

TOWN OF KENNEBUNKPORT, MAINE

**Board of Selectmen Agenda
February 11, 2021 @ 6:00 PM
VIRTUAL MEETING VIA ZOOM (Instructions)**

Ways to join this webinar

Join by **computer or mobile device** and click on <https://zoom.us/j/96754973498>

or go to **ZOOM** and enter the **webinar ID: 967 5497 3498**

By **phone** 1(929) 205 6099 US

1. Call to Order.
2. Approve the January 28, 2021 selectmen meeting minutes.
3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)
4. Consider the renewal liquor license and special amusement permit submitted by Rhumb Line Resort, 41 Turbats Creek Road.
5. Presentation of proposed ordinance revisions for June town meeting:
 - Revisions to Animal Control Ordinance (regarding dogs on the beach)
 - Revisions to Waterfront Ordinance
6. Consider sidewalk removal at 52 Ocean Avenue.
7. Discussion of Short-Term Rental Ordinance.
8. Discussion of leasing electric vehicles through Hyundai municipal lease program and Efficiency Maine grant.
9. Accept the donation of \$1,000 from Atlantic Fire Association to the emergency fuel fund.
10. Accept the donation of \$400 from Church on the Cape to the emergency fuel fund.
11. Accept the donation of \$300 from an anonymous donor to the Nurse's general account.

12. Accept the following donations to the Carol Cook Garden:

- \$5 from Alison Riggieri
- \$5 from Susan Streiff
- \$5 from Tara Rubin
- \$25 from Susan Cressey
- \$75 from Ruth Fernandez
- \$75 from Sarah Smith

13. Other Business.

14. Approve the February 11, 2021, Treasurer's Warrant.

15. Adjournment.

AGENDA ITEM DIVIDER

Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
January 28, 2021
6:00 PM

MINUTES

Selectmen attending via Zoom: Allen Daggett, Patrick Briggs, Sheila Matthews-Bull, Edward Hutchins and D. Michael Weston.

Others attending via Zoom: Laurie Smith, Tracey O’Roak, David Powell, Mike Claus, Craig Sanford, Chris Simeoni, Jen Lord, John Everett, Breese Reagle, Eric Labelle, and others.

1. Call to Order.

Selectman Daggett called the meeting to order at 6:00 PM. He took **roll call** of Selectmen present: Allen Daggett, Patrick Briggs, Sheila Matthews-Bull, Edward Hutchins and D. Michael Weston.

2. Approve the January 14, 2021 and January 21, 2021 selectmen meeting minutes.

Motion by Selectman Briggs, seconded by Selectman Weston, to approve the January 14, 2021 and January 21, 2021, selectmen meeting minutes.

Roll Call Vote on January 14, 2021 minutes: Briggs, Hutchins, Weston, and Daggett. Selectman Matthews-Bull abstained as she was not at that meeting. **Voted:** 4-0. **Motion passed.**

Roll Call Vote on January 21, 2021 minutes: Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

3. Public Forum (This is an opportunity for anyone who wants to address the Board of Selectmen with any issue that is not on the agenda.)

There were no comments.

4. Consider the following renewal liquor license and special amusement permits submitted by:

- Hidden Pond, LLC located at 356 Goose Rocks Road
- The Kennebunkport Inn, LLC located at One Dock Square
- Lodge on the Cove, LLC located at 29 South Maine Street
- Ivy One, LLC d/b/a The Clubhouse at Cape Arundel Inn located at 8 Old Fort Avenue
- Cape Arundel Inn, LLC located at 208 Ocean Avenue
- Yachtsman Hospitality, LLC located at 57 Ocean Avenue
- Tides Beach Club, LLC located at 930 Kings Highway
- The Boathouse at Kennebunkport, LLC located at 21 Ocean Avenue

Motion by Selectman Hutchins, seconded by Selectman Briggs to approve the renewal liquor and special amusement licenses to the above establishments. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

5. Consider a renewal liquor license submitted by Taylormade Hospitality d/b/a Hurricane Restaurant located at 29 Dock Square.

Motion by Selectman Hutchins, seconded by Selectman Briggs to approve the renewal liquor license for Taylormade Hospitality d/b/a Hurricane Restaurant. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

6. Consider a renewal liquor license submitted by W & A, Inc. d/b/a Cape Pier Chowder House located at 79 Pier Road.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the renewal liquor license for W&A, Inc. d/b/a Cape Pier Chowder House. **Roll Call Vote:** Briggs, Hutchins, Weston, and Matthews-Bull. Selectman Daggett abstained. **Voted:** 4-0. **Motion passed.**

7. Appointment of Town Clerk and Registrar of Voters.

Ms. Smith informed the board that after a thorough search, attracting a wide variety of candidates, the Town Clerk position was offered to Jamie Mitchell. Jamie grew up in Kennebunkport and is currently a Kennebunkport resident. She has worked for the last 17 years in the field of law as a Legal Assistant and Paralegal, most recently for the firm Drummond and Drummond in Portland. She is very organized, adept at process administration, and cares deeply about the Town of Kennebunkport. The Selectmen all warmly welcomed Jamie. **Motion** by Selectman Briggs, seconded by Selectman Hutchins to appoint Jamie Mitchell as Town Clerk and Registrar of Voters for a term to expire in March 2021 (when the Town does annual appointments for town officials). **Roll**

Call Vote: Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0.
Motion passed.

8. Consider appointment to the Shellfish Conservation Committee.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins to appoint Kevin Philbrick to the Shellfish Conservation Committee for a term to expire in July of 2021 (when the Town does annual appointments for committees). **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

9. Annual Investment Presentation by Daniel Lay of H.M. Payson.

Ms. Smith introduced Daniel Lay of H.M. Payson. Attorney Lay then presented an investment review, including the Kittredge and Picavet Trusts.

Motion by Selectman Hutchins, seconded by Selectman Matthew-Bull, to accept the Annual Investment Report as presented. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

10. Presentation of FY2020 audit by Hank Farrah of RKO.

Ms. Lord introduced Hank Farrah of Runyon Kersteen Ousellette. Mr. Farrah gave a brief overview of the FY 20 audit. He indicated that it was a clean report, and he found no material weaknesses or significant deficiencies.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to accept the FY 20 Audit as presented. **Roll Call Vote:** Briggs, Hutchins, Weston, Matthews-Bull and Daggett. **Voted:** 5-0. **Motion passed.**

11. Transfer to capital reserve fund in accordance with fund balance policy.

Ms. Lord explained that in accordance with our fund balance policy, each year the Board of Selectmen review the fund balance after the audit presentation and transfer any funds in excess of the 18% target balance to the capital reserve account. This year the funds available for transfer are \$10,555.

Motion by Selectman Weston, seconded by Selectman Hutchinson, to transfer \$10,555 to the capital reserve account in accordance with the fund balance policy. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, Daggett. **Voted:** 5-0. **Motion passed.**

12. Presentation of Community Conservation Project by Rachel Carson National Wildlife Refuge.

Staff from Rachel Carson National Wildlife Refuge addressed the Board to present details about a voluntary community conservation project in development called Rachel Carson's Conservation Champions: Businesses for a Greener Future. The project, which has been developed as part of the refuge's 50th year anniversary of being renamed in honor of Rachel Carson, aims to form partnerships between the refuge and the local business community and to inspire local business owners to implement environmentally sustainable practices at their business within a 1-year timeframe.

13. Capital Budget Preliminary Review.

Ms. Smith advised that Department Directors will be presenting a five-year capital improvement plan. Staff will be seeking feedback and guidance on priorities from the Selectmen. She advised that priorities will need to be determined to create a balanced budget. Each department presented their five-year capital improvement goals. Top priorities for the Selectmen were the communications equipment for the Police and Fire Departments as well as the Wastewater infrastructure.

14. Adopt the Goose Rocks Beach Parking Sticker Rules/Regulations.

Ms. Smith stated that staff is not recommending any changes to the Beach Parking sticker fees. Current fees are:

- Resident seasonal \$5.00
- Nonresident daily \$25.00
- Nonresident weekly \$100.00
- Nonresident seasonal \$200.00

Motion by Selectman Hutchins, seconded by Selectman Briggs, to adopt the Beach Sticker Fees for 2021 as stated above. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, and Daggett. **Voted:** 5-0. **Motion passed.**

15. Accept the following donations to the Carol Cook Garden:

- \$5 from Andrea Languirand
- \$5 from Amanda & Werner Gilliam
- \$5 from Laurie Kelly

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept the above donations to the Carol Cook Garden. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, and Daggett. **Voted:** 5-0. **Motion passed.**

16. Accept the following donations from the Holiday Trail of Lights:

- \$50 to the Nurse's general account
- \$425 to the Emergency Fuel Fund
- \$515 to the Parks & Rec Scholarship Fund

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to accept the above donations from the Holiday Trail of Lights. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, and Daggett. **Voted:** 5-0. **Motion passed.**

17. Other Business.

Ms. Smith advised that there is another donation to accept in the amount of \$2,000 from the Kennebunkport Resident's Association to the Nurse's general account.

Motion by Selectman Briggs, seconded by Selectman Hutchins, to accept the \$2,000 donation from the KRA to the Nurse's general account. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, and Daggett. **Voted:** 5-0. **Motion passed.**

Ms. Smith brought forward a Waiver of Rights regarding the project to repair the east and west jetties. Discussion ensued regarding the timeline for the project and whether to sign the waiver.

Motion by Selectman Weston, seconded by Selectman Briggs to give Laurie Smith authority to negotiate the construction contract for the jetty repair. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, and Daggett. **Voted:** 5-0. **Motion passed.**

Ms. Smith updated the Board on a program that Rowe Westbrook brought to the Town. Hyundai is offering a rebate on two electric vehicles: the Kona and the Ioniq. The Town could lease these vehicles for \$0 for three years with rebates from Efficiency Maine and Hyundai. The lease would allow for 10,000 miles per year. Rowe Westbrook brought a car to town hall for staff to see. Ms. Smith suggested vehicles for the Nurse's Office and the Planning Department. The Selectmen were all on board with moving forward with this offer.

18. Approve the January 28, 2021, Treasurer's Warrant.

Motion by Selectman Briggs, seconded by Selectman Hutchins to approve the January 28, 2021 Treasurer's Warrant. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, and Daggett. **Voted:** 5-0. **Motion passed.**

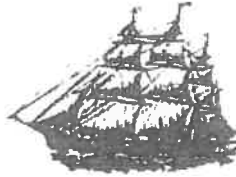
19. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to adjourn. **Roll Call Vote:** Briggs, Hutchins, Matthews-Bull, Weston, and Daggett. **Voted: 5-0. Motion passed.**

The meeting adjourned at 8:41 PM.

Submitted by,
Tracey O'Roak
Administrative Assistant

AGENDA ITEM DIVIDER



TOWN OF KENNEBUNKPORT, MAINE

INCORPORATED 1653

MAINE'S FINEST RESORT

APPLICATION

SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT

Name of Applicant

Sheila Matthews-Bull

Residence Address

59 Langsford Rd Kennebunkport

Home Telephone Number

207-967-3622

ME 04046

Name of Business

Rhumb Line Resort

Business Address

41 Turbats Creek Road Kent

Type of Business

Hotel / seasonal restaurant

Business Telephone Number

207-967-5457

Nature of Special Amusement

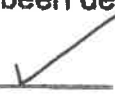
~~Occasion Parties~~

Weddings

Has your liquor and or amusement license ever been denied or revoked?

Yes

No



If yes, describe circumstances specifically. (Attach additional page if necessary)

1. Permit Fee: \$ 50.00 (payable to the Town of Kennebunkport)
2. By making application for this permit and signing this application form, I acknowledge that I am familiar with the rules and regulations governing this permit.

Sheila Matthews-Bull
applicant

AGENDA ITEM DIVIDER

Adopted at the Annual Town Meeting on June 9, 2015
Amended November 3, 2015

ANIMAL CONTROL ORDINANCE

Section A: Purpose

The purpose of this ordinance is to require that all animals in the Town of Kennebunkport be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public safety threat.

The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody or possession of that animal.

Section B: Definitions

1. **ANIMAL:** Every living, sentient creature not a human being.
2. **ANIMAL CONTROL:** Control of dogs, cats and domesticated or undomesticated animals.
3. **ANIMAL CONTROL OFFICER:** Any person appointed by the Town of Kennebunkport to enforce animal control laws.
4. **ANIMAL SHELTER:** A facility that includes a physical structure that provides temporary shelter to stray, abandoned, abused or owner-surrendered animals.
5. **AT LARGE:** Off the premises of the owner, unleashed and not under the Voice and Sight control of a responsible party.
6. **BEACH:** The beaches within the Town of Kennebunkport commonly referred to as Goose Rocks Beach, Colony Beach, and Cleaves Cove.
7. **DOG:** Any of large and varied groups of domesticated animals in the canine family.
8. **LEASH:** Hand held device, 15 feet or less in length, which can be used to restrain a dog.
9. **LIMITED DOG ACCESS AREA:** Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove, that is designated by the Board of Selectmen or designee for special protection of piping plovers or other endangered species based upon scientific and historical data, where dogs may be either prohibited entirely or permitted only if on-leash based on time of day and/or date, as

provided herein or pursuant to rules adopted hereunder. This designation may be seasonal or permanent.

10. **NESTING AREA:** Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove, that has been roped off, fenced off or otherwise demarcated or posted by governmental officials or their agents to protect the nesting site of a piping plover or of any other endangered species protected under federal or state law.
11. **OWNER:** Owner or any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.
12. **RESPONSIBLE PARTY:** Any person who has custody, possession or control of a dog, whether or not that person is the Owner.
13. **VOICE AND SIGHT CONTROL:** "Voice Control" means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party's verbal command. "Sight Control" means that the dog is always within sight of the responsible party and the dog is capable of complying with Voice Control. If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and is in violation of this Ordinance unless such person has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog. A dog barking repeatedly is not considered under Voice and Sight Control.

Section C: Requirements for Control of Animals

1. **AT LARGE DOGS:** It is unlawful for any dog, licensed or unlicensed, to be at large within the Town of Kennebunkport, except when used for hunting. Dogs shall be considered at large unless leashed or under Voice and Sight Control of a responsible party. A responsible party shall maintain control of their dog(s) at all times, not allow the dog(s) to charge, chase or display aggression towards any person, or disturb or harass any person, other dogs or wildlife. A responsible party shall have a leash in his/her possession for any dog that is off leash. The owner of any dog found at large or otherwise in violation of this section will be subject to the civil penalties provided in the Ordinance and/or Maine State Law, Title 7, Section 3911.
2. **DOGS LEASHED:** A leash shall be used to restrain a dog: (a) if the dog fails to respond to voice commands when off the premises of the owner, (b) when a dog is walking with a responsible party on roads and sidewalks in the Town of Kennebunkport, or (c) if the responsible party is ordered by the Animal Control Officer or a law enforcement officer to leash the dog. The owner of any dog found in violation of this section will be subject to the civil penalties provided in the Ordinance.

3. **IMPOUNDMENT OR RETURN OF AT LARGE DOGS:** All dogs found at large in violation of this Ordinance or Title 7, M.R.S.A., Section 3911 may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer or law enforcement officer.
4. **LICENSES:** No dog shall be kept within the limits of the Town of Kennebunkport unless such dog is licensed by the owner in accordance with Maine State Law.
5. **RABIES TAGS:** Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to the dog's collar and must be worn by the dog for which the tag was issued except when the dog is hunting, in training or in an exhibition or on the premises of the owner.
6. **CONTROL OF ANIMAL WASTE:** An owner or responsible party must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property). Deposit of feces left off property of the owner shall be placed in an appropriate litter receptacle.

Section D: Requirements for Dogs on Beaches

1. **AUTHORITY:** The Board of Selectmen shall have the authority to adopt specific rules governing dogs on Goose Rocks Beach, Colony Beach and Cleaves Cove that are more restrictive than the provisions of Section C or Section D(2) of this Ordinance. For example, the Board of Selectmen or designee may designate Limited Dog Access Areas on these beaches for special protection for piping plovers or other endangered species based upon scientific and historical data consistent with state and federal laws governing endangered species. For specific rules governing dogs on Goose Rocks Beach, the Board of Selectmen shall have the authority to adopt such rules after consultation with the Goose Rocks Beach Advisory Committee, in accordance with Section IV.D of the Beach Use Ordinance for Goose Rocks Beach.
2. **DOG RESTRICTIONS ON BEACHES:** The following restrictions apply to dogs on the following beaches located within the Town of Kennebunkport: Goose Rocks Beach, Colony Beach and Cleaves Cove.
 - a. An owner or responsible party shall always be required to leash their dog on any of the applicable beaches referenced above when directed to do so by a law enforcement officer or Animal Control officer.
 - b. Pet waste must be picked up immediately and disposed of properly in an appropriate litter receptacle.

- ~~c. The West End Plover Protection Area at Goose Rocks Beach (“WEPPA”), which begins at Norwood Avenue and continues westerly to the Batson River, is designated a Limited Dog Access Area.~~
- ~~d. From April 1 to September 30, in the Limited Dog Access Areas, dogs must be on leash at all times, except that from June 15 to September 30 between 8:30 am and 6:00 pm, no dogs are permitted on the beach (see Section 2 (i) below).~~
- ~~e.c. From April 1 to September 3015, no dog shall approach or remain within 200 feet of any clearly marked Nesting Area, except that lawns or upland properties within 200 feet of a Nesting Area are excluded from this requirement. dogs may be on the beach at any time of day except as set forth in subsection (d) below but must be on leash at all times.~~
- ~~f.d. From April 1 to September 30, dog owners who live within 200 feet of a Nesting Area must leash their dog when attempting to access the beach and stay as far away as possible from the Nesting Area.From June 15 through Labor Day, dogs are not permitted on the beach from 9:00 AM to 5:00 PM. This provision does not apply to use of a service dog by a person with a disability when the dog is required to perform work or tasks directly related to the person’s disability.~~
- ~~g. From April 1 to June 14th, dogs must be on leash on the beach at all times other than between 6:00 am and 7:30 am, when they may be off leash if under Voice and Sight Control, except to the extent the restrictions in Sections D(2)(d), (e) or (f) above may require otherwise.~~
- ~~h. From June 15 to September 30, if under Voice and Sight Control, dogs may be off leash on the beach between 6:00 am and 7:30 am, except to the extent the restrictions in Sections D(2)(d), (e) or (f) above may require otherwise.~~
- ~~e. From June 15 to September 30, dogs are not permitted on the beach between 8:30 am and 6:00 pm. This provision does not apply to use of a service dog by a person with a disability when the dog is required to perform work or tasks directly related to the person’s disability. Between 6:00 pm and 6:00 am and between 7:30 am and 8:30 am, dogs are permitted on the beach if on leash, except to the extent the restriction in Section D(2)(e) or (f) above may require otherwise. Between 6:00 am and 7:30 am, dogs may be off leash, if under Voice and Sight Control, except to the extent the restrictions in Sections D(2)(d), (e) or (f) may require otherwise. From September 16 through March 31, if under voice and sight control, dogs may be off leash on the beach, except for the hours of 12:00 PM to 6:00 PM when they must remain on leash, and except to the extent the rules in Section D(2)(a) above may require otherwise.~~
- ~~i.f. At any time that a dog is permitted to be on the beach, the dog must be kept at least 200 feet away from a Nesting Area.~~

~~j. From October 1 through March 31, if under Voice and Sight Control, dogs may be off leash on the beach, except between 12:00 pm and 2:00 pm when they must remain on-leash.~~

Section E: Rulemaking Authority governing Other Public Resources

Notwithstanding the general rules found in Section C herein, the Board of Selectmen shall have the authority to adopt specific rules governing dogs on other publicly owned or operated lands located within the Town of Kennebunkport, such as public parks.

Section F: Penalties

1. Any person who violates any provision of this Ordinance shall be subject to civil penalties for each violation, as follows:
 - First violation: not less than \$50.00 and not more than \$100.00, plus costs and reasonable attorneys' fees.
 - Second violation: not less than \$100.00 and not more than \$250.00, plus costs and reasonable attorneys' fees.
 - Third and subsequent violations: not less than \$250.00 and not more than \$500.00, plus costs and reasonable attorneys' fees.
2. Notwithstanding multiple violations of this Ordinance, any person who violates Section C(4) (Licenses), or Section C(5) (Rabies Tags) of this Ordinance shall be subject to a civil penalty of not more than \$100.00 for each offense, consistent with 7 M.R.S.A. §§3918, 3924.
3. All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Kennebunkport and deposited in the separate account required by 7 M.R.S.A. Section 3945.
4. A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer or law enforcement officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.
5. Any civil penalty collected for a violation of this Ordinance shall not preclude the Town from imposing or collecting a fine or penalty for a violation of the Barking Dog Ordinance (adopted March 10, 1984).

Section G: Severability Clause

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Barking Dog Ordinance

Adopted at the Annual Town Meeting on March 10, 1984
Amended June 18, 2005


The owner of a dog or dogs, or the person having control over a dog or dogs, which disturb the peace of any person by frequently and habitually barking, howling, or creating other noise shall be punished, on the first offense, by a fine of not more than \$50.00. The second offense within a six month period shall be punished by a fine of not more than \$100.00. The third offense within a one year period shall be punished by a fine of not more than \$500.00 and the Town may ask the Court to order that such dog or dogs be forthwith removed from Town. All costs incurred by the Town as a result of prosecution, including attorneys' fees, shall be recoverable from the owner or person having control of said dogs.

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Chapter 80. Kennebunk River

[HISTORY: Adopted by the Town of Kennebunkport 7-10-1971; as amended through 6-10-2014. Subsequent amendments noted where applicable.]

ATTACHMENTS

Attachment 1 - Exhibit A 

§ 80-1. Purpose.

The purpose of this chapter is to provide for the just and orderly operation of marine activities on the Kennebunk River.

§ 80-2. Authority.

This chapter is adopted pursuant to 38 M.R.S.A. § 1 et seq. and the Home Rule Provisions of the Maine Constitution.

§ 80-3. Conflict with other provisions.

Where there is conflict between this chapter and any other federal, state, or local law, statute, regulation, rule or ordinance, the more restrictive provisions shall apply.

§ 80-4. Amendments.

After public hearing by the Board of Selectmen, this chapter may be amended at an Annual or Special Town Meeting.

§ 80-5. River Committee.

- A. The River Committee established by the Interlocal Agreement among Kennebunkport and Kennebunk shall be responsible for all Kennebunk River harbor activities as set forth in the Agreement, this chapter and as otherwise required by law.
- B. The River Committee shall have the authority to establish and collect fees for moorings and harbor usage. Such fees must be reasonably related to the cost of maintaining and regulating the Kennebunk River Harbor and may include a charge to establish a capital reserve account for harbor dredging. However, before any such fees may be imposed, the River Committee shall hold a public hearing preceded by at least 10 days' notice in a newspaper of general circulation in Kennebunkport. The initial fees must also be approved by the Board of Selectmen before becoming effective; thereafter, the River Committee may adopt amendments pursuant to the same procedure, provided the Board of Selectmen may veto any changes within 14 days of adoption by the River Committee.
- C. The River Committee is only authorized to spend such monies as are appropriated by Town Meeting.

§ 80-6. Harbor Master.

- A. The Harbor Master for the Kennebunk River is appointed annually by the Boards of Selectmen of Kennebunk and Kennebunkport. Certain duties and responsibilities of the office are prescribed by Title 38 M.R.S.A. He has the additional duty to administer and enforce the provisions of this chapter with the authority granted by law and through his appointment as Harbor Master. For purposes of compensation and employment benefits, he shall be deemed an employee of the Town of Kennebunk, which may charge pro rata shares of such expenses to Kennebunkport. However, for all purposes of initial employment recommendation to the Board of Selectmen and subsequent oversight and annual job performance review, he shall report solely to the River Committee, which may recommend

discipline or discharge to the Kennebunk Town Manager, who may take such discipline only for just cause after notice and hearing.

- B. He may utilize the Town office and the Kennebunk River Committee for assistance in the administrative aspects of his responsibilities.

§ 80-7. River limits and channel.

- A. Kennebunk River. For the purposes hereof (and the area regulated hereby) the "Kennebunk River" is defined as all portions of said river within this municipality which extend and run generally southerly from the prolongation southerly of the Kennebunkport and Arundel town boundary at Goff Brook, including all waters to the high tide levels thereof, extending to a line drawn between the extreme offshore limits of the jetties at the mouth of said River.

- B. Kennebunk River Channel.

- (1) For the purposes of this chapter, the "federally designated portion" of the channel, so called, of the Kennebunk River is defined as follows:

The entrance of the Kennebunk River Channel is 100 feet wide and runs from the mouth of the river to a point beyond the Kennebunkport Marina, where it narrows to 75 feet in width. Thence it extends northerly, continuing at a width of 75 feet, terminating at a line, the end-point coordinates of which are N191412.53, E417265.28 and N191445.83, E417332.48 (NAD 1927, State Plane, Feet). All of said federally designated channel is as depicted on plans encaptioned "Kennebunk River, Maine-Maintenance Dredging," dated July 19, 1984, bearing drawing number 2226, consisting of two sheets, the same being incorporated herein by reference. The northerly limit of the federal channel was established by US Public Law 104-33, October 12, 1996, which amended the above-referenced plans of 1984.

- (2) The "locally designated channel," so called, of the Kennebunk River is defined as follows:

A fifty-foot-wide locally designated channel, beginning at the northerly limit of the federally designated channel and extending northward approximately 758 feet; thence a forty-foot-wide locally designated channel beginning at the end of the fifty-foot-wide locally designated channel and extending northerly approximately 312 feet to the Mathew J. Lanigan Bridge. All of said locally designated channel is as depicted on a plan encaptioned "Kennebunk River Locally Designated Channel," dated August 26, 2004, and prepared by the Southern Maine Regional Planning Commission, the same being incorporated herein by reference.

§ 80-8. Rules of river use.

- A. Prudent operation of vessels. Vessels shall be operated on the Kennebunk River in a reasonable manner so as not to endanger persons or property or to cause excessive wash. In no case shall speeds exceed five knots while operating on any portion of the Kennebunk River south of the aforementioned railroad bridge.

B. Government Wharf.

- (1) The intended use of the floats and the facilities of Government Wharf is solely for the loading and unloading of vessels, for the dockage of skiffs used by owners of vessels, and for such other uses as are specifically authorized by the Board of Selectmen.
- (2) No vessel may be left unattended on the westerly face of the floats or at Government Wharf for a period of more than 1/4 hour, in no event shall any vessel not using said facilities for loading and unloading remain thereat when any other vessel requires the use of said facilities for such purposes, and in no event shall any vessel remain thereat in excess of four hours; in no event, excepting emergencies, shall the facilities at Government Wharf be utilized for any purpose other than loading and unloading without written permission from the Harbor Master. Boat owners wishing to leave a skiff at Government Wharf on a regular basis are required to notify the Harbor Master of this intention. If, in the opinion of the Harbor Master, skiff tie-off space becomes overcrowded, first priority for space will be accorded to commercial users.
- (3) Skiffs tied to Government Wharf must be properly maintained, be kept bailed and must be secured so as to keep Government Wharf clear for operations and not interfere with vessels landing and departing.
- (4) Users of Government Wharf are responsible for properly cleaning up any spillage or untidiness resulting from their operations.
- (5) Failure to observe these regulations may result in loss of permission to use the Government Wharf facility and floats and a penalty as set forth in § 80-9.

- C. Traps in the river. No operation of fixed traps of any kind will be allowed in the Kennebunk River southerly of the railroad bridge. Storage cages shall be permitted if attached to a vessel or to a vessel's mooring.
- D. Record of moorings.
- (1) The Harbor Master shall maintain a written record of the basic information on each mooring, including assigned location, identifying number, vessel description, owner, mooring specifications and details and any additional data deemed useful.
 - (2) The Harbor Master shall maintain the aforementioned plans of the channel and a chart of the harbor showing current mooring location assignments.
 - (3) Each mooring location will be assigned an identifying number which must be marked in a legible fashion on the marker buoy or log in at least three-inch numerals.
- E. Mooring authorizations.
- (1) No mooring shall be permitted, and no mooring shall be placed, utilized or allowed without written authorization from the Harbor Master for the mooring of a specific vessel therein. Each day that a mooring remains in place or is utilized in violation of this subsection shall be deemed a separate violation hereof.
 - (2) The Harbor Master shall have the authority to determine the total number of allowed moorings based on available mooring sites. The Harbor Master may consult with the Kennebunk River Committee and any other appropriate authority to determine mooring areas and their capacity. Commercial moorings shall comprise at least 50% of the total number of mooring sites within the Kennebunk River. If an existing commercial mooring becomes available within the Kennebunk River, it may not be assigned for use as a recreational or transient mooring if such assignment would cause the number of commercial moorings to constitute less than 50% of the total number of available mooring sites within the Kennebunk River.
 - (3) The Harbor Master may change the location of assigned mooring sites when the crowded condition of the river, the need to conform with 38 M.R.S.A. §§ 3 and 7-A, or other conditions render the change desirable.
 - (4) The Harbor Master shall have absolute authority over all moorings and mooring locations in accordance with the terms of this chapter and the laws of the State of Maine.
 - (5) Any mooring location which is not utilized by the holder of the mooring authorization therefor, or by an assignee approved by the Harbor Master, for a term of 30 consecutive days during the months of June, July and August of any year shall be declared vacant and shall thereupon be available for reassignment by the Harbor Master except where the holder of the mooring has sent advance written notice to the Harbor Master showing good cause.
 - (6) No vessel greater than 40 feet shall be assigned a mooring space, except that should there be space available outside of the federally designated channel a commercial vessel of up to 44 feet may be eligible for a mooring, provided that it does not conflict with any existing moorings and/or create any hazards or obstructions to navigation.
- F. Mooring precedence for mooring locations.
- (1) The rules contained in this subsection are intended to comply with the requirements of 38 M.R.S.A. §§ 3, 7-A, 8 and 11.
 - (2) The Harbor Master shall maintain a chronological list, according to the date and time, of all vessel owners requesting mooring location assignment or reassignment to a new location.
 - (3) Except as otherwise required by law, the Harbor Master shall assign spaces as they become available from the waiting list in accordance with the following priority guidelines:
 - (a) To shorefront owners who request for one mooring location immediately adjacent to frontage, and who have no other current shorefront moorings, so long as the assignment of such a mooring is practicable and so long as neither the mooring nor any vessel tied to the mooring encroaches upon the federal navigation channels or anchorages or upon the natural channels established by the Board of Selectmen. The assignment of a mooring site under this priority guideline shall not prevent the shorefront owner from receiving additional mooring assignments under the allocation system for other moorings set forth in this chapter. Under this provision, a "shorefront owner" is an owner of shore rights of at least 100 contiguous feet of frontage.
 - (b) To resident commercial vessel owners, unless less than 10% of the moorings are currently assigned to nonresident commercial owners, in which case the next mooring available shall be assigned to the first

nonresident commercial vessel owner on the list.

- (c) To resident pleasure vessel owners, unless less than 10% of the moorings are currently assigned to nonresident pleasure vessel owners, in which case the next mooring available shall be assigned to the first nonresident pleasure vessel owner on the list.
- (d) To nonresident commercial vessel owners.
- (e) To nonresident pleasure vessel owners.
- (f) A dedicated continuous run at the end of the Kennebunk River adjacent to Government Wharf running northerly shall be kept specifically for commercial fishing vessels only (Exhibit A).^[1]

[1] *Editor's Note: Exhibit A is included as an attachment to this chapter.*

- (4) Future mooring assignments will be on an as-available basis in accordance with the chronological listing of requests and the foregoing priority guidelines. These priority guidelines shall not apply to the assignment of moorings located within the area dredged pursuant to the Kennebunk River Federal Navigation Project, as delineated by the US Army Corps of Engineers, also defined as the "Kennebunk River Channel."

G. Special rules for federal anchorage areas.

- (1) The following provisions are intended to comply with the requirements of the US Army Corps of Engineers for federal anchorages and thus shall apply only to the following portion of the Kennebunk River over which the Harbor Master has control: the area dredged pursuant to the Kennebunk River Federal Navigation project, as delineated by the US Army Corps of Engineers. Within the area described above (and only within this area) the following rules shall apply:
 - (a) The priority guidelines under § 80-8F, Mooring precedence for mooring locations, in this chapter shall not apply and the Harbor Master shall assign mooring spaces as they become available, from a chronological waiting list, without regard to residency of the applicant.
 - (b) No priority shall be given to residents if skiff tie-off space becomes overcrowded.
- (2) Nothing in this subsection shall be construed to prohibit the Harbor Master from giving priority to commercial fishing vessel owners in mooring location and skiff tie-off space.

H. Channel to remain free of obstructions. The Harbor Master shall be empowered to ensure that the Kennebunk River Channel shall remain navigable and free of obstructions.

§ 80-9. Violations and penalties.

- A. Violation of any of the provisions of this chapter shall be deemed a civil violation. They are enforceable by the Harbor Master or any other law enforcement officer with jurisdiction in Kennebunkport or upon the waters of the Kennebunk River by an action in the form of a civil infraction in Maine District Court, District Ten, Division of Eastern York, Biddeford; upon determination by said Court on a violation that occurred, the violator shall be fined not more than \$250 for each violation; each day a continuing violation exists is a separate violation of the provisions hereof. All fines collected hereunder shall inure to the Harbor Committee budget.
- B. Penalties for violations of the laws of Maine with regard to speed restrictions, reckless operation of a vessel, operation of a vessel while under the influence of liquor or drugs and all other violations of state statute shall be as otherwise provided by law.
- C. If the Harbor Master incurs costs in the conduct of his duty as a direct result of the failure of a vessel owner or operator to comply with this chapter or the statutes of the State of Maine, the Harbor Master may recover those costs and reasonable remuneration for his time by filing a civil complaint against such owner or operator in the Maine District Court, District Ten, Division of Eastern York, Biddeford.

§ 80-10. Definitions.

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

COMMERCIAL FISHING

Fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.

COMMERCIAL FISHING VESSEL

A vessel from which the owner obtains in excess of 67% of his earned income from commercial fishing.

COMMERCIAL VESSEL

A vessel from which the owner obtains in excess of 67% of his earned income. The definition of commercial vessel includes commercial fishing vessel, unless otherwise indicated.

VESSEL

Includes boats of all sizes powered by sail, machinery or hand, scows, dredges, lobster, crab and shellfish cars, and craft of any kind.

§ 80-11. Severability.

If any provision or clause of this chapter or application thereof to any person, persons or circumstances is held invalid, such invalidity shall not offset other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end, provisions of this chapter are declared to be separable.

§ 80-12. Maine law.

Additional laws relating to boating are contained in M.R.S.A. Titles 12, 17 and 38 and the Department of Marine Resources laws and regulations.

Select Language ▼

2-8 KENNEBUNK RIVER PASSAGE ORDINANCE

8.1 Boat Operation

- A) Boats shall not be operated faster than 5 knots per hour.**
- B) A vessel is liable for any damage or injury caused by its wake.**
- C) Water-skiing will be allowed in posted areas only.**
- D) No water skiing shall be allowed between the Railroad Bridge and the outer limit of the Kennebunk River jetty.**
- E) Unmuffled noise from engines, outboards, amplifying systems, radios, and the like shall be kept at a minimum when in the proximity of piers, floats, or yacht anchorages anywhere in the river.**
- F) No person shall operate any vessel in a reckless or negligent manner so as to endanger the life, safety or property of any person.**
- G) No vessels shall run their engines with propellers turning while tied to floats or wharves. Vessels requiring dock trials may do so only with permission of the Harbormaster.**

8.2 Moorings

- A) All moorings must be identified and must be registered with the Harbormaster and are subject to the requirements of Section 10-5 of the Harbor Ordinance.**
- B) If a mooring is not to be used, the owner shall notify the Harbormaster so that the mooring may be removed and the space made available for another mooring. Mooring rights under this section (2-8) are non-transferable.**
- C) Moorings shall be assigned in accordance with Section 10.5.E of the Harbor Ordinance.**
- D) Vessels may be required to be moored bow and stern on direction of the Harbormaster.**
- E) Moorings shall not be less than the following minimum sizes: Vessels to 18' LOA- no less than 500 pound granite block; Vessels 18' and over- no less than 1000 pound granite block.**
- F) All moorings shall have a 1 inch mooring pin through the block and chain to reach the mean low water level. Total length of the mooring pennant, from block to mooring cleat, will be as set by the Harbormaster. The minimum buoy size shall be 10 inches in diameter.**

8.3 Berthings

- A)** Tie-up periods at the Town Floats shall be limited to 15 minutes. A tie-up limit at the Town floats or wharves for visitors at night, or for vessels with breakdowns, will be limited at the discretion of the Harbormaster.
- B)** All vessels entering the Kennebunk River are subject to the direction of the Harbormaster who should be consulted before anchoring or tying up to any of the facilities or moorings.
- C)** All draggers while berthed at wharves shall have their trawl doors swung inside the rails at all times.
- D)** No fishing gear, equipment, or any other matter shall be allowed to remain on the Town wharves or floats for over 24 hours without permission of the Harbormaster.
- E)** No swimming will be allowed from any public (town, state, or federal) wharf or float.

8.4 Pollution

- A)** No oil, gasoline or other petroleum products shall be dumped or pumped overboard. When such products are accidentally spilled, the spiller will be liable for the damage caused.
- B)** No rubbish, garbage or dead fish shall be discharged into the river.
- C)** No derelict vessels, motors, etc. or dilapidated structures shall be removed or repaired without orders of the Harbormaster.

8.5 Miscellaneous

- A)** Fixed or floating signs may be posted as directed by the Harbormaster to encourage or to help enforce this section (2-8).
- B)** Parades, water carnivals or any water activity other than normal traffic shall require the written permission of the Harbormaster and shall be regulated by him.

ADOPTED 04/06/1971
AMENDED 06/14/2000

2-10 KENNEBUNK HARBOR ORDINANCE

10.1 Purpose

The purpose of this Ordinance is to provide for the just and orderly operation of marine activities on the Kennebunk River.

10.2 River Committee

The River Committee established by the Interlocal Agreement between Kennebunk and Kennebunkport, or any successor Interlocal Agreement, shall be responsible for all Kennebunk River harbor activities as set forth in the Agreement, the Ordinance and as otherwise required by law.

The River Committee shall have the authority to establish and collect fees for moorings and harbor usage. Such fees must be reasonably related to the cost of maintaining and regulating the Kennebunk River harbor and may include a charge to establish a capital reserve account for harbor dredging. However, before any such fees may be imposed, the River Committee shall hold a public hearing preceded by at least 10 days notice in a newspaper in general circulation in Kennebunk. The initial fees must be approved by the Select Board before becoming effective; thereafter, the River Committee may adopt amendments pursuant to the same procedure provided the Select Board may veto any changes within 14 days of adoption by the River Committee.

The River Committee is only authorized to spend such monies as are appropriated by Town Meeting.

10.3 Harbormaster

The Harbormaster for the Kennebunk River is appointed annually by the Boards of Selectmen of Kennebunk and Kennebunkport. Certain duties and responsibilities of this office are prescribed by Title 38, M.R.S.A. He has the additional duty to administer and enforce the provisions of this ordinance with the authority granted by law and through his appointment as Harbormaster. For purposes of compensation and employment benefits, he shall be deemed an employee of the Town of Kennebunk, which may charge pro-rata shares of such expenses to Kennebunkport. However, for all purposes of initial employment recommendation to the Select Board and subsequent oversight and annual job performance review, he shall report solely to the River Committee, which may recommend discipline or discharge to the Kennebunk Town Manager who may take such discipline only for just cause after notice and hearing.

He may utilize the Town Office and the Kennebunk River Committee for assistance in the administrative aspects of his responsibilities.

10.4 River Limits and Channel

4.A) Kennebunk River: For the purposes hereof (and the area regulated hereby) the Kennebunk River is defined as all portions of said River within this municipality which extend and run generally southerly from the prolongation southerly of the Kennebunkport and Arundel town boundary at Goff Brook, including all waters to the high tide levels thereof, extending to a line drawn between the extreme offshore limits of the jetties at the mouth of said River.

4.B) Kennebunk River Channel:

For the purposes of this Ordinance, the Federally Designated portion of the channel, so called, of the Kennebunk River is defined as follows:

The entrance of the Kennebunk River Channel is 100 feet wide and runs from the mouth of the river to a point beyond the Kennebunkport Marina, where it narrows to 75 feet in width. Thence it extends northerly, continuing at a width of 75 feet, terminating at a line, the end-point coordinates of which are N191412.53, E417265.28. and N191445.83, E417332.48 (NAD 1927, State Plane, Feet). All of said Federally Designated channel is as depicted on plans encaptioned "Kennebunk River, Maine-Maintenance Dredging", dated July 19, 1984, bearing drawing number 2226, consisting of two sheets, the same being incorporated herein by reference. The northerly limit of the federal channel was established by U.S. Public Law 104-33, October 12, 1996 which amended the above referenced plans of 1984.

The Locally Designated Channel, so called, of the Kennebunk River is defined as follows:

A 50 foot wide Locally Designated Channel beginning at the northerly limit of the Federally Designated Channel and extending northward approximately 758 feet; thence a 40 foot wide Locally Designated Channel beginning at the end of the 50 foot wide Locally Designated Channel and extending northerly approximately 312 feet to the Mathew J Lanigan Bridge. All of said Locally Designated Channel is as depicted on a plan encaptioned "Kennebunk River Locally Designated Channel," dated August 26, 2004, and prepared by the Southern Maine Regional Planning Commission, the same being incorporated herein by reference.

10.5 Rules of River Use

5.A) Prudent Operation of Vessels: Vessels shall be operated on the Kennebunk River in a reasonable manner so as not to endanger persons or property or to cause excessive wash. In no case shall speeds exceed five (5) knots while operating on any portion of the Kennebunk River south of the aforementioned Railroad Bridge.

5.B) Traps in the River: No operation of fixed traps of any kind will be allowed in the Kennebunk River southerly of the Railroad Bridge. Storage cages shall be permitted if attached to a vessel or to a vessel's mooring.

5.C) Record of Moorings: The Harbormaster shall maintain a written record of the basic information on each mooring including assigned location, identifying number, vessel description, owner, mooring specifications and details and any additional data deemed useful.

The Harbormaster will maintain the aforementioned plans of the Channel and a chart of the Harbor showing current mooring location assignments.

Each mooring location will be assigned an identifying number which must be marked in a legible fashion on the marker buoy or log in at least three inch (3") numerals.

5.D) Mooring Authorizations: No moorings shall be permitted, and no moorings shall be placed, utilized or allowed without written authorization from the Harbormaster for the mooring of a specific vessel therein. Each day that a mooring remains in place or is utilized in violation of this section shall be deemed a separate violation hereof.

The Harbormaster shall have the authority to determine the total number of allowed moorings based on available Mooring Sites. The Harbor Master may consult with the Kennebunk River Committee and any other appropriate authority to determine mooring areas and their capacity. Commercial Moorings shall comprise at least 50% of the total number of Mooring Sites within the Kennebunk River. If an existing Commercial Mooring becomes available within the Kennebunk River, it may not be assigned for use as a Recreational or Transient Mooring if such assignment would cause the number of Commercial Moorings to constitute less than 50% of the total number of available mooring sites within the Kennebunk River.

The Harbor Master may change the location of assigned Mooring Sites when the crowded condition of the river, the need to conform with Title 38 M.R.S.A., §§ 3, 7-A, or other conditions render the change desirable.

The Harbor Master has absolute authority over all moorings and mooring locations in accordance with the terms of this Ordinance and the laws of the State of Maine.

No Vessel greater than forty feet (40ft) shall be assigned a mooring space, except that should there be space available outside of the Federally designated Channel a commercial vessel of up to forty four feet (44ft) may be eligible for a mooring provided that it does not conflict with any existing moorings and/or create any hazards or obstructions to navigation.

Any mooring location which is not utilized by the holder of the mooring authorization therefore, or by an assignee approved by the Harbormaster, for a term of thirty (30) consecutive days during the months of June, July and August of any year shall be declared vacant and shall thereupon be available for reassignment by the Harbormaster except where the holder of the mooring has sent advance written notice to the Harbormaster showing good cause.

5.E) Mooring Precedence for Mooring Locations: The rules contained in this section are intended to comply with the requirements of Title 38 M.R.S.A. Section 3, 7-A, 8 and 11.

The Harbormaster shall maintain a chronological list, according to the date and time, of all vessel owners requesting mooring location assignment or reassignment to a new location.

Except as otherwise required by law, the Harbormaster shall assign spaces as they become available from the waiting list in accordance with the following priority guidelines:

a. To shorefront owners who request for one mooring location immediately adjacent to frontage, and who have no other current shorefront moorings, so long as the assignment of such a mooring is practicable and so long as neither the mooring nor any vessel tied to the mooring encroaches upon the federal navigation channels or anchorages or upon the natural channels established by the Select Board. The assignment of a mooring site under this priority guideline shall not prevent the shorefront owner from receiving additional mooring assignments under the allocation system for other moorings set forth in this ordinance.

Under this provision, a "shorefront owner" is an owner of shore rights of at least 100 contiguous feet of frontage.

b. To resident commercial vessel owners, unless less than 10% of the moorings are currently assigned to non-resident commercial owners, in which case the next mooring available shall be assigned to the first non-resident commercial vessel owner on the list.

c. To resident pleasure vessel owners, unless less than 10% of the moorings are currently assigned to non-resident pleasure vessel owners, in which case the next mooring available shall be assigned to the first non-resident pleasure vessel owner on the list.

d. To non-resident commercial vessel owners.

e. To non-resident pleasure vessel owners.

f. A dedicated continuous run at the end of the Kennebunk River adjacent to Government Wharf running northerly shall be kept specifically for commercial fishing vessels only. (Exhibit A) (06-10-2014)

Future mooring assignments will be on an as available basis in accordance with the chronological listing of requests and the foregoing priority guidelines. These priority guidelines shall not apply to the assignment of moorings located within the area dredged pursuant to the Kennebunk River Federal Navigation Project as delineated by the U.S. Army Corps of Engineers also defined as the Kennebunk River Channel.

5.F) Special Rules for Federal Anchorage Areas

The following provisions are intended to comply with the requirements of the U.S. Army Corps of Engineers for federal anchorages and thus shall apply only to the following Portion of the Kennebunk River over which the Harbormaster has control: the area dredged pursuant to the Kennebunk River Federal Navigation project, as delineated by the U.S. Army Corps of Engineers.

Within the area described above (and only within this area) the following rules shall apply:

(1) The priority guidelines under “Mooring Precedence for Mooring Locations” under Section 5.E of this ordinance shall not apply and the Harbormaster shall assign mooring spaces as they become available, from a chronological waiting list, without regard to residency of the applicant.

(2) No priority shall be given to residents if skiff tie-off space becomes overcrowded.

Nothing in this section shall be construed to prohibit the Harbormaster from giving priority to commercial vessel owners in mooring location and skiff tie-off space.

5.G) Channel to Remain Free of Obstructions

The Harbormaster shall be empowered to ensure that the Federally Designated Channel and Locally Designated Channel of the Kennebunk River shall remain navigable and free of obstructions.

10.6 Penalties

Violation of any of the provisions of this Ordinance shall be deemed a civil violation. They are enforceable by the Harbormaster or any other law enforcement officer with jurisdiction in Kennebunk or upon the waters of the Kennebunk River by an action in the form of a civil infraction in the Maine District Court, District Ten, Division of Eastern York, Biddeford; upon a determination by said Court on a violation that occurred the violator shall be fined as set by the Select Board’s fee schedule for each violation; each day a continuing violation exists is a separate violation of the provisions hereof. All fines collected hereunder shall inure to the Harbor Committee budget. (06-12-02)

Penalties for violations of the laws of Maine with regard to speed restrictions, reckless operation of a vessel, operation of a vessel while under the influence of liquor or drugs and all other violations of State Statute shall be as otherwise provided by law.

If the Harbormaster incurs costs in the conduct of his duty as a direct result of the failure of a vessel owner or operator to comply with this ordinance or the Statutes of the State of Maine, the Harbormaster may recover those costs and reasonable remuneration for his time by filing a civil complaint against such owner or operator in the Maine District Court, District Ten, Division of Eastern York, Biddeford.

10.7 Definitions

Vessel: The word "vessel" as used herein shall include boats of all sizes powered by sail, machinery or hand, scows, dredges, lobster, crab and shellfish cars, and craft of any kind.

Commercial Vessel: A vessel from which the owner obtains in excess of 67% of his earned income. The definition of Commercial Vessel includes Commercial Fishing Vessel, unless otherwise indicated (7/17/2-012).

Commercial Fishing Vessel: A vessel from which the owner obtains in excess of 67% of his earned income from commercial fishing (7/17/2012).

Commercial fishing is defined as fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter or trade.
(6/10/2014)

10.8 Separability

If any provision or clause of this ordinance or application thereof to any person, persons or circumstances is held invalid, such invalidity shall not offset other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end provisions of this Ordinance are declared to be separable.

Where there is a conflict between this ordinance and any other Federal, State, or Local law, statute, regulation, rule or ordinance, the more restrictive provision shall apply.

10.9 Maine Law

Additional laws relating to boating are contained in M.R.S.A. Titles 12, 17 and 38 and Department of Marine Resources Laws and Regulators.

10.10 Authority

This ordinance is adopted pursuant to Title 38 M.R.S.A. sec 1, et seq., Title 30-A M.R.S.A. sec. 3001, and the Home Rule Provisions of the Maine Constitution.

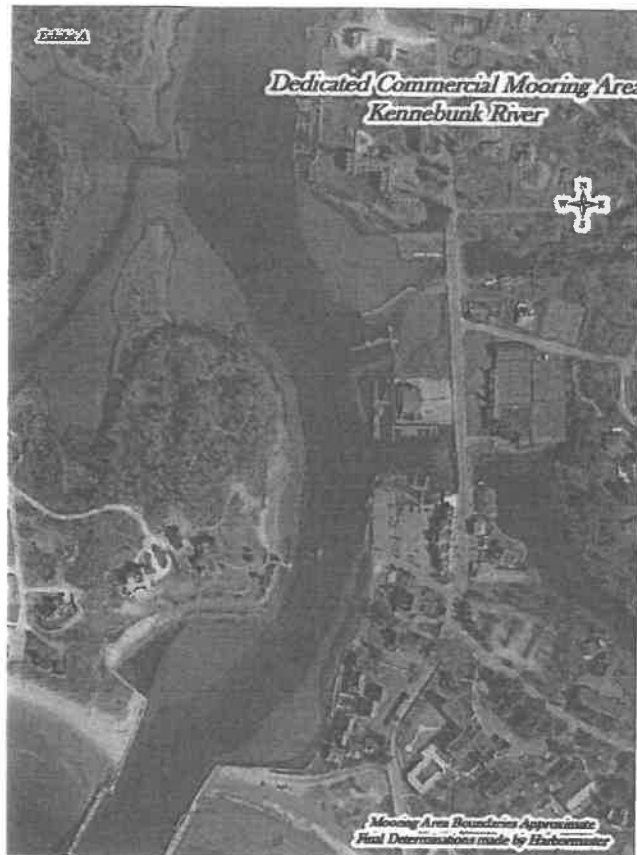
10.11 Amendments

After public hearing by the Select Board, this ordinance may be amended at an annual or special Town Meeting, provided such amendment is consistent with any interlocal agreement that may be in effect at the time concerning management of the Kennebunk River, including the "River Committee Interlocal Agreement", dated July 1, 2000, or any amendments or successor agreements thereto.

10.12 Fees shall be as shown on a fee schedule set by vote of the Select Board each year, after notice and hearing. (06-12-2002)

ADOPTED 03/19/1985; AMENDED 06/14/2000; 06/12/2002; 06/16/2005; 06/21/2011; 06/10/2014

Exhibit A



AGENDA ITEM DIVIDER



TOWN OF KENNEBUNKPORT, MAINE

~ INCORPORATED 1653 ~

December 4th, 2021

Memo: 52 Ocean Avenue Sidewalk Removal Request

From: Werner Gilliam, CFM Director of Planning and Development
Michael Claus, PE Director of Public Works

To: Laurie Smith Town Manager, Board of Selectmen

The town has received a request from Scott and Cheryl Mahoney, owners of 52 Ocean Avenue, to remove a portion of sidewalk that runs parallel to their property along Ocean Avenue.



AGENDA ITEM DIVIDER

02.11.21

Kennebunkport Short-term Rental License/Ordinance

A. Purpose:

The purpose of this ordinance/license is to require the disclosure and licensing of short-term rentals operated within the Town of Kennebunkport. Furthermore, -this Ordinance is intended to ensure that residential neighborhoods are not unduly impacted by the operation of short-term rentals within the Town. This will be accomplished by a licensing program that enables the Town to monitor and track the proliferation of short-term rentals within its borders, includes modest performance standards intended to protect property owners, renters, and neighbors along with limits to the numbers of short-term rentals within the community. Due to the historic nature and longstanding tradition of short-term rentals within the Goose Rocks Beach neighborhood, this limited area will not be subject to licensing limits; it will, however, still be subject to all other requirements in this ordinance.

~~This Ordinance is intended to ensure that residential neighborhoods are not unduly impacted by the operation of short-term rentals within the Town, and to provide a licensing program that enables the Town to monitor and track the proliferation of short-term rentals within its borders.~~

B. Applicability:

1. Permitted Short-term Rentals. Legally existing residential dwelling units may be used as Short-term rentals upon the issuance of a Short-term rental license for the premises in accordance with the requirements of this Ordinance.

2. Prohibited Short-term Rentals. No person may offer for rent, operate, or otherwise use any dwelling unit in the Town of Kennebunkport for Short-term rentals if:

- (a) Such person has not secured or maintained a valid Short-term rental license for the premises; or
- (b) The accommodations are an accessory apartment constructed or permitted after November 3, 2009, or a recreational vehicle, trailer or tent.

~~B. The requirements of this ordinance shall apply to all residential dwelling units, whether seasonal or year round. Accessory apartments that have been constructed/permitted after November 3rd 2009 may not be used as Short-term rentals.~~

3. Lodging Establishments Exempt. The following lodging establishment uses are exempt from the licensing requirements and standards of this Ordinance: hotels, motels, bed and breakfasts, inns, seasonal rental accommodation complexes, and residential rental accommodations.

C. Definitions:

Advertising: Any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages.

Dwelling unit: One or more rooms arranged for complete, independent housekeeping purposes with space for living and sleeping; space or facilities for eating or cooking; and provisions for sanitation. For purposes of this regulation Recreational vehicles are not considered dwelling units.

Good Neighbor guidelines: A document prepared by the town that summarizes the general rules of conduct, consideration and respect, including, without limitation, provisions pertaining to the use and occupancy of a dwelling unit used or occupied as a short-term rental.

Goose Rocks Beach Neighborhood: ~~(Insert Definition)~~ See the area defined on Exhibit A).

Owner: ~~A~~An individual person or persons or an entity ~~who that~~ is the owner of record of real property as documented by deed or other document evidencing ownership recorded at the York County Registry of Deeds.

Seasonal rental accommodation complex: a lodging business located on one parcel of land that makes a room, a group of rooms, and/or cottages available for a tenancy of less than 30 days on a seasonal basis.

Short-term rental: The use, control, management or operation of a legally-existing residential dwelling unit offered for rent for transient occupancy for dwelling, sleeping or lodging purposes by tenants-short-term rental guests for a tenancy of less than 30 consecutive days, for compensation, directly or indirectly, excluding motels, hotels, bed and breakfasts, inns, seasonal rental accommodation complexes, and residential rental accommodations.

Short-term rental guest: Any person who rents, licenses, occupies or has the right to occupy a dwelling unit for less than 30 consecutive days.

D. General Requirements:

1. License Required: No Short-term rental shall be advertised, rented, or operated without first obtaining a Short-term rental License. ~~Failure to obtain or renew a license prior to offering, advertising, or renting the short-term rental shall require payment of double the short-term rental license fee. The second failure to obtain or renew a license (within a 5-year period) shall be prohibited from obtaining a license for one (1) year. A license application received more than 30 days after the license deadline shall be considered late. A short-term rental license shall be valid for the calendar year in for which the license is issued. The property must remain in compliance with the short-term rental license for the calendar year in which the license is issued.~~

a. Short-term rental license renewal. Short-term rental licenses shall expire on December 31st of each calendar year, and Short-term rental license holders may renew such license by submitting a renewal application, ~~on forms provided~~ via a renewal process established by the Town. After the effective date of this Ordinance, any duly licensed short-term rental may continue operating as long as the license is current and renewed on or before the annual renewal deadline established by the Town. If the license is not renewed within the prescribed timeframe, the license expires and this protection clause no longer applies. Any renewal application received after December 31st of the previous license year the advertised deadline for submission shall be considered late and deemed a new application.

b. The Board of Selectmen shall establish fees for the licensure of Short-term rentals. Licensing fees for Short-term rentals shall be assessed based upon the following criteria:

i. Tier I: Short-term rentals with 0-3 bedrooms;

_____ii. Tier II: Short-term rentals with 4+ bedrooms.

2. Non-transferability. Short-term rental licenses issued under this Ordinance shall not be transferable to a new Owner or location. Any Change of Ownership shall require a new license, except transfers of the real estate and related license in a Permitted Transfer. A "Permitted Transfer" is a transfer of the subject real estate and the related license to a Permitted Transferee. A "Permitted Transferee" includes (1) another current Owner of the subject real estate; (2) the spouse, child(ren) and/or grandchild(ren) of a current Owner; (3) a trust for the benefit of a current Owner, a current Owner's spouse, a current Owner's child(ren) and/or grandchild(ren) of a current Owner; or (4) for estate planning purposes, a trust, limited liability company ("LLC"), corporation or other entity, as long as the beneficiaries of the trust or owners of the entity, as applicable, are a current Owner, a current Owner's spouse, a current Owner's child(ren) and/or grandchild(ren) of a current Owner. In the case of a transfer to a Permitted Transferee, the Permitted Transferee shall become a "Licensee" and an "Owner", and the definition of "Permitted Transferee" shall apply to the new Licensee/Owner.

Licensees/Owners shall be required to certify that they comply with the provisions of this section annually and that they have not engaged in any transfers, or been transferees in any transfers, that are not Permitted Transfers. See Section F.3 herein.

Licenses are limited to the dwelling unit for which they are issued and shall not be transferable to a different dwelling unit.

Transferability: ~~Short term rental licenses shall not be transferable to another location, person, or entity, except that the property owner may transfer the license for a specific licensed premises to a spouse, child, parent, or, for estate planning purposes, to a trust in which the property owner serves as a trustee.~~

3. Advertising: It shall be unlawful to advertise occupancy or use of a short-term rental that has not been licensed. For the purposes of this section, the term "advertise" shall mean any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media included, but not limited to newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages. The short-term rental advertising must be consistent with the terms of the short-term rental license, and all advertisements of the short-term rental must include the current short-term rental license number.

4. Registration record: The short-term rental owner must (a) maintain accurate, up-to-date records of all rental transactions involving the short-term rental, including the number of tenants and the length of their stays, and upcoming reservations; and (b) present said information to Town inspection officials upon request. Failure of the short-term rental owner to provide this information within 5 business days of a Town request for the same shall be considered a violation of this section.

5. Notice: The Short-term rental license holder must post in plain sight near the entrance to the Short-term rental a notice that identifies the Short-term rental license number, and the name, address, phone number(s), and email address of the owner of the Short-term rental, and/or the owner's local contact person. Such notice may be posted in plain sight in the interior of the Short-term rental. The Short-term rental license holder shall also post the license provided by the Town.

E. Review Procedure:

Issuance procedure:

1. Application submission; completeness. Short-term rental License applications shall be submitted to the Town Clerk. Applications for licenses for the upcoming calendar year may be submitted beginning in October of the previous license year. The Town Clerk, or the Town Clerk's designee, shall review all applications for completeness and accuracy and in the order that they were received.

~~2. The Town Clerk shall have the authority to issue a Short-term rental license.~~

~~23. Application, License fee. The Town Clerk shall provide a Short-term rental application to be completed by the applicant and submitted to the Town Clerk accompanied by the Short-term rental license fee as established by the Board of Selectmen. The Short-term rental application shall include a non-exclusive checklist of code requirements that the property owner shall demonstrate compliance with.~~

~~43. Town clerk authority. The Town clerk shall have the authority to issue a Short-term rental license. The Town Clerk, or the Town Clerk's designee, shall determine if the application has been properly completed before any license is issued.~~

~~54. Inspection. Notwithstanding the provisions of Section 1(2), the first time that a Short-term rental application is submitted for a property, no license shall be issued until the Code Enforcement Officer or~~

~~his/her designee has inspected the proposed Short-term rental property for compliance with the Short-term rental Standards and compliance with building code requirements.~~

~~When the Code Enforcement Officer does has not conducted an annual inspection thereafter, the Short-term rental owner shall certify, upon request by the Town, that there have been no material changes since the last inspection by the Code Enforcement Officer.~~

Anytime that a Short-term rental application is submitted for a property, the Short-term rental applicant shall certify on the Short-term rental application that the proposed Short-term rental property complies with the Short-term rental Standards in Section G, and with building code requirements.

The Code Enforcement Officer shall inspect the licensed premises once every five years, to determine compliance with the Short-term standards in Section G.

5. Transitional Provisions for Licensing of Pre-Existing Short-Term Rentals. Persons or entities who operated a legally-existing residential dwelling unit as a Short-term rental and who received reservations for Short-term rentals at the same premises prior to the Effective Date of this Ordinance shall be required to obtain a Short-term rental license for said premises by submitting an application to the Town Clerk no later than [DATE], which application must contain an affidavit or other sworn statement by the Owner, along with documented evidence, certifying that the premises were previously used for short-term rental use by one or more tenants for a period of less than 30 consecutive days per tenancy and for at least fourteen (14) total days in a calendar year in any one of the following years: 2019, 2020, or 2021.

Upon review and approval of a timely application submitted for a license containing sufficient evidence of previous short-term rental use as required above, the Town Clerk shall issue a license for each such premises, without the need for a prior inspection of said premises by the Code Enforcement Officer or designee as is otherwise required in section E(4).

6. Issuance. If the Town Clerk, or the Town Clerk's designee, in consultation with the Code Enforcement Officer, determines that the proposed Short-term rental application complies with the Short-term rental Standards, ~~a~~ the Town Clerk shall issue the applicant a Short-term rental license ~~shall be issued~~ in accordance with the limits established in Section I below.

F. Submission Requirements:

The Short-term rental license application shall include the following information:

1. Location. The street address and map/ block/lot number of the Short-term rental property.
2. Contact Person/Owner Responsibility. The name of the owner of the Short-term rental property and contact information, including address and telephone number. If the owner is anything other than a natural person, then the following information must also be included: the name of each individual person who has an ownership interest in any entity that is the record owner, including, without limitation, all beneficiaries of any trust, and all members and shareholders of a limited liability company,

corporation or other entity. In addition, if someone other than the owner is acting as the local contact person, contact information for that person shall also be provided. Regardless of who enters the Short-term rental agreement, or who may be designated as the owner's contact person, the property owner shall be responsible for compliance with the Short-term rental Ordinance provisions.

3. For renewal applications, Licensees/Owners shall be required to certify annually that they have not engaged in any transfers of the licensed premises, or been transferees in any transfers, that are not Permitted Transfers under Section D.2 of this Ordinance.

34. All information needed to demonstrate compliance with the standards listed below.

G. Standards:

The Town Clerk shall issue a Short-term rental license upon the applicant satisfying the above requirements if the following standards are met:

1. Code compliance. An applicant's property, without limitation, shall comply with the following building safety requirements.

a. Smoke Alarms: Smoke alarms shall be installed in the following locations: 1. In each bedroom. 2. Outside each separate sleeping area in the immediate vicinity of the bedrooms. 3. On each additional story of the dwelling, including basements and habitable attics

b. Carbon Monoxide Alarms: If a house has an attached garage or a fuel fired appliance, a carbon monoxide alarm shall be installed outside each bedroom in the immediate vicinity of the bedrooms.

c. Portable Fire Extinguishers: At least one portable fire extinguisher shall be mounted in a prominent location. One size/type 2/A is required or two size/type 1/A extinguishers.

~~1. Code compliance. An applicant's property, without limitation, shall comply with the following building safety requirements code sections of the (International Residential Code, ("IRC,")) and the International Building Code, ("IBC"):~~

~~a. IRC Section R 314, Smoke Alarms: A smoke alarm is required in each bedroom. A smoke alarm is also required outside of each bedroom and in the immediate vicinity. A smoke alarm is also required to be on each story of the dwelling, including basements and habitable attics. The alarms shall be interconnected as much as reasonably possible. (Reference IRC Section R314)~~

~~b. IRC Section R 315, Carbon Monoxide Alarms: If a house has an attached garage or a fuel fired appliance, a carbon monoxide alarm shall be installed outside each bedroom and 2 in the immediate vicinity. (Reference IRC Section R315)~~

~~c. IBC Section 906, Portable Fire Extinguishers: At least one portable fire extinguisher shall be mounted in a prominent location. One size/type 2/A is required or two size/type 1/A extinguishers. The building shall be an R-1 Occupancy (Boarding House) for the purpose of determining the type and location of portable fire extinguishers; IBC Section 1006.2, 1006.3 and 1006.4.~~

2. The applicant shall provide floor plans of the dwelling unit that shows the location of the alarms and fire extinguisher(s).

3. Building evacuation plan. A building evacuation plan shall be prominently posted in the Short-term rental property during the rental period.

4. Sanitary waste disposal. The applicant shall submit information demonstrating that adequate sanitary waste disposal is available in compliance with the Maine Subsurface Wastewater Disposal Rules, or that the property is served by public sewer. This shall include the total number of bedrooms included in the property, any additional sleeping space, and the total number of tenants that the property accommodates. The total number of tenants used to determine adequacy of sanitary waste disposal shall not be less than the total number of tenants that the property is advertised to accommodate. For the purpose of evaluating the adequacy of a subsurface disposal system, every two tenants shall be equivalent to one bedroom.

5. Parking. The applicant shall include a depiction designating parking spaces that will be provided for tenants and guests on the same lot where the Short-term rental is located. Guest parking at the Short-term rental shall occur in parking spaces designated by the applicant, and the number of guest vehicles allowed at the Short-term rental shall be limited to the number of on-site parking spaces designated by the applicant. Garage parking spaces not allowed for tenant use shall not be used to meet the Short-term rental parking requirement. Tenants and guests of Short-term rentals are prohibited from parking in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood.

6. Good neighbor guidelines.

7. ~~Limit on rental intensity~~ Occupancy limits.

The maximum tenant ~~capacity~~ occupancy of a short-term rental shall be limited to no more than 2 tenants per bedroom, plus 2 additional tenants total for the entire dwelling unit. By way of example, the maximum tenant capacity for a three-bedroom dwelling short-term rental is eight (8) tenants (i.e., 3 bedrooms multiplied by 2 tenants, plus an additional 2 tenants for a total of 8). ~~for no more than 1 additional sleeping space.~~

H. Suspension and Revocation of License:

A license for a Short-term rental may be conditioned, suspended or revoked by the Board of Selectmen after a public hearing if the Board of Selectmen determine that a violation of this ordinance, any applicable statute, ordinance, or regulation, or Short-term rental license certification, condition, or criteria has occurred.

1. Violations of this Ordinance. Violations of this ordinance include, but are not limited to, the following:

- a. Providing false or misleading information on an application, or renewal application, for a Short-term rental license;
- b. Failure to provide the registration records as provided in Section D(4) within 5 business days of a Town request for such records;
- c. Failure to comply with the parking provisions of Section G(5) of this Ordinance;
- d. Failure to comply with the rental intensity limitations ~~occupancy limits~~ of Section G(7) of this Ordinance;
- e. Failure to acquire and/or display the required short term rental license number or include the license number in any advertising of the licensed premises;
- ef. Violation of any Short-term rental license certification, condition, or criteria;
- fg. Violation of any statute, ordinance, or regulation applicable to the Short-term rental property.

2. Complaints Concerning Short-term rentals. The Code Enforcement Officer shall establish and maintain a log of all complaints for each Short-term rental received and substantiated by the Town. The Code Enforcement Officer shall seek the correction of all substantiated complaints by the Short-term rental license holder.

3. Suspension or Revocation of a ~~Permit~~ License. When, in the judgement of the Code Enforcement Officer, the nature and/or number of complaints warrants further review of the Short-term rental license, the Code Enforcement Officer shall provide a report of the same to the Board of Selectmen for its consideration. The Board of Selectmen may condition, suspend, or revoke a Short-term rental license, following a public hearing, on the basis of the licensee's non-compliance with this ordinance, any applicable law, ordinance, or regulation, or Short-term rental license certification, condition, or criteria.

4. Appeal. Any person aggrieved by the decision of the Board of Selectmen to suspend or revoke a Short-term rental license may appeal the decision of the Board of Selectmen to Superior Court, pursuant to Maine Rule of Civil Procedure 80B, within thirty (30) days of the Board of Selectmen's decision.

I. Limitations on and Allocations of Annual Licenses for Short-Term Rental Units:

The Town Clerk shall issue Short-term rental licenses on an annual basis. The total number of ~~annual~~ licenses issued in each calendar year shall be set ~~each year annually~~ by the Board of Selectmen ~~at their first meeting of the calendar year~~. The limitation on the total number of ~~annual~~ licenses set by the Board of Selectmen shall first go into effect on January 1, 2023.

1. Formula. The total number of ~~annual~~ licenses issued in each calendar year shall be set by the Board of Selectmen annually according to a formula based in part upon a percentage of the total number of residential dwelling units in the Town of Kennebunkport. the following formula: [Insert Formula].

~~2. Pre-Existing Short-Term Rentals Licensure Requirements; Exclusion from Count. Persons or entities who operated a residential dwelling unit as a Short-term rental and who received reservations for Short-term rentals at the same premises prior to the Effective Date of this Ordinance shall be required to obtain a Short-term rental license for said premises by submitting an application to the Town Clerk no later than [DATE], which application must contain an affidavit or other sworn statement by the Owner that the premises were previously used for short term rental use to one or more tenants for a period of less than 30 days per tenancy and for at least fourteen (14) total days in a calendar year in any one of the following years: 2019, 2020, or 2021.~~

~~Upon review and approval of a timely application submitted for a license containing sufficient evidence of previous short term rental use as required above, the Town Clerk shall issue a license for each such premises, without the need for a prior inspection of said premises by the Code Enforcement Officer or designee as is otherwise required in section E(5). The license for said premises shall not be counted towards the total number of Short-term rental licenses to be set annually by the Board of Selectmen starting in calendar year 2023, and to be issued on an annual basis thereafter by the Town.~~

~~32. Goose Rocks Beach Neighborhood. No Short-term rental located in the Goose Rocks Beach Neighborhood [as depicted on the attached map] shall be advertised, rented, or operated as a Short-term rental without first obtaining a Short-term rental license. Licensed Short-term rentals located in the Goose Rocks Beach Neighborhood [as depicted on the attached map] shall not be counted towards the total number of Short-term rental licenses to be set annually by the Board of Selectmen under Section I.1 herein, and to be issued on an annual basis thereafter by the Town.~~

~~43. Effective Date. This Ordinance and all the licensing standards contained herein shall go into effect on January 1, 2022.~~

J. Penalties for Violations; Enforcement

In the event the Owner or Owner's guests violate this Ordinance or the terms and conditions of the license, the Town, in addition to the suspension or revocation of the then-current license pursuant to Section H above, may also prohibit the Owner from licensing the dwelling unit for 12 months following the current licensing expiration date, after which the owner may submit a new application for licensure.

Violations shall also be subject to fines and penalties as set forth in this section and in a penalty schedule established by the Board of Selectmen.

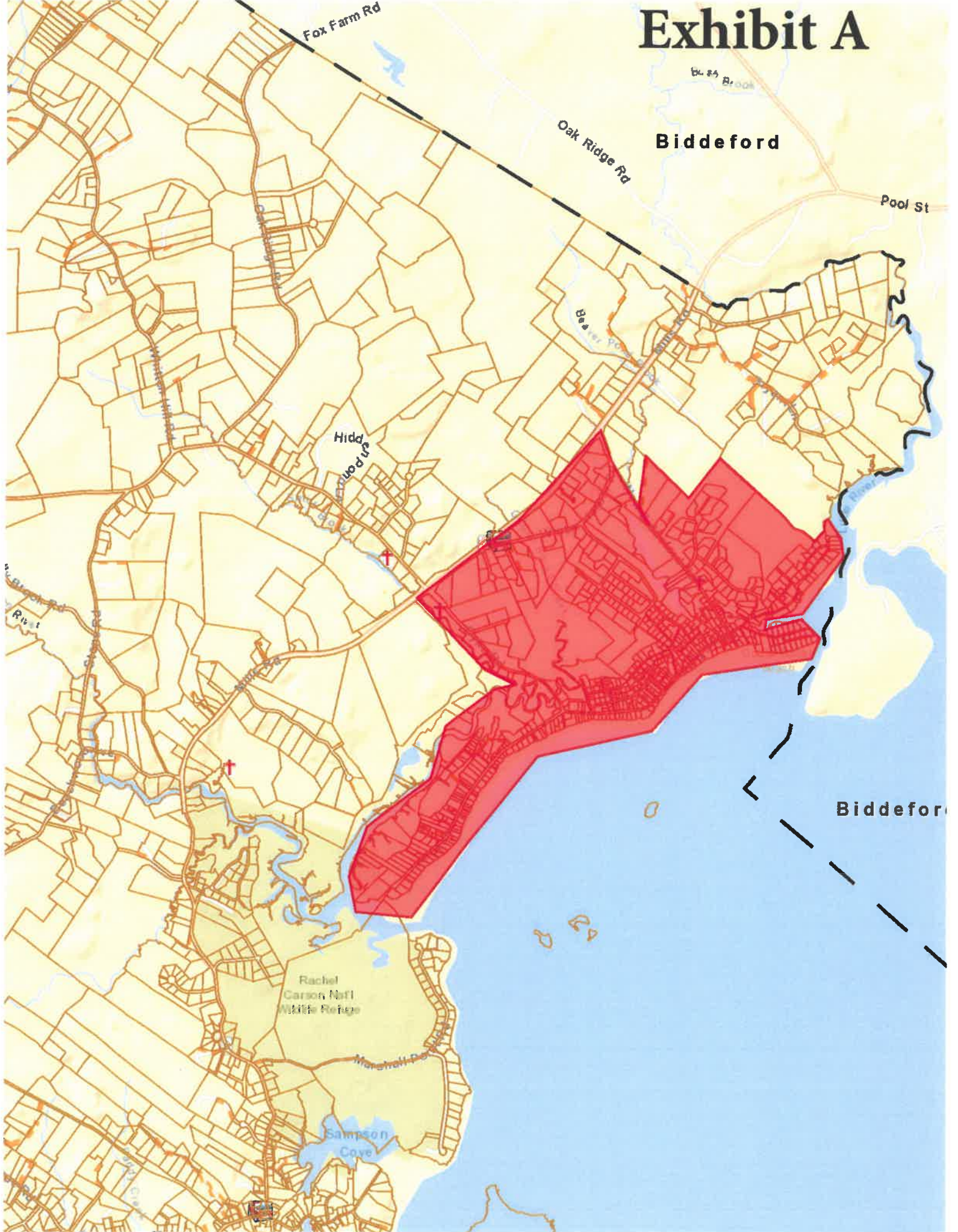
Any such fines or penalties may be in addition to any suspension or revocation imposed in accordance with the provisions of Section H of this Ordinance.

The Town may institute or cause to be instituted any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Ordinance. In any court action, the Town may seek injunctive relief in addition to or instead of fines/penalties. The Town shall be entitled to recover its costs of enforcement, including its reasonable attorneys' fees.

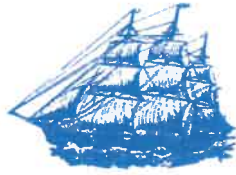
JK. Additional Regulations

The Board of Selectmen may adopt regulations implementing the provisions of this Ordinance.

Exhibit A



AGENDA ITEM DIVIDER



TOWN OF KENNEBUNKPORT, MAINE

— INCORPORATED 1653 —

Memorandum

To: Board of Selectmen
Fr: Laurie Smith, Town Manager
Re: Proposal to lease electric vehicles
Dt: February 5, 2021

As part of the Town's climate change goals, recently adopted by the Board of Selectmen, staff have been researching the suitability of electric and hybrid vehicles for municipal operations. In late January I was contacted by a salesman from Westbrook Rowe Ford making me aware of a proposal via Hyundai. Currently Hyundai is offering a 10,000 mile a year lease on the Hyundai Kona EV to Municipalities for \$0 a month. There are \$25,250 in rebates which cover the monthly payments on the lease. The total rebate is combined between Hyundai and Efficiency Maine. In order to take advantage of the offer we would need to be approved by corporate and Efficiency Maine. Treasurer Jen Lord has already begun the paperwork to ensure we would qualify.

Additional costs related to the vehicle would be a charging station, insurance, and electricity.

Charging station: The Town could use something as simple as an extension cord to a dedicated outlet to charge the vehicle. A level 1 charger is a standard 120V outlet (standard home outlet) and will charge the vehicle fully in 8-15 hours. A level 2 charger is 240 V (similar to an electric dryer outlet) and would require equipment and installation. Staff are estimating this cost at \$2,500. There is currently a \$500 rebate offered by efficiency Maine on the first station and \$250 rebate on the second station. A level 2 charger would charge the vehicle fully in 3-10 hours.

Insurance: The Town would be responsible for insuring the electric vehicle. We estimate this cost would be a few hundred dollars annually.

Electricity: The Town's electricity usage would increase due to charging of vehicles. It is anticipated that it could increase up to \$500 per year per vehicle.

Currently three departments have shown interest in the vehicles, these include Public Health for nurse visits, Wastewater for administration use, and Town Hall for staff visits to work sites and inspection areas.

Staff are recommending the leasing of 1-3 vehicles for a 3 year period based upon the comfort level of the Selectmen.

6 Elm Street, P.O. Box 566, Kennebunkport, Maine 04046
Tel: (207) 967-4243 Fax: (207) 967-8470

Driving electric has never been easier.

Kona Electric delivers instant torque for quick acceleration – with zero tailpipe emissions. And no more pit stops at the gas pump. Using the charge port conveniently integrated in the grille area, you can recharge in less than an hour at charging stations – a 100 kW DC Fast Charger provides 80% of the charge in approximately 34 minutes. With a 50 kW DC Fast Charger, an 80% charge takes around 73 minutes.

With the Hyundai Blue Link® app downloaded to your smartphone, you can schedule a time to recharge during off-peak hours when electric rates are lower.*

Your Kona Electric even handles some of the recharging for you while driving – steering wheel paddles let you control four levels of regenerative braking.

Steering wheel controls also let you activate Kona Electric's Utility Mode when you want to maximize range. You can also activate the car's audio systems while your vehicle is stopped. The clever packaging of battery components within Kona Electric's platform leaves loads of room for happy campers and their belongings, too. Welcome to life on easy street.



Front grille charge port



Shift by wire drive selector



Available ventilated front seats



Regenerative brake level control paddles



KONA Electric Ultimate in Ceramic Blue



KONA Electric Ultimate in Pebble Blue/Grey Leather



KONA Electric Ultimate in Pebble Blue/Grey Leather



KONA. Ultimate in Power. Red.

Performance review? Bring it on.

Whether you test-drive Kona SE, SEL or SEL Plus, you'll feel the smooth, powerful response of a fuel-efficient, eco-friendly 2.0L Atkinson Cycle engine paired with a 6-speed SHIFTRONIC™ transmission. On Kona Limited, Ultimate and Night Edition, a turbocharged 1.6L engine and 7-speed Dual Clutch Transmission wield 175 horsepower on your behalf.

On every model with All Wheel Drive, a multi-link rear suspension helps achieve precise steering response and nimble handling. Every Kona features Drive Mode Select, which lets you customize the steering feel, transmission and overall powertrain responsiveness at the push of a button, two driving modes, Normal and Sport, alter the torque distribution to give you more control. Brake Control, brings stability to the tricky task of easing your Kona down a steep incline.

Kona Ultimate models are equipped with technologies that make long-distance driving a dream. Smart Cruise Control adjusts your speed automatically when slower traffic is sensed, while a full-color heads-up display relays vital driving and navigation information in your line of sight. A large pop-up display, Every Kona model also features a Rear View Monitor with Parking Guidance that takes the pain out of tight parking spaces.

Kona Fingertip Controls



Full-color Head-up Display



Rear-View Monitor with Parking Guidance



M-III Information display

All Wheel Drive

Welcome to the fun zone.

Maybe the most surprising thing people are discovering about Kona and Kona Electric is how much room there is for passengers, cargo or – thanks to 60/40 split-folding rear seats – combinations of both.

Kona's versatile and spacious interior features 10.2 cubic feet of cargo space when the rear seats are up. A dual-level cargo floor helps you organize things, while large door openings make getting in and out a snap. Settle into your high seat position, and you'll enjoy the luxury of an available 8-way power driver seat with power lumbar adjustment and controls placed precisely where your fingertips expect them to be.

Tilt up or slide open the available power sunroof to let the sun and fun fill your space in concert with the available Infinity® Premium Audio system. You'll hear sparkling sounds, thanks to Clear-Fi™ Music Restoration Technology that restores qualities lost when streaming compressed music files.

Kona Ultimate and Kona Electric Ultimate feature high-resolution touchscreens that include a navigation system with real-time traffic updates, lane-keeping assist and other advanced driver assistance features. You'll also enjoy the available 10-speaker and 12-speaker Infinity® Premium Audio system with 10 speakers through 100 Watts. Let the good times roll!



8 Speakers



• Spotify®
• SiriusXM®
• Amazon Music

• Clear-Fi™ Music
• Restoration Technology

• Infinity®
• Premium Audio

• Apple CarPlay®
• Android Auto™



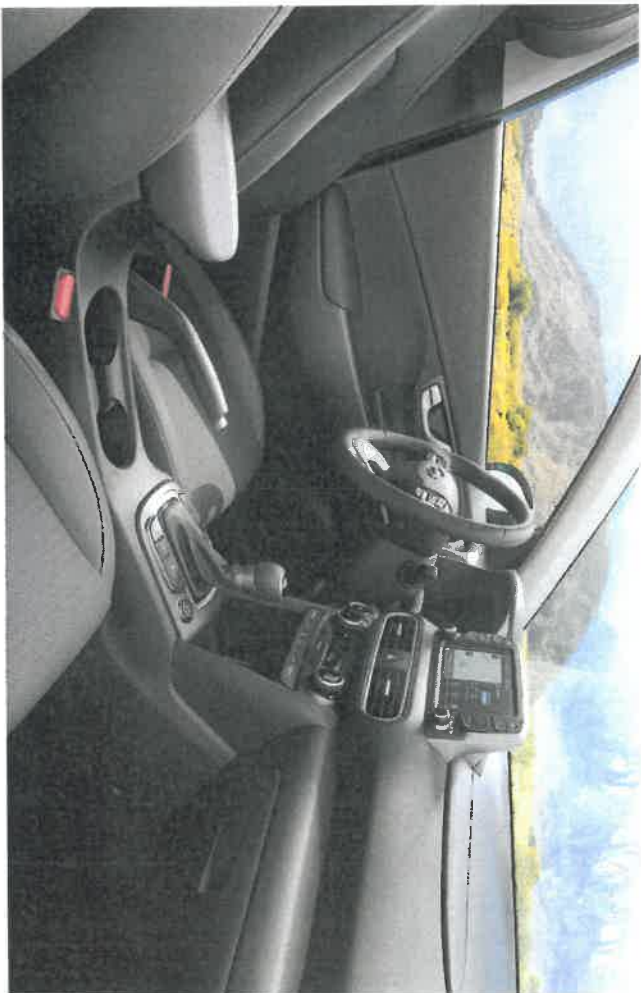
Dual-level cargo floor



Power driver seat, 8-way manual



Kona Electric Ultimate 10.2" navigation screen



KONA Ultimate in Black with

2021 Hyundai

KONA KONA Electric





Efficiency Maine Residential Incentives

Efficiency Maine offers incentives for the following energy upgrades.

Solutions	Maximum Incentives		Mail-In Rebate	Instant Discount
	Income-Eligible or Home-Value Eligible	Any Income		
Air Sealing and Energy Assessment	\$600	\$400 - \$500	✓	
Clothes Washers	\$50	\$50	✓	
ECM Circulator Pumps	\$75 - \$250	\$75 - \$250		✓ ¹
Electric Vehicles	\$2,500 - \$5,500	\$1,000 - \$2,000	✓	✓ ¹
Geothermal Systems	\$3,000	\$3,000	✓	
Heat Pump Water Heaters	100% of Installed Cost	\$750	✓	✓ ¹
Heat Pumps	\$2,500	\$1,500	✓	
Insulation	\$6,000	\$3,000	✓	
LED Bulbs	Reduced prices at retailers and distributors statewide.	Reduced prices at retailers and distributors statewide.		✓ ¹
Natural Gas "Combi" Boilers	\$300	\$300		✓ ^{1,2}
Natural Gas On-Demand Water Heaters	\$300	\$300		✓ ^{1,2}
Pellet Boiler Systems	\$6,000	\$6,000	✓	
Room Air Purifier	\$25	\$25	✓	

¹ Instant discount applied by participating distributor, retailer, or dealership. ² Rebate amounts and loan eligibility vary according to natural gas utility. Eligibility requirements apply. Program and incentives subject to change or termination.

FINANCING

Efficiency Maine offers home energy loans to help pay for energy upgrades. Maine homeowners can borrow up to \$15,000 over 10 years with no fees and interest rates as low as 4.99% APR. Electric vehicles are not eligible.

NON-EFFICIENCY MAINE INCENTIVES

Natural gas utilities: Natural gas customers may be eligible for additional rebates from their utility. Contact your natural gas provider for more information.

Federal Electric Vehicle Tax Credits: Up to \$7,500 on qualified all-electric and plug-in hybrid electric vehicles. For more information, visit www.fueleconomy.gov.

Federal Electric Vehicle Charging Equipment Tax Credits: Up to 30% of eligible costs for qualified residential and commercial fueling equipment (expires 12/31/2021). For more information, visit www.irs.gov.

Federal Renewable Energy Tax Credits: Up to 26% of the cost of eligible solar and geothermal technologies (expires 12/31/2021). For more information, visit www.dsireusa.org.

Visit efficiencymaine.com for details or call 866-376-2463

Rev 1/25/2021



Commercial & Industrial Incentives

Solutions	Measure Types	Maximum Incentive	Cash Incentive	Instant Discount ¹
Agricultural	Production and Storage Equipment	\$5,000	✓ ²	
Compressed Air	Compressed Air Systems and Controls	\$3,500	✓	
Electric Vehicle	Battery Electric Vehicles	\$2,000	✓ ³	✓
	Plug-In Hybrid Electric Vehicles	\$1,000		
Heating	Boilers	\$12,500	✓	
	Controls	\$1,325	✓	
	ECM Circulator Pumps	\$250		✓
Heating and Cooling	High-Performance Heat Pump Systems	\$1,250	✓ ²	
	Packaged Terminal Heat Pumps	\$480		
	Retrofit Heat Pump for Small Businesses	\$4,800		
	Variable Refrigerant Flow Systems	\$6.00 per sq. ft.		
Lighting	Interior and Exterior Lighting	\$0.28 per kWh saved (first-year savings)	✓	
	Screw-in and Tube LEDs	\$100		✓
Refrigeration	Compressors, Controls, and Door Equipment	\$600	✓	
Water Heating	Heat Pump Water Heaters	\$750	✓	✓
	On-Demand Natural Gas Water Heaters	\$800		✓

¹ Instant discount applied by participating distributor, retailer, or dealership. ² Work with an Efficiency Maine Qualified Partner to access cash incentives for these energy efficient solutions. ³ Electric vehicle instant discounts are applied at participating car dealers; models from manufacturers without a dealer in Maine are eligible for a mail-in rebate. ~~Enhanced rebates available for governmental entities or tribal governments (BEVs: \$17,500 / PHEVs: \$5,000) and select non-profits (BEVs: \$7,500 / PHEVs: \$2,000). Select Maine non-profits, governmental entities and tribal governments that receive an EV rebate are also eligible for a mail-in rebate of up to \$500 per vehicle for a Level 2 charger.~~



GET STARTED:

Work with an Efficiency Maine Qualified Partner to install energy efficient solutions. Find a Qualified Partner working near you at efficiencymaine.com.

Find more information on how to get started at efficiencymaine.com.

DON'T SEE YOUR SOLUTION LISTED ABOVE? EXPLORE OUR CUSTOM PROGRAM.

The Commercial & Industrial Custom Program targets cost-effective, site-specific energy efficiency projects that require tailored engineering analyses. Maine businesses, institutions, nonprofits, and governments can apply for financial incentives to offset the cost of electrical efficiency, distributed generation, or thermal efficiency projects. Awards range from a minimum of \$10,000 to a maximum of \$1 million per customer per year, or up to 50% of the total project cost. Customers may also be eligible for free scoping audits and technical assistance incentives.

Visit efficiencymaine.com for details or call 866-376-2463