

REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, January 4, 2023, 6:00 PM

Councilors Present: Julie Ambrosino, Phyllis Bailey, Mary Ellen Bell, Roo Dunn, Susan Bauer, Miriam Johnson, and Elizabeth Dingley

Councilors Absent: Terry Nordmann and Jennifer DeChant

City Staff Present: Marc Meyers, City Manager; Darci Wheeler, City Clerk; Juli Millett, Finance Director; Rod Melanson, Sustainability Director; Lawrence Renaud, Fire Chief; Andrew Booth, Police Chief; Roger Therriault, City Solicitor; and Pete Compagna, BCTV

Chairperson Bell led the Pledge of Allegiance, and Darci Wheeler, City Clerk, called the Roll.

C. Public Hearing: 6:01 PM

1) ORDINANCE: Amendment to Chapter 5, Article 14 Sidewalk Vending (second passage)

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

CHAPTER 5. BUSINESS

ARTICLE 14. SIDEWALK VENDING

Amend as follows:

ARTICLE 14. ~~SIDEWALK VENDING~~ VENDING IN THE PUBLIC WAY (Ord. 3/2007)

Section 5-401. Purpose & Definitions.

A. Purpose. The purpose of this Article is to regulate the use of the City's sidewalks and other public ways within the C-I, Downtown Business, Zoning District, for the purpose of barter, trade, exhibition, display or sale of goods, merchandise or food, in a manner that creates a diversity of products available in the downtown, in order to bring additional customers and patrons to the downtown area, to create a more festive downtown street atmosphere which will enrich the downtown's ambience and to do so in a manner that will not create any hazard to pedestrians or vehicles in the downtown area, and will be fair and equitable to permanent vendors and merchants located and doing business in the downtown area.

B. Definitions.

MOBILE FOOD VENDOR. Any business which sells edible goods from a nonstationary location within the City. A mobile food vendor shall include, but not be limited to:

1. MOBILE FOOD TRUCK— A self-contained motorized unit selling items defined as "edible goods".

2. SIDEWALK VENDING UNIT— A vending unit which is pulled by a motorized unit or pushed by hand and has no power to move on its own.

Section 5-402. License Required. No person or business entity may sell, demonstrate, distribute samples of, or solicit or take orders for goods; sell or offer to sell, display for sale, demonstrate or distribute samples of or soliciting or taking orders for any food, beverages, or services, in any street or public place, nor shall any artist who manually paints, sketches or draws on plain surfaces whose work is for sale to the public, conduct such activities without first having procured a license under the terms and conditions of this Article, from the City Codes Enforcement Office. THE CODES ENFORCEMENT OFFICER, WITH APPROVAL OF THE SIDEWALK VENDING COMMITTEE CITY COUNCIL REPRESENTATIVE, CAN APPROVE LIMITED DURATION SALES BY NON-PROFIT ORGANIZATIONS THAT MAY OR MAY NOT COMPLY WITH THE STANDARDS IN THIS ORDINANCE.

Section 5-403 Designated License Area. The area to which the provisions of this Article 14 apply, shall be limited to the public sidewalks, streets, alleys or any other City owned property within the C-I, Downtown Business, Zoning District.

Section 5-404. Location of Designated Areas.

A. Permanent Locations.

1. The following shall be designated as permanent sidewalk vendor sites:

Elm Street Plaza

Waterfront Park Area (2 sites)

Customs House

2. The following shall be designated as permanent mobile food truck vending sites:

The four southern-most parking spaces located on the Easter side of Commercial Street adjacent to the Riverwalk Southern Terminus/Guilford Lot.

B. Additional Locations.

The Sidewalk Vending Committee shall meet and determine whether an additional requested location may be designated if found to be in accordance with the provisions of this Ordinance.

Section 5-405. Location Restrictions. Each permanent location, each additional designated location and locations approved for operators will only allow use of a maximum of forty percent (40%) of the width of the sidewalk and must leave an unoccupied width of at least four feet (4') for the full frontage of the designated area where the street vendor unit or display is located. Mobile food vending in public parking spaces must not impede vehicular or pedestrian

traffic. -Vendors who are not operators, may be licensed for additional designated locations that are no closer than two hundred feet (200') from a retail establishment selling similar goods, and if selling food, shall be at least two hundred feet (200') from any restaurant or other food service establishment. All food street vendor locations shall be at least two hundred feet (200') from any other food service vendor location selling the same or similar goods or food items. These footage separation requirements may be waived by the Sidewalk Vending Committee if it can be demonstrated by the applicant that the proposed vending does not present unreasonable competition with businesses within the separation area.

Section 5-406. Classification of Locations.

A. Operators.

1. Restaurants. The operators of restaurants may receive permits to serve customers at tables on the sidewalk area in front of their restaurants. No location approval shall be required but a license from the Codes Enforcement Officer will be required prior to occupying the location.
2. Retail Establishments. Persons or business enterprises who are operators of retail establishments, may receive permits to place any goods or merchandise on a location in front of their establishment. No location approval shall be required but a license from the Codes Enforcement Officer will be required prior to occupying the location.

B. Street Vendors.

1. Street vendors who are not owners or tenants, may occupy any other designated location approved by the Sidewalk Vending Committee that is not allocated to owners or tenants.

Section 5-407. Sidewalk Vending Committee. A Sidewalk Vending Committee consisting of one (1) member of the Bath City Council, one (1) downtown food service operator, one (1) downtown retail merchant, and one (1) at large member appointed by the City Council, Main Street Bath President or designee, the Codes Enforcement Officer, and the City Planner, shall be established. The Bath City Council member shall be appointed for a one (1) year term, and the downtown food service operator, downtown retail merchant, at large member, and Main Street Bath President or designee shall be appointed by the City Council, for three (3) year terms. This Committee shall designate appropriate additional locations for sidewalk vending and shall review and determine the qualifications of applicants for designated locations and refer same to the Codes Enforcement Office for the issuance of licenses.

Section 5-408. License Period and Time of Operation. Licenses issued to vendors or to owners or tenants, shall be for the period beginning on May 1st of each year and extending through April 30th of the following year. The time of operation shall be no earlier than ~~9:00~~6:00 a.m. and all operations shall cease by 9:30 p.m. and all vendor units must be removed from ~~the sidewalks~~public ways and public property by 10:00 p.m.

Section 5-409. Transferability; License Limitations. Any license issued to a street vendor or to a person or business entity conducting street vending in a designated location, shall be specific to that business enterprise and location and shall not be transferable to any other person

or business entity. The license shall be for the specific food items or goods and merchandise specified in the license and for no other purpose.

Section 5-410. Applications.

A. Submission – Date. Applications shall be submitted to the Bath Codes Enforcement Office on forms supplied by that office no earlier than April 1st of each year.

B. Contents. The application shall contain at least the following information:

The name, address, and telephone number of the applicant.

The proposed street or City location.

The type of food or goods and/or merchandise proposed to be bartered, traded, exhibited, displayed or sold.

Proposed days and times of operation.

A photograph or sketch or written description of the cart, vehicle, stand, booth or other equipment used for the vending enterprise.

Proof of liability insurance as required under Section 5-413 below.

A color photograph or color drawing of the unit or display.

A detail of signage accompanying the unit or display.

A list of all other licenses or permits that may be required in order to establish the sidewalk vending use. Such other information as may be necessary to demonstrate that the approval criteria will be met.

C. Approval Criteria.

The location of the vending will not hamper sight distance for either vehicular or pedestrian traffic.

The cart, vehicle, stand, booth, or the like from which the goods or merchandise will be bartered, traded, exhibited, displayed, or sold is attractive, well maintained, and compatible in a design sense with the location in which it is proposed.

The applicant, if a repeat applicant, has demonstrated the ability and willingness to operate the ~~sidewalk~~ vending business well and in conformance with the requirements and purpose of this Section.

The location does not block a walkway, entryway, access drive, or driveway to any business.

The location does not hamper access for emergency vehicles or personnel.

The location and physical characteristics of the site will not create a hazard to public health, safety, or the general welfare.

The vendor has received all other required State or local permits for conduct of the vending operation. If all other required permits have not been received, then any approval issued for a sidewalk vendor's license, shall be contingent upon receipt of all other required licenses and permits.

The Committee may attach such reasonable conditions to their approval as may be necessary to carry out the purposes of this Article, to protect the public, or to assure compliance with the licensing terms and requirements.

Section 5-411. Longevity. Where an applicant is applying for the same designated location as has been licensed to that applicant in the previous year, THE CODES ENFORCEMENT OFFICER CAN APPROVE THE APPLICATION WITHOUT COMMITTEE REVIEW IF THE VENDOR OPERATED IN CONFORMANCE WITH THE ORDINANCE REQUIREMENTS THE PREVIOUS YEAR. IF THE VENDOR DID NOT OPERATE PER THE ORDINANCE REUQUIREMENTS THE PREVIOUS YEAR, COMMITTEE REVIEW IS REQUIRED FOR THE NEW APPLICATION. IF THERE IS MORE THAN ONE APPLICATION FOR THE SAME VENDING LOCATION, THE COMMITTEE SHALL DECIDE WHETHER TO APPROVE THE VENDOR FROM THE PREVIOUS YEAR OR NOT.

~~the Committee may give priority to that repeat applicant for that location if the applicant has demonstrated the ability and willingness to operate the sidewalk vending business well and in conformance with the requirements and purpose of this Section and purposes of this Article.~~

Section 5-412. Inspection and Approval.

Prior to any sidewalk or mobile food truck vending unit being placed into operation, it shall be inspected by the City Codes Enforcement Officer for compliance with the requirements of this Article, to determine that the unit has been accurately described in the application and that the goods, merchandise or food being sold from the unit correspond to the items listed in the application.

Section 5-413. Liability Insurance.

No street vendor's license shall be issued without an applicant first filing with the Codes Enforcement Office a certificate, in a form satisfactory to the City Solicitor, evidencing public liability insurance coverage in an amount not less than the maximum liability under applicable law and which names the City as additional insured. The certificate shall also provide for notice to the Codes Enforcement Officer, not less than thirty (30) days prior to any cancellation of insurance. The insurance will be maintained by the licensee at all times while engaged in street vending. The insurance shall be placed with a carrier that has been approved to do business in the State of Maine.

Section 5-414. Design Standards.

A. Sidewalk Vending Units

All sidewalk vending units shall be subject to the following design standards:

1A. No more than four feet (4') in width, six feet (6') in length, EXCLUSIVE OF FENDERS, TONGUE, OR HANDLES, and six feet (6') in height.

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2B. Able to transport and display all of the vendor's goods or food EXCLUSIVE OF DRINKS, WHICH CAN BE STORED IN A SEPARATE CONTAINER OR CONTAINERS.

3C. Any advertising on the unit shall be limited to the vendor's business or products.

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4D. The unit shall be readily moveable.

5E. The unit may not be powered nor shall it use a generator of any type.

B. Mobile Food Truck

All mobile food truck vending units vending in a public way shall be subject to the following standards:

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1. The mobile food truck must contain all equipment needed for the preparation of food within the mobile vending unit including trash and recycling receptacles.
2. The mobile food truck must keep the site clean of litter within a radius of thirty feet of the location and shall provide a receptacle immediately adjacent to the unit for associated trash. Trash and trash receptacles shall be removed each evening and trash shall not be placed in City trash cans.
3. The mobile food vending unit must not have any lighting except localized lighting used on or in the mobile unit for the purpose of food preparation and menu illumination.
4. Advertising for the unit shall be limited to the vendor's business or products and shall meet the requirements of Section 5-40.1 of the Code of the City of Bath.
5. The unit must be registered by the Maine Department of Motor Vehicles and licensed by the Maine Department of Health and Human Services as well as must be inspected by the Code Enforcement Officer of the City of Bath.
6. Mobile food units and any associated equipment must be maintained and operated in a safe, working condition at all times and in a manner which minimizes noise, exhaust and odors impacting the public and surrounding public and private properties so as not to create a public or private nuisance. The operation of any mobile food unit which fails to meet the standards of safety established by the laws of the State or the City, operates in a manner that creates a threat to the health, safety, and welfare of the public, or fails to obey a lawful order of law enforcement or licensing personnel, shall be discontinued until such time as the deficiency is eliminated.

Section 5-415. Abandonment. The vendor shall continue to use the site at least three (3) days per week, during the months of June, July and August, unless prohibited by weather conditions, or the site shall be considered to be abandoned and will be eligible for allocation to another vendor.

Section 5-416. Conduct - Prohibitions.

A. The location and operation shall not restrict ingress or egress of pedestrian traffic to abutting commercial locations.

B. The location and operation shall present no hazard to pedestrian or vehicular traffic.

C. The operation and location shall not restrict access by emergency vehicles.

D. Loading, unloading, set up and removal of the unit shall be accomplished in no more than thirty (30) minutes.

E. The unit shall not be left unattended.

F. The vendor shall keep the site clean of litter within a radius of thirty feet (30') of the location, and if serving food, shall provide a receptacle immediately adjacent to the unit for associated trash. The trash and trash receptacle shall be removed each evening at the same time the unit is removed from the location. THIS TRASH SHALL NOT BE PLACED IN CITY TRASH CANS.

G. The vendor shall not sell any food; goods or merchandise not specified in their license.

H. The vendor shall not operate in a manner that would constitute an unfair or deceptive trade practice under state law.

I. The vendor shall not make or cause noise in violation of city noise restrictions.

J. The vendor shall not alter, change or add to the unit as approved except with the permission of the committee.

K. The vendor shall not verbally solicit business.

Section 5-417. Waivers.

The provisions of this Article may be waived or modified by the Bath City Council for special events and holiday celebrations.

Section 5-418. Fees.

Processing fees and license fees shall be set by resolution of the Bath City Council and shall be submitted with the Application.

The application fee for a sidewalk vending license is \$50.00.

Upon granting of the license, then a license or spot fee shall be assessed which shall be as follows:

- \$200.00 Elm Street Location
- \$200.00 Customs House Location
- \$200.00 Waterfront Locations
- \$200.00 All Other Locations

Mobile food vending: fee to be set by City Council

Section 5-419. Enforcement.

This Article is enforced by the City Codes Enforcement Officer.

Section 5-420. Violations – Remedies. Upon violation of any of the terms or conditions in this Article or any of the licensure requirements, the Codes Enforcement Officer shall have all of the remedies available as in any codes enforcement action, including, but not limited to, the assessment of penalties, not to exceed two hundred fifty dollars (\$250.00) for the first violation, and not to exceed five hundred dollars (\$500.00) for any second or subsequent violation, and the ability to suspend a license, and the ability to cause removal of the vending unit. A license may be revoked by a majority vote of the Sidewalk Vending Committee, after hearing at which the licensee shall have an opportunity to demonstrate why the revocation should not occur. The revocation shall be based upon violation of any of the terms, conditions, criteria or prohibitions at set forth in the Ordinance. Any suspension imposed by the Codes Enforcement Officer shall remain in effect until a determination by the Sidewalk Vending Committee.

Section 5-421. Appeal. Any vendor may appeal any decision of the Sidewalk Vending Committee or the Codes Enforcement Officer rendered under this Article to the City of Bath Zoning Board of Appeals, by filing a notice with the Codes Enforcement Office, stating the decision being appealed from and the grounds for the appeal. Such an appeal must be filed within fourteen (14) days of the decision.

Councilor Ambrosino moved, Councilor Bauer seconded, to waive the second reading. The motion carried with five (5) yeas and one (1) nay.

YEAS: Councilors Ambrosino, Bailey, Dunn, Bauer, and Johnson

NAYS: Councilor Dingley

Scott Davis, Codes Enforcement Officer, gave background on the ordinance. He responded to questions by Councilor Bailey.

No public comment.

Councilor Dunn moved, Councilor Ambrosino seconded, to approve as presented. The motion carried with six (6) yeas.

YEAS: Councilors Dingley, Johnson, Bauer, Dunn, Bell, Bailey and Ambrosino.

Law in 21 days.

- 2) ORDINANCE: LUC Amendment to Article 14, Section 11.41, related to Mobile Food Vending (second passage)

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

AMEND ARTICLE 11: PERFORMANCE STANDARDS: SPECIFIC LAND USES

ADD SECTION 11.41: MOBILE FOOD VENDING

A. Purpose

Mobile food vending units individually and cumulatively have an impact similar to small structures and to other businesses. The City acknowledges that mobile food vendors can be desirable in limited circumstances provided certain standards can be met. For businesses and zoning districts that specifically allow food trucks as an accessory use the following standards shall be met:

B. Requirements for Mobile Food Vending

1. For permitted zoning districts that allow the use of a mobile food vendor as an accessory use:

- (a). The mobile food vendor must be located on the same property as the permitted use or must meet the requirements of Section 11.35 of the Land Use Code.
- (b). The mobile food vendor must operate as an accessory use to an allowed principle use and is only allowed in zoning districts that specifically allow mobile food vending as a permitted use.
- (d). Required accessible parking and accessible access to any accessible building(s) entrance(s) may not be displaced by the mobile food vendor and any associated appurtenances. For the purposes of this standard, the term "accessible" shall refer to parking spaces, building entrances, and access routes that were designed with the intent to meet the Americans with Disabilities Act standards for Accessible Design.
- (e). A mobile food vendor is allowed, as per the Land Use Table in Article 9, Section 10.4, only if it has received a permit from the Code Enforcement Office.

2. All mobile food vendors must:

- (a). Be registered by the Maine Department of Motor Vehicles and licensed by the Maine Department of Health and Human Services and must be inspected by the Code Enforcement Officer.
- (b). Have a valid mobile vending license issued by the City of Bath.
- (c). Not verbally solicit business from pedestrians or persons in vehicles and no sales to persons in vehicles.

- (d). Not have lighting except localized lighting that is used on or in the mobile food vending unit for the purpose of food preparation and menu illumination.
- (e). Be allowed signage, including A-frame style signage, to identify the name of the vendor and may have a menu board.
- (f). Provide at least one refuse receptacle and one recycling receptacle for use by patrons and in a convenient location that does not impede pedestrian or vehicular traffic. Trash and recycling receptacles must be removed from the premises with the mobile vending unit.
- (g). Contain all equipment needed for the preparation of food within the mobile vending unit except for trash and recycling receptacles.
- (h). Furniture, umbrellas, generators, or other objects or structures outside of the mobile vending unit, and within a 25-foot radius of the mobile vending unit must be removed from the premises with the mobile vending unit. No appurtenances related to the mobile vending unit may be left at the property once the unit closes. In addition, no required parking shall be displaced by such objects and/or structures, and vehicular and pedestrian access must not be obstructed.
- (i). Limit operation between 6:00 A.M and 11:00 P.M.

Rod Melanson, Sustainability Director, gave background on the ordinance. He responded to questions by Councilor Dunn.

No public comment.

Councilor Bauer moved, Councilor Dunn seconded, to approve as presented. The motion carried with six (6) yeas.

YEAS: Councilors Ambrosino, Bailey, Dunn, Bauer, Johnson, and Dingley

Law in 21 days.

- 3) ORDINANCE: LUC Amendment to Article 11, Section 11.41, related to Mobile Food Vending (second passage)

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

AMEND ARTICLE 11: PERFORMANCE STANDARDS: SPECIFIC LAND USES

AMEND SECTION 11.22: PARKING AND USE OF MOTOR VEHICLES AND TRAILERS

- A. The use of a lot to park or store an unregistered motor vehicle or trailer or a motor vehicle that does not have a valid Maine motor vehicle inspection certificate or is unable in its present condition to pass the Maine motor vehicle inspection test, and is not intact, is not permitted if such motor vehicle or trailer is visible from an abutting property, a public way, or any waterbody. A motor vehicle or trailer may be considered *visible* if only covered by a tarpaulin. *Not intact* means without any of the following: windows, windshield, doors, hood, trunk lid, fenders, roof, wheels, or inflated tires. However, a motor vehicle or trailer may be “up on-blocks” with wheels removed and still be considered *intact*. To be *intact* the motor vehicle must be right-side up, without broken glass, without broken light lenses, without a torn or ripped convertible top, and without excessive rust. This Section does not apply to a motor vehicle that is actively being restored or reconditioned provided the motor vehicle is right-side up and has no broken glass.
- B. The use of a lot to park or store 3 or more unregistered motor vehicles that are not capable of passing the Maine motor vehicle inspection test is not permitted.
- C. The use of a lot that does not meet the standards in items A and B, above, does not acquire legal nonconforming status
- D. The use of a motor vehicle, shipping container, or trailer or semitrailer as defined in 29-A M.R.S.A. section 101, or anything manufactured as a motor vehicle, shipping container, or trailer or semitrailer as defined in 29-A M.R.S.A. section 101, to house a principal or accessory use is not permitted in any district, except as allowed by Sections 11.31 and 11.41 of the Land Use Code. Any motor vehicle, shipping container, or trailer or semitrailer as defined in 29-A M.R.S.A. section 101, or anything manufactured as a motor vehicle, shipping container, or trailer or semitrailer as defined in 29-A M.R.S.A. section 101, which was used to house a principal or accessory use as of August 9, 2000, may remain in place on a lot and is considered a legally nonconforming structure, however, it may not be relocated on the lot and if removed from the lot it may only be replaced with a conforming building. [amended May 16, 2001]

Rod Melanson, Sustainability Director, gave background on the ordinance.

No public comment.

Councilor Ambrosino moved, Councilor Bailey seconded, to approve as presented. The motion carried with six (6) yeas.

YEAS: Councilors Dingley, Johnson, Bauer, Dunn, Bailey and Ambrosino.

Law in 21 days.

D. Consent Agenda:

(Items as marked with an asterisk () on the agenda shall be considered routine matters not requiring debate. In the case of items marked with an asterisk, the motion as stated in parenthesis following the items on the agenda shall be considered to have been passed by the City Council as part of the Consent Agenda. Any Councilor wishing to have any item so marked with an asterisk removed from the Consent Agenda shall have the unlimited right to do so at any time prior to the vote by Council on the Consent Agenda. If such an item is removed from the Consent Agenda, it shall be dealt with in the normal course of the meeting.)*

- 4) *Minutes of the previous meeting of December 7, 2022, Organizational and Regular Council Meetings, and items K10 thru K12 (motion to accept as presented)

Councilor Ambrosino moved, Councilor Bailey seconded, to approve as presented. The motion carried with five (5) yeas and one (1) nay.

E. Time Devoted to Residents to Address the City Council: NONE

F. Resolutions, Orders, and Ordinances: 6:20pm

5) RESOLUTION: Adoption of National Incident Management System (NIMS)

DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE City of Bath, MAINE

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide Approach for Federal, State, County, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all Federal, State, County, and local, homeland security partners have been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all Federal, State, County, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, County, Local and Tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the town's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already part of various incident management activities throughout the State, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-II Commission) recommended adoption of a standardized Incident Command System;

NOW, THEREFORE, WE, The City Council for the City of Bath, in the State of Maine, by the virtue of the authority vested in us by the Constitution and Laws of the City of Bath, Sagadahoc County, State of Maine, do hereby establish the National Incident Management System (NIMS) as the city standard for incident management of all emergencies occurring locally within our jurisdiction.

GIVEN under our hand and the Privy Seal of the City of Bath, Sagadahoc County, in the State of Maine,

This _____ day of _____ in the year Two Thousand and Twenty-Three.

BY THE Bath City Council of Bath Maine, Sagadahoc County, State of Maine

/s/ _____ /s/ _____

/s/ _____ /s/ _____

/s/ _____ /s/ _____

/s/ _____ /s/ _____

Lawrence Renaud, Fire Chief gave background on the resolution and responded to questions and comments from Councilors Dunn, and Ambrosino.

Councilor Dunn moved, Councilor Bauer seconded, to approve as presented. The motion carried with six (6) yeas.

6) ORDER: Sale of ACO mini van

**ORDER
AUTHORIZING THE SALE OF CITY PROPERTY**

WHEREAS, the City of Bath is the owner of a 2017 Dodge Grand Caravan SE and
WHEREAS, the Grand Caravan SE is out of service; and
WHEREAS, the purchase of a new truck has been approved and complete, and
WHEREAS, and the City no longer has any need for this vehicle; and
WHEREAS, the Purchasing and Finance Ordinance of the City of Bath requires that any City property that may exceed the value of \$5,000.00 be authorized for sale by Order of Council; and
WHEREAS, the sale of the designated City equipment needs to be conducted in accordance with Section 7.105 of the Purchasing and Finance Ordinance; and
WHEREAS, said Section 7.105 requires a bid procedure.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the sale of the vehicle designated herein be and hereby is authorized and that the sale shall be conducted in accordance with the provisions of Section 7.105, and

BE IT FURTHER ORDERED that the City Manager shall have the authority to sign such documentation as may be necessary, appropriate, or convenient to the solicitation of bids and sale of the property.

Andrew Booth, Police Chief gave background on the order and responded to questions and comments from Councilors Dunn, Bailey, and Ambrosino.

Councilor Bailey moved, Councilor Dunn seconded, to approve as presented. The motion carried with six (6) yeas.

7) ORDER: Approval of bid 17 Bailey Street

ORDER APPROVING BID FOR 17 BAILEY STREET

WHEREAS, the City of Bath is the owner of the property at 17 Bailey Street; and

WHEREAS, the City Council has authorized the sale of that property and has advertised for sealed bids; and

WHEREAS, the bids have been received and opened and the bidding period has expired; and

WHEREAS, the only bid submitted for the purchase of the property is from Monte Fox in the sum of twelve thousand and 00/100 dollars (\$12,000.00).

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the bid from Monte Fox be and hereby is accepted and that the property be conveyed to the successful bidder by Municipal Quit-Claim Deed, subject to the terms and conditions in the solicitation for bids, and that the City Manager be authorized on behalf of the City of Bath to execute the Municipal Quit-Claim Deed, together with such other documents as may be necessary, appropriate or convenient to the transaction.

Juli Millett, Finance Director gave background on the order and responded to questions and comments from Councilors Dingley, Bailey, Dunn, and Bauer.

Councilor Bauer moved, Councilor Bailey seconded, to approve as presented. The motion carried with five (5) yeas and one (1) nay.

8) ORDER: Acceptance of Community Resiliency Partnership Community Action Grant

ORDER

ACCEPTANCE OF COMMUNITY RESILIENCY PARTNERSHIP

COMMUNITY ACTION GRANT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE COMMUNITY RESILIENCY PARTNERSHIP COMMUNITY ACTION GRANT ISSUED BY THE STATE OF MAINE'S GOVERNOR'S OFFICE OF POLICY, INNOVATION AND THE FUTURE FOR MUNICIPAL FACILITIES IMPROVEMENT PLAN IN THE AMOUNT OF \$50,000.00 IS ACCEPTED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE ALL NECESSARY DOCUMENTS IN FURTHERANCE OF THE GRANT ACCEPTANCE.

Rod Melanson, Sustainability Director gave background on the order and responded to questions and comments from Councilors Dunn, and Bailey.

Councilor Bailey moved, Councilor Bauer seconded, to approve as presented. The motion carried with six (6) yeas.

- 9) ORDINANCE: LUC Amendment to Article 9, Section 9.02-10.4, related to Mobile Food Vending (first passage)

ARTICLE 9: USES

SECTION 9.01 COMPLIANCE REQUIRED

All land and water areas, structures, and buildings in the City of Bath must be used in accordance with the standards set forth for the zoning district in which the land or water area, structure, or building is located.

Uses in all districts must conform to all applicable requirements and performance standards of this Code. A building permit, plumbing permit, or Certificate of Occupancy also may be required.

SECTION 9.02 LAND USE TABLE

The following Land Use Table indicates which uses of land or structures are allowed with no review, allowed with review by only the CEO, allowed after Site Plan Approval, or not allowed in the various zones. The most specific land use category always controls. It is the responsibility of the CEO to determine the land use category of any new or existing use.

KEY:

R1 - High-density Residential District

R2 - Medium-density Residential District

R3 - Low-density Residential District

R4 - Waterfront High-density Residential District [amended May 16, 2001]

R5 - Waterfront Activity District

R6 – Waterfront Medium-density Residential District [added May 16, 2001]

C1 - Downtown Commercial District

C2 - Mixed Commercial and Residential District [amended September 22, 2010]

Neighborhood Commercial District – NC [added May 26, 2010]

C3 - Business Park District

C4 - Route 1 Commercial Contract District

C5 - Marine Business District

I - Industrial/Shipyard District

GC - Golf Course District

PH – Plant Home District [added March 24, 2010]

M – Museum District [added August 25, 2010]

RP - Resource Protection District

NRPO - Natural Resource Preservation Overlay District

TMC - Trufant Marsh Contract District

S – School District [added May 24, 2017]

“A” = the use is allowed with no review

“C” = the use is allowed with review by and approval from the CEO

“S” = the use may require Site Plan Approval. See Article 12.

“N” = the use is not permitted; therefore, prohibited in that zone

LAND USE CATEGORY	ZONING DISTRICTS																			
	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S	
1.0 Residential																				
1.1 Single-family dwelling																				
1.1.1 Site-built	C	C	C	C	C	C ¹	C	N	N	N	C ¹	N	N	C	N	S ²	C	N	N	
1.1.2 Mobile home on individual lot	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
1.2 Two-family dwelling	C	C	C	C	C	C ¹	C	N	N	N	C ¹	N	N	C	N	N	C	N	N	
1.3 Multi-family dwelling	S	S	N	N	S	S	S	N	S	N	N	N	S	S	N	N	N	N	N	
1.4 Cluster development	S	S	S	S	S	N	S	N	N	N	N	N	S	S	N	N	S	N	N	
1.5 In-home lodging	A	A	A	A	A	N	A	N	N	N	N	N	N	A	N	N	A	N	N	
1.6 Home occupations																				
1.6.1 Home occupation-A	C	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N	C	N	N	
1.6.2 Home occupation-B	S	S	S	S	S	N	S	N	N	N	N	N	N	S	N	N	N	N	N	
1.7 Garage and yard sales	A	A	A	A	A	N	A	N	A	A	N	N	A	A	N	N	A	N	N	
1.8 Accessory Dwelling Unit																				

1.8.1 Accessory Dwelling Unit- Attached	C	C	C	C	C	C	C	N	N	N	C	N	N	C	N	C	C	N	N
1.8.2- Accessory Dwelling Unit- Detached	S	S	S	S	S	S	S	N	N	N	S	N	N	S	N	S	S	N	N
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

LAND USE CATEGORY	ZONING DISTRICTS																		
	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
2.0 Sales or Rental of Goods, Merchandise, or Equipment																			
2.1 No storage and only incidental display of goods outside fully enclosed building																			
2.1.1 High-volume traffic generation, no drive-up window																			
2.1.1.1 Miscellaneous																			
2.1.1.1.1 With less than 5,000 sq. feet of gross floor area	N	N	N	N	N	S	S	N	S	N	S	N	N	N	N	N	N	N	N
2.1.1.1.2 With 5,000 sq. feet or more of gross floor area	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N	N	N	N
2.1.1.2 Convenience store	N	N	N	N	N	S	S	N	S	N	S	N	N	N	N	N	N	N	N
2.1.2 High-volume traffic generation, with drive-up window	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
2.1.3 Low-volume traffic generation																			
2.1.3.1 With less than 5,000 sq. feet of gross floor area	N	N	N	N	N	S	S	N	S	N	S	N	N	N	N	N	N	N	N
2.1.3.2 With 5,000 sq. feet or more of gross floor area	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N	N	N	N

2.2 With storage and display outside fully enclosed building	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
2.3 Medical marijuana dispensary and medical marijuana storefront																			
2.3.1 with less than 5,000 sq. foot of floor area	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N	N	N	N
2.3.2 with 5,000 sq. feet of floor area or more	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N	N	N	N
2.4 Marijuana retail store																			
2.4.1 With less than 5,000 sq. foot of floor area	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
2.4.2 With 5,000 sq. feet or more of gross floor area	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

LAND USE CATEGORY	ZONING DISTRICTS																		
	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
3.0 Office, Clerical, Research, or Services																			
3.1 All operations conducted entirely within fully enclosed building																			
3.1.1 Operations designed to attract and serve numerous customers or clients on the premises, such as the offices of attorneys, physicians, dentists, other professions, travel agents, banks, or government office buildings	N	N	N	N	N	S	S	N	S	N	S	S	N	N	N	N	N	N	N
3.1.2 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	N	N	N	N	N	S	S	S	S	N	N	S	N	N	N	N	N	N	N
3.2 Operations such as banks with drive-up windows	N	N	N	N	N	S	N	N	S	N	N	S	N	N	N	N	N	N	N
4.0 Manufacturing, Processing, Creating, Repairing, Renovating, or Assembling of Goods, Merchandise, or Equipment																			

4.1 All operations conducted entirely within fully enclosed building	N	N	N	N	N	S ³	N	S	S	S	N	S	N	N	N	N	N	N	N
4.2 Operations conducted within or outside fully enclosed building	N	N	N	N	N	N	N	N	N	S	N	S	N	N	N	N	N	N	N
4.3 Marijuana manufacturing/testing	N	N	N	N	N	N	N	S	S	N	N	N	N	N	N	N	N	N	N
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

	ZONING DISTRICTS																		
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
5.0 Painting or Cleaning of Goods, Merchandise, or Equipment																			
5.1 All operations conducted entirely within fully enclosed building	N	N	N	N	N	N	N	S	S	N	N	S	N	N	N	N	N	N	N
5.2 Operations conducted within or outside fully enclosed building	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N

6.0 Educational, and Cultural Use																			
6.1 Schools																			
6.1.1 Public or private elementary or secondary schools	S	S	N	N	N	S	S	N	N	N	N	N	N	S	N	N	N	N	S
6.1.2 Public or private post-secondary schools	S	S	N	N	N	S	S	N	N	N	N	N	N	S	N	N	N	N	S
6.1.3 Special-purpose schools	N	N	N	N	N	S	S	S	S	S	S	S	N	N	S	N	N	N	S
6.1.4 Special education schools	N	S	N	N	N	S	S	N	N	N	N	N	N	S	N	N	N	N	S
6.2 Libraries and museums, including associated educational and instructional activities	S	N	N	N	N	S	S	N	N	S	N	S	N	S	S	N	N	N	S
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

	ZONING DISTRICTS																			
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S	
7.0 Assembly or Meeting Facility																				
7.1 Private meeting facility	N	N	N	N	N	S	S	N	S	N	N	S	N	N	N	N	N	N	N	N
7.2 Function or assembly facility	N	N	N	N	N	S	S	N	S	N	N	N	N	N	S	N	N	N	N	N
7.3 Community activity center	S	S	S	N	N	S	S	N	N	N	N	N	N	N	S	N	N	N	N	N
7.4 Place of Assembly																				
7.4.1 With seating for fewer than 200 persons	S	S	S	N	N	S	S	N	N	N	N	N	N	S	S	N	N	N	N	N
7.4.2 With seating for 200 or more persons	N	N	S	N	N	S	N	S	N	N	N	N	N	N	S	N	N	N	N	N
7.5 Soup kitchen	N	N	N	N	N	S	S	N	N	N	S	N	N	N	N	N	N	N	N	N
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S	

LAND USE CATEGORY	ZONING DISTRICTS																			
	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S	
8.0 Recreation, Amusement, Entertainment																				
8.1 Activity conducted entirely within building or roofed structure																				
8.1.1 Bowling alleys; indoor skating rink, swimming pool, or tennis court; billiard and pool halls; athletic and exercise facilities; and similar uses	N	N	N	N	N	S	S	S	S	N	S	N	N	N	N	N	N	N	N	N
8.1.2 Movie theater or live performance hall	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N	N	N	N	N
8.2 Activity conducted primarily outside enclosed buildings or roofed structures																				
8.2.1 Facilities such as athletic fields, golf courses, tennis courts, and swimming pools.	N	N	S	N	N	N	S	N	N	N	N	N	S	N	N	N	N	N	N	N
8.2.2 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature-golf courses, waterslides, and similar uses	N	N	S	N	N	N	N	N	S	N	N	N	S	N	N	N	N	N	N	N
8.2.3 Nonmotorized mountain bike, paint-ball	N	N	S	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N

course, ski area, or similar facility.																			
8.2.4 Horseback-riding ring or stables, including the boarding or breeding of horses.	N	N	S	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N
8.2.5 Automobile or motorcycle racing tracks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

LAND USE CATEGORY	ZONING DISTRICTS																			
	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S	
9.0 Institutional Residence, Care, Confinement Facilities																				
9.1 Hospitals	N	S	N	N	N	N	S	N	S	N	N	N	N	N	N	N	N	N	N	N
9.2 Nursing home, child-care facility, or assisted residential facility	S	N	N	N	N	S	S	N	S	N	N	N	N	S	N	N	N	N	N	N
9.3 Correctional facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
10.0 Restaurants																				
10.1 Carry-out, delivery service, and consumption outside fully enclosed structure allowed. Service to customers remaining in vehicles not allowed.	N	N	N	N	N	S	S	N	S	N	S	S	S	N	N	N	N	N	N	N
10.2 Carry-out, delivery service, service to customers remaining in vehicles, and consumption outside fully enclosed structure allowed.	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	N
10.3 A restaurant whose principal business is the sale of beverages, including liquor, at counters or tables and where food may or may not be served, and there is no carry-out or delivery service, no service to customers remaining	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N

in vehicles, no consumption outside fully enclosed structure																				
10.4 Mobile food vending	N	N	N	N	N	C	C	N	C	N	C	C	C	N	C	N	N	N	C	
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S	

	ZONING DISTRICTS																		
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
11.0 Accommodations																			
11.1 Hotel, motel, inn, tourist cabins, or similar business providing overnight accommodations																			
11.1.1 Those businesses that: may include accessory uses such as a restaurant, meeting facilities, a swimming pool, or exercise facilities; or have more than 40 rental rooms.	N	N	N	N	N	S	N	N	S	N	N	N	S	N	N	N	N	N	N
11.1.2 Those businesses that do not include accessory uses that serve customers who are not also renting a room and have no more than 40 rental rooms.	N	N	S	N	S	S	S	N	S	N	N	N	S	N	N	N	N	N	N
11.3 Rooming house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
11.4 Bed and Breakfast	S	S	S	S	S	N	S	N	N	N	N	N	N	S	N	N	N	N	N
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

ZONING DISTRICTS																				
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S	
12.0 Motor Vehicle-related Sales and Service Operations																				
12.1 Motor vehicle, snowmobile, or mobile home sales and service, including motor vehicle or snowmobile repair and fuel sales as accessory uses.	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	N
12.2 Motor vehicle or snowmobile repair facility	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	N
12.3 Motor vehicle fuel sales	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	N
12.4 Car wash	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	N
12.5 Sales and installation of motor vehicle parts, such as mufflers, tires, or brakes	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N	N
12.6 Sale of motor scooters or small ATVs	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N	N	N	N	N
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S	

LAND USE CATEGORY	ZONING DISTRICTS																		
	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
13.0 Storage and Parking																			
13.1 Automobile parking lot not located on a lot on which there is another principal use to which the parking is accessory ⁴	N	N	N	N	N	S	N	N	N	N	N	S	N	N	N	N	N	N	N
13.2 Parking garage not located on a lot on which there is another principal use to which the parking is accessory	N	N	N	N	N	S	S	N	N	N	N	S	N	N	N	N	N	N	N
13.3 Shared Parking	N	N	N	N	N	S	S	S	S	S	S	S	N	N	S	N	N	N	S
13.4 Storage: in a fully enclosed building of goods not related to sale or use of those goods on the same lot where they are stored	N	N	N	N	N	N	N	S	N	N	N	S	N	N	N	N	N	N	N
13.5 Storage: in a fully enclosed building or outdoors of goods not related to sale or use of those goods on the same lot where they are stored	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N
13.6 Storage combined with wholesale items	N	N	N	N	N	N	N	S	N	N	N	S	N	N	N	N	N	N	N

14.0 Scrap Materials Storage, Salvage yards, Junkyards, or Automobile Graveyards	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
15.0 Service and Businesses Related to Animals																			
15.1 Animal-care facility	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
15.2 Kennel	N	N	S	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

LAND USE CATEGORY	ZONING DISTRICTS																		
	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
16.0 Agriculture, Livestock, Forestry, Mining																			
16.1 Agricultural operations and farming	N	S	A	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N
16.2 Timber-harvesting	N	S	A	N	N	N	N	N	N	N	N	N	N	N	N	A	N	N	N
16.3 Mineral extraction, with or without on-site sales of products	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
16.4 Sawmill	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
16.5 Farmstand	N	C	C	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
16.6 Community Garden	C	C	A	C	C	N	C	N	N	N	N	N	C	C	N	N	C	N	C
16.7 Livestock	N	N	A	N	N	N	N	N	N	N	N	N	N	N	N	N	C ⁵	N	N
16.8 Small-Scale Chicken Flock	A	A	A	N	N	N	A	N	N	N	N	N	N	N	N	N	N	N	N
16.9 Marijuana Cultivation Facility	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
17.0 Transportation and Safety Facilities																			
17.1 Airport	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
17.2 Public works facilities	N	S	N	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N
17.3 Public safety facilities	S	S	N	N	N	S	S	N	S	S	N	S	N	N	N	N	N	N	N
17.4 Transportation terminal	N	N	N	N	N	S	N	N	S	S	N	S	N	N	N	N	N	N	N

17.5 Truck Terminal	N	N	N	N	N	N	N	S	N	N	N	S	N	N	N	N	N	N	
18.0 Dry Cleaner, Laundromat	N	N	N	N	N	S	S	N	S	N	S	S	N	N	N	N	N	N	
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

	ZONING DISTRICTS																		
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
19.0 Utility Facilities																			
19.1 Other than the collection or treatment of sewage, or recycling or waste-transfer station																			
19.1.1 Small-scale utility facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N	C	N	C
19.1.2 Other utility facilities	N	N	N	N	N	N	N	N	S	S	N	S	N	N	N	N	N	N	N
19.2 Public sewage treatment facility	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N
19.3 Recycling or waste-transfer station, sanitary land fill	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
20.0 Towers																			
20.1 Towers less than 50 feet tall	C	C	C	N	N	C	C	C	C	C	C	C	N	N	C	N	N	N	N
20.2 Towers 50 feet tall and taller	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
20.3 WCFs, as defined in Article 17	N	S	S	N	N	S	S	S	N	N	N	S	S	S(*)	S(*)	N	N	N	N
21.0 Open-air Market																			

21.1 Craft and flea markets	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
21.2 Craft and flea markets operated for not more than 3 consecutive days by a non-profit organization	C	C	C	N	N	C	C	N	N	C	N	N	N	N	N	N	N	N	A
21.3 Farmers' markets	N	N	N	N	N	C	N	N	C	N	N	N	N	N	N	N	N	N	N
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

<i>ZONING DISTRICTS</i>																			
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
22.0 Funeral Home	N	N	N	N	N	N	S	N	S	N	N	N	N	N	N	N	N	N	N
23.0 Cemetery and Crematorium																			
23.1 Public cemetery	N	S	S	N	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N
23.2 Family cemetery	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
23.3 Crematorium	N	N	N	N	N	N	S	N	S	N	N	N	N	N	N	N	N	N	N
24.0 Day-care Uses																			
24.1 Day-care home	C	C	C	C	N	N	C	N	N	N	N	N	N	C	N	N	N	N	N
24.2 Day-care facility	S	S	S	S	N	S	S	S	S	S	S	N	N	S	S	N	N	N	N
25.0 Temporary Uses	C	C	C	C	C	C	C	C	C	C	C	C	C	S	C	N	C	N	C
26.0 Commercial Greenhouse Operations																			
26.1 No on-premises sales	N	S	C	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
26.2 With on-premises sales	N	N	S	N	N	N	N	N	S	N	S	N	N	N	N	N	N	N	N

27.0 Camping Areas																			
27.1 Campgrounds	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
27.2 Individual private camp sites	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N
28.0 ATM, Not Attached to a Bank or Other Building	N	N	N	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N
29.0 Marina	N	N	N	N	S	S	N	N	N	S	N	S	N	N	S	N	N	N	N
30.0 Art Studio	C	C	C	C	C	C	C	N	C	N	C	N	N	C	N	N	N	N	N
31.0 City Park	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

¹Allowed with permit from the CEO as part of a mixed-use development.

² See performance standard in Section 11.27.

³ See performance standard in Section 11.36.

⁴ Lot must have been vacant for 10 years prior to construction of the parking lot.

(*) must be placed within an existing or proposed non-tower structure

⁵Only of allowed in the underlying district.

[Land Use Table amended May 5, 2004, February 24, 2010, August 25, 2010, February 22, 2012, September 25, 2013, June 22, 2016, May 24, 2017, April 25, 2018, October 23, 2019 and March 23, 2022]

SECTION 9.03 MOBILE HOME PARK

Mobile home parks are allowed only in the Mobile Home Park Overlay District. (See Section 11.20.)

SECTION 9.04 USES ALLOWED IN THE PARK AND OPEN SPACE DISTRICT

The uses allowed in the Park and Open Space District are those described in Section 8.16. [amended May 16, 2001]

SECTION 9.05 PROVISIONAL USE PERMITS

The City Council has the authority to issue Provisional Use Permits (see Section 11.24).

SECTION 9.06 PROHIBITED USES

Uses that are not included in the Land Use Table or in Sections 9.03, 9.04, or 9.05 are prohibited.

Rod Melanson, Sustainability Director gave background on the Ordinance and responded to questions and comments from Councilors Bailey and Dunn.

No public comment.

Councilor Ambrosino moved, Councilor Dunn seconded, to approve as presented. The motion carried with six (6) yeas.

YEAS: Councilors Dingley, Johnson, Bauer, Dunn, Bailey and Ambrosino.

NAYS: None

2nd passage will be held on January 18, 2023.

G. Petitions & Communications: NONE

H. City Manager's Report: 6:47pm
New Hires
Comprehensive Plan Survey

I. Committee Reports: 6:55pm

Councilor Dingley reported
Recreation Commission
Lack of funding
Programs needed to help fund
Staffing shortages
Scholarships

Councilor Bailey reported
Community Development
Housing subcommittee
Short term rental regulations

J. Unfinished Business: NONE

K. New Business: 6:57pm

10) *Annual Appointment of Scott Davis as Codes Enforcement Officer, Health Officer, and Plumbing Inspector for one year, pursuant to State Statutes. (Motion to appoint)

11) *Annual Appointment of Shane Kindlimann as Assistant Codes Enforcement Officer, and Assistant Local Health Officer for one year, pursuant to State Statutes. (Motion to appoint)

12) *Annual Appointment of Tom Lister as Alternate Codes Enforcement Officer and Local Plumbing Inspector for the City of Bath for one year, pursuant to State Statutes. (Motion to appoint)

13) Ad hoc Committee: City giving for non-profits

Councilor Bell spoke regarding the need for an ad hoc committee due to April 2022 budget workshop discussion. Councilor Dunn made motion to review and define the city's budgeted nonprofit giving procedures including Councilors DeChant, Dunn, Bell, and Johnson. Councilor Bailey seconded the motion, and all were in favor.

14) Appointments to Committees by Council Nominees:

Bath Housing Authority Board of Directors – Phyllis Bailey
Patten Free Library Board of Directors – Roo Dunn
Recreation Commission – Elizabeth Dingley
Sidewalk Vending License Committee – Elizabeth Dingley
Student Community Liaison Council – Mary Ellen Bell
Welfare Review Board – Phyllis Bailey, Terry Nordmann, Susan Bauer

Councilor Johnson moved, Councilor Ambrosino seconded, to approve as presented. The motion carried with six (6) yeas.

L. Councilor Announcements: 7:02pm

Chair Bell spoke regarding the New Year's Proclamation and Bell Ringing.

Councilor Bauer moved, Councilor Bailey seconded, to enter Executive Session at 7:03 PM. The motion carried with six (6) yeas.

Executive Session:

Real Estate Matters per 1 MRSA §405(6)(C)

Councilor Bauer moved, Councilor Bailey seconded, to end Executive Session at 7:21 PM. The motion carried with six (6) yeas.

Councilor Bailey moved, Councilor Dunn seconded, to adjourn at 7:22 PM. The motion carried with six (6) yeas.

ADJOURN

Meeting adjourned at 7:22pm.

Attested:

Darci L. Wheeler, City Clerk

Please note: These minutes are action minutes. The entire meeting can be viewed at www.cityofbath.com