

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. **CALL TO ORDER** – On Monday, January 9, 2012 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. **ROLL CALL OF MEMBERS** – Mayor Mark Johnston introduced the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Leslie Smith Jr., Marie Doucette, Philip Blood, Arthur Tardif, Eric Cote and Marston Lovell. City Administrator Rick Michaud was also present.

III. **PLEDGE OF ALLEGIANCE**

IV. **GENERAL**

V. **AGENDA:**

A. **AMENDMENTS TO SACO BUILDING CODE TO ALIGN WITH STATE LAW – (SECOND & FINAL READING)**

**Amendments to City Code Chapter 73, Building Standards
and Chapter 74, Building Energy Standards – October 17, 2011**

(Please note ~~strikethrough~~ indicates language to be deleted and underline represents new language)

73-1 TITLE

[Amended 1-18-2000]

This chapter shall be known and may be cited as the "Building and Energy Code."

73-2

~~ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE BY REFERENCE; AMENDMENTS TO STANDARDS~~

~~A. Adoption of the International Residential Code. A certain document, three copies of which are on file in the office of the City Clerk of the City of Saco, being marked and designated as the "International Residential Code," as published by the International Code Council, be and is hereby adopted as the code of the City of Saco for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building, mechanical, plumbing and electrical systems in the City of Saco and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2003 Edition, published by the International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made part hereof as if fully set out in this chapter.~~

~~B. The following sections are hereby revised or adopted:~~

~~(1) Section R101.1 (page 1): insert "City of Saco."~~

~~(2) Section R102.7 (page 1): insert "NFPA 1" in place of "International Fire Code."~~

~~(3) Section R107.4 (page 5): delete "ICC Electrical Code" and insert "Electric Code as adopted by Chapter 87 of the Code of the City of Saco."~~

~~(4) Section R112.1 (page 7), Board of Appeals, General: Insert "The Saco Zoning Board of Appeals shall serve as the Board of Appeals." after the first sentence.~~

~~(5) Table R301.2(1) (page 24): insert the following:~~

~~(a) Under "Ground Snow Load (pounds per square foot)" insert "60."~~

~~(b) Under "Wind Pressure (pounds per square foot)" insert "90."~~

~~(c) Under "Seismic Condition by Zone" insert "C."~~

~~(d) Under "Weathering" insert "severe."~~

~~(e) Under "Frost Line Depth" insert "48 inches."~~

~~(f) Under "Termite" insert "none to slight."~~

- (g) Under "Decay" insert "none to slight."
- (h) Under "Winter Design Temperature for Heating Facilities" insert "to 5° F."
- (i) Under "Ice Shield Underlayment Required" insert "Yes."
- (j) Under "Flood Hazards" insert "January 6, 1997, date of adoption of the Floodplain Management Ordinance of the City of Saco." Date of FIRM, January 5, 1984, with revisions dated March 16, 1998."
- (k) Under "Air Freezing Index" insert "1500."
- (l) Under "Mean Annual Temperature" insert "45° Fahrenheit."
- (6) Section R309.3 (page 49): add the following to end of the section: "The sills of all door openings between garages and adjacent interior spaces shall be raised not less than four inches above the garage floor."
- (7) Section R310.1.1 (page 50): delete the exception.
- (8) Section R311.6.1 (page 52): change "eight units horizontal" to "twelve units horizontal."
- (9) Section R323 (page 58): delete entire section and insert "For Flood Resistant Construction, refer to Chapter [106](#) of the Code of the City of Saco, Maine."
- (10) Section M1301.1.1 (page 291): delete "Section 323.1.5" and replace with "Chapter [106](#) of the Code of the City of Saco, Maine."
- (11) Section M1401.5 (page 297): delete "Section R323.1.5" and replace with "Chapter [106](#) of the Code of the City of Saco, Maine."
- (12) Section M2001.4 (page 321): delete "Section R323.1.5" and replace with "Chapter [106](#) of the Code of the City of Saco, Maine."
- (13) Chapter 24, Fuel Gas (pages 331 to 386): delete chapter and refer to applicable NFPA Standards as adopted by the State of Maine.
- (14) Chapters 26 through 32 (pages 389 through 434): delete chapters and replace with "All plumbing shall be installed in accordance with the State of Maine Internal Plumbing Code, Chapter 238."
- (15) Appendix A is deleted.
- (16) Appendix I (page 573): delete "International Private Sewage Disposal Code" and insert the words "Maine Subsurface Wastewater Disposal Rules, Chapter 241."

73-3.1

ADOPTION OF THE INTERNATIONAL BUILDING CODE BY REFERENCE; AMENDMENTS TO STANDARDS

~~[Amended 1-18-2000; 5-3-2004]~~

A. Adoption of Building Code. A certain document, three copies of which are on file in the office of the City Clerk of Saco, being marked and designated as the "International Building Code, 2003 Edition," as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of the City of Saco in the State of Maine, for control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code, as hereby referred to, are adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Subsection [B](#) of this section.

B. Additions, insertions and changes. The following sections are hereby revised as follows:

- (1) Section 101.1, Title (page 1): insert "City of Saco."
- (2) Section 101.4.1, Electrical (page 1): delete "ICC Electrical Code" and insert "Electric Code as adopted by Chapter [87](#) of the Code of the City of Saco."
- (3) Section 101.4.4, Plumbing (page 1): delete "International Plumbing Code" and insert "State of Maine Internal Plumbing Code, Chapter 238."
- (4) Section 105.1, Required (page 3): delete the words "gas, mechanical" without replacement.
- (5) Section 105.1.1, Annual permit (page 3): delete entire section without replacement.
- (6) Section 105.1.2, Annual permit records (page 3): delete entire section without replacement.
- (7) Section 105.2, Work exempt from permit (page 3): Delete the following items under the heading "Building" without replacement and renumber the remaining: 1, 3, 5, and 12. Delete all items under the heading "Gas" and insert "No local permit required for gas installations." Delete all items under the heading

"Mechanical" and insert "No local permit required for mechanical installations."

(8) Section 105.5, Expiration (page 4): delete entire section and replace as follows: "Time limitation of permits: A building permit issued under the provisions of this code shall become void if work has not commenced within six months of the date of approval and shall expire two years from the date of issue. A building permit may be renewed once for a one-year period upon submission of an application and payment of the prescribed fee. All codes, ordinances and statutes in effect at the time of the renewal application must be complied with before said permit is issued."

(9) Section 107.3, Temporary power (page 6): delete "ICC Electrical Code" and insert "Electric Code as adopted by Chapter [87](#) of the Code of the City of Saco."

(10) Section 108.6, Refunds (page 5): delete section and replace as follows: "In the case of a revocation of a permit or abandonment or discontinuance of a building project, any permit fees already paid shall be nonrefundable. In any other case, a refund may be made after deduction of administrative fees associated with the processing of the building permit based on the City of Saco's Cost Recovery Ordinance."

(11) Section 112.1, Board of Appeals, General (page 8): insert "The Saco Zoning Board of Appeals shall serve as the Board of Appeals." after the first sentence.

(12) Section 903.2, Automatic Sprinkler Systems, Where required (page 166): remove period and add to the end of the first sentence "and in any occupancy or structure as required by Chapter [102](#), § [102-4](#), of the Code of the City of Saco, whichever is more stringent."

(13) Section 1025.2, Minimum size (page 223): delete exception without replacement.

(14) Section 1612.3, Establishment of flood hazard areas (page 300): insert "City of Saco" and "January 5, 1984," and "March 16, 1998."

(15) Section 1612.4, Design and construction (page 301): delete the period at the end of the section and insert "and Chapter [106](#) of the Code of the City of Saco."

(16) Section 2111, Masonry Fireplaces (page 427): delete entire section and insert "Masonry fireplaces shall be constructed to the standards found in NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, 2002 Edition."

(17) Section 2112, Masonry Heaters (page 431): delete entire section and insert "Masonry heaters shall be constructed to the standards found in NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, 2002 Edition."

(18) Section 2113, Masonry Chimneys (page 431): delete entire section and insert "Masonry chimneys shall be constructed to the standards found in NFPA 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, 2002 Edition."

(19) Section 2701.1, Scope (page 543): delete "ICC Electrical Code" and insert "Electric Code as adopted by Chapter [87](#) of the Code of the City of Saco."

(20) Section 2702.1, Installation (page 543): delete "the ICC Electric Code" without replacement.

(21) Sections 2702.2.8, Membrane structures, 2702.10, Highly toxic and toxic materials, 2702.11, Organic peroxides, 2702.12, Pyrophoric materials (page 543): delete "International Fire Code" and insert "NFPA 1."

(22) Section 2702.3, Maintenance (page 543): delete "the International Fire Code" and insert "NFPA 110, Standard for Emergency and Standby Power."

(23) Section 2801.1, Scope (page 545): delete "International Fuel Gas Code" and insert "NFPA 54 National Fuel Gas Code."

(24) Section 2901.1, Scope (page 547): delete "International Plumbing Code" in two locations and insert "State of Maine Internal Plumbing Code, 144A CMR Chapter 238." Delete "International Private Sewage Disposal Code" and replace with "State of Maine Subsurface Wastewater Disposal Rules, 144A CMR Chapter 241."

(25) Section 2902.1.1, Unisex toilet and bath fixtures (page 549): delete "Section 404 of the International Plumbing Code" and insert "the State of Maine Internal Plumbing Code, Chapter 238."

(26) Chapter 30, Elevator and Conveying Systems (pages 551 through 553): delete the entire chapter and insert "All elevator and conveying systems installed shall comply with the Maine State Elevator Regulations found in Title 32, Chapter 133, of the Maine Revised Statutes, Annotated."

(27) Chapter 32, Encroachments Into the Public Way (page 561): delete the entire section without replacement.

- (28) Section 3305.1, Facilities required (page 563): delete "the International Plumbing Code" and insert "federal and state OSHA requirements."
- (29) Section 3309.2, Fire hazards (page 565): delete "International Fire Code" and insert "NFPA 1."
- (30) Section 3401.3, Compliance with other codes (page 567): delete "in the International Fire Code, International Fuel Gas Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Mechanical Code, International Residential Code and ICC Electric Code" and replace with "as regulated by other codes promulgated by the City of Saco."
- (31) Section 3410.2, Applicability (page 570): insert "the effective date of adoption of the International Building Code, 2003 Edition."

~~73-3.2~~

~~ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE BY REFERENCE; AMENDMENTS TO STANDARDS~~

~~[Added 5-3-2004]~~

~~A. Adoption of Existing Building Code. A certain document, three copies of which are on file in the office of the City Clerk of Saco, being marked and designated as the "International Existing Building Code, 2003 Edition," as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Saco in the State of Maine, for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings and structures, including historic buildings as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Existing Building Code, as hereby referred to, are adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Subsection B of this section.~~

~~B. Additions, insertions and changes. The following sections are hereby revised as follows:~~

- ~~(1) Section 101.1, Title (page 1): insert "City of Saco."~~
- ~~(2) Section 104.2.1, Preliminary meeting (page 2): delete "shall" and insert "may."~~
- ~~(3) Section 105.1.1, Annual permits (page 3): delete entire subsection without replacement.~~
- ~~(4) Section 105.1.2, Annual permit records (page 3): delete entire subsection without replacement.~~
- ~~(5) Section 109.3, Required inspections (page 7): delete "shall" and insert "may."~~
- ~~(6) Section 112.1, Board of Appeals, General (page 8): Insert "The Saco Zoning Board of Appeals shall serve as the Board of Appeals." after the first sentence.~~
- ~~(7) Section 202, Definitions, "substantial damage" (page 12): delete the word "market" and replace with "assessed."~~
- ~~(8) Section 202, Definitions, "substantial improvement" (page 12): delete the words "market" and replace with "assessed."~~
- ~~(9) Section 410, Plumbing (page 17): delete entire section and replace with "All plumbing shall be installed in accordance with the State of Maine Internal Plumbing Rules, Chapter 238."~~
- ~~(10) Section 605.3.1.1 (8), seventh line: change "5 square feet (0.46 m²)" to "5.7 square feet (0.54 m²)."~~
- ~~(11) Section 608, Electrical (page 31): delete entire section and replace with "All electrical work shall be done in accordance with the Electric Code as adopted by Chapter 87 of the Code of the City of Saco."~~
- ~~(12) Section 808, Electrical (page 38): delete entire section and replace with "All electrical work shall be done in accordance with the Electric Code as adopted by Chapter 87 of the Code of the City of Saco."~~
- ~~(13) Section 810, Plumbing (page 39): delete entire section and replace with "All plumbing shall be installed in accordance with the State of Maine Internal Plumbing Rules, Chapter 238."~~
- ~~(14) Section 1201.2, Applicability (page 53): insert "the date of adoption of this ordinance."~~

73-2

Administration and enforcement of Maine Uniform Building and Energy Code.

Effective December 1, 2010, the City of Saco applies and enforces the Maine Uniform Building and Energy Code ("M.U.B.E.C."), as required by 10 M.R.S.A. § 9724.

73-3

Building Permit Required

All construction activity as regulated by the Maine Uniform Building and Energy Code must first obtain a Building Permit from the City of Saco before construction commences. The following activities shall be exempt from these requirements:

1. Fences.
2. Sidewalks and driveways.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
4. Prefabricated swimming pools that are less than 24 inches in depth.
5. Swings and other playground equipment.
6. Window awnings supported by the exterior wall which do not project more than 54 inches from the exterior wall and do not require an additional support. This exemption does not include awnings used as signs.

73-4

SUPERVISING OFFICIAL

The Building Inspector of the City of Saco shall serve as the building official as defined in 25 M.R.S.A. § 2371 and shall be responsible for issuing building permits and certificates of occupancy. The Building Inspector shall be responsible for inspecting all permitted construction for compliance with all components of M.U.B.E.C., as such components may be revised from time to time by the Technical Building Codes and Standards Advisory Board. ~~is herewith designated as the City official to supervise and enforce this chapter.~~

73-5

APPEALS

- A. Any person aggrieved by the decision of the Building Inspector with regard to the enforcement of the Building and Energy Code may take appeal to the Mayor and City Council.
- B. An appeal may be taken within 30 days from the date of the decision appealed by filing with the City Council, through its Clerk, a notice of appeal specifying the grounds thereof, except that in the case of a building or structure which, in the opinion of the Building Inspector, is unsafe, dangerous and a threat to life safety, the Building Inspector may, in his/her order, limit the time for such an appeal to seven days. The Building Inspector shall forthwith transmit to the Mayor and City Council all the papers upon which the action appealed from was taken.

73-6

VIOLATIONS AND PENALTIES

The following provisions shall apply to violations of the laws and ordinances set forth in this chapter, and all monetary penalties shall be civil penalties.

- A. The minimum penalty for starting construction or undertaking a land use activity without a required permit shall be \$100 and the maximum penalty shall be \$2,500.
- B. The minimum penalty for a specific violation shall be \$100 and the maximum penalty shall be \$2,500.
- C. The violator may be ordered to correct or abate the violations. Where the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation, unless the abatement or correction will:
- (1) Result in a threat or hazard to public health or safety;
 - (2) Result in substantial environmental damage; or
 - (3) Result in substantial injustice.
- D. If the municipality is the prevailing party, it shall be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, he/she may be awarded reasonable attorney fees, expert witness fees and costs, as provided by court rule.
- E. The maximum penalty may exceed \$2,500 but shall not exceed \$25,000 when it can be shown that there has been a previous conviction of the same party, within the past two years, of the same law or ordinance.
- F. All proceedings arising under the provisions of locally administered laws and ordinances shall be brought in the name of the City of Saco, and fines shall be paid to the City of Saco.

SCHEDULE OF CONSTRUCTION FEES

Editor's Note: Copies of the current fee schedule are on file in the office of the City Clerk.

[Amended 10-16-2000]

Fees shall be determined by Council after a public hearing.

A. The minimum fee shall be established by the City Council after a public hearing.

B. Dwellings.

(1) New buildings. Any building or structure or portion thereof designed or used exclusively for residential purposes, including additions, modular homes and mobile homes.

(2) Foundations for residences (full or partial).

(3) Residential alterations (up to \$5,000).

(4) Residential alterations (each \$1,000 or portion thereof above \$5,000).

C. Sheds up to 180 square feet (over 180 square feet considered a garage).

D. Commercial buildings, including multifamily residential (three or more units), including additions but not alterations.

E. Foundations for commercial structures (full or part).

F. Commercial alterations (up to \$5,000).

G. Commercial alterations (each \$1,000 or portion thereof above \$5,000).

H. Mobile signs, siding, chimneys and swimming pools (aboveground sidewall of 30 inches or more or capacity of 1,200 gallons).

I. Permanent signs (freestanding, parallel or projecting).

J. In-ground swimming pools.

K. Garages (space is 10 feet by 20 feet or fraction thereof rounded downward, i.e., $24 \times 24 = 576$ square feet \div 200 = 2.88 or 2).

L. Decks per square foot.

M. Moving a building.

N. Commercial parking lots (space is nine feet by 18 feet).

O. Propane tank placement of 250 gallons or more.

P. Underground fuel storage tanks (500 gallons or more).

Q. Removal of underground fuel storage tanks (500 gallons or more).

R. Aboveground fuel storage tanks.

S. Occupancy permits (change in use).

T. Occupancy permits (when used in conjunction with new construction).

U. Removal of stop-work order.

V. Reinspection fee.

W. Zoning information, letter form.

X. Mobile home park annual fee.

Y. Demolition.

Z. Plumbing permits.

(1) Per fixture, no maximum.

(2) Reinspection fee, including septic system reinspections.

CHAPTER 74**BUILDING ENERGY CONSERVATION**

~~[HISTORY: Adopted by the City Council of the City of Saco 12-1-2008. Amendments noted where applicable.]~~

GENERAL REFERENCES

Building Construction — See Ch. [73](#).

Electrical Code — See Ch. [87](#).

Fire Prevention — See Ch. [102](#).

Mobile Homes — See Ch. [143](#).

**74-1
PURPOSE**

The purpose of this chapter is to assure the comfort, convenience, safety, health and welfare of the inhabitants of the City of Saco, to protect and conserve its environment and resources, and to provide for alternative measures to design and construct energy efficient buildings.

**74-2
FINDINGS AND INTENTIONS**

The City of Saco finds that preserving resources through energy efficient construction will improve the quality of community life, will foster continued reinvestment and redevelopment in the community, and promote and sustain the greater public's interest in visiting and living in Saco. As part of its overall green and clean initiatives, including the installation of windmills, the adoption of mandatory single stream recycling, the purchase of electric and other alternative energy vehicles, the preservation of critical open space, and the adoption of this and other similar ordinances, the City intends to lead by example, and promote and maintain for its citizens a clean and sustainable life.

**74-3
TITLE**

This chapter shall be known and may be cited as the "Building Energy Conservation Code."

**74-4
ADOPTION OF STANDARDS BY REFERENCE**

The 2006 Edition of the International Energy Conservation Code, as recommended and published by the International Code Council, is adopted by reference and made a part of this chapter, with the same force and effect as though set out in full herein, as the Official Building Energy Conservation Code of the City of Saco, subject to additions and deletions set forth in this chapter. This chapter is adopted pursuant to 30 A M.R.S.A. §§ 3001 and 3003, and pursuant to the authority provided under the Maine Constitution Article VIII, Part Second. Pursuant to 30 A M.R.S.A. § 3003, at least one copy of the International Energy Conservation Code has been and shall be on file in the office of the City Clerk for public inspection and use.

**74-5
SUPERVISING OFFICIAL**

The Building Inspector, Code Enforcement Officers and Electrical Inspector of the City of Saco are all authorized to administer and enforce this chapter.

**74-6
ADDITIONS, DELETIONS AND INSERTIONS**

The following are hereby revised:

A-

Section 101.1 Insert: {City of Saco}.

**74-7
APPEALS**

A-

Any person aggrieved by a decision of the Building Inspector, Code Enforcement Officer or Electrical Inspector with regard to the enforcement of the Building Energy Conservation Code may take such appeal to the City Council.

B-

An appeal may be taken within 30 days from the date of the decision appealed by filing with the City Council, through its Clerk, a notice of appeal specifying the grounds thereof, except that in the case of a building or structure which, in the opinion of the Building Inspector, is unsafe, dangerous and a threat to safety of the inhabitants thereof, the time for such an appeal shall be seven days. Upon receipt of an appeal, the Clerk and the Building Inspector shall cause and forthwith transmit to the City Council all papers upon which the action appealed from was taken.

~~C.~~

~~The City Council shall act as a review board of appeals, hold a hearing and make findings of fact and conclusions of law before rendering a decision on the matter appealed. The hearing will not be de novo.~~

~~D.~~

~~Any appeal from a decision of the City Council shall be taken pursuant to Rule 80(B) of the Maine Rules of Civil Procedure.~~

74-8

VIOLATIONS, ENFORCEMENT AND PENALTIES

~~The following provisions shall apply to violations of the laws and ordinances set forth in this chapter, and all monetary penalties shall be civil penalties.~~

~~A.~~

~~The minimum penalty for violation of any provision of this code shall be \$100, and the maximum penalty shall be \$2,500 per violation or instance.~~

~~B.~~

~~The minimum penalty for a specific violation shall be \$100, and the maximum penalty shall be \$2,500.~~

~~C.~~

~~In addition to monetary fines, the violator may be ordered to correct or abate the violations. Where a court finds that the violation was willful, the violator shall be ordered to correct or abate the violation, unless the abatement or correction will:~~

- ~~(1) Result in a threat or hazard to public health or safety;~~
- ~~(2) Result in substantial environmental damage; or~~
- ~~(3) Result in substantial injustice.~~

~~D.~~

~~If the City is the prevailing party, it shall be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, he/she may be awarded reasonable attorney fees, expert witness fees and costs, only as provided by court rule or state law.~~

~~E.~~

~~The maximum penalty may exceed \$2,500 but shall not exceed \$25,000 when it can be shown that there has been a previous violation of the chapter by the same party, within the past two years.~~

~~F.~~

~~All enforcement proceedings initiated by the City, arising under the provisions of this chapter and the code adopted by reference herein shall be brought in the Maine District Court pursuant to the Maine Rule of Civil Procedure 80(K). Proceedings shall be brought in the name of the City of Saco, and fines shall be paid to the City of Saco.~~

~~G.~~

~~The Code Enforcement Officer may, in consultation with the City Administrator and with the advice of the City Attorney, reach, enter into and execute a settlement or consent agreement with the party alleged to have violated this chapter or any provision of the International Energy Conservation Code incorporated herein. Such consent or settlement agreement may provide for the following remedies or relief:~~

- ~~(1) Fines;~~
- ~~(2) Attorney fees;~~
- ~~(3) Costs, including experts and tests;~~
- ~~(4) Injunctive relief;~~
- ~~(5) Other affirmative undertakings by the subject party defendant.~~

74-9

VALIDITY AND/OR CONFLICT WITH OTHER ORDINANCES

~~A-~~

~~Validity. Should any section or provision of this chapter be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this chapter.~~

~~B-~~

~~Conflict with other ordinances. Whenever the requirements of this chapter are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirement shall apply.~~

**74-10
EFFECTIVE DATE**

~~This chapter shall become effective as provided by the City Charter; however, the Code provisions adopted by reference herein shall remain advisory only until January 1, 2010. Thereafter, all provisions shall become mandatory, and the failure to comply with them shall become enforceable as provided herein.~~

----- End of document-----

Councilor Blood moved, Councilor Doucette seconded “The City of Saco hereby ordains and approves the Second and Final Reading of the document titled, ‘Amendments to City Code Chapter 73, Building Standards and Chapter 74, Building Energy Standards – October 17, 2011’.” The motion passed with seven (7) yeas.

VI. CONSENT AGENDA

Councilor Lovell moved, Councilor Blood seconded to adopt item A. The City of Saco hereby:

A. Approval of Minutes: December 19, 2011

The motion passed with seven (7) yeas.

Note: Items #B, C, and D were removed from the consent agenda, and voted on separately.

Below are the Consent Agenda Item Commentaries.

B. AMENDMENT TO TRAVEL AND TRAINING POLICY

‘Amendment to Travel & Training Policy, Section F (2), dated December 19, 2011’

(Please note ~~strike through~~ represents language to be deleted while underline represents new language)

F. VEHICLE ASSIGNMENTS

1. This policy is intended to provide a consistent standard for the use of city-owned vehicles. The City recognizes that certain employees are required to be “on-call” during off-duty hours. This policy is intended to assure that these employees are able to have the vehicles at their disposal necessary to fulfill the duties of their positions while at the same time ensuring only those uses authorized by the City are permitted. Further, the City recognizes that an employee responding to a call for service outside of regular hours from their place of residence will decrease response time for the call.
2. Marked Vehicles - Employees who positions require that they are available during off-duty hours to respond to stakeouts, surveillance sites, fire or emergency calls, may with the prior approval of the City Council, use the City’s marked vehicles while “on-call” during off-duty hours. The following positions are authorized to take home a marked City vehicle: Police Chief, Deputy Police Chiefs, Fire Chief, Deputy Fire Chiefs, Treatment Plant Operator, Deputy Wastewater Director, Director of Public Works, and Deputy Public Works Director. This policy allows the City Administrator to temporarily

authorize other employees to take home a marked vehicle as work assignments warrant. Any personal use of the City's vehicles during off-duty hours is strictly prohibited.

3. Unmarked Vehicles - Employees whose positions require that they are available during off-duty hours to respond to stakeouts, surveillance sites, fires or to emergency calls may use the City's unmarked vehicles while "on-call" during off-duty hours. The City Administrator and Detectives are provided with an unmarked City vehicle. Any personal use of the City's vehicle during off-duty hours is strictly prohibited with the exception of the City Administrator in accordance with a provision of an Employment Agreement.

Police Departments with Take Home Cruisers December 13, 2011

<u>COMMUNITY</u>	<u>TAKE HOME CRUISERS</u>
Biddeford PD	Chief Beaupre Deputy Chief Audie Deputy Chief Fiske
Westbrook PD	Chief Pardue Capt. Roth Lt. Nugent
Kennebunk PD	Chief MacKenzie Lt. Jones Lt. Bean
South Portland PD	Chief Googins Deputy Chief Berry Detective Supervisor
Scarborough PD	Chief Moulton Deputy Chief St. Pierre Deputy Chief Grover
Sanford PD	Chief Connolly Deputy Chief Strout
Brunswick PD	Chief Rizzo Deputy Chief Hagan Lt. Waltz
Augusta PD	Chief Gregoire Deputy Chief Mills
York PD	Chief Bracy Capt. Laconte Lt. Szeniewski

Councilor Smith moved, Councilor Lovell seconded "Be it ordered that the City Council approve the amendments to the document titled, 'Amendment to Travel and Training Policy, Section F, 2, dated December 19, 2011'." Further move to approve the Order.

Councilor Tardif moved to bring this item back to Workshop. There was not second. The motion failed.

The Mayor called for a vote on the Main motion. The motion passed with six (6) yeas and one (1) nay – Councilor Tardif.

C. CONFIRMATION OF COUNCIL LIAISON APPOINTMENTS

**2 YEAR APPOINTMENTS OF COUNCIL LIAISONS
Dated, December 19, 2011**

Council Marston Lovell:

Southern Maine Regional Planning Commission
Biddeford Saco Area Economic Development Commission
Economic Development Commission
Transit Committee (to 6/30/2012)
Traffic Safety Committee

Council Eric Cote:

Affordable Housing Committee
Traffic Safety Committee
Planning Board
Energy Committee

Councilor Art Tardif:

Fair Hearing Authority for General Assistance
Affordable Housing Committee

Councilor Phil Blood:

Coastal Waters Commission
Saco Shoreline Commission
Personnel Committee

Councilor Marie Doucette:

Affordable Housing Committee
Dyer Library/Saco Museum Board

Council Les Smith:

Land for Saco’s Future
Fair Hearing Authority for General Assistance

Councilor David Tripp:

Transit Committee (effective 7/1/2012)

Saco River Corridor Commission – Mayor Johnston and Peg Mills

AD HOC COMMITTEES:

TA Cable Committee – Councilors Doucette and Tardif
Insurance Committee – Councilors Cote and Doucette
Public Works Facility Committee – Councilor Tripp
Affordable Housing Committee – Councilor Lovell
Sesqui-bicentennial Committee – Councilor Doucette

***It was noted that this list is being submitted with the understanding there are other Council members on the Ad Hoc Committees.

Councilor Tardif moved, Councilor Lovell seconded “Be it Ordered that the City Council approve the Mayor’s appointments as detailed on the document titled, ‘2 Year Appointment of Council Liaisons, dated December 14, 2009’.” Further move to approve the Order. The motion passed with seven (7) yeas.

D. AMENDMENT TO THE PROCEDURES MANUAL FOR COUNCIL MEMBERS

“Amendments to the Procedures Manual for Council Members, dated January 9, 2012”

Chapter 4 – Support Provided to City Council, E. iPads. (pg 10). iPads - The City of Saco in an effort to reduce the cost of printing, will make available to City Council members who request, an Apple iPad. Councilors will pay for ½ the total cost of the iPad, which is currently \$300. After one year, the iPad becomes the property of the Councilor. The City will purchase and install all software required to use the iPad for City business (iAnnotatePDF, Docs to Go, etc). Councilors are free to purchase and install any additional applications at the Councilors expense. Information Technology will only provide iPad support as it relates to City needs and applications.

Chapter 8 City Council Meetings & Workshops. (pg. 19) A. Council meeting schedule. “The Maine Freedom of Access Law, 1 MRSA 405 requires 3 days posting prior to all meetings”.

Chapter 8 City Council Meetings & Workshops. (pg. 25) C (3) (e) Executive Session - Executive Session – The Maine Freedom of Access Law, 1 MRSA 405, states that “Executive sessions may be called only by a public, recorded vote of 3/5 of the members present and voting....A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business.” Accordingly, the following chart shall apply:

<u>Members Present & Voting</u>	<u>3/5</u>	<u>Affirmative Votes Required</u>
<u>7</u>	<u>4.2</u>	<u>5</u>
<u>6</u>	<u>3.6</u>	<u>4</u>
<u>5</u>	<u>3.0</u>	<u>3</u>
<u>4</u>	<u>2.4</u>	<u>3</u>

Councilor Cote moved, Councilor Lovell seconded “Be it ordered that the City Council approve the amendments to the ‘Procedures Manual for Council Members, dated 01 19 2012’.” Further move to approve the Order. The motion passed with seven (7) yeas.

VII. ADJOURN THE MEETING

The meeting was adjourned with the unanimous consent of the council at 7:21 p.m.

ATTEST: _____
 Michele L. Hughes, City Clerk