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2014

## Town of Baileyville Maine Ordinances

Baileyville, Me.

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## SECTION 3. LAND USE DISTRICT REQUIREMENTS

### A. Purpose of each Land Use Area

The purposes of each of the land use Areas are:

1. **Resource Areas.** To protect, preserve, and enhance the enjoyment of areas in which development would adversely affect productive habitats, ecosystems, important scenic resources, unique or fragile natural areas, flood plains, surface waters, and aquifers (particularly the one that supplies the Town's water). These areas include the areas zoned Resource Protection in the Shoreland Zoning Ordinance as well as additional areas. It is in the public interest that these areas be preserved and protected because of their economic contribution to the community as well as their natural, aesthetic, and scenic value.
2. **Rural Areas.** To protect and preserve the rural character of the Town while permitting low density development, to safeguard the Town's forest resource from development, to conserve natural resources and open space land, and to encourage agriculture, forestry, and certain types of recreational uses.
3. **Residential Areas.** To provide for residential and recreational development in such manner and at such locations as is compatible with existing development and the ability of the town to provide essential services. To encourage high-standard developments of single family homes and to exclude uses which would be incompatible with them.
4. **Village Areas.** To ensure that future development is compatible, both in character and use, with existing development.
5. **Retail Areas.** To provide for mixed residential and commercial uses under 5,000 square feet primarily serving the daily needs of the people of the Town.
6. **General Areas.** To allow a maximum diversity of residential, commercial, and industrial uses, while protecting public health and safety, environmental quality and economic well-being through controls on commercial or industrial uses which by virtue of waste discharge, noise, glare, fumes, smoke, dust odors, or traffic generation could be nuisances, unsafe, or unhealthy.
7. **Industrial Areas.** To encourage the location of industrial uses on those lands which are best suited for them. To allow a diversity of industrial uses while protecting the Town by controlling those uses which, by virtue of noise, glare, fumes, dust, and traffic generation, could otherwise create nuisances or unsafe or unhealthy conditions. To avoid the blight, congestion, and inconvenience caused by inappropriate and poorly located development of industrial facilities.

### B. Table of land uses

This table indicates land uses permitted in each Area, in conformance with the provisions of this Ordinance and all other applicable federal, State, and local laws, regulations, rules and ordinances.

Key to the table:	Y	use allowed in area, no permit required by this Ordinance
	N	use not allowed in Area
	CEO	use allowed in Area only with permit from Code Enforcement Officer
	PB	use allowed in Area only with approval from Planning Board
	PB*	use allowed in Area only after <i>site plan review and approval</i> by Planning Board

LAND USE TYPE	AREA						
	INDUSTRIAL	GENERAL	RETAIL	VILLAGE	RESIDENT	RURAL	RESOURCE
HOMES							
Cluster development	N	PB*	PB*	N	PB*	PB*	N
Congregate housing	N	PB*	PB*	PB*	N	PB*	N
Mobile home, on slab	N	CEO	CEO	CEO	N	CEO	N
Mobile home park	N	PB*	N	N	N	N	N
Multi-family home	N	CEO	CEO	N	N	N	N
Single family home	N	CEO	CEO	CEO	CEO	CEO	N
Two family home	N	CEO	CEO	CEO	N	N	N

INDUSTRIAL GENERAL RETAIL VILLAGE RESIDENT RURAL RESOURCE

COMMERCIAL

Adult business	N	CEO	N	N	N	N	N
Amusement park or facility	CEO	CEO	CEO	N	N	PB	N
Automobile repair	CEO	CEO	PB	N	N	PB	N
Bed and Breakfast	N	CEO	CEO	CEO	PB	PB	N
Boarding house	N	CEO	CEO	CEO	PB	PB	N
Building material sales	CEO	CEO	PB	N	N	PB	N
Campground	N	N	N	N	N	PB	N
Carnival	CEO	CEO	CEO	CEO	N	PB	N
Convenience store	CEO	CEO	CEO	N	N	PB	N
Commercial recreation	CEO	CEO	PB	N	N	PB	N
Gasoline service station	CEO	CEO	PB	N	N	PB	N
Home occupation	CEO	CEO	CEO	CEO	PB	PB	N
Hotel, motel	CEO	CEO	PB	N	N	PB	N
Inn	CEO	CEO	CEO	PB	N	PB	N
Kennel, veterinary hospital	CEO	CEO	N	N	N	PB	N
Light manufacturing	CEO	CEO	PB	N	N	PB	N
Movie theater	CEO	CEO	PB	N	N	PB	N
Offices: business, professional	CEO	CEO	CEO	PB	N	PB	N
Restaurant	CEO	CEO	PB	N	N	PB	N
Retail business	CEO	CEO	PB	N	N	PB	N
Service business	CEO	CEO	PB	PB	N	PB	N
Sporting camp	Y	Y	N	N	N	PB	N
Wholesale business	CEO	PB	PB	N	N	PB	N

INDUSTRIAL

Agricultural products processing	CEO	CEO	N	N	N	CEO	N
Automobile grave yard or junk yard	CEO	PB*	N	N	N	N	N
Cellular & other communication towers	CEO	CEO	N	N	N	PB*	N
Cluster-developed industrial park	CEO	CEO	N	N	N	N	N
Forest products storage, etc.	CEO	CEO	N	N	PB*	PB	N
Manufacturing	CEO	CEO	N	N	N	N	N
Recycling facility	CEO	CEO	N	N	N	N	N
Sawmill	CEO	CEO	N	N	N	PB	N
Transportation terminal	CEO	CEO	N	N	N	N	N
Warehousing and storage	CEO	CEO	PB	N	N	N	N
Waste disposal	CEO	N	N	N	N	N	N

EDUCATIONAL, INSTITUTIONAL

Daycare	N	Y	Y	Y	PB	PB	N
Group home, hospice, nursing home	N	CEO	CEO	CEO	N	PB	N
House of worship	N	CEO	CEO	CEO	N	PB	N
Museum, library, performing arts ctr	N	CEO	CEO	CEO	N	PB	N
School, public or private	N	CEO	CEO	CEO	N	PB	N
Social, fraternal club	N	CEO	CEO	CEO	N	PB	N

OUTDOOR, RESOURCE-BASED

Agriculture, under two acres	Y	Y	Y	Y	Y	Y	PB
Agriculture, over two acres	Y	Y	N	N	PB	Y	PB
Animal breeding or care	CEO	CEO	N	N	N	PB	N
Farm stand	Y	Y	Y	PB	PB	Y	N
Forest management activities	Y	Y	Y	Y	Y	Y	Y
Mineral extraction (incl. sand & gravel)	PB	PB*	N	N	N	PB*	PB*
Recreation, intensive	CEO	CEO	CEO	CEO	PB	CEO	CEO
Recreation, non-intensive	CEO	CEO	PB	PB	PB	CEO	CEO
Timber harvesting	Y	Y	N	N	PB	CEO	CEO



Baileyville Planning Board Meeting 8/14/03

Attendees: J. Moffitt, Code Enforcement Officer

L. Gillis, Planning Board

R. Flood, Planning Board

R. Clark, Planning Board

J. Clukey, Town Manager

R. Nicholson, representing CASA

*S. Smith Planning Board*

First order of business was a informational presentation by Rex Nicholson regarding a Halfway House for substance abusers.

Second order of business was a zoning amendment regarding the industrial park, which was approved as written. Motion for approval by R. Flood, seconded by L. Gillis, all in favor.

Next order of business was approval of the industrial park conceptual site plan. Motion for approval by R. Flood, seconded by L. Gillis, all in favor.

The next discussion involved fabricated structures. The board's view is that fabricated structures must adhere to setback but doesn't require a permit.

The final discussion was on housing safety guidelines. It was agreed that the current guidelines will be used.

Submitted by:

*Sheridan*  
Sheridan Smith





**BAILEYVILLE, MAINE**  
**August 17, 2012**

A special meeting of the Baileyville Town Council was held on Friday, August 17<sup>th</sup>, 2012 at 2:00 pm at the Municipal Building with the following council members present: Jack Costello, Richard Gayton, Craig Croman, and Tim Call, Chair. Also present were Town Manager Linda, Code Enforcement Officer Tabettha Young, Seth Berry, CAO, Xpress Natural Gas, Thomas Doyle, Attorney, Pierce Atwood, and Scott Beal of Woodlan Pulp, LLC. It was moved by Councilor Gayton, seconded by Councilor Croman and unanimously voted to open the meeting without form at 2:00 p.m.

**NEW BUSINESS**

After a project description presented by Seth Berry, and a discussion of the existing Baileyville Land Use Regulation Ordinance, a motion was made by Councilor Gayton and seconded by Councilor Costell and voted unanimously to a Public Hearing Date of September 4<sup>th</sup> at 5:30 pm to consider a Land Use Regulation Ordinance as read: *Amend the Land Use Regulation Ordinance to allow Natural Gas Pipeline, Compressed Natural Gas and Liquefied Natural Gas Facilities as an allowed use in the Industrial Zone, subject to Maine PUC approval.*

**OTHER BUSINESS**

There was no other business heard at this time.

**ADJOURNMENT**

A motion was made by Councilor Croman at 3:00 pm and seconded by Councilor Gayton and unanimously voted to adjourn.

ATTEST \_\_\_\_\_ DATE \_\_\_\_\_

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Marilyn Roderick  
Marilyn Roderick, Deputy  
Clerk

Baileyville Land Use Regulation Ordinance (Amendment)

Amendment to the Town of Baileyville Land Use Ordinance:

Areas of Map 12 Lot 34, located in the rural area and general area in the Baileyville Land Use Regulation Ordinance are rezoned to the industrial area.

January 12, 2004	Introduction
January 27, 2004	Public Reading
February 24, 2004	Public Hearing
February 24, 2004	Adoption
March 18, 2004	Effective Date

**PUBLIC HEARING FOR CONSIDERATION OF THE AMENDMENT OF**

**TOWN OF BAILEYVILLE**

**LAND USE REGULATION ORDINANCE**

**The Baileyville Town Council hereby orders that a public hearing be held on the proposed amendment to the Land Use Regulation Ordinance at 5:30 p.m. on Tuesday, September 4, 2012 in the Council Chambers in the F. Doug Jones Municipal Building, 63 Broadway Street in Baileyville, with notice to be published in the Calais Advertiser within two weeks of reading of the ordinance amendment at the August 17th, 2012 special council meeting.**

Amend the Land Use Regulation Ordinance to allow Natural Gas Pipeline, Compressed Natural Gas and Liquefied Natural Gas Facilities as an allowed use in the Industrial Zone, subject to Maine PUC approval.

Dated: August 20, 2012



**PROPOSED AMENDMENTS TO  
TOWN OF BAILEYVILLE LAND USE REGULATION ORDINANCE  
March 22, 2004**

**AMENDMENT 1:**

*Revised 2-23-04*

**Section 8(B) Definitions:**

Add the following definitions:

**Clinic.** Any establishment where patients are admitted for examination and treatment by one (1) or more professionals such as, but not limited to, physicians, dentists, psychologists or social workers.

**Community Living Arrangement.** A housing facility for eight (8) or fewer persons with disabilities, otherwise defined as "handicaps" under the Federal Fair Housing Act (42 U.S. Code § 3602), that is licensed and or approved by the State of Maine as a group home, foster home, or intermediate care facility. Community living arrangements shall be considered as single-family uses under the Town of Baileyville Land Use Regulation Ordinance pursuant to 30-A MRSA Section 4357-A.

**Congregate Care Facility.** A planned residential unit development which provides individual living units with support services which provide assistance to residents. Services to be provided shall include:

- (a) Transportation for essential support activities. This service shall be included in the base rent;
- (b) Provisions of at least one (1) meal per day;
- (c) Programmed social activities which are facilitated by staff. This service shall be included in the base rent;
- (d) Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and
- (e) Installation of emergency call buttons or systems in each congregate care living unit.

The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses.

**Correctional Facility.** Any penal institution or place of detention for persons convicted of a crime, or persons found to be juvenile delinquents in need of supervision.

**Group Home.** A housing facility for nine (9) or more related or unrelated persons living together as a group. In addition to providing food and shelter to a defined population, a "group home" provides guidance or counseling services, which services are a primary function of the facility. The term "group home" shall not include the business of operating a boarding house, rooming house or other similar enterprise. The term "group home" shall not include any penal

Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 0.5 footcandle upon abutting residential properties.

#### **AMENDMENT 5:**

##### **Section 5 – Performance Standards – Specific:**

This amendment adds specific performance standards that regulate various types of group living facilities.

##### **J. Group Living Facilities**

Solely or the purpose of these specific performance standards, a “group living facility” includes any clinic, congregate care facility, correctional facility, group home, intermediate care facility, long term or extended care facility, and special needs independent living unit.

**1. Standards.** In all Land Use Areas in which a group living facility is authorized, the following standards apply:

- a. Such facility shall be licensed by the State of Maine.
- b. No new group living facility shall be located closer than 1,320 feet from any other existing group living facility, as measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line on which any other existing similar use is located;
- c. A group living facility shall not be allowed in a part or a portion of a building, but shall encompass the entire structure.

#### **AMENDMENT 6:**

##### **Section 6 – Site Plan Review:**

This amendment adds a requirement that the Planning Board must hold a public hearing on all major and minor site plan review applications. Previously the Planning Board was required to hold a public hearing on all *major* site plan review applications, but was not required to hold a public hearing on *minor* site plan review applications.

##### **D. Procedure:**

**Subsection 9 shall be amended as follows:**

**9. Public hearing.** Prior to taking final action on any site plan review application, the Board in the case of any major applications shall, and in the case of minor applications may, accord the public the opportunity to comment by holding a public hearing on the application.

## Land Use Regulation Ordinance

### Amendments

**Farm stand** - vegetable or produce stand.

(This land use is permitted in all land use districts except resource protection and requires planning board approval in the village and residential areas.)

**Domesticated Animals** - one or more of any of the following animals: horses, cattle, pigs, chickens, or any other domesticated animal that is typically kept for commercial use. Dogs and cats are not restricted under this definition

(This land use requires a setback of 50 feet from an abutting property line.)

**Wild Animals** - Keeping animals which typically live in a natural undomesticated state, includes animals both native and not native to the State of Maine. Birds or mammals acquired from a pet shop licensed in the State of Maine are not restricted under this definition.

(This land use is restricted to the rural areas only and requires approval from the planning board.)

Introduced	09-27-99
Public Reading	10-11-99
Public Hearing & Adoption	10-25-99
Effective	11-04-99



## Baileyville Land Use Regulation Ordinance (Amendment)

Amendment to the Town of Baileyville Land Use Ordinance:

Areas of Map 12 Lot 34, located in the rural area and general area in the Baileyville Land Use Regulation Ordinance are rezoned to the industrial area.

January 12, 2004	Introduction
January 27, 2004	Public Reading
February 24, 2004	Public Hearing
February 24, 2004	Adoption
March 18, 2004	Effective Date

**AMENDMENT**

**to**

**BAILEYVILLE LAND USE AND DEVELOPMENT ORDINANCE**

To Amend Article V, Section 3 from:

"A permit application fee of \$1.00 (one dollar) shall be paid to the municipal clerk and a copy of the receipt shall accompany the application" to read:

"A permit application fee of \$10.00 (ten dollars) shall be paid to the municipal clerk and a copy of the receipt shall accompany the application."

INTRODUCED:	May 13, 1991
PUBLIC READING:	May 28, 1991
PUBLIC HEARING:	June 10, 1991
ADOPTED:	June 10, 1991
EFFECTIVE:	July 1, 1991

NOTICE OF ADOPTION

AMENDMENT TO LAND USE AND DEVELOPMENT ORDINANCE

The Town of Baileyville hereby ordains that the text of Paragraph 4 of section 1 of Article IV is repealed and replaced as follows:

4. Any such unit shall be placed on no less than an ~~impenetrable~~ concrete pad, not less than five (5) inches thick, which extends no less than the entire length and width of such unit, excluding the tongue.

This amendment shall become effective upon final passage by the Town Council on January 25, 1988.

Copies of the amended ordinance are on file at the Town Office and are available for public inspection during regular business hours.

LAND USE AMENDMENT -

INTRODUCED 1/4/88

READ 1/11/88

PUBLICATION 1/14/88

PUBLIC HEARING 1/25/88

ADOPTED 1/25/88

EFFECTIVE 1/25/88

ADOPTION NOTICE 1/28/88



**AMENDMENT**

to

**BAILEYVILLE LAND USE AND DEVELOPMENT ORDINANCE**

To Amend Article V, Section 3 from:

"A permit application fee of \$1.00 (one dollar) shall be paid to the municipal clerk and a copy of the receipt shall accompany the application" to read:

"A permit application fee of \$10.00 (ten dollars) shall be paid to the municipal clerk and a copy of the receipt shall accompany the application."

INTRODUCED:	May 13, 1991
PUBLIC READING:	May 28, 1991
PUBLIC HEARING:	June 10, 1991
ADOPTED:	June 10, 1991
EFFECTIVE:	July 1, 1991

July 14, 1986

Land Use And Development Ordinance Amendments

1. Article III, Section 10 - Add the following "Land Surveys shall be prepared in accordance with Standards of Practice (Rule 12) as contained in Rules and Regulations for the State Board of Registration for Land Surveyors".
2. Article IV, Section 1, No. 1 - Change "1974" to "June 15, 1976" and Section 3 change "1974" to "June 15, 1976".

*SEE "ORDINANCE - LAND USE & DEVELOPMENT" FILE  
FOR COPY OF STANDARDS OF PRACTICE (RULE 12).*

Baileyville, Maine  
August 11, 1986

A regular meeting of the members of the Baileyville Town Council was held at the Municipal Building on Monday, August 11, 1986, at 6:30 P.M. with the following members present: James L. Wallace, Chairman; Richard Nutter; Michael J. Bagley; Rolfe E. Flood; F. Doug Jones; Pauline Diadone; and R. Larry Varisco, Town Manager. Councilor Roffey was absent. Also present were Ron Cuddy, Tammy Wells, and George Hammond.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to open the meeting without form. All in favor.

On a motion by Mr. Bagley, seconded by Mrs. Diadone, it was voted to approve the minutes of July 28, 1986 as written. All in favor.

On a motion by Mr. Bagley, seconded by Mr. Jones, it was voted to open the Public Hearing at 6:34 P.M. on the Land Use Ordinance Amendments. All in favor.

No comments were received.

On a motion by Mr. Nutter, seconded by Mr. Bagley, it was voted to close the Public Hearing at 6:35 P.M. All in favor.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to adopt the Land Use and Development Ordinance amendments regarding Land Survey Regulations and Mobile Home Manufacture dates.

One bid was received for bituminous paving.

On a motion by Mr. Jones, seconded by Mr. Nutter, it was voted to accept the bid of \$35.80 per ton from Lane Construction for bituminous paving for 4' strips on the sides of the Grand Falls Road from Route 1 to Five Corners. All in favor.

On a motion by Mr. Flood, seconded by Mrs. Diadone, it was voted to designate Frank D. Jones as the official representative of the Town to the EMEC Annual Meeting. All in favor.

On a motion by Mr. Bagley, seconded by Mr. Jones, it was voted to prepare final drafts of Charter Amendments that would eliminate the Town Meeting, change the annual election from March to November and to change the Town Clerk's position from elected to appointed. All in favor.

On a motion by Mr. Jones, seconded by Mr. Flood, it was voted to have the Public Works Department excavate, fill and generally rebuild that portion of the South Princeton Road from the westerly town line approximately .5 mile east and to pay for the work from the balance of remaining funds from the \$135,000., 1985 Street Construction borrowing. All in favor.

On a motion by Mr. Jones, seconded by Mr. Flood, it was voted to issue quit claim deeds to Gerald Smith (Map 18 Lot 6), Thomas & Grace Hiland (Map 15 Lot 19A), and Edward Hanson Jr. (Map 11 Lot 45A), to convey tax acquired property. All in favor.

On a motion by Mr. Nutter, seconded by Mr. Bagley it was moved to have Gerald Smith pay the 1986 taxes on the Tax Acquired Property conveyed to him from the date of closing through the end of the fiscal year (June 30, 1987). 3 in favor, 3 opposed, motion defeated.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to request an Attorney General's opinion on what time period should be used for the



*Council Ord. 7/24/86*

## **TOWN OF BAILEYVILLE**

### **Notice of Public Hearing**

The Baileyville Town Council will hold a Public Hearing on Monday, August 11, 1986, at 6:30 P.M. at the Municipal Building to receive public comments on two proposed amendments to the Land Use and Development Ordinance. The first would amend Article III Section 10 to add a requirement that Land Surveys be prepared in accordance with Standards and Practices of the State Board of Registration for Land Surveyors. The second would amend Article IV Section 1, No. 1 and Section 3 to require that mobile homes locating in Baileyville be manufactured subsequent to June 15, 1976.

201c

July 31, 1984  
Baileyville, Maine

A special meeting of the members of the Baileyville Town Council was held at the Municipal Building, July 31, 1984, at 6:30 P.M. with the following members present: James L. Wallace, Chairman; John L. Gallant, Jr.; Michael J. Bagley; Frank D. Jones; and E. Jeffrey Barnes, Town Manager. Also present was Ed McInnis, town auditor.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to approve the minutes of June 27, 1984. All in favor.

A final public hearing was held at 6:42 P.M. on the deletion of the pitched roof requirement for trailers. No comments were heard.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to pass the deletion of the pitched roof requirement for trailers of the Land Use Control Ordinance. All in favor.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to have the second reading of the Truck Ordinance limiting parking by the Shopping Center and 3rd Ave. and Route 1. All in favor. No comments were heard.

The council requested that the Town Manager ask the Recreation Dept. to advertise the Recreation Committee meetings.

The council asked the Town Manager to contact the Towns of Alexander, Indian Township, Princeton and Baring to see if they want to use if they would be interested in using the towns baler for a fee.

On a motion by Mr. Gallant, seconded by Mr. Jones, it was voted to table the discussion on unpaid property taxes. All in favor.

The Town Manager is to ask Dana Connors to see the proposed plan of Route 1 in Woodland.

Several ladies were present to question the ordinance on slabs for trailers. They questioned the possibility of circulating a petition. The council advised that they see the Town Manager within a week if they are interested in starting one.

The Computer feasibility was discussed. The council requested that the Town Manager get proposals on several systems.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to have our auditor contact the State Department of Audit about having the Town's Educational account balance with the School's Educational account. All in favor.

Gus Gillis spoke about the recommendations of the Fire Department concerning the repairs of the pump.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to have Gus Gillis get verbal estimates on having the pump on the fire truck fixed. All in favor.

A Barking Dog Ordinance was discussed. No action was taken.

The feasibility of converting the street lights to high pressure sodium was discussed. LMMC said it would be feasible in a couple of years but not at this time because of the high cost of fixtures.

# TOWN OF BAILEYVILLE

OFFICE OF TOWN MANAGER

WOODLAND, MAINE 04894

TELEPHONE 427-3442

August 3, 1984

The Calais Advertiser  
Box 391  
Calais, Maine 04619

Please print the following public notice in the Advertiser  
for one week:

---

## PUBLIC NOTICE TOWN OF BAILEYVILLE

The following section of the Land Use and Development  
Ordinance has been amended, (effective August 1, 1984).

ARTICLE IV - Section 1 - Subsection 2  
Mobile Homes

"Any such unit will have a pitched and shingled  
roof."

The amendment will be the <sup>decision?</sup> decision of the above  
section.

---

Do not print

Sincerely,

  
E. Jeffrey Barnes  
Town Manager

# TOWN OF BAILEYVILLE

OFFICE OF TOWN MANAGER

WOODLAND, MAINE 04694

TELEPHONE 427-3442

July 10, 1984

Calais Advertiser  
North Street  
Calais, Maine 04619

Dear Sir:

Please run the following public notice in the Advertiser for one week:

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## PUBLIC NOTICE

### TOWN OF BAILEYVILLE

There will be a public hearing on Monday, July 23, 1984 at 6:30 p.m. at the Municipal Building to amend the following section of the Land Use and Development Ordinance:

ARTICLE IV - Section I - Subsection 2  
MOBILE HOMES

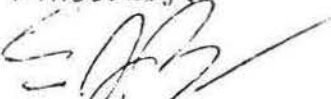
"Any such unit will have a pitched and shingled roof."

The amendment will be the deletion of the above section.

---

Do not print

Sincerely,



E. Jeffrey Barnes  
Town Manager



Baileyville, Maine

June 27, 1984

A regular meeting of the members of the Baileyville Town Council was held June 27, 1984 at 4:00 p.m. with the following members present: James L. Wallace, Chairman; Donald C. Roffey; Michael J. Bagley, and E. Jeffrey Barnes, Town Manager. Councilman Frank D. Jones arrived after 4:00 p.m. and Councilman Gallant was absent.

On a motion by Mr. Bagley, seconded by Mr. Jones, it was voted to open the meeting. All in favor.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to approve the minutes of June 4th and 11th; and May 21, 1984 as written. All in favor.

On a motion by Mr. Roffey, seconded by Mr. Bagley, it was voted to open a public hearing on the non-conforming use amendment to the Land Use and Development Ordinance. All in favor.

No comments heard

On a motion by Mr. Roffey, seconded by Mr. Bagley, it was voted to approve the amendment for non-conforming uses as written. Effective Date - November 1, 1982. All in favor.

On a motion by Mr. Roffey, seconded by Mr. Jones, it was voted to allow Joseph Manza to become the Public Education Officer for the Fire Dept. The position is unpaid and Mr. Manza cannot participate in any fire fighting. All in favor.

On a motion by Mr. Jones, seconded by Mr. Roffey, it was voted to have the fire department remove the 1966 Howe pump and send to Gould Pump to have repaired. All in favor.

On a motion by Mr. Jones, seconded by Mr. Roffey, it was voted to appoint Henry Bagley as plumbing inspector and George Adams as code enforcement officer. Salary is to be \$500.00 per year for each position to be paid in one sum at the end of the fiscal year or in two installments. All in favor.

On a motion by Mr. Roffey, seconded by Mr. Bagley, it was voted to eliminate the pitched roof requirement for manufactured housing by amending the Land Use Control Ordinance. All in favor.

The Cruiser Bids were opened: Kenneth Seeley, \$811.00; Robert Ferry, \$1,014.00; Elwin Daley, \$1,319.11; Harold Look, \$1,200.00; Kenneth Avery \$1,402.26.

On a motion by Mr. Roffey, seconded by Mr. Bagley it was voted to award the cruiser bid to Kenneth Avery with no guarantee. All in favor.

On a motion by Mr. Roffey, seconded by Mr. Jones, it was voted to purchase a John Deere riding lawn mower from Triangle Sales with a 46" mower for \$3,870., model tractor is 316 hydrostatic drive. All in favor.

Baileyville, Maine  
June 11, 1984

A regular meeting of the members of the Baileyville Town Council was held at the Municipal Building June 11, 1984 at 6:30 P.M. with the following members present: James L. Wallace, Chairman; John L. Gallant, Jr.; Michael J. Bagley; and E. Jeffrey Barnes, Town Manager. Also present were Roscoe Seeley, Elaine Humphries, Mrs. Lloyd Gibbs, Tom Brennan, Lawrence Sprague, George Hammond, William McLaughlin, and 2 reporters.

On a motion by Mr. Gallant, seconded by Mr. Bagley, it was voted to hold a public hearing on the in-land wetlands. Time 6:45 P.M. All in favor.

People wanted to know the purpose of mapping inventory. The Town Council explained it would probably be used for future regulation. Hearing closed at 6:50 P.M.

On a motion by Mr. Gallant, seconded by Mr. Bagley, it was voted to hold a public hearing on the amendment to the Land Use Control Ordinance for the second reading for Non Conforming Uses. Time 6:52 P.M.

Non Conforming Use would be grandfathered as of November 1, 1982. Hearing Closed at 6:55 P.M.

The minutes of June 4, 1984 were approved as written. All in favor.

On a motion by Mr. Gallant, seconded by Mr. Bagley, it was voted to approve the Cemetery lot for Kenneth Corbett. All in favor.

Note- the Town Council requested to amend the Cemetery Lot regulation to read, Council approval will only be needed on those lots not open.

On a motion by Mr. Bagley, seconded by Mr. Gallant, it was voted to rectify the plumbing problem at Marilyn Hanson's residence on Spruce Street. All in favor.

On a motion by Mr. Gallant, seconded by Mr. Bagley, it was voted to hire the Summer Recreation Staff as recommended. All in favor.

Mr. Gallant asked the Town Manager to check into a possible sewer problem at Maxine Hood's on Palm Street.

Tom Brennan talks on the 1984 County Budget and endorses the County Budget Committee on an advisory basis.

The Town Council asked for the \$3,000.00 appropriated for communications. The money will be put on the next warrant.

James Wallace will ask Maine Municipal Association Legislative Policy Committee for mandatory County Budget Committees.

George Hammond explains the new State Law on three wheel vehicles. The law becomes effective on July 1, 1984 but will have to be tested in court before we know how effective it will be.



# TOWN OF BAILEYVILLE

OFFICE OF TOWN MANAGER

WOODLAND, MAINE 04694

TELEPHONE 427-3442

June 13, 1984

Calais Advertiser  
North Street  
Calais, Maine 04619

Dear Sir:

Please run the following ad for one week:

---

## TOWN OF BAILEYVILLE Public Notice

The following is a proposed addendum to the Baileyville Land-Use Development Ordinance. It will be an addendum to Section 8, Non-Conforming Uses. The addendum is as follows:

Any non-conforming lot of record existing<sup>J</sup> before the effective date of this Ordinance and not adjoined by other land of the same ownership may be used in accordance with state law.

A public hearing will be held on Monday, June 25, 1984 at 6:30 p.m. at the Municipal Building on Broadway.

---

Sincerely,



E. Jeffrey Barnes  
Town Manager

Baileyville, Maine  
February 28, 1983

A regular meeting of the Baileyville Town Council was held at the Municipal Building on Monday, February 28, 1983 at 6:30 P.M. with the following members present: James Wallace, Chairman; John L. Gallant; Michael J. Bagley; Donald Roffey; Frank D. Jones; and E. Jeffrey Barnes Town Manager. Also present were David Fletcher, Carleton Davis, Tammy Wells, Laura Proud, Mary Ann Hayes, Tari Cookson, and James Mann.

On a motion by Mr. Gallant, seconded by Mr. Bagley, it was voted to open the meeting. All in favor.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to open a Public Hearing at 6:33 P.M. All in favor.

No comments were heard and the hearing was closed at 6:34 P.M.

On a motion by Mr. Bagley, seconded by Mr. Roffey, it was voted that the proposed amendment Article 1, Section 9, Conditional Use Permits be accepted. The change to become effective March 10, 1983. All in favor.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to accept the bid from Bohanon's for \$85. for the 1974 Ford frame and front end. All in favor.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to give the Chairman of the Board the authority to hire a lawyer for the EMEC case. All in favor.

On a motion by Mr. Roffey, seconded by Mr. Bagley, it was voted to hold Public Hearing relative to vacating some ways off the South Princeton Road. The hearing to be held March 14, 1983. All in favor.

Carleton Davis and David Fletcher made a presentation on the above.

The Town Manager was instructed to look into the Carl Leighton driveway on Summit Street.

The Town Council was advised that the Town Charter Commission needs at least two (2) more people to serve.

The Board asked the Town Manager to write Dan Hollingale, Chairman of E that the Board will meet with them at their convenience in Woodland because of the Right to Know Law.

Mary Ann Hayes commented on the progress of EMCAC and invited the council to attend their meetings.

Mr. Jones noted the importance of having the hearings in the Calais/Woodland area.

James Wallace spoke on LD 786 the bill to abolish County Government and the Council directed the Manager to write a letter supporting the bill.

LD 752, Tony Tamaro's bill to allow Towns under 2500 to Open Burn will be held in March. The Town Council and the Manager will attend.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to adjourn  
Time : 8:20 P.M.

ATTEST

M. Bagley

DATE

Mar. 14-83



Baileyville, Maine  
February 14, 1983

A regular meeting of the Baileyville Town Council was held at the Municipal Building on Monday, February 14, 1983 at 6:30 P.M. with the following member present: John L. Gallant, Michael J. Bagley, Frank D. Jones, Donald Roffey, and E. Jeffrey Barnes, Town Manager. Also present were Karlaine Livingston, County Wide, and George Hammond, Police Chief.

On a motion by Mr. Bagley, seconded by Mr. Gallant, it was voted to open the meeting. All in favor.

On a motion by Mr. Bagley, seconded by Mr. Gallant, it was voted to hold a Public Hearing on the Land Use Control at 6:34 P.M. All in favor.

The Land Use Control Amendment was read and explained. No adverse comments were heard. The hearing closed at 6:40 P.M.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to have Wheeled Coach deliver the Ambulance to Woodland. All in favor.

On a motion by Mr. Jones, seconded by Mr. Roffey, it was voted to contact former members of the Zoning Board of Appeals and to advertise that we need new people. All in favor.

George Hammond presented the idea of a Police Benevolent Association. The Council approved the idea and agreed to installing vending machines in the hall.

It was advised that Darrell Elsemore is reviewing the Union Contract.

The Town Manager advised the council that at least \$2,000. would be needed to assist the Charter Commission in the Charter revision process.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to write a letter in opposition about legislation relative to the protection of Washington County Rivers, particularly any bill that would prevent hydro development on the St. Croix River. All in favor.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to go to a Special Town Meeting to appropriate \$10,000. from surplus for the EMEC rate increase to act as intervenor. All in favor.

On a motion by Mr. Jones, seconded by Mr. Roffey, it was voted to go into Executive Session at 7:30 P.M. to discuss tax acquired property. All in favor.

On a motion by Mr. Roffey, seconded by Mr. Gallant, it was voted to leave Executive Session at 7:47 P.M. All in favor.

On a motion by Mr. Roffey, seconded by Mr. Gallant, it was voted to initiate tax acquired property proceedings as specified by the town report.

Adjourned: 8:45 P.M.

ATTEST

M. Bagley

DATE

Feb. 14/83

Baileyville, Maine  
January 24, 1983

A regular meeting of the members of the Baileyville Town Council was held at the municipal building January 24, 1983 at 6:30 p.m. with the following members present: Michael J. Bagley, Frank D. Jones, Donald C. Roffey, and E. Jeffrey Barnes, Town Manager. Also present were Vincent Tammaro, Baileyville Utilities District Board, News reporters.

On a motion by Mr. Roffey, seconded by Mr. Bagley, it was voted to open the meeting without form. All in favor.

On a motion by Mr. Bagley, seconded by Mr. Jones, it was voted to elect Mr. Roffey Chairman pro-tem. All in favor.

On a motion by Mr. Bagley, seconded by Mr. Jones, it was voted to accept the minutes of January 17, 1983 as written. All in favor.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to accept the \$500.00 deposit from Fort Fairfield on the 1976 Ambulance. All in favor.

Mr. Vincent Tammaro asked the Town Council if they would get in touch with the Town Attorney to check into the laws on use of public building for class reunions. Mr. Tammaro was advised to get in touch with the School Trustees.

Mr. Bagley makes a formal introduction of an amendment to the Land Use Control Ordinance. A public hearing scheduled for the next meeting will be advertised.

The donation to the St. Croix Trailriders was discussed. The amount approved at Town Meeting was \$1,380.

An inspection of the new ambulance room was made.

The Town Council met with the BUD relative to EMEC Rate Case. The BUD will send a representative to Augusta for the hearings.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to adjourn to executive session. All in favor. Time 7:56 p.m.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to leave executive session. All in favor. Time 8:03 p.m.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to change health & life insurance from Prudential to Washington National and to have MMA carry the income protection effective February 1, 1983. All in favor.

The Town Council directed the Town Manager to secure the gates at the Main Street ballfield.

A brief discussion on the status of the garbage baler was held.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to adjourn. Time 8:45 p.m.

ATTEST

M. Bagley

DATE

Feb. 8/83



# TOWN OF BAILEYVILLE

OFFICE OF TOWN MANAGER

WOODLAND, MAINE 04694

TELEPHONE 427-3442

March 1, 1983

The Calais Advertiser  
Hog Alley  
Calais, Maine 04619

Please print the following notices for a one week period.

## PUBLIC NOTICE TOWN OF BAILEYVILLE

The Land Use and Development Ordinance will be amended in Article I, Section 9 "Conditional Use Permits". The purpose of the amendment is to enhance local land use control. Effective March 10, 1983.

## PUBLIC NOTICE TOWN OF BAILEYVILLE

The Town Charter Commission process needs at least two citizens who are interested in being elected on the March 28th ballot. A minimum of six citizens must be elected. If adopted, the Charter Commission will amend the existing charter or draft a new charter. Nomination papers must be filed by March 18th with the Town Clerk.

-----  
Thank you.

Sincerely,

E. Jeffrey Barnes  
Town Manager

EJB/eb

# TOWN OF BAILEYVILLE

OFFICE OF TOWN MANAGER

WOODLAND, MAINE 04694

TELEPHONE 427-3442

February 15, 1983

Calais Advertiser

Calais, Maine 04619

Dear Sir:

Please print the following and the attached sheet in your next issue, for 1 week:

## PUBLIC NOTICE

TOWN OF BAILEYVILLE

### PROPOSED AMENDMENT

to the

### LAND USE AND DEVELOPMENT ORDINANCE

The Ordinance would be amended in Article I, Section 9:  
Conditional Use Permits to take into consideration whether:

Insert attached sheets - Land Use Ordinance

The third, and last, public hearing shall be held on February 28, 1983 at 6:30 p.m. at the Municipal Building. All public comments are welcome.

E. Jeffrey Barnes  
Town Manager



## **PUBLIC NOTICE TOWN OF BAILEYVILLE**

### **Proposed Amendment to the**

### **Land Use and Development Ordinance**

The Ordinance would be amended in Article I, Section 9: Conditional Use Permits to take into consideration whether:

The uses listed in this section will be permitted in the Town of Baileyville only upon issuance by the Planning Board of a conditional use permit. Applications for such uses will be submitted to the Code Enforcement Officer who will present them to the Planning Board for action. Prior to taking action, the Planning Board will hold an advertised public hearing. In acting upon an application for a Conditional Use Permit, the Board shall take into consideration whether:

- A. The specific site is an appropriate location for the use structure.
  - B. The use will not be detrimental, injurious, noxious or offensive to the neighborhood.
  - C. There will not be undue nuisance or serious hazard to vehicular or pedestrian traffic.
  - D. Adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use or structure.
  - E. The proposed use or structure is consistent with the spirit of this ordinance.
- In approving a Conditional Use Permit the Board may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this ordinance including, but not limited to, the following:
- A. Lot area.
  - B. Front, side or rear yards.
  - C. Height limitations.
  - D. Screening, buffers or planting strips, fences, or walls.
  - E. Modification of the exterior appearance of the structure.
  - F. Limitation upon size, number of occupants, method and time of operation, or extent of facilities.
  - G. Regulation of number and location of drives, accessways, or other traffic features.
  - H. Off-street parking or loading provisions.

CALAIS ADVERTISER, FEBRUARY 17, 1983

The following uses are permitted only subject to the obtaining of Conditional use Permits:

1. Airports or aircraft landing fields.
2. Cemeteries, Crematories, and Mausoleums.
3. Establishments or enterprises designed or used for large assemblages of people or automobiles, including: amusement parks, circuses, carnivals, expositions, fair grounds, open air theatres, race tracks, recreational and sports centers.
4. Hospitals, sanitariums, rest homes, maternity homes and homes for the aged.
5. Large scale neighborhood housing projects having a minimum gross area of twenty (20) acres.
6. Animal hospitals or kennels.
7. Sanitary landfills, dumps or refuse disposal areas.
8. Equestrian establishments, stables or riding academies.
9. Sewer farms or sewage disposal plants.
10. Stockyards and animal slaughter houses.
11. Undertaking establishments and mortuaries.
12. Acid manufacture.
13. Explosive, ammunition or small arms manufacture.
14. Cement, lime, gypsum or plaster of paris manufacture.
15. Chemical manufacture.
16. Curing, tanning and storage of raw hides or skins.
17. Drop forge industries manufacturing forgings with power hammers.
18. Fat rendering or glue manufacture.
19. Fertilizer manufacture.
20. Garbage, offal or dead animal reduction dumping.
21. Petroleum pumping, refining or wholesale storage.
22. Smelting of tin, copper, zinc or iron ores.
23. Recycling yards, to include the recycling of scrap metal, used cars or parts, or refuse i.e. cardboard, glass, etc.
24. Locations for the disposal or storage of hazardous wastes.

The third, and last, public hearing shall be held on February 28, 1983 at 6:30 p.m. at the Municipal Building. All public comments are welcome.

**E. Jeffrey Barnes  
Town Manager**

# Land Use & Development Ordinance

First Reading 5/24/82

Public Hearing 6/14/82?

Introduced & Printed in newspaper 8/9/82

Public Hearing 9/13/82

Adopted 10/12/82

Effective 11/1/82

## PUBLIC NOTICE Town of Baileyville

The Land Use and Development Ordinance (Land Use Control Ordinance) was adopted by a majority of the Baileyville Town Council on October 12, 1982. It will become effective on Monday, November 1, 1982. Copies of the full ordinance are available at the Town Office.

All construction in excess of 100 square feet will be required to file a building permit with the Town Office of review by the Code Enforcement Officer. Building permits may be obtained at the Town Office or from the Code Enforcement Officer.

The purpose of the ordinance is to promote health and safety, ensure compliance with state plumbing, electrical and building codes, and to promote compliance with state mandated shoreland zoning, flood plain management, and other pertinent regulations. The ordinance combines the administration of all regulations into a cohesive and coherent form. The ordinance can be amended on or appealed through the procedures defined in the ordinance.

Thank you  
Baileyville Town Office

Calvin Burdick

10/21/82



Baileyville, Maine  
October 12, 1982

A regular meeting of the members of the Baileyville Town Council was held at the Municipal Building on Tuesday, October 12, 1982, at 6:30 P.m. with the following members present: James L. Wallace, Chairman; Donald C. Roffey; Michael J. Bagley; Frank D. Jones and E. Jeffrey Barnes, Town Manager. Also present were Laura, Proud, Shirley Steadman, Tammy Wells, Ashley O'Brien, Joseph Manza, Arthur Fleming, Larry VanPurse, and several other citizens.

On a motion by Mr. Jones, Seconded by Mr. Bagley, it was voted to open the meeting without form. All in favor.

On a motion by Mr. Jones, Seconded by Mr. Bagley, it was voted to approve the minutes of September 20 & 27 as written. All in favor

On a motion by Mr. Jones, Seconded by Mr. Bagley, it was voted to hold a Public Hearing at 6:40 P.M. to discuss the Land Use Control Ordinance. All in favor.

After some discussion relative to fire inspection, vision clearance, building permits, code enforcement officer, board of Appeals, and Health and Safety, the meeting was closed at 7:45 P.M. by the chairman.

On a motion by Mr. Roffey, Seconded by Mr. Jones, it was voted to accept the Land Use Control Ordinance with two (2) amendments to Article III, Section 7 and Section 8. (See attached). The motion was passed 3 - 0 with Chairman Wallace going on record against the Ordinance.

Larry VanPurse from Maine Development described the eligibility for Woodland Manor. Eligibility is determined by Age, Income, Date of Application, Residence, with Handicapped receiving special consideration. Final decision will be made by Maine Development Associated. They will advertise for applications in November and expect a January occupancy. All units have a Section 8 subsidy. Mr. VanPurse also spoke on moderate income Housing. Income limit for these units is presently \$22,000. Financing is through the Farmers Home at 1%. Rent for the Two bedroom units with Electric Heat will be about \$300. plus utilities, with the Three bedroom units higher. There would be 24 units and the project would be fully taxable. Construction would begin in June of 1983 at an estimated cost of 1 million dollars. This is not subsidised housing. The project would require approximately 6 acres of land, preferably on Route #1 or another suitable site.

The Town Council will meet with the BUD on November 8th relative to discussing one possible site.

On a motion by Mr. Jones, Seconded by Mr. Roffey, it was voted to accept the Septic Dumping Policy. All in favor.

On a motion by Mr. Roffey, Seconded by Mr. Jones, it was voted to authorize the Town Manager to sign the 12 month communication maintenance contract with Dale Wing. All in favor

The Town Council authorized the Town Manager to purchase the Baler model International 1295 with a TEFC motor. The Town Manager advised that a percentage of the construction might have to come from Solid waste because of additional cost for power installation.

On a motion by Mr. Bagley, seconded by Mr. Roffey, it was voted to wait until other legal decisions are received before they are reviewed. All in favor.

*minutes of 9/13/82*

The Town Manager was directed to have plumbing inspector to check into a sewer problem at the Ponderosa.

On a motion by Mr. Roffey, seconded by Mr. Jones, it was voted to waive the oral reading of the Land Use Control Ordinance and to hold a public hearing to incorporate the changes by Dr. Hooper. Also to advertise for the next public hearing.

Hearing Closed.

The Town Manager was directed to have the Town lot across from the High School cleaned up.

The Town Council directed the Town Manager to have the gate from the Main Street Tennis Courts taken to the Soccer field.

The Town Manager was directed to contact the press to make sure they indicate when a councilman is absent from a meeting in their articles.

An assessors meeting will be held Tuesday, September 14, 1982 at 6:30 p.m.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to adjourn the meeting. All in favor.

Time 8:40 p.m.

ATTEST *Mr. Bagley*

DATE *Sept. 20-82*



On a motion by Mr. Bagley, seconded by Mr. Roffey, it was voted to appoint Jeffrey Fitzsimmons to the Fire Department for the month of August until Mr. Manza returns. All in favor.

On a motion by Mr. Roffey, seconded by Mr. Bagley, it was voted to introduce the Land Use Control Ordinance and to have it printed in the Calais Advertiser as a flyer for one week in September and to have 100 extra copies printed. All in favor.

The Baler application will hopefully go to DEP on September 22 and it is anticipated that approval will be given on that day in time for Town Meeting.

The number of days the baler will be opened to the public was discussed and it is hoped it can be open 6 days a week.

Councilman Roffey advised the Town Council that he had been nominated for the MMA Executive Committee and if elected it will leave an opening on the nominating committee for another member of the council.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to put an article in The Town Warrant to allow the ambulance to move out back into the North West corner of the Building. 3 - 1, Mr. Roffey abstained.

It was decided to put an article in the Town Warrant for \$30,000. (Thirty-Thousand Dollars) to purchase a new ambulance as requested by the Ambulance Corps.

Councilman Gallant requested that Georgia Pacific be given first refusal to purchase the old ambulance if a new one is purchased.

The format for a Line Item School Budget was discussed and it was decided to use a 14 line item format. See copy attached.  
A majority of the Council decided to put a line item format in the Town Warrant after review by Charles Morsehead.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to adjourn. All in favor.

Time of adjournment: 9:20 P.M.

ATTEST

Mr. Bagley

DATE August 8-82

Baileyville, Maine

July 26, 1982

A regular meeting of the members of the Baileyville Town Council was held at the Municipal Building, Monday, July 26, 1982 at 6:30 p.m. with the following members present: Donald C. Roffey; John L. Gallant; Michael J. Bagley; Frank D. Jones; and E. Jeffrey Barnes, Town Manager.

On a motion by Mr. Bagley, seconded by Mr. Jones, it was voted to open the meeting without form. All in favor.

On a motion by Mr. Bagley, seconded by Mr. Jones, it was voted to appoint Donald C. Roffey Chairman Pro-tem. All in favor.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to approve the minutes of July 19, 1982 as written. All in favor.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to open a public hearing to hear comments on the Airline Restaurant & Motel liquor license. Time 6:30 p.m. All in favor.

No comments heard. Hearing closed 6:35 p.m.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to grant the Airline Restaurant & Motel a full time liquor license. All in favor.

Land Use Ordinance will be presented when the completed version is received from the Regional Planning Commission Office.

On the selection of the Recreation Director it was decided a group would interview the applicants. To meet July 27 and 28.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to hire Warren Hunt and Paul Hood as full time volunteer firemen; and James Moffitt as summer volunteer fireman only. 2 in favor, John L. Gallant against.

The Town Council discussed the Maine Development Associates proposal for land for a Senior Citizen Housing Project. Meeting to take place in September.

The installation of street lights around the Municipal Building was discussed. Councilman Jones is to get prices of lights.

The Town Manager advised the Town Council that Talmadge, the unorganized territories and Woodland have the right to tax machinery, Princeton is also taxing all of the property.

The Council directed the Town Manager to inform Chief Hammond that no civilians are to ride in the cruiser.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to adjourn the meeting. All in favor.

Time of adjournment 7:30 p.m.

ATTEST M. Bagley

DATE Aug. 2-82



June 14, 1982  
Baileyville, Maine

A regular meeting of the Baileyville Town Council was held at the Municipal Building, June 14, 1982 at 6:30 P.M. with the following members present: James L. Wallace, Chairman; John L. Gallant; Donald Roffey; Michael J. Bagley; Frank D. Jones and E. Jeffrey Barnes, Town Manager. Also present were Richard Miles; Ed McInnis, G. Fred Rayner, George Hammond, Oscar Selin, Fred Berube, Bill Boss, George Perkins, Barney Merritt, Francis Bohanon, D. J. Leeman, Shirley Dupuis, Arthur Fleming, Carlton Davis, and David Fletcher.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to open the meeting without form. All in favor.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to approve the minutes of May 24 & 27 and June 1, 1982 as written. All in favor.

On a motion by Mr. Jones, seconded by Mr. Roffey, it was voted to open a public hearing at 6:40 P. on Land Use Control Ordinance. Dick Miles commented on the cost of timber management to private landowner. A lengthy discussion followed on the Land Use Control Ordinance. It was suggested that the timber management section be dropped completely.

Hearing closed at 7:50 P.M.

On a motion by Mr. Roffey, seconded by Mr. Bagley, it was voted to table the Land Use Control Ordinance until June 30, 1982. All in favor.

On a motion by Mr. Gallant, seconded by Mr. Bagley, it was voted to open a public hearing at 7:57 P.M. on Main Street Parking for the area near the High School and the Georgia Pacific Office Building. Comments were - if parking is restricted by the High School then parking might be a problem on Second Avenue and Palm Street.

Hearing closed at 8:02 P.M.

On a motion by Mr. Gallant, seconded by Mr. Roffey, it was voted to award the audit to Edward McInnis for \$1300. All in favor.

On a motion by Mr. Jones, seconded by Mr. Gallant, it was voted to award the printing of the Town Book to Lincoln Press for the bid price of \$1216.94. All in favor.

Carlton Davis and David Fletcher discussed the problem of their subdivision on Route 9. The sub division would not be approved until leacheate at the dump is taken care of.

Bill Boss provided information on space available at the Town Dump. There is 66 thousand cubic yards of space now and it would last no more than 2 years with no compaction and to 4 years with Bulldozer compaction and 6 years with a baler.

On a motion by Mr. Jones, seconded by Mr. Bagley, it was voted to accept George Perkins bid for garbage collection for a period from July 1, 1982 to June 30, 1983, for a bid of \$17,004. Three votes for, 1 vote against. Mr. Gallant cast the opposing vote.

TOWN OF  
BAILEYVILLE, MAINE  
LAND USE and DEVELOPMENT ORDINANCE  
ARTICLE 1  
General

SEE END OF  
THE ORDINANCE  
FOR AMENDMENTS

Section 1. AUTHORITY

This Ordinance has been prepared in accordance with Title 30, Section 1917, of the Maine Revised Statutes Annotated.

Section 2. PURPOSE

This Ordinance has been prepared pursuant to and is consistent with, the Town's Comprehensive Plan. It's purpose is to carry out that Plan and to promote the health, safety, and general welfare of the Town by regulating and controlling the uses made of buildings, structures and land.

Section 3. EFFECTIVE DATE

The effective date of this Ordinance is November 1, 1982. Copies of this Ordinance and all amendments thereto shall be filed with the Municipal Clerk and the County Registrar of Deeds.

Section 4. VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the Courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 5. CONFLICTS WITH OTHER ORDINANCES

Where provisions of this Ordinance conflict with the provisions of other regulations or ordinances, whichever imposes the more stringent restriction shall prevail.

Section 6. AMENDMENTS

This Ordinance may be amended by a majority vote of the Town Counsel. All amendments shall become effective 30 days after approval. All amendments shall be filed with the Municipal Clerk and the County Registrar of Deeds within 30 days after their effective date.

Section 7. BASIC REQUIREMENTS

All buildings or structures hereinafter erected, reconstructed, altered enlarged, or moved, and uses of premises in the Town of Baileyville shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the District in which such building, structure, land, or water area is located.



## Section 8. NON-CONFORMING USES

### A. Continuance of Non-Conforming Uses

1. The use of land, building or structure, lawful at the time adoption or subsequent amendment of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance.
2. A non-conforming building or structure may be repaired, maintained, or improved, but the area in non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance.
3. A non-conforming use may not be expanded.

### B. Discontinuance of Non-Conforming Uses

A non-conforming use which is discontinued for a period of two (2) years may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Ordinance.

- C. Any non-conforming lot of record existing before the effective date of this Ordinance and not adjoined by other land of the same ownership may be used in accordance with state law.

## ARTICLE II

## DEFINITIONS

Terms not defined herein shall have the customary dictionary meaning. As used in this Ordinance, the following definitions shall apply:

Appeal: A request for review of the Code Enforcement Officer's interpretations of any provision of this Ordinance or a request for a variance or special exception permit.

Accessory Structure: A structure incidental or subordinate to that of the principle structure or the primary use to which the premises are devoted or which is built, or used for the shelter or enclosure of wood, animals, vehicles, or property which does not contain provisions for plumbing and heating facilities.

Mobile Home: A transportable single family trailer unit suitable or capable for year-round occupancy and containing the same water supply, waste disposal and electrical conveniences as a site built home; not intending to include recreational vehicles.

Principle Structure: Anything built for the support of shelter of persons or enclosure of property of any kind which contains provisions for plumbing and heating facilities.

Start of Construction: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, filling, grading and paving.

AMENDMENT  
LAND USE AND DEVELOPMENT CONTROL ORDINANCE

ARTICLE 1  
Section 9

CONDITIONAL USE PERMITS

The uses listed in this section will be permitted in the Town of Baileyville only upon issuance by the Planning Board of a conditional use permit. Applications for such uses will be submitted to the Code Enforcement Officer who will present them to the Planning Board for action. Prior to taking action, the Planning Board will hold an advertised public hearing. In acting upon an application for a Conditional Use Permit, the Board shall take into consideration whether:

- A. The specific site is an appropriate location for the use or structure.
- B. The use will not be detrimental, injurious, noxious or offensive to the neighborhood.
- C. There will not be undue nuisance or serious hazard to vehicular or pedestrian traffic.
- D. Adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use or structure.
- E. The proposed use or structure is consistent with the spirit of this ordinance.

In approving a Conditional Use Permit the Board may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this ordinance including, but not limited to the following:

- A. Lot area.
- B. Front, side or rear yards.
- C. Height limitations.
- D. Screening, buffers or planting strips, fences, or walls.
- E. Modification of the exterior appearance of the structure.
- F. Limitation upon size, number of occupants, method and time of operation, or extent of facilities
- G. Regulation of number and location of drives, accessways, or other traffic features.
- H. Off-street parking or loading provisions.



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CONDITIONAL USE PERMITS

The following uses are permitted only subject to the obtaining of Conditional Ues Permits:

1. Airports or aircraft landing fields.
2. Cemeteries, Crematories and Mausoleums.
3. Establishments or enterprises designed or used for large assemblages of people or automobiles, including: amusement parks, circuses, carnivals, expositions, fair grounds, open air theatres, race tracks, recreational and sport centers.
4. Hospitals, sanitariums, rest homes, maternity homes and homes for the aged.
5. Large scale neighborhood housing projects having a minimum gross area of twenty (20) acres.
6. Animal hospitals or kennels.
7. Sanitary landfills, dumps or refuse disposal areas.
8. Equestrian establishments, stables or riding academies.
9. Sewer farms or sewage disposal plants.
10. Stockyards and animal slaughter houses.
11. Undertaking establishments and mortuaries.
12. Acid manufacture.
13. Explosive, ammunition or small arms manufacture.
14. Cement, lime, gypsum or plaster of paris manufacture.
15. Chemical manufacture.
16. Curing, tanning and storage of raw hides or skins.
17. Dropforge industries manufacturing forgings with power hammers.
18. Fat rendering or glue manufacture.
19. Fertilizer manufacture.
20. Garbage, offal or dead animal reduction dumping.



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CONDITIONAL USE PERMITS

21. Petroleum pumping, refining or wholesale storage.
22. Smelting of tin, copper, zinc or iron ores.
23. Recycling yards, to include the recycling of scrap metal, used cars or parts, or refuse i.e. cardboard, glass, etc.
24. Locations for the disposal or storage of hazardous waste.

## **TOWN OF BAILEYVILLE ADDRESSING ORDINANCE**

- 1. Purpose**                      The purpose of this ordinance is to enhance the easy and rapid location of properties for the delivery of public safety and emergency services, postal delivery, and business delivery.
- 2. Authority**                    This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1, of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.
- 3. Administration**            This ordinance shall be administered by the Addressing Committee who shall assign road names and numbers to all properties, both on existing and proposed roads. The Code Enforcement Officer, or in his absence, the Police Chief shall be responsible for maintaining the following official records of this ordinance:
  - A. A Town of Baileyville map for official use showing road names and numbers.
  - B. An alphabetical list of all property owners as identified by current assessment records, by last name showing the assigned numbers.
  - C. An alphabetical list of all roads with property owners listed in order of their assigned numbers
- 4. Naming**                      All roads in the Town of Baileyville that serve two or more addresses shall be named regardless of whether the ownership is public or private. A road name assigned by the Town of Baileyville shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:
  - A. Similar names- no two roads shall be given the same or similar-sounding names (e.g., Beech and Peach, Pine Road and Pine Lane.
  - B. Each road shall have the same name throughout its entire length, unless a break is necessary to avoid confusion. Any break necessary shall be at an intersection or other permanent definable point

## **5. Numbering System**

Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the right side of the road and odd numbers appearing on the left side of the road, determined by the number origin. The following criteria shall govern the numbering system:

A. The numbering origin for U.S. Route 1 shall begin at the Baileyville/Baring town line. Numbering of other roads shall be in a bifurcation manner out from U.S. Route 1. Dead end roads shall begin their numbering at the intersection with the adjacent road and terminate at the dead end.

B. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or driveway of said structure.

C. Every structure with more than one principal use or occupancy shall have an additional suffix attached to the number to designate it as a multiple use structure. The following criteria shall govern the suffix system.

a. Structures designed with more than one (1) residential occupancy e.g. duplexes/apartment buildings, shall bear the street number plus a letter suffix for each unit. (Example: 32A and 32 B Summit Street). Apartment buildings designed with two or more stories may use a number suffix to identify individual floors. (Example: 24 S. Princeton Road Apt 101) Structures designed as a single family unit, which maintain a smaller apartment within the structure, shall bear the street number on the principal single family unit, and the street number plus a letter suffix on the apartment. (Example: 56 Broadway on the single family unit, and 56A on the apartment)

b. Motels and cabins shall be designated by unit numbers. (Example 10 Route 1 Unit 1) Except that the business office shall bear the number minus the suffix.



- c. Structures with more than one separate, and distinct business entity shall be designated by suite numbers. (Example 29 Second Avenue Suite 2)
- d. Structures with both a business and an occupancy unit shall designate the business with the number minus any suffix, and the occupancy(ies) shall be designated by the number and a letter suffix
- D. Structures with common access doors shall post, on the common door the numbers of business entities or the letters of occupancy units that are behind the common door, on the common door. In addition the numbers or letters shall be placed on the individual doors.
- E. Trailer parks shall be designated by the street number and lot numbers. (Example 632 Route 1 Lot 2) In addition the lot numbers shall be listed with odd numbers on the left and even numbers on the right. Numbering of lots shall begin at the intersection of the adjacent road.

#### 6. Compliance

All owners of structures shall, display and maintain in a conspicuous place on said structure, the assigned number(s) in the following manner.

- A. Number on structure or residence. Numbers shall be of a size to be seen from the road, but in no case less than 3 inches in height. Numbers shall be of a color to contrast with the background on which it is placed, and of a color that facilitates observation from the street.
- B. Structures that cannot be seen from the road, or of a distance that numbers placed on the structure cannot be seen from the road, shall display the assigned numbers on some fixture at the end of the driveway.
- C. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.

**7. New  
Developments and  
Subdivisions**

All new developments and subdivisions shall be named and numbered in accordance with the provisions of this ordinance as follows:

A. New Developments. Whenever any residence or structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Code Enforcement officer. This shall be done at the time of the issuance of the building permit.

B. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the planning board. Approval by the Planning Board shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the road every fifty (50) feet as to aid in assignment of numbers to structures subsequently constructed.

**8. Effective Date**

This ordinance shall become effective as of September 1, 1998. It shall be the duty of the Town of Baileyville to notify by mail each owner and the Post Office of the new address within thirty (30) days. It shall be the duty of each property owner to comply with this ordinance within thirty (30) days of notification. On new structures numbering will be installed prior to first use or occupancy.

**9. Enforcement**

Violations of this ordinance shall be enforced by the municipal officers and chief of police or his designee in accordance with state law.

**10. Penalties**

Unless another penalty is expressly provided by state law any person convicted of a violation of a provision of this ordinance shall be punished by a fine of not less than fifty (\$50.00) dollars.

**11. Severability**

If any portion of this ordinance is declared invalid, that invalid provision shall not affect any other portion of this ordinance.

Introduced: June 22, 1998

First Reading: July 13, 1998

Second Reading:

Public Hearing: July 27, 1998

Accepted: July 27, 1998

Effective: September 1, 1998



***(Note: This sample ordinance is generic and cannot cover all possible circumstances or issues for every community. Communities should modify this ordinance for their own local needs. Plantations and counties should call the ESCB to obtain a separate sample ordinance.)***

### Section 1. Title

This ordinance will henceforth be known as the "Addressing Ordinance."

### Section 2. Purpose

The purpose of this ordinance is to enhance the easy and rapid location of structures by law enforcement, fire, rescue, and emergency medical services personnel in the municipality of \_\_\_\_\_.

### Section 3. Authority

This ordinance is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

### Section 4. Administration

This ordinance shall be administered by the \_\_\_\_\_ (*selectmen, town or city council, tax assessor, code enforcement officer, town meeting, or other individual or entity*) who/which is/are authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 5 and 6. The \_\_\_\_\_ (*designated addressing authority stated above or another designated individual*) shall be responsible for maintaining the following official records of this ordinance:

- a. A municipal map(s) for official use showing road names and numbers.
- b. An alphabetical list of all property owners as identified by current tax records, by last name, showing the assigned numbers.
- c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The \_\_\_\_\_ (*selectmen or councilors*) shall designate an Addressing Officer, who is responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of Enhanced 9-1-1 service. The \_\_\_\_\_ (*selectmen or councilors*) may designate \_\_\_\_\_ (*a selectmen or councilor*) as the Addressing Officer.

### Section 5. Naming System

All roads that serve two or more structures shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a. No two roads shall be given the same name (ex. Pine Road and Pine Lane).
- b. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).
- c. Each road shall have the same name throughout its entire length.

### Section 6. Numbering System

The following criteria shall govern the numbering system:

- a. Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, as the numbers ascend. A 25-foot or less interval may be applied in more densely structured areas.
- b. All number origins shall begin from \_\_\_\_\_ (*the center of town, a particular town border, a particular compass direction, etc.*) or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- c. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- d. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy, i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Road, Apt 2.

### Section 7. Compliance

All owners of structures shall, by the date stipulated in Section 9, display and maintain in a conspicuous place on said structure, assigned numbers in the following manner:

- a. Number on the Structure or Residence. Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.
- b. Number at the Road Line. Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the residence or structure.
- c. Size, Color, and Location of Number. Numbers shall be of a color that contrasts with their background color and shall be a minimum of four (4) inches in height. Numbers shall be located to be visible from the road at all times of the year.
- d. Proper number. Every person whose duty is to display an assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- e. Interior location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

### Section 8. New Construction and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

- a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from \_\_\_\_\_ (*the designated addressing authority stated above or another designated individual*). This shall be done at the time of the issuance of the building permit.



- b. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the \_\_\_\_\_ (*Planning Board, etc.*). Approval by the \_\_\_\_\_ (*Planning Board, etc.*), after consultation with \_\_\_\_\_ (*the designated addressing authority stated above or another delegated individual or board*), shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every \_\_\_\_\_ feet so as to aid in the assignment of numbers to structures subsequently constructed.

#### Section 9. Effective Date

This ordinance shall become effective as of \_\_\_\_\_ (date). It shall be the duty of \_\_\_\_\_ (*the designated addressing authority stated above or another designated individual*) to notify by mail each property owner and the U.S. Postal Service of their new address at least 60 (sixty) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 60 (sixty) days following notification. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

#### Section 10. Enforcement

(This section is optional. If included, it should designate the individual responsible for enforcing the provisions of this ordinance and state the penalties, if any, for violations.)

Town of Baileyville  
All Terrain Vehicle Ordinance

Purpose

The purpose of this Ordinance is to authorize the operation of 4-wheel all-terrain vehicles on designated roadways in the Town of Baileyville, pursuant to the authority given to the Town by Title 12 M.R.S.A. Section 13157 (A)(6)(H).

Definitions

For the purpose of this Ordinance, an ATV Access Road shall be defined as all public ways maintained by the Town of Baileyville. Such designated public ways are only to be used by the public to gain access to ATV trails and goods and services.

"All-terrain vehicle" or "ATV" means a motor-driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. "All-terrain vehicle" or "ATV" includes, but is not limited to, a multitrack, multiwheel or low-pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this subpart, "all-terrain vehicle" or "ATV" does not include an automobile as defined in Title 29-A, section 101, subsection 7; an electric personal assistive mobility device as defined in M.R.S.A. Title 29-A, section 101, subsection 22-A; a truck as defined in M.R.S.A. Title 29-A, section 101, subsection 88; a snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; or a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.

Streets designated as ATV trails shall be:

- Main Street
- Palm Street
- Maple Street
- First Avenue
- Second Avenue
- Third Avenue
- Fourth Avenue
- Ryan Road
- Grand Falls Road
- South Princeton Road
- Staples Road
- Bear Cove Road

The Police Chief shall cause such areas to be marked by appropriate signs in accordance with Title 12 M.R.S.A. Sec. 13157-A (H) as said statute may be amended.

## Operation

Operation of All Terrain Vehicles (ATVs) shall be as determined by the State of Maine, according to MRSA Title 12, Title 29A and this Ordinance.

All ATV operators must obey and comply with all properly posted signs.

All ATV operators will proceed with caution when approaching/passing all non-motorized trail users including, but not limited to, bicyclists, hikers, and horses.

ATV operators shall not exceed 15 MPH when traveling on designated ATV access roads and must be on the extreme right of the public way.

ATV operation on designated roadways shall be prohibited between November 30<sup>th</sup> and May 15<sup>th</sup>. Exclusions to this rule are allowed per Title 12 M.R.S.A. Section 13157-6 (E) (F) (G).

ATV operation on designated roadways shall be prohibited between sunset and sunrise.

## Penalty

Any person who violates any section of this Ordinance commits a civil violation for which a forfeiture not to exceed two hundred dollars (\$200.00) may be adjudged.

This ordinance shall be enforced by the Baileyville Police Department.

## Severability

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

Adopted by Baileyville Town Council after three readings, public notice and public hearing on December 30, 2013.



## PREAMBLE

WHEREAS, it is the desire of the Town of Baileyville to make its cemeteries a quiet, beautiful, resting place and where a sense of repose will be obtained by dignified landscape. Anything which would mar the general beauty and harmony of the cemeteries must be avoided. Peace and good order must prevail at all times. Preservation of these effects will require the cooperation of every resident, so it is to this end that these rules and regulations have been offered.

## TOWN OF BAILEYVILLE CEMETERIES ORDINANCE

### SECTION 1 - DEFINITIONS

- A) Cemeteries: The term cemeteries, as used in this ordinance, shall be construed to include all lands now or hereafter deeded to and accepted by the Town of Baileyville for burial purposes.
- B) Town Council: The term shall mean the Baileyville Town Council.
- C) Grave: An area suitable for the internment of one body, except in the case of a parent and child or two infants buried in one casket simultaneously. Further variations may be made in the case of cremations, with family lots, subject to the placing of markers and upon approval of the Cemetery Caretaker.
- D) Stone Marker: Any stone which marks a grave or grave site.
- E) Lot: A plot of land approximately 12' X 12', sufficient for four graves.
- F) Lot Owner: While the Town of Baileyville retains ownership of all lots in the cemetery, "Lot Owner" shall refer to the person or persons who reserve a cemetery lot.

### SECTION 2 - USE OF THE CEMETERY

Whereas the Town of Baileyville does not sell cemetery lots at the Baileyville (Woodland) Cemetery, lots are provided at no fee to those who meet a residency requirement. A burial fee however, does apply to all burials. The residency requirement is met per the following:

- A) The subject has lived in Baileyville for a minimum of two years at some time during his/her life.
- B) The subject lived in Baileyville less than 2 years but was living in Baileyville at the time of his/her death.
- C) The subject has not lived in Baileyville or has lived in Baileyville less than 2 years but the subject has immediate family members buried in the cemetery or eligible to be buried in the cemetery and a lot for the subject and relative is reserved.
- D) Additional circumstances exist that the Town Council, upon

petition, deems satisfactory in order to meet the residency requirement.

### SECTION 3 - LOT RESERVATIONS

Cemetery lots may be reserved subject to the following:

- A. A suitable stone marker must be placed on the desired lot.
- B. Each lot reserved must have a suitable stone marker.
- C. Marker placements must be made within one year or the lot will no longer be considered reserved.
- D. All lot reservations must be approved by the Cemetery Caretaker.

### SECTION 4 - TOWN MANAGER TO SUPERVISE CARE OF CEMETERIES

Care of public cemeteries and lots therein shall be under the supervision of the Town Manager who is authorized to engage a sexton and other personnel and provide by purchase or contract necessary equipment and supplies. The payment of monies to implement this section shall be made from Town Appropriation.

### SECTION 5 - CEMETERY CARETAKER

- 1) APPOINTMENT: The Cemetery Caretaker shall be designated by the Town Manager. The Caretaker shall serve until removed by the action of the Town Manager. He/she shall be responsible to the Town Manager for the control and management of all municipal cemeteries, for the direction of all assistants under his/her direct supervision, and for the administration of the Cemetery Ordinance adopted by the Town Council of Baileyville. The Caretaker or his designee is expected to attend every interment.
- 2) AUTHORITY: The Caretaker or his designee has the authority to enter upon any lot with the necessary equipment for the purpose or improving the appearance and condition of the lot and the general appearance of the cemetery; to remove any objectionable object that may have been placed contrary to the regulations of the cemetery; to remove any dead or dangerous tree, shrub, vine, or neglected fence railing or enclosures; to remove any floral design or pieces which at the discretion of the Cemetery Caretaker have become unsightly. Any floral design or pieces not removed by end of the calendar year, each year, may be removed by the Cemetery Caretaker, or his designee.

### SECTION 6 - WINTER INTERNMENT POLICY

The Winter Internment Policy for the Baileyville (Woodland) Cemetery will go into effect the first Monday of every November until the last Monday of every April.

To prevent damage to existing lots and/or placement errors, winter internment will be permitted ONLY at the discretion of the Cemetery Caretaker, whose decision will be based primarily on degree of snow cover and/or ground frost. If internment is allowed, the requesting party will agree to pay all cost, including damages.

All work will be supervised by and completed to the satisfaction of the Cemetery Caretaker.

#### SECTION 7 - CARE OF CEMETERY

ANNUAL CARE: The Care of cemeteries shall include the cutting of the grass on the lots and open areas at reasonable intervals, the raking and cleaning of the lots, and such work as may be necessary to keep the graves in a neat condition, and for the care and maintenance of the cemetery, but shall not include maintenance or repair of any monuments nor the planting of flowers or shrubs upon any lot.

#### SECTION 8 - REGULATIONS FOR IMPROVING LOTS

- 1) GRADE: After enactment of this ordinance no lots shall be raised above the established general grade.
- 2) TREES, SHRUBS, ETC.: No trees or shrubs shall be planted or removed without the consent of the Cemetery Caretaker. If any trees or shrubs, in or upon any lot or open area in any Town Cemetery which, in the judgment of the Caretaker, by means of their roots, branches, or otherwise, become detrimental to the adjacent grounds or unsightly or inconvenient to the general appearance or use of the cemetery, the Town shall have the right to enter upon the premises and remove such tree(s) or shrub(s) or any part thereof.
- 3) GRAVESTONES: All headstones and monuments shall have a foundation and shall be no more than 3 1/2 feet in height. The location of all gravestones and construction of foundations shall meet the approval of the Cemetery Caretaker.
- 4) PERMITTED AND PROHIBITED ACTIVITIES: Lot owners may improve, cultivate and care for their lots and existing trees, shrubs, and plants, in accordance with the ordinance and may set out in sound wood, concrete or metal containers, plants or flowers of such kind or size as do not interfere with the adjacent lots. Owners shall not change the grade of any lot or interfere in any way with the general plan of landscaping of cemeteries nor add any material to his/her lot which is considered by the Caretaker to be unfit for the cultivation of grass.
- 5) APPLICATION OF ORDINANCE TO UNDERTAKERS, ETC.: Undertakers, monumental concerns, contractors, florists or other individuals or corporations working within the cemetery must comply with this ordinance. All work done by such individuals or concerns is



to be performed under the supervision of, and meet the approval of, the Cemetery Caretaker.

6) VAULTS: The casket shall be enclosed in a permanent outside container. The following are considered permanent outside containers: concrete boxes, concrete, copper or steel burial vaults; and sectional concrete crypts.

7) TREPASS: Town Cemeteries shall be closed to the public between the hours commencing one hour after sunset until one hour before sunrise each day.

8) VANDALISM: No person shall injure any tree or shrub, or mar any landmarks, marker, memorial or structure, or in any way deface the grounds of the cemetery.

9) ANIMALS, except registered service animals, SNOWMOBILES AND ATVS are prohibited. Children must be accompanied by an adult at all times.

10) VEHICLES: Any person driving in the cemetery shall be responsible for any damage done by his/her vehicle. Speeds of over 10 MPH shall not be permitted and no persons shall drive his/her vehicle upon the lawns or lots.

11) The Town is not responsible for maintaining and straightening stone markers but does however, reserve the right to do so if necessary to improve the overall aesthetics of the cemetery.

#### SECTION 9 - ADOPTION AND AMENDMENTS

1) This Ordinance shall become effective upon passage by the Town Council after a public hearing following the Ordinance adoption procedure in the Town Charter.

2) This Ordinance may be amended in accordance with the general provisions of the Town governing all ordinances.

3) The invalidity of any portion of this Ordinance shall not invalidate any other part.

#### SECTION 10 - CONFLICTS WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation, or statute, the more restrictive provision shall control. This Ordinance supersedes the Baileyville Cemeteries Ordinances that became effective September 10, 1997 and June 19, 2003.

#### SECTION 11 - PENALTY FOR VIOLATIONS

CONVICTIONS for any violations of the provisions contained in this Ordinance shall be punishable by a fine of not less than \$50.00 nor more than \$200.00 for each violation.

ORDER  
BAILEYVILLE TOWN COUNCIL

WHEREAS, the Baileyville Town Council had asked the Town Manager and Public Works Director to look into cemetery fees and suggest a new fee for purchase of cemetery lots, and

WHEREAS, the Town Manager and Public Works Director have suggested that lots be sold for \$250.00 per lot beginning January 1, 2015, then

BE IT HERE ORDERED, that a new lot purchase fee for lots in the Woodland Cemetery will be \$250.00 for all sales after January 1, 2015,

AND BE IT FURTHER ORDERED, that the Town Manager begin with the next municipal budget to build a fund from the money received from cemetery lot sales to eventually contribute to perpetual care of the cemetery.

1/12/15

PREAMBLE

Adopted Aug 25, 1997  
Effective Sept 10, 1997

WHEREAS, it is the desire of the Town of Baileyville to make its cemeteries a quiet, beautiful, resting place and where a sense of repose will be obtained by dignified landscape. Anything which would mar the general beauty and harmony of the cemeteries must be avoided. Peace and good order must prevail at all times. Preservation of these effects will require the cooperation of every resident, so it is to this end that these rules and regulations have been offered.

TOWN OF BAILEYVILLE  
CEMETERIES ORDINANCE

SECTION 1 - DEFINITIONS

- A) Cemeteries: The term cemeteries, as used in this ordinance, shall be construed to include all lands now or hereafter deeded to and accepted by the Town of Baileyville for burial purposes.
- B) Town Council: The term shall mean the Baileyville Town Council.
- C) Grave: An area suitable for the interment of one body, except in the case of a parent and child or two infants buried in one casket simultaneously. Further variations may be made in the case of cremations, with family lots, subject to the placing of markers and upon approval of the Cemetery Sexton.
- D) Gravestones: Any stone which marks a grave or grave site.
- E) Lot: A plot of land approximately 12' X 12', sufficient for four graves.
- F) Resident: A person who has resided in the Town for at least 2 years during some point in his/her life and can prove such residency, an infant of a resident, or who is a current resident of the Town.
- G) Non-resident: A person who has not resided in the Town for at least 2 years during some point of his/her life or who cannot prove such residency, an infant of a non-resident, or who is not a current resident of the Town. A person who has not resided in the Town at least 2 years but has paid taxes on property located in Baileyville is considered a non-resident for the purposes of this ordinance.
- H) Mausoleum: Any large imposing tomb.
- I) Cenotaph: A monument or empty tomb honoring a person buried elsewhere.



## SECTION 5- WINTER INTERNMENT POLICY

The Winter Internment Policy for the Baileyville ( Woodland ) Cemetery will go into effect the first Monday of every November until the last Monday of every April.

To prevent damage to existing lots and /or placement errors, winter internment will be permitted ONLY at the discretion of the Cemetery Supervisor, whose decision will be based primarily on degree of snow cover and /or ground frost. If internment is allowed, the requesting party will agree to pay all costs, including damages.

All work will be supervised by and completed to the satisfaction of the Cemetery Sexton.

## SECTION 6-CARE OF CEMETERY

1) ANNUAL CARE: The Care of cemeteries shall include the cutting of the grass on the lot at reasonable intervals, the raking and cleaning of the lot, and such work as may be necessary to keep the grave in a neat condition, and for the care and maintenance of the cemetery, but shall not include maintenance or repair of any monuments nor the planting of flowers or shrubs upon any lot.

## SECTION 7-REGULATIONS FOR IMPROVING LOTS

1) ENCLOSURES: No enclosure of any nature, such as fences, copings, hedges or ditches shall hereafter be erected on any lot.

2) GRADE: No lots purchased after enactment of this ordinance shall be raised above the established grade.

3) TREES, SHRUBS, ETC.: No trees or shrubs shall be planted or removed without the consent of the Cemetery Sexton. If any trees or shrubs, in or upon any lot in any Town Cemetery which, in the judgement of the Sexton, by means of their roots, branches, or otherwise, become detrimental to the adjacent grounds or unsightly inconvenient to the general public, the Town shall have the right to enter upon the premises and remove such trees or shrubs or any part thereof.

4) GRAVESTONES: All headstones and monuments shall have a foundation and shall be no more than 3 1/2 feet in height. The location of all gravestones and construction of foundations shall meet the approval of the Cemetery Sexton.

5) PERMITTED AND PROHIBITED ACTIVITIES: Lot owners may improve, cultivate and care for their lots and existing trees, shrubs, and plants, in accordance with the ordinance and may set out in sound wood, concrete or metal containers, plants or flowers of such kind or size as do not interfere with the adjacent lots. Owners shall not change the grade of any lot or interfere in any way with the general plan of landscaping of cemeteries nor add any material to his/her lot which is considered by the Sexton to be unfit for the cultivation of grass.

## BAILEYVILLE CEMETERY ORDINANCE

### CEMETERY LOT RESERVATIONS

Cemetery lots may be reserved subject to the following:

- A. A suitable stone marker must be placed on the desired lot.
- B. Each lot reserved must have a suitable stone marker.
- C. Marker placements must be made within one year or the lot will no longer be considered reserved.
- D. All lot reservations must be approved at the Town Office.
- E. Any changes in the use of cemetery lots must come before the Town Council.
- F. When any lots are so reserved, the Town Council is to be notified.

Approved as amended by the Baileyville Town Council February 24, 1992.

# TOWN OF BAILEYVILLE

OFFICE OF TOWN MANAGER

WOODLAND, MAINE 04694

TELEPHONE 427 3442

## CEMETERY LOT RESERVATIONS

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- C. Marker placements must be made within one year or the lot will no longer be considered reserved.
- D. All lot reservations must be approved at the town office.

BAILEYVILLE TOWN COUNCIL

## TOWN OF BAILEYVILLE

### WINTER CEMETERY INTERMENT

The Winter Interment Policy for the Baileyville (Woodland) Cemetery will go into effect the first Monday of every November until the last Monday of every April. To prevent damage to existing lots and/or placement errors, winter interment will be permitted ONLY at the discretion of the Cemetery Supervisor, whose decision will be based primarily on degree of snow cover and/or ground frost. If interment is allowed, the requesting party will agree to pay all costs, including damages. All work will be supervised by and completed to the satisfaction of the Cemetery Supervisor/Public Works Director.



TOWN OF BAILEYVILLE, MAINE

CABLE TELEVISION ORDINANCE

The Town Council of the Town of Baileyville, State of Maine, hereby ordains:

TITLE: CABLE TELEVISION ORDINANCE

PURPOSE AND AUTHORITY: An ordinance providing for Town regulation and use of the community antenna television system including its construction, operation and maintenance in, along, upon, across, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof and additions thereto in the Town of Baileyville, including poles, wires, cables, underground conduits, manholes, conductors, and fixtures necessary for the maintenance and operation in the Town of Baileyville of the community antenna television system and to provide conditions accompanying the grant of franchise; and providing for the Town regulation of CATV operation. This ordinance is enacted pursuant to the authority granted the municipal officers in 30 M.R.S.A. Sec. 2158.

SECTION 1. DEFINITIONS

(a) "C.A.T.V." shall mean any community antenna television system or facility that, in whole or in part, receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals transmitting programs broadcast by one or more televisions or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members or the public who pay for such services, but such term shall not include any such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management.

(b) "Cable Television Co." shall mean any person, firm or corporation owning, controlling, operating, managing or leasing a CATV system within the Town of Baileyville, sometimes hereinafter referred to as "the company."

(c) "Town" shall mean the Town of Baileyville organized and existing under the laws of the State of Maine and the area within its territorial limits.

## SECTION 2. FRANCHISE REQUIRED

No person, firm or corporation shall install, maintain or operate within the Town or any of its public streets or other public areas any equipment or facilities for the operation of a CATV system unless a franchise authorizing the use of said public streets or areas has first been obtained pursuant to the provisions of this Ordinance and unless said franchise is in full force and effect.

## SECTION 3. FRANCHISE CONTRACT

(a) The Municipal Officers of the Town may contract on such terms, conditions and fees as are in the best interests of the municipality and its residents with one or more Cable Television Companies for the operation of a CATV system within the Town, including the granting of a franchise or franchises for the operation thereof for a period not to exceed fifteen years. The municipal officers may issue a request for proposals prior to issuing a franchise contract. Prior to the issuance of a request for proposals, the municipal officers shall conduct a public hearing thereon with at least seven (7) days advertising notice for the purpose of determining special local needs or interests. Copies of the proposed request for proposals shall be available in the Town Office at least seven (7) days prior to said hearing for review by interested parties.

(b) Applicants for a franchise shall pay a non-refundable filing fee to the Town of \$ 100. to defray the cost of public notice, and advertising expenses relating to such application. The applications shall be filed with the Town Clerk and shall contain such information as the Town may require, including but not limited to a general description of the applicant's proposed operation, a schedule of proposed charges, a statement detailing its previous two fiscal years, an estimated fifteen year financial projection of its proposed system and its proposed annual town franchise fee or the basis for same, and a statement detailing the prior operational experience of the applicant in both CATV and Microwave service including that of its officers, management and staff to be associated with the proposed operation. The filing of franchise applications and related documents are public records which shall be available to the public for inspection during normal business hours. The public notice required by Section 4 of this Ordinance shall include notice to the public of the availability of these records for inspection.

(c) Said Franchise Contract may be revoked by the Municipal Officers for good and sufficient cause after due notice to the company and a public hearing thereon; with the right to appeal to the Washington County Superior Court under Rule 80B of the Maine Rules of Civil Procedure.

#### SECTION 4. PUBLIC HEARING

Before authorizing the issuance of any such franchise contract or contracts, the Municipal Officers shall review the applicant's character, financial and technical qualifications and the adequacy and feasibility of its qualifications to operate a CATV sytem within the Town, and shall conduct a public hearing thereon with at least seven days advertised notice prior to said public hearing.

#### SECTION 5. PERFORMANCE BOND & INSURANCE COVERAGE

(a) Upon the execution of any such franchise contract the Cable Television Company shall file a surety company performance bond in the amount of \$50,000. conditioned upon the faithful performance of said contract and full compliance with any laws, ordinances, or regulations governing said franchise and also evidence of such public liability insurance coverage as the Municipal Officers may require. Said performance bond shall be reduced to \$ 25,000. upon the completion of the installation of said system as per said contract.

(b) When a franchise is granted to provide CATV to an area substantially less than the territorial limits of the Town, the Town Council, after notice and hearing, may reduce or waive the performance bonds required by this section.

#### SECTION 6. REGULATION

In the administration of this Ordinance and the regulation of the maintenance and operation of a CATV system, the Municipal Officers of the Town shall have the authority and duty to:

(a) Adopt such rules and regulations as they may deem necessary for monitoring and regulating the operation of the system; and

(b) Make recommendations to the Cable Television Company concerning educational and local interest programming; and

(c) Include in the franchise contract a complaint procedure for the resolution of complaints, disputes or disagreements between subscribers and the Company; and

(d) Have the authority to conduct public hearings and issue such appropriate orders as they may deem necessary to correct any deficiencies in the operation of said system, which decisions and findings shall be final and binding upon all parties including the company, except such a decision or finding may be appealed to the Washington County Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure; and

(e) Review and approve annually the rates and charges assessed on the subscribers of the Cable Television Company

to the extent permissible by law, pursuant to such terms, conditions and criteria as are agreed upon in the franchise agreement.

SECTION 7. SEVERABILITY

If any part or parts, section or subsection, sentence, clause or phrase of this Ordinance or the rules and regulations promulgated thereunder is for any reason declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this Ordinance or the rules and regulations promulgated thereunder.

This Ordinance shall take effect when enacted.

Introduced - October 13, 1986

First Reading - October 27, 1986

Public Hearing - November 10, 1986

Adopted - November 10, 1986

Effective - November 10, 1986

Pauline H. Mendenhall  
Michael L. Bagley  
Donald C. Koffey  
James Walker  
Frank D. Jones  
Rich Hunter  
Colfe E. Lord

COUNCILORS OF BAILEYVILLE



CURFEW ORDINANCE  
TOWN OF BAILEYVILLE

WHEREAS, there has been an increase in juvenile crime, and an increased presence of juveniles on the streets of the Town of Baileyville at extremely late hours as determined by the Baileyville Town Council due to information provided by the Baileyville Police Department; and

WHEREAS, the Town of Baileyville is responsible to provide for the protection of minors, the protection of the health, safety, and welfare of the general public, and the reduction of crime; and

WHEREAS, a curfew for those under the age of eighteen (18) would aid in the achievement of these goals, and will be in the interest of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAILEYVILLE

**Chapter 1 Curfew Ordinance:**

**SECTIONS**

- 101. Title
- 102. Definitions
- 103. Offenses
- 104. Defenses
- 105. Enforcement
- 106. Penalties
- 107. Severability

**Section 101: Title**

This ordinance shall be known and may be cited as the Curfew Ordinance of the Town of Baileyville, Maine

**Section 102: Definitions**

- A. Curfew Hours means the hours of from 10:01 PM to 6:00 AM on the weekdays, and 11:31 PM to 6:00 AM on weekends.
- B. Weekdays shall be defined as consisting of Sunday through Thursday, and weekends shall be defined as Friday and Saturday.

- C. Emergency means unforeseen circumstances, or the resulting situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident. As well as any situation requiring action to avert serious injury or the loss of life.
- D. Guardian means a person or a public or private agency, either pursuant to court order or acceptance of testamentary appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under M.R.S.A. Title 18-A, Secs 5-104.
- E. Minor means any person who has not yet reached their 18<sup>th</sup> birthday.
- F. Parent means a person who is the natural parent, adoptive parent, or step parent of a minor.
- G. Public means a place in the Town of Baileyville to which the public, or a substantial group of the public, has access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, office buildings, schools, shops and places of entertainment.
- H. Remain means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place.

### **Section 103: Offenses**

- A. It shall be unlawful for a minor to remain in a public place during curfew hours.
- B. It shall be unlawful for the parent or guardian of a minor to knowingly permit, or to allow by exercising insufficient control, the minor to remain in a public place during curfew hours.

### **Section 104: Defenses**

It is a defense to prosecution under Section 103 of this ordinance that the minor was:

- A. Accompanied by the minors parent or guardian;
- B. Involved in an emergency or on an errand necessitated by an emergency;
- C. Engaged in an employment related activity, or on the way to or from an employment activity, without any detour or stop except as necessary to drop off or pick up a co-employee;
- D. In a motor vehicle involved in interstate travel;

- E. On an errand directed by a parent or guardian, without any detour or stop;
- F. On the sidewalk or lawn abutting a minor's home;
- G. Attending a school, religious, or governmental activity, which is supervised by adults, or traveling to or from same, without detour or stop;
- H. Attending a recreational activity sponsored by the Town of Baileyville, a civic organization, or a similar entity, which is supervised by adults, or traveling to or from same without detour or stop;
- I. Exercising rights protected by the First Amendment of the United States Constitution;
- J. Married, or otherwise legally emancipated.

#### **Section 105: Enforcement**

Before taking action to enforce this ordinance a police officer shall:

- A. Ascertain the apparent offenders name and date of birth;
- B. Inquire as to the reason for the apparent offender being in a public place;
- C. Determine through responses and other circumstances that no defense provided for in Section 104 exists;
- D. Summons the minor and/or their parent or guardian to The District Court for violation of this ordinance;

If an apparent offender fails to provide reasonably credible evidence of their name and date of birth, the officer may require him or her to remain in the officer's presence as provided for in M.R.S.A. Title 17-A Sec. 17.

The officer shall also contact the parent or guardian to come and take control of the minor.

#### **Section 106: Penalties**

Any minor and/or their parent or guardian found guilty of a violation of this ordinance, or amendments thereof, shall be punished by a fine of fifty dollars (\$50.00) for the first offense, and a fine of one hundred dollars (\$100.00) for every offense thereafter, which may be recovered on complaint for use of the Town.

**Section 107: Severability**

If any provision of this ordinance is determined to be invalid by a court of competent jurisdiction, such decision shall not render invalid the remaining provisions.

First Reading: December 26, 2007

Published: January 3, 2008

Public Hearing: January 15, 2008

Published after Passage: January 24, 2008

Effective Date: January 31, 2008

Adopted this 15<sup>th</sup>, day of January, 2008

Attest: \_\_\_\_\_/s/\_\_\_\_\_  
Scott D. Harriman, Town Clerk



## **Disbursement Warrant Ordinance**

### **Section 1. Purpose.**


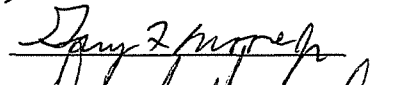
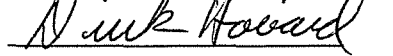
The purpose of this ordinance is to provide an alternative to the statutory procedure for approval of warrants authorizing the treasurer to disburse money.

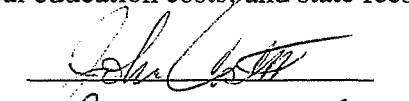

### **Section 2. Authority.**

This ordinance is enacted pursuant to 30-A M.R.S.A. § § 3001 (municipal home rule) and 5603(2) (A).

### **Section 3. Procedure for Approval.**

The treasurer may disburse money only on the authority of a warrant drawn for the purpose, either (a) affirmatively voted and signed by a majority of the municipal officers at a duly called public meeting, (b) seen and signed by a majority of them acting individually and separately, or (c) signed as otherwise provided by law for the disbursement of employees' wages and benefits; payment of municipal education costs; and state fees.

  
  
March 8, 2010

## TOWN OF BAILEYVILLE

### POLICY ON TREASURER'S DISBURSEMENT WARRANTS FOR EMPLOYEE WAGES AND BENEFITS

Purpose: This policy allows designated municipal officers (councilors), acting on behalf of the full board of municipal officers, to review, approve, and sign municipal treasurer's disbursement warrants, for wages and benefits only.

Policy is additional to, not in lieu of, majority power. Nothing in this policy is intended to replace the authority of the full board of municipal officers, acting by majority vote, to act on any treasurer's warrant, including warrants for wages and benefits.

Delegation of authority: Pursuant to 30-A, M.R.S.A., Section 5603(2)(A)(1), the following authority is granted with respect to treasurer's disbursement warrants for municipal employee wages and benefits only:

Current municipal officers: The municipal officers in office at the time of execution of this policy are: Dorothy Johnson, Derek Howard, Gary Moore Jr., Jack Costello and Jason Fowler.

Any one of the municipal officers named above, acting alone, may review, approve, and sign such warrants.

Effective date: This policy becomes effective on the date indicated below.

Copies: The Chair of the municipal officers will furnish copies of this policy to the municipal clerk and to the municipal treasurer. If the clerk and the treasurer are the same person, a copy shall nonetheless be provided to that person in each capacity.

Lapse: This policy lapses one year after its effective date, if not sooner amended or canceled.


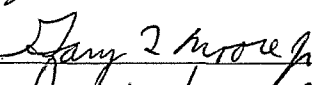
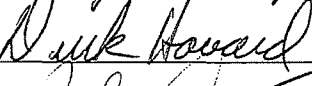

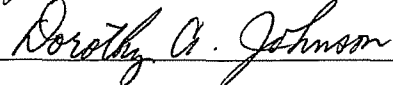
Renewal: This policy may be renewed at any time before its lapse. Thereafter, it may be readopted at any time. Any renewal is valid for one year from its effective date, unless a sooner date of expiration is specified.

Reminder: As an appointed official, the treasurer shall remind the municipal officers to consider renewing this policy annually before it lapses.

Original: The Town Clerk will maintain the original of this policy on file.

Dated: March 8, 2010.

MUNICIPAL OFFICERS:

## TOWN OF BAILEYVILLE

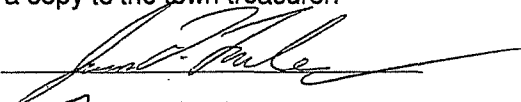

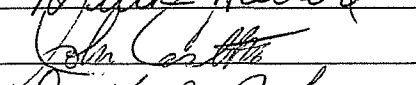
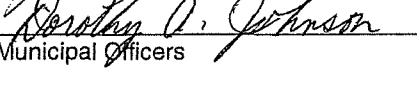

### MUNICIPAL OFFICERS □ POLICY ON DISBURSEMENT OF MUNICIPAL EDUCATION COSTS

Pursuant to 20-A M.R.S.A. Section 15006(1) and 30-A M.R.S.A. Section 5603(2)(A), the town treasurer is hereby authorized to disburse funds to pay municipal education costs when the treasurer has been presented with a disbursement warrant signed by the school superintendent and approved by a majority of the school board, or by all of the members of any finance committee appointed or duly elected by the school board.

Before disbursing any funds on such a warrant, however, the town treasurer shall satisfy himself or herself that the warrant is indeed signed by at least a majority of the school board or by all of the members of any finance committee appointed or elected by the school board. The treasurer may accept as such satisfaction a written and signed certification of the pertinent fact from the school superintendent, or, if the warrant itself indicates the fact (as, for example, by bearing the statement "being at least a majority of the school board" or "being all of the members of the school board's finance committee" beneath the signatures appearing on the warrant), then the Treasurer may rely on the representation of the warrant without further inquiry. The Treasurer shall not, however, pay any item on a warrant if payment of that item would result in an overdraft, and shall report his refusal to honor the item in writing to the superintendent and to the municipal officers promptly.

The town manager shall file a copy of this policy with the town clerk and provide a copy to the town treasurer, and shall ensure that this policy is brought to the attention of the municipal officers annually for consideration of renewal. The town clerk shall, after approval by the municipal officers of any meeting in which they have voted a renewal of this policy, attest to such renewal by endorsing the policy below, and shall then file a copy of that policy bearing that renewal endorsement in the clerk's files and shall deliver a copy to the town treasurer.

Adopted: March 8, 2010.

  
  
  
  
  
Municipal Officers

Certified renewed:

Date

Clerk's initial

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# TOWN OF BAILEYVILLE

## POLICY ON TREASURER'S DISBURSEMENT WARRANTS FOR STATE FEES

**Purpose:** This policy allows designated municipal officers (councilors), acting on behalf of the full board of municipal officers, to review, approve, and sign municipal treasurer's disbursement warrants for payment of state fees only.

**This policy is additional to, not in lieu of, majority power.** Nothing in this policy is intended to replace the authority of the full board of municipal officers, acting by majority vote, to act on any treasurer's warrant, including warrants for payment of state fees.

**Delegation of authority.** Pursuant to 30-A MRSA § 5603(2)(A)(3), the following authority is granted with respect to treasurer's disbursement warrants **for payment of state fees only:**

**Current municipal officers.** The municipal officers in office at the time of execution of this policy are: Dorothy Johnson, Derek Howard, Gary Moore Jr., Jack Costello and Jason Fowler.

Any one of the municipal officers named above, acting alone, may review, approve, and sign such warrants.

**Effective date.** This policy becomes effective on the date indicated below.

**Copies.** The Chair of the municipal officers will furnish copies of this policy to the municipal clerk and to the municipal treasurer. If the clerk and the treasurer are the same person, a copy shall nonetheless be provided to that person in each capacity.

**Lapse.** This policy lapses one year after its effective date, if not sooner amended or cancelled.


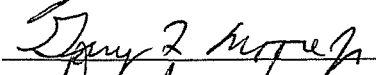

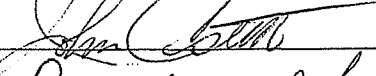
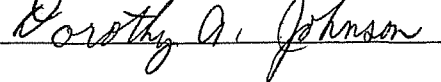
**Renewal.** This policy may be renewed at any time before its lapse. Thereafter, it may be readopted at any time. Any renewal is valid for one year from its effective date, unless a sooner date of expiration is specified.

**Reminder.** As the municipal treasurer is an appointed official, the treasurer shall remind the municipal officers to consider renewing this policy annually before it lapses.

**Original.** The Town clerk will maintain the original of this policy on file.

Dated: March 8, 2010

MUNICIPAL OFFICERS:



BAILEYVILLE DOG ORDINANCE  
ARTICLE 1- LICENSING AND CONTROL OF DOGS

Sec.1 Definitions. As used in this ordinance, unless context otherwise indicates,

- (a) "Dog" shall be intended to mean both male and female.
- (b) "Owner" shall be intended to mean any person or persons firm, association or corporation owning, keeping, or harboring a dog.
- (c) "At Large" shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.

Sec.2 License Required.

Each owner or keeper of a dog at the age of 6 months or over, except dogs kept under a kennel license, shall, on or before January 1st, annually, or at such time as such dog becomes 6 months old, cause such dog to be licensed in the municipal clerks office. Such license shall state the breed, sex, color and markings of such dogs and the name and address of the owner or keeper. A fee of \$1.50 shall be paid to the City Clerk for each license issued on maledogs, and a fee of \$5.50 shall be paid for all female dogs capable of bearing young. All female dogs shall be considered capable of producing young unless a certificate issued by the Commissioner of Agriculture and signed by a licensed veterinarian, or previous license record is presented from a licensed veterinarian stating that such female was made incapable of bearing young by spaying by him. When such certificate accompanies the application, a fee of \$1.50 shall then be paid on such spayed females. In addition to the amount paid for the license and tag, each applicant shall pay the City Clerk \$.50 for the recording and making a return to the Commissioner of Agriculture, except that a license and tag shall be issued by the City Clerk, upon application, for any trained guide dog owned or kept by a blind person without payment of any fee required under this section. When any such dog has not been previously registered or licensed by the City Clerk to whom such application is being made, such City Clerk shall not register such dog nor issue to the owner or keeper a license and tag therefor unless written evidence shall be exhibited to him that the dog is trained and educated and intended in the fact to perform such guide service for such applicant.

Sec.3 City Clerk to Keep Records.

Such license shall be made in triplicate, the original shall be mailed to the Commissioner of Agriculture, one copy given to the person applying for the license and one copy retained by the City Clerk.

**Sec.4-Tag and Collar Required.**

A suitable tag showing the year such license is issued and bearing such other data as the Commissioner of Agriculture may prescribe shall be given to each license and must be securely attached to a leather or metal collar which must be worn at all times by the dog for which the license was issued and it shall be unlawful for any person to remove such tag or to place either collar or tag on any dog not described or for which the license was not issued.

**Sec.5-Running at Large.**

No person shall cause or permit any dog owned or kept by him to run at large within the Town. Dogs while on any premises other than those of the owner or while on any public way or place shall be under the restraint, within the meaning of this ordinance, if he is controlled by a leash, or at "heel", beside a competent person and obedient to that person's commands or on or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper. Nothing in this ordinance shall be held to require the leashing of any dog while on private premises of the owner. A leash shall not be more than eight feet long.

**Sec.6-Bitch in HEAT.**

The owner of any bitch inheat shall keep the same confined or on a leash at all times and shall not permit such dog to be at large within the City or on any premises other than those of the owner. Every bitch found running at large in violation hereof is hereby declared to be a public nuisance and shall be impounded and the owner, keeper, or person harboring such bitch shall be deemed guilty of a misdemeanor.

**Sec.7-Impoundment.**

Unlicensed dogs, or dogs found running at large, shall be taken up and impounded in the shelter designated by the Town as the Town Animal Shelter, and there confined in a humane manner for a period of not less than 10 days; and may thereafter be disposed of in a humane manner if not claimed by their owners.

The Town or its duly authorized agent may transfer title of all animals held by it at its Animal Shelter after the legal detention period has expired and the animal has not been claimed by its owner.

When dogs are found running at large, and their ownership is known, such dogs need not be impounded, but the Town through its duly authorized agents may, at its discretion, cite the owners of such dogs to appear in court to answer charges of violation of this ordinance.

The owner shall be entitled to resume possession of any impounded dog upon compliance with the license provisions of Section of this ordinance and the payment of impoundment fees as set forth herein. Any other animal impounded under the provisions of this Ordinance may be reclaimed by the owner upon payment of the impoundment fees as set forth herein.

Any animal impounded under the provisions of this ordinance and not reclaimed by its owner within 10 days, may be humanely destroyed or placed in the custody of some person deemed to be responsible and suitable owner, who will agree to comply with the provisions of this ordinance.

**Sec.8-Impoundment Fees.**

Any animal impounded hereunder may be reclaimed during TOWN Business hours, Monday through Friday, as herein provided upon

payment by the owner to the Town of Baileyville of the following fees: IMPOUNDMENT fee of \$10.00 for each animal except that upon the second impoundment the fee shall be \$15.00 and upon the third and all subsequent impoundments of the same animal the fee shall be \$25.00, plus board in the amount of \$2.00 per day for each dog. Any animal impounded hereunder may be reclaimed after business hours, on weekends, or holidays, upon payment by the owner to the Police Department the impoundment fees due on each animal plus board in the amount of \$2.00 per day for each animal.

**Sec.9-Number of Dogs Limited.**

It shall be unlawful for any person or persons to keep or harbor within the Town more than three dogs over six months old on April 1st in or about any premises, house, barn or other building, or in or about all buildings on any premises occupied by any one family, and the keeping or harboring of dogs as aforesaid is hereby declared to be a nuisance.

The payment of a license or licenses on dogs shall not be construed to allow the keeping of more than three dogs, as aforesaid, on any one premises.

This limitation shall not apply to any person, group of persons or corporation engaged in the commercial business of breeding, buying, selling or boarding of dogs, or operating a veterinary hospital.

**Sec.10-Barking or Howling Dogs.**

No person shall own, keep or harbor any dog which by loud, frequent, or habitual barking, howling, or yelping shall disturb the peace of any person or persons.

**Sec.11-Dangerous Dogs.**

A dangerous dog is hereby defined to be a dog which shall cause reasonable fear of bodily injury to any person by attacking or threatening to attack such person. Any such dog is hereby declared to be a nuisance. The owner of any dangerous dog shall keep the same confined in a secure enclosure or on a chain or leash controlled by the owner or his agent at all times and shall not permit such dog to be at large within the Town.

**Sec.12-Disposition of Dogs Which Have Bitten Persons.**

It shall be unlawful for the harboring of any dog, when notified that such dog has bitten any person or has so injured any person as to cause abrasion of the skin, to sell or give away such dog or to permit or allow such dog to be taken beyond the limits of the Town, except under the care of a licensed veterinarian. It shall be the duty of such owner or keeper upon receiving notice of the character aforesaid, to immediately place such dog under confinement for a period of at least 14 days, or to deliver such dog to the Police Department. The Director of Public Health shall be notified immediately by the person in charge of the death of any dog while under confinement.

Any dog which shall have been bitten by another dog having or suspected of having rabies shall be immediately impounded for observation as provided in this section.

It shall be unlawful for the owner or person keeping or

harboring any dog when notified that such dog has bitten any person or has so injured any person as to cause abrasion of the skin to destroy such animal without permission from the Department of Health or the Police Department.

Sec.13 Rabies.

Upon positive diagnosis of rabies in any dog within the Town, the Chairman of the Town Council shall proclaim and invoke a city-wide quarantine for a period of thirty days, and upon the invoking of such quarantine, no animal shall be taken into the streets or be permitted to be in the streets, during such period of quarantine.

During such period of rabies quarantine as herein described, ever animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owners expense and option, shall be treated for rabies infection by a licensed veterinarian, or held thirty days under quarantine by the owner in the same manner as other animals are quarantined.

In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended by the Chairman of the Town Council for an additional six months.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Director of Public Health.

The director of Public Health shall direct the disposition of any animal found to be infected with rabies.

No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the Director of Public Health.

Sec,14 When Dogs May Be Killed.

If any dangerous, fierce, or vicious dog cannot be safely taken up and impounded, such dog may be slain by any policeman or duly authorized animal control officer. In all cases where any dog, which has bitten a person or caused an abrasion of the skin of any person, is slain by any policeman whether by order of the court or otherwise and a period of less than fifteen days has elapsed since the day on which such dog bit any person or caused an abrasion of the skin of any person, it shall be the duty of the policeman slaying such dog to forthwith deliver the carcass and brain to the Chief of Police who shall forward the brain intact to the Director of Public Health.

Sec.15 Penalty.

Whoever keeps a dog contrary to the provisions of this Ordinance shall be punished by a fine of not more than \$25.00 to be recovered by complaint before any District Court in the County where such owner or keeper resides.

**Sec.16 Repeal of Conflicting Ordinances.**

All ordinances or parts of ordinances inconsistent with or contrary to the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

**Sec.17 Validity.**

Should any section or part of a section or any provisions of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.



# **Town of Baileyville**

## **Loitering Ordinance**

### **Sec.1 Loitering Prohibited**

IT SHALL BE UNLAWFUL FOR ANY PERSON TO LOITER, LOAF, WANDER, STAND, OR REMAIN IDLE EITHER ALONE, AND/OR IN CONSORT WITH OTHERS IN A PUBLIC PLACE IN SUCH A MANNER TO:

- 1.1 Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicular or pedestrian traffic or:
- 1.2 Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone, all of which prevents the free and uninterrupted ingress, egress, or regress, therein, thereon and thereto.

### **Sec.2 Definitions**

2.1 Loitering shall mean remaining idle in essentially one location and shall include the concept of spending time idly, to be dilatory, to linger, to stay, to delay, and to stand around.

2.2 Public Place shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, private club or other place of business and shall include public grounds, parks and reserves.

### **Sec. 3 Police Order To Disperse**

3.1 When any person causes or commits any of the conditions enumerated in Sections 1 and 2 a police officer or any law enforcement officer shall order that person to cease and desist and to move on or disperse. Any person who violates any provisions of this article shall be subject to a fine no less than \$25.00 and no more than \$100.00 for each and every offense. The imposition of a penalty for violation shall not excuse the violation or permit it to continue.

(State Law Reference: Title 17-A MRSA ss.501-505; Title 9 MRSA ss. 6001 et sec.)

**Sewer Rate Ordinance  
Town of Baileyville**

Whereas, the Town of Baileyville has increased its spending for sewer and wastewater treatment improvements which were mandated by the Department of Environmental Protection; and

Whereas, the Town of Baileyville is required to establish sewer rates for sewer users in order to obtain low interest bond rates from the Maine Bond Bank SRF program; and

Whereas, the low interest bonds are necessary to pay for the improvements;

~~Now therefore be it ordained by the Town Council of the Town of Baileyville.~~

**Sections:**

- 101 Title
- 102 Definitions
- 103 Sewer Service Charge
- 104 Sewer Service Charge Rate
- 105 Special Charge
- 106 Enforcement
- 107 Severability

**Section 101: Title**

This ordinance shall be known and may be cited as the Sewer Rate Ordinance of the Town of Baileyville.

Town of Baileyville, Maine  
Sewer Rates Ordinance

Preamble

An ordinance to establish sewer rates based on water usage by sewer users for the purpose of operating and maintaining the sewer treatment plant and infrastructure, paying for capital improvements as mandated by DEP and obtaining a low interest rate loan from the Maine Bond Bank's SRF program.

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ARTICLE 1

GENERAL ADMINISTRATION

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**Section 102: Definitions**

*B.O.D.* (Denoting Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter, (mg/l).

*Builder:* Any person, persons, or corporation who undertake to construct, either under contract or for resale, any habitable building.

*Public Works Director:* The individual retained or designated by the manager to supervise and oversee the operation and maintenance of the municipal sewer system and treatment facilities.

*Code Enforcement Officer:* The individual(s) retained or designated by the Manager to enforce all provisions of this ordinance. For purposes of this Ordinance the local Plumbing inspector shall act under the authority and direction of the Code Enforcement Officer.

*Contractor:* Any person, firm, or corporation approved by the town Council to do work in the Town of Baileyville.

*DEP:* Maine Department of Environmental Protection.

*Developer:* Any person, persons or corporation who undertake to construct simultaneously more than one housing unit on a given tract of land subdivision.

*Industrial wastes:* The liquid wastes from industrial processes as distinct from sewage.

*Manager:* The Town Manager of Baileyville or the individual designated by the Town Council to perform this function, or the authorized deputy, agent, or representative of this individual.

*Owner:* Any individual, firm, company, association, society, or group having title to real property.

*Person:* Any individual, firm, company, association, society, or group.

*Public Sewer:* A sewer in which all owners of abutting property have equal rights and which is controlled by public authority.

*Sanitary Sewer:* A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

~~*Sewage:* A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such incidental ground, surface, and storm water that may be present.~~

~~*Sewage Treatment Plant:* Any arrangement of devices and structures used for treating sewage and industrial wastes.~~

*Sewage Works:* All municipal facilities for collecting, conveying, pumping, treating, and disposing of sewage and industrial wastes.

*Sewer:* A pipe or conduit for carrying sewage.

*Shall* is mandatory; *May*: is permissive.

*Standard Methods:* The latest edition of the publication "Standard Methods for the Examination of Water and Wastewater", published by APHA, AWWA, and WPCF.

*State Plumbing Code:* The latest edition of the State of Maine Plumbing Code.

*Suspended Solids:* Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering in accordance with Standard Methods.

*Town:* The Town of Baileyville, Maine.

*Town Council:* The duly elected Town Council, of the Town of Baileyville, Maine or their authorized deputy or representative.

## 1.2 Separability

The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

## 1.3 Powers and Authority of Inspectors

The Code Enforcement Officer and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter upon all properties for the

purpose of inspection, observation, and measurement sampling and testing in accordance with the provisions of this Ordinance.

#### 1.4 Ordinance in Force

This Ordinance shall be in full force and effect from and after its passage and recording. Passed and adopted by the Town Council of Baileyville on \_\_\_\_ day of \_\_\_\_ 2008.

#### **103: Sewer Service Charge**

The source of a portion of the revenues for retiring debt services and for capital expenditures, operation and maintenance of the sewage works shall be a Sewer Service Charge. That portion of the Sewer charge related to capital expenditures and retirement of debt service shall be made against all properties with the Sewage Works service area having or required to have sanitary facilities, whether actually connected to the public sewer system or not. The Sewage Works service area and the nature of buildings required to have sanitary facilities shall be as defined in Section 200.4 hereof. In the case of a building not connected to the Sewage Works, such charge shall be deemed a "ready to serve" charge levied to aid in defraying expense incurred in making service available to the property. In the case of a connected building not in active use or occupancy and having no discharge during a given billing period, the portion related to capital expenditures and retirement of debt service shall be regarded as a minimum charge. In the case of a connected building actively discharging to the Sewage Works for all or part of any given billing period, the charge shall be increased to include the cost of operations and maintenance of the Sewage Works. The extent that the rates will include the cost of operations and maintenance will be decided by the Town Council.

#### **104: Sewer Service Charge Rate**

The Town Council shall establish sewage charges for the connection to and use of public sewerage facilities to be paid by every owner (of an establishment) whose building sewer connects directly or indirectly into public sewers. Such sewage charges shall be in proportion to the quantity of water supplied to every such premises, subject to just and equitable discounts and abatements in exceptional cases.

#### **105: Special Charge**

A special sewage service charge shall be established by the Town for any industrial firm or organization who, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity or efficiency of the sewerage works or any part thereof is such waste entered the public sewer, or whose waste disposal situation is such that it would be in the public interest to waive the basic requirements. The Town Council, after appropriate study, may from time to time establish a Special Sewer Service Charge to such industrial firm by separate agreement with said firm. The applicable portions of the preceding Sections, as well as the equitable rights of the public shall be the basis for such an arrangement. No such special sewer charge shall extend for more than two (2) years and such charges may be modified due to

*This was passed for filing in looking for 1005*



material charges of law, charges of operating costs, or other reasonable circumstances which make the initial sewer charge unfair or inequitable in the view of the Baileyville Town Council.

An interest charge at the same rate as established by the Town Council for uncollected taxes will be made on all bills not paid prior to the due date of invoice.

#### **106: Enforcement**

~~Nuisances and violation of this ordinance shall be deemed to be a nuisance and a land use violation under rule 80K and 30-A MRSA, Section 4452.~~

~~A: Enforcement: If the Town shall find that any provision of this Ordinance is being violated, notification in writing will be sent to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of the Municipal Sewer System, and abatement of nuisance condition. A copy of such notices shall be maintained as a permanent record.~~

B: Legal Action: When the above action does not result in the correction or abatement of the violation or nuisance condition, the Town Council, after notice from the appropriate Town official, is hereby authorized to direct the Town Attorney to institute any and all actions and proceedings, either legal or equitable, including actions seeking injunctions or violations and the imposing of fines, that may be available or necessary to enforce the provisions of this ordinance in the name of the Town.

C: Penalty: Any person, including, but not limited to a landowner, a landowner's agent or a contractor, who violates any provision of this Ordinance shall be penalized in accordance with 30-A, MRSA Section 4452 as now existing or subsequently amended.

In addition, the Town of Baileyville shall be entitled to all of the relief, including its costs and legal fees as allowed by said Section 4452. Notwithstanding any provision to the contrary, including the Provision of 30-A M.R.S.A. Section 4452, as now existing or amended in the future, the Town of Baileyville shall be entitled to judgment against any violator for its costs, expert witness fees, code enforcement expenses and attorneys fees incurred in enforcing this Ordinance.

~~The Town of Baileyville shall also have the right to enforce this Ordinance through civil action, either at law or equity.~~ The enforcement provisions herein contained shall exist in addition to those which may exist under Maine Statutory law or Maine Rule or Civil Procedure 80K, or any other court rule or statutory provision.

Each and every day of violation shall constitute a new and separate offenses for which a minimum penalty of \$100.00 shall be assessed.

**107: Severability**

If any provision of this ordinance is determined to be invalid by a court competent jurisdiction, such decision shall not render invalid the remaining provisions.

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NOTICE  
BAILEYVILLE RESIDENTS

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On Monday, May 12, 2008 the Baileyville Town Council adopted the Baileyville Sewer Ordinance as published in the Calais Advertiser in its May 1, 2008 issue. Copies of the ordinance are available at the Town Office at 63 Broadway in Baileyville. The following sewer rates were also adopted at that meeting:

SEWER RATE TABLE

3/4 Inch pipe for water meter

Residence rates per year

Based on gallons of water usage - Meter readings listed below will be multiplied by 100. Example: 50=5000 gals., 250=25000 gals.

1-50	\$ 50
60-100	\$100
110-150	\$150
160-200	\$200
210-250	\$250
260-300	\$300
300-500	x .750
500-1000	x .500
1000-2000	x .250
2000+	x .125

1 inch pipe

Based on gallons of water usage

0-500	\$550
500-1000	\$350
1000+	x .125

1.75 inch pipe

Based on gallons of water usage

0-500	\$600
500-1000	\$400

1.25 inch pipe

Based on gallons of water usage

0-500	\$575
500-1000	\$375
1000+	x .125

2 inch pipe

Based on gallons of water usage

0-500	\$700
500-1000	\$500

2008/2010

# SEWER RATE TABLE

5/8 Inch pipe for water meter

Residence rates per year

Based on gallons of water usage

1-50	\$ 50
60-100	\$100
110-150	\$150
160-200	\$200
210-250	\$250
260-300	\$300
300-500	x .750
500-1000	x .500
1000-2000	x .250
2000+	x .125

1 inch pipe

Based on gallons of water usage

0-500	\$550
500-1000	\$350
1000+	x .125

1.25 inch pipe

Based on gallons of water usage

0-500	\$575
500-1000	\$375
1000+	x .125

1.75 inch pipe

Based on gallons of water usage

0-500	\$600
500-1000	\$400
1000+	x .125

2 inch pipe

Based on gallons of water usage

0-500	\$700
500-1000	\$500
1000-5000	x .150
5000+	x .021

2009-2010

Sewer Rate Table

0-200	\$ 50
200-300	\$150
300-400	\$250
400-500	\$350
500-1500	\$350 + .500 x over 500
1500 +	\$350 + 1000 x .500 + .250 x 1500+

**Town of Baileyville Sewer Department  
Sewer Utility Expense Accounts**

<b>Account Name</b>	<b>Pro Forma</b>
Salaries and Wages - Employees	\$ 74,475
Employee Pensions & Benefits	\$ 28,742
Purchased Power	\$ 45,000
Oil	\$ 7,000
Other Utilities	\$ 2,876
Chemicals/Lab Testing	\$ 4,500
Materials & Supplies	\$ 4,450
Contractual Services - Eng	
Contractual Services - Acct	
Contractual Services - Legal	\$ -
Contractual Services - Other	\$ 15,720
Transportation Expense	\$ 3,000
Insurance - Vehicle	
Insurance - Workman's Comp & Gen. Liability	
Depreciation Expense	\$ -
Dues, Licenses and Subscriptions	\$ 3,000
Miscellaneous Expenses	\$ 1,950
maintenance & Repair	\$ 4,150
<b>TOTAL OPERATING EXPENSES</b>	<b>\$ 194,863</b>
Interest Expense	\$ 10,859
Principal Repayment	\$ 95,000
Admin	\$ 12,892
<b>TOTAL OPERATING PLUS DEBT SERVICE</b>	<b>\$ 289,863</b>

Total Operating Expenses	\$ 194,863
Capital Equipment	\$ 20,000
Amortization Expense	
Principal Expense	\$ 95,000
Interest Expense	\$ 10,859
Admin	\$ 12,892
Net Expenses	\$ 333,613
Contingency	\$ -
Revenue Requirement	\$ 333,613



**Baileyville Sewer Department**  
Billing Analysis and Representative Bills

					Pro Forma					Representative Bills	
Residential	Bills	Gallons	Rate	Gross	Minimums	Bills	Gallons	Rate	Gross	\$ increase	% increase
461.1	538	various	various	133,485	5/8"	2152	10,000	\$ 50.00	107,600		
	Usage	34,270	\$ 0.50	17,135			151,148	\$ 1.21	182,889		
			\$ 0.25	-							
				<u>150,600</u>					<u>290,489</u>	139,889	92.89%
Commercial	Bills	Gallons	Rate	Gross	Minimums	Bills	Gallons	Rate	Gross		
461.2	35	4,153,000	Various	10,750	5/8"	100	10,000	\$ 50.00	5,000		
					3/4"	8	18,000	\$ 59.68	477		
					1"	4	30,000	\$ 74.20	297		
					1 1/2"	12	60,000	\$ 110.50	1,326		
					2"	16	100,000	\$ 158.90	2,542		
	Usage	4,940	\$ 0.50	2,470			16,740	\$ 1.21	20,255		
		19,760	\$ 0.25	4,940							
				<u>18,160</u>					<u>29,898</u>	11,739	64.64%
Industrial	Bills	Gallons	Rate	Gross	Minimums	Bills	Gallons	Rate	Gross		
461.3	4	265,000	Various	1,300	5/8"	4	10,000	\$ 50.00	200		
					3/4"	4	18,000	\$ 59.68	239		
					1 1/2"	4	60,000	\$ 110.50	442		
					2"	4	100,000	\$ 158.90	638		
	Usage	440	\$ 0.50	220			1,760	\$ 1.21	2,130		
		120	\$ 0.25	30							
				<u>1,520</u>					<u>3,946</u>	2,126	139.85%
Governmental	Bills	Gallons	Rate	Gross	Minimums	Bills*	Gallons	Rate	Gross		
461.4	2	114,000	Various	800	5/8"	12	10,000	\$ 50.00	600		
					3/4"	4	18,000	\$ 59.68	239		
					1 1/2"	4	60,000	\$ 110.50	442		
					2"	8	100,000	\$ 158.90	1,271		
	Usage	0	\$ 0.50	-			5,590	\$ 1.21	6,764		
		0	\$ 0.25	-							
				<u>800</u>					<u>9,316</u>	8,516	1064.48%
TOTAL METERED REVENUES				<u>171,080</u>					<u>333,349</u>	162,269	94.85%

\*Additional bills will be added to the rate structure in 2010/2011

Calculation of Percent Increase	
Revenue Requirement	333,613
Divided by:	171,080
Equals:	1.95004
95.00% over 2009 sewer fees	

30  
50  
60  
70

# **Baileyville Sewer Department Operating Statement**

	Pro Forma
Utility Operating Income	
Operating Revenues	333,349
Operating Expenses	194,863
Capital Equipment	20,000
Utility Operating Expenses	214,863
Total Utility Operating Income	118,486
Other Income and Deductions	
Other Income:	
Other Non-Utility Income	
Interest Income	
Revenues from Merchandising, Jobbing	-
Deductions:	
Debt Retirement Provision	95,000
Admin on Debt	12,892
Total Other Income and Deductions	(107,892)
Interest Expense	10,859
Total Interest Expense	10,859
Net Income (for rates)	(264)

**Town of Baileyville**

**Baileyville, Maine**

**Sewer Department**

**Effective: August 1, 2010**

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## Baileyville Sewer Department

### QUARTERLY RATES FOR WASTEWATER TO METERED CUSTOMERS

**Available:**

To all metered customers for domestic, commercial, governmental or industrial use.

	Quarterly Rate:		Monthly Rate:	
	Gallons	Minimum	Gallons	Minimum
5/8 inch	10,000	\$ 50.00	3,333	\$ 16.67
3/4 inch	18,000	\$ 59.68	6,000	\$ 19.89
1 inch	30,000	\$ 74.20	10,000	\$ 24.73
1 1/2 inch	60,000	\$ 110.50	20,000	\$ 36.83
2 inch	100,000	\$ 158.90	33,333	\$ 52.97
3 inch	200,000	\$ 279.90	66,667	\$ 93.30
4 inch	300,000	\$ 400.90	100,000	\$ 133.63
6 inch	600,000	\$ 763.90	200,000	\$ 254.63
8 inch	1,200,000	\$ 1,489.90	400,000	\$ 496.63

**Additional:**

Charge for each additional 1,000 gallons                      \$ 1.21

***Terms of Payment:***

Billing may be either monthly or quarterly at the option of the Town. Bills are due and payable upon presentation.

Minimum charges and excess used over the minimum charge allowance, are billed in arrears.

Effective:     August 1, 2010

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## ARTICLE III

### Private Sewage Disposal

SECTION 301. Where a public sanitary sewer is not available under the provisions of Section 204, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Maine State Department of Health and Welfare, dealing with septic tank installations.

SECTION 302. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 204, direct connection shall be made to the public sewer in compliance with this local law, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

SECTION 303. No statement contained in the article shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the Maine State Department of Health and Welfare.

## ARTICLE IV

### Building Sewers, Connections, and Fees

SECTION 401. No person shall uncover, make any connections with or opening into use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Council.

SECTION 402. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the Owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Engineer. A permit, tap-in, and inspection fee of \$25.00 dollars for a single residential permit, plus \$5.00 dollars for each additional living unit incorporated in the same residential structure shall be paid to the Town at the time an application is filed; provided, however, that no more than four (4) living units may be connected to a single tap. The Town Council shall fix a permit, tap-in and inspection fee for each commercial, industrial, or other nonresidential building, after recommendations of the Engineer based on the size and nature of the operation proposed in such commercial, industrial or other non-residential building as compared to the demands of a single residential structure.

SECTION 403. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Where building sewers are to serve multiple dwelling structures, there shall be provided at least one (1) separate building sewer for each group of four (4) living units.

SECTION 404. Existing building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet requirements of this local law.



SECTION 405. The building sewer shall be tar-coated, extra heavy cast iron soil pipe, conforming to ASTM Specification A74, and American Standards Association (ASA) Specification A-40.1 Building sewer pipe shall have a maximum length of 5 feet between joints.

SECTION 406. The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four (4) inches, nor shall the slope of the pipe be less than one-eighth (1/8) inch per foot.

SECTION 407. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost, but in no event shall be less than three (3) feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

SECTION 408. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer.

SECTION 409. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with Sections 3 through 6 of ASTM Specification C12 except that no backfill shall be placed until the work has been inspected and except that trench width measured at the top of the installed pipe shall not exceed twenty-four (24) inches.

SECTION 410. All joints and connections shall be made gas-tight and watertight. No cement joints will be permitted.

Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead not less than one (1) inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe materials shall be made with adapters and joint materials approved by the Superintendent.

Pre-molded gasket joints for hub and plain end cast iron pipe may be used if approved by the Superintendent, and shall be a neoprene compression-type gasket which provides a positive double seal in the assembled joint. The gasket shall be a pre-molded, one-piece unit designed for joining the cast iron hub and plain end soil pipe and fittings. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendations using acceptable lubricant and special pipe-coupling tools designed for that purpose. The plain spigot end shall be forced into the hub end of the pipe for the full depth of the hub itself. Lubricant shall be a bland, flax-base, non-toxic material and shall not chemically attack the gasket material.

SECTION 411. The connection of the building sewer into an existing public sewer shall be made at the property line. Except as provided under section 502 and 503, if the portion of the building sewer located in the street or right-of-way has not previously been provided, such will be constructed from the existing public sewer to the property line by the Town Department of Public Works upon submittal of a proper request by the property owner and upon deposit of the estimated cost thereof. All costs and expense incident to the installation and connection of the entire length of building sewer shall be borne by the Owner. The Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer (at the property line) will be dependent upon the type of pipe material used and in all cases shall be approved by the Superintendent of Public Works.

SECTION 412. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Superintendent before the trenches are filled; and the person performing such work shall notify the Superintendent when the installation of the building sewer is completed. The filling of a trench before inspection is made will subject person to whom a permit is issued to a penalty of \$25.00 for each offense.

SECTION 413. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

SECTION 414. When any building sewer is to serve a school, hospital, or similar institution or public building or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Superintendent, will receive sewer or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Superintendent shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Superintendent. If required, a new manhole shall be installed in the public sewer pursuant to Section 504, and the building sewer connection made thereto as directed by the Superintendent.

SECTION 415. Where permitted by the plumbing code or other appropriate laws or regulations of the State of Maine, other types of material and construction methods may be used notwithstanding any provisions of this ordinance to the contrary.

## ARTICLE V

### Sewer Extensions

SECTION 501. All extensions to the sanitary sewer system owned and maintained by the Town shall be properly designed in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes-Upper

Mississippi River Board of State Sanitary Engineers. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the Engineer before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

SECTION 502. Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Town Council, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for and install the building sewer from the property line to his residence or place of business in accordance with the requirements of Article IV. Property owners may propose sewer extensions within the incorporated Town by drafting a written petition signed by a majority of the benefiting owners, and filing it with the Town Council. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the Town Council and in accordance with applicable state laws.

SECTION 503. If the Town does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the Town Council in accordance with the requirements of Section 501. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer installed must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in Section 504. The installation of the sewer extension must be subject to periodic inspection by the Engineer and the expenses for this inspection shall be paid for by the owner, builder or developer. The Engineer's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in Section 505 before it is to be used. The cost of sewer extension thus made shall be absorbed by the developers or the property owners, including all building sewers.

SECTION 504. Sewer design shall be in accordance with the following provisions. Pipe material shall be either asbestos-cement conforming to ASTM Specification C-428, Type 11; extra-strength vitrified clay conforming to ASTM Specification C-200; reinforced concrete conforming to ASTM Specification C-76; or Schedule 40 p.v.c. sewer pipe or equivalent (amended 11/23/1981). No standard strength clay pipe or non-reinforced concrete pipe shall be used. Minimum internal pipe diameter shall be eight (8) inches. Joints for each kind of pipe shall be designed and manufactured such that "O" ring gaskets of the "snap-on" type are employed. Gaskets shall be continuous, solid, natural or synthetic rubber and shall provide a positive compression seal in the assembled joint such that the requirements of Section 505 are met. Joint preparation and assembly shall be in accordance with the manufacturer's recommendations. Wye branch fittings shall be installed for connection to building sewers in accordance with Section 403. Trench widths as measured just above the crown of the pipe shall not exceed the following:

Pipe Diameter	Trench Width
8"	3' - 0"
10"	3' - 0"
12"	3' - 1"
14"	3' - 4"

If the trench widths are found, during field inspection, to exceed the limits in the above table, the sewer pipe shall be encased with a minimum of 6 inches of concrete. Pipe shall be firmly and evenly bedded on a minimum of 6 inches of screened gravel with stone size not exceeding 1-inch. Pipe thickness and field strength shall be calculated on the following criteria:

Safety Factor	1.9
Load Factor	1.7
Weight of Soil	120lbs./cu. ft.
Wheel Loading	16,000 lbs.

Utilizing the above information, design shall then be made as outlined in Chapter IX of the Water Pollution Control Federation Manual of Practice No. 9, "Design and Construction of Sanitary and Storm Sewers".

Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet. The manholes shall be constructed with a poured 3,000 psi concrete base 12 inches thick, steel trowled concrete or mortar bench walls and inverts, and precast 4-foot diameter concrete manhole barrel sections with concentric tapered top sections, as specified by ASTM C-478. The manhole frame and cover shall be the standard design of the Town and shall be set with no less than two courses of brick underneath to allow for later adjustment in elevation. All joints shall be sealed against infiltration. Manholes shall be constructed with steps or ladder rungs.

SECTION 505. All sewers shall satisfy requirements of a final exfiltration test before they will be approved and sewage flow accepted from them by the Town. This test consists of filling the pipe with water to provide a head of at least five (5) feet above the top of the pipe or five (5) feet above groundwater, whichever is higher, at the highest point of the pipe line under test, and then measuring the loss of water from the line by the amount which must be added to maintain the original level. In this test, the line must remain filled with water for at least twenty-four (24) hours prior to the taking of measurements. Exfiltration shall be measured by the drop of water level in a standpipe with closed bottom end, or in one of the sewer manholes available for convenient measuring.

When a standpipe and plug arrangement is used in the upper manhole of a line under test, there must be some positive method of releasing entrapped air in the sewer prior to taking measurements. The test length intervals for either type of test shall be as ordered or approved but in no event shall they exceed 1,000 feet. In the case of sewers laid on steep grades, the length of line to be tested may be limited by the maximum allowable internal pressure on the pipe and joints at the lower end of the line. The test period, wherein the measurements are taken, shall not be less than two (2) hours in either type of test.

The total leakage of any section tested shall not exceed the rate of 100 gallons per mile of pipe per 24 hours per inch of nominal pipe diameter. For purposes of determining the maximum allowable leakage, manholes shall be considered as sections of 48-inch diameter pipe, five (5) feet long. The equivalent leakage allowance shall be 4.5 gallons per manhole per 24 hours, for 48-inch diameter manholes. If leakage exceeds the specified amount, the necessary repairs or replacements required shall be made to permanently reduce the leakage to within the specified limit, and the tests shall be repeated until the leakage requirement is met.

SECTION 506. All sewer extensions constructed at the property owners, builders or developers expense, after final approval and acceptance by the Engineer, shall become the property of the Town and shall thereafter be maintained by the Town. Said sewers, after their acceptance by the Town shall be guaranteed against defects in materials or workmanship for eighteen (18) months. The guarantee shall be in a form provided for by the Town. At the sole discretion of the Town a completion bond or certified check may be demanded as part of the guarantee. Any sewer extension not formally adopted by the Town shall be constructed, maintained and repaired by the affected property owner, from the property utilizing the Town Sewer to the junction point in the main line. All repair work done, in whole or in part, in the Town right-of-way shall be inspected by the office of the Town Engineer before refilling, to insure that any repair is properly performed. Where it can reasonably be shown that damage has occurred to the private sewer line because of street construction or re-construction, the repairs shall be at the expense of the Town (amended 11/23/1981).

SECTION 507. No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of waste disposal is proposed. All new developments shall be provided with an approved system of sanitary sewers.

#### ARTICLE VI

##### Use of the Public Sewers

SECTION 601. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface, drainage, cooling water or unpolluted industrial process water to any sanitary sewer.

SECTION 602. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a watercourse approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Superintendent, to a storm sewer, or natural outlet.

SECTION 603. Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

- (a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade.)
- (b) Any waters or wastes which contain grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32 and 150 degrees Fahrenheit.
- (c) Any waters or wastes containing fats, grease, or oils whether emulsified or not, exceeding an average of 50 parts per million (417 pounds per million gallons) ether soluble matter.
- (d) Any gasoline, benzine, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid, or gas.
- (e) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance, which either singly or by inter-action with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.



- (f) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of  $\frac{3}{4}$  horsepower or greater shall be subject to the review and approval of the Superintendent.
- (g) Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrials, lime slurry, lime residues, beer or distillery slops, Whey, chemical residues, paint residues, cannery wastes, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.
- (h) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalines must be neutralized, at all times, within a permissible pH range of 6.0 to 9.5.
- (i) Any cyanides, in excess of 2 parts per million by weight as CN.
- (j) Any long half-life (over 100 days) of toxic radio-active isotopes, without a special permit.
- (k) Any waters or wastes that for a duration of 15 minutes has a concentration greater than 5 times that of "normal" sewage as measured by suspended solids and B.O.D. and/or which is discharged continuously at a rate exceeding 1,000 gallons per minute except by special permit. Normal sewage shall be construed to fall within the following ranges:

<u>Constituents</u>	<u>Permissible Range</u>
Suspended Solids	180 to 350 ppm
B.O.D.	140 to 300 ppm
Chlorine Requirements	5 to 15 ppm

- (l) Any storm water, roof drain, spring water, cistern or tank overflow, footing drain, discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge or effluent from any air conditioning machine or refrigeration unit.
- (m) No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the Town's sewage treatment plant. Such toxic substances shall be limited to the average concentrations listed hereinafter in a sewage as it arrives at the treatment and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control by the Engineer in volume and concentration of waste discharged.

SECTION 603. (m) Continued --

Limits of Toxic  
Substances in Sewage

Iron, as Fe.....	5.0 ppm
Chromium, as Cr (hexeavalent).....	3.0 ppm
Cooper, as Cu.....	1.0 ppm
Chlorine Requirements.....	15.0 ppm
Penol.....	10.0 ppm
Cyanide, as Cn.....	0.5 ppm
Cadmium, as Cd.....	0.5 ppm
Zinc, as Zn.....	0.5 ppm
Nickel.....	1.0 ppm

SECTION 604. Grease, oil and sand interceptors shall be provided when the above set limits for those substances are exceeded or when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

SECTION 605. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Superintendent of Public Works at any time.

SECTION 606. The admission into the public sewers of any waters or wastes having (a) a 5-day Biochemical Oxygen Demand greater than 300 parts per million, or (b) containing more than 350 parts per million of suspended solids, or (c) containing more than 15 parts per million of chlorine requirement, or (d) containing any quantity of substances having the characteristics described in Section 603, or (e) having an average daily flow greater than 2 0/0 of the average daily sewage flow of the Town, shall be subject to the review and approval of the Engineer. Where necessary, in the opinion of the Engineer, the Owner shall provide, at his expense, such preliminary treatment as may be necessary to, (1) reduce the Bio-chemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (2) reduce 15 parts per million, or (3) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 603, or (4) control and quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Engineer and no construction of such facilities shall be commenced until said approvals for obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Engineer will constitute a violation of this local law.

SECTION 607. Where preliminary treatment of flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.

SECTION 608. When required by the Engineer, the Owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Engineer. The manhole shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

SECTION 609. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in Sections 603 and 606, shall be determined in accordance with "Standard Method for the Examination of Water and Sewage", upon suitable samples taken at control manhole provided for in Section 608. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

SECTION 610. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial concern.

SECTION 611. All of the preceeding standards are to apply to all wastes as discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association for the analysis of industrial wastes may be used subject to mutual agreement between the Town Council and the producer of such wastes. The frequency and duration of the sampling of any industrial waste shall not be less then once every three months for a 24-hour period. However, more frequent and long periods may be required at the discretion of the Town Council.

## ARTICLE VII

### Protection from Damage

SECTION 701. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure appurtenance, or equipment which is part of the Town sewerage works. Such person shall, upon conviction, be subject to a fine not exceeding One Hundred Dollars or may be otherwise punished as State law provides.

SECTION 702. A Contractor must present a certificate of insurance showing liability insurance before a permit will be issued for construction of building sewers, sewer extensions, or private sewage disposal.

## ARTICLE VIII

### Powers and Authority of Inspectors

SECTION 801. The Superintendent, the Engineer, and other duly authorized employees of the Town bearing proper credentials and identifications shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement sampling and testing, in accordance with the provisions of this ordinance.

## ARTICLE IX

### Penalties

SECTION 901. Any person found to be violating any provision of this ordinance except Section 701 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 902. Any person, firm, corporation, or partnership, who fails to comply with the provisions of this ordinance other than those provisions pertaining to the payment of charges for services established herein, shall, upon conviction, be subject to a fine not exceeding one Hundred Dollars for each offense. The continued violation of any provision of any section of this ordinance, other than those pertaining to the payment of charges for services established herein, shall, upon conviction, be subject to a fine not exceeding one Hundred Dollars for each offense. The continued violation of any provision of any section of this ordinance, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.

SECTION 903. As an alternative, upon violation of this ordinance, the proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains to restrain, correct or abate such violation to prevent the occupancy of any building structure or land where said violations of this ordinance are found.

SECTION 904. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

## ARTILCE X

### License

SECTION 1101. Each and every plumber, contractor or excavator or other person, firm or corporation other than the property owner himself, will be required to have a license issued by the Town before he will be permitted to do any work in the Town insofar as this Ordinance is concerned.

SECTION 1102. As part of the application for license to do work in the Town, the applicant will present a license bond written by an indemnity or bonding company lawfully doing business in the State of Maine, in a form provided by the Town Council.

SECTION 1103. If in the opinion of the Town Council of the Town, the work performed by the contractor within the Town violates the provisions of this ordinance or any other ordinance of the Town, or if the contractor's work is in the opinion of the Town Council, sub-standard, then in that event, the Town Council may revoke the license for the contractor to do work in the Town.

#### ARTICLE XI

SECTION 1201. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 1202. The validity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

#### ARTICLE XII

##### Ordinance in Force

SECTION 1301. This ordinance shall be in full force and effect from and after its passage, approval and recording. It shall be published in full once in the Calais Advertiser the week following its adoption.

**Policy of Baileyville Town Council  
Town Purchased Sump Pumps**

Whereas the Town of Baileyville purchased sump pumps and paid to install said pumps in homes in Woodland village, and

Whereas the pumps have all now operated past their warranted life, and

Whereas the arrangement between the Town and the owners of the real estate where the pumps were installed was that the owner of the real estate was to provide electric power to operate the pump within their real estate, and

Whereas upon initial purchase and installation the policy of the Town and the understanding between the Town and the owners of the involved real estate was that after the one year warrantee period the pumps would be the responsibility of the real estate owners, then

Now it is resolved by the Town Council of Baileyville that their policy has been and going forward remains to be that the town will not incur costs to maintain or operate the sump pumps.

Policy adopted and restated as addendum to Sewer Ordinance on August 12, 2013 by majority vote of the Baileyville Town Council.



Town of Baileyville  
Ordinance Amendment  
Sewerage Ordinance  
Article IV, Sections 402 and 412

This amendment will:

1) Remove all mention of or setting of sewer system connection and inspection fees from this Ordinance and move the setting of fees for connection to, inspection of, permits therefor and penalties for filling trenches before final inspection to the Town of Baileyville Fee Schedule as set from time to time by the Baileyville Town Council, and

2) Restate the policy through Ordinance that if a private contractor is permitted to construct an entry or repair a connection to the public sewer that all costs for such work are to be borne by the property owner served by that private line to the public sewer. Private contractors will not be allowed to make such connections or repairs before posting a bond and insurance certificates with the Town. Further, if the Town constructs a sewer line from the primary public/main sewer toward a private property, within the public right of way, to be used as a connection to the public sewer system the entire cost of that construction will be repaid to the Town by the property owner being served. If such costs remain unpaid for a period of time the Town will file a lien against the served property. Once built a private sewer line within the public right of way will be maintained by the Town but all costs to maintain the sewer connecting line to the public/main sewer on or under private land will be at the sole cost of the private property owner.

First reading, September 8, 2014, with passage to public hearing and second reading at Baileyville Council meeting September 22, 2014.

Third reading and adoption October 14, 2014

**Shoreland Zoning Ordinance  
For the Municipality of Baileyville**

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## Shoreland Zoning Ordinance for the Municipality of Baileyville

### 1. Purposes.

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

### 2. Authority.

This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-448 of the Maine Revised Statutes Annotated (M.R.S.A.).

### 3. Applicability.

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of great ponds; within 250 feet, horizontal distance, of the normal high-water line of rivers; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

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NOTE: Terms are defined in Section 17, including but not limited to: freshwater wetland, great pond, river and stream.

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### 4. Effective Date of Ordinance and Ordinance Amendments

This Ordinance, which was adopted by the municipal legislative body on March 25, 1991, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

### 5. Availability.

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

### 6. Severability.

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

**7. Conflicts with Other Ordinances.**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

**8. Amendments.**

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

**9. Districts and Zoning Map****A. Official Shoreland Zoning Map.**

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

- (1) Resource Protection
- (2) Limited Residential
- (3) Limited Commercial
- (4) General Development
- (5) Stream Protection

**B. Scale of Map.**

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

**C. Certification of Official Shoreland Zoning Map.**

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

**D. Changes to the Official Shoreland Zoning Map.**

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

**10. Interpretation of District Boundaries.**

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

**11. Land Use Requirements.**



Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

## **12. Nonconformance**

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NOTE: Refer to Section 17 for definitions of nonconforming condition, nonconforming lot, nonconforming structure and nonconforming use.

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### **A. Purpose.**

It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a nonconforming condition shall not be permitted to become more nonconforming.

### **B. General**

(1) **Transfer of Ownership.** Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.

(2) **Repair and Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

### **C. Nonconforming Structures**

#### **(1) Expansions.**

All new structures must meet the shoreline setback requirements contained in Section 15(B). A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with the subsections of Section 12(C)(1).

- (a) Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.
- (b) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.

- (c) All other nonconforming principal and accessory structures that do not meet the water body, tributary stream or wetland setback requirements may be expanded or altered as follows, as long as other applicable standards of this Ordinance are met and the expansion is not prohibited by Section 12(C)(1) and subsections (a) or (b) above or subsection (d) below:
  - (i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum combined total footprint of all structures may not be expanded to an area greater than 30% larger than the footprint that existed on January 1, 1989.
  - (ii) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
  - (iii) For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, the maximum combined total footprint of all structures may not be expanded to an area greater than 30% larger than the footprint that existed on January 1, 1989.
  - (iv) For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, the maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.
  - (v) For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland must meet the footprint and height requirements of Sections 12(C)(1)(d)(i) and (ii).
- (d) Within the Resource Protection District, expansion of a nonconforming structure that is located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.
- (e) Any approved plan for expansion of a nonconforming structure under Section 12(C)(1) must be recorded by the applicant in the registry of deeds of the county in which the property is located within 90 days of approval. The recorded plan must include the existing and proposed footprint of structures on the property, the existing and proposed height of structures on the property, the shoreland zone boundary and evidence of approval by the municipal permitting authority.

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NOTE: Refer to Section 17 for definition of tributary stream.

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**(2) Foundations.**

Whenever a new, expanded or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the shoreline setback

requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 12(C)(3) below.

**(3) Relocation.**

A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

The Planning Board may also require replanting in accordance with Section 15(S).

**(4) Reconstruction or Replacement.**

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one (1) year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined

by the Planning Board in accordance Section 12(C)(3) above. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location. If the total amount of footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure.

When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board shall consider, in addition to the criteria in Section 12(C)(3) above, the physical condition and type of foundation present, if any.

**(5) Change of Use of a Nonconforming Structure.**

The use of a nonconforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

**D. Nonconforming Uses**

**(1) Expansions.**

Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1) above.

**(2) Resumption Prohibited.**

A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply

- (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
  - (c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
- (2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

The designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development District or expansions in area of existing General Development District adjacent to great ponds, and adjacent to rivers that flow to great ponds.

**E. Stream Protection District.**

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

**14. Table of Land Uses.**

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

**Key to Table 1:**

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

**Abbreviations:**

RP - Resource Protection

GD - General Development

LR - Limited Residential

LC - Limited Commercial

SP - Stream Protection

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NOTE: Terms are defined in Section 17, including but not limited to: functionally water-dependent uses.

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TABLE 1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>	<u>DISTRICT</u>				
	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>	<u>GD</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	CEO	CEO	CEO	CEO	CEO
2. Motorized vehicular traffic on existing roads and trails	CEO	CEO	CEO	CEO	CEO
3. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO <sup>1</sup>	CEO	CEO	CEO
4. Fire prevention activities	CEO	CEO	CEO	CEO	CEO
5. Wildlife management practices	CEO	CEO	CEO	CEO	CEO
6. Soil and water conservation practices	CEO	CEO	CEO	CEO	CEO
7. Mineral exploration	no	CEO <sup>2</sup>	CEO <sup>2</sup>	CEO <sup>2</sup>	CEO <sup>2</sup>
8. Mineral extraction including sand and gravel extraction	no	PB <sup>3</sup>	PB	PB	PB
9. Surveying and resource analysis	CEO	CEO	CEO	CEO	CEO
10. Emergency operations	CEO	CEO	CEO	CEO	CEO
11. Agriculture	CEO	PB	CEO	CEO	CEO
12. Aquaculture	PB	PB	PB	CEO	CEO
13. Principal structures and uses					
A. One and two family residential, including driveways	PB <sup>4</sup>	no	CEO	CEO	CEO
B. Multi-unit residential	no	no	PB	PB	PB
C. Commercial	No <sup>8</sup>	No <sup>8</sup>	No <sup>8</sup>	PB	PB
D. Industrial	no	no	no	no	PB
E. Governmental and institutional	no	no	PB	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB <sup>4</sup>	PB	CEO	CEO	CEO
14. Structures accessory to allowed uses	PB <sup>4</sup>	PB	CEO	CEO	CEO
15. Piers, docks, wharfs, bridges and other structures and uses extending or located below the normal high-water line or within a wetland					
a. Temporary	CEO <sup>9</sup>	CEO <sup>9</sup>	CEO <sup>9</sup>	CEO <sup>9</sup>	CEO <sup>9</sup>
b. Permanent	PB	PB	PB	PB	PB
16. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
17. Home occupations	PB	PB	PB	CEO	yes
18. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
19. Essential services					
A. Roadside distribution lines (34.5kV and lower)	CEO <sup>5</sup>	CEO <sup>5</sup>	CEO <sup>10</sup>	CEO <sup>10</sup>	CEO <sup>10</sup>
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB <sup>5</sup>	PB <sup>5</sup>	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB <sup>5</sup>	PB <sup>5</sup>	PB	PB	PB
D. Other essential services	PB <sup>5</sup>	PB <sup>5</sup>	PB	PB	PB
20. Service drops, as defined, to allowed uses	CEO	CEO	CEO	CEO	CEO
21. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO
22. Individual private campsites	CEO	CEO	CEO	CEO	CEO
23. Campgrounds	no	No <sup>6</sup>	PB	PB	PB
24. Road construction	PB	No <sup>7</sup>	PB	PB	PB
25. Parking facilities	no	No <sup>6</sup>	PB	PB	PB
26. Marinas	PB	no	PB	PB	PB
27. Filling and earth moving of <10 cubic yards	CEO	CEO	CEO	CEO	CEO
28. Filling and earth moving of ≥10 cubic yards	PB	PB	CEO	CEO	CEO
29. Signs	CEO	CEO	CEO	CEO	CEO
30. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
31. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
32. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

<sup>1</sup>In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

<sup>2</sup>Must file notice of intent with CEO and requires permit from the CEO if more than 100 square feet of surface area, in total, is disturbed.

<sup>3</sup>In RP not allowed in areas so designated because of wildlife value.

<sup>4</sup>Provided that a variance from the setback requirement is obtained from the Board of Appeals.

<sup>5</sup>See further restrictions in Section 15(L).

<sup>6</sup>Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

<sup>7</sup>Except as provided in Section 15(H).

<sup>8</sup>Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

<sup>9</sup>Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

<sup>10</sup>Permit not required but must file a written "notice of intent to construct" with CEO.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;

- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

## 15. Land Use Standards.

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

### A. Minimum Lot Standards

(1)	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(a) Residential per dwelling unit		
(i) Within the Shoreland Zone	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure	60,000	300
(c) Public and Private Recreational Facilities	40,000	200
(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.		
(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.		
(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.		
(5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.		

### B. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds and rivers that flow to great ponds, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.
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NOTE: The Natural Resources Protection Act, 38 M.S.R.A. sections 480-A through 480-HH, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat".

Permitting under the Natural Resources Protection Act for activities adjacent to significant wildlife habitat areas may require greater setbacks. Contact your local Department of Environmental Protection office to see if additional permitting is required.

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**In addition:**

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height.
- (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils.
- (4) Except in the shoreland zone of rivers that do not flow to great ponds that are designated as General Development District, non-vegetated surfaces shall not exceed twenty (20) percent of the portion of the lot located within the shoreland zone. In the shoreland zone of rivers that do not flow to great ponds that are designated as General Development District, non-vegetated surfaces shall not exceed seventy (70) percent of the portion of the lot within the shoreland zone. Non-vegetated surfaces include, but are not limited to the following: naturally occurring ledge and rock outcroppings, structures, driveways, parking areas, and other areas from which vegetation has been removed.
- (5) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

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NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

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**C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending or Located Below the Normal High-Water Line of a Water Body or Within a Wetland; and Shoreline Stabilization.**

- (1) No more than one structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.
- (2) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (3) The location shall not interfere with existing developed or natural beach areas.
- (4) The facility shall be located so as to minimize adverse effects on fisheries.
- (5) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
- (6) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending or located below the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

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NOTE: A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as, a watercraft.

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- (7) New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
- (8) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending or located below the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (9) Except in the General Development District, structures built on, over or abutting a pier, wharf, dock or other structure extending or located below the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

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(10) The Planning Board may approve shoreline stabilization of an eroding shoreline, provided that the following requirements are met:

- (a) Construction equipment must access the shoreline by barge when feasible, as determined by the Planning Board.
- (b) When necessary, the removal of vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the shoreline stabilization is complete, the construction equipment access way must be restored.

(b) Any restoration or revegetation shall occur in accordance with Section 15(S).

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NOTE: A permit pursuant to the Natural Resources Protection Act is required from the Department of Environmental Protection for shoreline stabilization activities.

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**D. Campgrounds.**

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- (1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

**E. Individual Private Campsites.**

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

- (1) On a vacant lot, one campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) On a lot that contains a principal use or structure, the lot shall contain the minimum lot dimensional requirements for that principal use or structure separately from the thirty thousand (30,000) square feet of lot area within the shoreland zone required per individual private campsite.
- (3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond or river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

- (4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (5) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (7) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

**F. Commercial and Industrial Uses.**

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds, and rivers and streams which flow to great ponds:

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories
- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
- (5) Commercial painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a sanitary sewer
- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- (11) Photographic processing
- (12) Printing

**G. Parking Areas**



- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
  - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
  - (b) Internal travel aisles: Approximately twenty (20) feet wide.

#### **H. Roads and Driveways.**

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- (1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond or a river that flows to a great pond, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

- (3) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- (4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(T).
- (5) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- (6) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (7) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
  - (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
- (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

- (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (8) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

#### **I. Signs.**

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

- (1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- (2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
- (3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- (4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- (5) Signs relating to public safety shall be allowed without restriction.
- (6) No sign shall extend higher than twenty (20) feet above the ground.
- (7) Signs may be illuminated only by shielded, non-flashing lights.

#### **J. Storm Water Runoff**

- (1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
- (2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

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NOTE: The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre

impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

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#### **K. Septic Waste Disposal**

- (1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:

- (a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland; and

- (b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

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NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

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#### **L. Essential Services**

- (1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

#### **M. Mineral Exploration and Extraction.**

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(3) below.

- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond or a river flowing to a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
  - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

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NOTE: The State of Maine Solid Waste Laws, 38 M.R.S.A., section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

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- (b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
- (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (4) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

#### **N. Agriculture**

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or a river flowing to a great pond, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

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NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

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- (4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

#### **O. Timber Harvesting - Repealed**

#### **P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting**

- (1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the shoreline buffer extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees in accordance with Section 15(Q).

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

- (2) Except in areas as described in Section P(1) above, within a shoreline buffer extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, or within a shoreline buffer extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, vegetation shall be preserved as follows:
  - (a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the shoreline buffer is not created.
  - (b) Selective cutting of trees within the shoreline buffer is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond, or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 12 or more in each 25-foot by 25-foot square area (625 square feet) as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above

Points



Ground Level (inches)	
2 < 4 in.	1
4 < 12 in.	2
12 in. or greater	4

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 8 per 25-foot by 25-foot square area.

The following shall govern in applying this point system:

- (i) In any 25-foot by 25-foot square plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (ii) Vegetation removed from any plot down to the minimum points required per plot, or as otherwise allowed by is Ordinance;
- (iii) Vegetation removal must not result in any 25-foot by 25-foot square plot not containing the required points, except as otherwise allowed by this Ordinance; and
- (iv) Where conditions permit, no more than 50% of the points on any 25-foot by 25-foot square area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least three (3) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 25-foot square area. If three (3) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until three (3) saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath as described in Section 15(P) paragraphs (2) and (2)(a) above.
  - (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
  - (e) In order to maintain the vegetation in the shoreline buffer, removal of storm-damaged, hazard or dead trees and any required replanting shall occur in accordance with Section 15(Q).
  - (f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15(P)(2).
- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal

high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

- (4) In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of the lot within the shoreland zone, including the shoreline buffer area. This provision shall not apply to the General Development District.
- (5) Legally existing nonconforming cleared openings may be maintained, in accordance with Section 15(R). If these areas, fields or other cleared openings have reverted back to primarily woody vegetation, as a result of not maintaining them in accordance with Section 15(R), then the provisions of Section 15(P) shall apply.

#### **Q. Hazard Trees, Dead Trees and Storm-Damaged Trees**

- (1) Hazard trees may be removed without a permit after consultation with the Code Enforcement Officer, provided the following requirements are met:
  - (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, the opening shall be replaced with native tree species, unless there is new tree growth already present near to where the hazard tree was removed. New tree growth is considered to be at least two (2) inches in diameter, measured at four and one half (4.5) feet above ground level. If new growth is not present, then replacement trees shall consist of native species, be at least four (4) feet in height and be no less than two (2) inches DBH. Stumps shall not be removed.
  - (b) Outside the shoreline buffer, if the removal of hazard trees results in more than forty (40) percent of the volume of trees, four (4) inches or more in diameter as measured at four and one half (4.5) feet above ground level, being removed in any ten (10) year period; or results in cleared openings of more than twenty-five (25) percent of the lot area within the shoreland zone or more than ten thousand (10,000) square feet, whichever is greater; then replacement with native tree species is required, unless there is new tree growth already present near to where the hazard tree was removed. New tree growth is considered to be at least two (2) inches DBH. If new growth is not present, then replacement trees shall consist of native species and be no less than two (2) inches DBH.
  - (c) The code enforcement officer may require the applicant to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
  - (d) The code enforcement officer may require more than a one-for-one replacement for removed hazard trees that exceeded eight (8) inches in diameter at four and one half (4.5) feet above ground level.

(2) Dead trees may be removed without a permit, provided the following requirements are met:

- (a) The trees are dead from natural causes. Dead trees are those that contain no foliage during the growing season.
- (b) The removal of dead trees does not result in the creation of new lawn areas or other permanently cleared areas.
- (c) Stumps shall not be removed.

(3) Storm-damaged trees may be removed without a permit after consultation with the Code Enforcement Officer, provided the following requirements are met:

- (a) Within the shoreline buffer, if the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, the following shall be required:
  - (i) The area shall be required to naturally revegetate. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings shall be required at a density of one seedling/sapling per every eighty (80) square feet of open canopy.
  - (ii) The removal of storm-damaged trees does not result in the creation of new lawn areas or other permanently cleared areas.
  - (iii) Stumps shall not be removed.
  - (iv) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third ( $1/3$ ) of the tree.
- (b) Outside the shoreline buffer, if the removal of storm-damaged trees results in more than forty (40) percent of the volume of trees, four (4) inches or more in diameter as measured at four and one half (4.5) feet above ground level, being removed in any ten (10) year period; or results in cleared openings of more than twenty-five (25) percent of the lot area within the shoreland zone or more than ten thousand (10,000) square feet, whichever is greater; then the area shall be required to naturally revegetate. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings shall be required on a one-for-one basis.

**R. Exemptions to Section 15(P)**

The following activities are exempt from the standards for clearing or removal of vegetation set forth in Section 15(P), provided that all other applicable requirements of this Ordinance are complied with, and the removal of vegetation is limited to that which is necessary:

- (1) The clearing or removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the standards of Section 15(P), such as but not limited to cleared openings in the canopy or fields. If any of these areas revert back to primarily woody vegetation, due to a lack of removal of vegetation every two (2) years, the requirements of Section 15(P) shall apply.

- (2) The clearing or removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Section 15(B) are not applicable.
- (3) The clearing or removal of vegetation associated with allowed agricultural uses, provided that all requirements of Section 15(N) are complied with, and that best management practices are utilized.
- (4) The clearing or removal of non-native invasive vegetation, provided that the following requirements are met:
  - (a) If clearing or removal of vegetation occurs via wheeled or tracked motorized equipment, then the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that the wheeled or tracked motorized equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
  - (b) The clearing or removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
  - (c) If the clearing or removal of non-native invasive vegetation results in a standard of Section 15(P) being exceeded, then the area shall be revegetated in accordance with Section 15(S) to achieve compliance with the applicable standard(s) of Section 15(P).

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NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program.  
[http://www.maine.gov/dacf/mnap/features/invasive\\_plants/invasives.htm](http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm)

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#### **S. Revegetation Requirements**

When revegetation is required to address the removal of non-native invasive species of vegetation, to address removal of vegetation in conjunction with shoreline stabilization, in response to violations of the standards set forth in Section 15(P), or as a mechanism to allow for development that may otherwise not be permissible due to the standards of Section 15(P), then revegetation shall comply with the following requirements:

- (1) The applicant must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed, and must occur at a density comparable to the pre-existing vegetation. If this is not feasible due to shoreline stabilization, then revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.

- (3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- (4) Revegetation activities must meet the following requirements for trees and saplings:
  - (a) All trees and saplings removed must be replaced with native noninvasive species;
  - (b) Replacement vegetation must consist of saplings at a minimum;
  - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
  - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
  - (e) If revegetation is required for shoreline stabilization, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
  - (f) A survival rate of at least eighty (80) percent of planted trees/saplings is required for a minimum of five (5) years.
- (5) Revegetation activities must meet the following requirements for all woody vegetation and for other vegetation under three (3) feet in height:
  - (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
  - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
  - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
  - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
  - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained in Section 15(P) for a minimum of five (5) years.
- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
  - (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

- (b) Where necessary due to a lack of sufficient ground cover, the area must be supplemented with leaf mulch and/or bark mulch at a minimum of four (4) inches deep to prevent erosion and provide for effective infiltration of stormwater; and
- (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this Ordinance for a minimum of five (5) years.

#### **T. Erosion and Sedimentation Control**

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
  - (a) Mulching and revegetation of disturbed soil.
  - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  - (c) Permanent stabilization structures such as retaining walls or riprap.
- (2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- (4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
  - (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
  - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

- (6) When an excavation contractor will perform these activities, compliance with the following shall be required:
- (a) A person certified in erosion control practices by the Maine Department of Environmental Protection shall be responsible for management of erosion and sedimentation control practices at the site. This person shall be present at the site each day these activities occur for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until installation of erosion and sedimentation control measures that will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.
  - (b) Include on the required plan or permit application, the name and certification number of the person who will oversee activities causing or resulting in soil disturbance.

**U. Soils.**

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

**V. Water Quality.**

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

**W. Archaeological Site.**

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

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NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

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**16. Administration**



**A. Administering Bodies and Agents**

- (1) **Code Enforcement Officer.** A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
- (2) **Board of Appeals.** A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.
- (3) **Planning Board.** A Planning Board shall be created in accordance with the provisions of State law.

**B. Permits Required.**

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

- (1) A permit is not required for the replacement of an existing road culvert as long as:
  - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
  - (b) The replacement culvert is not longer than 75 feet; and
  - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

**C. Permit Application**

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

**D. Procedure for Administering Permits.**

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

**E. Special Exceptions – Intentionally Blank.**

**F. Expiration of Permit.**

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

**G. Installation of Public Utility Service.**

A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

**H. Appeals**

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

- (a) **Administrative Appeals:** To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.
- (b) **Variance Appeals:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) **Variance Appeals.** Variances may be granted only under the following conditions:

- (a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of non-vegetated surfaces, and setback requirements.
- (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (c) The Board shall not grant a variance unless it finds that:
  - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the nonconformity and from which relief is sought; and
  - (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

- a. That the land in question cannot yield a reasonable return unless a variance is granted;
  - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
  - c. That the granting of a variance will not alter the essential character of the locality; and
  - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- (d) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (e) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

### **(3) Administrative Appeals**

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

### **(4) Appeal Procedure**

#### **(a) Making an Appeal**

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official,

written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

- (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
  - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

**(b) Decision by Board of Appeals**

- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
  - (ii) The person filing the appeal shall have the burden of proof.
  - (iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
  - (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
- (5) **Appeal to Superior Court.** Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.
- (6) **Reconsideration.** In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision.

Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

## **I. Enforcement**

(1) **Nuisances.** Any violation of this Ordinance shall be deemed to be a nuisance.

(2) **Code Enforcement Officer**

- (a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
  - (b) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
  - (c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.
- (3) **Legal Actions.** When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

- (4) **Fines.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

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NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5000 (38 M.R.S.A. section 4452).

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## 17. Definitions

**Accessory structure or use** - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Aggrieved party** - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

**Agriculture** - the production, keeping or maintenance for sale or lease, of plants or animals, including but not limited to: forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamental green-house products. Agriculture does not include timber harvesting.

**Aquaculture** - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Basal Area** - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

**Basement** - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

**Boat Launching Facility** - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

**Campground** - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Canopy** - the more or less continuous cover formed by tree crowns in a wooded area.

**Commercial use** - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**DBH** - the diameter of a standing tree measured 4.5 feet from ground level.



**Development** – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

**Dimensional requirements** - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**Disability** - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

**Driveway** - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

**Emergency operations** - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

**Essential services** - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Excavation contractor** - an individual or firm that either is engaged in a business that causes the disturbance of one or more cubic yards of soil, or is in a business in which the disturbance of one or more cubic yards of soil results from an activity that the individual or firm is retained to perform. Disturbance includes: grading, filling, and removal. A person or firm engaged in agriculture or timber harvesting activities is not considered an excavation contractor as long as best management practices for erosion and sedimentation control are used. Municipal, state and federal employees engaged in projects associated with that employment are not considered excavation contractors.

**Expansion of a structure** - an increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

**Expansion of use** - the addition of one or more months to a use's operating season; or the use of more footprint or ground area devoted to a particular use.

**Family** - one or more persons occupying a premises and living as a single housekeeping unit.

**Floodway** - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

**Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

**Footprint** - the entire area of ground covered by the structure(s) on a lot, including but not limited to: cantilevered or similar overhanging extensions, as well as unenclosed structures such as patios and decks.

**Forested wetland** - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Foundation** - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

**Freshwater wetland** - freshwater swamps, marshes, bogs and similar areas, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to waters. Recreational boat storage buildings are not considered to be a functional water-dependent use.

**Great pond** - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner,

**Ground cover** – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Hazard tree** - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes, hurricane-force winds, tornados, microbursts, or significant

ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

**Height of a structure** - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure.

**Home occupation** - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

**Increase in nonconformity of a structure** - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in non-vegetated surfaces, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**Individual private campsite** - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

**Industrial** - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**Institutional** - a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

**Licensed Forester** - a forester licensed under 32 M.R.S.A. Chapter 76.

**Lot area** - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

**Marina** - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

**Market value** - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**Mineral exploration** - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

**Mineral extraction** - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

**Minimum lot width** - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

**Multi-unit residential** - a residential structure containing three (3) or more residential dwelling units.

**Native** – indigenous to the local forests.

**Nonconforming condition** – nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**Nonconforming lot** - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

**Nonconforming structure** - a structure which does not meet any one or more of the following dimensional requirements; setback, height, non-vegetated surfaces or footprint, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Nonconforming use** - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Non-native invasive species of vegetation** - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystem.

**Normal high-water line** - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

**Person** - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

**Piers, docks, wharves, bridges and other structures and uses** extending or located below the normal high-water line or within a wetland.

**Temporary:** Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

**Permanent:** Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

**Principal structure** - a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

**Principal use** - a use other than one which is wholly incidental or accessory to another use on the same lot.

**Public facility** - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

**Recent floodplain soils** - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

**Recreational facility** - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

**Recreational vehicle** - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

**Residential 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 at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

**Riprap** - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

**River** - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

**Road** - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

**Sapling** – a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

**Seedling** – a young tree species that is less than four and one half (4.5) feet in height above ground level.

**Service drop** - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
  - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
  - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
  - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**Setback** - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

**Shore frontage** - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Shoreland zone** - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

**Shoreline** – the normal high-water line, or upland edge of a freshwater wetland.

**Storm-damaged tree** – a tree that has been uprooted, blown down, is lying on the ground, or remains standing, and is damaged beyond the point of recovery as a result of a storm event.

**Stream** - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey, on the website of the

United States Geological Survey or the national map, to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

**Structure** - whether temporary or permanent: anything located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind; anything built, constructed or erected on or in the ground. The term structure includes decks; patios; poles not associated with fences; satellite dishes; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; and wells or water wells as defined in Title 32, section 4700-E, subsection 8. Structure does not include fences and poles supporting fences; and wiring, guy wires, guy anchors and other aerial equipment normally associated with service drops.

**Substantial start** - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

**Subsurface sewage disposal system** – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

**Sustained slope** - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**Timber harvesting** - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of vegetation in the shoreland zone associated with any other land use activity, and the cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone, shall not be considered timber harvesting. Such cutting or removal of vegetation shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

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NOTE: Timber harvesting within the shoreland zone is regulated by the Maine Forest Service.

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**Tree** – a woody perennial plant that has a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, that has a more or less definite crown and that reaches a height of at least ten (10) feet at maturity.

**Tributary stream** – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.



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NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

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**Upland edge of a wetland** - the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation.

**Vegetation** - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

**Volume of a structure** - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**Water body** - any great pond, river or stream.

**Water crossing** - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

**Wetland** - a freshwater wetland.

**Woody Vegetation** - live trees or woody, non-herbaceous shrubs.

This Ordinance shall take effect upon its adoption and publication as required by law.

Ordinance First Hearing \_\_\_\_/\_\_\_\_/\_\_\_\_

Ordinance Second Hearing \_\_\_\_/\_\_\_\_/\_\_\_\_

Ordinance Adoption \_\_\_\_/\_\_\_\_/\_\_\_\_

#### **AUTHORIZATION TO EXECUTE**

The Town Manager of Baileyville and his/her agents is authorized to execute and the Deputy Clerk is authorized to attest to this Order on behalf of the Baileyville Town Council.

#### **EFFECTIVE DATE**

This order shall be effective immediately upon its approval.

PASSED, APPROVED AND RESOLVED by the Baileyville Town Council on this day of \_\_\_\_/\_\_\_\_/2015.

Town Councilor \_\_\_\_\_ Town Councilor \_\_\_\_\_

Town Councilor \_\_\_\_\_ Town Councilor \_\_\_\_\_

Town Councilor \_\_\_\_\_ ATTEST: \_\_\_\_\_

AWS 03/2015

# Town of Baileyville Zoning and Shoreland Zoning

## LEGEND

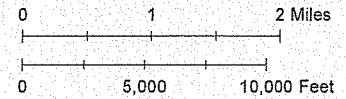
- Railroad
- Stream
- ▭ Parcels
- ▨ Wetland
- ▨ Freshwater Forested/Shrub Wetland

## SHORELAND DISTRICTS

- ▨ General Development
- ▨ Limited Residential
- ▨ Resource Protection
- ▨ Stream Protection

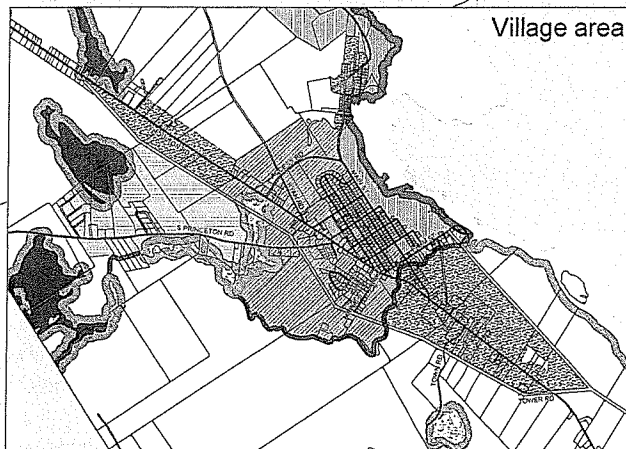
## ZONING DISTRICTS

- ▨ General
- ▨ Industrial
- ▨ Residential
- ▨ Retail
- ▨ Rural
- ▨ Village

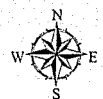


The Baileyville Town Clerk  
attests that this is the official Shoreland Zoning Map for the  
Town of Baileyville, Maine.

Effective Date: \_\_\_\_\_



Map revised: May 2015  
Map prepared by LatLong Logic, LLC  
Source: Town of Baileyville, NWI, University of Maine at Machias  
Geographic Information Systems Laboratory & Service Center and MEGIS  
Map for reference purposes only, not suitable for site engineering.





Code Enforcement &lt;codeenforcementplanning@baileyville.org&gt;

**RE:**

1 message

**Abbott, Dawn** <Dawn.Abbott@maine.gov>

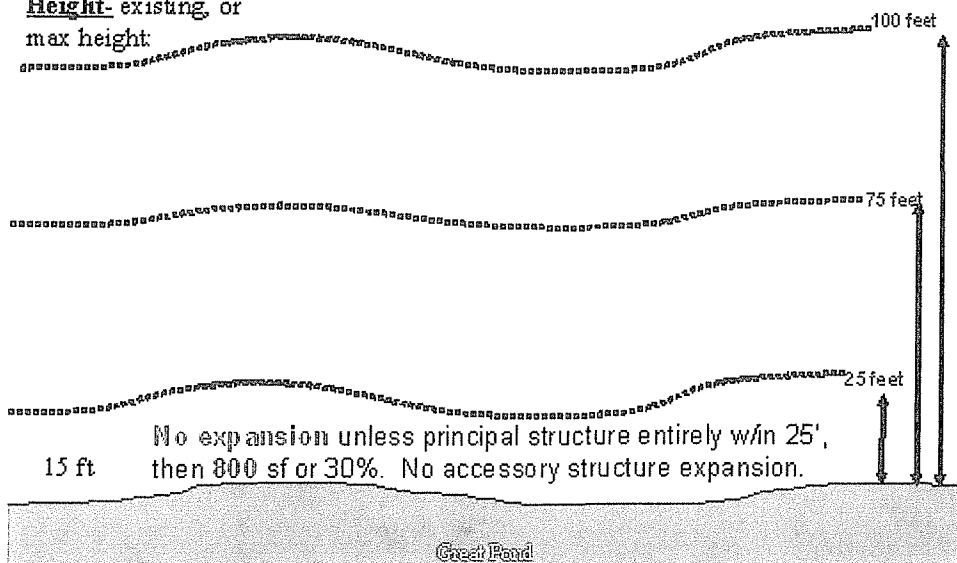
Thu, Sep 8, 2016 at 11:49 AM

To: Code Enforcement &lt;codeenforcementplanning@baileyville.org&gt;

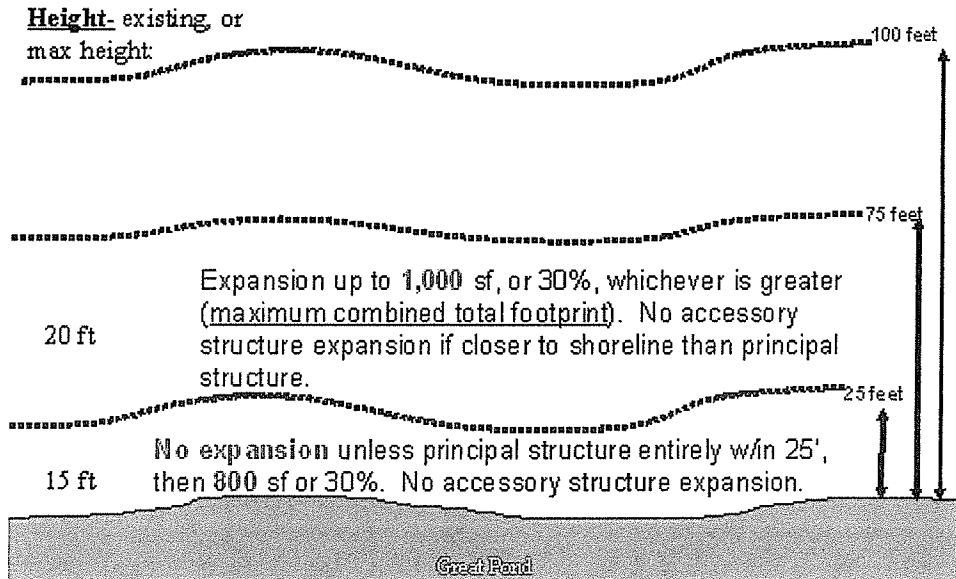
*Dawn M. Abbott**Maine Department of Environmental Protection**Assistant Shoreland Zoning Coordinator**106 Hogan Road, Suite 6**Bangor, Maine 04401**Ph- 207-356-8318**Fax- 207-941-4584***From:** Abbott, Dawn**Sent:** Tuesday, July 26, 2016 12:45 PM**To:** 'Code Enforcement'**Subject:**

## Footprint expansion- highlights

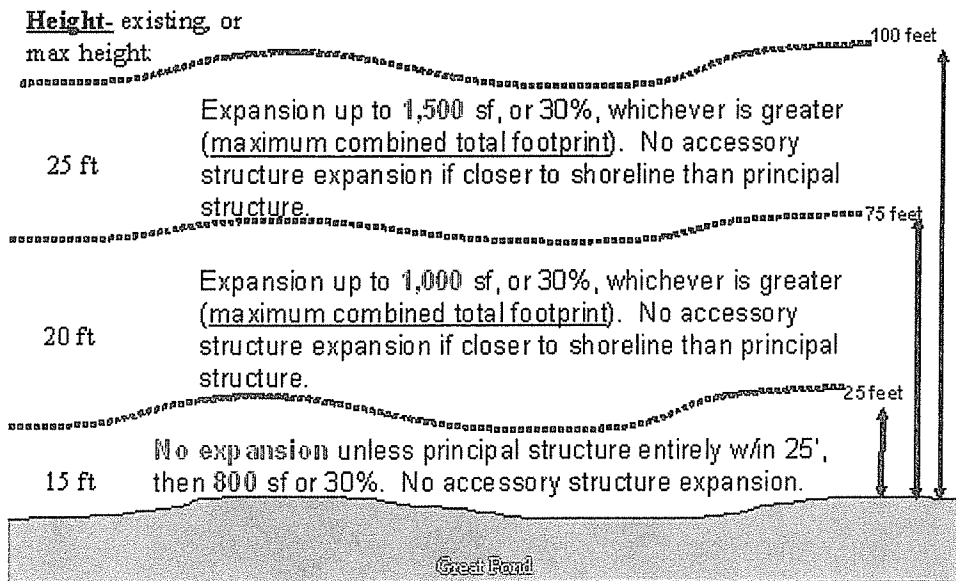
Height- existing, or  
max height:



## Footprint expansion- highlights

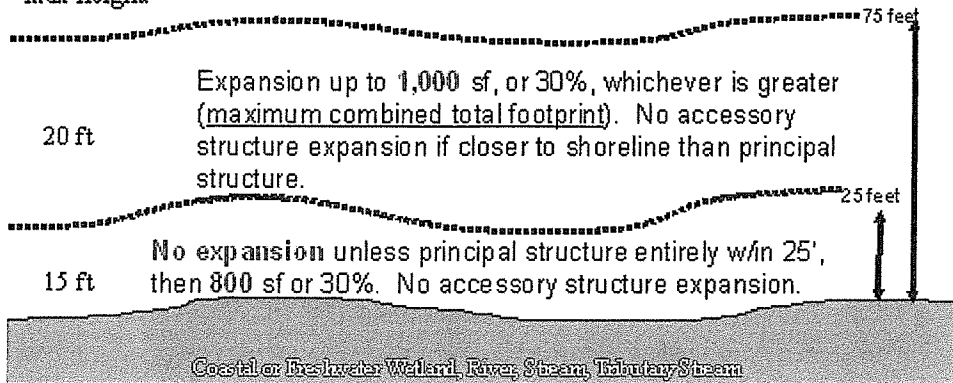


## Footprint expansion- highlights



## Footprint expansion- highlights

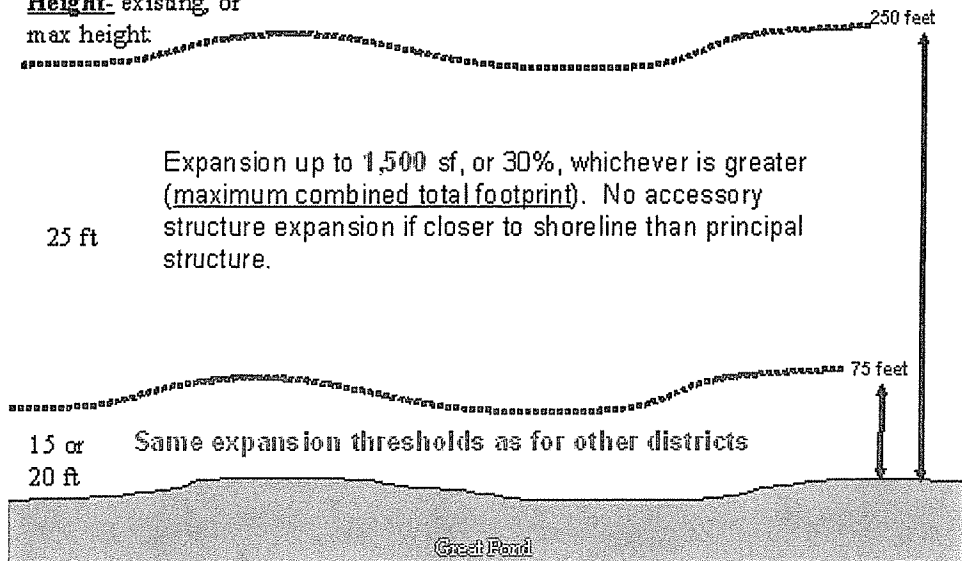
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max height:



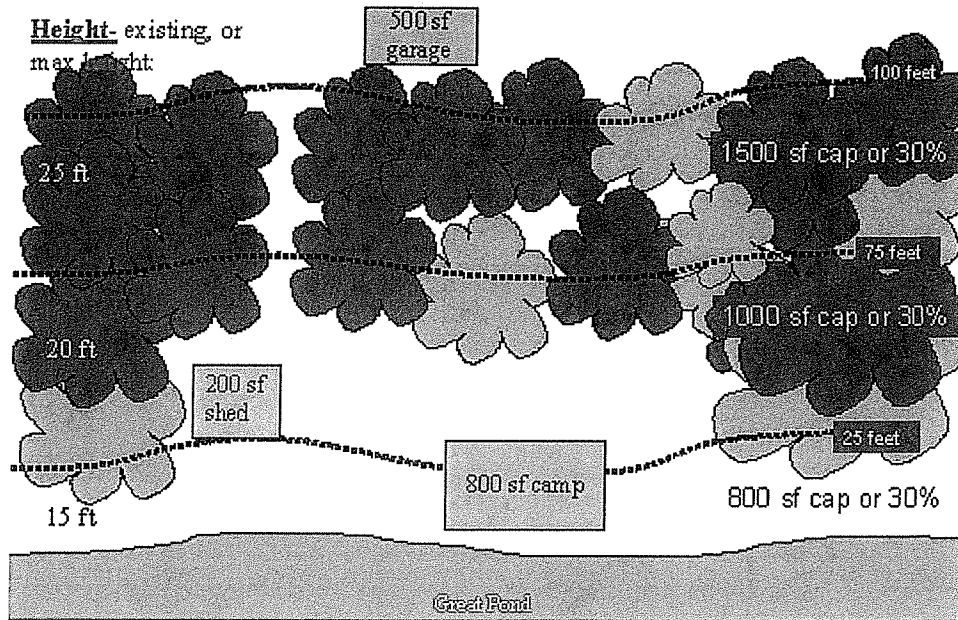
## Footprint expansion- highlights

### Resource Protection District

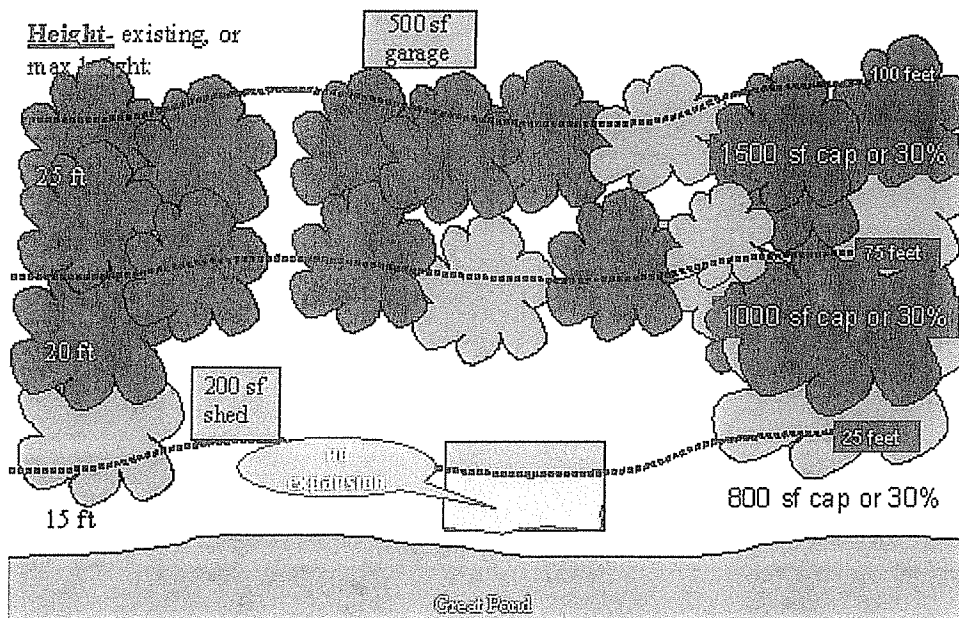
Height- existing, or  
max height:



# 1) What can be expanded?

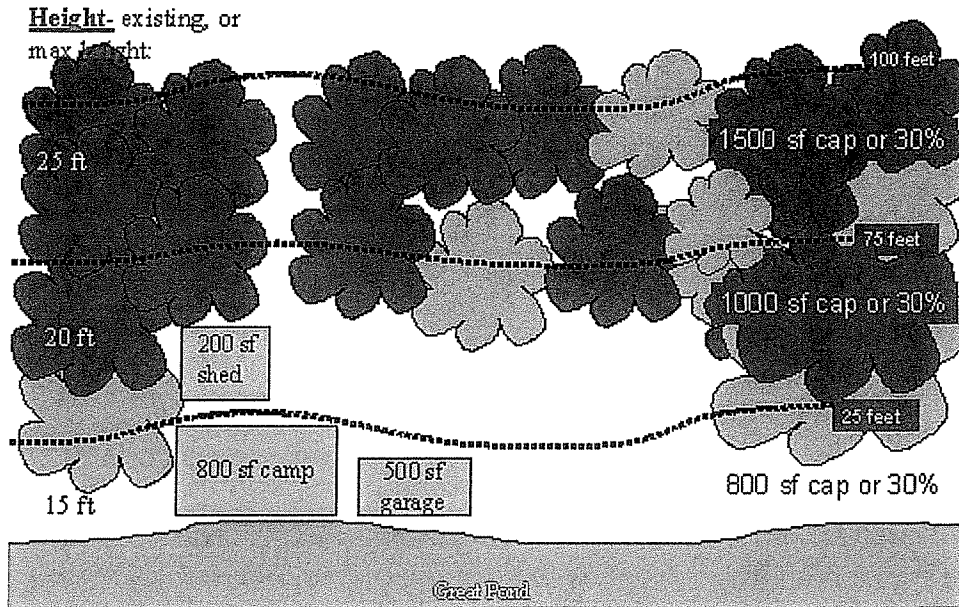


## 1) Answer: rear of camp or shed (30%), and garage

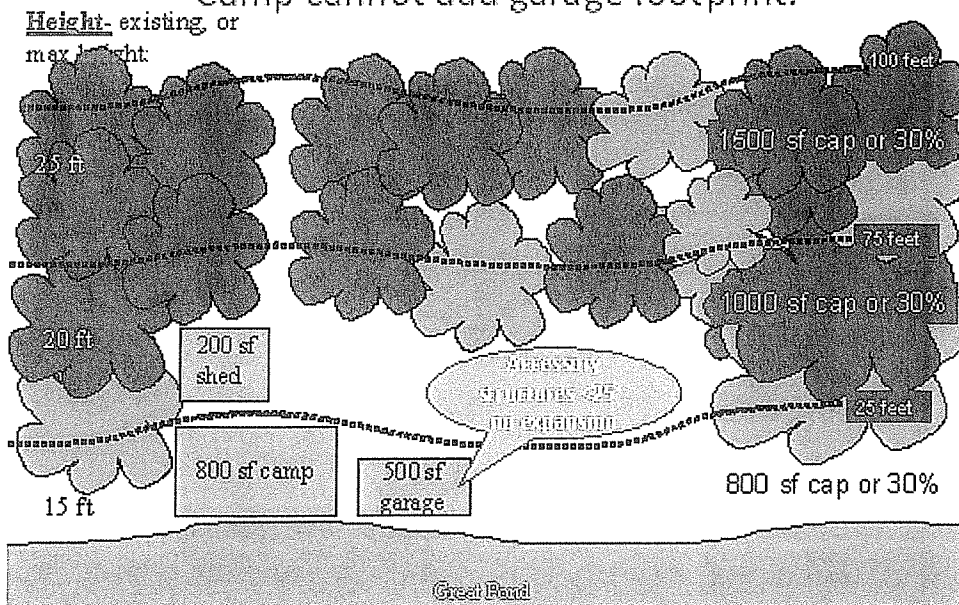




## 2) What can be expanded?

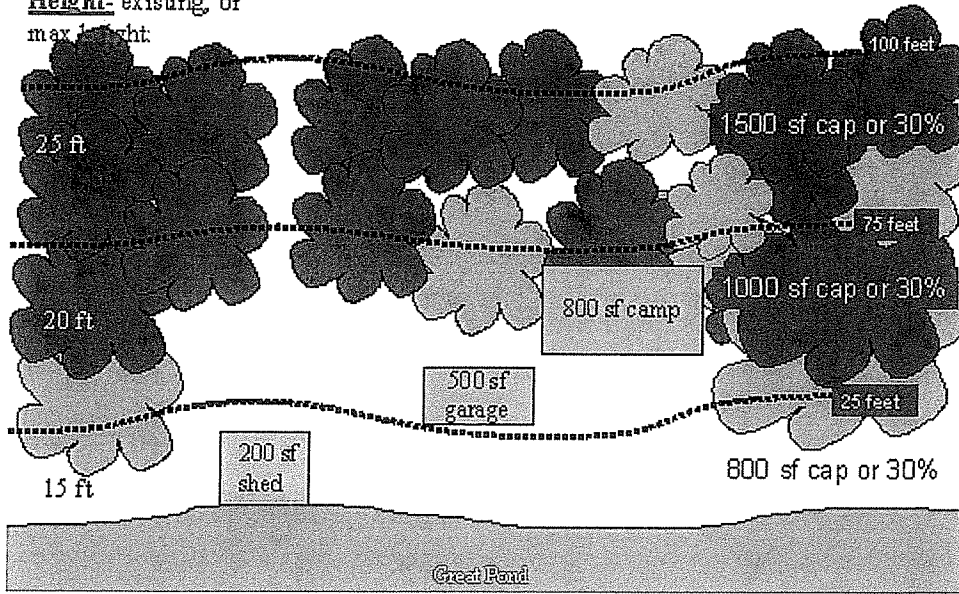


2) Answer: camp and/or shed (30%).  
Camp cannot add garage footprint.



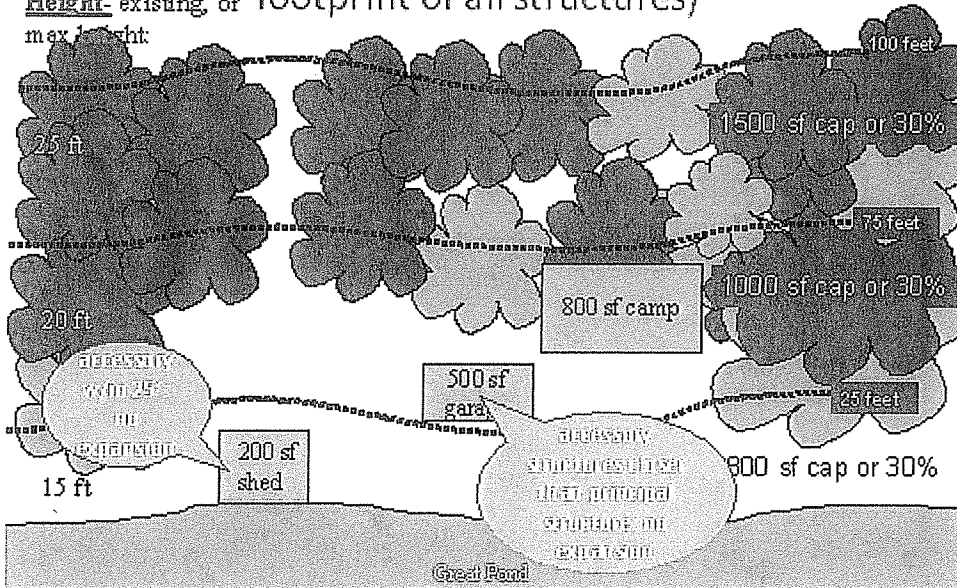
### 3) What can be expanded?

Height- existing, or  
max height:



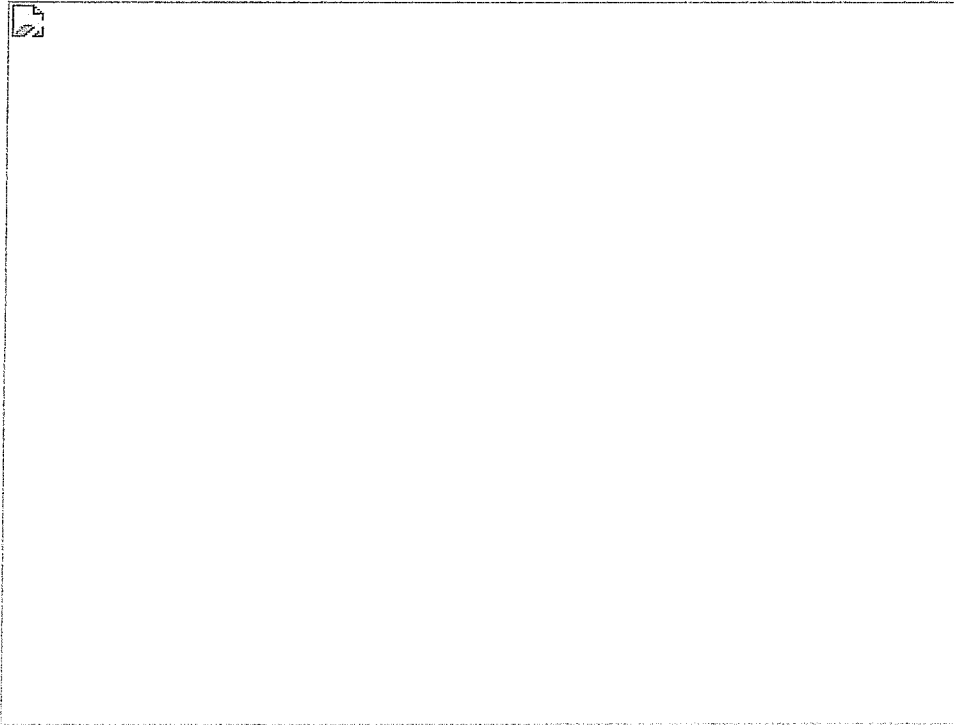
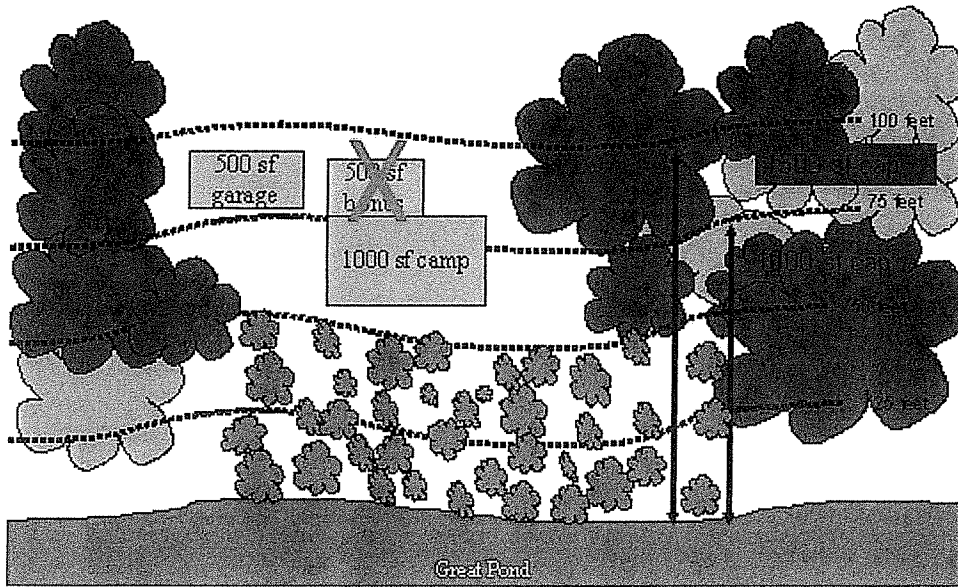
### 3) Answer: camp only (30% of total

Height- existing, or footprint of all structures)  
max height:

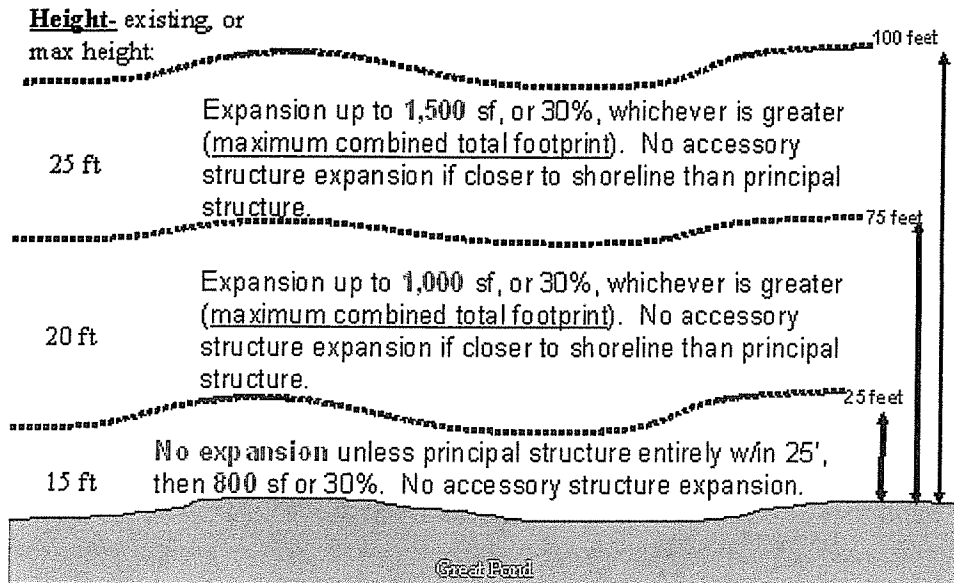


## Old Optional Expansion Allowance

Additional 500 sf bonus: NO LONGER EXISTS!

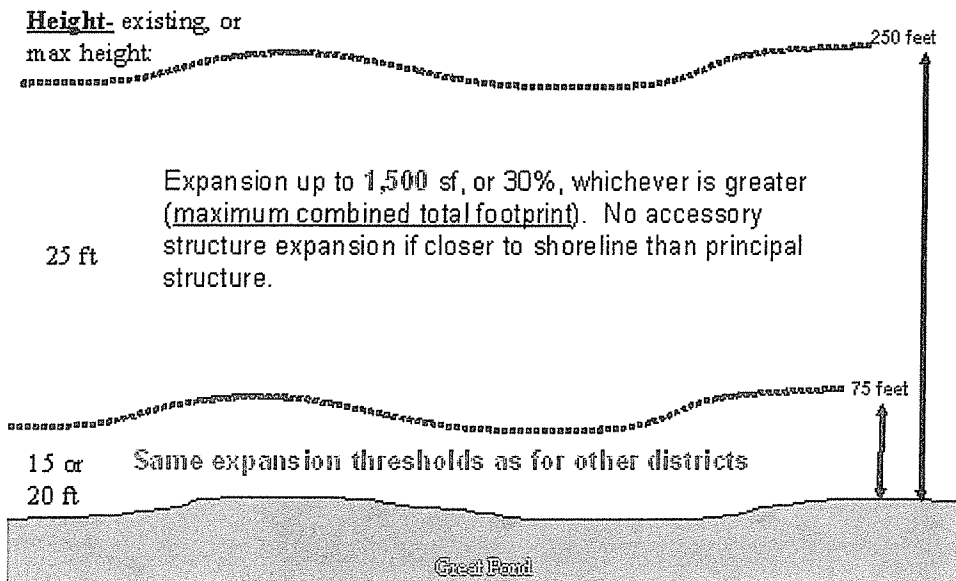


## Footprint expansion- highlights

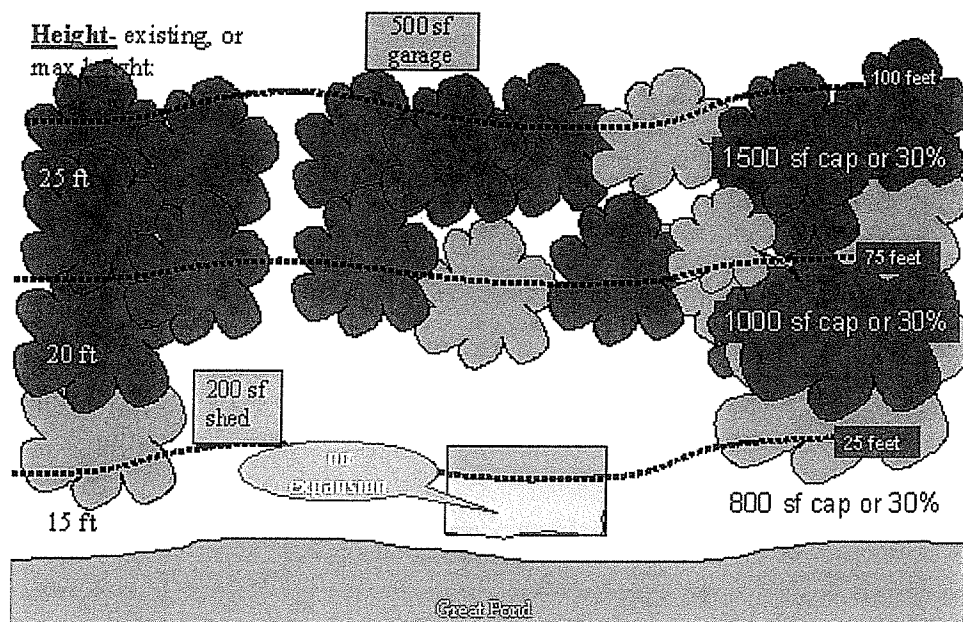


## Footprint expansion- highlights

### Resource Protection District

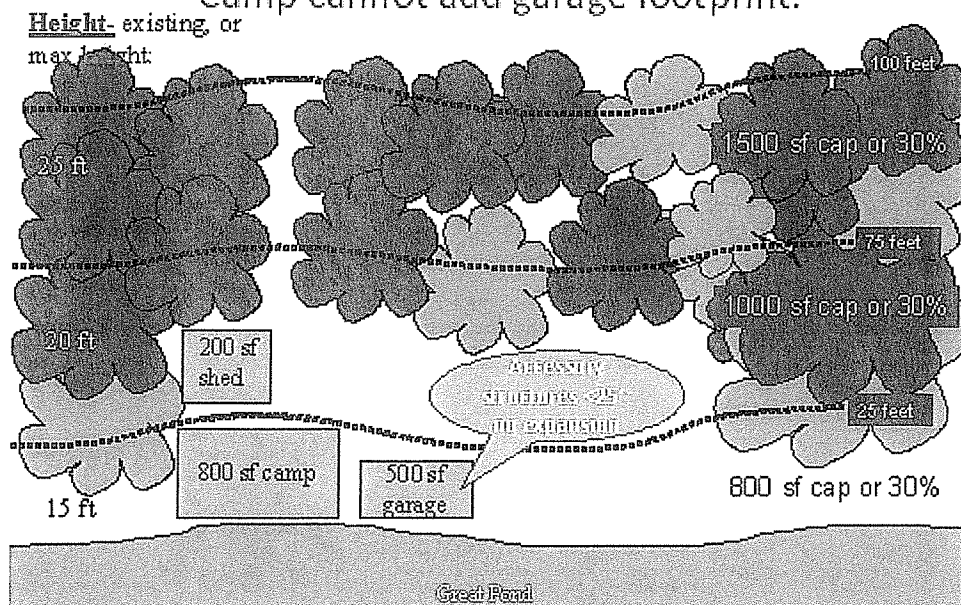


1) Answer: rear of camp or shed (30%), and garage



2) Answer: camp and/or shed (30%).

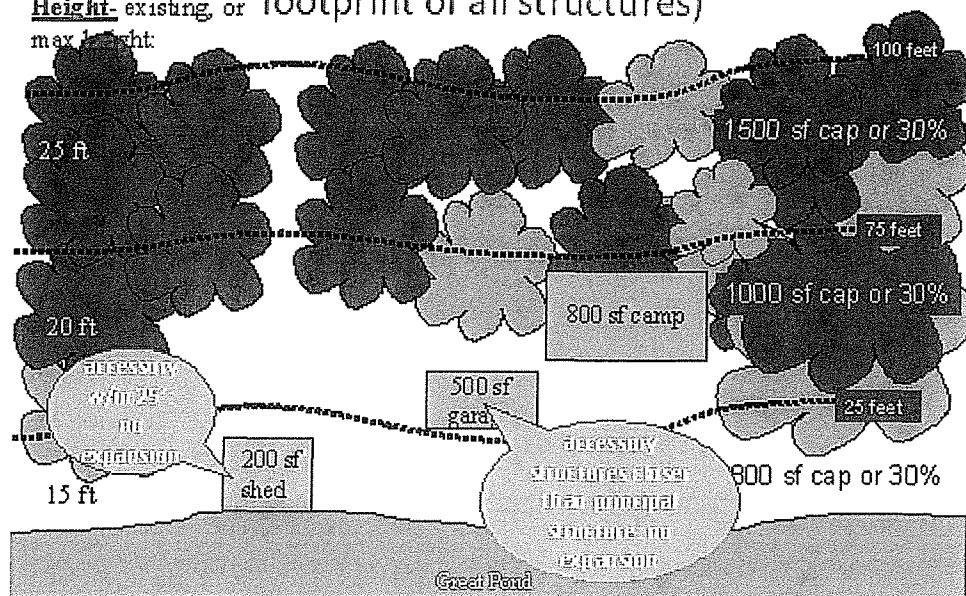
Camp cannot add garage footprint.



### 3) Answer: camp only (30% of total

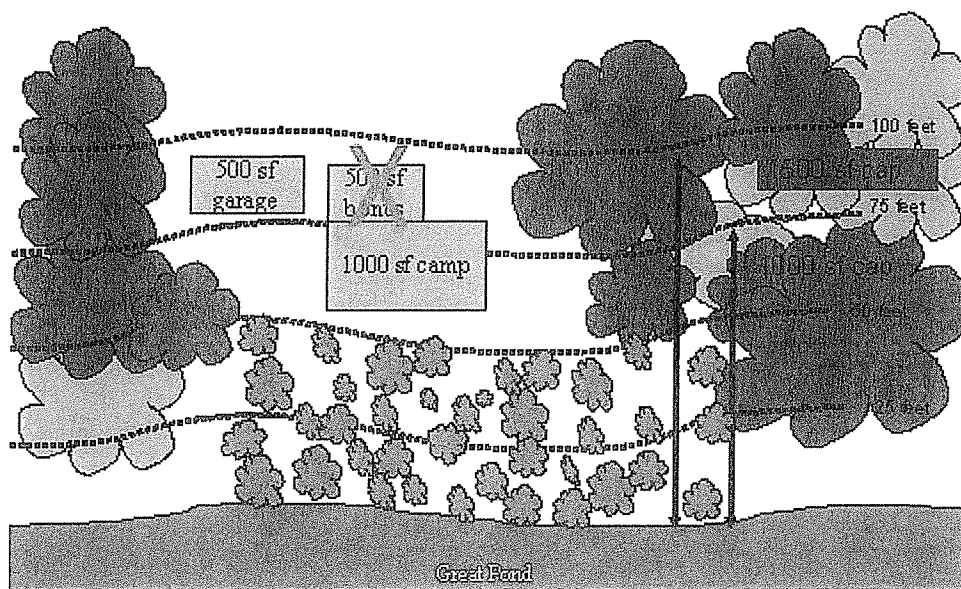
**Height-** existing or footprint of all structures)

max height:



### Old Optional Expansion Allowance

Additional 500 sf bonus: NO LONGER EXISTS!



Dawn M. Abbott

Maine Department of Environmental Protection

Assistant Shoreland Zoning Coordinator

106 Hogan Road, Suite 6

Bangor, Maine 04401

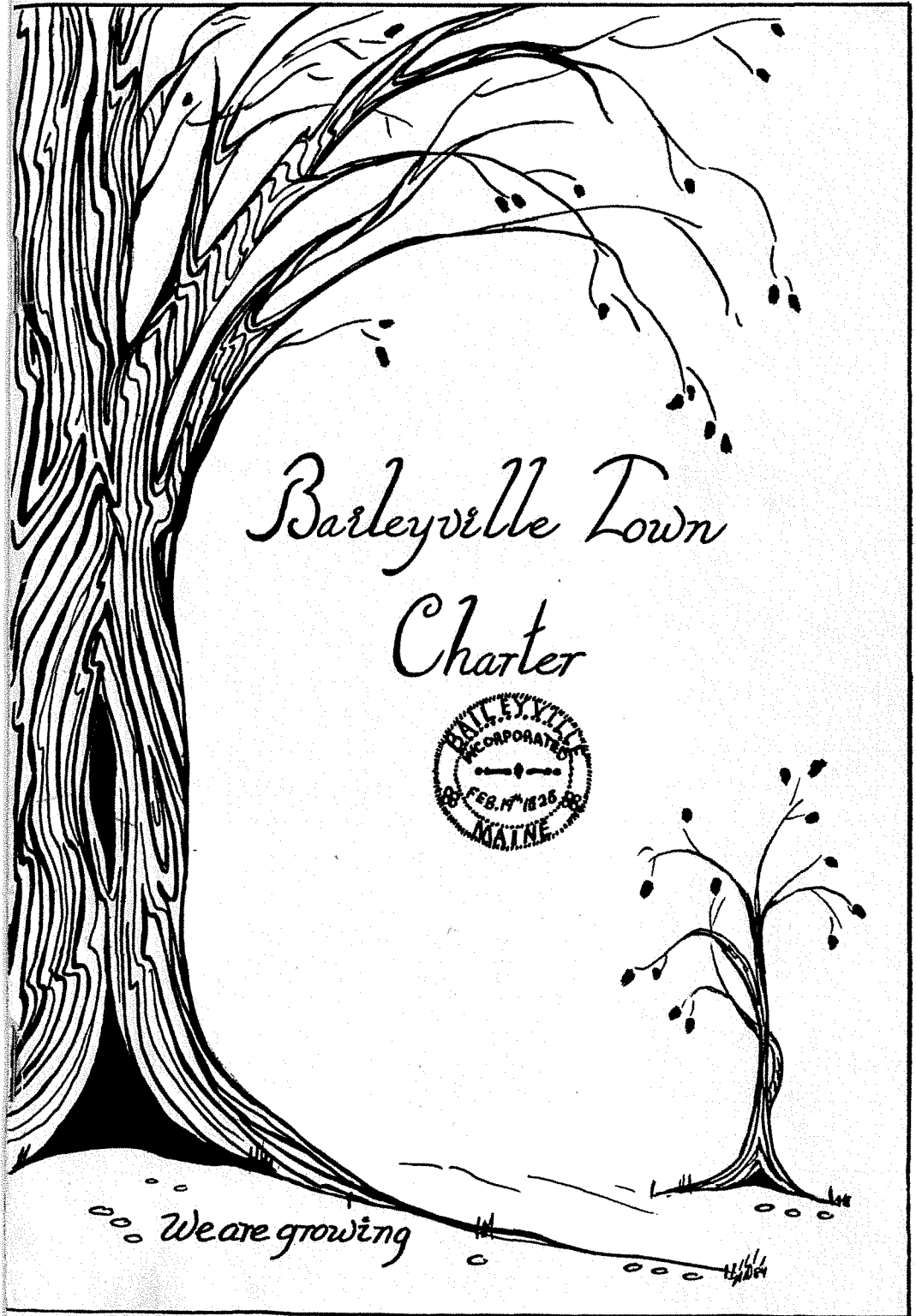
9/8/2016

Town of Baileyville Mail - RE:

*Ph- 207-356-8318*

*Fax- 207-941-4584*





# **Baileyville Town Charter**

## **Established by Private & Special Laws 1933 - Chapter 95**

**Adopted by Vote of Town Meeting – March, 1934**

### **Charter Commission Established and Elected at Town Meeting – March 28, 1983**

Milton Annis  
Frank Crosby  
Pauline Diadone  
Rich Nutter  
James Smith  
Jackie Wallace

### **Appointed by The Council – April, 1983**

Mike Bagley  
Fred Rayner  
Albert Wormell

### **Officers Elected by The Commission – May, 1983**

Milton Annis— Chairman  
Mike Bagley— Vice-Chairman  
Pauline Diadone— Secretary

**Revision of Charter Accepted by Voters  
March 28, 1984**

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- 2.02 Compensation; Expenses
- 2.03 Organizational Meeting – Chairman
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## **Article I**

### **Powers of the Town**

#### **1.01 Incorporation**

The inhabitants of the Town of Baileyville within the limits as now established or as hereafter established in the manner provided by law, shall be a municipal corporation by the name of Town of Baileyville.

#### **1.02 Powers of the Town**

The Town shall have all the powers possible for a municipality to have under the Constitution and laws of the State of Maine.

#### **1.03 Construction**

The powers of the Town under this charter shall be construed liberally and the specific mention of particular powers in this charter shall not be construed as limiting in any way the general power stated in this article.

#### **1.04 Intergovernmental Relations**

The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or of the United States or any agency thereof. To the extent State law allows, the Town may also engage in contracts or otherwise cooperate with civil divisions of Canada or agencies thereof.

## Article II

### Town Council

now 5 members

#### 2.01 Composition, Eligibility, Election and terms

(a) Composition: There shall be a Town Council of 7 members nominated and elected by the qualified voters of the Town at large as provided for in Article VII.

(b) Eligibility: Only qualified voters of the town, as defined in Section VII who reside within the town limits shall be eligible to hold the office of councilor.

(c) Election and Terms: Councilors shall be elected to serve staggered three year terms at each regular municipal election, to be held on the fourth (4th) Monday of March. Councilors shall be elected to fill the positions of ~~those~~ whose terms expire.

(d) Declaration of Votes: At any election for councilors, according to the number to be elected, the person or persons receiving the highest number of votes for such office shall be deemed and declared elected to such office.

(e) Induction: Prior to the beginning of their terms, all councilors elect shall be sworn to the faithful discharge of their duties by a justice of the peace, notary public, or the town clerk.

#### 2.02 Compensation; Expenses

Councilors shall receive their actual and necessary expenses incurred in the performance of their duties other than attendance at their regular or special meetings.

#### 2.03 Organizational Meeting – Chairman

(a) Organizational Meeting: The organizational meeting of the Council shall be held immediately following the final determination of the election or as soon thereafter as possible but not later than the first Monday following the annual town meeting.

(b) Chairman: At the first meeting, or as soon thereafter as possible, the town council shall elect by majority vote one of its members as chairman of the council, who shall serve at the pleasure of the council.



The chairman shall preside at all meetings of the council and shall perform such other duties, consistent with his office, as the council may provide. He shall be entitled to vote on all questions.

The chairman shall be recognized as the official head of the town for ceremonial purposes but shall have no administrative duties.

In the temporary absence or disability of the chairman, the council may elect one of its members to serve as temporary chairman who shall exercise all the powers of the chairman.

#### **2.04 General Powers and Duties**

Legislative power shall be vested in the town meeting except as otherwise provided for by this charter. The council shall have the legislative power to pass ordinances dealing with the purposes identified in section 2.13 and 2.15.

All powers of the town except legislative shall be vested in the council except as otherwise provided by law or this charter. The council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the municipality by law. The council shall be the municipal officers of the town.

#### **2.05 Prohibitions**

(a) Holding Other Office: Except where clearly authorized by law or pursuant to an agreement under the Interlocal Cooperation Act, or by this charter, no councilor shall hold any other town, elected or appointed, office or town employment during the term of office for which he or she was elected.

(b) Length of Time for Compensated Appointive Office or Employment: No former councilor shall hold any compensated appointive town office or employment until one year after the expiration of the term for which he or she was elected to the council.

#### **2.06 Appointment and Removals**

(a) The following officers and officials are to be appointed and removed by the council: Town Manager, Town Treasurer, Town Solicitor, Register of Voter, Code Enforcement Officer, Plumbing Inspector, Building Inspector, Sealer of Weights and Measures, Tax Collector and the person(s) or firm performing the Town Audit.

(b) Appointed officers and officials shall serve until removed by the appointing authority.

(c) Neither the council nor any of its members shall in any manner dictate the appointment or removal of any town administrative officers or employees who the manager or any of his or her subordinates are empowered to appoint.

The council may express its view fully and freely discuss with the manager anything pertaining to appointment and removal of any officers and employees.

## **2.07 Interference with Administration**

Except for the purpose of inquires and investigations under Section 2.11, the council or its members shall deal with town officers and employees who are subject to the direction and supervision of the manager solely through the manager and neither the council nor its members shall give orders to any such officer or employee either publicly or privately.

## **2.08 Vacancies, Forfeiture of Office, Filling of Vacancies**

(a) Vacancies: The office of councilor shall become vacant upon his or her death, resignation, abandonment, permanent incompetency, failure to qualify for the office within 10 days after written demand by the council, removal from office in any manner authorized by law of this charter or forfeiture of office or failure of the municipality to elect a person to the office.

(b) Forfeiture of Office: A councilor shall forfeit his or her office if he or she:

(1) Lacks at any time during their term of office any qualification for the office prescribed by this charter or by law.

(2) Violates any express prohibition of this charter.

(3) Is convicted of a crime or offense which is reasonably related to his ability to serve as a council member.

(4) Fails to attend three consecutive regular council meetings without being excused by the council.

(c) Filling of Vacancies: A vacancy in the council shall be filled for the remainder of the unexpired term, if any, at the next regular town meeting. The council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the unexpired term takes office. Such vacancy shall be filled by the council not later than 60 days of the vacancy.

## **2.09 Judge of Qualifications**

The council shall be the judge of the election and qualifications of all officers elected by the voters under this charter and of the grounds for forfeiture of their office and for that purpose shall have the power to subpoena witnesses, to administer oaths and require the production of evidence.

An officer charged with conduct constituting grounds for forfeiture of his or her office shall be entitled to a public hearing on demand. Decisions made by the council under this section shall be subject to review by the courts.

## **2.10 Secretary to the Council**

The council shall appoint an official or employee of the town who shall have the title of secretary to the council.

The secretary to the council shall give notice of council meetings to its members and the public, keep the journal of proceedings and perform such other duties as are assigned to him or her by this charter or by the council.

## **2.11 Investigations**

The council may make investigations into the affairs of the town and the conduct of any town department, office or agency and for this purpose may enact an ordinance providing for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

## **2.12 Procedure**

(a) Meeting: The council shall meet regularly at least twice in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the chairman or of three (3) or more members of the council by causing a notification to be given in hand or left at the usual dwelling place of each council member. If practicable, notification to the public shall be given not later than 24 hours before the special meeting. All meetings of the council shall be open to the public; however, the council may by three-fifths (3/5) vote recess for the purpose of discussing in closed or executive session any matter permitted by State Law. Final action on any matter taken up in such closed session shall not be taken by the council until such matter is placed on the agenda of a regular or special meeting.

(b) Rules and Journal: The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

(c) Voting: Voting, except on procedural motions, shall be by roll call and the ayes and nays of each council member shall be recorded in the journal. Four (4) members of the council shall constitute a quorum but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, shall be binding or valid unless adopted by a majority vote of those present and voting.

## **2.13 Action Requiring an Ordinance**

(a) In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the council shall be by ordinance which:

1. Adopt or amend an administrative code, or establish, alter or abolish any town department, office or agency; unless established by this charter.
2. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
3. Grant, renew or extend a franchise;
4. Regulate the rate charged for its services by a public utility;
5. Authorize the borrowing of money except tax anticipation borrowing;
6. Convey or lease or authorize the conveyance or lease of any lands of the town, except "tax acquired" property;
7. Amend, repeal or re-enact any ordinance previously adopted.

(b) Acts other than those referred to in the preceding sentence, may be done either by ordinance, by order, or by resolution.

## 2.14 Ordinances in General

(a) Form: Every proposed ordinance shall be introduced in writing and in form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "the Town of Baileyville hereby ordains—". Any ordinance which repeals or amends an existing ordinance or part of the Town Code shall set out in full the ordinance sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(b) Procedure: An ordinance may be presented at the town office in writing dated and signed by any citizen or it may be introduced by any member of the council at any regular or special meeting of the council. Upon introduction of any ordinance the secretary to the council shall distribute a copy to each council member and to the town manager and shall file a reasonable number of copies in the office of the town clerk and such other public places as the council may designate. The proposed ordinance shall be publicly read at the next regular meeting of the council after its presentation.

The title of the proposed ordinance together with a brief summary of its purpose shall be printed in a newspaper of general circulation in the town within two (2) weeks after the reading of the ordinance at the council meeting together with a notice of public hearing at a regular council meeting to be held within three (3) weeks of the date of publication. All interested persons shall have a reasonable opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it by a majority vote of the councilors present. If it is amended as to one matter of substance the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the secretary to the council shall have it published again together with a notice of its adoption.

The ordinance shall also be posted at the municipal building and copies shall be available in the town office.

(c) Effective Date: Except as otherwise provided in this charter every adopted ordinance shall become effective one week (7 days) after publication of the ordinance or at any date specified therein.

(d) "Published" Defined: As used in this section the term "publish" means to print in one or more newspapers of general circulation in the town: (1) the ordinance or a brief summary thereof, and (2) the place where copies of it have been filed and the times when they are available for public inspection.



## **2.15 Emergency Ordinances**

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances; but said ordinances may not grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money except months of the adoption of said ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least 4 members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one authorizing the issuance of emergency notes shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

## **2.16 Authentication and Recording; Codification; and Printing**

(a) Authentication and Recording: All ordinances and resolutions adopted by the council shall be authenticated by the signature of the secretary of the council and recorded in full by the clerk in a properly indexed book kept for the purpose.

(b) Codification: Within three years after adoption of this charter and at least every ten years thereafter, the council shall provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be printed promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and such codes of technical regulations and other rules and regulations as the council may specify. Any codification ordinance may be published by title. This compilation shall be known and cited officially as the Baileyville Town Code. Copies of the code shall be furnished to officials, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

(c) Printing of Ordinances and Resolutions: The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Baileyville Town Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Maine, or the codes of technical regulations and other rules and regulations included in the code.



## **Article III**

### **Town Manager**

#### **3.01 Appointment; Qualification; Compensation**

(a) Appointment: The council shall appoint a town manager and in consultation with the legal advisor for the town shall present the manager with a contract for not less than one year but not more than three years.

(b) Qualification: The manager shall be appointed solely on the bases of his or her executive and administrative qualifications.

(c) Residence: The manager need not be a resident of the town or state at the time of appointment. A manager who is not a resident of the town when hired will be allowed six (6) months to take up residency within the town limits from the date he or she assumes office. Said time period may be extended by the council for good cause shown.

(d) Compensation: The salary of the town manager shall be determined by the council.

(e) Extension of Contract: Extension of the manager's contract beyond the initial term shall be by direction of the council.

#### **3.02 Removal**

The council may remove the manager from office in accordance with the following procedures:

1. The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager.

2. Within ten (10) days after receiving a copy of the resolution the manager may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than 15 nor later than 30 days after the request is filed. The manager may file with the council a written reply not later than five (5) days before the hearing.

3. The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after ten (10) days from the date when a copy of the preliminary resolution was received by the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

4. The manager shall continue to receive his salary until the effective date of final resolution or removal.

5. The action of the council in suspending or removing the manager shall not be subject to review by any court.

### **3.03 Acting Town Manager**

By letter filed with the chairman of the council the manager shall designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of the manager during his temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another person to serve until the manager shall return or his disability shall cease.

In the event of failure of the manager to make such designation, the council may by resolution appoint any municipal officer of the town or another qualified person to perform the duties of the manager until he or she returns.

### **3.04 Power and Duties of the Town Manager**

The town manager shall be the chief administrative officer of the town. The manager shall be responsible to the town council for the administration of all town affairs placed in his or her charge by or under this charter. The manager shall have the following powers and duties:

1. To appoint and, when he or she deems it necessary for the good of the municipality, suspend or remove all town employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by-law, by this charter or by personnel rules adopted pursuant to this charter. He or she may authorize any municipal officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

2. To direct and supervise the administration of all departments, offices and agencies of the town, except as otherwise provided by this charter or by-law.

3. To attend all council meetings and shall have the right to take part in discussion but may not vote.

4. To see that all laws, provisions of this charter and acts of the council subject to enforcement by him or her by officers subject to his or her direction and supervision, are faithfully executed.

5. To prepare and submit to the council the annual budget and capital programs.

6. To prepare and submit to the council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year.

7. To prepare such other reports and perform such other duties as may be required of him or her by the council and to make such recommendations to the council concerning the affairs of the town as he or she deems necessary.

8. To act as purchasing agent for all departments, except the school department, and to submit to competitive bids any transaction involving more than \$100.00 if the council so orders.

9. To assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor administrative and governmental practices.



## **Article IV**

### **Administrative Organization**

#### **Part 1 - General Administration**

##### **4.01 General Provisions**

(a) Creation of Departments: The Council may establish Town departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other. "Nothing herein shall be construed to prevent the council from contracting for any or all functions and services provided under the department categories listed in 4.01 C with the exception of the School Department."

(b) Direction by Managers: All departments, offices and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Council the Manager may serve as head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

(c) Established Departments:

Police under the direction of a chief.

Fire under the direction of a chief.

Public works under the direction of a superintendent.

Recreation under the direction of a director.

School under the direction of an elected committee who will hire a superintendent who shall have such authority as prescribed by law. With the exception of the School Department, all departments shall be responsible to the Manager.

(d) Bonds of Officials: The Council shall require a bond by a reputable surety company or other acceptable sureties satisfactory to the Council from all persons trusted with the collection, custody or disbursement of any monies of the Town, provided, however, that the Town shall pay the costs of providing such bond. This provision to include the Town Clerk in regards to the duties as Licensing Agent for the Department of Inland Fisheries and Wildlife.

## **Part 2 - Personnel Administration**

### **4.02 Merit Principle**

All appointments and promotions of Town officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

### **4.03 Personnel Director**

The Manager or a person appointed by him shall be designated Personnel Director. The Personnel Director shall administer the personnel system of the Town.

### **4.04 Personnel Rules**

The Personnel Director shall prepare personnel rules. When approved by the Manager the rules shall be proposed to the Council, and the Council may adopt them with or without amendment. These rules may provide for:

1. the classification of all Town positions based on the duties, authority, responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
2. a pay plan for all Town positions;
3. methods for determining the merit and fitness of candidates for appointment or promotion;
4. the policies and procedures regulating reduction in force;
5. the policies governing disciplinary measures such as suspension, demotion, or discharge, with provisions for presentation of charges, hearing rights and appeals;
6. the hours of work, attendance regulations and provisions for sick and vacation leaves;
7. the policies and procedures governing persons holding provisional appointments;
8. the policies and procedures governing relationships with employee organizations, not inconsistent with law;

9. policies regarding in-service training programs;
10. grievance procedures, and;
11. other practices and procedures necessary to the administration of the Town personnel system.

### **Part 3 - Assessment Administration**

#### **4.05 Assessor**

The councilors shall act as assessors for the Town. They shall perform all duties and responsibilities provided for assessors under general law. The salary, hours and working conditions of the assessors shall be determined by the Council.

### **Part 4 - Legal**

#### **4.06 Legal Officer**

There shall be a legal officer of the Town appointed by the Council who shall serve as chief legal advisor to the Council, Manager and all Town departments, boards, agencies and commissions.

The legal officer shall represent the Town in all legal proceedings and shall perform any other duties prescribed by ordinance and law. The Council may employ other legal counsel from time to time when the Council deems it necessary.

## **Article V**

### **School Administration**

#### **5.01 School Administration**

(a) Composition: There shall be a Town School Committee of **five members**, nominated by the qualified voters of the Town as prescribed under this Charter in Section 7.01C.

(b) Eligibility: Only qualified voters of the Town shall be eligible to hold the office of School Committee member.

(c) Election and Term: School Committee members shall be elected to serve staggered three year terms. At each annual Town election School Committee members shall be elected to fill the positions of those whose terms expire.

(d) Prohibition: No member of the superintending School Committee or spouse shall be employed as a full time, or part time employee in any public school in said Town.

#### **5.02 Vacancy; Forfeiture of Office; Filling Vacancies**

##### **A. Vacancy - Forfeit**

The office of School Committee members shall be deemed vacant or forfeit for the following reasons:

- a. nonacceptance of the elected position
- b. resignation
- c. death
- d. lacks at any time during the term of office any qualification for the office prescribed by law or this Charter
- e. violated any express prohibition of this Charter
- f. is convicted of a crime or offense which is reasonably related to his or her inability to serve as a member of the Committee
- g. fails to attend three consecutive regular meetings of the Committee without being excused by the Committee.



## **B. Filling of Vacancy - Time Required**

The School Committee shall appoint a qualified person to fill any vacancy until a successor is elected and qualified. At the next annual regular election a member shall be elected to fill the vacancy for the remainder of the unexpired term."

In case any member of the School Committee no longer remains a legal resident of the Town or is absent for more than 90 days, a vacancy shall be declared to exist and the remaining members shall within 30 days thereafter choose another qualified person to fill the vacancy as provided for under this Charter.

Should there be a lack of a quorum in cases of vacancy, the Town Council shall notify the qualified voters of the Town of such opening and convene a special election to fill vacancies.

## **5.03 Powers and Duties**

The School Committee shall have all the powers and perform all the duties in regard to the care and management of the public schools of the Town which are now conferred and imposed upon school committees by the laws of the state, except as otherwise provided in this Charter. The School Committee shall be the head of the Town Education Department and for financial purposes shall be governed by Article VI.

## **5.04 Chairperson, Selection, Duties and Quorum**

(a) How Selected: Each year the chairperson of the School Committee shall be selected by written ballot by a majority vote of the entire Committee. Said election to take place at the organizational meeting of the School Committee or as soon thereafter as practicable.

(b) Duties: The chairperson shall preside at all meetings of the School Committee and shall have a vote as other members of said Committee.

(c) Quorum: A quorum shall consist of three members.

### **5.05 Organizational Meeting**

The School Committee shall meet and organize at 7 o'clock on the first Monday following the annual municipal election. New members shall be sworn in by a justice of the peace, notary public, or the Town Clerk to the faithful discharge of their duties.

Chairperson for the ensuing year shall be selected in accordance with Section 5.04 A.

### **5.06 Budget Preparation**

(a) Fiscal Year: The fiscal year for the school budget shall be July 1 of the current year to June 30 of the following year, unless changed by appropriate state law.

(b) Preparation: The annual budget of the School Committee shall be prepared in accordance with the School Budget Adoption Procedures Ordinance as adopted on September 27, 1982 or as amended.

(c) Date of Submission: The annual budget shall be submitted to the Town Council no later than March 1st of each year, unless amended from time to time.

(d) Notice and Hearing: All budget considerations regarding monies to be raised and appropriated shall be published in a newspaper of general circulation within the Town and notices posted in a public and conspicuous place within the Town stating: Date, Time, Place and Item or Items to be considered.

Such notice shall be at least seven days in advance of such budget hearings.

At budget hearing meetings only budgetary items shall be the order of business.

In connection with each budgetary item, the public shall be invited to participate.

## **Article VI**

### **Financial Procedures**

#### **6.01 Fiscal Year**

The fiscal year of the Town shall begin on the first day of July (July 1) and shall end on the last day of June (June 30).

Such fiscal year shall constitute the budget and accounting year as used in this charter.

The Fiscal year, as used in this charter, may be amended or changed by the submission of an article, by the council, so stating the desired change in the Annual Town Meeting Warrant and such article being acceptable to the voters.

#### **6.02 Submission of Budget**

All budgets, including the School Budget, shall be submitted to the council no later than March 1 of each year unless otherwise provided by the voters of the Town.

#### **6.03 Budget Officer**

The Manager shall be the budget officer of the Town. The Manager shall submit to the Council a budget for the ensuing year and an accompanying message.

#### **6.04 Budget Message**

The message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the Town debt position and include such other material as the Manager deems desirable.

#### **6.05 Budget**

The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year and, except as required by this charter, shall be in such form as the Manager deems desirable or the council may require.

In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object.

It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the estimated property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year.

#### **6.06 Council Action on Budget**

(a) Notice and Hearing: All budget considerations regarding monies to be raised and appropriated shall be published in a newspaper of general circulation within the Town and notices posted in a public and conspicuous place within the Town stating: Date, Time, Place and Item or Items to be considered.

Such notice shall be at least seven days in advance of such budget hearings.

At budget hearing meetings only budgetary items shall be the order of business.

In connection with each budgetary item, the public shall be invited to participate.

(b) Presentation of Budget: The budget, in its final form, shall be presented to the voters of the Town at the annual Town Meeting or at a special Town Meeting whichever is deemed more advisable by the council.

Each appropriation shall be stated in a separate, clear and distinct article stating the amount of money to be raised and appropriated.

If money is to be taken from surplus and not assessed, the article must so state in addition to stating the amount to be raised and appropriated.

(c) Public Record: Copies of the budget, as adopted by the voters of the Town, shall be a public record and shall be available to the public at the municipal building during regular business hours.



## 6.07 Administration of Budget

(a) Administrator: The Town Manager shall be the administrator of the Town budget.

(b) Payments from Budget: Money shall be paid out only on warrants on the Town treasury issued by the Town Manager and countersigned by the Council.

Such warrant shall specify the appropriate article to be charged, amount to be paid, to whom paid, date of payment and check number.

(c) Department and Agencies Report: Each department or agency shall each month submit to the Town Manager, who shall forward such reports to the Council, a report showing their assigned article number, the amount of appropriation, monies spent to date, reason for expenditures and the remaining balance of the account.

(d) Interim Expenditures: In the period between the beginning of the fiscal year and the appropriation of funds, the Council may authorize expenditures for current departmental expenses, chargeable to the appropriations for the year, when made in amounts sufficient to cover the necessary expenses of the various departments.

(e) Borrowing: The borrowing of money by and for the Town shall be limited to the provisions of this charter and the Maine Revised Statutes as amended.

(f) Bond Issues: Money may be borrowed by the issue and sale of bonds pledged on the credit of the Town. The proceeds may be used for the payment of the indebtedness of the Town, the construction of buildings, the purchase of equipment, the construction of roads and streets and other public improvement and the payment or refunding of bonds previously issued. Every issue of bonds shall be payable by installment with interest at least annually until the debt is extinguished and within a fixed term of years.

(g) Temporary Loans: Money may be borrowed in anticipation of tax receipts or revenue sharing receipts during any fiscal year after the fiscal year begins, but the aggregate amount of such loans outstanding at any one time shall not exceed 80% of the revenue received for taxes during the preceding fiscal year.

All such loans shall be paid within the fiscal year out of receipts for the fiscal year in which said loans were made.

(h) Council Approval: Council approval must be obtained as well as any other required approval, on all borrowing, bond issues and temporary loans.

#### **6.08 Annual Post Audit**

The Council shall each year appoint a qualified public accountant or agency for the purpose of conducting the annual post audit of the prior fiscal year municipal finances, as authorized by law.

## **Article VII**

### **Nominations and Elections**

#### **7.01 Municipal Election**

(a) Regular Election—The annual municipal election for the purpose of electing its various municipal officials, including trustee(s) of the Baileyville School District, shall be held on the Fourth Monday of March of each year. The presentation of the town budget with its recommended appropriations, including the school budget, may be presented at this time following the annual election of town officials.

(b) Special Election—The municipal officers as specified under Section 2.04 shall call special elections, as needed, to provide for the efficient operation of town affairs.

(c) Qualified Voters—All citizens qualified by the Constitution and laws of the State of Maine to vote in the town and who satisfy the requirements for registration prescribed by law shall be qualified voters of the town within the meaning of the charter.

(d) Conduct of Elections—Except as otherwise provided by this charter, the provisions of Title 21 and Title 30 of the Revised Statutes Annotated shall apply to elections held under this charter. All elections provided for under this charter shall be conducted by the election officials established by law. Each municipal election, regular or special, must be called by a warrant which must specify the date, time and place of election. All business of the town and the election of the various officials are to be stated in separate, clear and distinct articles. In regards to the election of the various town officials those receiving the greatest number of votes, under the article concerned, shall be declared elected.

For the conduct of town elections, for the prevention of fraud in such election, and for the recount of ballots in cases of doubt or fraud, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter.

#### **7.02 Nominations of Candidates**

(a) The nomination of all candidates for elective offices provided for by the charter, including trustee of the Baileyville School District, shall be by petition.

Any qualified voter of the town may be nominated for any of the elective offices provided for by this charter.



(b) Signatures Required—The petition of each candidate for elective office shall be signed by not less than 25 nor more than 75 qualified voters of the town. Each signature shall be executed in ink or indelible pencil.

(c) Signing of More Than One Petition—A voter may sign as many petitions as there are vacancies to be filled. If any voter should do so, his or her signature shall be counted only upon the first petition(s) filed and shall be void upon all other petitions.

The signatures to nomination papers need not all be affixed to one petition but to each signature on it was affixed in his presence and that it is the genuine signature of the person whose name it purports to be. Each signature shall be followed by the signers street address.

### 7.03 Petition of Candidates

(a) Form of Petition—The form of the nomination petition shall be substantially as follows:

“To the Town Clerk of the Town of Baileyville”:

We, the undersigned voters of the Town of Baileyville, in accordance with Article \_\_\_\_\_ of the annual town warrant hereby nominate \_\_\_\_\_ to be voted for at the election to be held in the Town of Baileyville on the \_\_\_\_\_ day of March, 19\_\_\_\_. We individually certify that we are qualified to vote for a candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name	Street	Name	Street
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“To the Town Clerk of the Town of Baileyville”:

I \_\_\_\_\_ being duly sworn, deposes and says that I, the circulator of the nomination petition of \_\_\_\_\_ containing \_\_\_\_\_ signatures and that the signatures appended thereto were made in my presence and are the signatures of the persons whose names they purport to be.

\_\_\_\_\_  
Name of Circulator

subscribed and sworn to before me this \_\_\_\_\_ day of March, 19\_\_\_\_.

Seal

\_\_\_\_\_  
Notary Public

"To the Town Clerk of the Town of Baileyville":

I \_\_\_\_\_ consent to accept the nomination of  
Name of Candidate \_\_\_\_\_ and I agree not to withdraw and if  
elected, to qualify.

Signed: \_\_\_\_\_

(b) Filing and Acceptance—All nomination petitions of any one candidate shall be assembled and filed with the town clerk as one petition not earlier than 45 days before the election and not later than 25 days prior the election. No nomination petition shall be accepted unless accompanied by a signed acceptance of the nomination by the candidate.

(c) Procedure After Filing Nomination Petitions—The clerk shall make a notation on each petition received showing time and date when filed. Within five days after the filing of a nominating petition, the clerk shall notify the candidate and the person who filed the petition whether or not it satisfied the requirements prescribed by this charter. If a petition is found insufficient, the clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

#### **7.04 Ordering Candidates Surnames**

Where two or more candidates have been nominated for any office, the names of said candidates shall be arranged in alphabetical order of their surnames.

#### **7.05 Preparation of Ballots**

(a) Joint Ballot—All municipal officials to be elected at the annual municipal election shall be by a joint ballot instead of a separate ballot for each candidate.

(b) Ballot Form—Specimen ballots and official ballots for use in all municipal elections shall be prepared by the town clerk at the expense of the town. The ballot shall be without party designation. Names shall be placed on the ballot alphabetically under the office for which they were nominated.

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### **7.07 Counting of Ballots**

(a) Counting the Ballots—As soon as the polls are closed, the election officials shall count the ballots under the supervision of the moderator. The ballots shall be counted publicly so that those present may observe the proceeding. The ballots shall be separated into lots of one hundred (100) and counted by the ballot clerks. Total ballots cast to be determined before the count begins.

(b) Procedure After Counting—The warden shall record upon the official ballot the number of votes received for each candidate to be elected, including all write-ins. The moderator shall declare the results publicly at the voting place.

(c) Ballot Clerks and Warden to Sign Returns—After the warden has recorded the official votes on the official ballot, he shall sign his name on the ballot along with the ballot clerks.

### **7.08 Ballots for Ordinances**

An ordinance to be voted on pursuant to Article **VIII** shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described ordinance be adopted?"

Immediately below such question shall appear in the following order, the words "Yes" and "No" under which shall be a square in which the voter may place a cross (x) or check (✓) mark to designate his or her vote.

### **7.09 Voting Machines**

The council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

### **7.10 Recall of Elected Officials**

Any elected official of the town may be recalled by the voters of the municipality electing them. The recall process shall be as follows:

(a) Initiation—A recall petition may be initiated by at least 50 qualified voters of the municipality presenting a written request for recall to the town clerk.

(b) Action required by the town clerk—Upon receipt of the request for recall and verification of the qualifications of the signers, the town clerk shall consult with the town's legal advisor, a committee of at least 5 of those signing the recall request and any attorney they may choose to retain to prepare a recall petition.

(c) Recall Petition—The recall petition shall clearly identify and set forth the charges against the elected official which they are seeking to have recalled.

(d) Collection of Signatures; Time—Recall petitions shall be available for signing by any qualified voter in the municipality for at least 15 business days following the completion of the petition. Petitions may be circulated for signing throughout the municipality.

If at the close of the 15 day period the number of qualified voters of the municipality signing the petition equals to at least 10% of the registered voters at the last municipal election held within the town, the elected municipal officials shall immediately establish a time for a recall referendum.

(e) Recall Ballot Form—The question to be asked on the recall referendum shall substantially conform to the following:

Shall \_\_\_\_\_ be recalled from \_\_\_\_\_  
Name of Elected Official Name of  
\_\_\_\_\_ to which he or she was elected?  
Position to Which Elected

☐  
Yes

☐  
No

Front and back of the ballot shall be official referendum ballot.

Town of Baileyville, Maine

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Town Clerk

Face of Ballot

Make a cross (x) or check mark (✓) in the square "Yes" or "No" to designate the vote of your choice.

Questions to be asked shall follow below the above instructions.

(f) Voiding of Recall Referendum—The recall referendum shall be voided if the official resigns at least 7 days prior to the date of the referendum.

(g) Election and Replacement of Recalled Officials—No replacement candidates may be voted upon at the recall referendum nor may an election for a replacement of a recalled official or resigned member be held within 14 days.

## **Article VIII**

### **Initiative and Referendum**

#### **8.01 General Authority**

(a) **Initiative:** The qualified voters of the town shall have power to propose ordinance to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at an election provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of officers or employees.

(b) **Referendum:** The qualified voters of the town shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered to approve or reject it at a town election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes, or salaries of officers or employees.

#### **8.02 Commencement of Proceedings; Petitioners' Committee; Affidavit**

(a) Any qualified voters may commence initiative or referendum procedures by filing with the clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and street addresses and specifying the mailing address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

(b) Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate blank to the petitioners' committee.

#### **8.03 Petitions**

(a) **Number of Signatures:** Initiative and referendum petitions must be signed by qualified voters of the town equal in number to at least 15 percent of the total number of qualified voters registered to vote at the last regular town election.



(b) Form and Content: All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of Circulation: Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for Filing Referendum Petitions: Referendum petitions must be filed within 30 days after adoption by the council of the ordinance sought to be reconsidered.

#### **8.04 Procedure After Filing**

(a) Certificate of Clerk; Amendment: Within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice or intention to amend it with the clerk within two days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 7.03, and within five days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present his certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) Council Review: If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.

(c) Court Review; New Petition: A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

#### **8.05 Referendum Petitions; Suspension of Effect of Ordinance**

When a referendum petition is filed with the town clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition, or
2. The petitioners' committee withdraws the petition, or
3. The council repeals the ordinance, or
4. Thirty days have elapsed after a vote of the town on the ordinance.

#### **8.06 Action on Petitions**

(a) Action by Council: When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters.

(b) Submission to Voters: The vote on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final council vote thereon. If no regular town election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) Withdrawal of Petitions: An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the voters by filing with the clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

#### **8.07 Results of Election**

(a) Initiative: If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) Referendum: If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

## **Article IX**

### **General Provisions**

#### **9.01 Elected Officers; Terms**

The term of office for the following elected officials shall be for three years; Town Clerk, Councilor, School Committee and Trustee of the Baileyville School District.

Exception to the three year term will be the vacancies of any office as stated under Section 2.08 of this charter in which case the term will be for the remaining term of the original elected official.

The term of any person elected to office shall begin at the organizational meeting immediately following the final determination of the election or as soon thereafter as possible but not later than the first Monday following the annual Town meeting.

Any such person elected shall serve for his prescribed term or until his successor is elected and qualified.

#### **9.02 Residence Requirement**

The town Manager and heads of all departments, agencies and offices must reside within the Town limits with the exception of the person or firm performing the Town Audit and the Town Solicitor. For good cause shown the Council may suspend operation of this provision with respect to any person.

#### **9.03 Swearing in Officers**

Every Town officer or official and every person with an office of public trust shall be sworn to the faithful discharge of the duties incumbent upon him or her according to the Constitution of the Town and shall be sworn to support the Constitution of the United States and the Constitution of the State of Maine.

#### **9.04 Personal Financial Interest**

30 M.R.S.A. 2251 as it may be amended from time to time shall govern in determining whether any public official or employee has a conflict of interest with regard to any municipal action.

## **9.05 Prohibitions**

### **(a) Activities Prohibited:**

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to Town position or appointive Town administrative office because of race, sex, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certificate or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the municipal service.

(4) No person who holds a compensated appointive Town position shall solicit any assessments, contributions, or services for any political party from any employee in the municipal service.

(5) Nothing herein contained shall affect the right of any person to hold membership in, and support, a political party, to vote as they choose, to express privately and publicly his opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.

(b) Penalties: The council may enact an ordinance prescribing penalties for the above. Any person found in violation of this section by a court of competent jurisdiction or by the council acting in a judicial capacity shall be ineligible for a period of five years thereafter to hold any Town office or employment and shall immediately forfeit their office or position.

## **9.06 Separability**

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

## **9.07 Amendments**

Amendments to this charter shall be made in accordance with MRSA Title 30, chapter 201A, Section 1915.

## **Article X**

### **Transitional Provision**

#### **10.01 Effective Date**

After adoption, this charter shall become effective for all purposes on and after the first day of July 1, 1985.

#### **10.02 First Election**

(a) First election: After adoption of this charter, in order to maintain a consistency of elected officials, the first election under this charter, to elect the additional councilors shall be held on the fourth Monday of March, 1985

(b) Term of office: The additional councilors shall be elected to terms which will properly be within the rotation of the staggered terms of office.

(c) Present members of council: All members serving on the council at the effective date of this charter shall continue to hold office until their prescribed term expires and their successors are elected and qualified.

(d) Temporary ordinances: In adopting ordinances and resolutions necessary to effect the transition of government under this charter and to maintain effective government during that transition, the council shall follow the procedures prescribed in Article II except that at its first meeting and any meeting held within sixty (60) days thereafter, the council may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective municipal government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption of a temporary ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the 91st day following the date on which it was adopted, and it shall not be readopted, renewed or otherwise continue except by adoption in the manner prescribed in Article II for ordinances of the kind concerned.

### **10.03 Officers and Employees**

(a) Rights and privileges preserved nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are town officers or employees at the time of its adoption.

(b) Continuance of office or employment - except as specifically provided by this charter, if at the time this charter takes effect a town administrative officer or employee holds any office or position which is or can be abolished by or under this charter, they shall continue in such office or position until the taking effect of some specific provision under this charter directing that he vacate the office or position.

(c) All established boards and committees not inconsistent with this charter shall continue in effect until changed by council action and the incumbent members shall serve their appointed terms or until replaced.

(d) Personnel system - an employee holding a town position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for under this charter.

### **10.04 Departments, Offices and Agencies**

(a) Transfer of Powers: If a department, office or agency is abolished by or under this charter, the powers and duties given it by law shall be transferred to the town department, office or agency designed in this charter of, if the charter makes no provision, designated by the council.

(b) Property and Records: All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the council in accordance with this charter.



### **10.05 Pending Matters**

All rights, claims, action, order, contracts and legal or administrative proceeding shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the town department, office or agency appropriate under the charter.

### **10.06 State and Municipal Laws**

(a) In general all town ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto to the extent that the Constitution and laws of the State of Maine permit, all laws relating to or affecting this town or its agencies, officers or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

### **10.07 Printing**

After July 1, 1985, no official or unofficial printing of this charter need contain a printing of Article X, Transitional Provisions.

## TOWN OF BAILEYVILLE

### CHARTER AMENDMENTS

EFFECTIVE NOVEMBER 4, 1986

Add the position of the Town Clerk to the list of Town Officials to be appointed by the Council under Section 2.06 of the Charter and delete the position of Town Clerk from the list of elected officials in Section 9.01 of the Charter and from the elected officers denominated on the ballot form described in Section 7.05(b) of the Charter, and add a transitional provision, Section 10.03(e) providing for the appointment of a Town Clerk whose term shall begin January 1, 1987.

EFFECTIVE NOVEMBER 14, 1988

SECTION 3.04(1) Notwithstanding any other provisions of this Section, a committee shall be created to perform the hiring function for all department head positions. The committee shall consist of five (5) persons and shall include the Town Manager and four (4) other persons appointed by the Council. Council Members may serve on the committee and not more than two (2) members of the committee may be a non-council member. Preferably, at least one (1) member of the committee, in addition to the Manager, shall have some expertise or familiarity with the duties and responsibilities of the position being filled. The committee shall participate in the application and interview process and the final selection of an applicant shall be by majority vote of the committee. The duties of the committee shall cease upon filling the position with respect to which the committee was empowered to act.

SECTION 2.06(c) Neither the Council nor any of its Members shall, in any way, dictate the appointment or removal of any Town administrative officers or employees who the Manager or any of his or her subordinates are empowered to appoint except as provided in the second paragraph of Section 3.04(1).

EFFECTIVE MARCH 23, 1992

SECTION 2.01 To reduce the number of Town Councilors from seven (7) to five (5), to become effective March 23, 1992. The Council shall adjust the terms of office so that no more than two terms will expire in any one year.

## **BOARD OF APPEALS**

### **Section 1. ESTABLISHMENT and ORGANIZATION**

Reestablishment: Pursuant to 30A, M.R.S.A. § 2691 and 3001, The present Zoning Board of Appeals for the town of Baileyville as now constituted, is hereby reestablished and shall constitute the Board of Appeals under this ordinance, and each member thereof shall serve the remainder of his or her present term.

- A. There shall be a Board of Appeals consisting of five (5) members and three (3) alternate members, all shall be residents of the town and appointed by the municipal officials as provided in Title 30A, M.R.S.A. §2691, as amended . The Board shall elect annually a chairman and a secretary from its membership. The members shall serve for terms of 3 years. Terms shall be staggered. Members shall continue in office until their successors are appointed. Alternate members shall act on the Board in place of any member who may be unable to act due to a personal involvement, absence from the meeting or physical incapacity.
- B. No municipal official, town employee or a spouse of a municipal official may be a member or an alternate member of the Board.
- C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, excluding the member who is being challenged.
- D. A member of the Board may be dismissed for cause, after notice and hearing by the municipal officers before the expiration of such member's term.
- E. The Chairman shall designate which alternate member shall serve in the stead of the absent or disqualified member.
- F. Vacancies shall be filled within sixty (60) days by appointment of the municipal officers for the unexpired term.

### **Section 2. PROCEDURE**

- A. The Board of Appeals shall adopt rules necessary to the conduct of it's affairs provided that any rule may be waived by the Chairman upon good cause shown and in keeping with this Ordinance and the Ordinances to which this Board is the appellate body. The Chairman, or in his absence the acting Chairman, may call meetings of the Board and administer oaths as required. The Chairman or acting Chairman shall also call meetings of the Board when requested to do so by a majority of the members or by the municipal officers.

As amended by vote of Town Meeting of May 13, 2013

A quorum of the Board necessary to conduct an official Board meeting shall consist of at least 3 members. The Chairman shall preside at all meetings of the Board and be the official spokesman for the Board. All meetings of the Board are open to the public.

- B. The Secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board. The Secretary shall be responsible for maintaining those records which are required as part of the various proceedings which may be brought before the Board. All records to be maintained or prepared by the Secretary shall be on file in the municipal clerk's office and shall be open to public inspection during regular office hours.

### Section 3. APPEALS TO THE BOARD OF APPEALS

- A. The Board may exercise jurisdiction only upon receipt of a written appeal from a person aggrieved, filed within 30 days after action complained of, or for property tax abatement appeals within 60 days after action complained of, stating the relief sought and the grounds thereof.
- B. The Board of Appeals shall hear an appeal within 30 days from the date of receiving a written notice of request from an aggrieved party. Public notice thereof shall be posted in conspicuous places in the Town 7 days prior to the date of the meeting, as well as due notice to the parties in interest. Any party may appear at the hearing in person or by authorized representative, agent or attorney.
- C. The Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of the irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present its case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.
- D. The Board shall not accept or consider any oral or documentary evidence as testimony, which is submitted subsequent to the close of a hearing unless provisions for such submission are made prior to said closing.

### Section 4. APPEALS TO SUPERIOR COURT

Any person aggrieved by a decision of the Board may appeal within 45 days of the vote on the original decision, to Superior Court from any order, relief, or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B, except as otherwise provided by statute.

### Section 5. STAY OF PROCEEDINGS

An appeal stays all legal proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been

filed, that by reason of facts stated in the certificate to stay would, in the officer's opinion cause imminent peril to life and property. In such cases, proceedings shall not be stayed other than by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause is shown.

## Section 6. JURISDICTION, POWERS AND DUTIES

The Board of Appeals is authorized to hear and decide appeals from decisions, actions or failure to act by the following officials and in the following matters:

- a. By the Code Enforcement Officer or Planning Board, in the administration of the Shoreland Zoning Ordinance;
- b. By the Planning Board in the administration of the Subdivision Ordinance or Regulations and 30-A M.R.S.A. Section 4401-4407 - subdivisions;
- c. By the Code Enforcement Officer or Planning Board, in the administration of the Floodplain Ordinance;
- d. By the Code Enforcement Officer or Planning Board, in the administration of the Zoning or Land Use Ordinance;
- e. By the municipal officers in the administration of property tax abatements under 36 M.R.S.A. § 841.

All appeals and variance requests shall be in accordance with the applicable provisions of the subject code or ordinance, including any provisions thereof specifying the jurisdiction of the Board.

The Board of Appeals' authority does not include appeals from enforcement decisions made by the Code Enforcement Officer, Building Inspector, or other enforcement official. The term *enforcement decisions* refers to violation determinations and enforcement actions taken by the enforcement official. The Board shall have no authority to act in any other matter except as expressly provided by ordinance or statute.

The Board will have the power to hear and decide administrative appeals on an appellate basis, where it is alleged by an aggrieved party that there is an error in an order, requirement, decision or determination made by, or failure to act by, the Planning Board relative to a subdivision application; and to hear and decide administrative appeals, on a de novo basis, where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of action on a permit application under the ordinance.

When acting in an appellate capacity the Board of Appeals may reverse the decision of the Planning Board only upon a finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may

remand the matter to the Planning Board for further consideration. When acting in a de novo capacity, the Board of Appeals shall hear and decide that matter afresh, undertaking its own independent analysis of the evidence and the law, and reaching its own decision.

For all matters before the Board of Appeals, the person filing the appeal or request shall have the burden of proof.

The Secretary of the Board shall submit to the Code Enforcement Officer a report of all variance actions, including justification for granting of a variance and an authorization for the Code Enforcement Officer to issue a development permit, which includes any conditions to be attached to the permit.

The Board shall authorize upon appeal in specific cases such variances from the terms of the Zoning or Land Use Ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement would result in undue hardship. The term "undue hardship" shall mean:

1. That the land in question cannot yield a reasonable return unless a variance is granted;
2. That the need for a variance is due to the unique circumstances of the property and not the general conditions of the neighborhood;
3. That granting the variance will not alter the essential character of the neighborhood;
4. That the hardship is not the result of action taken by the applicant or a prior owner.

The Board of Appeals, based on clear and convincing evidence presented to it, makes a finding that the proposed use would meet the provisions of State statute. To receive a variance, the applicant must meet all 4 criteria listed above and the Board may prescribe appropriate conditions or safe-guards to be met by the developer to ensure public/private safety and health; and shall be incorporated in the terms under which the variance is granted. Violations of these conditions shall constitute a violation of this Zoning or Land Use Ordinance.

### Site Inspections

The Board may make site inspections as deemed necessary, together with the municipal officials and the petitioner, at a reasonable time as mutually agreed upon, in order to document the facts for the above finding.

Any and all site inspections and findings shall be recorded and made part of the permanent record.

## Section 7. DECISIONS

- A. The concurring vote of 3 members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Planning Board or Code Enforcement Officer, or to decide in favor of the applicant in any matter on which it is required to pass under this Ordinance, or to affect any variation of this Ordinance.
- B. The transcript of testimony (if any), and exhibits, together with all papers and requests filed in the proceedings shall constitute the record.
  - 1. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the basis therefor, upon all material issues of the fact, law, or discretion presented and the appropriate order, relief, or denial thereof.
  - 2. All decisions of the Board shall be made within 30 days from the date an appeals hearing is held, or within 10 days for a property tax abatement appeal.
  - 3. Notice of any decision shall be mailed or hand delivered to the petitioner, his authorized representative or agent, the applicable municipal official, and the Town Council within 7 days of the Board's decision.

The board may reconsider any decision reached under this section within 45 days of its prior decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. The board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

Notwithstanding Section 4 of this Ordinance, appeal of a reconsidered decision must be made within 15 days after the decision on reconsideration.

## Section 8. REPEAL OF PRIOR ORDINANCES; RATIFICATION OR PRIOR BOARD ACTIONS

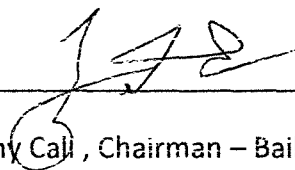
Any ordinance enacted or legislative act prior hereto and establishing or purporting to establish a board of appeals by that or another name, or governing or purporting to govern its membership, authority or procedure, is hereby repealed, it being the intent of this ordinance to abolish and replace any such board with a board of appeals lawfully established and authorized, among other things, to hear zoning appeals pursuant to 30-A M.R.S.A. § 2526 (6). Any act prior hereto of that board commonly known as the board of appeals and abolished hereby is hereby ratified and confirmed.



Section 9. SEVERABILITY

The invalidity of any section or provision of this ordinance shall not be held to invalidate any other section or provision, which shall remain in full force and effect.

Date Passed: May 13 2013

Attest True Copy:   
Timothy Call, Chairman – Baileyville, Town Council

As amended by vote of Town Meeting of May 13, 2013

# **BUILDING AND PROPERTY MAINTENANCE ORDINANCE**

## **Town of Baileyville, Maine**

**SECTION 1. PURPOSE/SCOPE** The purpose of this Ordinance is to get a minimum standard for the condition and maintenance of the exterior of all buildings and structures and the premises surrounding said buildings and structures.

**SECTION 2. MAINTENANCE REQUIRED** All buildings and structures, and all parts thereof, shall be maintained in a safe, sanitary and non-hazardous manner. All means of egress shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereon shall be maintained so as to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance insuring that the property itself may be preserved safely, and that hazards to the public health and safety are avoided.

Violations of this ordinance are established when it is demonstrated that conditions found contrary to this ordinance create a risk to health or safety.

### **SECTION 3. MAINTENANCE STANDARDS/BUILDINGS AND STRUCTURES**

1. Each property owner shall keep all exterior components of every principal and accessory structure in good repair, including but not limited to, walls, roofs, chimneys, cornices, gutters, down spouts, drains, porches, steps, landings, fire escapes, exterior stairs, windows, shutters, doors and storefronts.
2. All surfaces shall be maintained free from deterioration, including but not limited to, broken glass, loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling or deteriorated paint.

### **SECTION 4. MAINTENANCE STANDARDS/PREMISES AND YARD AREAS**

1. All premises and yard areas shall be maintained in a safe and sanitary condition, including but not limited to, steps, walks, driveways, fences, retaining walls, trees, shrubs, grass and weeds. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced or removed.
2. All fences, retaining walls or similar structures shall be firmly anchored in the ground and maintained in good structural repair.
3. Weeds and grass shall be kept from becoming overgrown.
4. All yards, or lots shall be kept free of accumulations of trash, garbage, refuse, junk or other material which may cause a fire hazard or may act as a breeding place for vermin.

**SECTION 5. ENFORCEMENT** The Code Enforcement Officer of the Town of Baileyville shall enforce the provisions of this Ordinance. In the event of a violation, the Code Enforcement Officer shall notify the property owner, serving a written notice by certified mail or by hand deliver. Said notice shall explain the nature of the violation and allow no more than 30 days from the date of the receipt of the notice to correct the violation. If the violation is not corrected within the required time allowed, the property owner shall be subject to penalties as set forth in Section 6.

**SECTION 6. PENALTIES** Any person who violates any provision of this Ordinance commits a civil violation punishable by a civil penalty of \$25 for each day the violation continues beyond the allotted correction period as referenced in Section 5. In addition, the Town may pursue all remedies and relief available at law and/or in equity, including without limitation the remedies and relief provided in 30-A M.R.S.A. § 4452.

**SECTION 7. SEVERABILITY** If any section, subsection, clause, paragraph, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 8. AUTHORITY** This Ordinance is adopted as a local building code ordinance pursuant to 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3007(2).

**SECTION 9. EFFECTIVE DATE** This Ordinance shall be effective upon adoption by the Town Council of the Town of Baileyville pursuant to Town Charter authorization.

Adopted October 24, 2011 by the Town Council of the Town of Baileyville

# Town of Baileyville

## Building and Property Maintenance Evaluation Form

House #: \_\_\_\_\_ Street Name: \_\_\_\_\_ Lot # \_\_\_\_\_ Map# \_\_\_\_\_

Stories: 1/2/3 Garage/Out building on property? Yes / No Attached to house: Yes / No

Commercial property: Yes / No Occupant operating business from within: Yes / No

Date Evaluation Performed: \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_\_ Title: \_\_\_\_\_

Type of Inspection: Drive - by / Walk around Time: \_\_\_\_/\_\_\_\_am: pm

Owner/Occupant Tel: \_\_\_\_-\_\_\_\_ Photos Taken: Yes / No

### Exterior Grounds: Conditions Rated from 1-5 ( explanation on last page )

Grass: \_\_\_\_\_

Automobiles: \_\_\_\_/ Trucks: \_\_\_\_

Weeds: \_\_\_\_\_

ATV's: \_\_\_\_/ Snowmobiles: \_\_\_\_/ Boats: \_\_\_\_

Trees: \_\_\_\_\_

Metal Debris: \_\_\_\_\_

Shrubs: \_\_\_\_\_

Wooden Debris: \_\_\_\_\_

Retaining Walls/Fencing: \_\_\_\_\_

Plastic Debris: \_\_\_\_\_

Driveway: \_\_\_\_\_

Other: \_\_\_\_\_

Walkway: \_\_\_\_\_

Steps: \_\_\_\_\_

Other: \_\_\_\_\_

Do any of the conditions noted above create an immediate threat to public health or safety? Y/N

### Suggestions to Meet Compliance:

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**Exterior Building(s):** Conditions rated from 1-5 ( explanation on last page )

Chimney: \_\_\_\_\_

Shutters: \_\_\_\_\_

Roof: \_\_\_\_\_

Porch: \_\_\_\_\_

Fire Escapes: \_\_\_\_\_

Steps: \_\_\_\_\_

Roof Drains: \_\_\_\_\_

Hand Railings: \_\_\_\_\_

Gutters: \_\_\_\_\_

Doors: \_\_\_\_\_

Cornices: \_\_\_\_\_

Landings: \_\_\_\_\_

Down Spouts: \_\_\_\_\_

Storefronts: \_\_\_\_\_

Walls / Siding: \_\_\_\_\_

Signage: \_\_\_\_\_

Windows: \_\_\_\_\_

Foundation: \_\_\_\_\_

Do any of the conditions noted above create an immediate threat to public health or safety? Y/N

**Suggestions to Meet Compliance:**

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**Reasons for Code Enforcement Action:**

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Multiple family housing? Yes / No    Number of families occupying building? 0/1/2/3/4

Is building a duplex? Yes / No    Is building an apartment complex? Yes / No

Is building vacant? Yes / No    Fire Hazard? Health Hazard? Safety Hazard? Yes / No

Was the owner/occupant present for the evaluation? Yes/No

Was the owner/occupant pre-notified of the evaluation? Yes/No

How were they notified? In writing / In person / Telephone

Number of visits to this site? 1/2/3/4/5

Signature of Owner/Occupant: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature of CEO: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature of Town Manager: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Owner/Occupant Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Condition Ratings:**

1 = Meets minimum standards of local ordinance(s)

2 = Minor repairs and cosmetic repairs needed

3 = Major repairs and structural repairs needed

4 = Needs to be removed/demolished/salvaged

~~5 = Not repairable or useful. Poses an immediate danger to public health and safety.~~

This form implemented on 11/19/13 AWS

**FINDINGS AND ORDER**  
Pursuant to 17 M.R.S.A. §§ 2851-2859  
(Dangerous Buildings)

TO: (owner's name) \_\_\_\_\_  
(address) \_\_\_\_\_

On \_\_\_\_\_ (date) at \_\_\_\_\_ (time) at \_\_\_\_\_ (place), the Municipal Officers of the City/Town of \_\_\_\_\_, Maine held a hearing to determine whether the (insert type of building/structure, i.e., residential, commercial) building/structure owned by you and located on land owned by \_\_\_\_\_ and shown on Map \_\_\_\_\_, Lot \_\_\_\_\_ of the current Tax Maps of the City/Town of \_\_\_\_\_, Maine on file at \_\_\_\_\_ (place) is dangerous or a nuisance within the meaning of 17 M.R.S.A. § 2851. Notice of this hearing was duly served on you as the owner and on all parties in interest.

The following persons were present and testified:

\_\_\_\_\_. Based on their testimony and other evidence presented and made part of the record, the Municipal Officers find the following facts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Based on the foregoing findings, the Municipal Officers conclude that the building/structure is dangerous or a nuisance because (specify applicable conditions as described in 17 M.R.S.A. § 2851):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Therefore, pursuant to 17 M.R.S.A. § 2851, you are hereby ORDERED to (specify action):

\_\_\_\_\_  
\_\_\_\_\_ to be completed within \_\_\_\_\_ days of service of this order.

This decision may be appealed to Superior Court under the Maine Rules of Civil Procedure, Rule 80B. If this order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake the ordered corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action.

Dated: \_\_\_\_\_ Municipal Officers City/Town of \_\_\_\_\_, Maine

/s/ \_\_\_\_\_ /s/ \_\_\_\_\_

/s/ \_\_\_\_\_

STATE OF MAINE

\_\_\_\_\_ County, ss. Date: \_\_\_\_\_

Personally appeared before me the above-named \_\_\_\_\_,  
\_\_\_\_\_, and \_\_\_\_\_ and each acknowledged the  
foregoing instrument to be his/her free act and deed.

\_\_\_\_\_  
Notary Public/Attorney at Law



TOWN OF BAILEYVILLE, MAINE

CABLE TELEVISION ORDINANCE

The Town Council of the Town of Baileyville, State of Maine, hereby ordains:

TITLE: CABLE TELEVISION ORDINANCE

PURPOSE AND AUTHORITY: An ordinance providing for Town regulation and use of the community antenna television system including its construction, operation and maintenance in, along, upon, across, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof and additions thereto in the Town of Baileyville, including poles, wires, cables, underground conduits, manholes, conductors, and fixtures necessary for the maintenance and operation in the Town of Baileyville of the community antenna television system and to provide conditions accompanying the grant of franchise; and providing for the Town regulation of CATV operation. This ordinance is enacted pursuant to the authority granted the municipal officers in 30 M.R.S.A. Sec. 2158.

SECTION 1. DEFINITIONS

(a) "C.A.T.V." shall mean any community antenna television system or facility that, in whole or in part, receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals transmitting programs broadcast by one or more televisions or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members or the public who pay for such services, but such term shall not include any such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management.

(b) "Cable Television Co." shall mean any person, firm or corporation owning, controlling, operating, managing or leasing a CATV system within the Town of Baileyville, sometimes hereinafter referred to as "the company."

(c) "Town" shall mean the Town of Baileyville organized and existing under the laws of the State of Maine and the area within its territorial limits.

## SECTION 2. FRANCHISE REQUIRED

No person, firm or corporation shall install, maintain or operate within the Town or any of its public streets or other public areas any equipment or facilities for the operation of a CATV system unless a franchise authorizing the use of said public streets or areas has first been obtained pursuant to the provisions of this Ordinance and unless said franchise is in full force and effect.

## SECTION 3. FRANCHISE CONTRACT

(a) The Municipal Officers of the Town may contract on such terms, conditions and fees as are in the best interests of the municipality and its residents with one or more Cable Television Companies for the operation of a CATV system within the Town, including the granting of a franchise or franchises for the operation thereof for a period not to exceed fifteen years. The municipal officers may issue a request for proposals prior to issuing a franchise contract. Prior to the issuance of a request for proposals, the municipal officers shall conduct a public hearing thereon with at least seven (7) days advertising notice for the purpose of determining special local needs or interests. Copies of the proposed request for proposals shall be available in the Town Office at least seven (7) days prior to said hearing for review by interested parties.

(b) Applicants for a franchise shall pay a non-refundable filing fee to the Town of \$ 100. to defray the cost of public notice, and advertising expenses relating to such application. The applications shall be filed with the Town Clerk and shall contain such information as the Town may require, including but not limited to a general description of the applicant's proposed operation, a schedule of proposed charges, a statement detailing its previous two fiscal years, an estimated fifteen year financial projection of its proposed system and its proposed annual town franchise fee or the basis for same, and a statement detailing the prior operational experience of the applicant in both CATV and Microwave service including that of its officers, management and staff to be associated with the proposed operation. The filing of franchise applications and related documents are public records which shall be available to the public for inspection during normal business hours. The public notice required by Section 4 of this Ordinance shall include notice to the public of the availability of these records for inspection.

(c) Said Franchise Contract may be revoked by the Municipal Officers for good and sufficient cause after due notice to the company and a public hearing thereon; with the right to appeal to the Washington County Superior Court under Rule 80B of the Maine Rules of Civil Procedure.

#### SECTION 4. PUBLIC HEARING

Before authorizing the issuance of any such franchise contract or contracts, the Municipal Officers shall review the applicant's character, financial and technical qualifications and the adequacy and feasibility of its qualifications to operate a CATV sytem within the Town, and shall conduct a public hearing thereon with at least seven days advertised notice prior to said public hearing.

#### SECTION 5. PERFORMANCE BOND & INSURANCE COVERAGE

(a) Upon the execution of any such franchise contract the Cable Television Company shall file a surety company performance bond in the amount of \$50,000. conditioned upon the faithful performance of said contract and full compliance with any laws, ordinances, or regulations governing said franchise and also evidence of such public liability insurance coverage as the Municipal Officers may require. Said performance bond shall be reduced to \$25,000. upon the completion of the installation of said system as per said contract.

(b) When a franchise is granted to provide CATV to an area substantially less than the territorial limits of the Town, the Town Council, after notice and hearing, may reduce or waive the performance bonds required by this section.

#### SECTION 6. REGULATION

In the administration of this Ordinance and the regulation of the maintenance and operation of a CATV system, the Municipal Officers of the Town shall have the authority and duty to:

(a) Adopt such rules and regulations as they may deem necessary for monitoring and regulating the operation of the system; and

(b) Make recommendations to the Cable Television Company concerning educational and local interest programming; and

(c) Include in the franchise contract a complaint procedure for the resolution of complaints, disputes or disagreements between subscribers and the Company; and

(d) Have the authority to conduct public hearings and issue such appropriate orders as they may deem necessary to correct any deficiencies in the operation of said system, which decisions and findings shall be final and binding upon all parties including the company, except such a decision or finding may be appealed to the Washington County Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure; and

(e) Review and approve annually the rates and charges assessed on the subscribers of the Cable Television Company

to the extent permissible by law, pursuant to such terms, conditions and criteria as are agreed upon in the franchise agreement.

SECTION 7. SEVERABILITY

If any part or parts, section or subsection, sentence, clause or phrase of this Ordinance or the rules and regulations promulgated thereunder is for any reason declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this Ordinance or the rules and regulations promulgated thereunder.

This Ordinance shall take effect when enacted.

Introduced - October 13, 1986

First Reading - October 27, 1986

Public Hearing - November 10, 1986

Adopted - November 10, 1986

Effective - November 10, 1986

Pauline M. Mendenhall  
Michael J. Bagley  
Donald C. Roffey  
James Walker  
Frank D. Jones  
Rich Hutter  
Colle E. Lord

COUNCILORS OF BAILEYVILLE

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**TOWN OF BAILEYVILLE**  
**ORDINANCE TO REGULATE AUTOMOBILE GRAVEYARDS AND JUNKYARDS**

**Section 1. Purpose**

The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards and junkyards do not have a deleterious impact on the Town's health, safety, and general welfare.

**Section 2. Authority**

This ordinance is enacted pursuant to 30-A M.R.S.A. section 3755, subsection 5.

**Section 3. Applicability**

This ordinance shall apply to all automobile graveyards and junkyards as defined in state law, 30-A M.R.S.A. 3752-B, within the Town of Baileyville.

**Section 4. Requirements for all new automobile graveyards and junkyards**

4.1 Any person wishing to locate a new automobile graveyard or junkyard within the Town shall apply to the Town Council for a permit required by state law pursuant to 30-A M.R.S.A. 3751 et seq. The application shall present either a permit from the Maine Department of Environmental Protection or a letter from the DEP stating that a permit is not required.

4.2 The applicant shall submit a site plan drawn to scale not to exceed 1" = 100', on which is shown:

- a. the boundary lines of the property
- b. the soils
- c. the location of any sand and gravel aquifer or aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist.
- d. the location of any residences or schools within 500 feet of the area where cars or junk will be placed.
- e. the location of any waterbodies on the property or within 200 feet of the property lines.
- f. the boundaries of the 100-year floodplain.

**Section 5. Performance Standards which shall be complied with for all new junkyards and automobile graveyards.**

5.1 An effective visual screen at least 14 feet in height shall be located and maintained around all sides of the area where junk or automobiles are deposited or along all property lines.

5.2 No vehicles or junk shall be stored within 300 feet of any waterbody or inland wetland.

5.3 No vehicles or junk shall be stored within 500 feet of any residence, private well or school.

5.4 No vehicles or junk shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.

5.5 No vehicles or junk shall be stored within the 100-year floodplain.

5.6 Upon receiving a motor vehicle, the battery shall be removed, and engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal or State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle or junk shall be permitted into or on the ground.

5.7 All vehicles or junk shall be located no closer than 100 feet from all lot lines.

5.8 To reduce noise all dismantling of motor vehicles with power tools shall take place within a building, and shall be done after 7 a.m. and before 6 p.m. Mondays through Saturdays.

5.9 All Federal and State hazardous waste laws and regulations shall be complied with.

#### **Section 6 - Automobile Graveyards and Junkyards in existence at the time this Ordinance is enacted.**

6.1 Any automobile graveyard or junkyard in existence at the time this ordinance is enacted may remain in operation on the parcel of land it is presently located on providing it meets all pertinent statutory requirements.

6.2 Any existing junkyard or automobile graveyard shall not expand onto a parcel of land described in a separate deed unless all the provisions of this ordinance are met on the separate parcel.

6.3 Within one (1) year of the enactment of this ordinance all existing automobile graveyards and junkyards shall be enclosed by an effective visual screen at least 14 feet high located and maintained around the area where the automobiles or junk are being deposited or along all property lines.

#### **Section 7 - Administration**

7.1 This ordinance shall be administered by the the Town Council. No automobile graveyard or junkyard permit shall be issued under 30-A M.R.S.A. 3751 et seq. unless the provisions of this ordinance are complied with. The Council may attach reasonable conditions to any permit issued to insure compliance with the performance standards and other requirements of this ordinance.

7.2 Permits shall be renewed annually to remain valid. Once the site plan is approved it does not have to be resubmitted. The municipal officers shall annually, or as necessary, inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state law are complied with.

7.3 An annual fee which complies with State Law and shall be submitted with the permit application.

#### **Section 8 - Enforcement**

8.1 This ordinance shall be enforced by the municipal officers in accordance with state law. Any violation of this ordinance shall also be deemed a nuisance, and the violator shall be subject to the penalties set forth in 30-A M.R.S.A. 4506.

#### **Section 9 - Amendment**

9.1 This ordinance may be amended in the same manner as adopted.



**Section 10 - Effective Date**

10.1 The effective date of this Ordinance shall be when enacted.

**Section 11 - Conflicts**

11.1 If the provisions of this ordinance conflict with statutory provisions and regulations enforced by the Department of Environmental Protection, the state laws shall supercede.

**Section 12 - Severability**

12.1 If any provision of this ordinance shall be declared invalid, that invalid provision shall not affect any other portion of this ordinance.

**INTRODUCED:** September 25, 1989

**PUBLIC READING:** October 18, 1989

**PUBLIC HEARING:** October 23, 1989


**ADOPTED:** October 23, 1989

**EFFECTIVE:** October 23, 1989

**FLOODPLAIN MANAGEMENT ORDINANCE**  
**FOR THE**  
**TOWN OF BAILEYVILLE, MAINE**

---

ENACTED: 2-12-2001  
Date

CERTIFIED BY:   
Name JACK CLUKEY  
Town Manager  
Title

Affix Seal

## INSTRUCTIONS FOR COMPLETING AND ADOPTING THE MODEL FLOODPLAIN MANAGEMENT ORDINANCE

The enclosed Model Floodplain Management Ordinance has been customized, as much as possible, for your community. The Ordinance provided usually designates the Code Enforcement Officer as the permitting authority; the town may choose to designate the Planning Board as having that authority. If the town would like to make that or any other changes to the ordinance, please contact the State Planning Office (SPO) and ask for one of the Floodplain Management Staff. They will be happy to make that change for you. **It is strongly recommended that before any changes are made to the model, contact should be made with the Floodplain Management Staff at the SPO to be certain that the proposed changes are consistent with the minimum Federal requirements for participation in the National Flood Insurance Program (NFIP).**

In Article IV, the amount of the application fee is strictly a local option but should be sufficient to cover the costs for administering and enforcing this ordinance. It is recommended that the Flood Hazard Development Permit fee be \$50.00. It may be desirable to set a split fee or a sliding scale fee based on the amount of time needed to review, i.e. it costs more to review a new building than it does to review an application for a deck or a small amount of fill on the floodplain fringe.

When using a model floodplain management ordinance, make sure all blanks are filled prior to enacting the ordinance, and that the ordinance references the **most current** Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) dates, or Flood Hazard Boundary Map date.

To enact this ordinance, a public hearing to allow for citizen input and comments on the proposed ordinance is required prior to enactment. The public notice for the hearing should be at least 14 days prior to the public hearing.

For communities that must enact ordinances at town meetings, the floodplain management ordinance must be adopted in accordance with MRSA Title 30-A § 4352. Following the public hearing, the proposed ordinance shall be attested and posted in the manner provided for town meetings. One copy of the proposed ordinance shall be certified by the municipal officers to the municipal clerk at least seven days prior to the day of election to be preserved as a public record. Copies shall be available at that time for distribution to the voters by the municipal clerk as well as at the time of the town meeting.

The subject matter of the proposed ordinance shall be reduced to the question: "**Shall an ordinance entitled 'Floodplain Management Ordinance' be enacted?**", and shall be submitted to the town meeting for action either as an article in the warrant or a question on a secret ballot. In addition, when a community is first applying to join the NFIP, the **Resolution** must be entered as a separate question and warrant/ballot item as follows: "**Shall a resolution entitled 'Resolution For Applying For Flood Insurance' be adopted?**"

If your community adopts the ordinance please send three complete and clerk certified copies to the State Floodplain Management Program, State Planning Office, 38 State House Station, 184 State Street, Augusta, ME 04333- 0038. When first applying to join the NFIP, also send in the completed Application and adopted Resolution. The staff at the Floodplain Management Program will review the ordinance for compliance with NFIP regulations, and will forward copies of the review and ordinance to the Federal Emergency Management Agency and the community's regional planning agency. If you have any questions in regard to the above or need additional assistance, please call Lou Sidell, Sue Baker or Bonnie Boulter at 287-8050.

# **FLOODPLAIN MANAGEMENT ORDINANCE**

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## **ARTICLE I - PURPOSE AND ESTABLISHMENT**

Certain areas of the Town of Baileyville, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Baileyville, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Baileyville, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Baileyville has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352 and 4401-4407.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Baileyville having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Baileyville, Maine.

The areas of special flood hazard, Zones A and A1-30, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Town of Baileyville, Maine, Washington County," dated October 15, 1981 with accompanying "Flood Insurance Rate Map" dated April 15, 1982, which are hereby adopted by reference and declared to be a part of this Ordinance.

## **ARTICLE II - PERMIT REQUIRED**

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Baileyville, Maine.

## **ARTICLE III - APPLICATION FOR PERMIT**

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;

- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum in Zone A only, of the:
  - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
    - a. in Zones A1-30 from data contained in the "Flood Insurance Study - Town of Baileyville, Maine," as described in Article I; or,
    - b. in Zone A:
      - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
      - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
      - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
  - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
  - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,

4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
  1. a Floodproofing Certificate (FEMA Form 81-65, 08/99, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
  2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
  3. a certified statement that bridges will meet the standards of Article VI.M.;
  4. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

#### **ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE**

A non-refundable application fee of \$ 10.00 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.



## **ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS**

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
  - 1. the base flood data contained in the "Flood Insurance Study - Town of Baileyville, Maine," as described in Article I;
  - 2. in special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
  - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
  - 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of

the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
  3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

## **ARTICLE VI - DEVELOPMENT STANDARDS**

All developments in areas of special flood hazard shall meet the following applicable standards:

- A. **All Development** - All development shall:
1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  2. use construction materials that are resistant to flood damage;
  3. use construction methods and practices that will minimize flood damage; and,
  4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
  - 1. Zones A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
  - 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
  - 1. Zones A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
    - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
    - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
  - 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or
    - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

**H. Manufactured Homes** - New or substantially improved manufactured homes located within:

1. Zones A1-30 shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
  - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
  - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
  - (3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.; and
- b. meet the anchoring requirements of Article VI.H.1.c.

**I. Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A1-30 shall either:

- a. be on the site for fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to

the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

**J. Accessory Structures** - Accessory Structures, as defined in Article XIII, located within Zones A1-30 and A, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than \$3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

**K. Floodways** -

1. In Zones A1-30 riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A1-30 and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
  - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

- b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/ January 1995, as amended).
  - 3. In Zones A1-30 and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.
- L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones A1-30 and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
- 1. Enclosed areas are not "basements" as defined in Article XIII;
  - 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
    - a. be engineered and certified by a registered professional engineer or architect; or,
    - b. meet or exceed the following minimum criteria:
      - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
      - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
      - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
  - 3. The enclosed area shall not be used for human habitation; and,
  - 4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- M. **Bridges** - New construction or substantial improvement of any bridge in Zones A1-30 and A shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
2. a registered professional engineer shall certify that:
  - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
  - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

**N. Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones A1-30 and A shall:
  - a. have the containment wall elevated to at least one foot above the base flood elevation;
  - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
  - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

**O. Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A1-30 and A, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

## **ARTICLE VII - CERTIFICATE OF COMPLIANCE**

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is



issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
  - 1. review the Elevation Certificate and the applicant's written notification; and,
  - 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

#### **ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS**

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

## ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of Baileyville may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
  - 1. a showing of good and sufficient cause; and,
  - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
  - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
  - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
    - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
    - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
    - c. that the granting of a variance will not alter the essential character of the locality; and,
    - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
  - 1. other criteria of Article IX and Article VI.K. are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
  2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
  2. such construction below the base flood level increases risks to life and property; and,
  3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
  2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
  3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
  4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

## **ARTICLE X - ENFORCEMENT AND PENALTIES**

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
  1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
  2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
  3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
  4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
  5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

## **ARTICLE XI - VALIDITY AND SEVERABILITY**

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

## **ARTICLE XII - CONFLICT WITH OTHER ORDINANCES**

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance

imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

### **ARTICLE XIII - DEFINITIONS**

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

**Accessory Structure** - means a small detached structure that is incidental and subordinate to the principal structure.

**Adjacent Grade** - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Area of Special Flood Hazard** - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

**Base Flood** - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

**Basement** - means any area of the building having its floor subgrade (below ground level) on all sides.

**Building** - see **Structure**.

**Certificate of Compliance** - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

**Code Enforcement Officer** - any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

**Development** - means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

**Elevated Building** - means a non-basement building

- a. built, in the case of a building in Zones A1-30 or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A1-30 or A, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L..

**Elevation Certificate** - An official form (FEMA Form 81-31, 08/99, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

**Flood or Flooding** - means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1. The overflow of inland or tidal waters.
  - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

**Flood Elevation Study** - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map (FIRM)** - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study** - see **Flood Elevation Study**.

**Floodplain or Flood-prone Area** - means any land area susceptible to being inundated by water from any source (see flooding).

**Floodplain Management** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain Management Regulations** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The

term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

**Floodway** - see **Regulatory Floodway**.

**Floodway Encroachment Lines** - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

**Freeboard** - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

**Functionally Dependent Use** - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Historic Structure** - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior, or
  2. Directly by the Secretary of the Interior in states without approved programs.

**Locally Established Datum** - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.



**Lowest Floor** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this ordinance.

**Manufactured Home** - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured Home Park or Subdivision** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

**Minor Development** - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

**National Geodetic Vertical Datum (NGVD)** - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

**New Construction** - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**100-year flood** - see **Base Flood**.

**Recreational Vehicle** - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and

- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway -**

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

**Riverine** - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Special Flood Hazard Area - see Area of Special Flood Hazard.**

**Start of Construction** - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

**Structure** - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

**Substantial Damage** - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code

enforcement official and which are the minimum necessary to assure safe living conditions; or

- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

**Variance** - means a grant of relief by a community from the terms of a floodplain management regulation.

**Violation** - means the failure of a structure or development to comply with a community's floodplain management regulations.

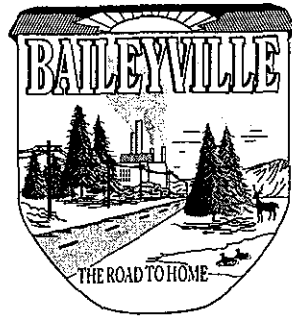
#### **ARTICLE XIV - ABROGATION**

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

60.3 (d)

Town of Baileyville

# **LAND USE REGULATION ORDINANCE**



**EFFECTIVE DATE:  
October 1, 1997**

*Adopted 9-22-97*

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# Town of Baileyville

## LAND USE REGULATION ORDINANCE

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### SECTION 1. GENERAL

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#### A. Title

This Ordinance shall be known and cited as the Land Use Regulation Ordinance (referred to as "this Ordinance") of the Town of Baileyville, Maine (referred to as "the Town").

#### B. Authority

This Ordinance is adopted pursuant to the provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, Title 30-A, Maine Revised Statutes Annotated (MRSA) Section 3001 (Home Rule), and Title 30-A, MRSA, Section 4312 et. seq. (Comprehensive Planning and Land Use Regulation Act).

#### C. Administration

This Ordinance shall be administered, in accordance with the provisions of Section 7, by the Code Enforcement Office (referred to as the "CEO"), the Planning Board (referred to as "the Board"), and the Board of Appeals (referred to as the "BOA").

#### D. Purpose

The purpose of this Ordinance is to protect the Baileyville life style and way of life by:

- Protecting homes from incompatible uses,
- Preserving the rural nature of the Town,
- Promoting the health, safety, and general welfare of the residents of the Town,
- Encouraging the most appropriate use of land throughout the Town,
- Promoting traffic safety, and provide safety from fire and other elements.

#### E. Establishment of areas

To carry out the purposes of this Ordinance it is necessary to divide the Town into seven land use Areas designated as follows: Resource, Rural, Residential, Village, Retail, General, Industrial. The purpose of each Area and the uses allowed in it are enumerated in Section 3 of this Ordinance.

#### F. Area boundaries

The location and boundaries of each Area are as shown on the "Official Land Use District Map of the Town of Baileyville, Maine" which is a part of this Ordinance and shall be maintained by the Town Clerk. Where uncertainty exists as to the boundary of any Area shown on the map, these rules shall apply:

1. Where Area boundaries are indicated as approximately following a street, road, easement, right-of-way, or lot line, such lines shall be construed to be such boundaries;
2. Where an Area boundary is indicated as the upland edge of a freshwater wetland, the boundary has been taken from general maps, the developer is responsible for determining the exact location of this edge.
3. Where an Area boundary crosses undivided property or divides a lot, the location of such boundary, unless indicated by dimensions, shall be determined by using the scale indicated on the map;
4. Where these rules are inapplicable, the Board shall be the final authority as to location;
5. Where any public or private right-of-way or easement is officially vacated or abandoned, the regulations applicable to abutting property shall apply to the vacated or abandoned property.
6. All property in the Town not otherwise designated is hereby designated "Resource".



### **G. Applicability**

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town.

### **H. Conflicts with other Ordinances**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other Ordinance, regulation, or statute, the more restrictive provision shall control. This Ordinance supersedes the Land Use and Development Ordinance which became effective on November 1, 1982.

### **I. Validity and severability**

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision.

### **J. Effective date**

The effective date of this Ordinance shall be the date of its adoption by Town Council.

### **K. Amendment**

This ordinance may be amended by majority vote at a Town Council.

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## **SECTION 2. NON-CONFORMING STRUCTURES, USES, & LOTS**

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### **A. Purpose**

Non-conforming conditions that legally existed before the effective date of the Ordinance, or any amendment to it, shall be allowed to continue subject to the requirements of this section.

### **B. General requirements**

- 1. Transfer of ownership.** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- 2. Repair and maintenance.** Normal upkeep and maintenance of non-conforming uses and structures, including repairs or renovations which do not involve expansion of the non-conforming use or structure, and changes required by federal, State, or Town codes are allowed without a permit pursuant to this Ordinance.

### **C. Non-conforming structures**

- 1. Expansion.** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as for a new structure, if such addition or expansion does not increase the non-conformity of the structure.
- 2. Foundation construction.** New foundation may be placed beneath a non-conforming structure provided the completed foundation does not extend beyond the existing exterior dimensions of the structure; and the foundation does not cause the structure to be elevated by more than three additional feet.
- 3. Relocation.** A non-conforming structure may be relocated within the boundaries of the parcel on which it is located provided the site of relocation conforms to all setback and other dimensional requirements to the greatest extent practicable as determined by the Board, and provided the applicant demonstrates that, if a subsurface disposal system is used, it meets the requirements of State law and rules or a new system can be installed in compliance with the law and rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In determining whether the building relocation conforms to all setback and other dimensional requirements to the greatest extent

practicable, the Board shall base its decision on the size of the lot, the slope of the land, the potential for soil erosion, the location of the septic system, location of other soils suitable for a septic system, and the type and amount of vegetation to be removed to accomplish the relocation.

**4. Reconstruction or replacement.** Any non-conforming structure which fails to meet the dimensional requirements of this Ordinance and which is removed, damaged, or destroyed by **more than 50% of its prior market value** may be reconstructed or replaced provided a permit is obtained within two years of such damage, destruction, or removal and provided such reconstruction or replacement is in compliance with the setback and other dimensional requirements to the greatest extent practicable as determined by the Board, and provided the applicant demonstrates that if a subsurface disposal system is used, it meets the requirements of State law and rules or a new system can be installed in compliance with the law and rules. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. Any non-conforming structure which is damaged, or destroyed by **50% or less of its prior market value** may be reconstructed in place with a permit from the CEO provided a permit is obtained within two years.

#### **D. Non-conforming uses**

**1. Expansion.** Expansion of non-conforming uses is prohibited.

**2. Resumption.** A non-conforming use which is discontinued for a period not exceeding two years, or which is superseded by a conforming use, may not be resumed, except that the Board may, for good cause shown by the applicant, grant up to a two year extension to that time period. This provision shall not apply to resumption of a use of a residential structure provided the structure has been used or maintained for residential purposes during the preceding five-year period.

**3. Change.** An existing non-conforming use may be changed to another non-conforming use provided that the Board finds after receiving written application, that the proposed use is equally or more appropriate to the Area that the existing non-conforming use, and that the proposed use will have no greater adverse impact on adjacent properties than the existing use. The determination of appropriateness shall be based on the probable changes in traffic volume and type, parking, noise, litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards of this Ordinance shall apply to such requests to establish new non-conforming uses.

#### **E. Non-conforming lots**

**1. Separate or non-contiguous lots.** A vacant non-conforming lot of record as of the date of this Ordinance as amended may be built upon without the need for a variance provided such lot is in separate ownership, not contiguous with any other lot in the same ownership, and all provisions of this Ordinance except lot size or frontage can be met. Variances relating to other requirements shall be obtained by action of the Board of Appeals.

**2. Contiguous lots - vacant or partially built.** If two or more contiguous lots are in the same ownership at the time of adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

**3. Contiguous lots - built upon.** If two or more contiguous lots are in the same ownership of record at the time of adoption or amendment of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together. If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold as a separate lot. When such lot is divided, each lot created must be as conforming as possible with the dimensional requirements of this Ordinance.

#### **F. Vested rights**

Non-conforming use rights cannot arise by the mere filing of a notice of intent to built, application for a building permit, or application for required State permits or approvals. Such rights arise when the substantive review process commences, or when substantive construction has begun in compliance with existing laws, ordinances, and regulations.

## SECTION 3. LAND USE DISTRICT REQUIREMENTS

### A. Purpose of each Land Use Area

The purposes of each of the land use Areas are:

1. **Resource Areas.** To protect, preserve, and enhance the enjoyment of areas in which development would adversely affect productive habitats, ecosystems, important scenic resources, unique or fragile natural areas, flood plains, surface waters, and aquifers (particularly the one that supplies the Town's water). These areas include the areas zoned Resource Protection in the Shoreland Zoning Ordinance as well as additional areas. It is in the public interest that these areas be preserved and protected because of their economic contribution to the community as well as their natural, aesthetic, and scenic value.
2. **Rural Areas.** To protect and preserve the rural character of the Town while permitting low density development, to safeguard the Town's forest resource from development, to conserve natural resources and open space land, and to encourage agriculture, forestry, and certain types of recreational uses.
3. **Residential Areas.** To provide for residential and recreational development in such manner and at such locations as is compatible with existing development and the ability of the town to provide essential services. To encourage high-standard developments of single family homes and to exclude uses which would be incompatible with them.
4. **Village Areas.** To ensure that future development is compatible, both in character and use, with existing development.
5. **Retail Areas.** To provide for mixed residential and commercial uses under 5,000 square feet primarily serving the daily needs of the people of the Town.
6. **General Areas.** To allow a maximum diversity of residential, commercial, and industrial uses, while protecting public health and safety, environmental quality and economic well-being through controls on commercial or industrial uses which by virtue of waste discharge, noise, glare, fumes, smoke, dust odors, or traffic generation could be nuisances, unsafe, or unhealthy.
7. **Industrial Areas.** To encourage the location of industrial uses on those lands which are best suited for them. To allow a diversity of industrial uses while protecting the Town by controlling those uses which, by virtue of noise, glare, fumes, dust, and traffic generation, could otherwise create nuisances or unsafe or unhealthy conditions. To avoid the blight, congestion, and inconvenience caused by inappropriate and poorly located development of industrial facilities.

### B. Table of land uses

This table indicates land uses permitted in each Area, in conformance with the provisions of this Ordinance and all other applicable federal, State, and local laws, regulations, rules and ordinances.

Key to the table:	Y	use allowed in area, no permit required by this Ordinance
	N	use not allowed in Area
	CEO	use allowed in Area only with permit from Code Enforcement Officer
	PB	use allowed in Area only with approval from Planning Board
	PB*	use allowed in Area only after <i>site plan review and approval</i> by Planning Board

LAND USE TYPE	AREA						
	INDUSTRIAL	GENERAL	RETAIL	VILLAGE	RESIDENT	RURAL	RESOURCE
HOMES							
Cluster development	N	PB*	PB*	N	PB*	PB*	N
Congregate housing	N	PB*	PB*	PB*	N	PB*	N
Mobile home, on slab	N	CEO	CEO	CEO	N	CEO	N
Mobile home park	N	PB*	N	N	N	N	N
Multi-family home	N	CEO	CEO	N	N	N	N
Single family home	N	CEO	CEO	CEO	CEO	CEO	N
Two family home	N	CEO	CEO	CEO	N	N	N

## COMMERCIAL

Adult business	N	CEO	N	N	N	N	N
Amusement park or facility	CEO	CEO	CEO	N	N	PB	N
Automobile repair	CEO	CEO	PB	N	N	PB	N
Bed and Breakfast	N	CEO	CEO	CEO	PB	PB	N
Boarding house	N	CEO	CEO	CEO	PB	PB	N
Building material sales	CEO	CEO	PB	N	N	PB	N
Campground	N	N	N	N	N	PB	N
Carnival	CEO	CEO	CEO	CEO	N	PB	N
Convenience store	CEO	CEO	CEO	N	N	PB	N
Commercial recreation	CEO	CEO	PB	N	N	PB	N
Gasoline service station	CEO	CEO	PB	N	N	PB	N
Home occupation	CEO	CEO	CEO	CEO	PB	PB	N
Hotel, motel	CEO	CEO	PB	N	N	PB	N
Inn	CEO	CEO	CEO	PB	N	PB	N
Kennel, veterinary hospital	CEO	CEO	N	N	N	PB	N
Light manufacturing	CEO	CEO	PB	N	N	PB	N
Movie theater	CEO	CEO	PB	N	N	PB	N
Offices: business, professional	CEO	CEO	CEO	PB	N	PB	N
Restaurant	CEO	CEO	PB	N	N	PB	N
Retail business	CEO	CEO	PB	N	N	PB	N
Service business	CEO	CEO	PB	PB	N	PB	N
Sporting camp	Y	Y	N	N	N	PB	N
Wholesale business	CEO	PB	PB	N	N	PB	N

## INDUSTRIAL

Agricultural products processing	CEO	CEO	N	N	N	CEO	N
Automobile grave yard or junk yard	CEO	PB*	N	N	N	N	N
Cellular & other communication towers	CEO	CEO	N	N	N	PB*	N
Cluster-developed industrial park	CEO	CEO	N	N	N	N	N
Forest products storage, etc.	CEO	CEO	N	N	PB*	PB	N
Manufacturing	CEO	CEO	N	N	N	N	N
Recycling facility	CEO	CEO	N	N	N	N	N
Sawmill	CEO	CEO	N	N	N	PB	N
Transportation terminal	CEO	CEO	N	N	N	N	N
Warehousing and storage	CEO	CEO	PB	N	N	N	N
Waste disposal	CEO	N	N	N	N	N	N

## EDUCATIONAL, INSTITUTIONAL

Day care	N	Y	Y	Y	PB	PB	N
Group home, hospice, nursing home	N	CEO	CEO	CEO	N	PB	N
House of worship	N	CEO	CEO	CEO	N	PB	N
Museum, library, performing arts ctr	N	CEO	CEO	CEO	N	PB	N
School, public or private	N	CEO	CEO	CEO	N	PB	N
Social, fraternal club	N	CEO	CEO	CEO	N	PB	N

## OUTDOOR, RESOURCE-BASED

Agriculture, under two acres	Y	Y	Y	Y	Y	Y	PB
Agriculture, over two acres	Y	Y	N	N	PB	Y	PB
Animal breeding or care	CEO	CEO	N	N	N	PB	N
Farm stand	Y	Y	Y	PB	PB	Y	N
Forest management activities	Y	Y	Y	Y	Y	Y	Y
Mineral extraction (incl. sand & gravel)	PB	PB*	N	N	N	PB*	PB*
Recreation, intensive	CEO	CEO	CEO	CEO	PB	CEO	CEO
Recreation, non-intensive	CEO	CEO	PB	PB	PB	CEO	CEO
Timber harvesting	Y	Y	N	N	PB	CEO	CEO

## USES SIMILAR TO USES SPECIFIED ABOVE

Similar to those requiring no permit	Y	Y	Y	Y	Y	Y	Y
Similar to those not allowed	N	N	N	N	N	N	N
Similar to those requiring CEO permit	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Similar to those requiring PB permit	PB	PB	PB	PB	PB	PB	PB
Similar to those requiring PB* permit	PB*	PB*	PB*	PB*	PB*	PB*	PB*
USES ACCESSORY TO SPECIFIED USES	Y	Y	Y	Y	Y	Y	Y

**C. Table of dimensional regulations**

LAND USE AREA	MINIMUM REQUIRED <sup>1</sup>					MAXIMUM PERMITTED
	LOT		SETBACKS <sup>2</sup> (IN FEET)			BUILDING/STRUCTURE HEIGHT (IN FEET)
	AREA	FRONTAGE	FRONT <sup>3</sup>	SIDE <sup>5</sup>	REAR	
INDUSTRIAL	5 acres	250	25	15	25	unrestricted
GENERAL	20,000 square feet	100	50	15	15	75
RETAIL	10,000 <sup>4</sup> square feet	100	25	15	25	45
VILLAGE	10,000 <sup>4</sup> square feet	100	10	15	10	35
RESIDENTIAL	2 acres	200	25	25	25	35
RURAL	2 acres	200	50	25	25	35
RESOURCE	STRUCTURES ARE NOT PERMITTED IN RESOURCE AREAS					

## NOTES:

1. Section 5, "Performance Standards - Specific" contains dimensional requirements that apply to specific uses.
2. Where a non-residential use abuts a Village, Residential, Rural, or Resource Area, 30 foot buffer required.
3. Front setbacks are to be measured from the edge of the right-of-way, not the edge of the pavement.
4. If use is not served by Town sewer, 20,000 square feet minimum is required.
5. PB may waive setback requirement by up to 560% provided total distance between permanent structures on abutting lots is equal to or greater than original setback, and it determines waiver would not cause or result in unsafe conditions. PB may hold public hearing before granting such a waiver.

**SECTION 4. PERFORMANCE STANDARDS - GENERAL****A. Vehicular access**

Each property shall be provided with vehicular access by abutting public roads, or private ways protected by permanent easements.

## **B. Driveways**

The following criteria shall be followed for driveways to any use other than single and two-family dwellings:

- 1. Location.** No access driveway or other means of ingress and egress shall be located in any rural area or residential area to provide access to uses other than permitted or legal non-conforming uses in these areas.
- 2. Design.** All entrance and exit driveways shall be designed in profile and grading to afford safety to traffic, provide for safe and convenient site ingress and egress, and to minimize conflict with the flow of traffic and shall not have an average slope in excess of eight percent within 50 feet of the point of intersection. Where two or more driveways connect a single site to any one road, a minimum site distance of 100 feet measured along the right-of-way line shall separate the closest edges of any two such driveways. Driveways shall intersect the road at an angle of as near 90 degrees as site conditions permit.
- 3. Dimensions.** The dimensions of driveways shall be such as to adequately accommodate the volume and character of vehicles anticipated to be attracted to the proposed development.
- 4. Emergency vehicles.** Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.
- 5. Corner lots.** Where a site occupies a corner of two intersecting roads no driveway entrance or exit shall be located within 50 feet, measured along the right-of-way lines, of the point of intersection.
- 6. Setbacks.** Driveways shall be setback at least 10 feet from side property lines. However, the Board may permit a driveway serving two or more adjacent sites to be located within this setback.

## **C. Off-street parking**

In order to accommodate the motor vehicles used by occupants, customers, clientele and employees, each dwelling, business or industrial establishment or other structure erected after the effective date of this Ordinance shall be provided with not less than the number of off-street parking facilities stated in the following sections. The required spaces shall be maintained exclusively for parking and shall be not be used for storage of material or equipment or other non-parking purposes.

- 1. Dwellings.** Two parking spaces for *each dwelling unit* on the same lot. Each such parking space shall be not less than eight feet wide and twenty feet long.
- 2. Home occupations.** Parking spaces adequate to accommodate the motor vehicles used by employees, customers, and clientele.
- 3. Commercial, office, and industrial buildings.** One parking space for each 500 square feet of floor space or fraction thereof.
- 4. Lodging houses, clubs, motels, hotels.** For each guest room: one parking space on the same lot or a contiguous lot, except that for hotels the spaces may be on lots within 500 feet of the building.
- 5. Hospitals, convalescent homes, homes for the aged.** One parking space for each 1,000 square feet of floor space or fraction thereof.
- 6. Places of assembly.** For churches, high school auditoriums or gymnasiums, theaters, general auditoriums, and similar places of assembly: one parking space provided for every 10 seats. A seat shall mean 18 lineal inches of seating when seats are arranged in rows or pews. For auditoriums with no permanent seats, a seat shall mean seven square feet of floor area.
- 7. Amusements.** For stadiums, arenas, and fairs: one parking space for each four seats, a seat shall mean 18 lineal inches of seating. For dance halls: one parking space for each 100 square feet of floor area or fraction thereof.
- 8. Recreation facilities.** There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.
- 9. Collectively used space.** Nothing in this Ordinance shall prohibit the collective use of space for off-street parking, provided such space is equal to the sum of the requirements of each individual use participating in such collective use.
- 10. Parking on separate lot.** In cases where the required parking can not be provided on the same lot with the building or use which it is to serve, or on a contiguous lot, it may be provided on a separate lot. When the required off-street parking space is provided on a separate lot, the lot shall be within 500 feet of the building or use which it is to serve, and there shall be recorded in the Washington County Register of deeds a covenant by the owner of said lot to the effect that said owner will continue to maintain

such parking space so long as said building is maintained.

**11. Prohibition of yard use for parking.** No space in required front, side, or rear yard setback areas may be used to meet the off-street parking requirements.

**12. Landscaping.** Where parking abuts property classified for residential uses, existing vegetation shall be maintained or landscaping provided and maintained in all front, side, and rear yard setback areas.

**13. Drainage.** All off-street parking areas shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on the site.

#### **D. Buffer strips**

Any non-residential use which is adjacent to a Village, Residential, Rural, or Resource Area shall be separated from these areas by a buffer strip, or strips, at least 30 feet wide. Such buffer strip should obstruct the view of the proposed development from abutting properties and minimize noise. To the extent possible, the buffer shall be maintained in its natural state. When natural features such as slope, gullies, stands of vegetation, or rock outcroppings are insufficient to provide a buffer, landscaping shall be provided. Where landscaping is not feasible a solid fence or wall at least six feet high shall be provided. (See H2 below for special buffer requirements to control phosphorous export.)

#### **E. Flammable or explosive materials**

No flammables or explosives shall be stored in bulk (more than 500 gallons or equivalent) above ground unless they are at least 75 feet from any lot line, or below ground unless they are at least 40 feet from any lot line, and all materials shall be stored in a manner and location which is in compliance with appropriate rules and regulations including those of the Maine Department of Public Safety.

#### **F. Sanitary provisions**

**1. Private systems.** When property is not served by Town sewer, permit applications shall include a completed Bureau of Health Engineering Form HHE-200 evidencing soil conditions adequate for subsurface wastewater disposal.

**2. Shared systems** When two or more lots or buildings share a common subsurface disposal system, covenants in the deed for each lot shall provide for adequate funding to assure maintenance of the system.

**3. Industrial or commercial waste water.** Industrial or commercial waste waters may be discharged into Town sewers only in such quantities and/or of such quality as to be compatible with treatment operations. Pretreatment of wastes at the industrial or commercial site may be required in order to render them amenable to Town treatment processes. Pretreatment may include screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation, reduction, dilution, or other appropriate processing. Wash water or other process water carrying stone dust, stone particles, silt, or other mineral matter will not be accepted into the Town system.

#### **G. Storage of materials**

All materials stored outdoors shall be stored in such manner as to prevent the breeding and harboring of insects, rats, or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of materials, prevention of stagnant water, extermination, or other methods.

#### **H. Water quality protection**

**1. General.** No materials of any kind shall be permanently or temporarily placed or deposited directly into any water body or flood plain or the ice thereof. Nor shall such materials be placed or deposited into pits, wells, or on the ground surface except in conformity with applicable local, State, and Federal laws, rules, and regulations.

**2. Phosphorous export.** When a proposed development is within the direct watershed of Meddybemps, Pocomoonshine, or Ryan Lakes, or Grand Falls Flowage, buffer strips shall be provided in accordance with the following table. Such buffer strips shall be provided along the downhill lot line.



**Minimum Buffer Strips Required to Control Phosphorous Export**

Lot Size	Buffer Width in feet per lot
1 Acre or less	75
1-1.99 Acres	50
2 or more Acres	25

NOTE: These requirements apply throughout the watershed. Other requirements apply within the Shoreland Zone.

## **I. Signs**

- 1. On-site.** Signs advertising or identifying the occupant or activity of the lot on which they are located shall be permitted subject to the regulations contained in this section.
- 2. Off-site.** Signs, bill boards, or other advertising devices not advertising or identifying the occupant of activity of the lot on which they are located shall not be allowed, but if existing on the effective date of this Ordinance, may continue as non-conforming signs.
- 3. Sale.** A sign not exceeding 20 square feet in area advertising the sale of, or construction on, the premises on which it is located shall be permitted.
- 3. Trespassing, hunting, etc.** Signs relating to trespassing, hunting, etc. shall be permitted without restriction as to number provided that no such sign shall exceed two square feet in area.
- 4. Height.** Sign extending higher than 20 feet above the ground shall not be allowed.
- 5. Moving signs.** Signs with moving, flashing or animated parts shall not be allowed.
- 6. Resource, Rural, Village, and Residential areas.** Uses in these Areas may have one sign not exceeding two square foot in area for each residence, and one sign not exceeding ten square feet in area for each home office or occupation.
- 7. Retail, General, and Industrial areas.** Uses these Areas may have signs of not greater than 40 square feet in area and may have non-animated and non-flashing illumination provided no such illumination is visible on the boundary of a residential property after 11:00 p.m.

## **J. Fences**

Fences, walls, and hedges are permitted in any Area, provided that no fence, wall, or hedge located in a required rear or side yard shall exceed six feet in height and no fence, wall, or hedge located in a required front yard shall exceed four feet in height. Along lot lines of any lot in the Residential and Village Areas, or within ten feet of said lot lines, no barbed wire shall be used in the construction of a fence, and no sharp wire or points shall project at the top of any fence or wall. In cases where both sides of a fence or wall are not of equal quality or finish, the more attractive or finished side shall face the abutting property.

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## **SECTION 5. PERFORMANCE STANDARDS - SPECIFIC**

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### **A. Cluster development**

The Board may modify the provisions of this Ordinance relating to minimum lot size in accordance with the standards in this section. The number of lots in a cluster development may exceed the number of lots in a standard subdivision if the Area in which it is located allows density bonuses

**1. Application procedure.** A developer who desires approval for a cluster development shall submit to the Board:

- a.** A written statement describing the natural features which will be preserved or enhanced and impacts which will be minimized by the cluster approach. Natural features include, but are not limited to, wildlife and waterfowl habitat, aquifers, and important natural or historic sites. Impacts include Town costs for roads and sewers, school busing, solid waste removal, recreation opportunities, and environmental

impacts.

**b.** An overall plan for site development and landscaping which shows the proposed placement of buildings and treatment of open spaces, roads, services, and other proposed improvements.

**2. Area required.** Any cluster development shall contain a minimum of 10 acres and a minimum area of reserved open space of 25% of the total acreage.

**3. Density bonus.**

For cluster developments the size of each building lot may be reduced by 50%.

**4. Basic requirements.**

**a.** All cluster developments shall comply with the performance standards and other provisions of this ordinance, except lot area, and all other applicable Town, State and Federal laws, rules, ordinances, and regulations.

**b.** No individual lots shall have frontage on a road which existed prior to the time of development.

**c.** Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.

**5. Preservation and maintenance of open space and facilities.**

**a.** There shall be no further subdivision of open space. Open space shall be used only for agriculture, non-commercial recreation, forestry, or conservation activities. Easements for public utilities, but no structures, may be permitted in the open space area.

**b.** Open space shall be clearly indicated on the development plan with notation that it shall not be used for future building lots, and it will be dedicated to the Town, a suitable trust, or irrevocably held in common.

**c.** If any or all of the open space is to be reserved as common space for use by the residents, a proposed formal irrevocable method of maintaining the area shall be spelled out in the deed to each development property.

**6. Alteration of plans.** Approved cluster development plans shall not be altered without prior approval of the Board.

## **B. Extractive activities**

**1. State permit required.** Site plan approval of any mineral extractive activity which requires a permit from the Maine Department of Environmental Protection under the Site Location of Development Act shall be subject to such approval in addition to approval by the Board.

**2. Time of approval.** The Board may approve a mineral extraction activity for one year, or other specific time period, in which case a new application must be submitted to continue the activity beyond that time.

**3. Performance guarantee.** The Board may require a performance guarantee sufficient to cover the cost of rehabilitation of the site at the conclusion of operations.

**4. Buffer strip required.** A buffer strip of not less than 100 feet shall be maintained between the location of any extraction of materials and all property lines.

**5. Standing water.** All areas of standing water exceeding two feet in depth shall be entirely enclosed by a fence.

**6. Slope.** No extraction of materials shall be permitted which create a slope steeper than two horizontal feet to one vertical foot.

**7. Traffic control.** Suitable traffic control measures shall be made available by the operator at all access points to public streets. Truck routes shall be restricted to major streets unless otherwise approved by the Planning Board. All loads shall be covered or trimmed a minimum of three inches below the edges of the sidebodies of truck bodies to prevent spillage of materials being transported.

**8. Rehabilitation of site.** Upon cessation of the extraction of materials or upon the expiration of the Board approval, the site shall be rehabilitated in accordance with a plan endorsed by the Soil Conservation Service and approved by the Board.

## **C. Home occupations**

Home occupations, including home offices, shall be permitted in Rural, Residential or Village areas only if they conform with all the requirements of this section.

**1. Residential character to be maintained.** Home occupations shall be carried out with minimum alteration of the residential character of the structure or neighborhood, and without changing the character

of the lot from its residential nature. The use shall be carried out wholly within the principal structure or accessory structures. There shall be no outside storage or display of materials, products, equipment, or vehicles.

**2. Employees.** A home occupation shall be carried out by permanent residents of the dwelling unit with not more than three employees who are not residents of the dwelling.

**3. Performance standards.** The performance standards of this Ordinance shall apply.

**4. Signs.** One non-illuminated sign, no larger than four square feet may be erected on the premises.

**5. Product limits.** The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises.

#### **D. Industrial facilities and related uses**

**1. Enclosure, screening.** All business, service, repair, manufacturing, storage, processing, or display activities on property abutting or facing a Rural, Residential, or Village Area shall be conducted wholly within an enclosed building or screened from these Areas.

**2. Yards.** All yards abutting or facing a Rural, Residential, or Village Area shall be maintained in lawn or other landscaping unless screened from these Areas.

**3. Access.** Access points from a public road to industrial operations shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.

**4. Storage.** All materials including wastes shall be stored, and all grounds maintained, in a manner which will not attract, or aid in the propagation of insects or rodents or create a health hazard.

#### **E. Recreational facilities**

All recreation facilities shall meet the provisions below:

**1. Traffic.** The proposed use shall not create a traffic hazard.

**2. Waste disposal.** Containers and facilities for rubbish collection and removal shall be provided.

**3. Sanitary facilities.** Adequate sanitary facilities shall be provided.

**4. Screening.** Screening or buffer strips shall be built, planted, or maintained according to the Buffer Strip standards of this Ordinance to protect adjacent residences from advertise noise, light, dust, smoke, and visual impact.

#### **F. Manufactured housing**

The following design standards shall apply to all manufactured housing units, including mobile homes:

**1. Minimum width.** Any manufactured housing unit shall be a minimum of 14 feet in width and 70 feet in length, or have a minimum area of 1,150 square feet.

**2. Roof pitch.** Any manufactured housing unit shall have a roof with a pitch of two or more vertical feet for every 12 horizontal feet, and which is covered with asphalt or fiberglass composition shingles, or other residential-type materials. Corrugated roofing is prohibited.

**3. Siding.** Any manufactured housing unit shall have residential-type siding such as real or simulated clapboards.

**4. Skirting.** Any manufactured housing unit shall, if on an axle(s), have a skirt installed covering the space between the unit and the ground which shall not be constructed of clear polyurethane, tarred paper, canvas, or similar material.

**5. Slabs.** Any manufactured housing unit shall be placed on a full foundation or on a concrete pad not less than five inches thick which extends the entire length and width of such unit, excluding any tongue.

#### **G. Mobile home parks**

Except as stipulated below, mobile home parks shall comply with all applicable laws, ordinances, and regulations.

**1. Lot area and width.** Notwithstanding the dimensional requirements in section 3C, lots in a mobile home park shall meet the following area and width requirements:

**a.** Lots served by Town sewer: Minimum lot area 6,500 square feet, minimum lot width 50 feet.

**b.** Lots served by individual subsurface wastewater disposal system: Minimum lot area 20,000 square feet, minimum lot width 100 feet.

c. Lot served by a central subsurface wastewater disposal system: Minimum lot area 12,000 square feet, with the overall density not exceeding one dwelling unit per 20,000 square feet of total park area, minimum lot width 75 feet.

**2. Unit setbacks.** The following setbacks shall apply to all dwelling units and accessory buildings:

a. Front setback, 20 feet; side setback, 20 feet; rear setback, 10 feet.

b. On lots which abut a public way within or adjacent to the mobile home park, structures shall meet the section 3C residential setback requirements for the Area.

**3. Buffering.** Where a mobile home park is proposed with a residential density of twice (or more) the density of adjacent development in existence or, if the neighboring land is undeveloped, with a residential density of twice (or more) the density permitted in the Area, the mobile home park shall be designed with a continuous landscaped buffer along all exterior lot lines. The buffer shall be not less than 50 feet in width and shall contain no structures, utilities, or roads, except utilities and roads may cross the buffer to provide service or access to the mobile home park. The buffer shall contain shrubs, trees, fences, walls or a combination thereof which form an effective visual barrier except where kept open to provide sight distances for vehicles entering or leaving the park. The buffer shall be maintained by the owner or operator of the mobile home park throughout the life of the mobile home park.

**4. Open space reservation.** An area equal in size to at least 10% of the total area of lots of 10,000 square feet or less shall be reserved as open space. This area shall be suitable for use for active or passive recreational purposes by residents of the mobile home park, have slopes of less than 5%, not be located on poorly drained soils, and be accessible directly from roads within the mobile home park. Areas devoted to parking spaces, driveways, streets and buffer areas may not be used in computing open space area, but areas devoted to community recreation buildings, pools, and courts may be. The developer shall submit as part of the application, a copy of the proposed park rules and a plan which specifies how the open space is to be used and maintained and what conditions are to apply to its use. The Board may waive this requirement if the mobile home park is located within one half a mile of a publicly owned recreation area.

**5. Road design, circulation, traffic impacts.** Streets within a mobile home park shall be designed by a Professional Engineer.

a. Streets which are to be dedicated as public ways shall be designed and constructed in accordance with the Subdivision Regulations.

b. Streets which the applicant proposes to remain private ways shall have a minimum right-of-way width of 23 feet and a minimum paved traveled way width of 20 feet. These widths are maximums that can be required under State law, but are so narrow that on-street parking shall not be allowed. If the developer proposes to allow on-street parking on either or both sides of a street, a minimum right-of-way of 50 feet and paved way of 24 feet shall be required, in accordance with the Subdivision Regulations.

c. No mobile home lot may have vehicular access directly onto a State highway.

d. Any mobile home park expected to generate average daily traffic of 200 or more trips per day shall have at least two street connections with existing public streets.

**6. Utilities.** All mobile home parks shall provide permanent electrical, water, and sewage disposal connections to each mobile home site.

**7. Administration.** The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites, privately-owned streets, and buffer areas.

**8. Conversion of park.** No lot in a mobile home park may be sold or conveyed without prior approval of the Board. Any such lot shall meet the lot size requirement of the Area in which it is located.

## **H. Inns**

**1. Conformance with area.** Inns shall be designed to conform in appearance with other buildings in the Area.

**2. Setbacks.** Inns shall have front yard setbacks of at least 75 feet and side and rear setbacks of at least 50 feet.

## **I. Rural commerce**

Commercial uses are permitted in Rural Areas only if they conform with all the requirements of this section. The following commercial uses are exempt from the requirements of this section: Bed and

breakfast, boarding house, campground, home occupation, kennel, and sporting camp.

**1. Application procedure.** A developer who desires approval for a rural commerce development shall submit to the Board an overall plan for site development and landscaping which shows the proposed placement of buildings and treatment of open spaces, roads, services, and other proposed improvements.

**2. Area required.** Any rural commerce development shall contain a minimum of 10 acres and a minimum area of reserved open space of 50% of the total acreage.

**3. Basic requirement.**

All rural commerce developments shall comply with the performance standards and other provisions of this ordinance and all other applicable Town, State and Federal laws, rules, ordinances, and regulations.

**4. Preservation and maintenance of open space and facilities.**

a. There shall be no further subdivision of open space. Open space shall be used only for agriculture, non-commercial recreation, forestry, or conservation activities. Easements for public utilities, but no structures, may be permitted in the open space area.

b. Open space shall be clearly indicated on the development plan with notation that it shall not be used for future building lots, and it will be dedicated to the Town, a suitable trust, or irrevocably held in common.

**5. Alteration of plans.** Approved rural commerce development plans shall not be altered without prior approval of the Board.

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## SECTION 6. SITE PLAN REVIEW

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### A. Purpose

The purpose of site plan review is to provide a high level of Town review of projects and developments that could potentially impact the Town negatively. This section provides the criteria and standards for such review.

### B. Applicability

This section applies to all new uses, and changes of use, for which this Ordinance, in the Table of Land Uses and elsewhere, requires site plan review.

### C. Major and minor projects

The Board shall place projects subject to site plan review into one of two classes: Major or minor.

**1. Minor projects.** Projects involving:

- a. construction of less than 5,000 square feet of gross non-residential floor area,
- b. installation of less than 5,000 square feet of impervious surfaces,
- c. creation of less than five dwelling units, or
- d. conversion of existing buildings or structures from one use to another.

**2. Major projects.** Projects involving:

- a. construction of 5,000 or more square feet of gross non-residential floor area,
- b. installation of 5,000 or more square feet of impervious surfaces,
- c. creation of five or more dwelling units,
- d. establishment or expansion of a campground or mobile home park,
- e. extractive industries, or
- f. other projects requiring review which are not classified as minor projects.

### D. Procedure

**1. Preapplication meeting.** Applicants are encouraged to schedule a meeting with the Board prior to formal submission for review to discuss their plans and gain an understanding of the review procedure, requirements, and standards.

**2. Waiving of application requirements.** The Board may, upon request by the applicant, waive specific application requirements when the applicant can show that such requirements are not relevant to the proposed project.

**3. Applications in writing.** All applications for site plan review shall be made in writing to the CEO on the forms provided for that purpose. For major projects applications shall not be submitted until a site inventory and analysis is first submitted to the CEO and reviewed by the Board. The Board shall act upon the completeness of the inventory and analysis within 30 days of its receipt.

**4. Fee.** An application for site plan review shall be accompanied by a fee from the following schedule. Application fees may be waived for public works projects including schools.

**a.** \$50 plus \$10 per dwelling for residential projects,

**b.** \$10 for each camp site or mobile home site for projects involving the establishment or expansion of a campground or mobile home park,

**c.** \$10 for each 2,000 square feet of gross floor area for commercial, institutional, or industrial projects

**d.** \$10 for each 2,000 square feet of area to be disturbed by extractive industries.

When an exact use is not enumerated in the fee schedule, the Board shall determine the fee based upon its judgment as to which of the fees is most appropriate for the proposed use.

**5. Board agenda.** An application for site plan review, together with the documentation required in these regulations, shall be placed on the Board's agenda for consideration within 30 days of its receipt.

**a.** However, any application which the CEO initially determines to be incomplete shall not be placed on the agenda but shall be returned to the applicant with an indication of the additional information required. When this additional information has been received, the CEO shall place the application on the agenda.

**b.** The Board shall make a final determination of the completeness of the application, and within 60 days of such determination shall act to approve it as submitted, approve it subject to changes or conditions, or deny it.

**c.** When the Board denies an application, the applicant shall be notified in writing and the specific causes of denial shall be stated.

**d.** When the Board approves an application, the CEO shall issue a building permit, provided all other requirements of this and other ordinances, laws, rules, and regulations are met.

**6. Additional studies.** The Board may require the applicant to undertake any study which is deemed reasonable and necessary to insure the requirements of this Ordinance are met. The costs of all such studies shall be borne by the applicant.

**7. Professional services.** The Board may require that an expert review all or part of the application as to compliance or noncompliance with this Ordinance and advise, if necessary, of procedures which will result in compliance. The expert shall be fully qualified to provide the review and shall be mutually acceptable to the Town and applicant. The expert shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in an escrow account. The Town shall pay the expert from this account and reimburse the applicant if funds remain after payments are complete.

**8. Notice to abutters.** Abutting property owners shall be notified by mail, by the Town clerk, of a pending application for site plan review. This notice shall indicate the time, date and place of Board consideration of the application.

**9. Public hearing.** Prior to taking final action the Board in the case of any major applications shall, and in the case of minor applications may, accord the public the opportunity to comment by holding a hearing.

**10. Financial guarantee.** The Board may require the posting, prior to final approval of any application, of a bond or escrow account in such amount, and in such form, as the Board deems to be reasonably necessary to ensure completion of all improvements required as conditions of approval of the application.

**11. Inspections.** Town officials shall have access to the site at all times to review progress of the work, and shall have the authority to review all records and documents related to the project.

**12. Conditions.** The Board may attach reasonable conditions to site plan approvals to ensure conformity with the standards and criteria of this Ordinance.

**13. Expiration of approvals.** All site plan approvals shall expire within one year of the date of issuance unless project work is commenced. If work is not completed within two years from date of issuance, a new application must be made. There will be no additional fees unless there are significant changes in the proposal.

### **E. Contents of site inventory and analysis**

The inventory and analysis submission shall contain, at a minimum, the following information concerning the site:

1. **Owner.** The name(s), address(s), and telephone number(s) of the owner(s) of record and the applicant.
2. **Consultant.** The name(s), address(s), and telephone number(s) of any and all consultants working on the project.
3. **Inventory plan.** Eight copies of an accurate site plan at a scale of not more than 100 feet to the inch showing at a minimum:
  - a. Name of the development, north arrow, date, and scale;
  - b. Boundaries;
  - c. Topography at an appropriate contour interval depending on the nature of the use and the character of the site;
  - d. Major natural features including wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats and other important features;
  - e. Existing restrictions and easements;
  - f. Location and size of existing utilities serving the site;
  - g. If on-site sewage disposal is proposed, soils information detailed enough to allow those portions of the site which are not suitable for on-site disposal systems to be identified;
4. **Narrative.** Eight copies of a narrative describing existing conditions, the proposed use, and constraints and opportunities created by the site including: traffic studies, utility studies, market studies, and other preliminary work that will assist the Board in understanding the site and the proposed use.
5. **Site analysis plan.** Eight copies of a site analysis plan, at the same scale as the inventory plan, highlighting opportunities and constraints and indicating:
  - a. Portions of the site which are unsuitable for on-site sewage disposal if public sewerage will not be used,
  - b. Portions of the site which have development limitations such as steep slopes, poor soils, wetland, aquifers, wildlife habitat, scenic areas, flood plains, drainage, etc. which must be addressed in the development plan,
  - c. Areas well suited to the proposed use.
6. **Area analysis plan.** A sketch plan of the vicinity of the project site indicating areas where there may be off-site conflicts such as noise, lighting, traffic, etc.
7. **Summary.** A summary narrative of key constraints and opportunities which need to be addressed in the development plan.

### **F. Review of site inventory and analysis**

The review of the site inventory and analysis shall be informational and shall not result in any formal approval or denial of the project by the Board. The Board shall review the submission to determine if the information provides a clear understanding of the site and problems and opportunities likely to be encountered in using it for the proposed development. If additional information or analysis is required, the Board shall advise the applicant of this in writing. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal site plan review application.

### **G. Application exhibits**

The completed application form, required fees, and related information shall be submitted to the CEO who shall forward it to the Chair of the Board. For both major and minor developments the submission shall contain at least the following exhibits:

1. **Application form.** Application forms provided by the Town shall be fully completed and signed by the applicant.
2. **Maps.** One original on durable, permanent, transparent material and four copies of all maps and drawings. The maps and drawings shall be at a scale of 50 or fewer feet to the inch.
3. **Written materials.** Eight sets of all written materials assembled in binders.

## **H. Application content**

For both major and minor developments the exhibits shall contain:

**1. General.** General information concerning the site including at least the following:

- a. Name(s), address(s), and telephone number(s) of the owner(s) of record and the applicant.
- b. Name of the proposed development.
- c. Names and addresses of all property owners within 500 feet of property line.
- d. Sketch map showing general location of the site.
- e. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being proposed for development at this time.
- f. Tax map and lot number of the parcel or parcels.
- g. Copy of deed to property, option to purchase, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant.
- h. Name, registration number, and seal of the land surveyor, architect, engineer, or similar professional who prepared the plan.

**2. Existing conditions.** A map showing at least the following information:

- a. Land Use Area classification of property and location of Area boundaries if property is located in two or more different Areas or abuts a different Area.
  - b. Bearings and distances of all boundary lines of the development property and the source of this information.
  - c. Location of open drainage courses, wetlands, stands of trees, and other important natural features, with indication of which of these will be retained.
  - d. Direction of existing surface water drainage across site.
  - e. Location and size of any existing sewer and water mains, culverts, and drains on the property and any that will serve the proposed development but are on abutting streets or land.
  - f. Location, names, and present widths of existing streets and rights-of-ways within or adjacent to the proposed development.
  - g. Location and dimensions of existing driveways, parking areas, loading areas, and walkways.
  - h. Location of road intersections or driveways within 200 feet of site.
  - i. Location, dimensions, and ground floor elevations of all existing buildings on the site.
  - j. Location, front view, and dimensions of existing signs.
  - k. Location and dimensions of existing easements and copies of existing covenants and deed restrictions.
- 3. Proposed development activity.** A proposed development activity map providing a space for the signatures of the Board, the words "Approved: Town of Baileyville Maine Planning Board", space for date of approval, and showing at least the following information:
- a. Location of all building setbacks, yards, and buffers required by this Ordinance.
  - b. Location, dimensions, and ground floor elevations of all proposed buildings.
  - c. Location and dimensions of proposed driveways, parking areas, loading areas, and walkways.
  - d. Location and dimensions of all provisions for water supply and wastewater disposal.
  - e. Direction of proposed surface water drainage across the site.
  - f. Location, front view, and dimensions of proposed signs.
  - g. Location and type of exterior lighting.
  - h. Proposed landscaping and buffering.
  - i. Copies of applicable State approvals and permits, provided however, that the Board may approve development plans subject to issuance of specified State approvals and permits where it determines it is not feasible to applicant to obtain them by the time of development review.
  - j. Schedule of construction, including anticipated beginning and completion dates.

## **I. Additional information required for major developments**

Applications for approval of major developments shall, in addition to the information described in G. and H. above, include the following information:

- 1. Topography.** Existing and proposed contours at two-foot intervals, or such other interval as the Board may determine is necessary.
- 2. Storm water, erosion control.** Storm water and erosion control program showing:
  - a. Existing and proposed method of handling storm water run-off, with arrows indicating the direction of



flow.

**b. Drainage.** Location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

**c. Storm calculations.** Engineering calculations used to determine drainage requirements based upon 25-year and 24-hour storm frequencies, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces including proposed paving and building areas.

**d.** Methods of controlling erosion and sedimentation during and after construction.

**3. Groundwater.** An impact analysis prepared by a groundwater hydrologist for projects involving common on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons per day or greater.

**4. Utility plan.** A plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and other utility services to be installed.

**5. Planting schedule.** A schedule keyed to the site plan and indicating the general varieties and sizes of trees, shrubs, and other plants to be planted.

**6. Traffic impact.** An analysis demonstrating the impact of the proposed project on the capacity, level of service, and safety of adjacent streets.

**7. Water supply.** Written statement from the Utility District as to the adequacy of the water supply in terms of quantity and pressure for domestic and fire purposes.

**8. Streets.** Location, width, typical cross-section, grades, and profiles of all proposed streets and sidewalks.

**9. Registered engineer.** Construction drawings for streets, sanitary sewers, water, and storm drains shall be prepared by a profession engineer registered in the State of Maine.

**10. Easements, etc.** A plan showing the location of any of pedestrian ways, lots, easements, open spaces, and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language and a signed statement that the easement will be executed upon approval of the proposed development. In the case of any streets or other ways proposed for public ownership, the developer shall submit a signed statement they will be maintained year-round until they are accepted by the Town.

**11. Covenants, etc.** Any and all covenants and deed restrictions shall be noted on the plan. The Town shall be included as a party to any and all covenants or deed restrictions covering all or part of the proposed development.

**12. Dedications to Town.** Written offers of dedication or conveyance to the Town, for consideration by the Town Council, of all land included in streets, highways, easements, parks, or other open spaces to be dedicated for public use, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the developer, are to be maintained.

**13. Associations.** If the development is a condominium or clustered development, evidence that all requirements relative to establishment of a homeowners or condominium owners association have been met. The submission shall include copies of the by-laws of any association charged with maintaining common spaces and roadways. In the case of roadways to be offered to the Town, association documents shall clearly state that it shall properly maintain them after the developer has legally relinquished that responsibility until such time as the Town may accept them.

**14. Financial capability.** Estimate of cost of the proposed development and either

**a.** Evidence of owner or developer's financial capability to complete it, or

**b.** Letter from a bank or other source of financing indicating its interest in financing it.

**15. Narrative.** Describing how the proposed development scheme relates to the site Inventory and Analysis.

## **J. Waiver or modification of submission requirements.**

The Board may waive or modify any of the submission requirements when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable or would be an unnecessary burden on the applicant, and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, or welfare of the Town.

## **K. Criteria and standards**

The following criteria and standards shall be utilized by the Board in reviewing applications for site plan approval. The standards are not intended to discourage creativity, invention, or innovation. The Board shall approve the site plan unless it does not meet the intent of one or more of the criteria. The Board may waive a criteria upon determination it is not applicable to the proposed action, or its application is not necessary to carry out the intent of this Ordinance.

**1. Preservation of landscape.** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Environmentally sensitive areas such as wetlands, steep slopes, flood plains, natural drainage ways, and unique natural features shall be maintained and preserved to the maximum extent practical.

**2. Access to the site.** Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic that will be generated by the development. Intersections on major access routes to the site which are, based upon Highway Capacity Manual Special Report 209 which is available from the Maine Department of Transportation, functioning at a Level of Service of "C" or better prior to the development shall also function at this level after the development is completed. The Board may approve a development not meeting this requirement if the applicant demonstrates:

**a.** A public agency has committed funds to construct improvements necessary to bring the level to this standard, or

**b.** The applicant will assume financial responsibility for the improvements necessary to bring service to this level and will guarantee completion of the improvements within one year of approval of the project.

**3. Access into the site.** Roads and driveways into the development shall provide for safe and convenient access.

**a.** Any exit way shall be designed to provide a minimum sight distance of 250 feet in each direction, at the point where it meets any existing street.

**b.** Points of access shall be located to avoid hazardous conditions or conflicts with existing turning movements and traffic flows.

**c.** The grade of any exit way shall, for a distance of 100 feet from its intersection with any existing street, be a maximum of three percent.

**d.** Projects generating 400 or more vehicle trips per 24 hours shall provide two or more separate points of vehicular access into and out of the site.

**e.** Entrance/exit design of proposed developments fronting on U.S. Route 1 and State Route 9 shall be reviewed by, and be in conformance with the standards of, the Maine Department of Transportation for size, location, sight-distance, and possible future changes in highway alignment. To the maximum extent feasible, such developments shall utilize shared accesses, and other methods to avoid interfering with traffic flow.

**4. Internal vehicular circulation.** The layout shall provide for the safe movement of passenger, service, and emergency vehicles throughout the site.

**a.** Nonresidential projects shall provide a clear route for delivery vehicles and be designed to allow turning and backing for vehicles expected to use the facility.

**b.** Clear routes of access to all portions of the site shall be provided and maintained for emergency vehicles and these routes shall be clearly signed.

**c.** Parking lots shall be designed for safe and convenient circulation of vehicles throughout the lot and to avoid the necessity of vehicles backing onto any street.

**d.** All streets and access ways shall be designed to follow the topographic and natural features.

**5. Pedestrian circulation.** The plan shall provide for a system of pedestrian circulation within the development which shall connect with existing sidewalks, if any, in the vicinity. The pedestrian network may be located in street rights-of-way, have separate rights-of-way, or be located in open space and recreation areas.

**6. Environmental standards.** The site plan shall be designed in accordance with applicable standards to protect the environment, including:

**a.** Conservation, erosion, and sediment control:

- 1) Stripping of vegetation, regrading, or other activities shall be done in such a way as to minimize erosion.
- 2) To the extent practical, salient natural feature shall be preserved, cuts and fills kept to a minimum, and existing topography conformed to so as to minimize surface water runoff onto adjacent lands.
- 3) The duration of exposure of disturbed areas shall be kept to the minimum practical.
- 4) Disturbed soils shall be stabilized as quickly as practical.
- 5) Temporary vegetation or mulching shall be used to protect areas that will be exposed for longer periods.
- 6) Final vegetation and mechanical erosion control measures shall be installed as soon as practical.
- 7) Until the disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods.
- 8) Whenever sedimentation is caused by stripping vegetation, regrading, or other activities, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and water courses and to repair any damage as soon as possible.
- 9) Any activity on a stream, water course, swale, floodway, or drainage right-of-way shall comply with the Maine Natural Resources Protection Act, Sections 480A-480S and shall be conducted in such a manner as to maintain as nearly as possible the present state of the stream, water course, swale, floodway, or drainage right-of-way for the duration of the activity. The stream, water course, swale, floodway, or drainage right-of-way shall be returned to its original or equal condition after such activity is completed.

**b. Site conditions.**

- 1) During construction, the site shall be maintained and left each day in a safe and sanitary manner. If necessary, the site area shall be regularly sprayed to control dust from construction activity.
- 2) Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots, and debris. Excess or scrap building materials shall be removed or destroyed immediately upon the request of, and to the satisfaction of, the CEO.
- 3) No major change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site except as shown on the approved site plan. Minor changes necessitated by field conditions may be made after approval by the CEO.
- 4) Inappropriate fill materials shall not be used.

**7. Open space.**

- a. To the extent possible, common open space areas shall be contiguous.
- b. Any approved development plan which shows common open space areas shall contain a notation that these areas shall not be further developed for any other use.
- c. To the extent practical, open space shall include irreplaceable natural features located on the site such as stream beds, stands of trees, individual trees of significant size, or rock outcroppings.

**8. Relation of proposed buildings to the environment.** Proposed structures shall be related harmoniously to the terrain and existing buildings in the vicinity so as to have minimal adverse effect on the environmental and aesthetic qualities of the neighboring areas.

a. Individual lots, buildings, streets, and parking areas shall be designed and situated to:

- 1) Minimize alterations of the natural site,
- 2) Avoid adverse effects of shadows, noise, and traffic on residents of the site, and
- 3) Relate harmoniously with surrounding properties.

b. Diversity and originality in lot layout and individual building, street, parking areas, and lot layout shall be encouraged.

**9. Surface water drainage.** Adequate provisions shall be made for surface drainage so removal of surface waters will not adversely affect neighboring properties, downstream conditions, or the public storm drainage system. Increase in quantity of off-site discharge shall zero percent, or less, after development. On-site absorption shall be utilized to minimize discharges wherever possible. All drainage calculations shall be based on a 25 year storm frequency. Emphasis shall be placed on protection of floodplains and wetlands, preservation of stream corridors, establishment of drainage rights-of-ways, the adequacy of the existing system, and the need for improvements, both on-site and off-site, to adequately control the rate, volume, and velocity of storm drainage.

**10. Groundwater protection.** The proposed development shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of 2,000

gallons per day or greater shall demonstrate that following development the groundwater at the property line will comply with the standards for safe drinking water established by the State of Maine.

**11. Water supply.** The development shall provide each use with an adequate supply of water meeting the standards of the State of Maine for drinking water. This may be by connection to the Town system, by a private system serving the development, or by individual wells for each use.

**12. Sewage disposal.** A sanitary sewer system shall be designed and installed at the expense of the developer. The system may involve a collection lines connecting to the Town sewer, collection lines discharging into an on-site treatment facility, or individual underground waste disposal for each use.

**13. Solid waste disposal.** The proposed development shall provide for adequate disposal of solid and hazardous wastes. All such wastes which can not, or will not, be disposed of through the Town shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's waste. Evidence of a contractual arrangement with the facility shall be submitted.

**14. Wire utilities.** To the extent practical, wire utility installations including telephone, cable TV, and electric shall be underground.

**15. Advertising features.** The size, location, texture, and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property, the design of proposed buildings and structures, or surrounding properties. Nor shall such features be designed or installed in such a way as to constitute hazards to vehicles or pedestrians.

**16. Special screening required.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to screen plantings, fencing, or such other screening methods as shall be reasonably required to prevent their being incongruous with the existing or contemplated environment and surrounding properties.

**17. Exterior lighting.** All exterior lighting shall be designed to encourage energy efficiency and to ensure safe movement of people and vehicles, but also shall be arranged to minimize glare, reflection, and other adverse impacts on neighboring properties, public ways, and the sky.

**18. Emergency vehicle access.** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

**19. Landscaping.** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties, to enhance the physical design of the buildings and site, and to minimize the encroachment of the proposed use on neighboring land uses.

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## **SECTION 7. ADMINISTRATION, ENFORCEMENT, AND APPEALS**

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### **A. Administering agent and bodies**

**1. Code Enforcement Officer (CEO).** In regard to this Ordinance the CEO shall have the following powers and duties:

- a.** Enforce the provisions of this Ordinance.
- b.** Act upon building, construction, and use applications, refer to the Board applications requiring action by it, and refer to BOA requests for variances and other applications requiring action by it.
- c.** Enter any property at reasonable hours with the consent of the owner, occupant, or agent to inspect the property or building for compliance with this Ordinance.
- d.** Investigate complaints and report violations.
- e.** Keep written inspection reports and thorough records.
- f.** Issue violation notices.
- g.** Participate in appeals procedures
- h.** Appear in court when necessary.
- i.** Confer with citizens in the administration and enforcement of this Ordinance.
- j.** Attend all meetings of the BOA, and attend meetings of the Board as necessary.

k. Revoke a permit after notice and hearing if it was issued in error or if it was based on erroneous information.

**2. Planning Board (the Board).** The Board shall be responsible for reviewing and acting upon various applications as specified in this Ordinance.

**3. Board of appeals (BOA).** The BOA shall be responsible for deciding administrative and variance appeals in accordance with the requirements of section 12.

## **B. Permits required**

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any new activity or use of land or structure; expand, change, or replace an existing use or structure, or; renew a discontinued nonconforming use for which this Ordinance requires a permit.

## **C. Permit application**

**1. Application form.** Every applicant for a permit shall submit a written application, on a form provided by the Town, to the appropriate officials as indicated in this Ordinance.

**2. Authorization.** All applications shall be signed by the owner(s) of the property or other person authorizing the work, certifying the information is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.

**3. Date.** All applications shall be dated, and the CEO or the Board, as appropriate, shall note upon each application the date and time of its receipt.

**4. Application fee.** An application for a building permit shall be accompanied check for \$10 made out to "The Town of Baileyville". Permits applied for after an activity has started shall have a fee of \$50. No building permit shall be issued until the fee is paid. The fee is non-refundable. There is a separate fee schedule for cluster developments (see section 6.D.4. on page 13).

## **D. Procedure for administering permits**

**1. Determination of complete application.** Within 30 days of the date of receiving a written application the Board or CEO, as indicated in this Ordinance, shall notify the applicant in writing either the application had been accepted as complete, or if the application is incomplete, the specific additional material needed to make it complete.

**2. Public hearing.** If a public hearing is held, it shall be within 30 days of the date of acceptance of the complete application.

**3. Timing of actions.** The Board or CEO, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 30 days of a public hearing or, if no hearing is held, within 30 days of acceptance of the application.

**4. Approval.** Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

**5. Burden of proof.** The applicant shall have the burden of proving a proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

## **E. Expiration of permit**

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void. If work is not completed within two years from date of issuance, a new application must be made. There will be no additional fees unless there are significant changes in the proposal.

## **F. Installation of public utility service**

No public utility or utility company may install services to any new structure or use unless written authorization attesting to the validity and currency of all local permits has been issued by the CEO.

## **G. Enforcement**

**1. Enforcement procedure.**

- a. Enforcement of the provisions of this Ordinance shall be the duty of the CEO who, upon finding that any provision is being violated, shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action(s) necessary to correct it. Such actions may include: discontinuance of illegal use of land or structures; stopping work being done; removing illegal buildings or structures; and abatement of nuisance conditions. Copies of such notice shall be submitted to the Town Council to the Board and shall be maintained as a permanent record.
  - b. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance.
  - c. The CEO shall keep a complete record of all essential transactions, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, violations investigated, violations found, and fees collected.
- 2. Legal actions.** When the above procedure does not result in correction or abatement of the violation or nuisance condition, the Town Council, upon notice from the CEO, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Town Council, or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recording fines without court action.
- 3. Fines.** Any person, including but not limited to a landowner, a landowner's agent, or a contractor who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A MRSA 4452 of the laws of the State of Maine.

## **H. Appeals**

The BOA shall have the power and duty to hear and decide administrative appeals and authorize variances within the limitations set forth in this Ordinance.

- 1. Administrative appeals.** To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the CEO or the Board in the enforcement or administration of this Ordinance.
- 2. Variance appeals.** To authorize variances, upon appeal, within the limitations set forth in this Ordinance.
  - a. Variances may be granted only from dimensional requirements including frontage, lot area, lot width, structure height, percent of lot coverage, and setback requirements.
  - b. Variances shall not be granted for establishment of any uses otherwise prohibited.
  - c. The BOA shall not grant a variance unless it finds that:
    - 1) The proposed structure or use would meet the standards of the Ordinance except for the specific provision which has created the non-conformity and from which relief is sought, and
    - 2) The strict application of the terms of this Ordinance would result in undue hardship which shall mean all of the following:
      - a) The land in question can not yield a reasonable return unless a variance is granted,
      - b) The need for a variance is due to unique circumstances of the property and not to general conditions in the neighborhood,
      - c) The granting of a variance will not alter the essential character of the locality, and
      - d) The hardship is not the result of action taken by the applicant or a prior owner.
  - d. Disability variance. The BOA may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is, or will be, living on the property. The BOA shall restrict any variance granted under this provision solely to the installation of equipment or the construction of structures to make the property accessible by the person with the disability. The BOA may impose conditions on the variance, including limiting the variance to the duration of the disability or the time that the person with the disability lives on the property.
  - e. Limitations of variances. The BOA shall limit any variances granted as strictly as possible in order to insure conformance with the purpose and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

**f. Recording of variances.** If a variance is granted under this section, a certification indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance including any conditions on the variances, has been granted and the date of the granting, shall be prepared by the BOA within 30 days of final approval and recorded by the applicant in the Washington County Registry of Deeds. The variance is not valid until recorded.

### **3. Appeal procedure**

**a. Time limit.** An administrative appeal or variance appeal from any decision of the CEO or the Board must be taken to the BOA by an aggrieved party within 30 days of the date of the decision being appealed.

**b. Written notice.** Appeal shall be made by filing with the BOA written notice which includes:

- 1) A concise statement of what relief is requested and why it should be granted, and
- 2) A sketch showing lot lines, location of structures, and other features of the lot pertinent to the relief being requested.

**c. Records.** Upon being notified of an appeal, the CEO or the Board, as appropriate, shall transmit to the BOA all of its records concerning the decision being appealed.

**d. Public hearing.** Within 30 days of receiving an appeal request, the BOA shall hold a public hearing on it.

**e. Decision by BOA.**

1) **Quorum.** A majority of the BOA shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

2) **Majority vote.** The concurring vote of a majority of the members of the BOA present and voting shall be necessary to reverse an order, requirement, decision, or determination of the CEO or the Board, remand the matter to the CEO or the Board, or to decide in favor of the applicant on any matter which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms.

3) **Burden of proof.** The person filing the appeal shall have the burden of proof.

4) **Action on appeal.** Following the public hearing on an appeal, the BOA may affirm, affirm with conditions, or reverse the decision of the CEO or the Board. The BOA may reverse the decision, or failure to act, of the CEO or the Board only on a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance. When errors of administrative procedure or interpretations are found, the case shall be remanded back to the CEO or the Board for correction.

5) **Time frame.** The BOA shall decide all appeals within 30 days after the close of the hearing and shall issue a written decision of all appeals.

6) **Findings.** All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reason or basis thereof and notation of the order, relief, or denial.

**f. Appeal to superior court.** Any aggrieved party who participated as a party during the proceedings before the BOA may appeal to Superior Court in accordance with State laws within 30 days from the date of decision of the BOA.

**g. Reconsideration.** The BOA may reconsider any decision reached within 30 days of its prior decision. In connection with such reconsideration, the BOA may conduct additional hearings and receive additional evidence and testimony.

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## **SECTION 8. DEFINITIONS & CONSTRUCTION OF LANGUAGE**

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### **A. Construction of language**

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined shall have the meaning implied in their context or their ordinary meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map or table, the text shall control.

"Person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity. Present tense includes the future, singular numbers include the

plural, and plural the singular. "Shall" and "will" are mandatory, the word "may" is permissive. "Used" or "occupied" shall be construed to include the words "intended, arranged, or designed to be used or occupied".

## **B. Definitions**

The following terms shall have the following meanings:

**Abutter.** Owner of any property having one or more common boundaries with, or across a road, or stream from, the property involved in an application or appeal.

**Accessory use or structure.** A use or structure which is customarily both incidental and subordinate to the principal use or structure on the same lot.

**Adult business.** Business offering erotic materials such as books, magazines, videos, and sexual stimulation devices for sale or rent, but not offering live amusement or individual viewing booths or rooms. In order to combat the secondary effects of such businesses, adult businesses are prohibited in certain Areas.

**Agriculture.** Producing or raising crops, including gardening as a commercial operation, greenhouses and nurseries.

**Alteration.** Change or modification in the structural members, or in the use, of a structure.

**Aggrieved party.** Person who has, directly or indirectly, suffered particularized injury as a result of the granting or denial of such permit or variance.

**Amusement facility.** Temporary or permanent, private or commercial premises maintained or operated primarily for the amusement, patronage, or recreation of the public and containing any combination totaling four or more table sports, pinball machines, video games, or similar mechanical or electronic games.

**Animal breeding or care.** Keeping or raising of four or more animals, including domestic animals and pets, for any commercial use. Includes kennels.

**Area.** Specified portion of the Town, delineated on the Land Use Map, within which certain regulations and requirements apply under the provisions of this Ordinance.

**Authorized agent.** Individual or firm having written authorization to act on behalf of that property owner.

**Automobile repair shop.** Business establishment engaged in general repair, engine rebuilding, or parts replacement, but not body, frame, or fender straightening and repair or painting and undercoating, or the sale of gasoline or other motor fuels.

**Automobile graveyard or junkyard.** Place where three or more unregistered, unserviceable, discarded, worn-out, or junked vehicles, or bodies, or engines thereof are gathered together.

**Base flood.** Flood having a one percent chance of being equaled or exceeded in any year; a "100 year flood".

**Bed and breakfast.** Dwelling in which transient lodging and/or meals are provided and offered to the public by the owner for compensation for periods of less than one week. This dwelling shall also be the full-time, permanent residence of the owner; otherwise it shall be classified as a hotel. There shall be no provisions for cooking in any individual guest room.

**Boarding/lodging facility.** Dwelling where lodging and/or meals are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provisions for cooking in any individual guest room.

**Building.** Structure having a roof supported by columns or walls for any use or occupancy, temporary or permanent.

**Building height.** Vertical distance between the highest point of the roof and the average grade of the existing or original ground adjoining the building, whichever distance is greater.

**Campground.** Land upon which one or more tents are erected, or trailers parked, for temporary use for a fee on sites arranged specifically for that purpose.

**Club.** Voluntary association of persons organized for social, religious, benevolent, scientific, political or similar purposes whose facilities are open to members and guests only, and which is not engaged in activities customarily carried on by a business for pecuniary gain.

**Cluster development.** Development controlled, planned, and developed as a whole by one developer, which is comprised of a grouping of structures in order to preserve or enhance natural features. Cluster developments treat the area to be developed as an entirety in order to efficiently use the land, reduce size of road and utility systems, create permanent common open space, and the permanently retain natural characteristics of the land.

**Code Enforcement Office (CEO)** Person appointed by the Town Council to enforce this Ordinance and administer specific portions of it.

**Commercial use.** Activity carried out for pecuniary gain.

**Conforming.** Structure, or use of land, which complies with the provisions of this Ordinance.

**Congregate housing.** Private dwelling units with central dining facilities and supportive services for functionally



impaired occupants who are unable to live independently yet do not require constant supervision or intensive care of intermediate or skilled nursing facilities.

**Constructed.** Built, erected, altered, reconstructed, or moved. Includes excavated or filled

**Convenience store** Store of less than 5,000 square feet of floor space intended primarily to serve a residential neighborhood with such items as basic foods, newspapers, minor household-related items, and similar merchandise, but *not* including eat-in foods or take-out windows.

**Day care.** Homes and centers licensed as such by the Maine Department of Human Services.

**Density.** The number of primary buildings or structures per unit of land.

**Development.** Any changes made to the land, including but not limited to structures, mining, dredging, filling, grading, paving, excavation, and drilling.

**Disability.** Physical or mental handicap under Title 5, section 4553 of Maine Law

**Dwelling.** Structure or portion thereof designed or used for residential purposes. Single family dwellings contain only one dwelling unit for occupation by not more than one family, two-family dwellings contain dwelling units for occupation by not more than two families, and multifamily dwellings contain three or more dwelling units.

**Dwelling unit.** Room, or rooms, used by a family as a habitation which is separate from other such rooms, and contains independent living, cooking, sleeping, bathing, and sanitary facilities.

**Essential services.** Transmission or distribution of water, gas, electricity or communications, or collection, treatment, or disposal of wastes. Includes required facilities such as towers, poles, wires, mains, drains, pipes, conduits, cables, fire hydrants, traffic signals, but not buildings.

**Extractive industries.** Industries excavating, processing, or storing soil, topsoil, peat, loam, sand, gravel, rock, or other mineral deposits, not including excavation incidental to, and at site of, approved construction of buildings or streets, or excavation, processing, or storage of less than ten cubic yards of material on a lot within a one year period.

**Family.** One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a bed and breakfast, boarding house, or hotel.

**Filling.** Depositing or dumping any matter on or into the ground or water.

**Flood or flooding.** General and temporary condition of partial or complete inundation of normally dry land from unusual and rapid accumulation of waters, or from collapse or subsidence of land along the shore of water body as a result of erosion.

**Flood Insurance Rate Map.** Official map on which the Federal Insurance Administration has delineated special hazard areas and risk premium zones.

**Flood plain.** Lands susceptible to being inundated by water from any source.

**Floodway.** Channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Forest harvesting.** The cutting or removal of at least 50 cords, or equivalent, of timber on a contiguous ownership during a calendar year for the primary purpose of selling or processing forest products.

**Forestry.** Timber cruising and other forest resource evaluation activities, pesticide and/or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and similar or associated activities, exclusive of timber harvesting and the construction or creation or maintenance of roads.

**Garage.** Accessory building, or part of a principal building, used primarily for storage of motor vehicles, includes a carport.

**Gasoline service station.** Any place of business at which gasoline or other engine fuels are sold to the public regardless of any other business on the premises.

**Hardship, undue.** Condition which may be the basis for granting a variance from certain provisions of this Ordinance.

**Hazardous material.** Materials so designated by the Department of Environmental Protection.

**Home occupation.** Occupation or profession which is carried on in no more than 50% of the area of a single family dwelling unit by the full-time permanent occupant of the dwelling, which is clearly secondary to the use of the dwelling for residential purposes, and which does not change the character of the dwelling. A retail outlet is a home occupation only if the items sold are manufactured, produced, created, or grown by the owner's labor.

**Hospital.** Institution providing overnight health services, primarily for in-patients, medical and/or surgical care for the sick or injured, and related facilities such as laboratories, out-patient departments, training facilities, and staff offices.

**Hotel/motel.** Building or group of buildings providing transient guests who are staying for a limited duration with rental units having their own private bathrooms and separate entrance, but not having cooking facilities. May have a restaurant serving its guests and other customers.

**Inn.** A hotel with 15 or fewer rooms and designed to blend in with other buildings in the area.

**Kennel.** Establishment in which more than four dogs and/or cats are sold, housed, bred, boarded, or trained for a fee.

**Light industry.** Manufacture, compounding, assembly or treatment of articles or merchandise which does not produce, cause, or emit any fumes, dust, odor, smoke, gas, or vibrations which are or may be detrimental to properties in the

neighborhood or to the welfare of occupants thereof.

**Lot.** A plot or parcel of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by boundary lines on a land subdivision plan approved by the Board and recorded in the Registry of Deeds.

**Lot area.** Total horizontal area within the lot lines, minus land below the normal high water line of a water body or wetland, and areas beneath roads serving more than two lots.

**Lot, corner.** Lot with at least two contiguous sides abutting on a street.

**Lot coverage.** Percentage of a lot covered by all buildings.

**Lot lines.** The lines bounding a lot: Front lot line: Line separating lot from a road right-of-way or, where a right-of-way can not be determined, the edge of the paved or graveled roadway; Rear lot line: Lot line opposite front lot line; Side lot line: Any lot line other than front and rear.

**Lot, through.** Any interior (non-corner) lot having frontage on two or more streets or a street and a body of water. Front yard requirements shall apply on each street.

**Lot width.** Distance between side boundaries of the lot, measured at the front setback line.

**Manufactured housing.** Dwelling unit constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. Includes mobile homes.

**Mobile home.** Single-wide manufactured housing built on a permanent chassis and designed to be used as a dwelling.

**Mobile home park.** Lot under unified ownership approved by Town for placement of three or more manufactured homes.

**Net acreage.** Area of a lot which is usable for determining allowable densities. Does not include land below the normal high water line of a water body, upland edge of a wetland, or beneath roads serving more than two lots.

**Net residential density.** Number of dwelling units per net acre.

**Non-conforming.** Structure or use of land legally existing at the effective date of this Ordinance or amendment thereto which does not comply with all applicable provisions.

**Nursing home.** Structure where maintenance or nursing care are provided for persons unable to care for themselves.

**Open space.** Area which will not be developed. May include woods, fields, wetlands, and lawns, but no structures except as specifically permitted by his Ordinance.

**Parks and recreation.** Non-commercially operated recreation facilities open to general public. Includes playgrounds, parks, monuments, green strips, open space, athletic fields, boat launches, docks, picnic grounds, swimming pools, but does not include campgrounds, or commercial recreation or amusement centers.

**Parks and recreation, non-intensive.** Includes wildlife and nature preserves, nature trails, and accessory facilities

**Permitted use.** Use listed as permitted in a Land Use Area established by this Ordinance.

**Planning Board.** Planning Board of the Town of Baileyville, Maine, herein "the Board".

**Principal use.** Primary use and chief purpose of a lot or structure.

**Professional office.** Place of business of an accountant, architect, attorney, chiropractor, dentist, engineer, insurance agent, medical laboratory, optician, osteopath, physician, pharmacy, real estate broker, surgeon, and similar professions.

**Public utility.** Any person, corporation, Town department or board authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation, or water to the public.

**Recreation, intensive.** Activities requiring structures or facilities, such as ball fields, tennis courts, gymnasiums, swimming pools, but not amusement facilities.

**Recreation, non-intensive.** Activities utilizing open space and natural areas, such as natural trails, golf courses.

**Recreational vehicle.** Self-propelled or vehicle-drawn unit designed for temporary sleeping or living quarters, which is not a dwelling. Includes; pick-up camper, travel trailer, and motor home.

**Restaurant.** Establishment where meals are prepared and served to the public for consumption primarily within an enclosed building, where no food or beverages are served directly to occupants of motor vehicles or to pedestrian traffic from an exterior service opening or counter, and where customers are not encouraged to take out food or beverage for consumption.

**Retail business.** Business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption, not for resale.

**Right-of-way.** Land within which roads, utility lines, boat launching sites, etc. are located.

**Road.** Way which affords the principal means of access to abutting properties. Includes public streets and highways, and private undedicated ways which are described in a recorded document.

**Road frontage.** Horizontal straight-line distance between the intersections of side lot lines with the road right-of-way.

**Rural commerce.** Commercial uses permitted in the Rural Areas, but only if they conform with specific performance standards and all other requirements of this Ordinance.

**School, commercial.** Institutions which are operated for profit, which offer classes in various skills, trades, professions, or other fields of knowledge, but are not authorized by the State to award baccalaureate or higher degrees.

**Schools, public and private.** Primary and secondary schools which either: 1) not operated for a profit; or 2) teach courses of study which are sufficient to qualify attendance in compliance with State compulsory education requirements.

**Setback.** Horizontal distance from lot line to the nearest part of building, includes roof overhangs, porches, and steps.

**Structure.** Anything constructed or erected, the use of which requires a fixed location on or in the ground or water, or an attachment thereto, including buildings, building features such as porches, carports, stacks, antennas, signs, and commercial rides and games, but not sidewalks, fences, driveways, parking lots, and landscaping walls or embankment retaining walls.

**Use.** The manner in which land or a structure is arranged, designed, or occupied.

**Variance.** Relaxation of terms of this Ordinance where such relaxation will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the actions of the applicant, literal enforcement would result in undue hardship. A variance is not justified unless *all* the following findings are made: 1) A particular property can not yield a reasonable return unless a variance is granted, *and* 2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood, *and* 3) The granting of a variance will not alter the essential character of the locality, *and* 4) The hardship is not the result of action taken by the applicant or a prior owner. Variances are limited to height, lot size, yard size, open space size, frontage and setback. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate vicinity.<sup>3</sup>

**Wetland.** All lands identified by the Maine Department of Inland Fisheries and Wildlife in accordance with Maine State law Title 38, Section 407A, or the United States Environmental Protection Agency under Section 404 of the Clean Water Act.

## **Baileyville Land Use Regulation Ordinance (Amendment)**

Amendment to the Town of Baileyville Land Use Ordinance:

Areas of Map12 Lot 34, located in the rural area and general area in the Baileyville Land Use Regulation Ordinance are rezoned to the industrial area.

January 12, 2004	Introduction
January 27, 2004	Public Reading
February 24, 2004	Public Hearing
February 24, 2004	Adoption
March 18, 2004	Effective Date

## Baileyville Land Use Regulation Ordinance (Amendment)

Amendment to the Town of Baileyville Land Use Ordinance:

Areas of Map 12 Lot 34, located in the rural area and general area in the Baileyville Land Use Regulation Ordinance are rezoned to the industrial area.

January 12, 2004	Introduction
January 27, 2004	Public Reading
February 24, 2004	Public Hearing
February 24, 2004	Adoption
March 18, 2004	Effective Date

## SECTION 3. LAND USE DISTRICT REQUIREMENTS

### A. Purpose of each Land Use Area

The purposes of each of the land use Areas are:

1. **Resource Areas.** To protect, preserve, and enhance the enjoyment of areas in which development would adversely affect productive habitats, ecosystems, important scenic resources, unique or fragile natural areas, flood plains, surface waters, and aquifers (particularly the one that supplies the Town's water). These areas include the areas zoned Resource Protection in the Shoreland Zoning Ordinance as well as additional areas. It is in the public interest that these areas be preserved and protected because of their economic contribution to the community as well as their natural, aesthetic, and scenic value.
2. **Rural Areas.** To protect and preserve the rural character of the Town while permitting low density development, to safeguard the Town's forest resource from development, to conserve natural resources and open space land, and to encourage agriculture, forestry, and certain types of recreational uses.
3. **Residential Areas.** To provide for residential and recreational development in such manner and at such locations as is compatible with existing development and the ability of the town to provide essential services. To encourage high-standard developments of single family homes and to exclude uses which would be incompatible with them.
4. **Village Areas.** To ensure that future development is compatible, both in character and use, with existing development.
5. **Retail Areas.** To provide for mixed residential and commercial uses under 5,000 square feet primarily serving the daily needs of the people of the Town.
6. **General Areas.** To allow a maximum diversity of residential, commercial, and industrial uses, while protecting public health and safety, environmental quality and economic well-being through controls on commercial or industrial uses which by virtue of waste discharge, noise, glare, fumes, smoke, dust odors, or traffic generation could be nuisances, unsafe, or unhealthy.
7. **Industrial Areas.** To encourage the location of industrial uses on those lands which are best suited for them. To allow a diversity of industrial uses while protecting the Town by controlling those uses which, by virtue of noise, glare, fumes, dust, and traffic generation, could otherwise create nuisances or unsafe or unhealthy conditions. To avoid the blight, congestion, and inconvenience caused by inappropriate and poorly located development of industrial facilities.

### B. Table of land uses

This table indicates land uses permitted in each Area, in conformance with the provisions of this Ordinance and all other applicable federal, State, and local laws, regulations, rules and ordinances.

Key to the table:	Y	use allowed in area, no permit required by this Ordinance
	N	use not allowed in Area
	CEO	use allowed in Area only with permit from Code Enforcement Officer
	PB	use allowed in Area only with approval from Planning Board
	PB*	use allowed in Area only after <i>site plan review and approval</i> by Planning Board

LAND USE TYPE	AREA						
	INDUSTRIAL	GENERAL	RETAIL	VILLAGE	RESIDENT	RURAL	RESOURCE
HOMES							
Cluster development	N	PB*	PB*	N	PB*	PB*	N
Congregate housing	N	PB*	PB*	PB*	N	PB*	N
Mobile home, on slab	N	CEO	CEO	CEO	N	CEO	N
Mobile home park	N	PB*	N	N	N	N	N
Multi-family home	N	CEO	CEO	N	N	N	N
Single family home	N	CEO	CEO	CEO	CEO	CEO	N
Two family home	N	CEO	CEO	CEO	N	N	N

INDUSTRIAL GENERAL RETAIL VILLAGE RESIDENT RURAL RESOURCE

COMMERCIAL

Adult business	N	CEO	N	N	N	N	N
Amusement park or facility	CEO	CEO	CEO	N	N	PB	N
Automobile repair	CEO	CEO	PB	N	N	PB	N
Bed and Breakfast	N	CEO	CEO	CEO	PB	PB	N
Boarding house	N	CEO	CEO	CEO	PB	PB	N
Building material sales	CEO	CEO	PB	N	N	PB	N
Campground	N	N	N	N	N	PB	N
Carnival	CEO	CEO	CEO	CEO	N	PB	N
Convenience store	CEO	CEO	CEO	N	N	PB	N
Commercial recreation	CEO	CEO	PB	N	N	PB	N
Gasoline service station	CEO	CEO	PB	N	N	PB	N
Home occupation	CEO	CEO	CEO	CEO	PB	PB	N
Hotel, motel	CEO	CEO	PB	N	N	PB	N
Inn	CEO	CEO	CEO	PB	N	PB	N
Kennel, veterinary hospital	CEO	CEO	N	N	N	PB	N
Light manufacturing	CEO	CEO	PB	N	N	PB	N
Movie theater	CEO	CEO	PB	N	N	PB	N
Offices: business, professional	CEO	CEO	CEO	PB	N	PB	N
Restaurant	CEO	CEO	PB	N	N	PB	N
Retail business	CEO	CEO	PB	N	N	PB	N
Service business	CEO	CEO	PB	PB	N	PB	N
Sporting camp	Y	Y	N	N	N	PB	N
Wholesale business	CEO	PB	PB	N	N	PB	N

INDUSTRIAL

Agricultural products processing	CEO	CEO	N	N	N	CEO	N
Automobile grave yard or junk yard	CEO	PB*	N	N	N	N	N
Cellular & other communication towers	CEO	CEO	N	N	N	PB*	N
Cluster-developed industrial park	CEO	CEO	N	N	N	N	N
Forest products storage, etc.	CEO	CEO	N	N	PB*	PB	N
Manufacturing	CEO	CEO	N	N	N	N	N
Recycling facility	CEO	CEO	N	N	N	N	N
Sawmill	CEO	CEO	N	N	N	PB	N
Transportation terminal	CEO	CEO	N	N	N	N	N
Warehousing and storage	CEO	CEO	PB	N	N	N	N
Waste disposal	CEO	N	N	N	N	N	N

EDUCATIONAL, INSTITUTIONAL

Daycare	N	Y	Y	Y	PB	PB	N
Group home, hospice, nursing home	N	CEO	CEO	CEO	N	PB	N
House of worship	N	CEO	CEO	CEO	N	PB	N
Museum, library, performing arts ctr	N	CEO	CEO	CEO	N	PB	N
School, public or private	N	CEO	CEO	CEO	N	PB	N
Social, fraternal club	N	CEO	CEO	CEO	N	PB	N

OUTDOOR, RESOURCE-BASED

Agriculture, under two acres	Y	Y	Y	Y	Y	Y	PB
Agriculture, over two acres	Y	Y	N	N	PB	Y	PB
Animal breeding or care	CEO	CEO	N	N	N	PB	N
Farm stand	Y	Y	Y	PB	PB	Y	N
Forest management activities	Y	Y	Y	Y	Y	Y	Y
Mineral extraction (incl. sand & gravel)	PB	PB*	N	N	N	PB*	PB*
Recreation, intensive	CEO	CEO	CEO	CEO	PB	CEO	CEO
Recreation, non-intensive	CEO	CEO	PB	PB	PB	CEO	CEO
Timber harvesting	Y	Y	N	N	PB	CEO	CEO

Baileyville Planning Board Meeting 8/14/03

Attendees: J. Moffitt, Code Enforcement Officer

L. Gillis, Planning Board

R. Flood, Planning Board

R. Clark, Planning Board

J. Clukey, Town Manager

R. Nicholson, representing CASA

*S. Smith Planning Board*

First order of business was a informational presentation by Rex Nicholson regarding a Halfway House for substance abusers.

Second order of business was a zoning amendment regarding the industrial park, which was approved as written. Motion for approval by R. Flood, seconded by L. Gillis, all in favor.

Next order of business was approval of the industrial park conceptual site plan. Motion for approval by R. Flood, seconded by L. Gillis, all in favor.

The next discussion involved fabricated structures. The board's view is that fabricated structures must adhere to setback but doesn't require a permit.

The final discussion was on housing safety guidelines. It was agreed that the current guidelines will be used.

Submitted by:

  
Sheridan Smith





## **TOWN OF BAILEYVILLE**

### **ESTABLISHMENT OF BAILEYVILLE PLANNING BOARD**

- 1) **Establishment.** Pursuant to Art. VIII, pt. 2, Section 1 of the Maine Constitution and 30-A MRSA Section 3001, the Town of Baileyville hereby establishes the Baileyville Planning Board.
- 2) **Appointment.**
  - A. Board members shall be appointed by the Town Council and sworn by the clerk or other person authorized to administer oaths.
  - B. The Board shall consist of seven members, and
  - C. The term of each member shall be three years, except the initial appointments which shall be: three members appointed for one year, two members for two years, and two members for three years.
  - D. When there is a permanent vacancy, the Town Council shall within 60 days of its occurrence appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a voting resident of the Town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the chairman of the board shall immediately so advise the Town Council in writing. The Board may recommend to the Town Council that the attendance provision be waived for cause, in which case no vacancy will then exist until the Town Council disapprove the recommendation. The Town Council may remove members of the Planning Board by unanimous vote, for cause, after notice and hearing.
  - E. A member of the Town Council may not be a member of the Planning Board.
- 3) **ORGANIZATION AND RULES**
  - A. The Board shall elect a Chairperson, Vice Chairperson, and Secretary from among its members. The term of all offices shall be one year, with eligibility for re-election.
  - B. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

- C. The Chairman shall call at least one regular meeting of the Board each month.
- D. No meeting of the Board shall be held without a quorum consisting of four members. The Board shall act by a majority vote, calculated on the basis of the number of members present and voting.
- E. The Board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determination. All records shall be deemed public and may be inspected at reasonable times.
- F. Copies of Minutes and decisions of the Board shall be sent to the Town Council expeditiously.

#### 4) DUTIES; POWERS

- A. The Board shall prepare a Comprehensive Plan as defined by 30A MRSA Section 4502.
- B. The Board shall perform such duties and exercise such powers as are provided by Baileyville's ordinances and laws of the State of Maine.
- C. The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

#### 5) EFFECTIVE DATE

This ordinance shall become effective immediately upon it's adoption by the Town Council.

Introduced -	June 26, 1989
Public Reading -	July 10, 1989
Public Hearing -	July 24, 1989
Adopted -	July 24, 1989
Effective -	July 24, 1989

SHORELAND ZONING ORDINANCE FOR THE  
MUNICIPALITY OF  
BAILEYVILLE, MAINE

PROPOSED FOR ADOPTION AT THE  
TOWN MEETING, MARCH 25, 1991

PREPARED BY THE  
BAILEYVILLE PLANNING BOARD

Greg Sepik, Chairperson  
Richard Gravatt, Secretary  
Jack Costello  
Randy Clark

John Hazelwood, Vice-Chairperson  
Janice Flood  
Gus Gillis  
Richard Flood

# Shoreland Zoning Ordinance for the Municipality of Baileyville, Maine

## Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

## Section 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

## Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland.

## Section 4. Effective date and Repeal of Formerly Adopted Ordinance

This Ordinance, which was adopted by the municipal legislative body on March 25, 1991, shall not be effective unless approved by the Board of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Board of Environmental Protection for approval. If the Board of Environmental Protection fails to act on this Ordinance

within forty-five (45) days of its receipt of the Ordinance, it shall be deemed approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted as amended on November 14, 1985 is hereby repealed. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance if the Ordinance is approved by the Board of Environmental Protection.

#### Section 5. Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

#### Section 6. Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

#### Section 7. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

#### Section 8. Amendments

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Board of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Board of Environmental Protection. If the Board of Environmental Protection fails to act on any amendment within forty-five (45) days of the Board's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be

governed by the terms of the amendment, if such amendment is approved by the Board.

## Section 9. Districts and Zoning Map

### A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development

### B. Scale of Map

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

### C. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

### D. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Board of Environmental Protection.

## Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerline of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

## Section 11. Land use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

## Section 12. Non-conformance

### A. Purpose

It is the intent of this ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section

### B. General

1. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

### C. Non-conforming structures

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a), and (b) below.

(a) Legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.

- i. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body or upland edge of a wetland is prohibited, even if the expansion will not increase non-conformity with the water body or wetland setback requirement.
- ii. Expansion of an accessory structure that is located closer to the normal high-water line of a water body or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase non-conformity with the water body or wetland setback requirement.
- iii. For structures located less than 75 feet from the normal high-water line of a water body or upland edge of a wetland, the maximum combined total floor area for all structures is 1,000 square feet, and the maximum height of any structure is 20 feet or the height of the existing structure, whichever is greater.
- iv. For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all structures is 1,500 square feet, and the maximum height of any structure is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line or upland edge of a wetland must meet the floor area and height limits of division (iii).



For the purposes of subparagraph (a), a basement is not counted toward floor area.

- (b) Construction or enlargement of a foundation beneath the existing structure is not considered an expansion of the structure provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in paragraph 2. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.

2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the replacement cost of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a

permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by 50% or less of the replacement cost of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the Planning Board.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

#### 4. Change of use of a Non-conforming Structure

The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetation cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

#### D. Non-conforming Uses

1. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within

expansions of such structures as permitted in Section 12(C)(1)(a) above.

2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

E. Non-conforming Lots

1. Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots: If two or more continuous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this

ordinance each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

### Section 13. Establishment of Districts

#### A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Development need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of October, 1990.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during normal spring high water.

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement which are subject to severe erosion of mass movement.

Areas of the Resource Protection District as shown on the official Shoreland Zoning Map of Baileyville shall be:

Area #3: Beginning at Hayman Brook running easterly along the road leading to Grand Falls to the mouth of the man-made channel leading from Grand Falls Flowage to the Grand Falls power station, a distance of approximately 20,600 feet.

Area #6: Beginning at Grand Falls Landing running south along the St. Croix River for approximately 32,000 feet to Sprague Meadow Brook.

Area #8: Beginning at the Wapsaconhegan Brook running southerly along the St. Croix River for approximately 17,200 feet to the Baileyville-Baring town line.

Area #10: Encompassing on both sides Area #9 and lying approximately 4,200 feet north of the intersection point of Meddybemps Lake shoreline and Baileyville-Alexander town line, the area being approximately 500 feet in length and is bisected by Farrar Stream.

Area #11: Total area surrounding Ryan Lake and including the stream from Ryan Lake to Meddybemps Lake which is north of Eaton Cover on Meddybemps Lake. Distance around said Lake being approximately 2,100 feet.

Area #12: To include all the smaller and larger islands lying on the U. S. side of the international boundary that follows along and within the Shorelines of the St. Croix River.

Area #15: Beginning at Route 1 running easterly along Grand Falls Road (Horseback Road) for approximately 6,000 feet to Anderson Brook including the land to a depth

of 1,000 feet on the north side of Grand Falls Road and the land to a depth of 500 feet on the south side of Grand Falls Road.

Area #16: Beginning at Anderson Brook running northerly along Grand Falls Road for approximately 16,000 feet to the Five Corners intersection including all the land to a depth of 500 feet on either side of the Grand Falls Road.

Area #17: Beginning at the intersection of Route 1 and Grand Falls Road running approximately 1,000 feet along a line perpendicular to route 1 including the land to a depth of 1,000 feet to the north of said line and the land to a depth of 500 feet to the south of said line.

Area #18: Shoreline on Meddybemps lake located on the southwest side of Staples Mountain and having a slope > 29 percent. Total distance is approximately 2,000 feet.

Area #19: All of the Wapsaconhagan Brook north of U. S. Route 1.

Area #20: All of Stoney Brook.

Area #21: All of Anderson Brook.

Area #22: All of Wapsaconhagan Brook south of U. S. Route 1 that is within the flood plain.

Area #W1: Wetlands along an unnamed tributary of Stoney Brook that begins about 250 feet south of Route 9 and ends at the access Road to Ryan Lake.

Area #W2: Wetlands at the junction of Stoney Brook and unnamed tributary entering Stoney Brook.

Area #W3: Wetlands along Stoney Brook starting at the Baileyville-Baring Town line and running approximately 2,000 feet north along Stoney Brook.

Area #W4: Wetlands along Stoney Brook beginning approximately 250 feet south of Route 9 and continuing south for approximately 1,500 feet.

Area #W5: Wetlands along Stoney Brook beginning approximately 200 feet north of Route 9 and ending at Route 1.

Area #W7: Wetlands in the Anderson Brook watershed between Route 1 and the Track Road.

Area #W8: Wetlands located in Sprague Meadows and bounded by the Track Road on the southwest.

Area #W9: Wetlands beginning at Route 1 and running north along Anderson Brook.

Area #W9a: Wetlands on the north side of Route 1.

Area #W22: Heath located between the South Princeton Road and Route 1.

#### B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes area other than those in the Resource Protection District and areas which are used less intensively than those in the Limited Commercial District or the General Development District.

Areas of the Limited Residential District as shown on the official Shoreland Zoning Map of Baileyville shall be:

Area #1: Beginning at a point where the Baileyville-Princeton town line is intersected by the shoreline of Grand Falls Flowage and running easterly round said shoreline for a distance of approximately 23,000 feet to meet Keith Spearin's property line.

Area #9: All the shoreline of Meddybemps Lake within the Baileyville town lines, with the exception of Area #10, Area #11, and Area #18.

Area #23: Shoreline of Wapsaconhagan Brook south of U. S. Route #1 that is within 250 feet of the Brook and that is not within the flood plain and does not have a slope > 20%.

Area #W6: Wetlands along Stoney Brook beginning at Route 1 and running north to within 1,200 feet of the St. Croix River.

Area #W23:Wetlands surrounding Farrar Stream flowing into Staples Cove located in Meddybemps Lake with the exception of Area #10.

Area #W24:Wetlands north of Route 9 and east of Farrar Hill.

#### C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

Areas of the Limited Commercial District as shown official Shoreland Zoning Map of Baileyville shall be:

Area #2: Beginning at the Keith Spearin property line and running easterly along Grand Falls Flowage shoreline to Hayman Brook at a distance of approximately 1,000 feet.

#### D. General Development

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
  - a. Areas devoted to manufacturing, fabricating or other industrial activities:
  - b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
  - c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
2. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational use.



Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers which flow to great ponds classified GPA.

Areas of the General Development District as shown on the official Shoreland Zoning Map of Baileyville shall be:

Area #5: The island divided from the mainland by the Grand Falls Flowage to the north, the St. Croix River on the east and south, and the channel on the west, a total distance of approximately 12,000 feet; and also to include that section of the shoreline from the mouth of the channel to the Grand Falls landing, about 5,000 feet.

Area #7: Beginning at Sprague Meadow Brook running southerly along the St. Croix River to within 250 feet of Wapsaconhegan Brook; a distance of approximately 30,000 feet.

#### Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Requires permit issued by the Planning Board

CEO - Requires permit issued by the Code Enforcement Officer

LPI - Requires permit issued by the Local Plumbing inspector

Abbreviations:

RP - Resource Protection  
LR - Limited Residential  
LC - Limited Commercial  
GD - General Development

Footnotes for Table 1.

1 - In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.

2 - Requires permit from Code Enforcement Officer if more than 100 ft. of surface area, in total, is disturbed.

3 - In RP not permitted in areas so designated because of wildlife value.

4 - See further instructions in Section 15(L)(2).

5 - Except when area is zoned RP due to flood plain criteria in which case a permit is required from the PB.

6 - Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICTS			
	RP	LR	LC	GD
1. Non-intensive recreational uses not required structures such as hunting, fishing and hiking.	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails.	yes	yes	yes	yes
3. Forest management activities except for timber harvesting.	yes	yes	yes	yes
4. Timber harvesting.	PB1	yes	yes	yes
5. Clearing of vegetation for approved construction and other allowed uses.	CE01	yes	yes	yes
6. Fire prevention activities.	yes	yes	yes	yes
7. Wildlife management practices.	yes	yes	yes	yes
8. Soil and water conservation practices.	yes	yes	yes	yes
9. Mineral exploration.	yes2	yes2	yes2	yes2
10. Mineral extraction including sand and gravel.	PB3	PB	PB	PB
11. Surveying and resource analysis.	yes	yes	yes	yes
12. emergency operations.	yes	yes	yes	yes
13. Agriculture.	PB	yes	yes	yes
14. Aquaculture.	PB	PB	yes	yes
15. Principal structures and uses:				
A. One and two family residential.	no	PB	PB	PB
B. Multi-unit residential.	no	PB	PB	PB
C. Commercial.	no	no	PB	PB
D. Industrial.	no	no	no	PB
E. Governmental and Institutional.	no	no	PB	PB
F. Small non-residential facilities for educational, Scientific, or nature interpretation purposes.	PB	CE0	CE0	CE0
16. Structures accessory to allowed uses.	no	LPI	LPI	LPI
17. Piers, docks, wharfs, and other structures and uses extending over or below the normal high-water line or within a wetland:				
A. Temporary.	CE0	CE0	CE0	CE0
B. Permanent.	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences.	no	LPI	LPI	LPI
19. Home occupations.	no	PB	CE0	yes
20. Private sewage disposal systems to allowed uses.	no	LPI	LPI	LPI
21. Essential Services.	PB4	PB	PB	PB
22. Service drops, as defined, to allowed uses.	yes	yes	yes	yes
23. Public and Private recreational areas involving minimal structural development.	PB	PB	CE0	CE0
24. Individual, private campsites.	CE0	CE0	CE0	CE0
25. Campgrounds.	no5	PB	PB	PB
26. Road and driveway construction.	no6	PB	PB	PB
27. Parking facilities.	no5	PB	PB	PB
28. Marinas.	no	PB	PB	PB
29. Filling and earthmoving of < 10 cubic yards.	CE0	yes	yes	yes
30. Filling and earthmoving of > 10 cubic yards	PB	CE0	CE0	CE0
31. Signs.	yes	yes	yes	yes
32. Uses similar to allowed uses.	CE0	CE0	CE0	CE0
33. Uses similar to uses requiring a CE0 permit.	CE0	CE0	CE0	CE0
34. Uses similar to uses requiring a PB permit.	PB	PB	PB	PB

See previous page for footnotes

## Section 15. Land use Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

### A. Minimum Lot Standards

- | 1. | Minimum Lot Area<br>(sq.ft.) | Minimum Shore<br>Frontage (ft.) |
|----|------------------------------|---------------------------------|
|----|------------------------------|---------------------------------|

#### Residential per dwelling unit

- |   |        |     |
|---|--------|-----|
| a. Within the Shoreland Zone Adjacent<br>to Non-Tidal Areas | 40,000 | 200 |
|---|--------|-----|

#### Governmental, Institutional, Commercial or Industrial per principal structure

- |   |        |     |
|---|--------|-----|
| a. Within the Shoreland Zone Adjacent<br>to Non-Tidal Areas | 60,000 | 300 |
|---|--------|-----|

#### Public and Private Recreational Facilities

- |   |        |     |
|---|--------|-----|
| a. Within the Shoreland Zone Adjacent<br>to Non-Tidal areas | 40,000 | 200 |
|---|--------|-----|
- Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
  - Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
  - The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
  - If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be

met for each additional dwelling unit or principal structure.

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet.

In addition:

The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, and Limited Commercial shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
3. The first floor elevation or openings of all buildings and structures including basement shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.
4. The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent rivers which do not flow to great ponds classified GPA where lot coverage shall not exceed seventy (70) percent.
5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in

areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C; and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, docks, Wharfs, Bridges and Other Structures and Uses Extended Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.

3. The facility shall be located so as to minimize adverse effects on fisheries.

4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.

5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational.

6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

7. Except in the General Development District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

D. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites

Individual, private campsites not associated with Campgrounds are permitted provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a

Resource Protection District shall be limited to one thousand (1,000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- a. Auto washing facilities
- b. Auto or other vehicle service and/or repair operations, including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
- e. Commercial painting, wood preserving, and furniture stripping
- f. Dry cleaning establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing
- j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- k. Photographic processing
- l. Printing

G. Parking Areas

1. Parking area shall meet the shoreline setback requirements for structures for the district in which



such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of wetland if the Planning Board finds that no other reasonable alternative exists.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
  - a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
  - b. Internal travel aisles: Approximately twenty (20) feet wide.

#### H. Roads and Driveways

1. Roads and driveways shall be set back at least one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GOA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10)

feet for each five (5) percent increase in slope above twenty (20) percent.

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
3. New roads and driveways re prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions of erosion and sedimentation control contained in subsection Q.
5. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
6. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer

strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

- a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

<u>Road Grade (Percent)</u>	<u>Spacing (Feet)</u>
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.
- c. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road.
- d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

#### I. Signs)

The following provisions shall govern the use of signs in the Resource Protection, Limited Residential and Limited Commercial Districts:

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be permitted without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules).

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. the installation of essential services is not permitted in a Resource Protection except to provide services to a

permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

M. Mineral Exploration and Extraction

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 4 below.
2. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A. Section 480-C no part of an extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.
3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of material re removed in any

consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following?

- a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
  - b. The final graded slope shall be two to one (2:1) slope or flatter.
  - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

#### N. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July, 1972.
2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
4. There shall be no tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from to the water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

O. Timber Harvesting

1. Within the strip of land extending seventy-five (75) feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.
2. Except in areas as described in Paragraph 1, timber harvesting shall conform with the following provisions:
  - a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level

on any lot in any ten (10) year period is permitted. In addition:

- i. Within one hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
  - ii. At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than 10 thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clearcut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.
- b. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.
- c. Timber harvesting equipment shall not use stream channels as travel routes except when:
- i. Surface waters are frozen; and
  - ii. The activity will not result in any ground disturbance.



- d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of wetland. For each ten (10) per cent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

P. Clearing of Vegetation for Development

- 1. Within a shoreland area zone for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

- 2. Except in areas as described in Paragraph 1, above, and except to allow for the development of permitted

uses, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond classified GPA, or stream or river flowing to a great pond classified GPA, the width of the foot path shall be limited to six (6) feet.
- b. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 12 or more in any 25-foot by 25-foot square (625 square feet) area as determined by the following rating system.

<u>Diameter of Tree at 4-1/2 feet</u>	
<u>Above Ground Level (inches)</u>	<u>Points</u>
2 - 4 in.	1
>4 - 12 in.	2
>12 in.	4

Adjacent to other water bodies, tributary streams, wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten (10) year period.

- c. In order to protect water quality and wildlife habitat, adjacent to great ponds classified GPA, and streams and rivers which flow to great ponds classified GPA, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in paragraphs 2 and 2a. above.
- d. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

- 3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of threes four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, twenty-five (25) percent of the lot

area or ten thousand (10,000) square feet, whichever is greater, including land previously developed. This provision shall not apply to the General Development District.

4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.
5. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

Q. Erosion and Sedimentation Control

1. All activities which involve filing, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
  - a. Mulching and revegetation of disturbed soil.
  - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  - c. Permanent stabilization structures such as retaining walls or riprap.
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the

time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

- a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
  - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

#### R. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator

deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body.

T. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the national Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer

A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

2. Board of Appeals

A Board of Appeals shall be created in accordance with the provisions of Title 30-A, Section 2691.

3. Planning Board

A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an exiting use or structure; or renew a discontinued non-conforming use.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement officer, as appropriate, shall approved, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application. However, if the

Planning Board has a waiting list of applications, a decision on the application shall occur within thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthy conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual points of access to inland waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood plain development and use; and
8. Is in conformance with the provisions of Section 15, Land use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.



E. Expiration of Permit

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void.

F. Installation of Public Utility Service

A public utility, water district, or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

G. Appeals

1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

- a. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of this Ordinance.
- b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals

Variances may be permitted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

c. The Board shall not grant a variance unless it finds that:

- (1) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and form which relief is sought; and
- (2) The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

- (i) That the land in question cannot yield a reasonable return unless a variance is granted;
- (ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (iii) That the granting of a variance will not alter the essential character of the locality; and
- (iv) That the hardship is not the result of action taken by the applicant or a prior owner.

d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

e. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

- f. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

### 3. Appeal Procedure.

#### a. Making an Appeal

- (1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - (i) A concise written statement indicting what relief is requested and why it should be granted.
  - (ii) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (3) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.,
- (4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

#### b. Decision by Board of Appeals

- (1) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- (2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant

on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.

- (3) The person filing the appeal shall have the burden of proof.
- (4) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- (5) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.

#### 4. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within thirty (30) days from the date of any decision of the Board of Appeals.

#### 5. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

### H. Enforcement

#### 1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

#### 2. Code Enforcement Officer

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code

Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

- b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- c. The Code enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On an annual basis, a summary of this record shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

### 3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the

removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

#### 4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4506.

#### Section 17. Definitions

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility - a facility designed primarily for the launching and landing of watercraft, and which may include an

access ramp, docking area, and parking spaces for vehicles and trailers.

Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two lots or less.

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services - the construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

Expansion of use - the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Family - one or more persons occupying a premises and living as a single housekeeping unit.

Floor area -- the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Foundation - the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body; excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, retaining walls, industrial uses dependent upon water-borne



transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA - any great pond classified GPA, pursuant to Title 38 Article 4-A Section 45-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Height of a structure - the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in non-conformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the non-conformity such as, but not limited to reduction in water body, tributary stream or wetland setback distance, increase in lot coverage or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of non-conformance of the existing structure shall not be considered to increase non-conformity. For example, there is no increase in non-conformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing non-conforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body or wetland than the closest portion of the existing structure from that water body or wetland.

Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Lot area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

Minimum lot width - the closest distance between the side lot lines of a lot.

Mineral exploration - hand sampling, test boring, or other methods of determining the nature of extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does

not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland -

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent flood plain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement cost - The cost of labor, services, and materials necessary to repair or replace a damaged structure.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

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

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River - a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
  - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
  - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
  - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation with the exception of islands and peninsulas which will be measured by the actual distance along the shoreline using as few straight lines as possible.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey

7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system - a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s) surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 M.R.S.A. Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1.

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeding throughout the measured area.

Timber harvesting - the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Tributary stream - a channel between defined banks created by the action of surface water, presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge - the boundary between upland and wetland.

Vegetation - all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at 4 1/2 above ground level.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river, stream or tidal area.

Water crossing - any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Wetland - a freshwater or coastal wetland.

Wetlands associated with great ponds and rivers - wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Amendments to Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinances.

Introduced        4/27/99

Read                5/10/99

Hearing            5/25/99

Effective          6/10/99

# **BUILDING AND PROPERTY MAINTENANCE ORDINANCE**

## **Town of Baileyville, Maine**

**SECTION 1. PURPOSE/SCOPE** The purpose of this Ordinance is to get a minimum standard for the condition and maintenance of the exterior of all buildings and structures and the premises surrounding said buildings and structures.

**SECTION 2. MAINTENANCE REQUIRED** All buildings and structures, and all parts thereof, shall be maintained in a safe, sanitary and non-hazardous manner. All means of egress shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereon shall be maintained so as to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance insuring that the property itself may be preserved safely, and that hazards to the public health and safety are avoided.

Violations of this ordinance are established when it is demonstrated that conditions found contrary to this ordinance create a risk to health or safety.

### **SECTION 3. MAINTENANCE STANDARDS/BUILDINGS AND STRUCTURES**

1. Each property owner shall keep all exterior components of every principal and accessory structure in good repair, including but not limited to, walls, roofs, chimneys, cornices, gutters, down spouts, drains, porches, steps, landings, fire escapes, exterior stairs, windows, shutters, doors and storefronts.
2. All surfaces shall be maintained free from deterioration, including but not limited to, broken glass, loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling or deteriorated paint.

### **SECTION 4. MAINTENANCE STANDARDS/PREMISES AND YARD AREAS**

1. All premises and yard areas shall be maintained in a safe and sanitary condition, including but not limited to, steps, walks, driveways, fences, retaining walls, trees, shrubs, grass and weeds. If any such area or object constitutes a danger to health or safety, it shall be repaired, replaced or removed.
2. All fences, retaining walls or similar structures shall be firmly anchored in the ground and maintained in good structural repair.
3. Weeds and grass shall be kept from becoming overgrown.
4. All yards, or lots shall be kept free of accumulations of trash, garbage, refuse, junk or other material which may cause a fire hazard or may act as a breeding place for vermin.

**SECTION 5. ENFORCEMENT** The Code Enforcement Officer of the Town of Baileyville shall enforce the provisions of this Ordinance. In the event of a violation, the Code Enforcement Officer shall notify the property owner, serving a written notice by certified mail or by hand deliver. Said notice shall explain the nature of the violation and allow no more than 30 days from the date of the receipt of the notice to correct the violation. If the violation is not corrected within the required time allowed, the property owner shall be subject to penalties as set forth in Section 6.

**SECTION 6. PENALTIES** Any person who violates any provision of this Ordinance commits a civil violation punishable by a civil penalty of \$25 for each day the violation continues allotted correction period as referenced in Section 5. In addition, the Town may pursue all remedies and relief available at law and/or in equity, including without limitation the remedies and relief provided in 30-A M.R.S.A. § 4452.

**SECTION 7. SEVERABILITY** If any section, subsection, clause, paragraph, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 8. AUTHORITY** This Ordinance is adopted as a local building code ordinance pursuant to 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3007(2).

**SECTION 9. EFFECTIVE DATE** This Ordinance shall be effective upon adoption by the Town Council of the Town of Baileyville pursuant to Town Charter authorization.

Adopted October 24, 2011 by the Town Council of the Town of Baileyville



# **TOWN OF BAILEYVILLE**

## **CONSUMER FIREWORKS ORDINANCE**

### **Section 1. Purpose and Authority**

- A. Purpose: This Ordinance governs the use of consumer fireworks to ensure the safety of the residents and property owners of the Town Of Baileyville and of the general public.
- B. Title and Authority: This Ordinance shall be known as the “Town of Baileyville Consumer Fireworks Ordinance” and will be referred to herein as “this ordinance”. This Ordinance is adopted pursuant to the enabling provisions of Maine Constitution, the provisions of 30-MRSA ss.3001, and the provisions of 8-MRSA ss. 223-A.

### **Section 2. Definitions**

The following words, terms, phrases when used in this Ordinance, shall have the meanings ascribed to them in this section:

*Consumer Fireworks:* Consumer fireworks has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provisions but does not include the following products:

- a. Missile type rockets, as defined by the State Fire Marshall by rule;
- b. Helicopters and aerial spinners, as defined by the State Fire Marshall by rule;
- c. Sky rockets and bottle rockets, by definition means, cylindrical tubes containing not more than 20 grams of chemical composition, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near height of flight.

### **Section 3. Use and Sale of Consumer Fireworks**

This Ordinance allows the purchase, selling, use, and possession of consumer fireworks within the Town of Baileyville subject to the following requirements:

- a. Consumer fireworks may not be used when the fire danger class, as designated by the Maine Forest Service, is a class 4 or 5 fire danger day.
- b. Users must obtain a permit from the town office or the Fire Department before discharging any consumer fireworks.
- c. Consumer fireworks may only be discharged on property owned by the user and all falling debris must be contained on the user’s property.

- d. Consumer fireworks may not be used on or within 75 feet of publicly owned land or on any public roadway, combustible structure, overhead power lines or forest. In addition, consumer fireworks shall not be discharged within 250 feet of a licensed daycare, school, church, gas station, or any business which distributes liquid fuels, or a pasture with livestock present or in or from any watercraft within waters of the Town. Discharge of consumer fireworks from any motorized vehicle is prohibited.
- e. The use or discharge of consumer fireworks is prohibited within the "Village District" which is defined as: the intersection of Rt. 1 and Main St., traveling North on Rt. 1 to the Access Road and traveling easterly to the intersection of the Access Rd. and Main St. and all area to the left of Main St. bordering the St. Croix River back to the intersection of Main St. and Rt. 1.
- f. Consumer fireworks may only be used during the hours of 12:00pm to 9:00pm with exceptions on Memorial Day, Fourth of July, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, when consumer fireworks may be discharged from 12:00 noon to 1:00am.
- g. Consumer fireworks may be discharged every Saturday beginning at 12:00pm and ending at 10:00pm.
- h. A person may not discharge consumer fireworks while intoxicated or impaired due to use of alcohol or drugs.

#### **Section 4. Exceptions**

- a. This Ordinance does not apply to a person issued a fireworks display permit by the State of Maine pursuant to MRSA Title 8 ss.227-A
- b. This Ordinance does not apply to a person utilizing pyrotechnic devices in pest dispersal operations pertaining to agricultural production.
- c. The Town of Baileyville is exempt from the provisions of this Ordinance.

#### **Section 5. Violation and Enforcement**

- a. Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than \$100.00 and not more than \$500.00 plus attorney's fees and costs to be recovered by the Town of Baileyville.
- b. This Ordinance shall be enforced by the Baileyville Police Department or any agents designated by the Baileyville Town Council.

#### **Section 6. Severability**

Should any section, or portion of this Ordinance be declared by any court of competent jurisdiction to be invalid for any reason, such a decision shall not be deemed to invalidate any other section or portion of this Ordinance.

This Ordinance shall take effect upon its adoption and publication as required by law.

Ordinance First Hearing \_\_\_/\_\_\_/\_\_\_ Publication Date(s): \_\_\_/\_\_\_/\_\_\_/and \_\_\_/\_\_\_/\_\_\_

Ordinance Second Hearing \_\_\_/\_\_\_/\_\_\_

Ordinance Adoption \_\_\_/\_\_\_/\_\_\_

### **Authorization to Execute**

The Town Manager of Baileyville and his/her agents is authorized to execute and the Deputy Clerk is authorized to attest to this Order on behalf of the Baileyville Town Council

### **Effective Date**

PASSED, APPROVED AND RESOLVED by the Baileyville Town Council on  
this day of \_\_\_/\_\_\_/\_\_\_

Town Councilor \_\_\_\_\_ Town Councilor \_\_\_\_\_

Town Councilor \_\_\_\_\_ Town Councilor \_\_\_\_\_

Town Councilor \_\_\_\_\_ ATTEST: \_\_\_\_\_

# **TOWN OF BAILEYVILLE**

## **DOMESTICATED LIVESTOCK ORDINANCE**

### **Sec. 1. – Purpose.**

The purpose of this article is to provide standards for the keeping of domesticated livestock within the designated zoned areas. The article is intended to enable residents of single family homes to keep a small number of domesticated farm animals on appropriately sized lots while limiting the potential adverse impacts on the surrounding neighborhood.

### **Sec. 2. – Definitions.**

*Domesticated farm animals* are defined as bovine, horses, donkeys, mules, sheep, goats, swine, llamas, alpacas and all fowl including ducks, geese, guinea, chickens, and the like.

*Barns, stables and other enclosures* are defined as any structure designed to provide safe and healthy living conditions for the domesticated farm animals while minimizing adverse impacts to neighboring lot owners. The use of scrap, waste board, sheet metal or similar materials as construction material is prohibited.

*Trespass:* An owner or keeper of an animal may not allow that animal to enter onto or remain on the property of another or unattended on any local, county, or state road or highway after the owner or keeper has been informed by a law officer, or animal control officer.

*Removal:* The owner or keeper of an animal is responsible, at the owner's or keeper's expense for removing any animal found trespassing.

*Household pets:* Unless their numbers and variety qualify their keeping as a kennel or pet breeder, household pets such as dogs, cats, exotic birds and reptiles may be kept.

*Animal Unit:* The equivalent of 1 cow, horse, Llama or 2 donkeys, swine, alpacas, or 4 goats, sheep or 15 chickens (no roosters) or 8 ducks, guinea fowl or turkeys or 4 geese or 10 rabbits or 12 beehives.

*Exotic Animals:* See MRSA Title 12 ss.7235-A. All state laws apply locally.

### **Sec. 3. Lot Sizes, Setbacks**

- a. A single family residence having a minimum lot area of 2 acres is required for the keeping of domesticated farm animals. See exception(s) in Sec. 4.

- b. No more than 2 domesticated farm animals (2 AU ) shall be kept on a lot with a single-family dwelling.
- c. Minimum setback: Any structure used to house domesticated farm animals must be at least 35 feet from a property line and at least 50 feet from any residential dwelling located on an abutting lot. Securely enclosed roaming or grazing areas must be at least 20 feet from any property line, at least 30 feet from any residential dwelling located on an abutting lot. Existing enclosures in place as of the date of this ordinance enactment shall be exempt.
- d. Lot sizes of greater than 2 acres may hold a combined total of 2 animal units (AU) and a maximum of 2 AU's per each full acre over 3 acres.

## **Sec. 4. Domesticated Fowl**

Domesticated fowl is intended to mean chickens, ducks, geese, turkeys, guinea fowl and the like.

- a. This section applies to the keeping of 15 or fewer chickens (females) that are 6 months old or older, or 8 ducks, guinea fowl, and turkeys; or 4 geese.
- b. The minimum lot size required is ½ acre and the minimum setback for the housing structure on the side and rear is 20 feet from abutting property owners. Housing structures are not allowed on the front side or street side of a lot.
- c. A housing structure shall be provided to provide safe and healthy living conditions for the fowl while minimizing adverse impacts to other residents in the neighborhood. An existing shed or garage, or portion of an existing building can be used if it meets the standards of this section.
- d. A building permit is required for a new housing structure.
- e. Housing structures must be enclosed on all sides, and have a roof and doors. Access doors must be able to be shut and locked at night.
- f. The roaming pen must have a minimum of 10 sq. feet per fowl and must be constructed so as to not allow the fowl to get out without human assistance.

## **Sec. 5. Waste Storage and Removal**

- a. Provisions must be made for the storage and removal of animal waste. All stored manure shall be covered and not consist of more than 3 cubic yards on lots of 2 acres or less. All other manure not used for composting or fertilizing shall be removed and legally disposed of.
- b. No manure shall be stored within 300 feet of the normal high water mark of a water body, wetland, brook, stream, vernal pool, or well that supplies water for human consumption.

- c. Excessive odors from domesticated animals, manure or other related substances shall not be perceptible at the property lines of abutting land owners.
- d. Manure storage must meet all applicable Maine Department of Agriculture, Conservation and Forestry Best Management Practices or similar State or Federal guidelines.

## **Sec. 6. Rodents, Insects and Parasites**

- a. The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- b. Feed and water shall be unavailable to rodents, wild birds and predators by way of rodent proof containers.
- c. Animals found to be infested with insects and parasites shall be removed by the Animal Control Officer or any designated town agent.

## **Sec. 7. Licensing Requirements**

A person who keeps domesticated animals shall obtain a license for a fee of \$15.00. The license shall expire annually on the 1<sup>st</sup> day of April. The license shall be issued after favorable inspection by the Animal Control Officer or an agent of the Town of Baileyville. The license fee is non-refundable if the license is not approved. There will be a late fee assessed to licenses that have expired, in the amount of \$25.00.

## **Sec. 8. Complaints**

When any person files a complaint with the codes officer that this ordinance is being violated, the codes officer shall respond within 5 working days. All complaints and the action taken will be kept on file. It is at the discretion of the codes officer whether a complaint is valid.

## **Sec. 9. Penalty**

In addition to any other enforcement action which the town may take, violation of any provision of this ordinance shall be a civil violation and a fine not exceeding \$100.00 may be imposed. Each day that a violation continues will be treated as a separate offense. Other State and Federal statutes, rules, regulations and laws may apply. It is the responsibility of the animal owner or keeper to be aware of all applicable laws.

## **Sec. 10. Severability**

If any portion of this ordinance is held to be unconstitutional or invalid, such portion shall be deemed a separate, distinct and independent provision and such holding will not affect the validity of the remaining provisions thereof.

This Ordinance shall take effect upon its adoption and publication as required by law.

Ordinance First Hearing \_\_\_\_/\_\_\_\_/\_\_\_\_ Publication Date(s): \_\_\_\_/\_\_\_\_/\_\_\_\_/and \_\_\_\_/\_\_\_\_/\_\_\_\_

Ordinance Second Hearing \_\_\_\_/\_\_\_\_/\_\_\_\_

Ordinance Adoption \_\_\_\_/\_\_\_\_/\_\_\_\_

### **Authorization to Execute**

The Town Manager of Baileyville and his/her agents is authorized to execute and the Deputy Clerk is authorized to attest to this Order on behalf of the Baileyville Town Council

### **Effective Date**

PASSED, APPROVED AND RESOLVED by the Baileyville Town Council on this day of \_\_\_\_/\_\_\_\_/\_\_\_\_

Town Councilor \_\_\_\_\_ Town Councilor \_\_\_\_\_

Town Councilor \_\_\_\_\_ Town Councilor \_\_\_\_\_

Town Councilor \_\_\_\_\_ ATTEST: \_\_\_\_\_



# TOWN OF BAILEYVILLE

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## **Sec. 10. Severability**

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Ordinance First Hearing \_\_\_\_/\_\_\_\_/\_\_\_\_ Publication Date(s): \_\_\_\_/\_\_\_\_/\_\_\_\_/and \_\_\_\_/\_\_\_\_/\_\_\_\_

Ordinance Second Hearing \_\_\_\_/\_\_\_\_/\_\_\_\_

Ordinance Adoption \_\_\_\_/\_\_\_\_/\_\_\_\_

**Authorization to Execute**

The Town Manager of Baileyville and his/her agents is authorized to execute and the Deputy Clerk is authorized to attest to this Order on behalf of the Baileyville Town Council

**Effective Date**

PASSED, APPROVED AND RESOLVED by the Baileyville Town Council on this day of \_\_\_\_/\_\_\_\_/\_\_\_\_

Town Councilor\_\_\_\_\_ Town Councilor\_\_\_\_\_

Town Councilor\_\_\_\_\_ Town Councilor\_\_\_\_\_

Town Councilor\_\_\_\_\_ ATTEST: \_\_\_\_\_

# TOWN OF BAILEYVILLE

## MOBILE VENDING ORDINANCE

### ARTICLE I. PURPOSE

The purpose of this Ordinance is to regulate mobile vendors, to protect the public's health, safety, and welfare, while fostering a dynamic business climate that generally promotes an active vehicular and pedestrian environment.

### ARTICLE II. DEFINITIONS

**Mobile Vendor:** Any person engaged in selling, or offering for sale, food and beverages for human consumption from a mobile vending unit, on the streets or sidewalks of the Town; or from a temporary location within the Town boundaries. This includes privately owned property.

**Mobile Vending Unit:** A moveable cart, trailer, or vehicle or other device designed to be portable and not permanently attached to the ground from which a mobile vendor sells their product.

**Transient Vendor:** A mobile vendor that operates without a fixed location within the Town's boundaries, that frequently moves about to sell their merchandise or services. Examples include ice cream trucks and mobile lunch canteens.

**Transient Sellers of Consumer Products:** This includes persons who sell door to door, at public fairs, carnivals, expositions or bazaars or members selling on behalf of public service of non-profit organizations. (See Article IX.)

**Vendor License:** Authorization by the Town Council and State of Maine to conduct mobile vending operations.

### ARTICLE III. GENERAL

- A. It shall be unlawful for any mobile vendor to sell, display, or offer for sale any food, beverages for human consumption within the Town without first obtaining a mobile vendor license signed by the Code Enforcement Officer. The provisions of this ordinance also apply to mobile vending occurring at festivals, public fairs, carnivals, community projects, sporting events, and public events that occur on a periodic basis but that which requires a different license. (See Article IX.)
- B. Applications for all mobile vendor licenses shall be made in writing to the Code Enforcement Officer on an application provided by the Town and shall contain the following information:

1. The name, mailing address, phone number and email of the applicant; and the name, mailing address, phone number, and email of the owners of the mobile vending unit to be used, if other than the applicant.
  2. A specific description of the vending operation including the types of food and/or beverage, to be sold, the hours of operation, and the method of refuse disposal.
  3. A description and photograph of the mobile vending unit and other accessory items (coolers, umbrellas, signs, refuse cans, lights) to be used as part of the vending operation.
  4. The specific location(s) in which the mobile vendor intends to conduct business.
  5. Applicants operating from a fixed location will be required to submit a notarized statement from the property owner stating that the applicant has permission to utilize the premises for vending purposes and inclusive dates of operation.
  6. Applicants operating from within a public right-of-way which does not abutt their own property must submit a notarized statement from the abutting landowner stating that they approve of the vending operation.
  7. Applicants operating without a fixed location and who are operating as a transient vendor will be required to submit a statement outlining their proposed route, and estimated time of arrival and departure from each location. The Code Enforcement Officer may require that the applicant submit a written statement from the property owners and abutting property owners, approving the uses of their property for vending purposes, as outlined above.
  8. Copies of required State licenses, general liability insurance, motor vehicle registration/inspection, and a signed criminal history statement must be provided with the Town's application and all additional information as deemed necessary by the Town.
- C. The fee for a mobile vendors license shall be \$200.00/year or \$10.00 per day.
- D. The Code Enforcement Officer may, prior to granting a permit and after reasonable notice to the public and the applicant, hold a public hearing within 30 days of the date the request was received, at which the testimony of the applicant and that of any interested member of public shall be taken. The notice to the public will be paid for by the applicant.

- E. The Code Enforcement Officer shall grant a license unless it is found that the issuance of the license will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles or bylaws.
- F. A mobile vendor license shall be valid for 1 year from date of issuance and must be renewed annually (July 01). The maximum number of mobile vendors licensed in Town at one time shall not exceed 5. (First come, first serve. See Article IX.)
- G. Mobile vendors will be subject to periodic inspections by the Health Officer and Code Enforcement Officer to ensure compliance with health regulations, zoning or safety regulations, and licensing requirements. The Code Enforcement officer may revoke a mobile vendor license of any licensee who refuses to permit any such officer or Town/State official, or employee to conduct an inspection and take sufficient samples for analysis or who interferes with such officer, official or employee while in the performance of his duty.
- H. The Code Enforcement Officer may after a public hearing preceded by notice to the license holder and general public, suspend or revoke any mobile vendor license which has been issued under this ordinance on grounds that the license, so issued, constitutes a detriment to the public health, safety, welfare, or violates the terms of the license or this ordinance or any other municipal ordinance, articles, by-laws, or rules and regulations.
- I. Any licensee requesting a mobile vendor license from the CEO shall be notified in writing of their decision no later than 30 days from the date the request was received. In the event that an applicant is denied the license, the applicant shall be provided with the reasons for the denial in writing. The applicant may not reapply for a license until 30 days has passed *after* an application has been denied or in the event of a revocation, a 1 year waiting period must elapse before a vendor can reapply.

#### **ARTICLE IV. PERFORMANCE STANDARDS**

- A. ***Permitted Merchandise:*** Sale of items from a mobile vendor are limited to the following:
  - 1. All foods and drinks for human consumption, non-alcoholic beverages;
  - 2. Produce, farm products, home processed foods such as jams, jellies, pickles, and baked goods;



- B. **Location:** No mobile vendor selling food items shall be located within 200 feet of an existing restaurant or within 25 feet of another mobile vendor. 10 feet between push carts. 20' min. from adjacent side lot lines of abutting property. 10' min. from roadway.
- C. **Prohibited areas:** Mobile vending is not allowed within cemeteries.
- D. Mobile vendors will not be situated or so located in a way that will obstruct the free passage of pedestrians and vehicular traffic, or obstruct an entrance or exit, or obstruct visual access to a fire hydrant or the free movement of emergency vehicles and personnel.
- E. **Size:** A trailered mobile vending unit shall not exceed 8 ½ feet wide by 16 feet long. The height of a mobile vending unit including canopies, umbrellas, or signs shall not exceed 10 feet. Total length of a motorized mobile vending unit will not exceed 24 feet. No vendor shall set up tables, racks, or other devices to increase the selling or display capacity of the unit. Push cart/stand dimensions (4'x 6'x 6') max.
- F. **Sound:** Generators are allowed to be utilized as part of the mobile vending unit. The use of bells, chimes, microphones, or loudspeakers are prohibited from being used to attract business. Hawking or calling out to people is also prohibited. The sound pressure level limits must not exceed 60db at any point on or beyond the site.
- G. **Maintenance:** The area around the vendor shall be kept clean and free of litter, garbage, insects, vermin and debris within a 25 foot radius of the vending unit. Frequent and daily disposal of all refuse is the responsibility of the vendor. At least one large trash receptacle must be provided and maintained by the vendor. All evidence of a vending unit must be removed from the premises each day after operations have ceased. No merchandise shall be displayed using street structures such as planters, trees, light poles, sign posts, etc.
- H. **Hours of Operation:** A mobile vendor may only operate between the times of 6 :00 am to 10:00 pm unless special permission is given in writing by the Code Enforcement Officer or by a majority vote of the Town Council. *Transient mobile vendors* may only stay in one location for a period not to exceed 20 minutes.
- I. **Service:** There shall be no service by the vendor to customers remaining in vehicles. No on-site dining is permitted. The presence of on-site dining would qualify the use as a restaurant, which is regulated under a separate set of State laws and local ordinances.
- J. **Signs:** A sandwich board style sign, not to exceed 8 square feet may be placed next to the mobile vending unit in a manner that is visible to passing pedestrians or vehicles providing it does not block the visibility of pedestrian and vehicular traffic. Signs not to exceed a total of 8 square feet, may be placed on the mobile unit, or incorporated into the unit through means of paint, banners, or canopies. A menu sign, not to exceed 4 square feet, is permitted and will not be counted towards the total sign area. Off-site signage advertising the mobile vendor is prohibited.

## ARTICLE V. PENALTY, SEPARABILITY & EFFECTIVE DATE

- A. **Penalty:** Whoever violates any of the provisions of this ordinance shall be punished by a fine of not more than \$500.00 for the first offense, and up to \$1000.00 for each subsequent offense, to be recovered on complaint, to the use of the Town of Baileyville.
- B. **Separability:** The invalidity of any provision of this ordinance shall not invalidate any other part.
- C. **Effective Date:** This ordinance shall become effective when adopted by Town Council through a series of 3 public hearings. This ordinance specifically supersedes any and all previous ordinances regulating mobile vendors prior to \_\_\_\_/\_\_\_\_/2014

### TOWN OF BAILEYVILLE CHECKLIST FOR MOBILE VENDOR APPLICATION

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Vending Unit Operator: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

- Certificate of Liability Insurance. \$300,000.00 bodily injury, death, property damage.
- Maine Department of Human Services "Certificate"
- Description of Vehicle and copy of Maine registration
- Photographs (interior/exterior) of mobile unit or push cart
- Statement from applicant stating he/she has no criminal convictions.
- Written permission to use the land by the property owner.
- Map # \_\_\_\_\_ Lot # \_\_\_\_\_ where mobile unit will be operated.
- Diagram of specific location(s) of vending unit including measurements to abutting landowners, public ways etc.
- Signed statement from applicant giving permission to release any information relevant to the above items.
- Types of foods/merchandise being sold from mobile unit
- Dimension of mobile unit including tongue and bumper/hitches.
- Non-refundable application fee \$xx.xx      Date: \_\_\_\_/\_\_\_\_/\_\_\_\_
- Site Fee \$xxx.xx (due upon approval)      Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

- Per Diem fee of \$xx.xx. Date Start: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date Finish: \_\_\_\_/\_\_\_\_/\_\_\_\_
  - **ALL FEES WILL BE DETERMINED ANNUALLY BY TOWN COUNCIL**
- Vending Unit Owner: \_\_\_\_\_

**TOWN OF BAILEYVILLE**  
**MUNICIPAL REVIEW OF MOBILE VENDOR APPLICATION**

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Applicant Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Business address: \_\_\_\_\_

Email: \_\_\_\_\_

Having reviewed this Mobile Vendor's License Application and based upon the Mobile Vendor Ordinance of the Town Of Baileyville, I make the following recommendation(s):

- Approve
- Disapprove
- Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ Code Enforcement Officer

Signed: \_\_\_\_\_ Health Officer

Signed: \_\_\_\_\_ Fire Chief

**TOWN OF BAILEYVILLE**

**APPLICATION FOR MOBILE VENDOR'S LICENSE**

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Business name: \_\_\_\_\_

Operator: (if different from owner) \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Site(s) of Operation: 911 Address: \_\_\_\_\_ Map# \_\_\_\_\_ Lot# \_\_\_\_\_

911 Address: \_\_\_\_\_ Map# \_\_\_\_\_ Lot# \_\_\_\_\_

911 Address: \_\_\_\_\_ Map# \_\_\_\_\_ Lot# \_\_\_\_\_

Description of Items to Be Sold: \_\_\_\_\_

---

Attach the following documents/information to this application:

1. Certificate of Liability Insurance
2. Maine Department of Human Services "Certificate"
3. Description of Vehicle and Vehicle registration (if applicable)
4. Photograph(s) of vehicle (interior/exterior)
5. Statement from applicant stating he/she has no criminal convictions
6. Written permission to use land by the property owner
7. Signed statement from applicant giving permission to release any information relevant to the above items

Under penalty of perjury, I believe the statements made in this application and any documents made a part thereof are , to the best of my knowledge, correct and complete.

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Applicant Signature: \_\_\_\_\_

Fee: \$XXX.XX Must be paid upon approval

Cash: \_\_ Check: \_\_

## **ARTICLE VI. REQUIREMENT**

It shall be unlawful for any person, directly or indirectly, to conduct any business or activity or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license or permit is required under this ordinance or any other regulation of the Town of Baileyville or under any State statute.

All administrative powers and authority vested in the Town Council to grant or deny the license(s) and permit(s) required hereunder shall be delegated to the Code Enforcement Officer.

The license and permit fees for various businesses and occupations shall be set from time to time by the Town Council without notice. The schedule of such fees will be on file at the Town office.

## **ARTICLE VII. LICENSING STANDARDS/CRITERIA**

In determining whether to grant or deny a license or permit required hereunder, the Town shall determine whether the applicant complies with all standards and criteria for the issuance of said license or permit as established by ordinance or statute. In addition, unless otherwise prohibited by law, there must be an affirmative showing by the applicant that he/she complies with the following:

1. The activity to be licensed or authorized is an allowed use in the zone in which it is to be located or conducted.
2. The applicant has obtained all necessary approvals and permits required under this ordinance.
3. The applicant is of good moral character.

## **ARTIVLE VIII: ENFORCEMENT**

Provisions of this ordinance and applicable state statutes shall be enforced by the Code Enforcement Officer and/or the Town council. See appeals procedure in Section #7 of the Baileyville Land Use Ordinance.

## TRANSIENT VENDOR DAILY SCHEDULE

( 20 minutes maximum for sites on public ways )

Name: \_\_\_\_\_ Address: \_\_\_\_\_

License #: \_\_\_\_\_ Issued: \_\_\_\_/\_\_\_\_/\_\_\_\_ Food/Merchandise for Sale: \_\_\_\_\_

Site #1 Address: \_\_\_\_\_ Time Start: \_\_\_\_\_ Time Finish \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Site #2 Address: \_\_\_\_\_ Time Start \_\_\_\_\_ Time Finish \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Site #3 Address: \_\_\_\_\_ Time Start \_\_\_\_\_ Time Finish \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Site #4 Address: \_\_\_\_\_ Time Start \_\_\_\_\_ Time Finish \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Site #5 Address: \_\_\_\_\_ Time Start \_\_\_\_\_ Time Finish \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Site #6 Address: \_\_\_\_\_ Time Start \_\_\_\_\_ Time Finish \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

The MVU shall not create a safety or health hazard, or obstruct vehicular/ pedestrian traffic.

## ARTICLE IX. SPECIAL EVENT VENDOR LICENSE

The *Special Event Vendor License* is intended for events that occur once annually or on special occasions or events on a non-regular basis. This license is inclusive for mobile vendors, stationary vendors, and transient vendors (including people on foot selling food/beverage). The license is on a per diem basis only. There are no limits to the number of allowable vendors during a *Special Event*. All terms and conditions of this ordinance apply to Article IX.

## **ARTICLE X. ALLOWABLE AREAS OF OPERATION**

All public areas within the boundaries of Baileyville are open to Mobile Vending Units during special events, annual celebrations, fairs, carnivals, sporting events and the like (except cemeteries), and which will not last more than 72 hours, with the understanding that written permission must be given to each MVU and submitted with the MVU application provided by the Town of Baileyville and must be approved by the Code Enforcement Officer at least 1 week in advance of the event. This also applies to the use of private land for the purpose of vending (See Article III and IV ).

Mobile Vending on public areas during all other times of the year is limited to areas zoned as Retail, General and Industrial.



## **ARTICLE X. ALLOWABLE AREAS OF OPERATION**

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Mobile Vending on public areas during all other times of the year is limited to areas zoned as Retail, General and Industrial.

Revised 9-2-14  
10-02-14

DRAFT COPY AMENDMENTS

Date: 08/11/14

To: Town Manager/Town Council

From: Codes Enforcement

Re: Mobile Vending Ordinance changes

The following changes to the MVO are as follows:

**Article III.** – Part F: Does not include 72 hour permits. to be inserted at the end of the paragraph.

**Article IV.** – Part A4: No copyrighted merchandise is to be sold unless vendor is properly licensed. to be inserted at end of paragraph.

Part G: All refuse must be separated and recycled by vendor. to be inserted after the third sentence.

**Article IX.** See attachment.

**Article X.** See Baileyville Zoning maps. to be inserted at end of last paragraph.

ALL FEES SET FORTH HEREIN SHALL BE DECIDED BY COUNCIL ANNUALLY.

## ARTICLE IX. SPECIAL EVENT PERMIT ORDINANCE (addendum)

### **Purpose**

The purpose of this Ordinance is to provide the Town of Baileyville with a mechanism for regulating the dates, times, location and conditions under which grantees are authorized to make use of Town Property for special recreational, entertainment, or charitable events and to help avoid conflicts in the public's use of Town property for private or organizational purposes.

### **Definitions**

*Special Event* shall mean any event, sponsored by an individual, corporation, partnership or other entity or organization intended for recreational, entertainment or charitable purposes, which requires use of Town Property in Baileyville, Maine.

1. Minor Event shall mean an event not exceeding four hours in duration and fewer than 100 people.
2. Major Event shall mean an event exceeding four hours in duration and/or more than 100 people affiliated with the event (community festival, carnival, street dance). Also, a major event will involve additional Town services such as Police protection, more than one vendor needing electrical usage, etc.

*Town Property* shall mean any land and buildings owned by the Town of Baileyville including but not limited to parks, streets, and empty lots.

### **Special Events Permit Required**

All special events shall require an application, which will be reviewed and interpreted as a Major or Minor event by the Codes Officer, Town Manager, Police Chief and other department managers. No person may conduct a special event on Town property without a Special Events Permit issued by the Baileyville Codes Officer pursuant to this Ordinance. The Codes Officer shall set a fee for this permit and may waive this fee (for any local not for profit organizations) if it is found to be in the best interest of the public or if the costs to the Town to allow the event are found to be minimal.

When granted, a Special Events Permit shall confer on the grantee the exclusive rights to use the building(s) and/or area(s) described in the permit, during the time and for the purposes described in the permit. During the time of a permitted Special Event, the building(s) and/or area(s) where the event is conducted shall be deemed closed to other public uses, except for emergency uses. The grantee shall have authorization to issue its own licenses and fees for participation by other vendors and/or organizations in the event. The Codes Officer may approve a blanket fee for the grantee to cover a specified amount of vendor licenses for the event. Any individual and/or organization operating as a vendor without the required license(s) shall be considered in violation of this ordinance and subject to the penalties herein.

### **Special Events Application**

Each Special Events Application shall be submitted to the Baileyville Codes Officer no earlier than 12 months prior to the proposed special event and no later than 30 days prior to the date of the minor event and 60 days prior to the date of a major event, unless waived by the

Codes Officer. The application shall be on the form provided by the Town and shall include at a minimum:

1. Dates and Times of the event
2. Description of the event
3. Designated areas of Town property to be affected.
4. Estimated number of people attending event.
5. Proof of liability insurance and ability to add the Town as an additional insured.
6. Plan for after function clean-up.
7. Plan for dealing with traffic, parking, and crowd control.
8. Need for sanitary facilities for the event.
9. Need for Town services, utilities, etc. for the event
10. Whether amplified sound will be used.
11. Such additional information as the Baileyville Town Council deems necessary for determination of compliance with this ordinance.
12. Proof of all State licenses and Permits.

#### **Criteria for issuance of Special Events Permit**

In considering whether to issue a Special Events Permit, the Code Officer shall consider whether the proposed special event is consistent with the goal of promoting use of Town Property for recreational, entertainment, or charitable events. This criterion shall not apply to demonstrations, protests, or other First Amendment activities. The Town reserves the right to establish blackout dates where Town Property will not be available for permitted events and may use this as a basis to deny a permit.

Some events may necessitate the need for Town services, including staff time, materials, equipment and other resources. The Town shall provide a good faith estimate to each applicant for the cost of these services and the applicant shall be responsible for these costs as a condition of the issuance of the permit. The Town Council may elect to waive this charge for any 501(c) non-profit organization where the expected cost will be \$500.00 or less and the Council deems the event is in the best interest of the community. The Council may waive up to half of this charge if the amount exceeds \$500.00.

For events at which the sponsoring individual or organization expects to make a profit, the Town shall require that any waived charges be reimbursed to the Town before the entity takes a profit. "*Profit*" shall be defined as the difference between all related event revenue less all related event expenses. "*Event revenue*" shall be defined as any money raised related to the event, including but not limited to admission fees, food, merchandise, goods sales or commissions, vendor participation fees, and cash sponsorships and donations. "*Event expenses*" shall be defined as actual cash costs incurred by an organization specific and exclusive to the event.

### **Penalties**

Any person who violates any provision of this Ordinance or who fails to comply with the terms of a Special Event Permit commits a civil violation and shall be subject to a penalty. ( See Article IV. )

### **General**

This Ordinance grants no rights to and creates no property or other legal interest in any person. The Town Council retains full control over Town Property and may at its

sole and exclusive discretion issue, issue with conditions or deny any and all Special Events Permits. Decisions of the Town Council shall be subject to appeal (see Section #7 of the BLUO)

The holder of a Special Events Permit shall be solely responsible for conducting the Special Event in compliance with the conditions of the Permit and for maintaining public safety and order during the event. The Town of Baileyville assumes no liability or responsibility by issuing the permit.

#### **Conflict with other Ordinances**

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other statute, rule, ordinance, regulation, by-law, policy, permit or other legal requirements. Where this Ordinance imposes a greater restriction upon the use of Town Property, the provisions of this Ordinance shall prevail.

#### **Validity and Severability**

See Article V.

#### **Exemptions**

This Ordinance shall not apply to any event sponsored, organized or conducted by any department or agency of the Town of Baileyville.

## SPECIAL EVENTS PERMIT APPLICATION

Name of Event Organizer: \_\_\_\_\_

Contact Person: \_\_\_\_\_ 501 ( c ) Verification: Y / N (copy)

Address: \_\_\_\_\_

Email/Tel: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Date(s) of Event: \_\_\_\_\_

Time(s) of Event: \_\_\_\_\_ Street Closure: Y / N

Location of Event: \_\_\_\_\_ Amplified Sound: Y / N

Names/Addresses of all vendors and type of goods being sold by each (attach sheet).

Proof of Liability Insurance (with Baileyville as an additional carrier) Y / N

Town Services Needed: Y / N (explain) Estimated Cost to Town: \$ \_\_\_\_\_

Amount of money waived by Town of Baileyville. \$ \_\_\_\_\_

Cleanup Provided by Organizer: Y / N Need Sanitary Facilities: Y / N

Plan for traffic control, parking, crowd control: (Use additional sheet)

Cost per event is \$100.00 or \$5.00 per vendor/per day whichever is more.

Signature: \_\_\_\_\_ Event Contact Person

Signature: \_\_\_\_\_ Codes Officer

Signature: \_\_\_\_\_ Town Manager

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



REVISED 9-2-14  
10-02-14

DRAFT COPY AMENDMENTS

Date: 08/11/14

To: Town Manager/Town Council

From: Codes Enforcement

Re: Mobile Vending Ordinance changes

The following changes to the MVO are as follows:

**Article III.** – Part F: Does not include 72 hour permits. to be inserted at the end of the paragraph.

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Part G: All refuse must be separated and recycled by vendor. to be inserted after the third sentence.

**Article IX.** See attachment.

**Article X.** See Baileyville Zoning maps. to be inserted at end of last paragraph.

ALL FEES SET FORTH HEREIN SHALL BE DECIDED BY COUNCIL ANNUALLY.

## **ARTICLE IX. SPECIAL EVENT PERMIT ORDINANCE (addendum)**

### **Purpose**

The purpose of this Ordinance is to provide the Town of Baileyville with a mechanism for regulating the dates, times, location and conditions under which grantees are authorized to make use of Town Property for special recreational, entertainment, or charitable events and to help avoid conflicts in the public's use of Town property for private or organizational purposes.

### **Definitions**

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1. Minor Event shall mean an event not exceeding four hours in duration and fewer than 100 people.
2. Major Event shall mean an event exceeding four hours in duration and/or more than 100 people affiliated with the event (community festival, carnival, street dance). Also, a major event will involve additional Town services such as Police protection, more than one vendor needing electrical usage, etc.

*Town Property* shall mean any land and buildings owned by the Town of Baileyville including but not limited to parks, streets, and empty lots.

### **Special Events Permit Required**

All special events shall require an application, which will be reviewed and interpreted as a Major or Minor event by the Codes Officer, Town Manager, Police Chief and other department managers. No person may conduct a special event on Town property without a Special Events Permit issued by the Baileyville Codes Officer pursuant to this Ordinance. The Codes Officer shall set a fee for this permit and may waive this fee (for any local not for profit organizations) if it is found to be in the best interest of the public or if the costs to the Town to allow the event are found to be minimal.

When granted, a Special Events Permit shall confer on the grantee the exclusive rights to use the building(s) and/or area(s) described in the permit, during the time and for the purposes described in the permit. During the time of a permitted Special Event, the building(s) and/or area(s) where the event is conducted shall be deemed closed to other public uses, except for emergency uses. The grantee shall have authorization to issue its own licenses and fees for participation by other vendors and/or organizations in the event. The Codes Officer may approve a blanket fee for the grantee to cover a specified amount of vendor licenses for the event. Any individual and/or organization operating as a vendor without the required license(s) shall be considered in violation of this ordinance and subject to the penalties herein.

### **Special Events Application**

Each Special Events Application shall be submitted to the Baileyville Codes Officer no earlier than 12 months prior to the proposed special event and no later than 30 days prior to the date of the minor event and 60 days prior to the date of a major event, unless waived by the

Codes Officer. The application shall be on the form provided by the Town and shall include at a minimum:

1. Dates and Times of the event
2. Description of the event
3. Designated areas of Town property to be affected.
4. Estimated number of people attending event.
5. Proof of liability insurance and ability to add the Town as an additional insured.
6. Plan for after function clean-up.
7. Plan for dealing with traffic, parking, and crowd control.
8. Need for sanitary facilities for the event.
9. Need for Town services, utilities, etc. for the event
10. Whether amplified sound will be used.
11. Such additional information as the Baileyville Town Council deems necessary for determination of compliance with this ordinance.
12. Proof of all State licenses and Permits.

#### **Criteria for issuance of Special Events Permit**

In considering whether to issue a Special Events Permit, the Code Officer shall consider whether the proposed special event is consistent with the goal of promoting use of Town Property for recreational, entertainment, or charitable events. This criterion shall not apply to demonstrations, protests, or other First Amendment activities. The Town reserves the right to establish blackout dates where Town Property will not be available for permitted events and may use this as a basis to deny a permit.

Some events may necessitate the need for Town services, including staff time, materials, equipment and other resources. The Town shall provide a good faith estimate to each applicant for the cost of these services and the applicant shall be responsible for these costs as a condition of the issuance of the permit. The Town Council may elect to waive this charge for any 501(c) non-profit organization where the expected cost will be \$500.00 or less and the Council deems the event is in the best interest of the community. The Council may waive up to half of this charge if the amount exceeds \$500.00.

For events at which the sponsoring individual or organization expects to make a profit, the Town shall require that any waived charges be reimbursed to the Town before the entity takes a profit. "*Profit*" shall be defined as the difference between all related event revenue less all related event expenses. "*Event revenue*" shall be defined as any money raised related to the event, including but not limited to admission fees, food, merchandise, goods sales or commissions, vendor participation fees, and cash sponsorships and donations. "*Event expenses*" shall be defined as actual cash costs incurred by an organization specific and exclusive to the event.

### **Penalties**

Any person who violates any provision of this Ordinance or who fails to comply with the terms of a Special Event Permit commits a civil violation and shall be subject to a penalty. ( See Article IV. )

### **General**

This Ordinance grants no rights to and creates no property or other legal interest in any person. The Town Council retains full control over Town Property and may at its

sole and exclusive discretion issue, issue with conditions or deny any and all Special Events Permits. Decisions of the Town Council shall be subject to appeal (see Section #7 of the BLUO)

The holder of a Special Events Permit shall be solely responsible for conducting the Special Event in compliance with the conditions of the Permit and for maintaining public safety and order during the event. The Town of Baileyville assumes no liability or responsibility by issuing the permit.

#### **Conflict with other Ordinances**

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other statute, rule, ordinance, regulation, by-law, policy, permit or other legal requirements. Where this Ordinance imposes a greater restriction upon the use of Town Property, the provisions of this Ordinance shall prevail.

#### **Validity and Severability**

See Article V.

#### **Exemptions**

This Ordinance shall not apply to any event sponsored, organized or conducted by any department or agency of the Town of Baileyville.

## SPECIAL EVENTS PERMIT APPLICATION

Name of Event Organizer: \_\_\_\_\_

Contact Person: \_\_\_\_\_ 501 ( c ) Verification: Y / N (copy)

Address: \_\_\_\_\_

Email/Tel: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Date(s) of Event: \_\_\_\_\_

Time(s) of Event: \_\_\_\_\_ Street Closure: Y / N

Location of Event: \_\_\_\_\_ Amplified Sound: Y / N

Names/Addresses of all vendors and type of goods being sold by each (attach sheet).

Proof of Liability Insurance (with Baileyville as an additional carrier) Y / N

Town Services Needed: Y / N (explain) Estimated Cost to Town: \$ \_\_\_\_\_

Amount of money waived by Town of Baileyville. \$ \_\_\_\_\_

Cleanup Provided by Organizer: Y / N Need Sanitary Facilities: Y / N

Plan for traffic control, parking, crowd control: (Use additional sheet)

Cost per event is \$100.00 or \$5.00 per vendor/per day whichever is more.

Signature: \_\_\_\_\_ Event Contact Person

Signature: \_\_\_\_\_ Codes Officer

Signature: \_\_\_\_\_ Town Manager

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

## **Town of Baileyville**

### **Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs**

#### **Section 1. Authority.**

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001, and the Charter of the Town of Baileyville.

#### **Section 2. Definitions.**

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

#### **Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.**

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality, the Town of Baileyville.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

#### **Section 4. Effective date; duration.**

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

#### **Section 5. Penalties.**

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.



First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Public Hearing : \_\_\_\_\_

Acceptance: \_\_\_\_\_

Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Councilor Signatures:

\_\_\_\_\_  
Tim Call, Council Chair

\_\_\_\_\_  
Acacia Emery, Councilor

\_\_\_\_\_  
Steven Knowles, Councilor

\_\_\_\_\_  
Craig Croman, Councilor

\_\_\_\_\_  
Carl Ripley, Councilor

Attested: \_\_\_\_\_  
Town Clerk

*Marilyn Roderick*  
Marilyn Roderick, Deputy  
Clerk

**TOWN OF BAILEYVILLE  
ORDINANCE TO REGULATE AUTOMOBILE GRAVEYARDS AND JUNKYARDS**

**Section 1. Purpose**

The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards and junkyards do not have a deleterious impact on the Town's health, safety, and general welfare.

**Section 2. Authority**

This ordinance is enacted pursuant to 30-A M.R.S.A. section 3755, subsection 5.

**Section 3. Applicability**

This ordinance shall apply to all automobile graveyards and junkyards as defined in state law, 30-A M.R.S.A. 3752-B, within the Town of Baileyville.

**Section 4. Requirements for all new automobile graveyards and junkyards**

4.1 Any person wishing to locate a new automobile graveyard or junkyard within the Town shall apply to the Town Council for a permit required by state law pursuant to 30-A M.R.S.A. 3751 et seq. The application shall present either a permit from the Maine Department of Environmental Protection or a letter from the DEP stating that a permit is not required.

4.2 The applicant shall submit a site plan drawn to scale not to exceed 1" = 100', on which is shown:

- a. the boundary lines of the property
- b. the soils
- c. the location of any sand and gravel aquifer or aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist.
- d. the location of any residences or schools within 500 feet of the area where cars or junk will be placed.
- e. the location of any waterbodies on the property or within 200 feet of the property lines.
- f. the boundaries of the 100-year floodplain.

**Section 5. Performance Standards which shall be complied with for all new junkyards and automobile graveyards.**

5.1 An effective visual screen at least 14 feet in height shall be located and maintained around all sides of the area where junk or automobiles are deposited or along all property lines.

5.2 No vehicles or junk shall be stored within 300 feet of any waterbody or inland wetland.

5.3 No vehicles or junk shall be stored within 500 feet of any residence, private well or school.

5.4 No vehicles or junk shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.

5.5 No vehicles or junk shall be stored within the 100-year floodplain.

5.6 Upon receiving a motor vehicle, the battery shall be removed, and engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal or State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle or junk shall be permitted into or on the ground.

5.7 All vehicles or junk shall be located no closer than 100 feet from all lot lines.

5.8 To reduce noise all dismantling of motor vehicles with power tools shall take place within a building, and shall be done after 7 a.m. and before 6 p.m. Mondays through Saturdays.

5.9 All Federal and State hazardous waste laws and regulations shall be complied with.

#### **Section 6 - Automobile Graveyards and Junkyards in existence at the time this Ordinance is enacted.**

6.1 Any automobile graveyard or junkyard in existence at the time this ordinance is enacted may remain in operation on the parcel of land it is presently located on providing it meets all pertinent statutory requirements.

6.2 Any existing junkyard or automobile graveyard shall not expand onto a parcel of land described in a separate deed unless all the provisions of this ordinance are met on the separate parcel.

6.3 Within one (1) year of the enactment of this ordinance all existing automobile graveyards and junkyards shall be enclosed by an effective visual screen at least 14 feet high located and maintained around the area where the automobiles or junk are being deposited or along all property lines.

#### **Section 7 - Administration**

7.1 This ordinance shall be administered by the the Town Council. No automobile graveyard or junkyard permit shall be issued under 30-A M.R.S.A. 3751 et seq. unless the provisions of this ordinance are complied with. The Council may attach reasonable conditions to any permit issued to insure compliance with the performance standards and other requirements of this ordinance.

7.2 Permits shall be renewed annually to remain valid. Once the site plan is approved it does not have to be resubmitted. The municipal officers shall annually, or as necessary, inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state law are complied with.

7.3 An annual fee which complies with State Law and shall be submitted with the permit application.

#### **Section 8 - Enforcement**

8.1 This ordinance shall be enforced by the municipal officers in accordance with state law. Any violation of this ordinance shall also be deemed a nuisance, and the violator shall be subject to the penalties set forth in 30-A M.R.S.A. 4506.

#### **Section 9 - Amendment**

9.1 This ordinance may be amended in the same manner as adopted.

**Section 10 - Effective Date**

10.1 The effective date of this Ordinance shall be when enacted.

**Section 11 - Conflicts**

11.1 If the provisions of this ordinance conflict with statutory provisions and regulations enforced by the Department of Environmental Protection, the state laws shall supercede.

**Section 12 - Severability**

12.1 If any provision of this ordinance shall be declared invalid, that invalid provision shall not affect any other portion of this ordinance.

**INTRODUCED:** September 25, 1989

**PUBLIC READING:** October 18, 1989

**PUBLIC HEARING:** October 23, 1989

**ADOPTED:** October 23, 1989

**EFFECTIVE:** October 23, 1989

## CONDUCT OF HEARING

1. The Chairman shall give a statement of the application.

EXAMPLE: Modern Auto and Parts Sales Co., operated by Ralph Armentino, Jr., located on the northerly side of Route 25, any town.

2. The applicant shall present the facts in connection with his application for an automobile junkyard or "automobile graveyard".
3. The Board shall have an opportunity to question the applicant.
4. All those in support of the application shall be heard.
5. The Board shall have the opportunity to question those in support of the application.
6. Those in objection to the application shall be heard.
7. The Board shall have the opportunity to question those in objection to the application.
8. The Board shall have the opportunity to question anyone who was heard.

TO MAINTAIN ORDERLY PROCEDURE, EACH SIDE SHALL PROCEED WITHOUT INTERRUPTION BY THE OTHER.

It is suggested that the Board reserve their decision until they have an opportunity to discuss the applications as a Board.

this chapter.

Sec. 15. 29 MRSA §351-A, as enacted by PL 1981, c. 436, §6, is amended to read:

§351-A. Appeal from action of the Secretary of State

Any After a hearing before the Secretary of State or his deputy, any person aggrieved by the act of the Secretary of State to refuse to grant or renew a license under this subchapter or to suspend or revoke a license or by any other act of the Secretary of State which he alleges to be improper, unreasonable or unlawful under this subchapter may, within 30 days' notice of the decision, appeal to the Superior Court for a judicial review as provided in Title 5, chapter 375, subchapter VII.

Sec. 16. 29 MRSA §355, sub-§1, as enacted by PL 1973, c. 529, §1, is amended to read:

1. Description. A description of vehicles, including make, model, model year, body type, identification number, color and whether new or used;

Sec. 17. 29 MRSA §364, as amended by PL 1981, c. 437, §13, is further amended to read:

§364. Enforcement

All state, county and local law enforcement officers, and all inspectors appointed and deputized by the Secretary of State pursuant to section 52, shall expeditiously enforce the provisions of this subchapter and, section 832, Title 10, chapter 217 and Title 30, chapter 215, subchapter I as it relates to auto-mobile graveyards.

Sec. 18. 29 MRSA §530, sub-§1, 1B, as enacted by PL 1977, c. 692, §3, is amended to read:

B. Any person who operates a motor vehicle on any way without being duly licensed or without holding a valid instruction permit or in violation of any condition or restriction placed on the use of an instruction permit or operator's license under the authority of this subchapter