

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

**I. CALL TO ORDER** – On Monday, April 4 2016 at 6:30 p.m. a Council Meeting was held in the City Hall Auditorium.

**II. ROLL CALL OF MEMBERS** –Mayor Roland Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Roger Gay, William Doyle, Kevin Roche, Alan Minthorn, and Nathan Johnston. City Administrator Kevin Sutherland was also present this evening. Councilor Cote was absent this evening.

**III. PLEDGE OF ALLEGIANCE**

**IV. APPROVAL OF MINUTES**

**V. GENERAL:**

➤ **BUILDING SAFETY MONTH PROCLAMATION**

Mayor Roland Michaud read the “Building Safety Month” Proclamation as follows:



**Building Safety Month Proclamation — May, 2016**

Whereas, our City’s continuing efforts to address the critical issues of safety, energy efficiency, water conservation, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and;

Whereas, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas, these guardians—dedicated members of the International Code Council—use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play, and;

Whereas, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;

Whereas, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities’ largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and;

Whereas, “Building Codes: Driving Growth through Innovation, Resilience and Safety” the theme for Building Safety Month 2016, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, water safety and conservation; energy efficiency and new technologies in the construction industry. Building Safety Month 2016 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and,

Whereas, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives

and property.

NOW, THEREFORE, I, Roland Michaud, Mayor of the City of Saco, Maine do hereby proclaim the month of May 2016 as Building Safety Month. Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.



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**Mayor, Roland Michaud**  
**City of Saco**

➤ **2016 MAYOR'S DAY OF RECOGNITION FOR NATIONAL SERVICE**

Mayor Roland Michaud read the "2016 Mayor's Day of Recognition for National Service" as follows:



**CITY OF SACO PROCLAMATION – APRIL 5, 2016**

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, national service participants address the most pressing challenges facing our cities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the **Mayors Day of Recognition for National Service on April 5, 2016.**

THEREFORE, BE IT RESOLVED that I, Roland Michaud, Mayor of Saco, do hereby proclaim April 5, 2016, as ***National Service Recognition Day***, and encourage residents to recognize the positive impact of national service in our city; to thank those who serve; and to find ways to give back to their communities.



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**Mayor, Roland Michaud**  
**City of Saco**

## ➤ PUBLIC COMMENTS

Stephen Shiman, 15 Bayview Terr. – Mr. Shiman would like to resolve the issue of how the public gets involved in the very efficient Council meetings. Mayor Michaud noted that the he and Council will talk about ideas to enhance the public comments procedure at the next Workshop.

## VI. AGENDA

The agenda items that follow had a First Reading at the March 28, 2016 Council Meeting with a Public Hearing scheduled for tonight, but because there was not 7 days between the readings the Public Hearing needs to be scheduled for April 19, 2016. The First Readings tonight replace the prior ones held on March 28<sup>th</sup>.

### A. AMENDMENT TO SACO CODE: CHAPTER 99 – FIREARMS – (FIRST READING)

Saco is well-known for its horse farms and breeders in the Buxton Road/Louden Road areas. As equine enthusiasm continues to expand, an interest in western-style mounted cowboy shooting sports has developed as well.

Enthusiasts of this activity have requested an ordinance change necessary to permit them to legally conduct competitions and demonstrations in the Shotgun Only zone. Currently this is not permissible by ordinance (Chapter 99 Firearms). The Saco City Code only permits the discharge of shotguns and muzzleloaders in the area where two of the primary horse farms with an expressed interest in mounted cowboy shooting sports are located. This sport does not involve discharging projectiles, as only blank cartridges are used. However, ordinance changes are necessary to permit the activity, as the firearms the blank cartridges are discharged from meet the federal, state, and city definitions of 'firearm'.

An additional issue the suggested changes attempt to address is to permit blank cartridges to be discharged for limited purposes (military ceremonies, theatrical purposes, etc).

And finally, language/structural changes to the current ordinance were addressed as explained.

City Council discussed during Workshop on March 14, 2016 and suggested revisions to Chapter 99.

Councilor Precourt moved, Councilor Doyle seconded "Be it Ordered that the City Council does hereby ordain and approve the First Reading for the amendment to the Saco Code, Chapter 99-Firearms, and further moves to set the Public Hearing for April 19, 2016." Further move to approve the order. The motion passed with six (6) yeas.

## **Chapter 99: Firearms**

[HISTORY: Adopted by the City Council of the City of Saco 5-1-1995 as Ch. III, Sec. 3-2, of the 1994 Code. Amendments noted where applicable.]

### § 99-1 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

#### **APPROVED OUTDOOR FIREARMS RANGE**

An approved outdoor firearms range having a backstop constructed of logs or timbers of at least 12 inches in diameter with an earth barrier behind or an earth barrier of suitable materials with no less than a forty-five-degree slope. There shall be a natural obstruction of trees or terrain to the rear of the backstop. The target area shall be placed no less than three feet from the top and sides of the backstop. The range widths of the target shall be no less than 15 feet for 50 yards, 25 feet for 100 yards and 50 feet for 200 yards. ~~A No~~ range shall ~~not~~ be situated ~~less~~ closer than 100 feet from ~~the nearest~~ any roadway and shall ~~not~~ be constructed so that bullets or projectiles will not travel toward the nearest roadway. No shooting at an outdoor range shall be allowed between the hours of sunset and sunrise. These regulations shall not apply to indoor shooting ranges.

#### **FIREARM**

Any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive, and includes any such weapon commonly referred to as a "pistol," "revolver," "rifle," "gun,"

"machine gun" or "shotgun." Any weapon which can be made into a firearm by the insertion of a firing pin or other similar thing or repair is a firearm.

### **MUZZLE-LOADING FIREARM**

A rifle or smoothbore firearm that is loaded through the muzzle with powder or priming charge or a flint-, match- or wheel lock mechanism.

### **NO-DISCHARGE ZONE**

That portion of the City encompassed within the following boundaries: Deep Brook, from the Saco River northerly to Route 112; then easterly to the intersection of Route 112 and Jenkins Road; then northerly to so-called Newton Farm Pond; then easterly to the Maine Turnpike; then southerly to Goosefare Brook; then following Goosefare Brook easterly to Old Orchard Road; then southerly to Ferry Road; then easterly to the easternmost boundary of Laurel Hill Cemetery; then southerly to the Saco River, thence along the Saco River to Deep Brook, the point of beginning.

[Amended 11-7-2005]

### **SHOTGUN**

A rifled or smoothbore firearm designated to shoot shot shells, e.g., 10-, 12-, 16-, 20- and 28-gauge and .410-caliber.

### **SHOTGUN/MUZZLELOADER FIREARM-ONLY ZONE**

[Amended 4-1-1996]

That portion of the city encompassed within the following boundaries:

A. That area from the point where Deep Brook joins the Saco River northerly along the westerly side of Deep Brook to Buxton Road; then westerly along Buxton Road to Simpson Road; then southwesterly along Simpson Road to Fire Lane 4; then from the intersection of Fire Lane 4 and Simpson Road southwesterly to the Saco River; thence along the Saco River to the Maine Turnpike, the point of beginning.

[Amended 11-7-2005]

B. Beginning at a point along the Saco River at the southeast corner of Laurel Hill Cemetery; then in a northerly direction to Ferry Road; then westerly on Ferry Road to Old Orchard Road; then northerly on Old Orchard Road to the Goosefare Brook at the town line; then easterly along Goosefare Brook to the ocean's edge; then southerly along the shoreline to the breakwater at Camp Ellis; then westerly along the Saco River to Laurel Hill Cemetery, being the point of beginning.

### **UNRESTRICTED ZONE**

That portion of the City not encompassed within the No Discharge or Shotgun/Muzzleloader-Only zones.

§ 99-2 Permission required for discharge near residences.

It shall be unlawful for any person to shoot or discharge a firearm of any kind or description in the city within 100 yards of a residential dwelling without the permission of the owner or, in ~~his~~ their absence, of an adult occupant of that dwelling ~~as set forth in 12 M.R.S.A. § 7406, Subsection 13.~~

§ 99-3 Discharge in a reckless manner prohibited.

It shall be unlawful for any person to shoot or discharge a firearm of any kind or description in the city in a reckless manner, ~~pursuant to 17 A M.R.S.A. §§ 208 A and 211.~~

§ 99-4 ~~Shotgun only z~~Zones.

A. Shotgun/Muzzleloading Firearm-Only zone: It shall be unlawful for any person to shoot or discharge a firearm of any kind or description other than a shotgun, ~~or muzzle-loading firearm,~~ or blank cartridges in any portion of the city which is designated as a shotgun/muzzleloading firearm-only zone.

- B. No-Discharge Zone: It shall be unlawful for a person to shoot or discharge a firearm of any kind or description in the No-Discharge zone except as specifically allowed in this chapter.
- C. Unrestricted Zone: There are no municipal restrictions on discharging legally possessed or licensed firearms in this zone, subject to all applicable federal, state or municipal laws or ordinances.

§ 99-5 Exceptions; self defense.

- A. ~~Exceptions. The provisions of §§ 99-2 through 99-4 shall not apply in the following cases, except in the no-discharge zone~~ No provision of this chapter shall be construed to limit the authority to discharge a firearm by a person who is:
- ~~(1) An approved firearms range acting in lawful defense of a person, including themselves.~~
  - ~~(2) Raccoon hunting at night with a .22 caliber long rifle firearm a law enforcement officer or government official acting within the scope of their lawful duties.~~
  - ~~(3) Trappers tending their traps a member of any branch of the United States military, veterans' organizations or similar organizations in connection with public ceremonial events.~~
  - ~~(4) discharging a firearm with blank cartridges for school-sanctioned theatrical productions or athletic events.~~
  - ~~(5) in the shotgun/muzzleloader-only zone, discharging a firearm with blank cartridges if otherwise compliant with 12 MRS §11209.~~
  - ~~(6) in the shotgun/muzzleloader-only zone, discharging a firearm at an approved firearms range.~~
  - ~~(7) raccoon hunting at night with a .22 long rifle caliber firearm.~~
  - ~~(8) a trapper tending his traps.~~
- B. ~~Nothing in this chapter shall infringe upon the statutory right of a person to act in self defense as provided for by Maine statutes.~~

§ 99-6 Noise Limitations. Notwithstanding the preceding, any contest or event that involves shooting, and any facility that hosts, promotes or facilitates shooting on its premises must also comply with any applicable City noise limitation and ordinance.

§ 99-67 Violations and penalties; recovery of fines.

Any person who violates any of the provisions of this section shall be subject to a fine of not less than \$500 nor more than \$1,000, plus costs, which fines shall be recovered in a civil action to the use of the city.

**B. ZONING ORDINANCE AMENDMENTS: TABLE 412-1 - MU-3 ZONE – (FIRST READING)**

The developer of the Park North multi-use development asked that the Planning Board consider lessening frontage requirements for parcels in the MU-3 zone, each side of Rte. 1 and North of Flag Pond Road and Cascade Road. The Board reviewed existing parcels and frontages, the Comprehensive Plan, and frontage requirements along Route 1 in nearby communities as part of its discussion.

The Planning Board considered this in a series of workshops from August to December and held a public hearing on Jan. 19, 2016. The Board recommends that the amendments be adopted as proposed.

The City Council discussed this item during Workshop on March 14, 2016.

Councilor Doyle moved, Councilor Gay seconded “Be it Ordered that the City Council hereby Ordains and Approves the First Reading of the document titled, “Amendments to Table 412-1 and Footnotes, Amended January 19, 2016”, and further moves to set the Public Hearing for April 19, 2016.” Further move to approve the order. The motion passed with six (6) yeas.

**“Amendments to Table 412-1 and Footnotes, Amended January 19, 2016”**

*(New language is underlined).*

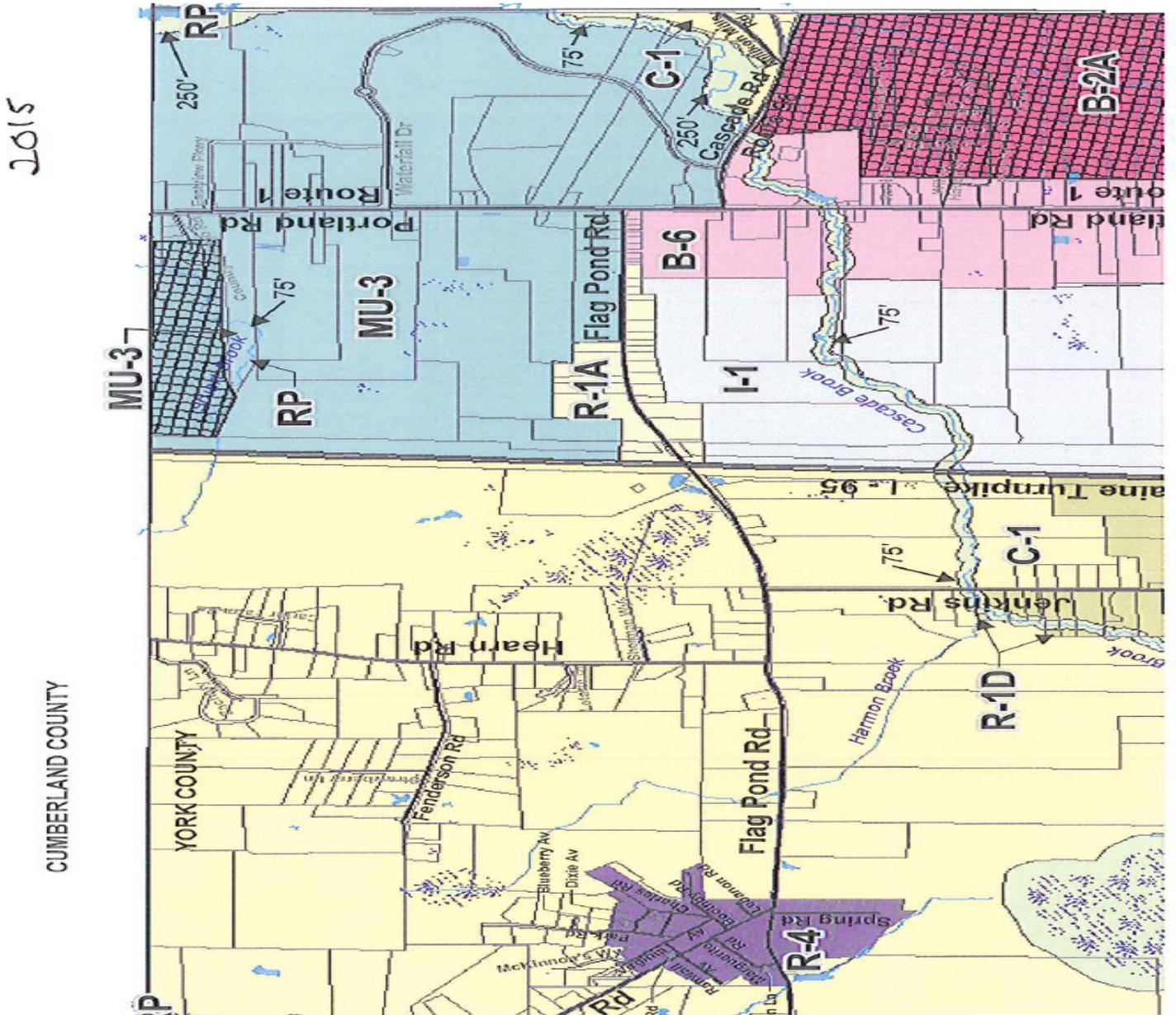
- Maintain 200 feet as required frontage for a parcel in the MU-3 zone, but, add footnote 28 to Table 412-1 as

• follows:

28. If single point of access (curb cut) to Rte. 1 is shared between two or more parcels, frontage may be reduced to 150 feet for each parcel.

• Add footnote 29 to Table 412-1 as follows:

29. Street frontage for a parcel not obtaining frontage from Rte. 1 may be reduced to 75 feet.



**VII. CONSENT AGENDA**

**VIII. ADJOURNMENT**

Councilor Minthorn moved, Councilor Johnston seconded to adjourn the meeting at 6:40 p.m. The motion passed with six (6) yeas.

Attest: \_\_\_\_\_  
Michele L. Hughes, City Clerk