



City of Caribou, Maine

CARIBOU PLANNING BOARD
Wednesday, February 4, 2015
5:30pm – Caribou City Council Chambers

Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954
www.cariboumaine.org

AGENDA

- I. Call Meeting to Order**
- II. Minutes of January 7, 2015 organizational meeting**
- III. Minutes of the January 7, 2015 regular meeting**
- IV. Old Business**
 - a. Nuisance Property Ordinance
 - b. Manufactured Housing Ordinance
- V. New Business**
 - a. Chapter 13 Re-write
- VI. Other Business**
 - a. Independent Living
- VII. Adjournment**



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Caribou Planning Board Organizational Meeting Minutes Wednesday, January 7, 2015 @ 5:30 pm City Council Chambers

In Attendance: Phil Cyr, Bob White, Graham Freme, Todd Pelletier, Matthew Hunter and Philip McDonough III

Members Absent: Jim Cerrato

Others in Attendance: Austin Bless City Manager, Penny Thompson Tax Assessor, Philip McDonough II and Denise Lausier

- I. Electing Chairman for 2015 Planning Board** – Todd Pelletier moved to elect Phil Cyr as Chairman for 2015; seconded by Matthew Hunter; Vote was unanimous.
- II. Electing Vice Chairman for 2015 Planning Board** – Bob White moved to elect Jim Cerrato as Vice Chairman for 2015; seconded by Matthew Hunter; Vote was unanimous.
- III. Electing Secretary for 2015 Planning Board** – Todd Pelletier moved to elect Bob White as Secretary for 2015; seconded by Philip McDonough III; Vote was unanimous.
- IV. Setting 2015 Meeting Dates and Times** – Philip McDonough III moved to keep the dates and times as they have been, the first Wednesday of each month at 5:30 pm; seconded by Matthew Hunter; Vote was unanimous.

Adjourn: Todd Pelletier moved to adjourn the meeting at 5:35 pm; seconded by Philip McDonough III; Vote was unanimous.

Respectfully Submitted,

Robert White
Planning Board Secretary



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Members Absent: Jim Cerrato

Others in Attendance: Austin Bless City Manager, Penny Thompson Tax Assessor, Philip McDonough II and Denise Lausier

- V. **Call Meeting to Order** - The meeting was called to order at 5:35 pm.
- VI. **Minutes of November 5, 2014 Meeting** – Todd Pelletier moved to approve the minutes as presented; seconded by Philip McDonough III; Vote was unanimous.
- VII. **Old Business** –
 - A) **Nuisance Property Ordinance** – Austin Bless explained that legal counsel has reviewed the ordinance and returned to the Board for review. After much Board discussion, the Board decided to add a separate section that outlines delivery of notices and to remove the two current paragraphs in sections C-3 and D-3 that outline delivery of notices. After discussion, the Board also decided that in section D-3c to take out “in conformity with the procedures for personal service set forth in Maine Rule of Civil Procedure”. Bob White moved to hold a Public Hearing at the next meeting in February with notices to go out to interested parties; seconded by Todd Pelletier; Vote was unanimous.
 - B) **Manufactured Housing Ordinance** – Austin Bless explained that this ordinance has not been brought before the Planning Board before. Philip McDonough III questioned Section B and the list of tenants in a mobile home park needing to be submitted annually to the Assessor. Penny Thompson the City Tax Assessor commented that the status of property is due by April 1st of each year. The Assessing Office does not need a listing of tenants it’s just always been done and that it is helpful to the General Assistance Office from time to time. Philip McDonough III stated that the annual requirement for migrant worker trailers is not part of the ordinance. Todd Pelletier commented that the Mobile Home Advisory Committee will be meeting soon to review. Todd Pelletier moved to table this ordinance until the Mobile Home Advisory Committee has had a chance to review; seconded by Matthew Hunter; Vote was unanimous.

VIII. New Business –

- A) **2015 Topics to be Addressed** – Austin Bleess gave a list of topics that Tony Mazzuco had drafted which he felt needed to be addressed by the Planning Board. Austin recommends to re-write Chapter 13 first and then work on the zoning map and land use table. The mobile home ordinance and nuisance ordinance can be done at the same time. Philip McDonough II stated the zoning map and land use table need to be updated to reflect the work that's been done on the Comprehensive Plan. There was discussion on the Zoning Board of Appeals and if the City should go back to appointed community members on the Board. Austin Bleess recommends to have this discussion as part of the re-write of Chapter 13. Austin also commented that there haven't been any variances in six years due to a good planning process.

Philip McDonough III questioned the status of the Site Design Application for Henry Burgess that the Board approved at the last meeting contingent upon inspection for life safety code. He asked if that had all been completed. Austin Bleess stated he would look into it.

- B) **Adjournment** – Philip McDonough III moved to adjourn the meeting at 6:20 pm; seconded by Matthew Hunter; Vote was unanimous.

Respectfully Submitted,

Robert White
Planning Board Secretary



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bleess, City Manager
Date: February 4, 2015
Re: Nuisance Property Ordinance

On the following pages is the Nuisance Property Ordinance that has been reviewed by the City Attorney and is here tonight for the Planning Board action. We must hold a public hearing on the ordinance.

The planning board tonight can vote to either pass this ordinance on to the City Council with recommendations for approval, vote to not pass it along to the Council, or table the topic to another point in time.

If it is passed to the Council the Council would have to introduce the ordinance and hold a public hearing on the ordinance as well before they could vote to approve the ordinance.

Staff is unsure if this ordinance was intended to be a part of the Zoning Ordinance and if so where exactly it would fit into the zoning ordinance. Currently we are proposing to add this to Chapter 8, Miscellaneous Offices, of the City Ordinances.

The changes the Planning Board have discussed are implemented here. The section numbers are modified to be uniform with the rest of the city ordinances.

At this point in time we should hold the public hearing.

The following ordinance is being considered by the Planning Board for possible recommendation for action to the City Council.

Ordinance No. __, 2015 Series
City of Caribou
County of Aroostook
State of Maine

AN ORDINANCE CREATING CHAPTER 8, Article V Nuisance Property Ordinance

Short Title: Nuisance Property Ordinance.

The City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11 (1) does ordain the following:

Article V of Chapter 8, Miscellaneous Offices, of the Caribou City Ordinances is hereby created.

Article V of Chapter 8, Miscellaneous Offices, of the Caribou City Ordinances shall read as follows:

**Chapter 8, Article V
Nuisance Property Ordinance**

501. Purpose; Legislative Findings.

The purpose of this Nuisance Property Ordinance is to protect the health, safety, and welfare of the residents of the City of Caribou by reducing the recurrence of nuisance conduct in dwellings that disturbs the peace and tranquility of others. The City has a substantial and compelling interest in protecting neighborhoods affected by conduct that unlawfully disturbs the peace and/or constitutes a nuisance, because such conduct adversely affects the health, safety, and welfare of residents, and diminishes the quality of life in neighborhoods where it occurs. Such nuisance conduct, and its impact, should be abated. This Nuisance Property Ordinance is required because other prohibitions and penalties under state law and the City Code have not adequately eliminated or controlled chronic, disorderly or nuisance activity in the City. The enactment of this ordinance is intended to alleviate the deleterious impact of chronic, unlawful or nuisance activity in dwelling places and neighborhoods by authorizing early and constructive intervention by the City's Police Department. The goal of the City of Caribou is to provide a framework for property owners and the City to work collaboratively to address nuisance issues in the community.

502. Definitions.

As used in this Ordinance, the following terms have the following meanings:

“Authorized agent” means the person or entity identified by the Owner as the Owner’s authorized agent in the Caribou Property Management Designation Form on file with the City of Caribou.

"Chronic nuisance property" means any property at which five (5) or more nuisance activities have occurred in any sixty (60) day period, or ten (10) or more nuisance activities have occurred in any one (1) year period.

"Hotel", "bed & breakfast", "rooming house" and "apartment building" shall have the same meanings as set forth in the Caribou Code.

"Nuisance activity" or "Nuisance conduct" means-

- a) any activity which constitutes a crime or civil infraction under either federal, state or local law;
- b) illegal sale, distribution or consumption of alcoholic beverages;
- c) disorderly conduct as defined in Title 17-A MRSA §501;
- d) illegal sale, manufacture, storing, use, possession or distribution of narcotics or other controlled substances or drug paraphernalia;

For the purpose of this ordinance, calls related to domestic violence complaints shall not be considered a nuisance activity or nuisance conduct.

For the purpose of this ordinance, calls related to a chronically ill person who has repeated visits by emergency services shall not be considered a nuisance activity or nuisance conduct.

"Owner" means any person or entity with legal title to the property or the beneficial interest in a property as recorded in the tax records of the City of Caribou or Aroostook Registry of Deeds.

"Police Chief" means the acting Chief of Police of the City of Caribou or other official of the Police Department as may be designated by the Police Chief.

"Residential property" means (a) a parcel of land on which a residential building or a building of mixed occupancy in which there is at least one residential occupancy, including, single and multi-family dwellings, apartment buildings and multi-family housing developments.

503. Administration; Notice; Meeting with Property Owner(s).

- a. The Police Department shall document and monitor the occurrence of nuisance conduct at properties in the City of Caribou.
- b. When any occurrence of nuisance conduct has taken place, it will be recorded by the Police Chief or his/her designee who shall provide written notice of the occurrence to the property owner and the authorized agent in accordance with Section 509.
- c. Each written notice of nuisance conduct shall identify the property, describe the nuisance conduct and advise that subsequent nuisance conduct may result in the property being classified as a chronic nuisance property. The notice shall request that the property

- owner (or the owner's duly authorized agent) contact the Police Chief within ten (10) days to discuss the nuisance incident and develop a plan to abate the nuisance and prevent a recurrence.
- d. An owner wishing to appoint an agent with the authority to act on the owner's behalf must complete the City of Caribou Property Management Designation Form. Only agents duly appointed through the approved Property Management Designation process shall be authorized to act on behalf of the Owner. If an owner has completed a Property Management Application Form with the City office, all written notices will be mailed to the authorized agent in addition to the owner.

504. Declaration of a Chronic Nuisance Property

- a. If there have been five (5) or more documented occurrences of nuisance conduct at any property in any sixty (60) day period, or ten (10) or more occurrences of nuisance conduct in the preceding year, the property shall be classified as a chronic nuisance property.
- i. For purposes of calculating the number of occurrences of nuisance conduct which have occurred at a particular property, the following rules shall apply:
1. All occurrences of nuisance conduct which occur at a single family residence, multi-family residence of 1-4 units, bed and breakfast, hotel, motel, or rooming house shall be counted against the property as a whole regardless of the number of units;
 2. With respect to apartment buildings with 5 or more units, a property will only be classified as chronic nuisance property if any individual apartment unit exceeds the specified limit. By way of example, a 30 unit apartment complex will only be classified as a chronic nuisance property if there are 5 or more occurrences of nuisance conduct at the same apartment unit in any 60 day period or 10 or more occurrences at the same unit in any one year period.
- b. Whenever a property is classified as a chronic nuisance property, the City shall cause the owner of the property to be notified, in writing, of such classification and of the events which form the basis for that designation. The notice shall require the owner or owner's agent to meet with the Police Chief or his designee(s) within ten (10) business days from the date of delivery of the written notification to identify ways to prevent additional nuisance conduct at the property.
- c. At the time of the nuisance property meeting required under section 504 (b), the owner or his/her designee shall be obligated to provide to the city the following documentation:
- i. A copy of the names of all tenants or other persons authorized to reside or presently residing in the building(s) on the property` and the units they occupy;

- ii. Copies of all leases with tenants residing in the building(s) on the property; and
- iii. Contracts with any property manager or other person responsible for the orderly operation of the property;

In addition, the owner or his/her designee must agree to take effective measures to abate the nuisance activity which measures shall be memorialized in a written remediation agreement at the conclusion of the meeting with the City. The written agreement shall be signed by both parties and be implemented by the owner within seven 7 days of said meeting unless another date is agreed upon.

505. Duration of Chronic Nuisance Property Classification.

The chronic nuisance property classification shall be removed from the property by the Chief of Police upon the Chief's determination that:

- a. The passage of 180 days without any nuisance conduct at the property;
- b. Payment of all civil penalties and costs arising from enforcement;
- c. Satisfactory implementation of the remediation agreement agreed upon between the City and owner.

506. Declaration of Public Nuisance

A chronic nuisance property is hereby declared to be a public nuisance.

The owner of residential property shall provide sufficient control, oversight, monitoring and management of the property to prevent the same from becoming a chronic nuisance property.

The owner of a chronic nuisance property shall be responsible for taking all necessary measures to abate or eliminate the public nuisance.

507. Violations

- a. No owner of property shall maintain or allow to be maintained a chronic nuisance property as defined in this Ordinance. Each and every day that a nuisance activity occurs on a property after it has been classified as a chronic nuisance property shall constitute a separate offense.
- b. It is a further violation of this Ordinance for any owner to:
 - i. refuse to meet with the Police Chief or other authorized City official as required by Section 504 (b), or to have the owner's duly authorized agent meet with the Chief; or
 - ii. refuse to enter into a written remediation agreement as required by Section 504 (c); or

- iii. fails to fully implement the remediation agreement in compliance with the timetable specified in the agreement; or
- iv. fails to abate or eliminate the public nuisance caused by a chronic nuisance property.

508. Civil Penalty

Any person who is found in violation of any provision of this Ordinance shall be subject to a civil penalty of not less than \$250.00 and not more than \$2,500.00. Each violation of a separate provision of this Ordinance and each day of violation shall constitute separate offenses.

In addition, if the City is the prevailing party in any enforcement action, said Owner shall also be liable for all reasonable expenses incurred by the City in enforcement, including City of Caribou staff time, attorney fees and costs. All civil penalties shall inure to the benefit of the City of Caribou.

509. Notices

Any notice authorized or required within this section shall be deemed delivered to the owner as follows:

- a. if notice is provided by certified mail, return receipt requested, the date the owner signs the receipt; or
- b. the date the owner is personally served by a Caribou police officer; or
- c. the date the owner is personally served by another person authorized to effect service of process.

510. Other Remedies

In addition to a civil penalty, the City may seek injunctive relief in any legal action to enforce this Ordinance and to abate the public nuisance.



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bless, City Manager
Date: February 4, 2015
Re: Manufactured Housing Ordinance

On the following pages is the final product of the great work done by the members of the Community Mobile Home Advisory Committee. I would like to thank the Planning Board members, City Councilors, and citizens that all took time to be a part of that committee to help improve the mobile home ordinance for the City.

The ordinance repeals the current ordinance that has a number of requirements including dimensional requirements, road design, utility requirements, lighting, solid waste removal and more.

For the most part this ordinance requires construction to be done according to state standards. It requires a list of mobile homes to be presented to the assessor by April 15 of each year. This will be helpful in the assessing process and also help the city to keep track of the movement of trailers.

The ordinance should be reviewed by the Planning Board. We would have to hold a public hearing at our next meeting and can take action on it at that time. We can certainly discuss the ordinance tonight and make any changes the Board would want to see, but no action can be taken today.

The following ordinance is being considered by the Planning Board for possible recommendation for action to the City Council.

Ordinance No. __, 2015 Series
City of Caribou
County of Aroostook
State of Maine

AN ORDINANCE AMENDING CHAPTER 13, SECTION 13-408, MOBILE HOME PARKS

Short Title: Manufactured Housing Ordinance.

The City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11 (1) does ordain the following:

Section 13-408, Mobile Home Parks, of Chapter 13, The Land Use Ordinances of the City of Caribou, of the Caribou City Ordinances is hereby repealed.

Section 13-408, Mobile Home Parks, of Chapter 13, The Land Use Ordinances of the City of Caribou, of the Caribou City Ordinances is hereby created and shall read as follows:

MANUFACTURED HOUSING ORDINANCE, CITY OF CARIBOU

Purpose: The purpose of this ordinance is to ensure quality, safe, and affordable housing for Caribou residents.

1. Mobile Home Parks & Manufactured Housing Administration

- a) A mobile home park shall comply with the standards contained within this Ordinance, the Maine Manufactured Housing Board and all other applicable state statutes regarding the establishment and maintenance of a mobile home park.
- b) The owner of a mobile home park must maintain a list of all tenants containing the following information: name and mailing address of each owner of manufactured housing located within the park, manufacturer's name, model number, year, serial number, and lot identification/number. This list must be submitted annually to the assessor's office by April 15 with information current as of April 1.
- c) No manufactured housing may be moved into a mobile home park nor any Certificate of Occupancy issued for any mobile home park which does not have a current license with the State of Maine to operate as a mobile home park or a park which has been determined by the Code Enforcement Officer to be out of compliance with this ordinance.

- d) Mobile home parks constructed after the effective date of this ordinance are required to undergo City of Caribou subdivision and site design review with all plans prepared by a certified engineer.
- e) Upon the effective date of this ordinance, owners of mobile home parks must obtain a permit from City Code Enforcement Officer before any manufactured housing unit is allowed to enter the mobile home park.
- f) A mobile home park owner wishing to appoint an agent who can act on the park owner's behalf must complete the City of Caribou Property Management Application form. Only agents duly appointed through the approved Property Management Application process shall be authorized to act on behalf of the park owner.
- g) Mobile home park owners are responsible for compliance with the City of Caribou Property Maintenance Code for all lots within the park regardless of the ownership of the manufactured housing unit.
- h) No manufactured housing may be occupied until a Certificate of Occupancy has been issued by the Code Enforcement Officer or at his/her discretion the Building Inspector.
- i) No manufactured housing may be brought into Caribou or moved within the City without written proof of property tax being paid for the current tax year and all previous years from Caribou or the municipality where the housing unit was last assessed.
- j) No mobile homes shall be brought into the City that are not manufactured according to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq.; 24 CFR Part 3280 and Part 3282.

2. Manufactured Housing Design Standards

Manufactured Housing Design Requirements- All manufactured housing to be located to within the City from outside of the City or all manufactured housing relocated from within the City after the effective date of this Ordinance must comply with the following:

- a) Maine Manufactured Housing Board Standards for installation for newly constructed units.
- b) Shall be placed on a permanent foundation.
- c) All manufactured housing located on private lots or in mobile home parks whether rented, leased or owned are required to have siding that is residential in appearance or the original factory installed siding.
- d) All manufactured housing is required to be enclosed between the bottom of the home and the ground with material that is residential in nature or the original factory installed

siding.

- e) A pitched shingled roof or the factory installed roof.
- f) Accessory structures, including but not limited to decks, porches, car ports, garages, steps, ramps, entry ways, covered entry ways, which are not part of the original manufactured housing as approved by the State of Maine are subject to City building and zoning codes including, but not limited to, land use ordinances and the Maine Uniform Building and Energy Code.

3. Definitions

The terms “Manufactured Housing”, “Mobile Home Park”, “Mobile Home Park Lot”, “Mobile Home Subdivision or Development”, “Permanent Foundation” and “Pitched, Shingled Roof” shall have the same definitions as set forth in Title 30-A MRSA Section 4358 as it may be amended, from time to time.

4. Effective Date

This ordinance shall become effective in accordance with the Caribou City Charter Section 2.12(d).



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bless, City Manager
Date: February 4, 2015
Re: Chapter 13 Re-write

As we begin the process of re-writing Chapter 13, the Land Use Ordinances, tonight I wanted recommend that we go through the chapter taking a section at a time with the goal of one section per month. Some sections will take longer than others.

Section 1 is brief and is here for review tonight. I'm recommending only one changes as can be seen in red.

The Committee all has an official copy of the ordinance, but if you would like a "working copy" to write on, make notes, etc. please let me or Denise know and we can get one printed for you.

On the following pages is Section 1 with my suggested edits.

Sec. 13-100 Legal Status Provisions for the Zoning, Site Design Review, and Subdivision Ordinances.

1. Title.

The Zoning Ordinance, Site Design Review Ordinance, and the Subdivision Ordinance collectively shall be known and may be cited as the "*Land Use Ordinances of the City of Caribou*" or (herein "these Ordinances").

2. Purposes.

The purposes of these Ordinances are to:

- A. To provide for the municipal review of development that could impact on the environment and the community;
- B. Assure the comfort, convenience, health, safety, and general welfare of the residents of Caribou;
- C. Encourage appropriate use of land throughout the City;
- D. Promote traffic safety;
- E. Prevent overcrowding of real estate;
- F. Prevent development in unsuitable areas;
- G. Provide an allotment of land area in new developments sufficient for all the requirements of community life;
- H. Conserve and protect where necessary natural resources and City character;
- I. Provide for adequate public services and facilities as an integral part of Caribou development;
- J. Protect archaeological and historic resources, freshwater wetlands, fish spawning grounds, aquatic life, bird and other wildlife habitat, and buildings and lands from flooding and accelerated erosion;
- K. Conserve shore cover, natural beauty, open space, and visual as well as actual points of access to inland waters;
- L. Prevent and control water pollution;
- M. Assure new development meets the goals and conforms to the policies of the Caribou Comprehensive Plan.
- N. To provide local protection from those particular issues and nuisances which are not governed by State law or regulation;
- O. To balance the rights of landowners to use their land with the corresponding right of abutting or neighboring landowners to live without undue disturbance from nuisances such as noise, smoke, dust, odor, glare, traffic, stormwater runoff, or the pollution of ground or surface waters;
- P. To reduce the off-site problems associated with development, thereby decreasing the cost of maintaining or improving municipal services;
- Q. Provide for an expeditious and efficient process for the review of proposed development; and
- R. To clarify the criteria of the state Subdivision Law, Title 30-A, MRSA, Sections 4401-4407 et seq.

3. Authority.

These Ordinances have been adopted in accordance with the provisions of Article VIII-A of the Maine Constitution; the provisions of MRSA Title 30-A, Sections 3001 (Home Rule) and 4401 et seq. (Subdivisions), and the State's Growth Management Law MRSA Title 30-A, §4312 et seq.; as may be amended.

4. Repeal of Prior Ordinances.

All prior Zoning Ordinances, Site Design Review Criteria/Ordinances, and Subdivision Ordinances/Regulations, except for the Shoreland Zoning Ordinance of Caribou, are repealed as of the effective date.

5. Effective Date.

These Ordinances shall take effect and be in force from the effective date of its adoption pursuant to Section 2.12(d) of the Caribou City Charter.

6. Conflict with Other Laws.

Whenever the requirements of these Ordinances are at difference with the requirements of any other lawfully adopted rule, regulation, ordinance, or resolution, the most restrictive or that imposing the higher standards shall govern.

7. Severability.

Should any Section (§), subsection (§§), or provision of these Ordinances be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Ordinances as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

8. Availability.

A certified copy of these Ordinances shall be filed with the City Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of these Ordinances shall be posted.