed by its owner in accordance with Maine ~~Law~~law. The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under 7 M.R.S. ~~A. §~~ § 3922-B.⁴

Section 14. Rabies Tags

14.1 Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training ~~or~~, in an exhibition or on the premises of the owner. When the dog is hunting, in training or in an exhibition, its owner ~~Amended March 2, 2010~~ shall produce proof of licensure and proof of rabies immunization within twenty four (24) hours upon request by the Animal Control Officer.

Section 15. Public Health Threat

15.1 The owner ~~or keeper~~ of an animal that may have been exposed to a contagious or viral disease may be served with a quarantine notice. The owner ~~or keeper~~ shall confine and control the animal in accordance with the instructions in the notice. Failure to comply with the notice will be considered a violation of this ordinance and may result in a court ordered seizure of the quarantined animal. The owner ~~or keeper~~ may also be subject to the penalties found in ~~Section~~section 16.

Section 16. Violation and Penalties

16.1 Except as otherwise provided by State law, anyone ~~found~~ guilty of violating any provisions of ~~sections 8, 10 or 11 of this Ordinance~~ordinance shall be ~~subjected~~subject to a fine of not less than one hundred ~~and fifty~~ dollars (\$~~100~~150) nor more than one thousand dollars (\$1,000). ~~Such fine is due and payable to be recovered for the use of the Town of Gorham and shall be subjected to such other legal and equitable remedies as may be recoverable through any and all means available to the Town by law.~~ Each day such ~~a~~ violation continues shall be deemed ~~to be~~ a new offense. ~~The fines and fees included in this ordinance are in addition to any other penalties provided by law.~~

~~6~~

16.2 ~~Except as otherwise provided by State law, anyone guilty of violating any provisions of sections 9 or 12 of this ordinance shall be subject to a fine of not less than one hundred dollars and fifty (\$150) for the first violation and a doubling of the fine for each violation after the first in the same calendar year. Such fine is due and payable to the Town of Gorham and is recoverable through any and all means available to the Town by law. The fines and fees included in this ordinance are in addition to any other penalties provided by law.~~

Item #2023-10-7

Action to consider authorizing the sale of a tax acquired property on Dow Road. (Councilor Philips Spon.)

**Proposed
Order #23-150**

Ordered, that the Town Council authorizes the Town Manager to list 2.25 acres of tax acquired property at 155 Dow Road with a realtor; and

Be It Further Ordered, that the Town Council approves the final sale of the property.

Item #2023-10-8

Action to consider instructing staff to review the possibility of creating additional Town Committees. (Councilor Siegel Spon.)

**Proposed
Order #23-151**

Ordered, that the Town Council instructs staff to review and bring back recommendations to the Town Council on creating new appointed committees to assist with current and future community needs.

Item #2023-10-9

Action to consider authorizing the placement of a bench in recognition of the Gorham Lions Club at Fort Hill Park. (Councilor Siegel Spon.)

**Proposed
Order #23-152**

Ordered, that the Town Council authorizes staff to work with the Gorham Lions Club to place a bench at Fort Hill Park; and

Be It Further Ordered, that the Town Council thanks the members of the Gorham Lions Club past and present for their volunteerism in the community.

Item #2023-10-10

Action to consider establishing a Fiscal Sustainability Committee with the Gorham School Department. (Councilor Pratt Spon.)

**Proposed
Order #23-153**

Ordered, that the Town Council authorizes the Town Manager to work with the School Superintendent on establishing a joint Fiscal Sustainability Committee that will evaluate the future financial landscape, and to use this knowledge to make recommendations for how to maintain sustainable taxes while continuing to manage the present and future growth of our community over the next 5-10 years.

Item #2023-10-11

Action to consider instructing the Ordinance Committee to evaluate public utility impact fees for water and sewer extension in the Town of Gorham. (Councilor Pratt Spon.)

**Proposed
Order #23-154**

Ordered, that the Town Council instructs the Ordinance Committee to

work with staff to review and propose public utility impact fee(s) for the purposes of expanding sewer and water availability in the Town of Gorham where extensions are possible.

Item #2023-10-12

Action to consider entering into an executive session pursuant to 1 MRSA §405(6) (C).

Proposed

Order #23-155

Ordered, that the Town Council enter into executive session pursuant to 1 MRSA §405(6) (C) for discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency.

Adjourn