

City of Eastport
Ordinance Review Committee
(A Subcommittee of the Eastport Planning Board)
Meeting Agenda

Date: Jan. 15, 2014

Time: 6:00

Place: Shead High School

Meeting Chair: Michael Morse

I. Call to order

II. Roll call: (H.French, M.Keay, M.Morse, G.Noyes, J.Peacock, J.Schild, R.Scott)

III. Approval of minutes from last meeting:

IV. Open issues: Continue Review of Article 2; Definitions (see New Business)

V. New business:

VI. Agenda: 1-Review Definition of Dwelling

2-Review Definition of Occupancy Permit

3-Discuss Adding definitions for Occupancy Permit, Change of Use

4-Discuss Definitions of RV, Camper/temporary shelter (Robert)

5-Discuss Definition of Shield Light **add Possible requirement for Sign Permit**

VII. Review Goals for Next Meeting

VIII. Set Date & Time for Next Meeting: Feb. 19, 2014

IX. Adjournment

Addition to the Agenda: Review definition of Home Occupation and Home Business

From: Michael Morse; Chair Ordinance Review Committee
To: Ordinance Review Committee
Regarding: Definition of a Dwelling Unit & Occupancy Permit
2 Pages

Our current definition of Dwelling Unit simply says "designed and equipped". I believe that this phrase is too open to interpretation to be realistically enforced. Many towns in Maine have ordinances specifically designed to define where people are allowed to "dwell". These ordinances are not meant to punish or exclude; it is a matter of health and safety. On 2 occasions in the past as a CEO I went to court to evict people living in unhealthy and unsafe conditions. Common sense and education often do not prevail. One of the buildings involved was owned by an MD

In the past for me, the key to protecting the health and welfare of building occupants is requiring an **Occupancy Permit**. When there are issues you quickly get the attention of banks, and relators and building owners. I have been involved in a number of cases where owners were unknowingly paying contractors for substandard work of builders, plumbers and excavators. This can also apply to owners who cheap out on renovations.

CURRENT DEFINITION

Dwelling Unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

REVISED DEFINITION

Dwelling Unit - a room or group of rooms designed and equipped ~~exclusively~~ for use as permanent, seasonal, or temporary living quarters for only one family. A Dwelling Unit includes provision for sleeping, cooking, eating, and sanitation. This unit shall comply with all local Building Codes and Zoning Ordinances. The term shall include mobile homes, but not recreational vehicles.

RELATED EXISTING ORDINANCE (this is how it appears currently)

5.4.3.3 Residential Restrictions

No buildings in the Downtown Revitalization Area (Water Street and sidewalk from Key Street to Sullivan Street shall be utilized as dwellings at street level.

Any and all buildings currently occupied as dwellings at street level in said area shall be grand fathered only so long as occupied. Should said occupied space be vacated at any time, building shall then be made current with this section. Grand fathered uses cannot be transferred to any other entity, nor be sub-let, neither can it be passed on to heirs, nor can any continuance be granted.

Current

7.8 Occupancy Permit (there is not definition of an Occupancy Permit in section 1 see below)

7.8.1 Prior to the occupancy of any *new building*, the person or organization that received a valid building permit shall secure an occupancy permit from the CEO. The occupancy permit shall state that the new structure conforms to all codes and ordinances of the City. Prior to the issuance of the permit, the CEO shall check to see that all requirements under this ordinance and other City ordinances have been met.

7.8.1.1 *Prior to the occupancy of any existing building with a dwelling unit where a Change Of Use has occurred or has had a major renovation or expansion, the person or organization involved must receive an Occupancy Permit as stated in 7.8.1*

7.8.2 Any person or organization that occupies a new building in the City prior to the issuance of an occupancy permit is in violation of this Ordinance and is subject to its penalties.

Additional Definition

Change of Use: *When a renovation or expansion of a structure changes the original use that the building was intended and these changes cause the building to fall under different code requirements. An Occupancy Permit is required.*

Additional Definition

An **Occupancy Permit** is a document issued by the City's Code Enforcement Officer or local government agency that a building is in compliance with applicable building codes and zoning ordinances. An Occupancy Permits indicate that a building is in a condition suitable for occupancy

From: Michael Morse; Chair Ordinance Review Committee
To: Ordinance Review Committee
Regarding: Illuminations of Signs

I recommend a change in our current 6.21.1.4 as noted below. I believe that the **INTENT** of the ordinance as it stands was to **prevent Internally Illuminated Signs**. I also recommend adding **Definitions** of both ***Shielded Sign Illumination*** and ***Internally Illuminated Signs***. It also appears that in the past that "***Shielded***" was interpreted more closely to the revised ordinance. Recent examples include Family Dollar and both banks in town. Information below explains that it makes sense from both an environmental and effectiveness standpoint.

CURRENT ORDINANCE

6.21.1.4 Signs may be illuminated only by shielded non-flashing lights.

RECOMMENDED REVISION

6.21.1.4 (Revised) Signs may be illuminated only by shielded, non-flashing lights. Internally illuminated signs are not permitted

Add to Definitions Section

Shielded Sign Illumination – An external light source that directs light towards a sign constructed so all light is projected towards the sign. Shield is to be designed to prevent glare for both pedestrians and vehicular traffic.

Internally Illuminated Signs -Any sign where light shines through a transparent or semi-transparent sign face to illuminate the sign's message. Exposed Neon Signs are considered to be a form of internal illumination.

The following is a common sense approach explaining why internally illuminated sign do not make environmental sense and also are not an effective method of advertising

Internally illuminated signs are by their nature unshielded light sources; in communities without good light shielding practice, the light emanating from such signs are a major remaining source of direct upright. Styles of signage with decreased background luminance can greatly reduce overall sign lighting outputs at the same time that they improve legibility and advertising effectiveness.

Opaque-background signs not only produce the least light pollution (usually by a wide margin), they are also usually the most legible and therefore most effective for conveying information. Another approach is to require low-output styles (for example opaque background) for signs advertising businesses that are open all night (such as motels, hotels, service stations, etc), or these signs to be off after a particular time of night (such as midnight).