

## **AGENDA**

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, July 27, 2020**

**6:00 P.M.** Finance Committee Meeting

**7:00 P.M.** Call to Order

We are now streaming town meetings on YouTube! To watch the meeting, please use the following link: **Town of Cumberland YouTube**. Meetings will still be broadcast on Channel 1301.

### **I. CALL TO ORDER**

### **II. APPROVAL OF MINUTES**

July 20, 2020

### **III. MANAGER'S REPORT**

### **IV. PUBLIC DISCUSSION**

### **V. LEGISLATION AND POLICY**

**20 – 042** To hear a report from the Tax Assessor and to hold a Public Hearing to consider and act on setting the FY2021 tax rate.

**20 – 043** To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes and to authorize applying tax payments to the oldest unpaid taxes.

**20 – 044** To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, a zone change request for a 3.35 acre parcel located in the Village Center Commercial (VCC) zone to the Village Medium Density Residential (VMDR) zone, as recommended by the Ordinance Committee.

**20 – 045** To consider and act on forwarding to the Planning Board for a Public Hearing and

recommendation, amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards and Criteria), Sub-section H (Exterior Lighting) of the Cumberland Code, as recommended by the Ordinance Committee.

**20 – 046** To hear a report from the Town Manager and to set a Public Hearing date of August 10th to consider and act on amendments to Chapter 84 (Fees and Fines) of the Cumberland code, as recommended by the Ordinance Committee.

**20 – 047** To hear a report from the Town Manager and to set a Public Hearing date of August 10th to consider and act on amendments to Chapter 9 (Alarms) of the Cumberland code, as recommended by the Ordinance Committee.

**20 – 048** To consider and act on authorizing the Police Department to dispose of unclaimed bicycles by donating them to the Cumberland Food Pantry or Firefighters 4-Kidz, pursuant to 25 M.R.S.A., Section 3503-B.

**20 – 049** To appoint a member to the Lands & Conservation Commission.

**20 – 050** Town Council committee assignments.

## **VI. NEW BUSINESS**

Finance Committee Meetings @ 6:00 p.m. on August 10th and 24th

Ordinance Committee Meetings @ 7:30 a.m. on August 5th and 12th

## **VII. ADJOURNMENT**

# MINUTES

Cumberland Town Council Meeting  
Town Council Chambers  
**MONDAY, July 20, 2020**

## **7:00 P.M. Call to Order**

Present: Councilors Copp, Edes, Foster, Gruber, Storey-King, Turner and Vail

### **I. APPROVAL OF MINUTES**

Motion by Councilor Gruber, seconded by Councilor Turner, to accept the June 22, 2020 meeting minutes as presented.

VOTE: 5-0-1 (Copp abstained)      MOTION PASSES

### **II. MANAGER'S REPORT**

None

### **III. PUBLIC DISCUSSION**

None

### **IV. LEGISLATION AND POLICY**

#### **20 – 038 To swear in newly elected Town Councilors.**

Town Clerk, Tammy O'Donnell, administered the oath of office for Councilors Foster and Gruber.

#### **20 – 039 Election of Town Council Chair and Vice-Chair.**

Councilor Vail, nominated Councilor Gruber, as Town Council Chairman. Councilor Copp seconded.

VOTE: 7-0      UNANIMOUS

Councilor Edes, nominated Councilor Vail, as Town Council Vice-Chairman. Councilor Turner seconded.

VOTE: 7-0      UNANIMOUS

#### **20 – 040 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 5 River Way.**

Town Manager Shane explained that the new owners of 5 River Way discovered that the front setback for their new home was in violation of Town Ordinance. Only the Town Council can rectify this via a consent agreement. A \$500 fee is typically collected to cover the Town's legal costs. The owner, Mr. Svigelj is present to answer any questions.

No public comment.

Motion by Councilor Copp, seconded by Councilor Gruber, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 5 River Way and collect \$500.00 for legal fees.

VOTE: 7-0      UNANIMOUS

**20 – 041 To consider and act on amendments to Chapter 17 (Animal Control), Section 3 (dogs at large), Broad Cove, as recommended by the Ordinance Committee.**

Town Manager Shane explained that this is more of a housekeeping item. The intention of the ordinance was to keep dogs off the beach, not off the pier. Many boat owners are accessing their boats with their dog, and as the ordinance is currently written, that would be a violation.

No public comment.

Motion by Councilor Copp, seconded by Councilor Vail, to amend Chapter 17 (Animal Control), Section 3 (dogs at large), Broad Cove, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

**V. NEW BUSINESS**

No new business

**VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.**

Motion by Councilor Vail, seconded by Councilor Copp, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.

VOTE: 7-0 UNANIMOUS

TIME: 7:16 P.M.

Reconvene to regular session at 7:58 P.M.

**VII. ADJOURNMENT**

Motion by Councilor Gruber, seconded by Councilor Copp, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 7:58 P.M.

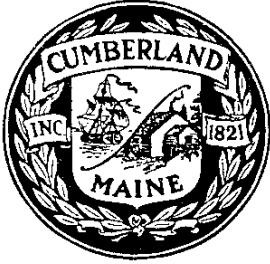
Respectfully submitted by,

Brenda L. Moore  
Council Secretary

# ITEM

# 20-042

To hear a report from the Tax Assessor and to hold a Public Hearing to  
consider and act on setting the FY2021 tax rate



# MEMORANDUM

Town of Cumberland, Maine  
290 Tuttle Road  
Cumberland, ME 04021  
Telephone (207) 829-2205 • Fax (207) 829-2214

To: William Shane, Town Manager  
From: John Brushwein, Assessor  
Date: July 16, 2020  
Re: 2020 Tax Rate

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The 2020-21 commitment is complete with tax bills scheduled to be mailed the 1st week in August. It is my recommendation that the tax rate be set at \$20.35 per \$1,000.00 of assessed value which represents a 2.52% (50 cent) increase above the 2019-2020 rate of \$19.85.

The overall assessed valuation of the Town increased by approximately \$24,541,000 as a result of new construction, land divisions, and additional personal property. The homestead exemption increased to \$25,000 this year which resulted in an additional \$9,552,000 in exemptions bringing the net taxable increase to \$14,989,000. The table below represents the tax increase resulting from the 2020-21 rate change.

ASSESSED VALUE	TAX INC.	W/HOMESTEAD INCREASE	INC/\$100K
\$250,000	\$125.00	\$27.32	\$50.00
\$300,000	\$150.00	\$52.32	
\$400,000	\$200.00	\$102.32	
\$500,000	\$250.00	\$152.32	
\$600,000	\$300.00	\$202.32	

LD1 requires municipalities to calculate a property tax levy limit annually. If the municipality exceeds the limit, a vote must be taken by the local governing body to exceed the limit. The limit is based on local property growth and statewide average personal income growth. The State Office of Policy and Management calculates the personal income growth based on a 10 year average. This year's LD1 calculation resulted in a Municipal Property Tax Levy limit of \$6,461,903.00. The 2020 Municipal Property Tax Levy is \$5,621,902.00 which is \$840,001.00 under the limit, therefore, no vote is needed to exceed the limit.

Respectfully Submitted,

John E. Brushwein, CMA  
Assessor

# ITEM

## 20-043

To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes and to authorize applying tax payments to the oldest unpaid taxes

## Maine Office of the Treasurer

[Home](#) → [Revenue Sharing](#) → Delinquent Tax Rates

# Delinquent Tax Rates

Municipalities may, by vote, determine the rate of interest that shall apply to taxes that become delinquent during a particular taxable year until those taxes are paid in full. The maximum rate of interest that can be charged per [Title 36, M.R.S.A. Section 505.4](#) is as follows:

### ***Taxable Year******Maximum Rate***

<b>2020</b>	<b>8.00%</b>
2019	9.00%
2018	8.00%
2017	7.00%
2016	7.00%
2015	7.00%
2014	7.00%
2013	7.00%
2012	7.00%
2011	7.00%
2010	7.00%
2009	7.00% up to 9.00%
2008	11.00%
2007	12.00%
2006	11.00%
2005	7.75%
2004	6.50%
2003	7.00%
2002	6.75% up to 8.75%
2001	11.50%
2000	10.75%
1999	10.00%
1998	10.75%
1997	10.50%
1996	10.75%
1995	10.75%
1994	10.00%
1993	10.00%
1992	10.00%
1991	12.00%

If you have any questions about this information, please feel free to contact my Office.

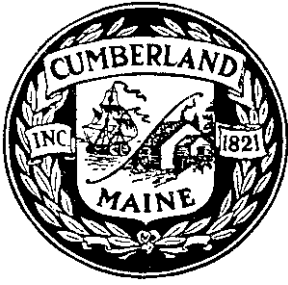
### **Credits**

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# ITEM

# 20-044

To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, a zone change request for a 3.35 acre parcel located in the Village Center Commercial (VCC) zone to the Village Medium Density Residential (VMDR) zone, as recommended by the Ordinance Committee



# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2205 FAX: 829-2224

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** July 22, 2020  
**Re:** 20-044 3.35 Acre zone change request- VCC to VMDR

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Attached you will find a zone change request from Michael Record owner of the **Board Barn** to re-zone approximately 3.35 Acres of the Board Barn property located in the VCC to VMDR. As you know, the VCC is our most permissive commercial zone and does not permit residential housing. The VMDR does allow for housing. Staff has met with the applicant and agrees this may serve as a “fill-in buffer” for the neighbors on Old Gray Road so that a commercial property would not end up on residential street and neighborhood. The Ordinance Committee voted 2-1(Edes) to support the zone change and send it to the Planning Board for a Public Hearing and a recommendation. Once the Planning Board has held the Public Hearing and forwarded their recommendation, you will be required to hold a Public Hearing to formally vote in favor or against the zone change. Should this move forward after Monday evening to the Planning Board, I have encouraged the applicant to meet with the neighbors to discuss his thoughts and timing of the future project. Doug Reynolds , the applicant’s engineer, will be present to answer questions related to the request.



**Zone Change Request - Board Barn property - 3.35 Acres to VMDR from VCC**

July 14, 2020

**Mr. William Shane**

Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

**Subject: Rezone Application - Board Barn  
222 Gray Road  
Tax Map U20/Lot 66**

Dear Bill,

The Applicant, Michael Record, has retained **Gorrill Palmer (GP)** to assist with the preparation of the permitting documents and plans for a project site located at 222 Gray Road. Currently, the project is located within the Village Center Commercial Zone and the applicant is requesting a zone change request for a portion of a 7.15-acre parcel between New Gray Road (Route 100/26) and Old Gray Road in Cumberland. Currently, the front portion of the property on New Gray Road is developed with the existing Board Barn. The remainder of the parcel remains undeveloped with wooded cover and has frontage on Old Gray Road.

**BACKGROUND AND EXISTING CONDITIONS**

The subject parcel shown by Assessor's Map U20, Lot 66 is 7.15 acres and is currently zoned as Village Center Commercial (VCC). The Village Medium Density Residential (VMDR) Zone abuts the parcel on its southern and western property boundaries. Currently, the parcel is developed with the Board Barn on the parcel's eastern frontage along New Gray Road. The remainder of the parcel is undeveloped and with mostly wooded cover. We have included an excerpt of the Town GIS Website depicting the current zoning of in the vicinity of the site and the area to be rezoned for ease of review.

**PROPOSED ZONE CHANGE**

The applicant is proposing to rezone approximately 3.35 acres of the property which fronts Old Gray Road from the VCC zone to the VMDR Zone which does allow for residential use. As shown on Figure 1 included with this letter, we have depicted the portion of the parcel to be rezoned. This frontage of the parcel on Old Gray Road, which is proposed to be rezoned, abuts the existing VMDR zoned parcels. Subsequent to approval of the zone change, the intent of the applicant is to subdivide the overall parcel into five lots which would consist



of the existing Board Barn and four new residential lots. The residential lots would consist of three single family lots with 20,000 SF of net residential area and a duplex on the fourth lot with 40,000 SF of net residential area. A Preliminary Lot Division Plan depicting the proposed lots and necessary easements for the subdivision is attached to this letter as Attachment 2. The development of this Subdivision would require Planning Board Review.

It is noted that a proposed 15-foot drainage easement, to benefit the Town of Cumberland is included as part of the proposed subdivision. The easement is located along the northern boundary of the parcel and its area has been deducted from the net residential area calculations for the duplex lot. The easement will allow Town drainage

### **CLOSURE**

It is our understanding, based upon discussions with you, that you will present our proposal to the Ordinance Committee prior to the July 27, 2020 Town Council meeting. Subsequent to approval of the rezone the applicant will apply for a Subdivision Application with the Town of Cumberland to allow the parcel to be subdivided into 5 lots. As shown in Attachment 2, the lots will consist of the Board Barn, 3 single family lots, and a multi-family (duplex) lot.

Based upon a favorable review from the Committee, the proposal would then be reviewed by the Planning Board and subsequently the Town Council for final action.

We look forward to the review of our proposal and if you have any questions or require further additional information, please feel free to contact our office.

Sincerely,

**GORRILL PALMER**

Douglas Reynolds, PE  
Project Manager

c: Michael Record

Attachments:

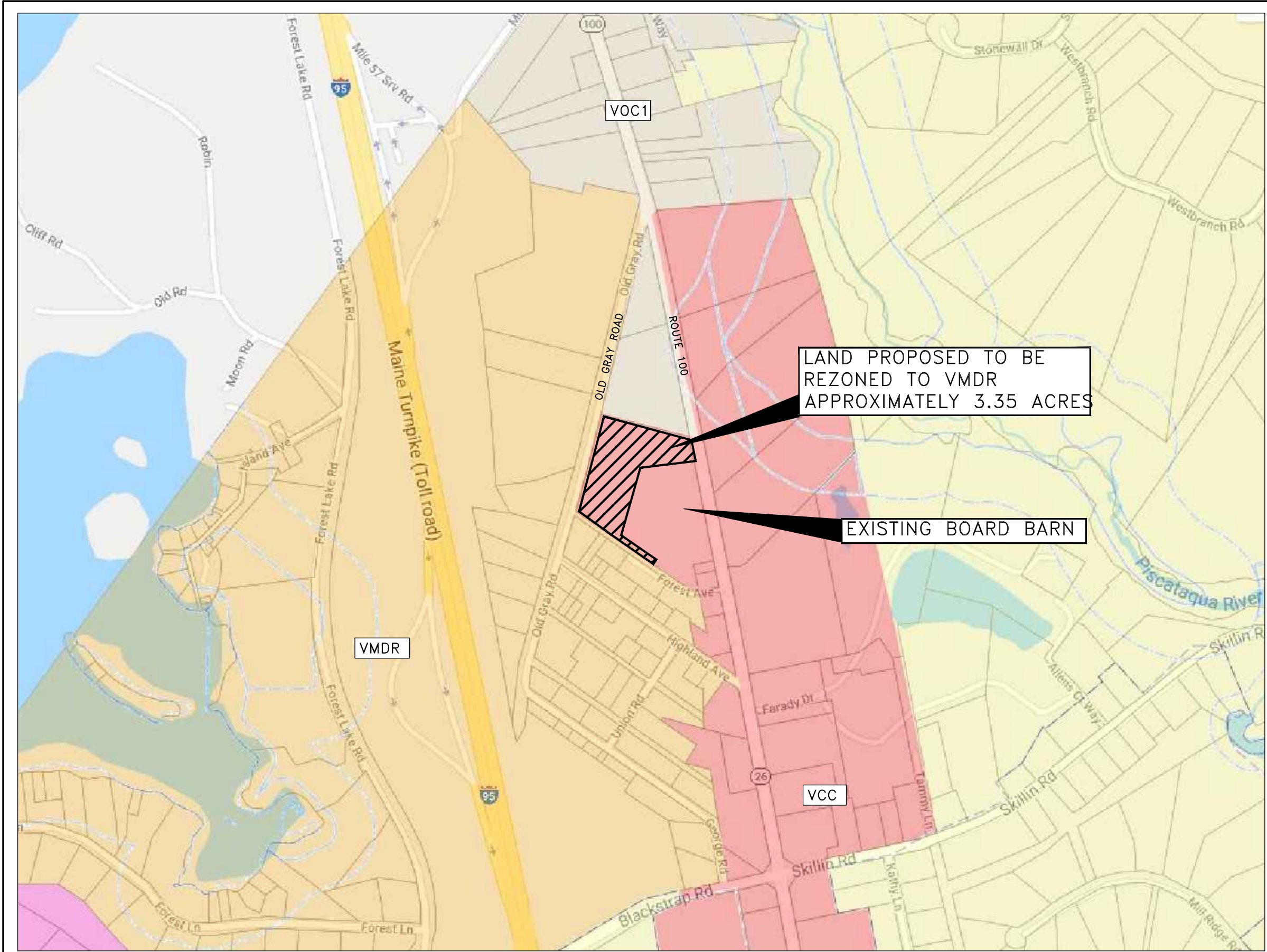
Town GIS Excerpt Map – Figure 1  
Preliminary Lot Division Plan



## **ATTACHMENT 1**

### **TOWN GIS EXCERPT MAP**

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LEGEND	
	VOC1 – VILLAGE OFFICE COMMERCIAL 1
	VCC– VILLAGE CENTER COMMERCIAL
	VMDR– VILLAGE MEDIUM DENSITY RESIDENTIAL

Rev.	Date	Revision

Design:	BG	Date:	JUNE 2020
Draft:	CH	Job No.:	2406
Checked:	DER	Scale:	NTS
File Name: 2046-ZONE.dwg			



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207.772.2515

Drawing Name:	Proposed Zone Change
Project:	BOARD BARN

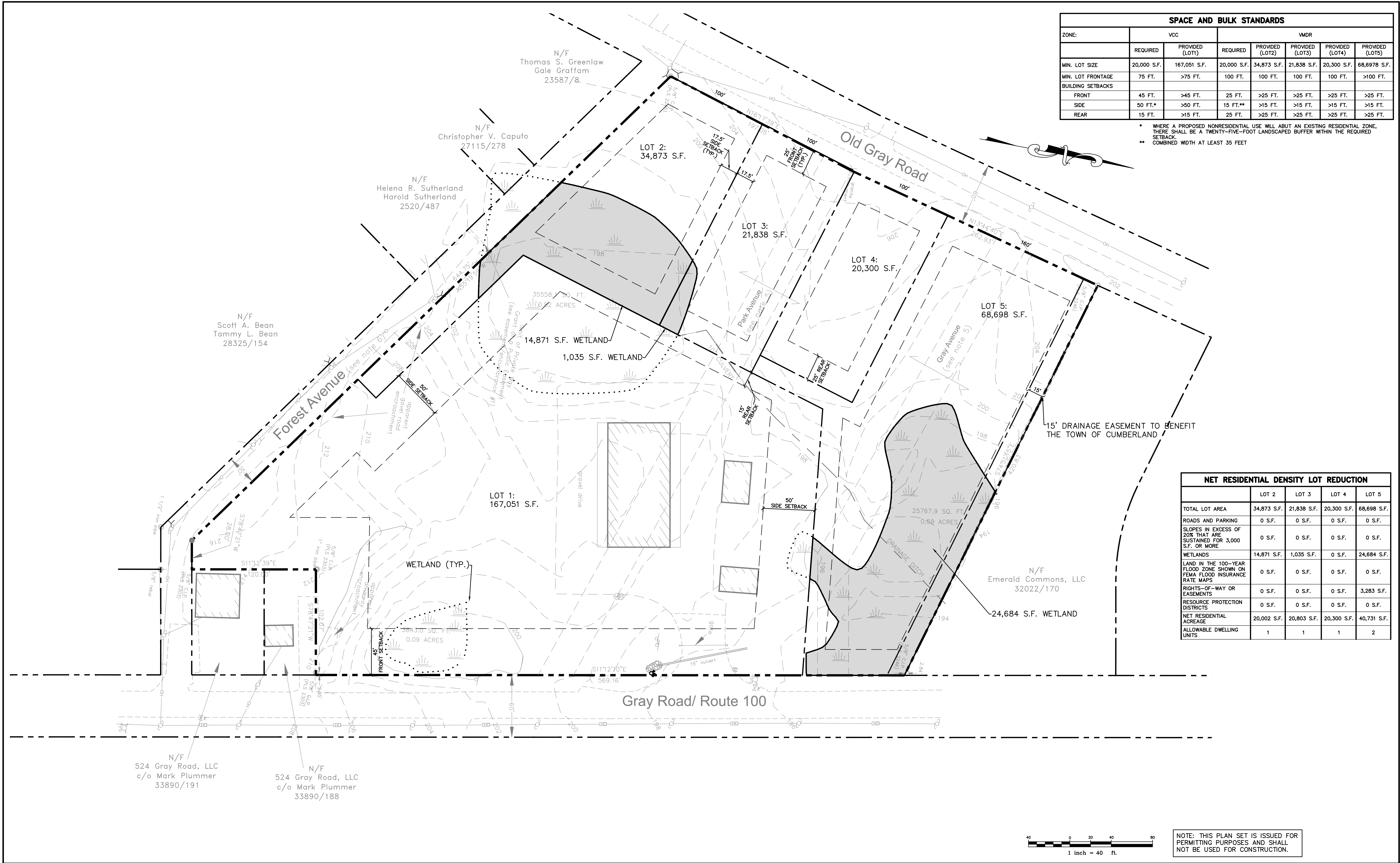


## **ATTACHMENT 2**

### **PRELIMINARY LOT DIVISION PLAN**

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U:\2406.01 Record Lumber - Subdivision - Cumberland V - CAD\DWG\2406-01-SUBD.dwg 7/14/2020 1:30 PM



Rev.	Date	Revision

ZONE CHANGE	7/14/20	DER
Issued For	Date	By

Design: BG	Draft: CH	Date: JUNE 2020
Checked: DER	Scale: 1"=40'	Job No.: 2406.01
File Name: 2406-01-SUBD.dwg		
This plan shall not be modified without written permission from Gorrill Palmer. Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to Gorrill Palmer.		



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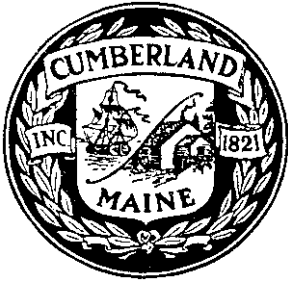
Drawing Name:	Preliminary Lot Division Plan
Project:	Board Barn 222 Gray Road, Cumberland, Maine 04021
Client:	Michael Record 2 Riverside Drive, Falmouth, Maine 04105

Drawing No.
1

# ITEM

# 20-045

To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards and Criteria), Sub-section H (Exterior Lighting) of the Cumberland Code, as recommended by the Ordinance Committee



# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2205 FAX: 829-2224

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** July 22, 2020  
**Re:** 20-045 Site Plan Ordinance – 229-10 Exterior Lighting

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The following proposed changes to the Lighting Ordinance were developed by Town Planner Carla Nixon. The Ordinance Committee supported this move to the Town Council (3-0) agenda and be voted upon to send to the Planning Board for a Public Hearing and a recommendation.

H. Exterior lighting. The use of exterior lights shall be minimized to the greatest extent possible. Exterior lighting of commercial buildings, parking areas and signs shall only be allowed during the actual hours of operation and one hour prior to and one hour following the hours of operation. Low level pedestrian lighting (no greater than 14' in height) is permitted at doorways but must be shielded to restrict the maximum apex angle of the cone of illuminations to 150 degrees. ~~The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All other light fixtures shall be motion-sensing set to illuminate a limited area when motion is detected and turned off when the detected motion ceases. All exterior lighting must utilize full cut-off fixtures to avoid glare and adverse impact on neighboring properties and rights-of-way, and the unnecessary lighting of the night sky.~~

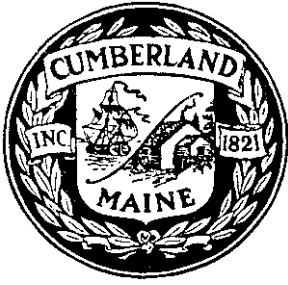
## ***Current Language in Site Plan – 229-10 Approval Standards and Criteria***

H.  
Exterior lighting. The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights-of way, and the unnecessary lighting of the night sky.

# ITEM

# 20-046

To hear a report from the Town Manager and to set a Public Hearing date of August 10<sup>th</sup> to consider and act on amendments to Chapter 84 (Fees and Fines) of the Cumberland code, as recommended by the Ordinance Committee



# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2205 FAX: 829-2224

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** July 22, 2020  
**Re:** **20-046 Chapter 84 Fees & Fines Changes**

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The Fees & Fines Ordinance has not been updated in 15 years as it relates to our building codes. The Town's Code Enforcement Officer, Bill Longley, has proposed the changes attached to this memo. The changes represent the average of costs as compared to the neighbors we typically benchmark against (Cape, Falmouth, Freeport, and Yarmouth). Bill has developed a draft proposal that he has presented to the Ordinance Committee. The committee believes it would be worthwhile to hold two readings of this as it has an impact to all residents, whether through remodeling or new construction.

The attached work will be reviewed by Bill Longley at your meeting.

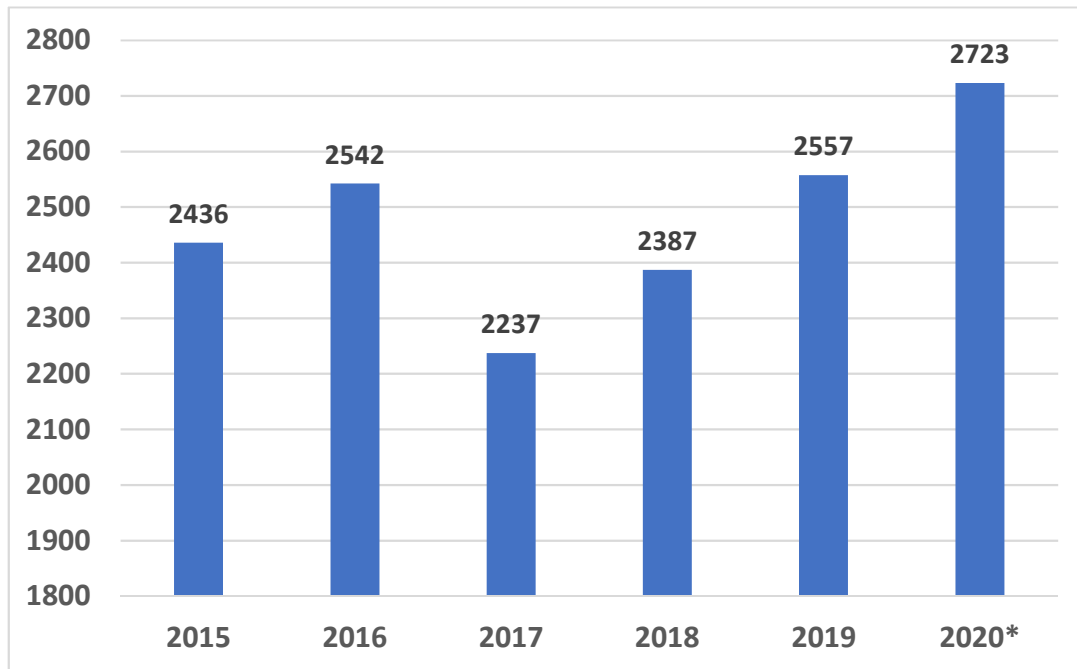
Review of fees for 2020 Building, Electric and plumbing							
Type of Fee	Cumberland Existing	Cumberland Proposed		Yarmouth	Falmouth	Freeport	Cape Elizabeth
Population 2018 Estimated	8165	8,165		8,518	11,180	8,510	9,313
Building Permits							
Residential :							
Minimum building permit fee	\$50.00	\$50.00		\$50.00	\$25.00 added to building fee	\$55.00	\$25.00 up to \$2,500 Value
New house or additions	\$ .25 per square foot finished	\$ .40 per square foot finished		\$10.00 per \$1,000.00	\$ .25 per square foot finished	\$ .40sf Residential	Over \$2,500 \$10 per \$1,000.
	\$ .10 per square foot unfinished	\$ .20 per square foot unfinished			\$ .05 per square foot unfinished	foot unfinished	\$ .40 sf all other
Renovation and alterations	\$10.00 per \$1,000.00	\$14.00 per \$1,000.00		\$10.00 per \$1,000.00	\$ 5.00 per \$1,000.00	\$1,000.00	
Foundation only					\$100.00		
Commercial :							
Minimum Building permit fee	\$100.00	\$100.00		\$100.00	\$25.00 added to building fee	\$55.00	
New Building or addition	\$ .30 per square foot finished	\$ .50 per square foot finished			\$10.00 per \$ 1,000.00	\$ .45 sf Commercial	
	\$ .10 per square foot unfinished	\$ .20 per square foot unfinished					
Renovation and alterations	\$10.00 per \$1,000.00	\$14.00 per \$1,000.00		\$10.00 per \$ 1,000.00	\$20.00 + \$7.00 per \$1,000.	\$11.00 per \$1,000.00	
Foundation only					\$ 25.00 + \$ .15 sf of area	\$55.00	
Decks and sheds	\$25.00 up to 400 sqft then \$.10 sqft	\$25.00 up to 400 sqft then \$.10 sqft		\$25. up to 200Sq Ft >200 \$10 per \$ 1,000	Shed \$25.00 up to 200 sf + \$.05 sf Deck \$10.00 + \$.15 sf of floor area	\$ 55.00 up 700 sf then \$.40 if over	
Demolition permit	\$25.00	\$50.00		Min \$50.00 or \$10 per \$1,000.	\$25.00	\$55.00	\$50.00
Change of use ( without BP)	\$50.00	\$100.00					\$50.00
Swimming Pool inground / above	84-27 =\$ 100	\$100.00		\$100.00	\$75.00		
Solar panels (currently min fee)	New listing	\$10.00 per \$ 1,000.00					
Electrical Permits							
Residential and Commercial :							
Minimum electric permit fee	\$50.00	\$50.00		\$ 50.00 / \$55.00		\$55.00	\$25.00
New-additions- renovations	\$.05 per sq. ft of area	\$.07 per sq. ft of area		\$.06 Residential \$.10 Commercial		\$.06 sf Res / \$.10 sf Com	1-10 = \$25.00
New service or upgrade	\$25.00	\$25.00		\$25.00		\$25.00	11-24 = \$ 50.00
Swimming pools	\$25.00	\$25.00		\$25.00		Over 30 1/2 sq ft fee of \$.50 sf	Over 25 = \$100.00
Administration fee ( req for all )	\$25.00	\$25.00		\$25.00	\$25.00	\$30.00	Appliance curcuits \$ 15 each
Late filing fee	\$25.00	\$25.00		\$25.00			Air Cond or Ref \$ 50.00
Plumbing Permits							
Residential and Commercial :							
Internal fees - Minimum	\$40.00	\$60.00		\$40.00	\$60.00	\$60.00	\$40.00
Fixture fee	\$10.00 per fixture(State Min)	\$15.00 per fixture(State Min) 150 % of State Miniumum		\$10.00 per fixture(State Min)	\$10.00 per fixture plus 50% of State	150 % of State	\$10 per fixture
External fees							
Complete systems							
Engineered system	\$200.00	\$300.00		150 X Sate Min = \$300.00	150% of \$	150% of State	\$200.00
Non-engineered system	\$250.00	\$375.00		\$375.00	\$375.00		\$250.00
Primitive system	\$100.00	\$150.00		\$150.00			\$100.00
Separate laundry	\$35.00	\$52.50		\$52.50			\$35.00
Seasonal conversion	\$50.00	\$75.00		\$75.00			\$50.00
Variance	\$20.00	\$30.00		\$30.00			\$20.00
Separate parts of a system							
Alternative toilet only	\$50.00	\$75.00		\$75.00			\$50.00
Disposal field only	\$150.00	\$225.00		\$225.00	\$225.00		\$150.00
Treatment tank only (nonengineered)	\$150.00	\$225.00		\$225.00			\$150.00
Treatment tank only ( engineered)	\$80.00	\$120.00		\$120.00			\$80.00
Holding tank	\$100.00	\$150.00		\$150.00			\$100.00
Other components	\$30.00	\$45.00		\$45.00			\$30.00
State DEP surcharge new system	\$15.00	\$15.00		\$15.00			\$15.00
Re-inspection fees							
First	\$25.00	\$50.00		\$25.00	\$25.00		
Second	\$25.00	\$75.00		\$25.00			
Third or more	\$100.00	\$100.00		\$100.00			
Certificate of Occupancy				\$50.00	\$75. 00 without a building permit		
Temporary Certificate of Occupancy		\$100.00		\$150.00			
Window replacement only				No Charge			
Home Occupation	\$50.00	\$100.00		\$25.00			
Construction without permits	First Violation Double Fee	First Violation Double Fee		\$100. to \$2,500 per Violation	\$100. to \$2,500 per violation	Double Fee	Double Fee
	Second Violation Double Fee	Second Violation Triple Fee					
	Third and subsequent \$ 2,500.00	Third and subsequent \$2,500.00					

240	Code Enforcement	2017	2018	2019	2020
		ACTUALS	ACTUALS	ACTUALS	BUDGET
Expenses	Code Enforcement	\$108,004	\$136,084	\$142,020	\$140,977
Revenues	Licenses & Permits Revenues	-\$169,177	-\$112,523	-\$111,552	-\$115,423
	Cost of Code Enforcement	-\$61,173	\$23,561	\$30,468	\$25,554
		Profit	Expense	Expense	Expense

15	Other Revenues	2017	2018	2019	2020
		ACTUALS	ACTUALS	ACTUALS	BUDGET
0015 0508	Impact Fees	-\$184,441	-\$59,616	-\$79,340	-\$60,000

### Average Living Area By Year

Year Built	Avg living Area	
2015	2436	
2016	2542	
2017	2237	
2018	2387	
2019	2557	
2020*	2723	10 homes



\* 2020 Based on 10 homes

## Chapter 84. Fees and Fines

[HISTORY: Adopted by the Town Council of the Town of Cumberland 12-14-2009; amended 8-23-2010. Subsequent amendments noted where applicable.]

### Article I. Fee Schedule

[Amended 9-10-2012]

#### § 84-1. Alarm systems.

- A. Application fee: \$50.
- B. Annual registration fee: \$25.

#### § 84-2. Board of Adjustment and Appeals.

- A. Application and notice fee: \$100.

#### § 84-3. Building permits.

- A. Residential.
  - (1) Minimum fee: \$50.
  - (2) New construction (including all floor levels from the lowest floor to the highest floor level).
    - (a) Finished areas: \$0.40 per square foot.
    - (b) Unfinished areas: \$0.20 per square foot.
  - (3) Renovations, Solar arrays and alterations: \$14 per \$1,000 (include written cost estimate).
- B. Commercial.
  - (1) Minimum fee: \$100.
  - (2) New construction (including all floor levels from the lowest floor to the highest floor level).
    - (a) Finished areas: \$0.50 per square foot.
    - (b) Unfinished areas: \$0.20 per square foot.
- C. Decks and sheds: \$25 up to 400 square feet then \$0.10 per square foot additional.
- D. Demolition permits: \$50.

- E. Change of use: \$100 (no charge if permit issued).

## § 84-4. Community antenna television (CATV).

- A. Filing fee: \$100.
- B. Copy (DVD) of live broadcast public meeting: \$10.

## § 84-5. Dog control.

- A. Annual license.
  - (1) Neutered/spayed: \$6.
  - (2) Nonneutered/nonspayed: \$11.
- B. Late fee (after February 1): \$15.
- C. Approval for dog release, administration and impounding fee: \$40.

## § 84-6. Electrical permits.

- A. New construction/addition/renovations: \$0.07 per square foot (minimum inspection fee \$25).
- B. New service/upgrade: \$25.
- C. Swimming pool: \$25.
- D. Administrative fee (required on all permits): \$25.
- E. Minimum fee for electrical permit: \$50.
- F. Late filing fee: \$25.

## § 84-7. Explosives.

- A. Permit fee: \$20.

## § 84-8. Floodplain management.

- A. Nonrefundable application fee: \$25 for all minor development and \$50 for all new construction or substantial improvements.

## § 84-9. Growth management.

- A. Growth management permit fee: \$100.
- B. Administrative reinstatement fee: \$50.

## § 84-10. Library.

- A. Photocopies and printing: \$0.10 per page.
- B. Outgoing fax: \$0.50 per page (incoming and toll-free numbers are free).
- C. Overdue fees.
  - (1) Adults: \$0.10 per item per day.
  - (2) Children: \$0.05 per item per day.
- D. Nonresident borrowing: \$30 per year.

## § 84-11. Mass gatherings.

- A. Minor large outdoor event (500 to 4,999 persons): \$250.
- B. Major large outdoor event (greater than 5,000 persons): \$500.

## § 84-12. Moorings.

[Amended 12-14-2015; 1-3-2017; 3-26-2018; 2-11-2019; 10-28-2019]

- A. Resident: \$50.
- B. Nonresident: \$250.
- C. Daily rental for transient mooring: \$20.
- D. Reassignment fee: \$250.
- E. Dinghy dockage and time limit fee: \$50.
- F. Mooring removal minimum fee: \$250 plus any added costs incurred by the Town for removing, storing and disposing of the mooring.
- G. Late mooring renewal/application fee: \$50.
- H. Personal watercraft rack storage fee: \$50 per craft.
- I. Violation of § **48-7**, Personal watercraft storage, fee: \$50.
- J. Violation of any provision of Chapter **48** not listed above, fee: \$100.

## § 84-13. Plumbing permit.

- A. Internal fees: \$15 per fixture; \$60 minimum. All fees are at 150% of State Minimum
- B. External fees.
  - (1) Complete systems.
    - (a) Engineered system: \$300.
    - (b) Nonengineered system: \$375.
    - (c) Primitive system: \$150.

- (d) Separate laundry: \$52.50.
  - (e) Seasonal conversion: \$75.
  - (f) Variance: \$30
- (2) Separate parts of systems.
- (a) Alternate toilet only: \$75.
  - (b) Disposal field (engineered): \$225
  - (c) Disposal field (nonengineered): \$225
  - (d) Treatment tank only (nonengineered): \$225.
  - (e) Treatment tank only (engineered): \$120.
  - (f) Holding tank: \$150
  - (g) Other components: \$45.
- (3) Subsurface septic surcharge: \$15.

## § 84-14. Public swimming pool.

- A. License to operate and maintain a public swimming pool: \$100 per year.

## § 84-15. Reinspection fee.

- A. Building, plumbing and electrical. (Reinspection fees are assessed at the discretion of the inspector.)
- (1) First: \$50.
  - (2) Second: \$75.
  - (3) Third or more: \$100.

## § 84-16. Rezoning or contract zone fee.

- A. Staff review: \$500.
- B. Zoning Map change: \$350.
- C. Zoning text change: \$350.
- D. Consulting escrow: \$800.
- E. If both a text and map change collect for both.

## § 84-17. Road acceptance.

- A. Application fee: \$100.

## § 84-18. Sewer use.

- A. Sewer user connection fee: \$50.
- B. Board of Sewer Appeals request for a hearing: \$50.
- C. Review by Town Engineer: the number of hours spent by the Town Engineer times the hourly rate of \$65.

## § 84-19. Shellfish license.

Each license includes a conservation fee of \$10.

- A. Resident commercial shellfish license: \$110.
- B. Nonresident commercial shellfish license: \$210.
- C. Resident recreational shellfish license: \$10.  
[Amended 12-15-2015]
- D. Nonresident recreational shellfish license: \$10.  
[Amended 12-15-2015]
- E. Monthly recreational shellfish license: resident \$10; nonresident \$10.  
[Amended 12-15-2015]
- F. Junior license: \$10.  
[Amended 12-15-2015]
- G. Resident and nonresident senior license: \$0 (no fee).  
[Amended 12-15-2015]

## § 84-20. Shoreland zoning.

- A. Staff review: \$150.
- B. Planning Board issued: \$250.

## § 84-21. Signs.

- A. Fee: \$50.

## § 84-22. Site plan fees.

[Amended 10-23-2017]

- A. Minor staff review.
  - (1) Application and notice fee: \$100.
  - (2) Review fee: \$250.

- (3) Consulting escrow: \$500. Consulting escrow fee may be reduced or increased depending on the scale and complexity of the project.

B. Major staff review.

- (1) Application and notice fee: \$100.
- (2) Review fee: \$350.
- (3) Consulting escrow: \$800. Consulting escrow fee may be reduced or increased depending on the scale and complexity of the project.

C. Planning Board review.

- (1) Application and notice fee: \$150.
- (2) Review fee: \$500.
- (3) Consulting escrow: \$1,500. Consulting escrow fee may be reduced or increased depending on the scale and complexity of the project.

D. Site Plan amendment: classified as per § **229-2B** and fee as listed above.

## § 84-23. Small wind turbine.

A. Permit fee: \$150.

## § 84-24. Solid waste.

- A. Trash bags for residential household waste as defined in Chapter **235**, Article **II**, shall be \$2.50 for a thirty-three-gallon bag and \$1.25 for a fourteen-gallon bag.
- B. Annual hauler's license fee: \$100.
- C. Identification stickers for the use of the Town wood products area and Town garage: \$1.

## § 84-25. Special amusement permit.

- A. Permit: \$50.
- B. Liquor license: \$10.
- C. Private catering certificate: \$10.

## § 84-26. Subdivision.

- A. Minor.
  - (1) Application fee: \$100.
  - (2) Planning review fee: \$500.
  - (3) Per lot fee: \$25.

- (4) Consulting escrow (per lot or dwelling unit): \$100. The consulting escrow fee may be reduced or increased depending on the scale and complexity of the project.

B. Major.

- (1) Application fee: \$100.
- (2) Planning review fee: \$1,500.
- (3) Per lot fee: \$100.
- (4) Consulting escrow (per lot or dwelling unit): \$100. The consulting escrow fee may be reduced or increased depending on the scale and complexity of the project.

C. Revision.

- (1) Application fee: \$100.
- (2) Per revised lot fee: \$150.
- (3) Consulting escrow: \$350. The consulting escrow fee may be reduced or increased depending on the scale and complexity of the project.

## § 84-27. Swimming pools.

- A. Aboveground and in-ground: \$100.

## § 84-28. Temporary CO's and structures.

- A. Minimum permit fee: \$100.

## § 84-29. Temporary victualer's license.

- A. Establishment operated by nonprofit organization: no fee.

## § 84-30. Timber harvesting.

- A. One-year renewable permit: \$25.

## § 84-31. Vehicles and traffic.

[Amended 12-12-2017]

- A. Permit for curb loading zone: a service fee of \$25 per year or fraction thereof.
- B. Parking other than parallel: \$25.
- C. Parked facing traffic: \$25.
- D. Parked more than 12 inches from road edge: \$25.
- E. Parking on curb or sidewalk: \$25.

- F. Obstructing traffic: \$25.
- G. Obstructing hydrant: \$50.
- H. Obstructing fire lane: \$50.
- I. Obstructing driveway: \$25.
- J. Vehicle on crosswalk: \$25.
- K. Parking too near intersection: \$25.
- L. Parking too near traffic control device: \$25.
- M. Double parked: \$25.
- N. Parking where prohibited by sign(s): \$25.
- O. Parked within 50 feet of rail crossing: \$25.
- P. Occupying two spaces: \$25.
- Q. Winter parking ban: \$25.
- R. Interfering with snow removal: \$25.
- S. Disability parking space: \$100.
- T. Overtime parking: \$25.

## § 84-32. Yard waste facility.

- A. Brush/trees/slash/leaves/grass clippings and other landscape trimmings. Brush/trees/slash is considered any hard or soft wood less than 12 inches in diameter. Lengths up to 12 feet will be accepted. Stumps and wood over 12 inches in diameter will not be accepted.
- B. Cars and pickup trucks: \$5 per load.
- C. Single-axle trailers up to four feet by six feet: \$5 per load.
- D. All trailers over four feet by six feet: \$5 per load.
- E. Rack-body trucks, one dump: \$5 per load.
- F. One-day pass for all vehicles excluding dump trucks: \$10 per day.
- G. Six-wheeled seven-yard dump trucks: \$25 per load.
- H. Larger loads (wheelers and tri-axle dump trucks) will not be accepted.
- I. Motor oil and car batteries: must see attendant; no fee.
- J. Residential annual pass (July 1 to June 30): \$25.
- K. Commercial annual pass (July 1 to June 30)\*: \$250. \*Cumberland yard waste only.

## § 84-33. Zoning.

- A. Domesticated chickens.
  - (1) License fee: \$10.
  - (2) Late fee for licenses that have expired: \$10.
- B. Erosion and sedimentation control (§ **315-48**).  
[Added 8-12-2013]
  - (1) Permit fee: \$25.

## § 84-33.1. Farm-based special events.

[Added 2-12-2018]

- A. License: \$50.
- B. Events: \$250 each event; up to \$750 maximum per calendar year. There shall be no more than eight events under any individual license.

## Article II. Fines

### § 84-34. Construction without permit.

- A. Fines for construction without permit. Based on twelve-month permit activity for individual, contractor, or company. This includes building, plumbing and electrical permits.
  - (1) First offense: Double fee.
  - (2) Second offense: Triple fee.
  - (3) Third and subsequent offenses: \$2,500 minimum.

### § 84-35. Stop-work order or other violation.

- A. Title 30-A, § 4452, of the Maine Revised Statutes Annotated (fine per violation): \$100 to \$2,500.

### § 84-36. Violations.

- A. Violation of any ordinance provision: not more than \$100 for each offense.

### § 84-37. Firearms.

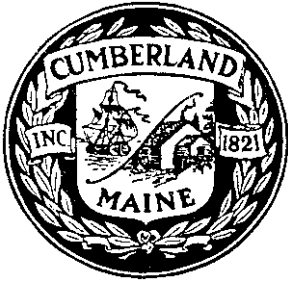
[Added 1-14-2019]

- A. Fines for violating any provision of Chapter **92** shall be subject to a fine of:
  - (1) First violation: \$100.
  - (2) Second violation: \$150.
  - (3) Each subsequent offense: \$250.

# ITEM

## 20-047

To hear a report from the Town Manager and to set a Public Hearing date of August 10<sup>th</sup> to consider and act on amendments to Chapter 9 (Alarms) of the Cumberland code, as recommended by the Ordinance Committee



# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2205 FAX: 829-2224

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** July 22, 2020  
**Re:** **20-046 Chapter 9 Alarms**

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At the request of a citizen, the Ordinance Committee met with the Police Chief and Town Manager to discuss the Alarms Ordinance. At issue was the annual renewal fee for alarms systems. This ordinance was written when technology lagged behind and alarm systems were hardwired and not the vast choices of wired and wireless systems homeowners are afforded today.

The registering of these systems is an important tool for our Fire & Police Departments. The Public Safety Chief's would like to see all alarms systems be registered and the fee eliminated.

Chief Rumsey will be at the Council meeting to present an overview of the proposed changes.

# Chapter 9

## ALARM SYSTEMS

### GENERAL REFERENCES

Fires and fire protection — See Ch. 96.

§ 9-1

ALARM SYSTEMS

§ 9-3

### ARTICLE I

### Title, Purpose and Definitions

#### § 9-1. Title; repealer.

This chapter shall be known and may be cited as the "Alarm Systems Ordinance of the Town of Cumberland, Maine." This chapter shall repeal and replace the alarm systems ordinance previously adopted on August 28, 1978.

#### § 9-2. Purpose.

The purpose of this chapter is to protect the health, safety and welfare of its residents and reduce the incidence of ~~nonemergency~~ **false** alarms by establishing appropriate guidelines for the **installation registration** and use of alarm systems. ~~and the notification of such installations.~~

#### § 9-3. Definitions.

For purposes of this chapter, certain terms or words used herein shall be defined as follows:

**ALARM AGENT** — Any employee or representative of an alarm business whose duties include installing, servicing or repairing alarm systems located within the Town.

**ALARM SYSTEM** — A system including any mechanism, equipment, **hardware, software** or device designed for the detection of unauthorized entry upon any property, ~~other than motor vehicles or vessels, and/or~~ the detection of heat, smoke or fire, **or transmission of the notification of a medical emergency requiring ambulance response** and which ~~automatically~~ transmits a signal, message or warning from a private facility **by any means, including but not limited to a phone call from a system operator, automated phone message from an alarm system, an external audible alarm, or telephonic alarm systems** designed to operate automatically ~~through the use of public telephone facilities,~~ to the Town of Cumberland Police Department, ~~or Fire/EMS Department,~~ **the Cumberland County Regional Communication Center, or any person, agent, or entity that subsequently summons an emergency response.**

**NONEMERGENCY FALSE ALARM** — Any alarm signal sent to the **Town of Cumberland Police Department, Fire/EMS Department, the Cumberland County Regional Communication Center, or any person, agent, or entity that subsequently summons an emergency response** ~~Police Department~~ that is

not in response to an actual or attempted unauthorized entry upon property, ~~requiring an immediate Police Department response~~, any alarm signal sent to the Fire/EMS Department that is not in response to heat, smoke, fire or water ~~requiring immediate response by the Fire/EMS Department~~, and any alarm signal sent to the Fire/EMS Department that is not in response to a medical emergency ~~requiring ambulance response~~. It includes, but is not limited to, ~~false~~ **unintentional** alarms caused by domestic animals, a malfunctioning alarm system, unusually severe weather conditions, **negligent activation of the alarm system or an improperly maintained alarm system, or** intentional activation of an alarm system when an immediate response is not required, ~~negligent activation of the alarm system or an improperly maintained alarm system.~~

PERSON — A natural person, association, firm, partnership, corporation, or other entity.

**RESPONSIBLE PERSON – The person responsible for an alarm system. In the case of a residence, the responsible person will generally be a resident. In any case, if a responsible person cannot be identified, the property owner shall be considered the responsible person.**

§ 9-4

## ALARM SYSTEMS

§ 9-7

### ARTICLE II

#### **Permits Registrations**

#### **§ 9-4. ~~Permit required~~ **Registration encouraged**.**

~~No person shall install, maintain or operate an alarm system without first obtaining a permit therefor from the Chief of the Police or Fire/EMS Department, as appropriate.~~ **A person who is responsible for an alarm system is encouraged to register the alarm system with the Town. The purpose for registering the alarm system is so that first responders will have accurate contact information for the person or persons responsible for the property in the event of an emergency or false alarm.**

#### **§ 9-5. Procedural rules.**

~~The Chief of the Police or Fire/EMS Department shall establish in writing such procedural rules not inconsistent with this chapter as are necessary to process alarm system permits.~~

#### **§ 9-6. ~~Application for permit.~~ **Registration forms.****

~~Applications for permits to install, maintain or operate an alarm system shall be~~ **Alarm system registrations should be** filed with the **Town** Chief of the respective department, or his/her designee, on forms supplied by the Town of Cumberland, ~~together with an application fee established by order of the Town Council.<sup>2</sup>~~ Said **application** **registration** shall set forth the following:

- A. ~~Applicant's~~ **Registrant's** name, address and telephone number;
- B. Address and telephone number of structure in which alarm system is to be installed;

- C. Name, address and telephone number of the alarm system installer;
- D. Name, address and telephone number of the person maintaining the alarm system;
- E. Name, address and telephone number of the person(s) to contact when the Police or Fire/EMS Department receives an alarm;
- F. Location of alarm system control panel within the structure;
- G. Location of any lock box;
- H. Type of alarm (telephonic, or audible, or other); and

I. A signed statement by an authorized alarm agent that the alarm system has been inspected and is in proper working order.

#### **~~§ 9-7. Issuance of permit; conditions.~~**

A. The Chief of the Police or Fire/EMS Department shall approve such application if he/she finds that:

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~~§ 9-7~~ ~~CUMBERLAND CODE~~ ~~§ 9-9~~

(1) The applicant has submitted a completed application pursuant to § 9-6 of this chapter.

(2) The use of said alarm system will not interfere with the orderly conduct of Town business.

(3) The person installing the system maintains an adequate service organization to repair, maintain or otherwise service alarm systems purchased or leased by him/her.

B. The Chief of the Police or Fire/EMS Department may impose such conditions which reasonably relate to the application approval standards or the appropriate administration of this chapter, as evidenced by § 9-2, upon said permits.

#### **~~§ 9-8. Inspections.~~**

The Chief of the Police or Fire/EMS Department, or his/her designee, may inspect or cause to be inspected any alarm system or any property protected by an alarm system at all reasonable times to ensure compliance with the provisions of this chapter.

#### **~~§ 9-9. Suspension or revocation of permit.~~**

The Chief of the Police or Fire/EMS Department may suspend or revoke any permit issued pursuant to the provisions of this chapter, after giving written notice to the permit holder and an opportunity for the permit holder to be heard, if he/she determines that the alarm system installed pursuant to said permit has been installed, maintained or operated in violation of any term

or condition of said permit or the provisions of this chapter or the permit holder has failed to pay any penalty specified in Article IV or VI of this chapter. In the event that the Chief of the Police or Fire/EMS Department suspends or revokes a permit, the Town may disconnect the person from the alarm system or telephone call-in master panel until such time as all penalties incurred under this chapter have been paid, the permit holder has remedied the cause of the false alarms and provides satisfactory documentation that the system has been inspected, and the permit holder has applied for a new permit; provided, however, that the Town also reserves the right to collect any penalties incurred under this chapter as otherwise permitted by law.

§ 9-10

ALARM SYSTEMS

§ 9-12

### ARTICLE III General Provisions

#### **§ 9-10. Automatic dialing services.**

No person shall install, operate or maintain an alarm system which automatically transmits a signal, message or warning to the Town of Cumberland Police or Fire/EMS Department or to their respective telephone lines, except to such telephone number or numbers as designated by the permit issued under the provisions of this chapter or as otherwise approved and agreed to by the Chief of the respective department.

#### **§ 9-11. Alarm system information.**

Information relating to any alarm system shall be maintained in a confidential manner, and the unauthorized release of such information by any person shall be a violation of this chapter.

#### **§ 9-12. Lock boxes.<sup>3</sup>**

It is not a requirement of this chapter, but the Town urges persons to install an approved lock box (preferably a Knox-Box® system or equivalent) as part of the alarm system in order to provide a key to the structure for use by the Police or Fire/EMS Department when responding to an alarm. Further, all **existing permit holders responsible persons** are urged to provide a lock box with a key to their structures and to notify the Police or Fire/EMS Department in writing of the location of said lock box within 90 days after the effective date of this chapter.

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§ 9-13

ALARM SYSTEMS

§ 9-13

### ARTICLE IV Transmittal of **Nonemergency False** Alarms

#### **§ 9-13. Penalties for false alarms.**

**A.** Any permit holder **The person** whose system causes the transmittal of a **nonemergency false** alarm shall be subject to the following penalties;

provided, however, that in the event an alarm system is activated as a result of a natural or unnatural event beyond the permit holder's control and not directly caused by the permit holder (e.g., disruption of electrical service due to storm, motor vehicle accident, or contractor's negligence), no penalty shall be imposed. ~~at the discretion of the Chief of the respective department. It shall be the burden of the permit holder to demonstrate to the satisfaction of the Chief that an alarm signal was the result of such natural or unnatural event beyond the permit holder's control.~~

B. For the purpose of this section, the number of false alarms shall be based upon the calendar year and shall be recalculated annually.

(1) First response. For the first response by the Police or Fire/EMS Department to a ~~nonemergency~~ **false** alarm within any calendar year, the Police or Fire/EMS Chief or his/her designee will document the date, time and alarm malfunction and keep this information on file ~~for the period of one year.~~

(2) Second response. For the second response by the Police or Fire/EMS Department to a ~~nonemergency~~ **false** alarm within any calendar year, the Police or Fire/EMS Chief shall ~~give~~ **deliver or cause to be delivered** written notice of the ~~nonemergency~~ **false** alarm to the ~~permit holder~~ **address where the alarm occurred**, within ~~three days~~ **ten business days** of the ~~nonemergency~~ **false** alarm, along with notice of the monetary penalty for any additional ~~nonemergency~~ **false** alarms received. ~~The permit holder shall file a written report with the Police or Fire/EMS Chief stating the cause of the false alarm, if known, and describing corrective action taken, if any, by the permit holder.~~

(3) Third response. For the third response by the Police or Fire/EMS Department to a ~~nonemergency~~ **false** alarm within any calendar year, the Police or Fire/EMS Chief shall ~~give~~ **deliver or cause to be delivered** written notice of the ~~nonemergency~~ **false** alarm to the ~~permit holder~~ **address where the alarm occurred**, within ~~three days~~ **ten business days** of the ~~nonemergency~~ **false** alarm, which notice shall demand payment of ~~\$75~~ **\$100** for a ~~nonemergency~~ **false** fire/~~rescue~~ **EMS** alarm or ~~\$25~~ **\$50** for a ~~nonemergency~~ **false** police alarm. This penalty may be excused by the Police or Fire/EMS Chief for good cause shown by the ~~permit holder~~ **responsible person**. ~~In the case of an alarm system malfunction or improperly maintained alarm system, the respective Chief shall require the permit holder to file with the respective department a signed statement of a qualified person that the alarm system has been inspected and is in proper working order.~~

- (4) Fourth response. For the fourth response by the Police or Fire/EMS Department to a ~~nonemergency~~ **false** alarm within a calendar year, the respective Chief shall ~~give~~ **deliver or cause to be delivered** written notice to the ~~permit holder~~ **address where the alarm occurred**, within ~~three days~~ **ten business days** of the ~~nonemergency false~~ alarm, which notice shall demand payment of a penalty to the Town in the amount of ~~\$100~~ **\$125** for a ~~nonemergency false~~ fire/~~rescue~~ **EMS** alarm or ~~\$50~~ **\$75** for a ~~nonemergency false~~ police alarm.
- (5) Subsequent alarms. For all subsequent responses by the Police or Fire/EMS Department to a ~~nonemergency~~ **false** alarm within a calendar year, the respective Chief shall ~~give~~ **deliver or cause to be delivered** written notice to the ~~permit holder~~ **address where the alarm occurred**, within ~~three days~~ **ten business days** of the ~~nonemergency false~~ alarm, which notice shall demand payment of a penalty to the Town as listed below. Each ~~nonemergency unnecessary response to a false alarm~~ **response** shall be billed in twenty-five-dollar increments as the following examples demonstrate:

Response	Fire/EMS Alarms	Police Alarms
5th	<del>\$125</del> <b>\$150</b>	<del>\$75</del> <b>\$100</b>
6th	<del>\$150</del> <b>\$175</b>	<del>\$100</del> <b>\$125</b>
7th	<del>\$175</del> <b>\$200</b>	<del>\$125</del> <b>\$150</b>
8th	<del>\$200</del> <b>\$225</b>	<del>\$150</del> <b>\$175</b>

- (6) Payment due date; late fee. The ~~permit holder~~ **responsible person** shall ~~file any written report or signed statement required hereunder and~~ pay any penalty demanded hereunder within 10 **business** days after the ~~permit holder's~~ **person's** receipt of written notice from the Police or Fire/EMS Department. If the ~~permit holder~~ **responsible person** fails to pay assessed charges within 10 **business** days of receipt of said charges, there will be an additional late fee of \$5 per day added.

- ~~(7) Grace period for new alarm responses. For purposes of this section, the calendar year shall not include the first 30 days following the date of installation of any alarm system installed after the effective date of this chapter.~~

#### § 9-14. ~~Permit holder response to alarms.~~

~~The permit holder or his/her designated contact person, as kept on file with the Police or Fire/EMS Department, shall respond to each alarm at the request of the respective department's dispatcher for the purpose of securing the premises.~~

ARTICLE V  
Annual Registration

**§ 9-15. Registration fee; application update form.**

~~A. A registration fee established by order of the Town Council shall be assessed to each permit holder annually on the anniversary of the permit holder's original application.<sup>4</sup> An application update form will be sent with each registration fee invoice requesting the permit holder to identify any changes in alarm status, contact persons or residential ownership. The permit holder shall complete such application update form annually.<sup>5</sup>~~

~~B. Failure of the permit holder to complete an application update form may result in the revocation of the permit. Revocation of the permit shall result only after the permit holder has received notice of his/her failure to complete the annual application update form and of the penalty therefor and been given adequate time, no more than 10 working days, to respond to such notice.~~

ARTICLE VI  
Enforcement

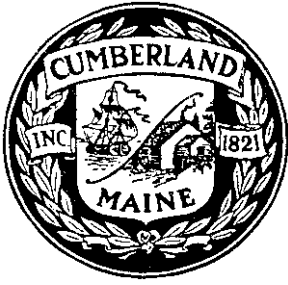
**§ 9-16. Violations and penalties.**

Violation of any provisions of this chapter, other than those provided for in Article IV, shall be punished by a fine of not more than \$100 for each offense. Each act of violation shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this chapter by appropriate action.

# ITEM

## 20-048

To consider and act on authorizing the Police Department to dispose of unclaimed bicycles by donating them to the Cumberland Food Pantry or Firefighters 4-Kidz, pursuant to 25 M.R.S.A., Section 3503-B



# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2205 FAX: 829-2224

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** July 22, 2020  
**Re:** **20-048 Unclaimed Bicycles**

---

The Town Attorney has reviewed the disposition of abandoned bicycles with our Police Chief and recommends that the Town Council authorize the Police Department to dispose of unclaimed bicycles by donating them to the Firefighters for Kids program and or the Community Food Pantry.

This will allow the disposition to come into compliance with State law and benefit both nonprofits. Chief Rumsey will be available to answer any questions the Town Council may have on this item.

**§3503. Sale of unclaimed property**

If the identity or location of the owner or other person entitled to possession of the property has not been ascertained within 6 months after the law enforcement agency obtains such possession, or said identity has been determined and such person does not claim possession within this 6-month period, and the finder of such property, if any, has not claimed it pursuant to the provisions of section 3507 within 15 days after the expiration of said 6-month period, the principal official thereof shall effectuate the sale of the property for cash to the highest bidder at a public auction, notice of which, including time, place and a brief description of such property, shall be published at least once in a newspaper of general circulation in the county wherein such official has authority at least 10 days prior to such auction or in the state paper in the case of a state law enforcement agency. Property offered but not sold at such public auction may be offered and sold at a subsequent public auction without further notice, donated to a nonprofit organization or charity or disposed of as waste. [PL 2011, c. 267, §2 (AMD).]

A law enforcement agency shall appropriately and properly dispose of as waste any property that poses a possible health risk. [PL 2011, c. 267, §2 (NEW).]

At no time may any property that has been disposed of by a law enforcement agency as waste be owned or personally used by any member of a law enforcement agency or by any immediate family member of any member of a law enforcement agency. [PL 2011, c. 267, §2 (NEW).]

**SECTION HISTORY**

PL 1975, c. 558 (NEW). PL 2011, c. 267, §2 (AMD).

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### **§3503-B. Bicycle disposal**

Notwithstanding section 3503, a local legislative body in a municipality may dispose of unclaimed bicycles in a manner decided by that body and is exempt from Title 33, chapter 45 with respect to unclaimed bicycles. [PL 2019, c. 498, §15 (AMD).]

#### **SECTION HISTORY**

PL 2003, c. 77, §1 (NEW). PL 2019, c. 498, §15 (AMD).

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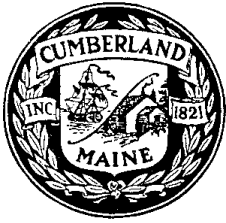
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# ITEM 20-050

Town Council committee assignments



# Memorandum

Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021  
Phone 829-2205 • Fax 829-2224

**To:** Town Council  
**From:** Brenda Moore  
**Date:** July 27, 2020  
**Re:** 2020-2021 Council Assignment

## AD HOC COMMITTEES:

Aging In Place Committee	Councilors <b>Foster</b> and Gruber
Board of Appeals	<u>Councilor Turner</u>
Coastal Waters Commission	<u>Councilors Gruber, Turner and Vail</u>
Historical Society Building Committee	<u>Councilors Gruber and <b>Stiles</b></u>
Housing Authority	<u>Councilor Gruber and <b>Stiles</b></u>
Lands & Conservation Commission	<u>Councilors <b>Foster</b>, Gruber and Turner</u>
Planning Board	<u>Councilor Gruber and Turner</u>
Prince Memorial Library Advisory Board	<u>Councilor <b>Storey-King</b></u>
Recreation/Community Education Advisory Board	<u>Councilor Storey-King</u>
Shellfish Conservation Commission	<u>Councilor Gruber</u>

## COUNCIL COMMITTEES:

Board/Committee Nominating Committee	<u>Councilor Copp, Gruber, and Turner</u>
Senior Property Tax Committee	<u>Councilors Copp, <b>Foster</b> and Storey-King</u>
Cumberland/No. Yarmouth Joint Standing Comm.	<u>Councilors Edes, <b>Foster</b> and Turner</u>
Falmouth/Cumberland Chamber of Commerce	<u>Councilor Vail, Alternate - Lieutenant Dave Young</u>
Finance Committee	<u>Councilors <b>Foster</b>, Gruber, and Vail</u>
Ordinance Committee	<u>Councilors Edes, Storey-King, and Turner</u>
TIF Committee	<u>Councilors <b>Copp</b>, Gruber, Turner</u>
ECOMaine (RWS)	<u>Manager Shane</u>
ECOMaine – Alternate	<u>Assistant Manager Bolduc</u>
Greater Portland Council of Government	<u>Councilor Storey-King and Vail</u>
PACTS Policy Committee	<u>Manager Shane</u>
PACTS Policy Committee – Alternate	<u>Councilor Gruber</u>