



City of Caribou, Maine

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

CARIBOU PLANNING BOARD Wednesday, June 4th, 2014 5:30 PM-Council Chambers

AGENDA

I. Call Meeting to Order

II. Minutes of May 7, 2014 meeting

III. New Business

- A) Day Care Application
- B) Review Nuisance Property Ordinance progress
- C) Comprehensive Plan Update

IV. Adjournment

Posted May 28, 2014

A handwritten signature in blue ink, appearing to read "Tony Mazzucco", is written over a horizontal line.

Tony Mazzucco, Assistant City Manager



City of Caribou, Maine

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

Caribou Planning Board Meeting Minutes Wednesday, May 7, 2014 @ 5:30 pm City Council Chambers

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

Members Absent: Jim Cerrato and Matthew Hunter

Others in Attendance: Tony Mazzucco Assistant City Manager, Philip McDonough II and Denise Lausier

- I. Call Meeting to Order** - The meeting was called to order at 5:30 pm.
- II. Minutes of April 2, 2014 Meeting** - Todd Pelletier moved to accept the minutes as presented; seconded by Graham Freme; Vote was unanimous.
- III. New Business –**
 - A) Public Hearing on Additions to the Land Use Table** – The Public Hearing was opened at 5:35 pm. Tony Mazzucco explained that this is about adding condominiums to the Land Use Table, as defined by State Statute. Seeing the need for this came about through Troy Haney’s development. With no public comment, the Public Hearing closed at 5:40 pm. Bob White moved to send this item to the City Council for a Public Hearing; seconded by Todd Pelletier; Vote was unanimous.
 - B) Review Nuisance Property Ordinance Progress** – The Board discussed changes they would like to see to the Ordinance. Phil Cyr would like to see a balance between concerns from landlords and concerns from the Police and suggested having a workshop with landlords, Police Chief and the Planning Board. The Board discussed reorganizing the Ordinance to put it in better order, so it is better understood. Tony Mazzucco will check with other communities and how their ordinance is written. Tony Mazzucco reiterated to the Board that a lot of time has been spent on developing this ordinance and the more time the Board spends to build a good policy the better. Even if they end up throwing it out, they have done the public a service by taking a look at it and working on it.
 - C) Comprehensive Plan Update** – Tony Mazzucco explained it has been a slow process, but progress is being made. He is waiting on four sections that are primarily being completed by City departments and community volunteers. It is about 80% complete with remaining sections. Tony is hoping to have a nearly completed draft

plan to the Board within the next month and then they can begin addressing the strategies and goals.

Tony Mazzucco also gave the Board an update on the City's Code Enforcement. Tony Mazzucco is now the City's Code Enforcement Officer, Dave Ouellette is the City's Building & Electrical Inspector, permits are issued through the Tax Assessing Office and Steve Wentworth is the Licensed Plumbing Inspector as well as back up for building & electrical inspections. Tony Mazzucco stated that the City is looking to lower the regulatory environment overall because the stricter the City gets, the harder it is to attract growth to Caribou. Todd Pelletier questioned if the City needs to go by MUBEC standards and Tony Mazzucco clarified that we need to build by State standards because we are a City of over 4,000 people.

IV. Adjournment – Bob White moved to adjourn the meeting at 6:30 pm; seconded by Todd Pelletier; Vote was unanimous.

Respectfully Submitted,

Robert White
Planning Board Secretary



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Caribou Planning Board
From: Tony Mazzucco, Assistant City Manager
Date: 5/28/2014
Re: Agenda item- Day Care Application

On the following page is an application for a day care. A site visit was conducted by myself and the fire chief. The application is in good order, however the facility is lacking a fence in the rear yard which is required by the ordinance. I recommend the Planning Board approve this application conditionally with the condition that a fence be constructed in accordance with the ordinance within 30 days of the day care beginning to operate.



Day Care Application

Planning & Code Enforcement
City of Caribou
25 High St.
Caribou, Maine 04736

Steve Wentworth: Code Enforcement Officer
(207) 493-4234 X 214
housing-ceo@cariboumaine.org

Note to Applicant: Complete this application and return it with the required documents. In addition, the required fee must be returned along with this completed application. Make checks payable to: "City of Caribou", in the amount of \$100.00.

There will be a \$20.00 Annual Inspection Fee.

Please print or type all information

Name of Property Owner / Developer: Bryan + Paige Cole

Development Name: N/A

Location of Property (Street Locations): 177 Baird Rd, Caribou, ME 04736

City of Caribou Tax Map: _____ Lot: _____ Zone: _____

Site Design Review Application – City of Caribou, Maine

Site Design approval will not be considered complete until the Planning Board has determined it has all of the necessary information to review the proposal and render a decision. You are advised to meet with the Code Enforcement Officer prior to completing the application as it may not be necessary to comply with all of the items shown on the form.

Applicant Information

Person and address to which all correspondence regarding this application should be sent to:

Paige Cole
177 Baird Rd
Caribou, ME 04736

Phone: 207-492-2045
207-551-8743

E-mail: pl.cole28@gmail.com

What legal interest does the applicant have in property to be developed (ownership, owners representative, option, purchase & sales contract, etc?)

ownership
(Attach supportive legal documentation)

General Information

Date your State of Maine Day Care License was approved: please see note below
(Attach a copy of License)

Type of Day Care: X Family Child Care Child Care Center

Expected number and ages of the children to be cared for in the home: 6 weeks- 12 years
89 total- including my 2 kids.

Hours of Day Care: 7:30-5:30 Day Care na Night Care

Days of operation: Monday thru Friday

Is any portion of the property within 250 feet of the normal high water line of a lake, pond, river, or wetland or within 75 feet of any stream? YES ✓ NO

Has the site been inspected by the State Fire Marshal's Office and approved? ✓ YES NO
(Attach Documentation)

Has the site been inspected by the Maine Department. of Health & Human Services and approved? YES NO
(Attach Documentation)

Came and inspected but stated that it can not be approved + licensed until City of Caribou "OKS" City of Caribou approval is the only thing left

Structure & Site Plan Details

Does the building have a Carbon Monoxide Detector?
(Required)

YES NO

Does the building have a smoke detector?

YES NO

Is the garage attached to the house/building?

YES NO

If yes, is there a minimal of 1/2" sheet rock wall between the garage and house/building?

YES NO

Do you have a basement?

YES NO

Will the basement be accessible to children?

YES NO

If yes, are there graspable handrails and guardrails on the staircase?

YES NO

The outdoor play area shall not be located near hazardous areas, (such as busy streets, wells, open water) unless protected fencing.

The fencing must be a minimum of four (4) feet.

Do you have fencing around the outdoor play area?

YES NO

If yes, what type of fencing? _____

Subsurface Waste Water Disposal System – No person may expand a structure using a subsurface waste water disposal system until documentation is provided to the municipal officers and a notice of the documentation is recorded in the appropriate agency of deeds that, in the event of a future malfunction of the system, the disposal system can be replaced and enlarged to comply with the rules adopted under Title 22 M.R.S. § 42, and any municipal ordinances governing subsurface waste water disposal systems. No requirements of these rules and ordinances may be waived for an expanded structure.

Have you provided documentation showing that the current disposal system can be replaced and enlarged?

YES NO

Do you have an outdoor lighting system to support egress/ ingress?

YES NO

*no expansion —
using existing structures only*

Concept Plan Review Criterion

Plan Review is intended to insure the proposed plan is in conformance with the Caribou Comprehensive Plan and all City Ordinances. The completed application shall be delivered to the Code Enforcement Office no less than 21 days prior to the first day of the next month. The Chairman of the Planning Board shall determine the schedule and agenda of the next meeting when the application will receive Plan Review. At a minimum, Plan applications shall include the following:

1. N/A Name and address of the owner of record and applicant (if different) → only James + Marie
2. ✓ Name of the proposed development and location. Cyr
3. ✓ Names and addresses of all property owners within 500 feet of the property. 183 Baird Rd
4. ✓ A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest to operate a daycare in the property on the part of the applicant. Caribou
5. **Plans to show the following elements for review:**
 - ✓ a. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions.
 - ✓ b. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines.
 - ✓ c. Access for Emergency Vehicles, location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around areas.
 - ✓ d. Location of outdoor play areas, fences, signage and accessory structures.

Final Site Design Plan Requirements

If additional information or a change of information is required, the revised plans shall be delivered to the Code Enforcement Office at least 21 days prior to the next scheduled meeting.

If the Planning Board determines that third party review will be necessary to make a sound decision, the applicant will be responsible for any fees incurred for the third party review.

During the Site Design Review the Chairman or designee shall determine that all of the elements of review 7-a., through 7-d. above have been addressed. The chair may then call for a motion.

Applicant Signature:

To the best of my knowledge, all of the information submitted in this application is true and correct.

Signature of Applicant:

Paige A Cole

Date:

May 14, 2014

Site Design Review Criteria by Planning Board

Date: _____

	<u>Yes</u>	<u>No</u>	<u>N/A</u>
A. Conformance with Comprehensive Plan	_____	_____	_____
B. Traffic	_____	_____	_____
C. Site Access	_____	_____	_____
D. Parking & Vehicle Circulation	_____	_____	_____
	<u>Yes</u>	<u>No</u>	<u>N/A</u>
E. Pedestrian Circulation	_____	_____	_____
F. Site Conditions	_____	_____	_____
G. Open Space	_____	_____	_____
H. Sanitary Sewage	_____	_____	_____
I. Water	_____	_____	_____
J. Emergency Vehicle Access	_____	_____	_____
K. Waste Disposal	_____	_____	_____
L. Buffering	_____	_____	_____
M. Natural Areas	_____	_____	_____
N. Exterior Lighting	_____	_____	_____
O. Stormwater Management	_____	_____	_____
P. Erosion & Sediment Control	_____	_____	_____
Q. Buildings	_____	_____	_____
R. Existing Landscaping	_____	_____	_____
S. Infrastructure	_____	_____	_____
T. Advertising Features	_____	_____	_____
U. Design Relationship to Site	_____	_____	_____

	& Surrounding Properties	_____	_____	_____
V.	Scenic Vistas & Areas	_____	_____	_____
W.	Utilities	_____	_____	_____
X.	Mineral Exploration	_____	_____	_____
Y.	General Requirements (Pg. 859)	_____	_____	_____
Z.	Phosphorus Export	_____	_____	_____

**City of Caribou, Maine
Planning Board**

Site Design Review for: _____

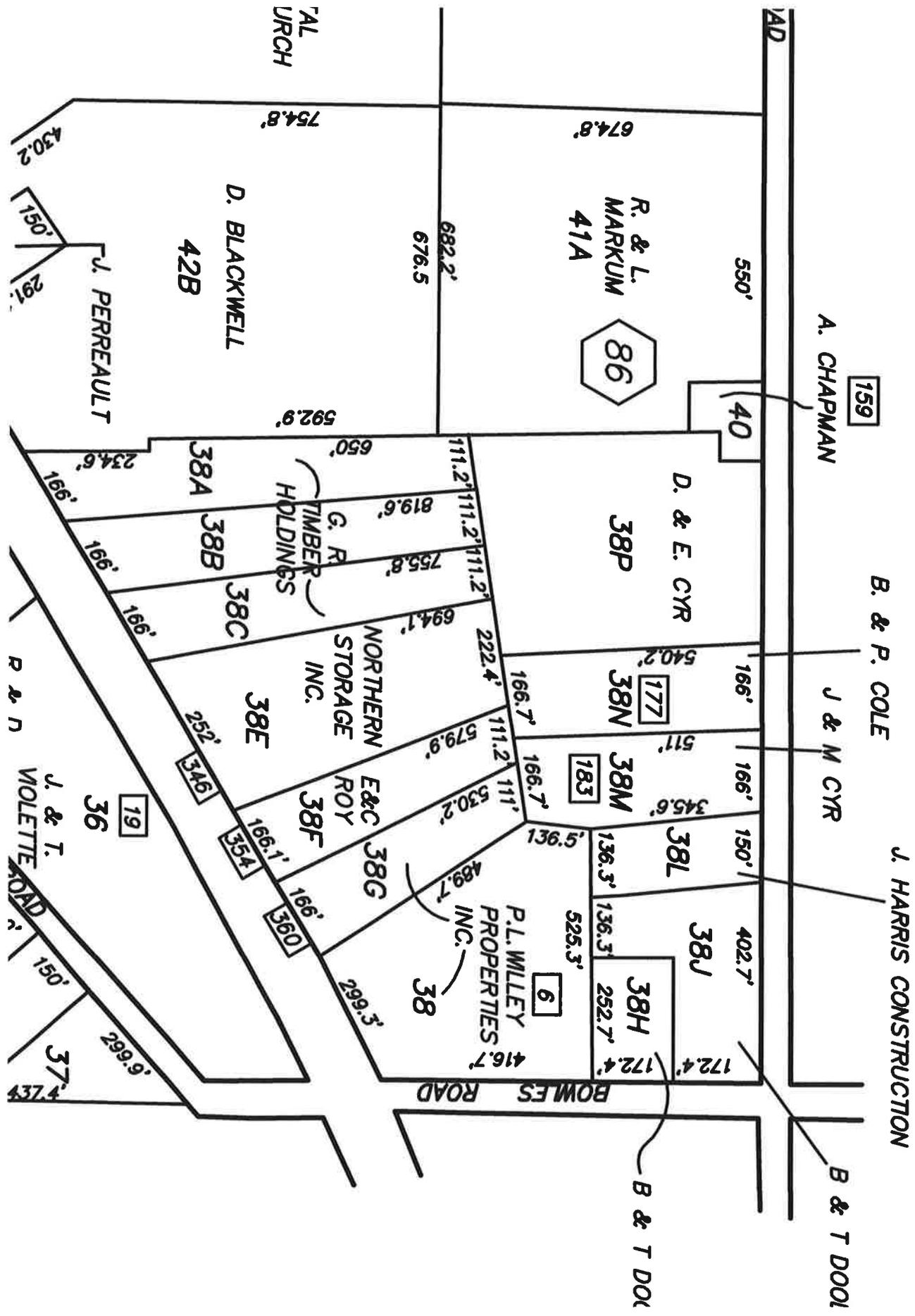
Address: _____

Approved by the Caribou Planning Board

Signed: _____ Chairman of the Planning Board

Date: ____ / ____ / ____

Conditions of Approval:



AD

A. CHAPMAN

B. & P. COLE

J & M CYR

J. HARRIS CONSTRUCTION

B & T DOOL

B & T DOOL

BOWLES ROAD

TAL URCH

D. BLACKWELL

G. R. TIMBER HOLDINGS

NORTHERN STORAGE INC.

E&C ROY

P.L. WILLEY PROPERTIES INC.

J. PERREAULT

J. & T. VOLETTE

LEGAL DESCRIPTION ON REAL ESTATE MORTGAGE
FROM BRYAN E. COLE AND PAIGE L. COLE TO
THE COUNTY FEDERAL CREDIT UNION
DATED JULY 21, 2011

SCHEDULE "A"

A certain piece or parcel of land being a part of Lot Numbered Eighty-Six (86) in Caribou, formerly "I" Township, County of Aroostook, and State of Maine, more particularly described as follows, to wit:

Map 11, Lot 38N, in accordance with Assessors' Maps on file in the Caribou City Office, 25 High Street, Caribou, Maine.

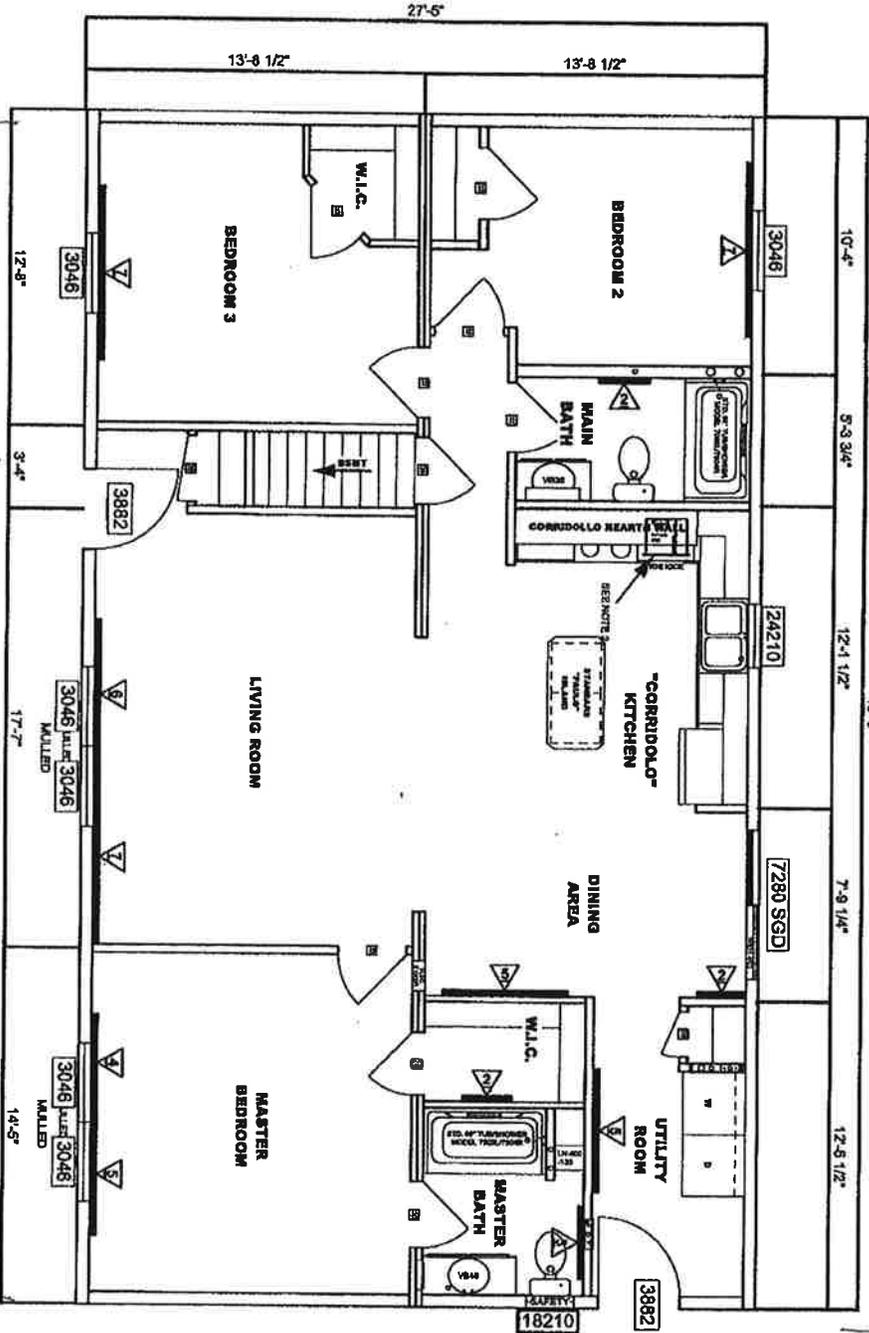
Being also the same premises depicted as Lot Numbered Thirty-Eight "N" (38N) according to the survey of HARRIS FAMILY DEVELOPMENT done for Richard F. Harris and Pauline P. Harris by Lee A. Doody, Jr. and dated May 1, 1986. Said Survey being recorded in the Southern Aroostook Registry of Deeds in Plan Book 37, Page 39-B.

Being the same premises conveyed to James L. Harris Construction by Municipal Quitclaim Deed of the Inhabitants of the Municipality of Caribou dated March 26, 2001 and recorded at the Southern Aroostook Registry of Deeds in Volume 3490, Page 116.

Being the same premises conveyed to Bryan E. Cole and Paige L. Cole by Warranty Deed, Joint Tenancy, of James L. Harris, d/b/a James L. Harris Construction dated August 13, 2010 and recorded at the Southern Aroostook Registry of Deeds in Volume 4851, Page 288.

Play Area cut back

PRODUCTION: LOWER ALL INTERIOR DOORS
DOOR HEIGHT TO BE 82 1/2"
1 3/8" FROM BOTTOM OF JAMB
TO BOTTOM OF DOOR



Dragon entrance

parking

* Approved and Accepted By:
Date: 04/26/2011
Signature: *Byr Col*
Page Col

T.R. ARNOLD & ASSOCIATES, INC.
P.O. Box 1081
Ellettsville, IN 46114
State: Indiana
Authorized Evaluation and
Inspection Agency
This document is correct as long as conditions
with As-built State:
Approved By: *[Signature]*
Date: APR 26 2011
Approved For: *[Signature]*
This document is intended to be used as a reference only.
It does not constitute a contract or warranty.

OPTIONS

1. BR2 GITCH ROOM W/WR FRESH EMBERS
2. R400 CELLULOSE CEILING INSULATION
3. FUTURE 3. RADON VENTS INSTALLED
4. MAINE RADON VENT POWER SUPPLY Pkg.
5. STUBBED HOT WATER BASEBOARD Pkg.
6. 2400 NEC CODE Pkg.
7. KEVED ALINE DOOR KNOBS & DEADBOLTS (2) EXTERIOR DOORS
8. HEARTHWALL KITCHEN APPLIANCE Pkg.
9. LEADAC Pkg FOR GATE (FALLING HEATHR) KITCHEN
10. COULN MATCH FRONT EXTERIOR DOOR & LAMBS TO SHUTTERS

REQUIRED NOTES

1. PLUMBING VALVEY ACCESS AT HOMES, INC. CENTER THAT THE STRUCTURE IS NOT A MANUFACTURED HOME
2. STANDARDS FOR THE INDUSTRY OR THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY
3. REQUESTED ONLY FOR EXISTING OR INSTALLATION OF A SITE-SPECIFIC PERMANENT FOUNDATION
4. NOT DESIGNED TO BE LIVED ONCE SO EXISTING OR INSTALLED
5. ALL PERMANENT FOUNDATION WORK IS TO BE COMPLETED UNDER THE SAME CODES OR
6. AN INDIVIDUAL NOT TO BUILD CODES FROM THE ILL. STATE CODES WITH THE NATIONAL HOLDING ACT AND
7. PERMANENT FOUNDATION TO TITLE 1 OF THE NATIONAL HOLDING ACT AND
8. PERMANENT FOUNDATION IS NOT INTENDED TO BE USED OTHER THAN ON A SITE-SPECIFIC
9. PLANS FOR THIS HOUSE HAVE BEEN EXTRACTED FROM APPROVED BUILDING DOCUMENTS

1. THE KICK HEATER IS CENTERED IN BASE CABINET THE KICK UNDER BOWL.
2. THE KICK HEATER IS CENTERED AT STANDARD LOCATION IN THE KICK.

NOTES

"CLINTON" MODULAR

DOCUMENT VALUE: HWBBS
SERIAL # CRAWFORD-20988
DATE: 04/29/11
KMR RAZ-IN-0310



FAMILY CHILD CARE PROVIDER ASSESSMENT CRITERIA

New: Renewal: _____ Certificate # _____
Provider: Paige Cole Phone No: 551-8743
Address: 177 Baird Rd. Canaan, ME 04736

Application Date: _____ Expiration Date: _____ No. of Children: _____

Capacity Applied for or Approved: 12 Hours of operation: _____
Ages of Children: _____

Public Water: _____, Private Water: _____, Date Test type: _____, O.K. (y) (n)

Fire Inspection. Date Requested: _____, Date Received: _____, O.K. (y) (n)

Background Check Releases Received: _____

References: () _____ () _____ () _____

Date Building Built: _____, Last Lead Status/Score: _____, Town Permit/Zoning Approval: _____

Directions: _____

Last Inspection: _____

Met **Not Met**

Certificate; Fire Drill Procedure Posted Will post when received

Other required postings (lead, conditional license, other) _____

Rules available _____

Daily attendance kept has form made.

Reviewed
 Appropriate Staff/Child ratios 3 in full time, 3 part-time 2 5-6 year

Staff age (16 or older) None to begin

Obtain
 First Aid Kit and Manual: _____

Storage of medications, cleaning supplies, toxic substances, matches, lighters, power-tools, and dangerous items has 3 lock boxes

Met Not Met

- ✓ Usable indoor space; floor plan _____
- ✓ Heating, Lighting, Ventilation _____
- General Cleanliness of premises, equipment, toys _____
- Stairs enclosed and/or protected Needs railing outside and
Protect Collar door
- ✓ Electrical outlets protected All built in
- General condition of the home and surrounding premises _____
- Rest time and space; outdoor time; television time _____
- ✓ Mats, cots, cribs, beds pack and plays and mats - Reviewed 11-5-11
Swing seats
- ✓ Variety and appropriate toys/equipment _____
- ✓ Extra clothing and diapers _____
- Toilet facilities: Paper products, bathroom step, Hot water temp, hand washing Reviewed. 109
- Weapons, ammunition, etc. Downstairs - lock on end section is broken.
pl-3 lock separately
- ✓ Smoking is prohibited husband sometimes but never in house
and not during daycare hours.
- ✓ Strings and cords not accessible Getting new blinds
- Kitchen facilities, clean surfaces, refrig/ freezer, paper products, hand washing Obtain
things later
- Meals and snacks Not sure if will join food program.
ASAP for Horizons
- Outdoor play: space, equipment, toys, pool, fencing, Shock absorbing materials Reviewed
lock on shock
to sub. material!
- ✓ Complies w/ Rights for Children _____
- ✓ Child Guidance Redirection: sit and talk and if continues
- ✓ Supervision _____
- ✓ Admission Policy _____

Connie
Montpetit

Met Not
Met Met

- ✓ Confidentiality Reviewed
- ✓ Child's records, (immunization, medication & incident/accident, permissions) forms lost FN
- ✓ Telephone, DHHS number available _____
- ✓ Records retained for at least 6 months _____
- Staff, Provider Training/Orientation (12 hours), First Aid/CPR training _____
- Reviewed Reporting requirements (self, staff, mandated reporting) 1-800-452-1999
- has farm Vehicle requirements, car/booster seats Doesn't plan to transport
- Fire safety drills done monthly, documented and kept for 1 yr. _____
- Animals 2 Dog - Snow Rabbits for MILLY

INFANT/TODDLER CARE

- ✓ Choking hazards _____
- ✓ Individual sleeping and waking patterns followed _____
- ✓ Crib or playpen for under 18 months old _____
- ✓ Napping/Resting: infants on backs _____
- ✓ Infant's position changed each 1/2 hour awake _____
- ✓ Feeding: held for bottle feeding; correct prep., safety, sanitation _____
- Diapering: disinfect mat; separate covered container not near food _____
- ✓ Hand washing after diaper change both adult + no child.
- ✓ Toilet training has step + potty seat.

SWIMMING/WADING ACTIVITIES

Met Not
Met Met

Reviewed policy on wading pools. Plans to only use splash.

- There is a pool on premises. _____
- Water depth: _____

Not

- Written authorization for swimming/high risk activities _____
- Policies and procedures for swimming/wading activities _____
- Staff and children are familiar with swimming/wading rules and emergency procedures _____
- Children participate in basic water safety instruction prior to entering water _____
- Water Safety checklists are completed for pool activities _____
- Water safety attendant with current certification/training at waterfront/pool, staff are in water with children _____
- Non swimmers are visually identifiable and using approved flotation devices. _____
- Provider is trained in water safety _____
- Pool water has sufficient clarity to see the bottom _____
- Swimming pool is inaccessible when not in use. 4 foot fence with a locked gate for in-ground pools, 4 foot sidewalls for above-ground pools _____
- Emergency telephone is located in pool area _____

SUMMARY AND COMMENTS

Steps to be certified.

1. Obtain permission from town of Caribou → waiting
2. Satisfactory fire Marshall report Done
3. Therapeutic for refilling fire cozer Done
4. Obtain r-bus certificate for Mily Done

Other comments:

5. Attend CPR/FA Done
6. Obtain diaper containers Done
7. Point getting started certificate Done
8. Obtain first aid kit and manual Done
9. Lock ammunition separately from guns Done
10. Complete railing on front steps. Done

Certification violations and plans for corrections

Section Not met as evidenced by:

Correction Plan:

Commendations:

Licensors:

Becca C

Date:

12/11/13

Provider:

Funge K

Date:

12/11/13

Department of Health & Human Services
Community Services Center
221 State Street
11 State House Station
Augusta, Maine 04333-0011

POTENTIAL LEAD HAZARD RATING SHEET

Daycare Licensee: Priscilla Street Address: 177 Broad Rd. Cuba
 Phone: 551-8713 Town: _____

ITEM	POSSIBLE POINTS	SCORE
BUILDING		
1978 or newer	EXEMPT	
Pre-1978	1	
Pre-1950	2	
FRICITION/IMPACT SURFACES		
Windows – any with interior paint in poor condition	2	
Doors – any with interior paint in poor condition	2	
Stairways – any interior stairways with paint in poor condition	1	
OTHER PAINTED SURFACES		
Walls – interior paint in poor condition	1	
Ceilings – paint in poor condition	1	
Baseboards – paint in poor condition	1	
Floors – interior paint in poor condition	1	
Exterior – paint in poor condition	1	
VISIBLE PAINT CHIPS/PAINT DEBRIS		
In window wells	4	
On floor	2	
BARE SOIL IN PLAY AREA > 9 SQUARE FEET		
	1	
RENOVATIONS/REMODELING WITHIN PAST 6 MONTHS		
	1	
TOTAL SCORE		
What your rating score means:		
A. If you scored between 1-2, there is a very low likelihood of lead hazard even if lead is present. (Information Packet A)		
B. If you scored between 3-5, there is a low likelihood of lead hazards even if lead is present. (Information Packet B)		
C. If you scored between 6-9, there is a medium likelihood of lead hazards if lead is present. DHHS will order a lead inspection. A private certified lead inspector will contact you in the near future to set-up an inspection appointment. (Information Packet C)		
D. If you scored 10 or greater, there is a high likelihood of lead hazards if lead is present. DHHS will order an <i>immediate</i> lead inspection. A private certified lead inspector will contact you within 48 hours or as soon as possible to set-up an inspection appointment. (Information Packet C)		

Licensing Worker: [Signature] Date: 12/11/13



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Caribou Planning Board
From: Tony Mazzucco, Assistant City Manager
Date: 5/28/2014
Re: Agenda item- Discussion on Nuisance Property Ordinance

Changes were made to the structure and some of the language for the nuisance property ordinance. I would like for the Board to discuss this and any changes they would like to see prior to setting a workshop meeting with area landlords and the police chief. I would recommend setting that workshop for some time in August.

40. Nuisance Properties

A. Purpose; 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's code of ordinances have not adequately eliminated or controlled chronic, disorderly or nuisance activity in the City. The enactment of this ordinance and its occasional amendment 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.

B. Definitions.

"Nuisance conduct" is any conduct that would have a tendency to disturb unreasonably the community, the neighborhood or an ordinary individual in the vicinity of said building, including, but not limited to: chronic nuisance activity, loud music, boisterous parties; sounds emanating from within the structure which are annoying outside the building; loud noise or fights within the building or in its vicinity involving tenants of the building or their invitees (excluding incidents involving domestic violence); tenants or invitees of tenants being intoxicated on public ways in the vicinity of the building; the arrest and conviction of tenants or their invitees for activities which constitute either a crime or civil infraction under either state or local law; repeated visits by emergency services; other similar activities in the building or outside the building itself; or other conduct proscribed pursuant to 17-A M.R.S. § 501-A.

A "nuisance property" is any property on which there is located a building that houses one or more dwelling units, or any bed and breakfast establishment, hotel, motel, lodging or rooming house or other structure that provides residential accommodations, at which property the police have found to have occurred, on five (5) or more occasions in any sixty (60) day period, or ten (10) or more occasions in the preceding year, that the owner, a tenant, or a tenants' co-habitees, guests or invitees, or other occupants have engaged in nuisance conduct. Bed and breakfast establishments, hotels, motels, lodging or rooming houses shall have the occurrences counted towards the property as a whole regardless of units; residential rentals/properties shall be counted towards the individual unit, not the property as a whole.

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

1. The Police Department shall document and monitor the occurrence of nuisance conduct at properties in the City. When an occurrence of nuisance conduct has taken place, it

will be recorded and the owner notified in writing. The owner may appeal that determination to the police chief.

- a. For the purpose of this ordinance, calls related to domestic violence complaints shall not be considered towards the occurrence of a nuisance property nor trigger a violation.
- b. For the purpose of this ordinance, calls related to a chronically ill person who has repeated visits by emergency services should not trigger a violation.

2. At the first written notice of nuisance conduct as defined in this ordinance, the property owner will be notified and the property owner or duly authorized agent will be asked to meet with the Chief of Police, Code Enforcement Officer, and other city officials to discuss the nuisance incident and attempt a resolution of the recurring issues.

3. Each notice of nuisance conduct that is documented by the Police Department shall result in the property owner being notified and the City requesting a meeting between the property owner/agent and the City.

D. Declaration of a Nuisance Property

1. In the event a property owner or duly authorized agent has been unwilling or unable to meet with the police chief and city officials after notice of nuisance conduct in accordance with Section C of this ordinance or after meeting one or more times with the police chief and city officials the owner has not followed through on agreed remediation or made progress towards remediation to the satisfaction of the Police Chief, the Police Chief may declare the property a nuisance property if there have been five (5) or more occurrences of nuisance conduct at a property in any sixty (60) day period, or ten (10) or more occurrences of nuisance conduct in the preceding year.
2. Whenever the Police Chief or his/her designee has declared a building and/or property to be a nuisance property, the City shall cause an owner or his/her designee of the property to be notified, in writing, of such declaration and of the events which form the basis for that designation. The notice shall require the owner or his/her designee to meet with representatives of the City, including the Police Chief or his designee(s) within ten (10) business days from the date of the written notification to identify ways in which the problems which have been identified will be eliminated.
3. The notice(s) authorized or required herein shall be effective and deemed delivered upon the date such notice(s) are either (A) placed in the U.S. Mail as certified mail, return receipt requested, or (B) served by a Caribou police officer or other person authorized to effect service of process, in conformance with the procedures for personal service set forth in Maine Rule of Civil Procedure 4(d). Service of notice on majority owner(s) shall be deemed to constitute notice to all owners.
4. At the time of the nuisance property meeting required under section D (2), 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 will agree to take effective measures to address the nuisance property, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the City and shall be implemented within one (1) week of said meeting unless another date is agreed upon. Failure to enter into such an agreement at the conclusion of the meeting will be deemed a violation of this code, and the City may file a complaint in the district court seeking all compensatory and equitable relief permitted by law.

If the same property should be classified as a nuisance property on a subsequent occasion, then the city is under no obligation to meet with the owner but may proceed directly with a complaint to the district court seeking all compensatory and equitable relief permitted by law and seek a court order to post the building(s) on the property or any units therein prohibiting occupancy.

E. Enforcement

1. If the owner (a) refuses to agree to take effective measures to address the nuisance property, (b) takes ineffective measures to address the nuisance property as determined by the City, (c) fails to implement the agreement reached with the City to address the nuisance property, or (d) if, in the discretion of the city, the nuisance property requires immediate posting, the City may post the building against occupancy, and/or may file a legal action against the owner seeking any and all damages and remedies to which it is entitled pursuant to state and local laws. The first violation of this ordinance will result in a \$250 fine being imposed against the owner. The second and all subsequent violations will result in a fine of \$500.

2. The Police Chief, or his/her designee, shall have sole discretion in determining whether conduct is a nuisance for the purposes of this ordinance, and whether a building constitutes a nuisance property. The decision of the Police Chief may be appealed to the City Manager. The decision of the City Manager may be appealed to the City Council.

F. Cost of service for responses to nuisance properties

1. Whenever the police department is required to respond to a situation at a nuisance property under this ordinance for which the property owner has not met with the police chief and followed through on any corrective actions determined as a result of that meeting, the owner of the nuisance property shall pay the cost of service for each such response as follows: for each such response for service the owner shall pay seventy-five (\$75.00) dollars which shall be in addition to any penalty to which the owner may be subject. Charges which become payable

hereunder shall be treated as liens on the property in question. EMS call and domestic violence calls will not be considered as responses under this section.

2. Failure to pay the cost of service within thirty (30) days after demand therefor shall subject the owner to a fine not less than seventy-five (\$75.00) dollars nor more than five hundred dollars (\$500.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.