



TOWN OF FALMOUTH

ORDINANCE COMMITTEE

2025.11.03 ORDINANCE COMMITTEE MEETING PACKET

04:00 PM



TOWN OF FALMOUTH
2025.11.03 ORDINANCE COMMITTEE MEETING AGENDA
04:00 PM

Roll Call and Approve Minutes

Approve Minutes from 10.6.2025

Attachment: [2025.10.06 Ordinance Committee.pdf](#)

1. Item 1- Public Comment Period.

2. Item 2- Review Food License Amendments

The Committee will review redline amendments to the food license ordinance, Ch. II-8 Sec. 8-153 . A vote out of committee is anticipated

Attachment: [Food Service License - Redline.pdf](#)

3. Item 3- Review Election Warrant Amendment

The Committee will review redline amendments to the public posting requirements section of the elections ordinance, Ch. II-5 Sec. 5-2

Attachment: [title30-Asec2523.pdf](#)

Attachment: [Election Referendum Posting - Redline.pdf](#)

4. Item 4 - Staff introduction - REGULATION OF MOTOR VEHICLE WEIGHT ON POSTED WAYS AND BRIDGES

Staff will provide an introduction to changes to the REGULATION OF MOTOR VEHICLE WEIGHT ON POSTED WAYS AND BRIDGES, Ch. II-17

Attachment: [Road Posting Ordinance.pdf](#)

5. Item 5- Yellow Bag/ Solid Waste Discussion

Committee will discuss possible avenues for solid waste cost distribution

6. Item 6- Next Meeting Date

December 1, 2025

Adjourn

Ordinance Committee Minutes October 6 , 2025

Committee Members Present: Councilor LaFond, Councilor Diaz, Councilor Mahoney

Staff Present: Amanda Methot-Vigue, Policy Analyst

The meeting began at 4:11 pm.

1. Roll Call

2. Minutes

Councilor Mahoney made a motion to accept the minutes, Councilor Lafond 2nd, passed unanimously

3. Public Comment

No comments from the public

4. Pay As you Throw Update

Staff provided an update regarding the talks with other communities that participate in a pay-per tip program. Staff discussed that we would need to get a third party software to help run the program as Casella does not have this software and does not have plans to add it to their services. Staff discussed other findings from communities such as stickers rather than bags which would reduce waste, and lastly offering multiple barrel sizes and charging based on the barrel size at each residence.

The committee discussed these options as well as adding it to taxes or getting rid of curbside pick up all together.

5. Short-term Rental Ordinance Update.

Staff updated the Committee on the new software the Town is using.

6. Food Service Licenses

The committee discussed the changes to the food service license and was in favor of incorporating redline amendments that give codes the authority to approve food licenses. Additionally, they would like to remove the public notice requirement. Staff will make redline changes and present at the next meeting for a vote out of committee.

7. Other Business.

The Committee discussed the pros and cons of having open public comment periods at subcommittee meetings

8. Next Meeting Date.

The next meeting will be held on November 3, 2025

9. Adjourn.

The meeting adjourned at 5:08pm.



PART II CODE OF ORDINANCES

CH. II-8 LICENSES, PERMITS AND BUSINESS REGULATIONS

FOOTNOTE(S):

--- (1) ---

Cross reference— Administration, Ch. II-2; provisions for notices for nuisances, signs, dangerous, unsafe, dilapidated buildings, and any other action the expense of which may be collected from the property owner, § 2-3; buildings and building regulations, Ch. II-4; condominium conversion regulations, § 4-100 et seq; marine activities, structures and ways, Ch. II-9; shellfishing, § 9-51; municipal shellfish license required, § 9-55; mobile homes and mobile home parks, Ch. II-11; nuisances, Ch. II-12; streets, sidewalks and other public places, Ch. II-14; taxation and finance, Ch. II-16; parking restrictions at the town landing and requirements for permits for residence, § 17-92; zoning and site plans and flood prevention and protection regulations, Ch. II-19.

State Law reference— Licenses and permits, 30-A M.R.S.A. 3701 et seq.

ART. II-8-4. FOOD SERVICE

Sec. 8-150. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Catering - Providing food and drink at a social event or other gathering lasting one week or less.

Effective on: 7/23/2018

Mobile food vendor shall mean a motor vehicle, trailer or like conveyance capable of being transported from place to place which is constructed to contain, store, prepare and properly preserve food for sale and/or distribution.

Effective on: 7/23/2018

Permanent food service establishment shall mean any food service establishment located in a permanent structure which has received all requisite approvals as required by this Code of Ordinances.

Effective on: 7/23/2018

Sec. 8-151. Enforcement.

This article shall be enforced by the code enforcement officer.

(Code 1966, Ch. 314, § 23)

Effective on: 7/23/2018

Sec. 8-152. Penalty.

Any person violating any of the provisions of this article or obstructing the code enforcement officer in the performance of his required duties or failing, neglecting or refusing to comply with the provisions of this article or operating a food service establishment without a license or after a license shall have been suspended or revoked shall be subject to a fine of not more than one hundred dollars (\$100.00) and each day's violation shall be considered to be a separate offense.

(Code 1966, Ch. 314, § 24)

Effective on: 7/23/2018

Sec. 8-153. Approval and License required.

Permanent food service establishments and mobile food vendors shall not operate without a license issued by the code enforcement officer. The following application procedures shall apply. Persons are exempt from this license for business conducted as part of a licensed farmers' market under ART. II-8-14.

A. General.

1. No license shall be issued unless the applicant has submitted a copy of a current State of Maine Department of Health and Human Services license to the code enforcement officer. No license shall be valid if such state license has expired.
2. The town and state licenses shall be posted in a conspicuous place.
- ~~3. No license shall be approved, either new or renewal, without a public hearing by the Town Council. Such hearing shall be noticed no later than 7 days prior to the hearing date by publication in a local newspaper.~~
- 4.3. Licenses shall be valid for a one year period commencing July 1 and ending June 30. Any license issued after July 1 shall expire on June 30 of the following year.

B. Application. A complete application on a form from the Community Development Department shall be submitted with the necessary fee and a completed checklist of submittal items. The code enforcement officer shall have the authority to develop an application form and submittal checklist to assure that the necessary information is submitted.

C. Renewals. License holders may submit an application for renewal provided that there have been no substantive changes to the location, nature of the operation or any other change as determined by the code enforcement officer. Request for license renewals shall be submitted to the code enforcement officer on or before April 30 of each year. Any renewal request after this date will be considered a new application.

~~D.—Review. Upon such time as the Code Enforcement Officer or their designee deems the application complete it shall be approved and issued to the applicant, circulated to the Police, Fire, Public Works, and Community Development Departments for a review. Departments shall submit their review to the Code Enforcement Officer no later than 8 business days from receipt. The Code Enforcement Officer shall forward the review to the applicant. They shall also forward the reviews and application with any recommendations from staff to the Town Manager for placement on~~

~~the next regularly scheduled Council meeting unless the applicant requests additional time to modify or add to the application based on staff review.~~

~~E. Approval. The Town Council shall have the sole authority to approve a food service establishment or mobile food vendor license.~~

~~F. Issuance. Should the Town Council approve such license, the Code Enforcement Officer shall issue a license containing the conditions and restrictions as imposed by the Town Council.~~

G.D. Posting. The license holder shall post the license in a conspicuous place at the approved location.

Effective on: 7/23/2018

Sec. 8-154. Reserved.

Effective on: 7/23/2018

Sec. 8-155. Fees.

License fees shall be as approved by the Town Council and on file in the Community Development Department office.

Effective on: 7/23/2018

Sec. 8-156. Suspension and revocation of license.

A food service license may be suspended by the Code Enforcement Officer upon failure of the licensee to comply with any of the terms or conditions of the license. The license may be revoked by the Town Council upon serious or repeated violations of any of the terms of this article after investigation and hearing. A notice of such hearing shall be served upon the licensee or left at the licensed premises at least three (3) days before the time set for the hearing.

Effective on: 7/23/2018

Sec. 8-157. Reinstatement of license suspended.

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The licensee may at any time after suspension by the Code Enforcement Officer, make application in writing for reinstatement of the license to the Code Enforcement Officer representing that the condition for which the suspension was imposed has been corrected. The Code Enforcement Officer shall within three (3) business days after receipt of the application make a reinspection of the premises. If he finds that the licensee is complying with the terms of this article, the license shall be reinstated. If the Code Enforcement Officer finds the condition not corrected according to the requirements of this article, he/she may make reinspections at such future times as he/she may deem reasonable. If the licensee fails to satisfactorily comply with the requirements of the Code Enforcement Officer after such inspection or reinspection, the Code Enforcement Officer shall refer the violation to the Town Council for hearing in the manner provided in Sec. 8-156, who may thereafter revoke, continue the suspension, or reinstate the license. The aggrieved licensee shall have the right to appeal to the Cumberland County Superior Court. Repeated incidents of such suspension by the Code Enforcement Officer involving the same licensee shall be considered to be a valid reason for revocation of the license by the Town Council after investigation and hearing as provided in Sec. 8-156.

(Code 1966, Ch. 314, §§ 2.5, 2.6)

Effective on: 7/23/2018

Sec. 8-158. Inspection.

The Health or Code Enforcement Officer, after proper identification, shall be permitted to enter with the permission of the licensee or the person in charge at any reasonable time, any food service establishment within the town for the purpose of making inspections to determine compliance with this article. They shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used and persons employed.

(Code 1966, Ch. 314, § 3)

Effective on: 7/23/2018

Sec. 8-159. Standards

- A. Catering. Food service establishments and mobile food vendors providing catering services, either public or private, are exempt from a license under this section, ~~but shall submit license applications required by the state for review by the Code Enforcement Officer. A fee as established by the Town Council shall be submitted with the the state license application. The state license as issued by the State of Maine shall be submitted to the Code Enforcement Officer prior to catering in the town.~~
- B. Mobile Food Vendor
 1. The following standards shall be iterated in the license approval and approved by the ~~Town Council~~the Code Enforcement Office.
 - a. Dates approved for use. The ~~Town Council~~Code Enforcement Office shall approve the dates for use but in no event can the dates be longer than six months if the vendor is requesting approval for a static location.
 - b. Location(s). Vendors may apply for multiple static locations in the same application and be approved as one license.
 - c. Hours of Operation. Licenses shall include the hours of operation.
 2. Vehicles shall be removed from the site daily at the close of business.

3. Suitability of the site. The location of the vendor shall not interfere with vehicle or pedestrian circulation of permanent uses of the property on which it is located. If parking spaces are utilized to locate vendors, the permanent use must still meet the minimum number of parking spaces required. In the instance of non-conforming uses due to parking, the non-conformity may not be increased.
 4. Self-contained. The vendor unit shall be self-contained except that utilization of electric service from a building may be permitted provided it meets all applicable code requirements. Amenities such as tents, table and chairs are prohibited.
 5. Signage. Signage shall either be on the vehicle or as permitted elsewhere in this Code of Ordinances.
 6. Public Health. No license shall be issued without documentation that the vendor is properly licensed by the State of Maine Department of Health and Human Services.
 7. Vehicle Registration. No license shall be issued or be valid without appropriate state registration of the vehicle or trailer.
- C. Permanent Food Service Establishments. Permanent food service establishments shall be located in buildings or structures that meet the requirements of the Zoning and Site Plan Review Ordinance.

Effective on: 7/23/2018

Secs. 8-160—8-249. Reserved.

Effective on: 7/23/2018

§2523. Warrant

The warrant for calling any town meeting must meet the following requirements. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Time and place. It shall specify the time and place of the meeting. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

2. Business to be acted upon. It shall state in distinct articles the business to be acted upon at the meeting. No other business may be acted upon. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

3. Notification. It shall be directed to a town constable, or to any resident by name, ordering that person to notify all voters to assemble at the time and place appointed. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

4. Attested copy posted. The person to whom it is directed shall post an attested copy in some conspicuous, public place in the town at least 7 days before the meeting, unless the town has adopted a different method of notification. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

5. Return on warrant. The person who notifies the voters of the meeting shall make a return on the warrant stating the manner of notice and the time when it was given.

A. If an original town meeting warrant is lost or destroyed, the return may be made or amended on a copy of the original warrant. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

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PART II CODE OF ORDINANCES

CH. II-5 ELECTIONS

Sec. 5-1. Place and time of opening of polls.

It shall be the duty of the town council to fix the place and time of the opening of the polls in the election of officers or in any special election to decide matters submitted to a vote of the citizens, and cause same to be inserted in any warrant and notification to the inhabitants of such election.

(Code 1966, Ch. 201, § 1, Art. III, § 102)

State law reference— Polling times to be determined by the town, limitation, 21-A M.R.S.A. § 626.

Sec. 5-2. Issuance of election warrants.

Warrants for calling elections shall be issued by the town council and contain a statement of the object of the election and the time and place at which the election shall be held. The warrant shall be served by the police chief, constable or any resident of the town by posting an attested copy of the warrant in ~~ten (10)~~ one (1) public and conspicuous places at least seven (7) days before the time of the election. The warrants shall be returned to the town clerk before the time of the election therein named.

(Code 1966, Ch. 201, § 1, Art. III, § 103)

State law reference— Warrant requirements, 30-A M.R.S.A. § 2523.

Sec. 5-3. Form of warrants for town elections.

The form of warrants for calling elections of the town shall be as follows:

ELECTION WARRANT

Town of Falmouth, ss. State of Maine

To a police officer, constable or any resident of said Town of Falmouth:

You are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this warrant.

To the voters of (name of municipality and voting district, if any):

You are hereby notified that an election will be held at (name of voting place) on (day and date of election) for the purpose of (nomination or election) to the following offices: (list of offices); and determining the following referendum questions: (list of questions).

The polls shall be opened at _____ a.m. and closed at _____ p.m.

The register of voters or board of registration will hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election. A voter who is not enrolled in a political party may not vote in a primary election.

Given under our hands and the seal of the Town of Falmouth, this _____ day of _____ A.D. 19 _____.

(Code 1966, Ch. 201, § 1, Art. III, § 104)

Sec. 5-4. Form of return of warrant.

The form of return of the warrant mentioned in this chapter, shall be in substance as follows:

OFFICER'S RETURN

Cumberland County, ss. State of Maine

I certify that I have notified and warned the voters of _____ to meet at the time and place and for the purpose therein mentioned by posting an attested copy of the within warrant at _____ on the _____ day of _____ A.D. 19 _____ which is at least seven (7) days before the election day.

	_____ Signature of police officer, constable or resident of the Town of Falmouth
Dated at _____	
Date signed _____	

(Code 1966, Ch. 201, § 1, Art. III, § 105)

Sec. 5-5. Precincts.

The Town of Falmouth shall vote in one (1) central location: the Falmouth High School, Woodville Road, Falmouth.

(Code 1966, Ch. 201, § 1, Art. III, § 107; Ord. of 3-21-2005)

Sec. 5-6. Board of registration.

The board of registration shall be appointed as provided by the state law.

(Code 1966, Ch. 201, § 1, Art. III, § 108)

State law reference— Board of registration, 21-A M.R.S.A. § 103.

Sec. 5-7. Election clerks.

The town council shall not later than May first of each general election year appoint election clerks in accordance with 21-A M.R.S.A. § 503.

(Code 1966, Ch. 201, § 1, Art. III, § 109)

Charter reference— Election officials, § 805.

State law reference— Wardens and ward clerks, 21-A M.R.S.A. §§ 501, 631(3); election clerks, 21-A M.R.S.A. §§ 503, 631(3).

Sec. 5-8. Compensation.

Each warden and election clerk shall be paid such amount per day for each election held in the town at which they shall attend, as the town council may determine for each election.

(Code 1966, Ch. 201, § 1, Art. III, § 110)

State law reference— Compensation, 21-A M.R.S.A. §§ 501(2), 503(6).

Sec. 5-9. Records.

The warden shall, forthwith after each election, complete and deposit the records of their respective precinct and all papers connected therewith with the town clerk.

(Code 1966, Ch. 201, § 1, Art. III, § 111)

State law reference— Packaging and return of ballots and lists, 21-A M.R.S.A. § 698.

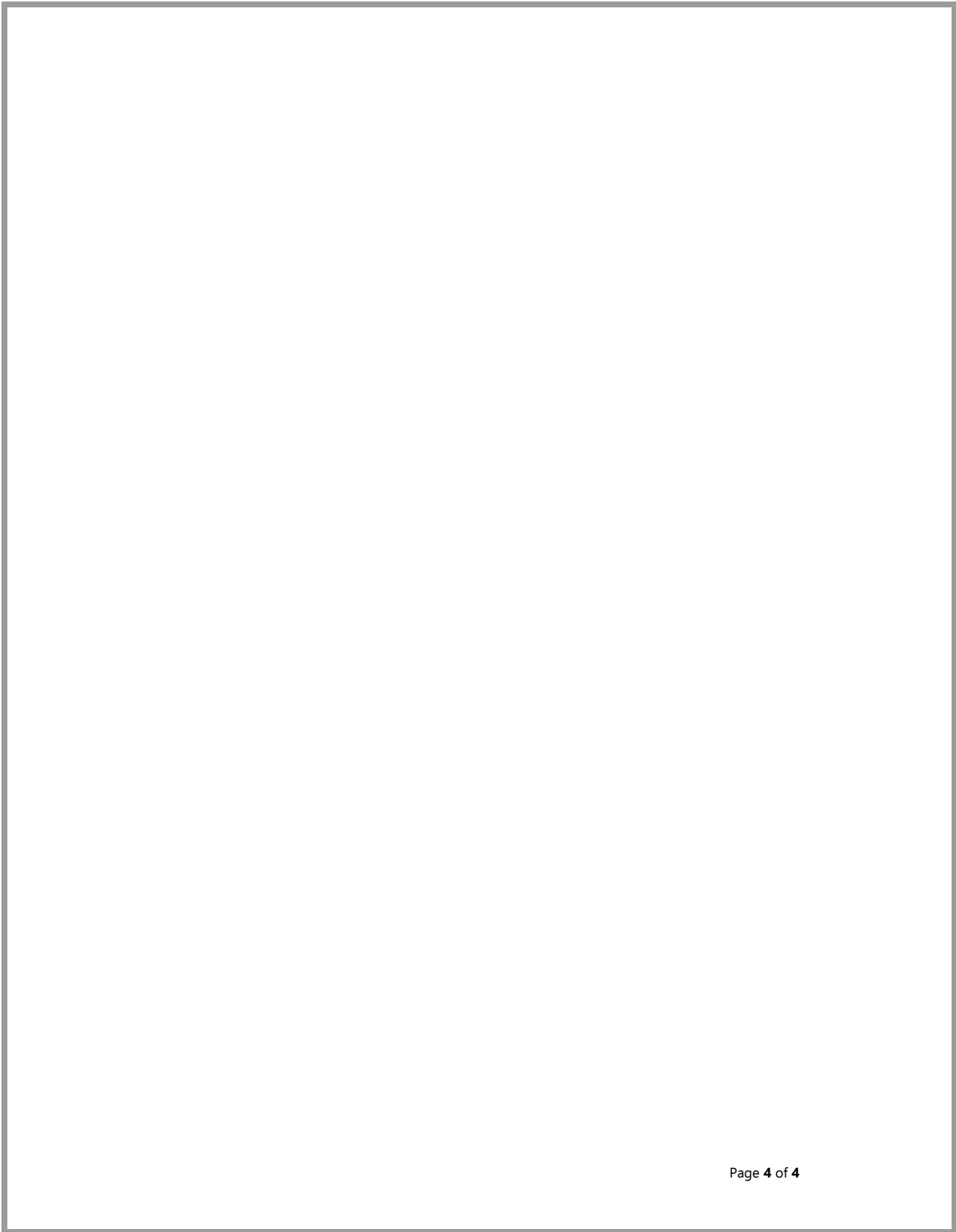
FOOTNOTE(S):

--- (1) ---

Charter reference— Nominations and elections, § 801 et seq.; initiative and referendum, § 901 et seq.

Cross reference— Administration, Ch. II-2; boundaries of the town, § 2-2; provisions for notices for nuisances, signs, dangerous, unsafe, dilapidated buildings, and any other action the expense of which may be collected from the property owner, § 2-3; town council, § 2-25 et seq.; town clerk, § 2-297.

State Law reference— Elections, 21-A M.R.S.A. § 1 et seq.; municipal elections, 30-A M.R.S.A. § 2551 et seq.





PART II CODE OF ORDINANCES

CH. II-17 TRAFFIC AND MOTOR VEHICLES

FOOTNOTE(S):

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Cross reference— Provisions for notices for nuisances, signs, dangerous, unsafe, dilapidated buildings, and any other action the expense of which may be collected from the property owner, § 2-3; police department, § 2-430 et seq.; land subdivision, Ch. II-7; nuisances, Ch. II-12; loud, offensive noises prohibited, § 12-1; junked and abandoned motor vehicles prohibited on public and private property, § 12-3; streets, sidewalks and other public places, Ch. II-14; zoning and site plans and flood prevention and protection regulations, Ch. II-19.

State Law reference— Motor vehicles, 29 M.R.S.A. § 1 et seq.

ART. II-17-4. REGULATION OF MOTOR VEHICLE WEIGHT ON POSTED WAYS AND BRIDGES

Sec. 17-100. Purpose and authority.

The purpose of this article is to prevent damage to town ways and bridges which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This article is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395 and 2387.

(Ord. of 3-21-2005)

Sec. 17-101. Restrictions and notices.

The town council may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles traveling over designated town ways and bridges as, in their judgment, may be necessary to protect the traveling public and to prevent excessive damage to town ways and bridges.

A notice specifying the designated sections of the town way or the bridge, the prescribed restrictions, the periods of restrictions, the date of posting and the signature of the town manager or the public works director must be conspicuously posted at each end of the town way or bridge. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.

(Ord. of 3-21-2005)

Sec. 17-102. Prohibition; exemptions.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein or the possession of a special permit.

All town and school vehicles are exempt from this article. Heating fuel delivery trucks operating with a Maine Department of Transportation permit and vehicles transporting well drilling equipment operating during a drought emergency declared by the governor are exempt from this article, as provided in 29-A M.R.S.A. § 2395 (4-A).

(Ord. of 3-21-2005)

Sec. 17-103. Special permits.

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing for a permit to operate notwithstanding the restrictions imposed pursuant to this article. The town council may issue a special permit if it finds that: (a) no other route is reasonably available to the applicant and (b) the applicant has tendered suitable security running to the town in an amount sufficient to repair any damage to the town way or bridge which may result from the applicant's use. Notwithstanding making such findings, the town council may refuse to issue a special permit if it determines that the proposed use will pose an unacceptable risk to public safety or to the condition of the way or bridge.

(Ord. of 3-21-2005)

Sec. 17-104. Enforcement; penalties.

This article may be enforced by the code enforcement officer or any law enforcement officer.

Any violation of this article shall be punishable in accordance with Sec. 17-11, provided that the fine provided therein shall be assessed for each one thousand (1,000) pounds of registered gross vehicle weight over the posted weight limit. In addition, the town may seek restitution for the cost of repairs to any damaged way or bridge necessitated by the unlawful use and may seek reasonable attorney's fees and costs.

(Ord. of 3-21-2005)