

1975

# Livermore Falls Ordinances

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**ACCEPTANCE OF STREETS AND WAYS ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Acceptance  
of Streets and Ways Ordinance for the Town of Livermore  
Falls" as certified to me by the Municipal Officers of the Town  
of Livermore Falls on the 3rd day of June, 1991.**

  
\_\_\_\_\_  
Town Clerk, Livermore Falls

## **ACCEPTANCE OF STREETS AND WAYS ORDINANCE TOWN OF LIVERMORE FALLS**

An ordinance regulating the laying out and acceptance of new streets and ways, or parts thereof, by the Town of Livermore Falls. Town requirements for privately owned subdivision roads and privately owned mobile home park roads are also included in this ordinance (Sections XII and XIII).

### **Section I. New Streets, Conditions of Acceptance**

A. General: The Board of Selectmen shall not lay out a street as a Town way, nor shall it submit any article to a Town meeting requesting the acceptance of a street as a Town way unless the street has been designed and constructed in accordance with the provisions of this ordinance.

B. Subdivisions: The Planning Board shall not approve any subdivision plan unless proposed town streets are designed and will be, or are constructed in accordance with this ordinance. The Planning Board is not precluded by this ordinance from adopting additional or more restrictive regulations governing street design and construction within subdivisions, pursuant to Title 30-A, MRSA, Section 4401.

### **Section II. Dedication and Acceptance**

No property or interest therein may be dedicated for highway purposes unless the owner of such property or interest has filed with the Board of Selectmen a petition, agreement, deed, affidavit, or other writing specifically describing the property of interest and its location, and stating that the owner voluntarily offers to transfer such interests to the Town of Livermore Falls without claim for damages, or has filed in the Registry of Deeds an approved subdivision plot plan which describes property to be appropriated for public use.

The Town of Livermore Falls may accept a dedication of property or interests therein by an affirmative vote of Town Meeting.

Unless specifically provided by the Town of Livermore Falls, title to property accepted for highway purposes shall be in fee simple (Title 23, MRSA, Section 3025 ).

### Section III. Names

Continuations of existing streets shall be given the name of existing streets. Names of new streets shall not duplicate or closely approximate those of existing streets.

### Section I v. Applications

Applicants requesting the acceptance of a new street or way must file a plan showing the following:

- a. The scale of the plan.
- b. The direction of magnetic north.
- c. The starting and ending points with relation to established roads, streets or ways.
- d. The street lines with relation to existing buildings and landmarks.
- e. Dimensions, both lineal and angular, necessary for locating boundaries and necessary for locating subdivisions, lots, easements, and building lines.
- f. The lots as laid out on said street, showing the names of all other owners of abutting property.
- g. All natural waterways and water courses on land contiguous to the said streets or ways.
- h. Any streets or rights of ways off the proposed street shall be located on the plan and any existing or proposed names shall be given.
- i. Subdividers desiring to have streets in their subdivision accepted as town streets shall submit to the Planning Board all information concerning proposed streets required in Items a-h above as an integral part of their plot plan and application for subdivision approval, and as required by the Planning Board (Title 30-A, MRSA, Section 4401).

With the plan, applicants shall submit a written application for the acceptance, giving the following information:

- a. The names of the owner or owners of the land containing the street or way to be accepted.
- b. The name or names of the developers.
- c. A statement of any legal encumbrances on the property.

d. A statement giving the proposed starting and finishing dates of the street construction.

The applicant shall also submit with the plan and written application, a profile drawing showing:

- a. The scale of the profile, both horizontal and vertical.
- b. Proposed provisions for ditching, culverts, and storm drainage with respect to natural waterways or contours.
- c. The Planning Board may require cross sections at 100 foot intervals along the profiles if the roughness of the terrain warrants this information, in the opinion of the Board.

All applications shall be made to and supporting data filed with the Selectmen and/or the Planning Board of the Town of Livermore Falls, and approval must be obtained before plans are filed with the Registry of Deeds.

#### Section V.. Specifications

No street or way shall be accepted by the Town as a public way, unless the following specifications have been complied with:

- a. All roads and streets must be designed by a Professional Engineer, registered in the State of Maine.
- b. The minimum right of way width shall be fifty feet. A minimum right of way of sixty feet shall be required for collector streets. A five foot snow and utility easement may be required on each side of the fifty foot right of way.
- c. The road section shall be in the center of the right of way.
- d. Unstable or soft material in the area of the sub-base of the street or road shall be removed and replaced with a base material suitable to the Town Road Commissioner.
- e. The base grading shall contain no rocks or other material larger in size than one third the depth of the base.
- f. The finish grade shall consist of fine clean gravel.
- g. Adequate provision shall be made for the disposal of surface water through ditches, culverts and/or other similar means. Culverts shall not be less than twelve (12) inches in size. Catch basins shall be no less than thirty by thirty inches (30"x30"). Both culverts and catch

basins shall be of steel or concrete. All materials incorporated into the work shall be new.

h. All construction shall comply with cross sections and profile drawings accompanying and made an integral part of this ordinance, except for variations approved by the Planning Board.

i. Monuments as required by the Board of Selectmen shall be provided for proper location of the street.

j. At all 90 degree right angle intersections of local highways and streets, the edge of pavement in all quadrants will be designed and constructed to provide as a minimum, simple curves having a radius of 25'.

k. Whenever the ratios of slopes for ditches, shoulders, grading and other purposes required by this ordinance cannot be adhered to within the required fifty foot limits, and grading and excavation is necessary beyond this width, it shall be necessary to secure good and sufficient slope easement from abutting owners without cost or expense to the Town, and such rights indemnifying the Town shall be presented and recorded prior to any action for acceptance.

l. All streets or ways shall be constructed according to the latest edition of the "State of Maine Department of Transportation Standard Specifications for Roads and Bridges".

## Section V I. Gravel Base and Paving

A base course of 12" of gravel and a surface course of 6" of gravel shall be applied. The thickness of the gravel base course shall be increased where it is found necessary to stabilize poor sub-grade conditions and/or to minimize frost penetration.

Aggregates for both the base and surface courses shall consist of granular material containing hard, durable particles with reasonably uniform distribution in size from largest to the smallest particle. Materials that have abnormally high absorption characteristics or that breakup when alternately frozen and thawed or wetted and dried shall not be used. The base course shall not contain any rocks larger than four inches in diameter. All base course material shall be free of vegetable matter, clumps or balls of clay and other undesirable materials.

The top six inches, the surface course, shall consist of durable gravel and contain no particles larger than two inches in diameter.

An all-weather flexible type pavement shall be constructed on all new streets and ways prior to their acceptance as Town ways. The type of pavement shall be as shown on the typical road cross-sections on page 8 of this ordinance or as specified by the Planning Board.

The materials and application shall be in accordance with the latest edition of the "State of Maine Department of Transportation Standards Specifications for Roads and Bridges".

The Planning Board may waive paving of streets within subdivisions of less than six lots.

## Section VII. Driveway Entrances

Each abutting property owner or developer, as the case may be, shall not obstruct the flow or drainage of a ditch on any road or street within the jurisdiction of the Town by construction of a driveway or entrance to his property. To comply with this, all culverts that may be necessary shall be furnished by the owner or developer. On accepted streets the culverts furnished will be installed and maintained by the Town. Prior to acceptance of any street, such culverts shall be installed in accordance with this ordinance by the property owner or developer, but will be maintained by the Town following acceptance of the street. Culvert sizes and materials shall be as specified in this ordinance. Culverts shall be a minimum of thirty feet in length unless a shorter length is allowed by the Road Commissioner.

## Section VIII. Sidewalks

The Board of Selectmen and/or the Planning Board shall have the authority to designate whether sidewalks shall be required and whether sidewalks shall be constructed on both sides of the street or way or only on one designated side.

## Section IX. Utilities

Longitudinal runs of water or sewer mains shall be laid outside the roadbed and clear of any present or designated sidewalks. Utility poles shall be so placed that any present or designated sidewalk may be contained within the boundaries of the street or way without obstruction by polls or appurtenances.

## Section X. Inspection During Construction

Whenever an application for the acceptance of a street is received, the Road Commissioner of the Town shall be fully informed and given all the data as to layout and location. All inspection during construction shall be made by a professional engineer, licensed to practice in the State of Maine. The engineer shall make periodic reports to the Road Commissioner as to the degree of compliance or noncompliance with this ordinance. All costs of inspection by the licensed engineer shall be borne and paid for by the applicant.

## Section XI. Planning Board Concurrence

All applications for laying out streets or ways must be approved by the Planning Board prior to being presented to the Town for acceptance.

## Section XII. Privately Owned Roads

Privately owned roads in a subdivision shall be designed by a professional engineer, registered in the State of Maine, and shall be constructed according to the latest edition of the "State of Maine Department of Transportation Standard Specifications for Roads and Bridges".

## Section XIII. Privately Owned Roads - Mobile Home Parks

1. Privately owned roads shall be designed by a professional engineer, registered in the State of Maine, and shall be built according to the latest edition of the "State of Maine Department of Transportation Standard Specifications for Roads and Bridges".
2. Roads shall have a maximum right of way of 23 feet, of which 20 feet shall be paved.
3. Mobile home parks which intersect with public roads shall meet the following standards:
  - a. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
  - b. The maximum grade within 75 feet of the intersection shall be 2%.

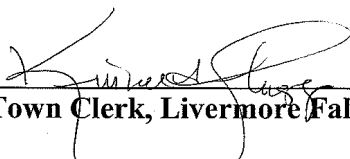
- c. The minimum site distance shall be 10 feet for each 1 MPH of regulated speed. Site distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb edge or shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of object 4 1/4 feet. Where necessary, the park land bordering the intersection shall be cleared of all growth and sight obstructions to achieve the required visibility.
- d. Distance from other intersections - the centerline of any street within a park intersecting an existing public street shall be at least 125 feet from the centerline of any other street intersecting that public street.

Adopted June 3, 1991



**ADDRESSING ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Addressing Ordinance for the Town of Livermore Falls" as certified to me by the Municipal Officers of the Town of Livermore Falls on the 14th day of June, 1995.**

  
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**Town Clerk, Livermore Falls**

## **ADDRESSING ORDINANCE TOWN OF LIVERMORE FALLS**

### **Section 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.

### **Section 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 MRSA Section 3001.

### **Section 3. Administration**

This ordinance shall be administered by the Board of Selectmen, or their appointed representative(s) who shall assign road names and numbers to all properties, both on existing and proposed roads. The Board of Selectmen, or their appointed representative(s) shall be responsible for maintaining the following official records of this ordinance:

A. A Town of Livermore Falls 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.

### **Section 4. Naming System**

All roads in the Town of Livermore Falls 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 Livermore Falls 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 (e.g. Beech and Peach, Pine Road and Pine Lane) names.

B. Each road shall have the same name throughout its entire length.

## Section 5. Numbering System

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, determined by the number origin. The following criteria shall govern the numbering system:

A. All number origins shall begin from the designated center of the Town of Livermore Falls or that end of the road closest to the designated center. For dead end roads, numbering shall originate at the intersection of 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 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 Street, Apt.2.)

## Section 6. Compliance

All owners of structures shall, on or before the effective date of this ordinance, display and maintain in a conspicuous place on said structure, the 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 street 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, mailbox or on some structure at the property line adjacent to the walk or access drive to the residence or structure.

C. Size and color of number. The numbers shall be displayed in a color and size approved for use by the Board of Selectmen and shall be located as to be visible from the road.

D. 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.

E. Interior location. All residents and other occupants are requested to post the assigned number and road name adjacent to their telephone for emergency reference.

## Section 7. New Developments and Subdivisions

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

A. New developments. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Board of Selectmen or their representative(s). 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 streets every 50 (fifty) feet so as to aid in assignment of numbers to structures subsequently constructed.

## Section 8. Effective Date

This ordinance shall become effective as of June 14, 1995. It shall be the duty of the Town of Livermore Falls to notify by mail each owner and the Post Office of the new addresses within 30 (thirty) days. It shall be the

duty of each property owner to comply with this ordinance within 30 (thirty) days of notification. On new structures, numbering will be installed prior to final inspection, if required by local ordinance, or when the structure is first used or occupied, whichever comes first.

Adopted June 14, 1995

**ADULT-ONLY BUSINESS ORDINANCE  
TOWN OF LIVERMORE FALLS**

**A Referendum Election was held November 2<sup>nd</sup>, 2004 at the  
Livermore Falls Fire Station, to see if an ordinance entitled  
“The Town of Livermore Falls Adult-Only Business  
Ordinance” be enacted. This was voted on and accepted. For  
a second vote and accepted on June 13<sup>th</sup>, 2005 at the annual  
Town Meeting held at Murray Hall in Livermore Falls.**

  
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**Town Clerk, Livermore Falls**

## **ADULT-ONLY BUSINESS ORDINANCE**

### **Section I. Findings**

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have negative secondary effects on surrounding areas. Research and studies of municipalities throughout this country indicate that the presence of sexually oriented businesses is consistently and strongly associated with perceived decreases in value of both residential and commercial properties and the facilitation of illicit and undesirable activities. This evidence is relevant to issues facing the Town. It is recognized that sexually oriented businesses can adversely affect the character and quality of life of a town and can be incompatible with surrounding uses, particularly when the sexually oriented businesses are concentrated within a limited geographic area or are located in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, or other sexually oriented businesses. A police power ordinance is a proper and reasonable means of controlling the negative secondary effects of sexually oriented businesses.

### **Section II. Purpose**

The regulations of this ordinance are not directed at the content of speech, but are directed at the negative secondary effects of sexually oriented businesses. The purpose of this ordinance is to regulate the time, place and manner of operation of sexually oriented businesses. It is intended to regulate and to annually license sexually oriented businesses; and to prevent their location in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, or another sexually oriented business. Regulations of these uses are necessary to insure that the negative secondary effects will not contribute to the blighting or downgrading of the surrounding areas of the Town at large. The purpose of this ordinance is not to prohibit sexually oriented businesses from operating in the Town, but to regulate their location and manner of operation, while providing a reasonable opportunity for such business to exist.

### **Section III. Definitions**

The following terms are used in this Ordinance and for the purpose of the Ordinance have the meanings to them below:

A. “Adult amusement store” means an establishment having as a substantial or significant portion of its sales or stock in trade, sexual devices or printed material including pictures and photographs or films for sale or viewing on premises that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specific sexual activities” or “specified anatomical areas” or an establishment with a portion of the premises devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based on its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment’s premises, or any other factors showing that the establishment’s primary purpose is to purvey such material.

B. “Adult motion picture theater” means an enclosed building used regularly and routinely for presenting motion picture or video material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specific sexual activities” or “specified anatomical areas” for observation by patrons therein.

C. “Adult entertainment cabaret” means a public or private establishment which: 1) features topless dancers, strippers, male or female impersonators, or erotic dancers; 2) features entertainers who display “specified anatomical areas”; 3) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or entertainers who engage in explicit simulation of “specified sexual activities”; or 4) offers sadomasochistic acts or bondage and discipline to patrons.

D. “Adult spa” means an establishment or place primarily in the business of providing a steam bath or sauna, bathing or hot tub services or rub-down or other massage services and at which 1) a person’s specified anatomical areas are not touched, rubbed, massaged or manipulated in any manner by another person with or without the aid of any instrument or device or 2) a person’s specified anatomical areas are exposed while that person touches, rubs, massages or manipulates any part of the body of another person, with or without the aid of any instrument or device or 3) specified sexual activities are permitted to occur.

E. “Sexually oriented business” means adult amusement stores, adult movie theaters, adult entertainment cabarets, or adult spas, as defined herein, or any business where specified sexual activities are displayed, depicted described or simulated as a regular and substantial part of its operation.

F. “Erotic dance” means a form of dance which seeks, through one or more dancers, to arouse or excite the sexual desires of a patron or patrons.

G. “Residence” means any structure which is principally used as a dwelling including, without limitation, a single family or multi-family house, apartment, condominium or a mobile home.

H. “Sadomasochistic acts” or “bondage and discipline” means respectively, flagellation, torture or punishment by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained while so clothed or by a person so clothed.

I. “Sexual device” means a device or object the primary purpose of which is to provide direct sexual stimulation of male or female genitals or anus.

J. “Specified criminal activity” means a criminal conviction for any of the following offenses: prostitution or the promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; or any similar sex-related offenses to those described above under the Maine Criminal Code or statutes of other states, the United States or any other nation or province, and for which:

1. less than two (2) years have elapsed since the date of conviction or the date of the release from confinement imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of less than one (1) year;

2. less than five (5) years have elapsed since the date of the conviction or the date release from confinement imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of one (1) year or more;

3. less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are for two (2) or more offenses or combination of offenses occurring within any twenty-four

(24) hour period and all such offenses are punishable by maximum term of imprisonment of less than one (1) year.

K. “Specified sexual activities” means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, any sexual act or sexual contact as defined by Maine law, or sodomy;
3. Fondling or other touching of human genitals, pubic region, buttock or female breast.

L. “Specified anatomical areas” means:

1. Less than completely and opaquely covered: a.) human genitals, pubic region, b.) buttocks or c.) female breast below a point of immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

#### Section IV. License Required

A person wishing to operate a sexually oriented business shall obtain an annual license a.) prior to opening the person’s establishment, b.) prior to the expiration of the person’s current annual license and c.) prior to the expiration of the amortization period established in Section XIV of this Article if a sexually oriented business is in existence on November 2, 2004.

#### Section V. Application, Investigation and Issuance of License

1. Application – an applicant for a sexually oriented business shall:

- A. Complete and file an application prescribed by the Board of Selectmen;
- B. Deposit a license fee of \$250 and a \$50 processing fee in advance with the Town Clerk;
- C. Submit a completed application to the Town Manager, together with attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, evidence of a partnership, if a partnership, or articles of association and bylaws; if the applicant is an association, as well as list of all officers and directors;
- D. File a sworn affidavit which states the names of all owners, officers, managers or partners of the applicant and their places of residence

at the time of the application and for the immediately preceding three (3) years;

E. File the release authorized by 16 MRSA 620(6) (Criminal History Record Information Act) with the application, for the applicant and each officer, owner, manager or partner of the application;

F. Submit evidence of right, title or interest in the premises in which the sexually oriented business will be sited, along with the written consent of the owner of the premises for such use if applicant is not the owner;

G. State the date of initiation of the sexually oriented business and the nature of the business with a description of the nature of all products and services offered to customers;

H. Submit evidence of compliance with Section X of this ordinance and evidence that there is no basis for denial of a license to applicant under the standards listed in Section VI of this ordinance.

2. Investigation of applicant, officers – upon receipt of an application or notice of a change of the owners, officers, managers or partners of the applicant:

A. The Town Manager, upon receipt of a completed application, shall immediately send a copy of the complete application to the Town officials referenced in paragraphs B through E below. The Town Manager shall also immediately consult with the Chairman of the Board of Selectmen and then arrange for a public notice of a public hearing on the application in a newspaper of general circulation and by mail to owners of lots within 1000 feet of the proposed location of the structure, at least ten (10) days prior to the public hearing before the Board of Selectmen. The costs of publication, certified mail postage and other expenses related to the hearing shall be paid from the processing fee. After receipt of required reports from the Town officials, the Town Manager shall forward the application and other documents to the Board of Selectmen for public hearing and final decision. The hearing shall be held within thirty (30) days after receipt of a complete application by the Town Manager and a decision shall be made within fifteen (15) business days thereafter;

B. The Health Officer, within fifteen (15) days of notice, shall inspect the location or proposed location to determine whether the applicable laws relating to health and safety have been satisfied and then report findings in writing to the Town Manager;

C. The Fire Chief, within fifteen (15) days of notice, shall inspect the location or proposed location of the business to determine if applicable State

and fire safety regulations have been satisfied and then report findings in writing to the Town Manager;

D. A constable or other law enforcement officer shall investigate the applicant, including the criminal history record information required under Section V (1) (E) and then report findings in writing to the Town Manager and

E. The Code Enforcement Officer, within fifteen (15) days of notice, shall verify that the proposed premises of the establishment will comply with Section X and with all other applicable State and Town laws and land use codes of the Town and then report findings in writing to the Town Manager.

3. Issuance of license- The Board of Selectmen, after notice and public hearing, shall determine whether the application and documents submitted comply with all of the requirements of this ordinance. The license shall be issued upon determination by the Board of Selectmen, based upon the record, including evidence and testimony at the public hearing, that the applicant meets the requirements of this ordinance. The license may not be transferred or assigned.

## Section VI. Standards of Denial

An application for a sexually oriented business license shall be denied by the Board of Selectmen in the following circumstances:

A. The applicant is a corporation or other legal entity that is not authorized to do business in the State of Maine;

B. The applicant is an individual who is less than eighteen (18) years of age;

C. The applicant has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required by the Town Manager or the Board of Selectmen that is reasonably necessary to determine whether the license is issuable;

D. The applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has been denied a sexually oriented business license for knowingly making an incorrect statement of material nature within the immediately preceding five (5) years;

E. The applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has had a license granted pursuant to the ordinance or a similar ordinance provision in any other municipality revoked for any reason during the immediately preceding five (5) years;

- F. The applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has committed any Specified Criminal Activity as defined herein;
- G. The site on which the sexually oriented business is proposed is a prohibited site under Section X, or
- H. The application in any other way fails to meet the requirements of this ordinance.

#### Section VIII. Age Restriction

No sexually oriented business may permit any person under the age of eighteen (18) years on the premises in which the sexually oriented business is located.

#### Section IX. Display of License, Price Charges and Names of Owners or Officers to be Prominently Displayed

A sexually oriented business licensee must display the sexually oriented business license at all times in an open and conspicuous place in the sexually oriented business for which the license has been issued. Sexually oriented business licenses must also display at all times, in an open and conspicuous place in the sexually oriented business, a complete list of the names of owners and officers of the sexually oriented business and a complete list of fees, prices and charges for all food, beverages, goods, wares, merchandise or services offered by the business.

#### Section X. Prohibited Sites, Site Requirements

1. A sexually oriented business may not be sited within 1000 feet of the lot lines of any of the following:
  - A. a church, synagogue or other house of religious worship;
  - B. a public or private elementary or secondary school;
  - C. a day care facility;
  - D. a public park or public recreational facility;
  - E. another sexually oriented business;or within 500 feet of the lot lines of any residence.

The distance cited in this section shall be measured between any structure used as a sexually oriented business and the lot line of the use listed (A) through (E) above, or a lot line of a residence at their closest points.

2. A sexually oriented business must have a separate driveway entrance, parking area and signage at least 200 feet from any driveway entrance or signage of any of the following:

- A. a church, synagogue or other house of religious worship
- B. a public or private elementary or secondary school
- C. a day care facility
- D. a public park or public recreational facility
- E. another sexually oriented business

3. A sexually oriented business must have a contiguous six (6) foot high solid fence along all boundary lines it has in common with any of the following:

- A. a church, synagogue or other house of religious worship
- B. a public or private elementary or secondary school
- C. a day care facility
- D. a public park or public recreational facility
- E. another sexually oriented business

4. A lawful existing sexually oriented business, at the time of renewal of a not yet expired valid license, shall not be in violation of the site requirements of Section X by the subsequent location of a residence, day care center, school, house of worship or public park or recreational area, at a site that would otherwise conflict with the site requirements of this Section.

#### Section XI. Interior Layout of Sexually Oriented Business

1. Any sexually oriented business having available for customers, patrons or members, any booth, room or cubicle for any private viewing of any adult entertainment shall comply with the following requirements:

A. Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the sexually oriented business and shall be unobstructed by any door, lock or other control-type device.

B. Construction. Every booth, room or cubicle shall meet the following construction requirements:

1. Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any non-public areas by a wall.
2. Each booth, room or cubicle must have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth, room or cubicle.
3. All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light-colored, non-absorbent, smooth textured and easily cleanable.
4. The floor must be light-colored, non-absorbent, smooth textured and easily cleanable.
5. The lighting level of each booth, room or cubicle, when not in use shall be a minimum of ten (10) foot candles at all times, as measured from the floor.

C. Occupants. No more than one individual shall occupy a booth, room or cubicle at any time. No occupant of a booth, room or cubicle shall engage in any type of sexual activity, cause any bodily discharge of litter while in the booth. No individual shall damage or deface any portion of the booth.

2. Any adult motion picture theater shall comply with the following:

A. Aisle lights and overhead lights in the theater shall be kept on during business hours and shall illuminate to a minimum of ten-foot candles except when motion pictures are being shown;

B. No standing shall be allowed in the theater;

C. Signs shall be posted warning patrons that sexual activity is prohibited in the theater and informing them of the presence of surveillance cameras; and

D. Theater employees shall regularly patrol the theater during business hours and eject persons found to be engaged in sexual intercourse, a sexual act, sexual contact or any criminal activity. Incidents of sexual intercourse, a sexual act, sexual contact or any criminal activity in the theater shall be immediately reported to law enforcement officer.

3. Restrooms must be individual rooms and shall not contain facilities for more than one person at a time. No more than one person may be in the restroom with the door closed at any time.

## Section XII. Prohibited Activities

A. All acts of public indecency, as defined in 17-A MRSA 854, are prohibited in sexually oriented businesses.

B. Dancers, performers, employees, owners or officers of a sexually oriented business shall not fondle or caress any patron or client, and patrons and clients shall not fondle or caress dancers, performers, employees, owners or officers of the sexually oriented business.

C. Dancers, performers, employees, owners or officers of a sexually oriented business shall not commit or perform, or offer to agree to commit or perform, any specified sexual activity either alone or with each other or any patron or client of the sexually oriented business; and

D. Patrons and clients of the sexually oriented businesses shall not commit or perform, or offer to agree to commit or perform, any specified sexual activity either alone or with any dancer, performer, employee, owner, officer, patron or client of the sexually oriented business.

### Section XIII. Dancers and Other Performers

A sexually oriented business must observe the following restrictions on dancers and performers:

A. All dancing or other performances must occur on a platform intended for that purpose which is raised at least two (2) feet from the level of the floor.

B. No dancing or other performance shall occur closer than ten (10) feet from any patron and no patron shall be allowed to be closer than ten (10) feet from any dancer or other performer.

### Section XIV. Amortization of Sexually Oriented Business Lawfully Existing as of the Date of the Adoption of This Ordinance

A sexually oriented business lawfully existing on November 2, 2004 shall be permitted to continue to operate as a lawfully non-conforming use without complying with the licensing requirements, location requirements and other terms and standards of this ordinance for a period of time determined by consideration of the length of time during which the sexually oriented business lawfully existed prior to the adoption of this ordinance. This amortization period shall be determined according to the following table:

Months of Operation of Existing Business Prior to November 2, 2004	Period of Time after November 2, 2004 Before Existing Business Must Fully Comply with this Ordinance
Less than 6 months	6 months
6 months to 36 months	one year
36 months to 72 months	two years
72 months to 120 months	three years
Greater than 120 months	five years

During the amortization period, a lawfully existing sexually oriented business may not be increased, enlarged, extended or altered, including any increase or change in the nature of products or services provided to customers, except that the use may be changed to a conforming use. At the end of the amortization period an existing sexually oriented business shall have either obtained a license in full compliance with this ordinance or have ceased operation.

#### Section XV. Enforcement

A violation of this ordinance is a civil violation and the civil penalties and remedies under shall apply. The owner of the premises on or in which the sexually oriented business is located, who is not the licensee of the sexually oriented business, is jointly and severally liable with the licensee for any violations of Section X to XIII. The ordinance shall be enforced by the Code Enforcement Officer, in conjunction with the Board of Selectmen. If court action is required to enforce this ordinance, the Town shall be awarded its enforcement costs, including its reasonable attorney's fees.

#### Section XVI. Severability

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

## Section XVII. Conflict with Other Ordinance

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 apply.

## Section XVIII Appeals

An appeal from any final licensing, denial, suspension or revocation decision of the Board of Selectmen may be taken by an aggrieved party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure. Service of Process shall be served on the Town Clerk or any Selectmen. The Town shall file its responsive pleadings and record of proceedings with the Court no later than ten (10) business days after service of the summons and complaint. Additionally the Town shall submit its responsive brief within fourteen (14) days after receipt of the plaintiff's brief and shall move for an expedited hearing. All enforcement action, if any, shall be stayed during the pendency of the Rule 80B appeal.

THIS ORDINANCE ADOPTED 6/15/05 REPEALS AND REPLACES  
THE NOVEMBER 2004 ORDINANCE.

**BOARD OF APPEALS ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Board of  
Appeals Ordinance of the Town of Livermore Falls" as  
certified to me by the Municipal Officers of the Town of  
Livermore Falls in July, 1996**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

# **BOARD OF APPEALS ORDINANCE TOWN OF LIVERMORE FALLS**

## **Board of Appeals**

### **1. Establishment**

A Board of Appeals is hereby established in accordance with State Law and the provisions of the ordinance.

### **2. General Provisions**

A. Business of the Board shall be conducted in accord with Maine Statutes, Town Ordinances and the procedures adopted by the Board in its Bylaws.

B. It shall be the responsibility of the Board to become familiar with all the duly enacted Ordinances of the Town which may be expected to act upon as well as with the applicable State Statutes.

C. It shall be the responsibility of the Board to become familiar with the community goals, desires and policies as expressed in the Livermore Falls Comprehensive Plan, and grant the minimum relief which will insure that the goals and policies of the plan are preserved and substantial justice is done.

### **3. Appointments**

A. The Board of Appeals shall be appointed by the Municipal Officers/Town Manager and shall consist of five (5) members, all of whom shall be legal residents of the municipality, serving staggered terms of at least three (3) years and not more than five (5) years. The Board shall elect annually a Chairperson, acting Chairperson and a Secretary from its membership. A quorum shall consist of three (3) members.

B. A Municipal Officer or his/her spouse may not serve as a member or associate member.

C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereof shall be decided by a majority vote of the membership who is being challenged.

D. A member of the Board may be dismissed for cause by the Municipal Officers upon written charges and after a public hearing.

#### 4. Duties

A. The Officers of the Board shall consist of a Chairperson, Acting Chairperson and a Secretary, who shall be elected annually by the majority of the Board, and shall until their successors are elected.

B. Chairperson. The Chairperson shall perform all duties required by law and the Bylaws and preside at all meetings of the Board. The Chairperson shall rule on issues or evidence, order and procedure, and shall take such other actions as are necessary to carry out the business of the Board.

C. Acting Chairperson. The Acting Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson's absence, disability or disqualification.

D. Secretary. The Secretary, subject to the direction of the Board and the Chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange from proper and legal notice of hearings, attend to all correspondence of the Board, and to other duties as are normally carried out by the Secretary. All records are public and may be inspected at reasonable times.

#### 5. Powers and Limitations

A. The Board shall have the following powers to be exercised only upon receipt of a written appeal by an aggrieved party:

1. The Board may interpret the provisions of any applicable Town Ordinance which are called into question.

2. The Board may approve the issuance of a special exception permit or conditional use permit if it deems appropriate.

3. The Board may grant a variance only where strict application of any applicable Town Ordinance, or a provision thereof, or Maine State Statute to the petitioner and his property. For examples:

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 of the neighborhood;

C. That the granting of a variance will not alter the essential character of the locality;

D. The hardship is not a result of action taken by the applicant or prior owner.

4. The Board shall have the power to hear and determine all appeals by any person directly or indirectly affected by any decision, action or failure to act with respect to any Town Ordinance.

## 6. Hearings

A. The Board shall schedule a public hearing on all appeals applications within thirty (30) days of the filing of a completed appeal application.

B. The Board shall cause notice of the date, time and place of such hearing, the location of the building or lot and the general nature of the question involved, to be given to the person making the application and to be posted in three (3) public places within the Town at least seven (7) days prior to the hearing. The Board shall also cause notice of hearing to be given to the Municipal Officers, the Planning Board, the Code Enforcement Officer, and the owners of property abutting that for which the appeal is taken at least twenty (20) days prior to the date of the hearing.

C. The Board shall provide as a matter of policy for exclusion of irrelevant material, or unduly repetitious evidence.

D. The order of business at a public hearing shall be as follows:

1. The Chairperson calls the hearing to order.
2. The Chairperson determines whether there is a quorum.
3. The Chairperson gives a statement of the case and reads all correspondence and reports received.
4. The Board determines whether it has jurisdiction over the appeal.
5. The Board decided whether the applicant has the right to appear before the Board.
6. The Board determines which individuals attending the hearing are “interested parties.” “Interested parties” are those persons who request to offer testimony and evidence and to participate in oral cross-examination. They would include abutting property owners and those who may be adversely affected by the Board’s decision. Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Municipal Officers, the Planning Board, the Code Enforcement Officer shall automatically be made parties to the proceedings. Other persons attending the hearing and federal, state, municipal and other governmental agencies shall be permitted to make oral or written statements and to submit oral or written questions through the Chair.
7. The appellant is given the opportunity to present his/her case without interruption.
8. The Board and interested parties are given the opportunity to present their case.
9. The interested parties are given the opportunity to present their case. The Board may call its own witnesses, such as the Code Enforcement Officer.
10. The appellant may ask questions of the interested parties and Board witnesses directly.
11. All parties are given the opportunity to refute or rebut statements made throughout the hearing.

12. The Board shall receive comments and questions from all observers and interested citizens who wish to express their view.

13. The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All participants should be notified of the date, time and place of the continued hearing.

14. Written testimony may be accepted by the Board for seven days after the close of the hearing.

D. The Board may waive any of the above rules if good cause is shown.

## 7. Decisions

A. Decisions by the Board shall be made not later than thirty (30) days from the date of the hearing.

B. The final decision on any matter before the Board shall be made by written order signed by the Chairperson. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall constitute the record. All decisions shall become part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof.

C. Notice of any decision shall be sent by certified or registered mail, or hand delivered to the applicant, his representative or agent, Planning Board, the Code Enforcement Officer, and the Municipal Officers with seven (7) days of the decision.

D. Decisions of the Board shall be immediately filed in the office of the Town Clerk and shall be made public record. The date of filing of each decision shall be entered in the official records and minutes of the Board.

E. Unless otherwise specified, any order or decision of the Board which permits a use shall expire if a building or occupancy permit for the use is not obtained by the applicant within ninety (90) days from the date of

the decision; however, the Board may extend this time an additional ninety (90) days.

#### 8. Appeal to Superior Court

The decision of the Board of Appeals may be taken, within forty-five (45) days after the decision is rendered, by any party to the Superior Court in accordance with the Maine Rules of Civil Procedure.

#### 9. Severability

A. The invalidity of any section or provision of these by-laws shall not be held to invalidate any other section or provision of these by-laws.

B. In the event of a conflict or inconsistency between this Ordinance and Maine State Law, the Maine State Law will prevail.

Adopted July 1996

**LIVERMORE FALLS  
BOARD OF ASSESSMENT REVIEW  
ORDINANCE**

**ATTEST: A True Copy of an ordinance entitled "Livermore  
Falls Board of Assessment Review Ordinance as certified to me  
by the Municipal Officers of the Town of Livermore Falls on  
the 3<sup>rd</sup> day of July, 1996**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **LIVERMORE FALLS BOARD OF ASSESSMENT REVIEW ORDINANCE**

**Section 1. Creation of Board.** There shall be established a Board of Assessment Review (the “Board”) created and to be staffed pursuant to 30-A, MRSA 2526(6).

**Section 2. Staffing of the Board and Terms of Office.** The Board shall consist of five (5) regular members who shall be appointed by the Board of Selectmen for a term of three (3) years. The initial appointments shall be as follows: one of the members shall have a term of one (1) year; two members shall have terms of two (2) years and the two remaining Board members shall have terms of three (3) years. Thereafter, the term of each new member shall be three (3) years.

**Section 3. Compensation.** Compensation for the members of the Livermore Falls Board of Assessment Review, if any, shall be determined by the legislative body.

**Section 4. Vacancies and Residency Requirement.** Board memberships that become vacant shall be filled by appointment by the Selectmen for the remaining portion of the expired term. Members of the Board shall, at all times, remain as residents of the Town of Livermore Falls. A change of residence by a Board member shall terminate the person’s tenure as a member of the Board.

**Section 5. Duties of the Board.** The Livermore Falls Board of Assessment Review shall:

A. Review appeals from decisions of the assessors regarding applications of abatement of property taxes and make other determinations as are necessary with respect to assessments according with the general laws of the State of Maine, including but not limited to administering appeals under 35 MRSA 843; and

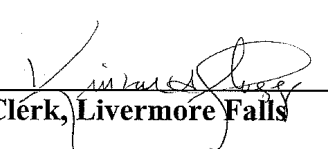
B. In carrying out its functions, the Board shall have the power to administer oaths, take testimony and hold hearings as may be required; and

C. Adopt, subject to approval of the Livermore Falls Board of Selectmen, rules and regulations for the transaction of the business of the Board.

Adopted July 3, 1996

**BOTTLE CLUB ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Bottle Club Ordinance of the Town of Livermore Falls" as certified to me by the Municipal Officers of the Town of Livermore Falls on the 27th day of February, 1981.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **TOWN OF LIVERMORE FALLS BOTTLE CLUB ORDINANCE**

### **Section 1. TITLE**

This ordinance shall be known and may be cited as “The Bottle Club Ordinance” of the Town of Livermore Falls, Maine.

### **Section 2. PURPOSE**

The purpose of this ordinance is to establish procedures for the issuance of licenses for the operation of Bottle Clubs and establish controls over the operation of said clubs.

### **Section 3. AUTHORITY**

A. This ordinance is adopted and hereafter amended pursuant to and consistent with Article VIII-A of the State of Maine Constitution, Title 30 MRSA, Section 1917, “Ordinance Power Limited” (Home Rule).

B. This ordinance is enacted in accordance with Title 30 MRSA, Section 2153 “Enactment Procedure”, (Enactment of Ordinance).

### **Section 4. LICENSE REQUIRED**

No person shall keep, maintain, operate, lease or otherwise furnish, either to its members and guests or to the general public, any premises, building, apartments or place, or portion thereof, for use as a Bottle Club, without first having obtained a license and paying the fee therefore.

Notwithstanding any other provisions of this ordinance, a bonafide non-profit, charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization, organized under the provisions of 13 MRSA 901 and followed or recognized as such by 501 (c) (7) of the Internal Revenue Code, shall not be subject to the provisions of this ordinance provided:

a. They only occasionally allow activities or events at which their members, guests, or members of the public, provide their own alcoholic

beverages, paying a fee for consideration for admission, setups, or for any other reason.

b. Any revenues derived from such activities or events are solely for the use of, or benefit of, the organization.

c. They notify the Municipal Officers at least 20 days in advance of the activity or event and obtain a permit from the Municipal Officers for each activity or event.

d. They otherwise comply with the ordinances and rules and regulations of the Town of Livermore Falls, and the Statutes and rules and regulations of the State of Maine.

## Section 5. Licensing Authority

Licenses shall be issued by the Municipal Officers. The Municipal Officers shall grant a license only when they find that the applicant is in strict compliance with the requirements of this ordinance and other ordinances and rules and regulations of the Town of Livermore Falls, and with statutes and rules and regulations of the State of Maine.

## Section 6. Definitions

A. Bottle Club. A "Bottle Club" is an establishment where no alcoholic beverages are sold, but where members, the guests, or members of the public, provide their own alcoholic beverages, paying a fee or other consideration for admission to the Bottle Club, setups, or any other reason.

B. Person. "Person" shall mean any natural person, corporation, association, or partnership.

C. Principal Officers. "Principal Officers" shall mean the applicant and any officer, director, stockholder, owner, manager, or person who either has a financial interest of any nature in a Bottle Club or directs any policy of a Bottle Club.

## Section 7. Fees

Fees for a license for a Bottle Club shall be paid annually:

Bottle Club .....\$375.00

## Section 8. Application and Information

Every applicant for a Bottle Club license shall:

A. Complete and file an application on a form prescribed by the Municipal Officers.

B. Deposit the prescribed license fee in advance with the Town Clerk.

C. Submit the completed application to the Town Clerk, together with attested copy of the Articles of Incorporation and Bylaws, if the applicant is a corporation; or Articles of Association and Bylaws, if the applicant is an association; or partnership documents, if the applicant is a partnership; as well as a list of all civil officers of the Bottle Club.

D. File an affidavit which will identify all principal officers, their places of residency at the present time and for the immediately preceding three years. Submission of false information in an application shall be a violation of this ordinance and such act shall be grounds for the denial of the application. There shall be a continuing obligation to, by affidavit, inform the Municipal Officers of any changes in the principal officers within 15 days after such changes occur.

## Section 9. Eligibility

No person shall be licensed to keep, maintain, operate, lease, or otherwise furnish a Bottle Club unless the eligibility requirements found in Title 28, 201, are met by said person in its principal officers.

## Section 10. Description of the Premises

Every applicant for a Bottle Club license shall include in the application a description of the premises for which a license is desired and shall set forth such other material information, description, or plan of that part of the

premises where it is proposed to consume or keep liquor, as desired by the Municipal Officers.

#### Section 11. Membership Rules

Membership in a Bottle Club shall be determined by written membership rules, which shall be promulgated by the principal officers of the Bottle Club.

#### Section 12. Investigation of the Applicant

The Municipal Officers or their designated agent shall fully investigate the principal officers of the Bottle Club for compliance with Title 28, 201 and shall fully investigate the premises of the Bottle Club for compliance with Town of Livermore Falls ordinances and rules and regulations, and with State of Maine statutes and rules and regulations, which are applicable. In doing so they may consult with the appropriate officials of the Town or of the State of Maine.

#### Section 13. Hearing

Upon receipt of each application for a Bottle Club license, and after the investigation provided for in Section 12, the Municipal Officers shall schedule a public hearing. The public hearing shall be conducted in a method consistent with the requirements of Title 28, 252.

#### Section 14. License not to be Transferable

A separate license must be obtained for each branch or separate establishment of the Bottle Club. Each license shall authorize the operation of such an establishment only at the location described in such license and in conformity with all applicable ordinances and laws. No license shall be transferred to another person or to any other location, except that licensed Bottle Club may change its name upon approval of the Municipal Officers, if its location remains the same.

#### Section 15. Display of License

Every Bottle Clubs shall exhibit its license at all times in a conspicuous place on its premises.

## Section 16. Expiration

All licenses issued pursuant to this ordinance shall expire one year after the date of issuance.

## Section 17. Proximity to Schools and Churches

No Bottle Club license shall be granted under this ordinance to premises situated within 300 foot of a public or private school, school dormitory, church, chapel or parish house, in existence as such as the time such license is applied for. The 300 foot distance shall be measured from the main entrance from the school, school dormitory, church, chapel, or parish house by the ordinary course of travel.

## Section 18. Minors Not Permitted on Bottle Club Premises

No person under the age of 20 years shall be permitted in or on that part of the premises subject to the control of any Bottle Club.

## Section 19. Entertainment

For the purposes of the Town of Livermore Falls Special Amusement Ordinance and Rules and Regulations, the applicant for a Bottle Club license shall be considered a licensee, and shall be subject to all provisions set forth in said ordinance, rules and regulations.

## Section 20. Hours

The principal officers and employees of Bottle Clubs shall not permit the consumption of alcohol beverages on its premises between the hours of 2:00 a.m. and 6:00 a.m. on January 1st, and 1:00 a.m. and 6:00 a.m. on other days.

## Section 21. Entrance

The entrance to every Bottle Club shall be plainly marked "Bottle Club, Members and Guests Only".

## Section 22. Illegal Activities

The principal officers and employees of Bottle Clubs shall not knowingly permit any illegal activities to take place on the licensed premises. Law Enforcement Officers of the Town of Livermore Falls, the State and the County shall have the same access to the premises of a Bottle Club that they would have if the Bottle Club were an establishment licensed by the State for on-premises consumption of alcohol.

## Section 23. Suspension or Revocation

A license to operate a Bottle Club, as provided for in this ordinance, may be denied, suspended or revoked by the Municipal Officers for either violation of or failure to comply with any of the provisions of this ordinance, or with the provisions of any other ordinances or rules and regulations of the Town of Livermore Falls, or Statutes or rules and regulations of the State of Maine. A license may be suspended or revoked by the Municipal Officers, only after Notice and Hearing.

## Section 24. Rules and Regulations

The Municipal Officers are hereby authorized after public notice and hearing, to establish written rules and regulations governing the operation of the establishment and the issuance, suspension and revocation of Bottle Club permits.

Such rules and regulations shall be in addition to and consistent with all sections of this ordinance.

## Section 25. Appeals

Appeals from any final decision of the Municipal Officers shall be taken by any party to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedures.

## Section 26. Penalty

In addition to any action which the Municipal Officers may take, violation of any provision of this ordinance shall be a civil violation and a fine not exceeding \$495.00 may be imposed, which shall accrue to the benefit of the

Town of Livermore Falls. Each day that a violation continues will be treated as a separate offense. The Municipal Officers may also seek injunctive relief, where appropriate.

#### Section 27. Severability

If any section or provision of this ordinance shall be found to be invalid, no other section or provision shall be invalidated thereby.

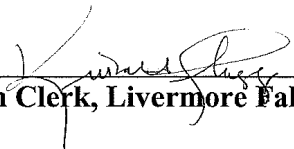
#### Section 28.

This ordinance shall be effective when adopted by the legislative body of the Town of Livermore Falls.

Adopted February 27, 1981

**BUILDING LOT STANDARDS ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Building  
Notification Ordinance of the Town of Livermore Falls" as  
certified to me by the Municipal Officers of the Town of  
Livermore Falls on the 15th day of June, 2005.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **Building Lot Standards Ordinance**

### **Article I. Purpose**

To protect the health, safety and general welfare of the residents of Livermore Falls, Maine by establishing standards for the creation of building lots throughout the town, to secure the rural qualities of peace, privacy and quiet, and so far as possible to assure that changes in population, taxes and property values shall be gradual and orderly.

### **Article II. Administration and Authority**

The code Enforcement Officer shall administer and enforce this ordinance. This ordinance is adopted and may be amended according to Article VIII, Part 2, Section 1 of the State of Maine Constitution; Title 30-A M.R.S.A. Section 3001, "Ordinance Power Limited" (Home Rule).

### **Article III. Applicability**

- A. This ordinance shall apply in the Town of Livermore Falls to all new lots recorded after the approval of this ordinance, upon which a year-round dwelling, seasonal dwelling, mobile home or other habitat trailer is to be placed or erected, except housing funded by government agencies for use by the elderly, handicapped or economically disadvantaged persons.
- B. Contiguous lots are lots which adjoin at any line or point, or are separated at any point by a body of water less than 15 feet wide. If the same owner owns two or more contiguous lots, any of which is smaller than the minimum lot size required herein, they shall be combined for the purpose of approaching or reaching the minimum square footage and road frontage required for new lots.
- C. All dwellings built, rebuilt or replaced on a nonconforming lot in the "Village Area" of Livermore Falls shall be within the same footprint as the previous dwelling and shall be constructed/placed upon a full foundation wall at least four feet in height. The village area shall include all of the area defined by the Jay town line on the north, the Androscoggin River on the west, the CMP right of way on the east and on

the south by an east-west line from the river to the power lines and encompassing all properties abutting Gilbert Street, the south loop.

#### **Article IV. Lot Requirements**

- A. For those areas served by municipal sewer, a minimum of 10,000 square feet shall be required with a minimum of 100 feet on the roadway, or body of water.
- B. For those areas not served by municipal sewer, a minimum of 40,000 square feet shall be required with a minimum of 150 feet on the roadway, or body of water
- C. A 25 foot setback from the right-of-way limits of a public road or travel way, or private road except that a dwelling destroyed by fire or natural disaster may be replaced within one year at the same location
- D. Any building or dwelling must be set back at least 10 feet from all other lot boundaries.
- E. No more than one dwelling unit may be located on one lot, unless the lot is large enough to meet the aggregate dimensional requirements for all units.
- F. All residential structures shall be at least 400 square feet in size.
- G. No building permit shall be issued for any structure on any new lot that is a back-lot created after the effective date of this ordinance and that does not have frontage on a public or private road, unless the new back-lot is served by right-of-way at least 50 feet in width.

#### **Article V. Permits Required**

- A. Any person, firm or corporation, before erecting or establishing a dwelling, habitat trailer (other than a travel trailer) or other dwelling unit, or miscellaneous construction as defined in 3 below, shall obtain a permit from the Code Enforcement Officer. Any

request for a permit shall include an accurate measurement of the lot acceptable to the Code Enforcement officer, and evidence of compliance with the State Plumbing Code. The application shall also include a plan or sketch showing lot boundaries, and all existing or proposed buildings, and the location of any septic system. The Code Enforcement Officer shall not withhold a permit when all requirements of the town's ordinances have been met.

**B. Permit shall be of three types**

1. Year round dwellings, defined as a dwelling used for more than 120 days during a calendar year.
2. Seasonal dwelling, limited to 120 days or less use during the calendar year. No seasonal dwelling may be used year-round without first obtaining a seasonal conversion permit from the Plumbing Inspector and Planning Board if the dwelling is located in Shoreland Zoning.
3. Miscellaneous Construction: any expansion of a dwelling which creates 200 square feet or more of additional floor space; or any other building construction covering 200 square feet or more, such as barns, sheds, outbuildings, garages, etc.

**Article VI. Enforcement**

- A. the minimum penalty for starting construction, or undertaking a land use activity without a required permit shall be \$100.00 and a maximum penalty shall be \$2,500.00; and further provided in Title 30-A M.R.S.A, Section 4452. The town may seek to enjoin anyone from making use or occupying any dwelling or trailer erected or established contrary to this ordinance
- B. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance. If the CEO shall find a violation, he or she shall notify, in writing by certified mail, the person responsible for such violation, indicating the nature of the violation and ordering action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work

being done and removal of illegal buildings or structures. A copy of such notices shall be maintained as a permanent record.

## **Article VII Validity and Severability and Conflict with other Ordinances**

- A. Validity and Severability: shall any section or provision of this ordinance be declared by any court to be invalid such decision shall not invalidate any other section or provision of the ordinance.
- B. Conflict with other ordinances: Whenever the requirements of this ordinance are inconsistent with the requirements of any other regulation, ordinance, code or statute, the more restrictive requirement shall apply.

## **Article VIII Appeals process**

- A. Any aggrieved person may appeal to the Board of Appeals
- B. Filing process: in all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence the appeal within 30 days after the decision. The appeal shall be filed with the Board of Appeals, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

## **Adopted**

March 20, 1975

## **Amended**

February 27, 1981

June 11, 2003

June 15, 2005

**BUILDING NOTIFICATION ORDINANCE  
TOWN OF LIVERMORE FALLS**

**True Copy Attest a Town Meeting was held on June 15<sup>th</sup>, 2005.  
Accepted ordinance entitled "Building Notification Ordinance"  
for Town of Livermore Falls.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **BUILDING NOTIFICATION ORDINANCE**

### **Section I. Title**

This ordinance shall be known and cited as the “Building Notification Ordinance of the Town of Livermore Falls, Maine”.

### **Section II. Purpose**

To protect the public health, safety and general welfare of the people; to protect the environment; and to provide for the orderly development of the land in the Town of Livermore Falls by requiring a Building Notification Permit before construction of residential, commercial, and outbuildings 200 square feet or more.

### **Section III. Applicability**

This ordinance shall apply to all new residential and commercial structures constructed or placed on a piece of property, the creation of one or more dwelling units within an existing structure, the reconstruction of an existing structure that changes the footprint by 200 square feet or more, outbuildings 200 square feet or more, the relocation of an existing residential or commercial structure, garages, barns, to a different parcel of land after the effective date of this ordinance.

### **Section IV. Application Procedure**

A. After the effective date of this ordinance, no person shall engage in any use of land requiring a Building Notification Permit without first obtaining the required form. All applications for a Building Notification Permit shall be submitted to the Town Office on forms provided for that purpose. The approved Building Notification Permit shall be accessible at the premises of construction and is non-transferable. The following information shall accompany the application.

1. A drawing showing the following:

a. Location of the lot or parcel to be developed (i.e. street address, tax map and lot.)

b. The location and dimensions of the proposed buildings, additions to existing buildings.

c. The distances from roads, property lines and any water bodies of the proposed building(s).

d. A copy of permits approved by the Local Plumbing Inspector for a subsurface wastewater disposal system and internal plumbing permits if required.

e. copy of any applicable state permits.

2. The Code Enforcement Officer shall issue Building Notification Forms in conformance with this ordinance.

3. Applications shall be acted upon within 30 days after a completed application is received.

## Section V. Performance Standards

All new residential structures, commercial structures, including additions 200 square feet or more, the relocation of buildings to another site, and outbuildings 200 square feet or larger, shall conform to the following site requirements:

A. Shall conform to the applicable provision of the Minimum Lot Size Ordinance, Building Lot Standards Ordinance, Mobile Home Park Ordinance, and Sewer Ordinance of the Town of Livermore Falls.

B. Sanitary Standards: All new residential structures and commercial structures shall comply with the following:

1. An approved sewage waste disposal system. If an approved privy (a.k.a. outhouse) is to be used, an approved system for the disposal of gray water (i.e. dishwater, bath water, etc.) is required.

2. All residential structures shall be capable of being provided with a potable water supply.

## Section VI. Authority and Administration

### A. Authority

1. This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-a MRSA, Section 3001.

2. This ordinance is enacted in accordance with Title 30-A, Section 3002, "Enactment Procedure" (Enactment of Ordinance) and Section 4452, "Enforcement of Land Use Laws and Ordinances".

## Section VII. Enforcement

A. Any person, firm or corporation, being the owner of the property where such construction, demolition, or relocation (including plumbing) is being completed; who violates any provision of this ordinance shall be liable for the penalties set forth in Title 30-a MRSA, Section 4452, as it may, from time to time, be amended. The Code Enforcement Officer may institute proceedings to enjoin any violation of this ordinance and for other penalties. The party found guilty of violating this ordinance shall pay the Town's legal fees and expenses.

B. Any construction, placement, or relocation (including plumbing), undertaken WITHOUT A REQUIRED BUILDING NOTIFICATION PERMIT shall be penalized as follows:

1. An application for a Building Notification Permit must be acquired after the fact.
2. The applicant shall pay a fine of: First: Offense \$50.00, Second Offense \$100.00, Third Offense \$500.00, any further violations the penalty fine shall be set by the Board of Selectmen based on the seriousness of the violation, location and damage it may have caused.
3. Any activity which is non-conforming or in any way in violation of the terms of this Ordinance, of which, when completed would be in violation, shall immediately upon notice of the Code Enforcement Officer, be halted. If so directed by the Code Enforcement Officer, the site shall be returned to its original condition.

## Section VIII. Amendments

A. This ordinance may be amended by a majority vote at a Town Meeting. Amendments may initiated by a majority vote of the Planning Board, by a request of the Board of Selectmen, or by petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

B. The Planning Board shall hold public hearings on all proposed amendments.

## Section IX. Validity, Effective Date, Conflict of Ordinances

A. 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, and to this end, the provisions of this ordinance are hereby declared to be severable.

B. The effective date of this ordinance shall be upon adoption by the Governing Body.

C. This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance imposes a higher standard for the promotion and protection of the health and safety, the provisions of this ordinance shall prevail. The current Building Lots Standards will still apply. Lots created before June 11, 1997 will not be required to acquire a building permit, but a Building Notification Permit will need to be applied for.

## Section X. Appeals Process

A. Any aggrieved person or party may appeal to the Board of Appeals.

B. Filing Procedures: In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence the appeal within 30 days after the decision. The appeal shall be filed with the Board of Appeals, and the aggrieved person shall specifically set forth on the form the grounds for appeal.

Definitions:

A. Adequate Water Supply: Running water piped thereto in an approved manner so as to keep the residential structure in a clean and sanitary condition, year round.

B. Commercial Structure: A structure utilized for the buying or selling of goods or services or the provision of facilities for a fee. Commercial uses shall include, but not limited to: professional and business offices; retail outlets; services such as barber or beauty shops; laundromats; repair shops; restaurants; hotels, etc.

C. Lot: A parcel described on a deed, plot or similar legal document.

D. Mobile Home: Structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as a residential structure, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

E. Modular Home: A residential structure of one or more prefabricated sections designed for location and a permanent foundation.

F. New Structure: Any structure which is placed, constructed or substantially reconstructed within the Town, or first occupied, after the effective date of this ordinance.

G. Outbuilding: Structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any process, animals, equipment, goods or materials of any kind associated with these types of buildings.

H. Principle Structure: The structure in which the principle use of the lot is located.

I. Residential Structure: Any residential structure that all or part of which is designed for use as a living quarters. Factory built homes, mobile homes, modular homes and site built homes shall be considered residential structures.

J. Site-built Structure: A structure which is constructed on the site on which it is to be located.

K. Structure: Any residential, commercial, or outbuildings 200 square feet or larger having a roof supported by columns or walls and intended for the shelter, housing or enclosures of any process, animals, equipment, goods or materials of any kind associated with these types of buildings (garages and barns are included).

Adopted June 15, 2005

**COIN OPERATED AMUSEMENT DEVICE  
ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Coin  
Operated Amusement Device Ordinance of the Town of  
Livermore Falls" as certified to me by the Municipal Officers  
of the Town of Livermore Falls on the 11th day of June, 2003.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **COIN OPERATED AMUSEMENT DEVICE ORDINANCE TOWN OF LIVERMORE FALLS**

### **Article I. Definition: Coin Operated Amusement Device**

A coin operated amusement device shall include all of those machines whether mechanical or electronic which upon insertion of a coin, slug, token plate or disc may be operated by the public generally for the use as a game, entertainment or amusement whether or not registering the score; and which are operated for amusement only and do not dispense any form of payoff, prize or reward except free replays, excluding machines whose primary function is musical entertainment.

### **Article II. Licenses**

A. It shall be unlawful for any person, firm, corporation or association to keep for public patronage or to permit or allow thereupon any coin operated amusement device in or on any premises or location under his or its charge, control or custody without having first obtained a license therefore from the Municipal Officers of the Town of Livermore Falls. Said license shall be issued by the Municipal Officers upon the payment of an annual fee of \$20.00 for each machine located at said premises and said license shall expire on May 1<sup>st</sup> of each year. License fees shall be prorated to ½ fee when obtained six or fewer months prior to the May 1<sup>st</sup> deadline.

B. A seven day temporary license may be issued to a bonafide non-profit organization, fraternal, church or fair association so long as that organization is located in Androscoggin or Franklin Counties. Said license shall not exceed seven days in any calendar year. Said license shall be issued by the Municipal Officers upon payment of a fee of \$10.00 per machine.

C. The license required by this ordinance shall be posted securely and conspicuously on the premises for which it is granted. Said license shall not be transferable to any other person, firm, corporation, association or from location to location and shall be valid only at the location and for the person, firm, corporation, association designated therein. Such license shall not be granted to any persons under the age of eighteen years nor to any firm, corporation or association whose officers are under said age.

D. Minors under the age of thirteen years, unless accompanied by a parent or legal guardian, shall not be allowed to play said machines. The licensee shall be responsible for assuring conformance to this section.

E. Licenses granted pursuant to this ordinance shall be non-transferable between individuals and shall apply only to the premises and specific number of machines for which the licenses are originally granted. The addition of machines shall require the issuance of additional licenses covering the added machines prior to installation.

F. All licenses issued pursuant to this ordinance shall be valid between the hours of 7 a.m. and 1 a.m. and no such coin operated amusement device shall be licensed for operation during the period from 1:01 am through 6:59 am.

### Article III. Violations

A. Any person, firm or in the case of a corporation or association, any official or agent hereof, violating any of the provisions of this ordinance, shall upon conviction in a court of law be punished by a fine not to exceed \$100 for each offense and each day such violation exists shall constitute a separate offense. All said fines shall be recovered on complaint to the use of the Town of Livermore Falls.

B. Any such license issued herein may be revoked by the Municipal Officers after duly called hearing when any of the following violations are found:

1. The machines located on the premises exceed the number described in the license.
2. That minors under the age of thirteen (13) years have been allowed to operate said machines in violation of the terms of the ordinance.
3. That any violation of the other specifics of this ordinance have been violated.

### Article IV. Effective Date

The effective date of this ordinance shall be the date of enactment.

Adopted February 23, 1983

**AN ORDINANCE ESTABLISHING A CURFEW WITHIN  
THE TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled “An  
Ordinance Establishing a Curfew Within the Town of  
Livermore Falls” as certified to me by the Municipal Officers  
of the Town of Livermore Falls on the 12th day of June, 2002.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **AN ORDINANCE TO ESTABLISH A CURFEW WITHIN THE TOWN OF LIVERMORE FALLS**

WHEREAS, there has been an increase in juvenile violence and property crimes, and an increased presence of juvenile gang activity in the Town of Livermore Falls; and

WHEREAS, persons under the age of eighteen are particularly susceptible, because of their lack of maturity and experience, to participation in unlawful activities and gang-related activities, and to victimization by older perpetrators of crime; and

WHEREAS, the Town of Livermore Falls is obligated to provide for: the protection of minors from each other and from other persons, the protections of the health, safety and welfare of the general public, and the reduction of juvenile crime, violence and gang-related activity in the Town; and

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

NOW THEREFORE, BE IT ORDERED BY THE LEGISLATIVE BODY OF THE TOWN OF LIVERMORE FALLS, MAINE:

### **Section I. Title**

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

### **Section II. Definitions**

#### **A. Curfew hours means the hours from:**

9:31 PM until 6:00 AM for minors 11 or less years of age  
10:01 PM until 6:00 AM for minors 12 or 13 years of age, and  
10:31 PM until 6:00 am for minors 14 or more years of age  
On Friday and Saturday evenings the hours specified above  
shall be extended by 1 hour.

B. 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.

C. Guardian means a person or a public or private agency who either pursuant to court order or acceptance of testimony appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under MRSA Title 18-A, Section 5-104.

D. Minor means any person who is seventeen years of age or younger.

E. Parent means a person who is the natural parent, adoptive parent or step-parent of the minor.

F. Public place means a place located in the Town of Livermore Falls 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, and the common areas in and about apartment buildings, office buildings, schools, shops and places of entertainment.

G. Remain means to linger or stay, as well as 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.

H. Time of night referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the Town of Livermore Falls, prima facia the time then observed in the Livermore Falls municipal building and police station.

### Section III. Offenses

A. It shall be unlawful for a minor to remain in a public place during curfew hours.

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

#### Section IV. Defenses

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

- A. Accompanied by the minor's parent or guardian;
- B. Involved in an emergency or on an errand necessitated by an emergency;
- C. Engaged in an employment activity, or on the way to or from an employment activity, without any detour or stop except to drop off or pick up a co-employee;
- D. In a motor vehicle involved in interstate travel;
- E. On the sidewalk abutting the minor's home;
- F. On an errand directed by a parent or guardian, without any detour or stop;
- G. Attending a school, religious, or governmental activity, which is supervised by adults, or traveling to and from such a school, religious, or governmental activity without detour or stop;
- H. Attending a recreational activity sponsored by the Town of Livermore Falls, MSAD #36, a civic organization or similar entity, which is supervised by adults, or traveling to or from such an activity without detour or stop;
- I. Exercising rights protected by the First Amendment of the United States Constitution;
- J. Married, or otherwise legally emancipated;
- K. When authorized by special permit from the Police Chief or the Police Lieutenant, which must be in writing and carried on the person of the minor while not complying with the curfew. Permit must state times and dates of exception.

## Section V. Enforcement

Before taking any action to enforce this ordinance, a police officer shall ask the apparent offender's age. The officer may ask for proof of the apparent offender's age, and shall be justified in taking action to ascertain the apparent offender's age in the absence of identification, such as taking the apparent offender into custody while contacting his or her parent or guardian, or accompanying the apparent offender to his or her residence for the purpose of obtaining identification.

If the apparent offender is a minor, or cannot produce identification proving otherwise immediately, the officer shall ask the reason for the apparent offender's being in a public place. The officer shall not take any action to enforce this section unless the officer reasonably believes that an offense has occurred and, based on any response as well as other circumstances, no defense provided in Section IV is applicable. If the officer does not have such a reasonable belief, the officer may take the minor into custody for the purposes of contacting the minor's parent or guardian to come to take control of the minor. The police officer shall summons the minor and the minor's parent to the District Court for violation of this ordinance. During this period, the officer may require the minor or the minor's parent or guardian or both to remain in the officer's presence for a period of up to two hours so long as the office complies with all requirements of law, including, without limitation, MRSA Title 17-A, Sections 1-7.

## Section VI. Penalties

A. The penalty for a minor who violates this ordinance shall be:

1. For the first offense, five hours of community service and/or a fine of up to \$50.00; and
2. For each subsequent offense, ten hours of community service and/or a fine of up to \$100.00

B. The penalty for a parent or guardian who knowingly permits a minor to violate this ordinance shall be:

1. For the first offense, a fine of \$50.00; and

2. For each subsequent offense, a fine of \$100.00

#### Section VII. Severability

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

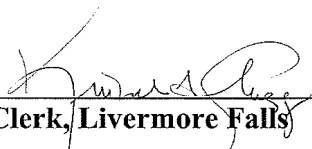
#### Section VIII. Repealed

This ordinance shall supercede all previous curfew ordinances, which are hereby repealed from and after the effective date of adoption of this ordinance.

Adopted June 12, 2002

**DOG CONTROL ORDINANCE  
TOWN OF LIVERMORE FALLS**

**TEST: A True Copy of an ordinance entitled “Dog Control Ordinance of the Town of Livermore Falls” as certified to me by the Municipal Officers of the Town of Livermore Falls on the 12th day of June, 2002.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **DOG CONTROL ORDINANCE TOWN OF LIVERMORE FALLS**

### **Section I. Purpose**

This ordinance is adopted in the exercise of municipal home rule power under the Maine Constitution and 30-A MRSA Section 3001. The purpose of this ordinance is to regulate dogs in the Town of Livermore Falls, to end the problems caused by dangerous dogs, dogs running at large, barking dogs, and property damage occasioned by dogs held to a minimum or eliminated, for the protection of the health, safety, comfort, convenience and general welfare of the residents of the town, without unreasonably restricting owners and their dogs in their normal activities, while holding owners responsible, where it is appropriate to do so, for the deleterious conduct of their dog.

### **Section II. Definitions**

As used in this ordinance, unless the text clearly otherwise indicates, the following words and phrases have the following meanings:

A. “Attack”, “attacks”, and “attacking” means an unprovoked actual biting; they also mean, where they occur without provocation, a mere showing of the teeth, or growling and barking, or any combination of these acts, from which a person reasonably receives an impression of impending or imminent physical harm by the dog to himself or herself, to another or others, or to a domestic pet or farm animal.

B. “Dog” includes both genders of dogs.

C. “Owner” means any person or persons, firm, association, or corporation, or other legal entity amenable to civil process, owning, keeping, or harboring, or in possession of, or having the control of a dog, and includes the parent or parents, or guardian of a minor who owns, keeps, harbors, or is in possession or control of a dog.

D. “Dangerous dog” means the following, regardless of whether the dog is on or off the premises of its owner at the relevant time:

1. A dog that attacks a person regardless of whether it causes physical harm to that person, provided at the time of the attack the person is not trespassing with criminal intent on the owner's premises.

2. A dog that attacks a domestic pet or farm animal and causes harm to that domestic pet or farm animal.

It is irrelevant to these definitions of a dangerous dog that an attack occurs outside the Town of Livermore Falls, or even outside the State of Maine.

E. "Running at large" means off the premises of the dog's owner and not under the control of an owner of the dog who is physically capable of controlling and restraining the dog by a leash, cord or chain.

### Section III. Nuisance

Dangerous dogs, dogs running at large, and barking dogs are hereby declared a public nuisance.

### Section IV. Identification

An owner shall ensure that the owner's dog, if two months old or older and out of doors, whether on or off the premises of the owner, unless confined within a secure enclosure or container, wears a collar or harness which there must be securely attached an identification tag with the owner's name, address (if any), and telephone number (if any). Alternatively, an owner may provide for identification by having the dog wear such a collar that it is at all times clearly and legibly embroidered with the information which in combination with one or more security tags shows the required information.

### Section V. Running at Large

Special restrictions governing dogs on municipal property. No owner of a dog shall cause or permit a dog to run at large within the town. A dog, while in or on the way or place other than a public way or other municipal property, shall be deemed to be under restraint within the meaning of this ordinance if it is controlled by a leash, cord, or chain. An owner of a dog shall ensure that the dog, when on any public way, and on all municipal property, including but not limited to the town parks and public ways, municipal sidewalks and recreational and athletic fields, is on a leash or

tether at all times and is accompanied by an owner who is physically able to control and restrain the dog from an attack and who tends the leash or tether at all times while the dog is on municipal property, and who does not permit the dog to run at large on municipal property. An owner accompanying a dog on municipal property, other than an owner with visual acuity accompanying a seeing eye dog, so called, on municipal property, shall collect any feces or vomits deposited by the dog and dispose of same in a sanitary, lawful manner.

Nothing in the ordinance shall be held to require the leashing or restraint of any dog other than a dangerous dog while on the owner's premises.

## Section VI. Dangerous Dogs

An owner who is given notice in writing by the Town's Animal Control Officer, any Law Enforcement Officer, or any State Official that the owner's dog has bitten or is reasonably believed to have bitten any person, or has or is reasonably believed to have in any way injured any person so as to cause an abrasion of the skin to that person, shall not without further written authorization by an officer or official, sell, give, or otherwise convey the ownership or possession of that dog, or remove or suffer or permit that dog to be moved beyond the boundaries of the town, except or under the care of a licensed veterinarian, or of an animal control officer, or a law enforcement officer. An owner receiving such notice shall immediately place the dog under confinement for a period of at least 10 days and shall promptly obey all rabies detection and control directions of an animal control officer, licensed veterinarian, law enforcement officer, or state official concerning that dog. An owner receiving such notice shall comply with all applicable regulations of the Maine Commissioner of Agriculture and the Maine Commissioner of Human Services and their authorized officials, employees, and agents in matters of rabies detection and control.

## Section VII. Special Restraint of Dangerous Dogs

An owner of a dog that has been determined by a court to be a dangerous dog shall ensure that the dog is restricted at all times to the premises of the owner, except when being transported by a secure motor vehicle to a veterinarian or to some other premises of that owner, or to the custody of the animal control officer or law enforcement officer. The owner of such a dog will ensure that the dog, when out of doors on the owner's premises, is either

contained within secure enclosures or is fastened with a secured latch to a reinforced chain restraint, the length of which is such that the dog may in no event approach any closer than three (3) feet from the sidewalk or road edge, whichever is applicable. The owner shall ensure that the restraint is maintained and secure at all times the dog is out of doors on the owner's premises and not in a secured fenced-in enclosure.

## Section VIII. Barking Dogs

No owner of a dog shall suffer or permit that a dog, by loud, frequent, or habitual barking, howling or yelping to disturb the peace of another person. (An incident of such disturbance of the peace occurring less than twelve (12) hours after is another violation of this ordinance.)

## Section IX. Penalties

For an initial violation of this ordinance by an owner, the owner shall be ordered to pay a penalty of not less than fifty dollars (\$50.00) not more than two hundred and fifty dollars (\$250.00). In determining the amount forfeited, the court shall consider any evidence in mitigation, extenuation, or aggravation it considers pertinent to the offense, including but not limited to the civility and degree of cooperation exhibited by the owner. The penalty shall be increased by a minimum of \$50.00 above the penalty for the immediate proceeding violation. All penalties awarded, and all the sums recovered, shall accrue to benefit the Town of Livermore Falls. An owner found to have violated this ordinance shall pay all fees and surcharges assessed or required by a court or court order or rule and shall pay court costs.

For purposes of illustration of the penalty provision only, if an owner were found, in a single court proceeding, to have committed 4 violations, and if the penalty for the initial violation were set at \$100.00 then the penalties for the succeeding violations would be \$150, \$200, and \$250 for a total of \$700 in penalties; similarly, if there occurred thereafter a second enforcement action for a new single violation against the same owner and if there were a finding of a violation, then the penalty for the violation would be \$300.

## Section X. Procedure on Violation

Any law enforcement officer, on complaint of any person on his or her own initiative, may initiate prosecution for violation of this ordinance by filing a complaint with the Maine District Court for the division that includes the Town of Livermore Falls and serving a summons and a copy of the complaint upon the owner. Any law enforcement officer certified by the Maine Criminal Justice Academy may represent the Town in District Court in the prosecution of alleged violations of this ordinance. In the alternative, the municipal officers may, if they desire and if the funds are available, engage and appoint counsel to prosecute the alleged violations.

A. ORDER OF THE COURT. If upon hearing, the court determines that the ordinance has been violated, the court shall impose an appropriate penalty. If the court determines that a dog is a dangerous dog, the court may order the owner to muzzle the dog, and to restrain it, and confine it to the owner's premises; however, if the court finds that the dog has killed, maimed, or inflicted more than de minimis bodily injury upon a person, or upon a domestic pet or farm animal, or the court determines that the dog has a history of attacks, then the court should ordinarily order the dog to be euthanized. Such euthanasia shall be at the owner's expense, by a licensed veterinarian or other licensed official.

B. FAILURE TO ABIDE BY A COURT ORDER. An owner's failure to comply with an order issued pursuant to paragraph A, immediately above, constitutes a violation of this ordinance, and may be punishable upon a new summons or as contempt, following issuance of a show cause order on affidavit of a law enforcement officer. If an order of euthanasia is not complied with by the time set by the court, the court may, upon application by any law enforcement officer or other person, upon notice to the owner, issue a warrant to any law enforcement officer or constable in the municipality where the dog is found, to destroy the dog and make return of the warrant to the court within 14 days from the date of the warrant. The owner shall pay all costs for any supplementary proceedings and all reasonable costs for seizure and euthanasia of the dog. A failure to pay such costs by any time stated in the order of the court for making such a payment constitutes a distinct violation of this ordinance, which may also be punished on proceedings for contempt after issuance of a show cause order.

C. COMPLAINT FOR DOGS PRESENTING IMMEDIATE THREAT TO PUBLIC. After filing a complaint in District Court and before hearing, the dog shall be subject to muzzling, restraint, or confinement upon its owner's premises upon order of the law enforcement officer who filed the complaint to the owner, if that officer's belief is that the dog poses immediate threat to the public. The officer may proscribe the degree and means of restraint or confinement. Failure to comply shall constitute a distinct violation of this ordinance. Upon failure to comply, and after notice to the owner, the officer may apply to the district court for an order of authorization to take possession of the dog that poses immediate threat to the public and turn it over to the care of a suitable person or organization, at the owner's expense. The court in its final order shall include an order to pay such expense in a stated amount.

Nothing in this ordinance is intended to bar or limit the right of the individuals to make written complaints concerning dangerous dogs pursuant to State Law, or bar or limit any law enforcement officer from proceeding to act upon such a written complaint in accordance with the State Law.

#### Section XI. Effective Date

This ordinance shall take effect upon passage.

#### Section XII. Severability

Should any portion of this ordinance be found invalid for any reason by a court of competent jurisdiction, then all portions not found invalid shall remain unaffected and continue in full force effect.

#### Section XIII. Repealed

This ordinance shall supersede all previous dog ordinances, which are hereby repealed from and after the effective date of adoption of this ordinance.

Public Hearing: March 18, 2002

Adopted: June 12, 2002

**FEE SETTING ORDINANCE  
TOWN OF LIVERMORE FALLS**

**A True Copy Attest of "Fee Setting Ordinance" of the Town of  
Livermore Falls. Public hearing was held on May 19, 1999.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **FEE SETTING ORDINANCE**

**The Shoreland Zoning Ordinance is amended by adding a new section, Section 16K, to read as follows:**

Permit Fees

The Selectmen shall establish a schedule of reasonable fees for the administration of this Ordinance, including, but not limited to, Code Enforcement Officer permit and Planning Board permit fees, and Board of Appeals application fees.

**The Board of Appeals Ordinance is amended by adding a new section, Section 10, to read as follows:**

Permit Fees

The selectmen shall establish a schedule of reasonable fees for the administration of this Ordinance, including, but not limited to, Board of Appeals application fees not established in other ordinances.

**The Ordinance for the Acceptance of Streets and Ways is amended by adding a new section, Section XIV, to read as follows:**

Permit Fees

The Selectmen shall establish a schedule of reasonable fees for the administration of this Ordinance, including, but not limited to, Board of Appeals application fees.

**The Manure Control Ordinance (if not repealed) is amended by adding a new section, Section 3 under the heading “Administration”, to read as follows:**

Permit Fees

The Selectmen shall establish a schedule of reasonable fees for the administration of this Ordinance, including, but not limited to, Board of Appeals application fees.

**The Building Lot Standards Ordinance (if not repealed) is amended by adding a new article, Article IX, to read as follows:**

Permit Fees

The Selectmen shall establish a schedule of reasonable fees for the administration of this Ordinance, including, but not limited to, Board of Appeals application fees.

**The Site Plan Review Ordinance is amended by removing the existing sentence in Section IV B and replacing with a new sentence to read as follows:**

Existing sentence

An application for site plan approval shall be accompanied by a fee of \$10 plus \$10 per 2000 square feet or portion thereof of gross floor area for commercial, institutional and industrial projects.

Replacement sentence

The Selectmen shall establish a schedule of reasonable fees for the administration of this Ordinance, including, but not limited to, Board of Appeals application fees.

**The Subdivision Ordinance is amended by removing the existing Section VA2 and replacing with a new sentence to read as follows:**

Existing sentence

The application shall be accompanied by a fee of \$25 plus \$10 per lot or unit for the first 10 lots and a fee of \$15 for each lot or unit over 10. All checks shall be made payable to the Town of Livermore Falls, stating the specific purpose of the fee.

Replacement sentence

The Selectmen shall establish a schedule of reasonable fees for the administration of this Ordinance, including, but not limited to, Board of Appeals application fees.

**The Floodplain Management Ordinance is amended by removing the existing Article IV sentence and replacing with a new sentence to read as follows:**

Existing sentence

A non-refundable application fee of \$50.00 shall be paid to the Town Clerk and a copy of the receipt for the same shall accompany the application.

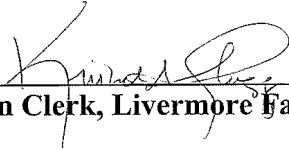
Replacement sentence

The Selectmen shall establish a schedule of reasonable fees for the administration of this Ordinance, including, but not limited to, Board of Appeals application fees.

Adopted May 19, 1999

**FLOODPLAIN MANAGEMENT  
ORDINANCE FOR THE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Floodplain  
Management Ordinance for the Town of Livermore Falls" as  
certified to me by the Municipal Officers of the Town of  
Livermore Falls on the 16th day of March, 1987.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

# **FLOODPLAIN MANAGEMENT ORDINANCE**

## **Article I. PURPOSE AND ESTABLISHMENT**

Certain areas of the Town of Livermore Falls, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Livermore Falls, 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 the attached Floodplain Management Ordinance.

It is the intent of the Town of Livermore Falls, 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.

This body 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 Livermore Falls 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 Livermore Falls, Maine.

The areas of special flood hazard, Zones A and AE, identified by the Federal Emergency Management Agency in a report entitled " Flood Insurance Study - Town of Livermore Falls, Maine, Androscoggin County," dated August 5th, 1991 with accompanying " Flood Insurance Rate Map" dated August 5th, 1991 is hereby adopted by reference and declared to be 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 building permits which may be required pursuant to the codes and ordinances of the Town of Livermore Falls, 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 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 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 Zone AE, from data contained in the " Flood Insurance Study - Town of Livermore Falls, Maine," as described in Article I; or,

b. in Zone A, to be the elevation of the ground at the intersection of the flood plain 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 new or substantially improved structures;

J. A written certification by a registered land surveyor that the elevations shown on the application are accurate;

K. Certification by a registered professional engineer or architect that floodproofing methods for any non-residential structures will meet the flood proofing criteria of Article III.H.4; Article VI.G.; and other applicable standards and Article VI;

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 \$50 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 the 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 of the Code Enforcement Officer may appeal that decision to the Board of Appeals.

#### Article V. REVIEW OF FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of article VI (Development Standards) have, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of Livermore Falls, Maine," as described in Article I. 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 sources, including information obtained pursuant to Article III.1.b.; Article VI.J.; and Article VII.D., in order to administer Article VI of this ordinance;

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. Issue one of the following Flood Hazard Development Permits based on the type of development:

1. Issue 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 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 a 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. Issue 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 flood proofing 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. Issue a Flood Hazard Development Permit for Minor Development for all development that is not new construction or substantial improvement, such as repairs, maintenance, or renovations, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: 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, towers, fencing, and pipelines.

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. New construction or substantial improvement of any structure and all other development shall:

1. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure 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, 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. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate the infiltration of floodwaters into the system and discharges from the system into floodwaters.

D. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.

F. New construction or substantial improvement of any residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least 1 ft. above the base flood elevation.

2. Zone A shall have the lowest floor (including basement) elevated to a least 1 ft. above the base flood elevation utilizing information obtained pursuant to Article III.1.b.; Article V.B; or Article VII.D.

G. New construction or substantial improvement of any nonresidential structure located within:

1. Zone AE shall have the lowest floor (including elevated to a least 1 ft. above the base flood elevation, but together with attendant utility and sanitary facilities shall:

a. be floodproofed to least 1 ft. above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to 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 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 of the lowest floor including basement.

2. Zone A shall have the lowest floor (including basement) elevated to at least 1 ft. above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article VII.D., or

a. together with the attendant utility and sanitary facilities meet the flood proofing standards of Article VI.G.1.

H. New or substantially improved manufactured homes located within:

1. Zone AE shall:

a. be elevated on a permanent foundation such that the lowest floor is at least 1 ft. above the base flood elevation; and,

b. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but 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 ft. 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 ft. long required four additional ties per side).

3. all components of the anchoring system described in article VI, paragraph H.1.b.(1)&(2) shall be capable of carrying a force of 4,800 lbs.

2. Zone A shall:

a. be elevated on a permanent foundation such that the lowest floor is at least 1 ft. above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article VII.D.;

b. meet the requirements of Article VI.H.1.b.

I. Recreational vehicles located within:

1. Zone AE 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. meet the permit requirements of elevation and anchoring requirements for “manufactured home” in Article VI.H.1.a. & b.

J. Floodways

1. In a Zone AE, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway Map", unless the 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 Zone AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted 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 1 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 Zone A riverine areas, in which the regulatory floodway is determined to be the channel of the river or other watercourse 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, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting requirements of Article VI.J.2.a.& b.

K. New construction or substantial improvement of any structure in Zones AE 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; and,
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 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 no higher than 1 foot above the lowest grade; and,

3. openings may be equipped with screens, louvres, valves, or other coverings or devices provided that they permit the entry and exit of floodwaters automatically without any external influence of control such as human intervention, including the use of electrical and other non-automatic mechanical means; and,

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

#### 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 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 VII. 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 five or more acres, or in the case of manufactured home parks divided into two 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 elevation and, in a riverine floodplain, floodway data.

E. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Article VI of this ordinance and that 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 statement 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 Livermore Falls may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Code Enforcement Officer 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 existence of the variance will not cause a conflict with other state, federal law 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 determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances may be issued by a community 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.J 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 by a community 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 of 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. The Board of Appeals shall submit to the Code Enforcement Officer a report of all the 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.

## 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 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. the 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 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, by-law, 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.

**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, AE, A, AO or AH, to have the top of the elevated floor, or in the case of a building in Zones VI-30, or VE, to have of the bottom of the lowest horizontal structural member 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 1 ft. above the magnitude of the base flood.

In the case of Zones A1-30, AE, A, AO or AH, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with opening sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, or VE, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.L.2.c.(3).

**Elevation Certificate**-an official form (FEMA Form 81-31, 05/93, 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, a valuation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map**-means an official map of a community, on which the administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premiums 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 preventative 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**-means 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 the 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 and 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 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 by the 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, or renovations, whose value is less than 50% of the market value of the structure. It

includes, but is not limited to: 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, towers, fencing, and pipelines.

**New Construction**-means structures for which the start of construction commenced on or after the effective date of 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;
- c. design to be self- propelled or permanently towable by a light duty truck; 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 1 foot, and
- b. in riverine areas 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 flood plain.

**Riverene**- 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 improvements 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 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. Permit 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, 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, the 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% of the market value of the structure before the damage occurred.

**Substantial Improvement**-means any reconstruction, rehabilitation, addition, or other improvement of the 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.

**Violations-**means the failure of a structure or development to comply with a community's floodplain management regulations.

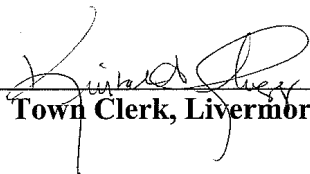
#### Article XIV. ABROGATION

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).

Adopted March 16, 1987

**LIBRARY MATERIAL RECOVERY ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Library  
Material Recovery Ordinance for the Town of Livermore  
Falls" as certified to me by the Municipal Officers of the Town  
of Livermore Falls on the 23rd day of February, 1983.**

  
\_\_\_\_\_  
Town Clerk, Livermore Falls

**LIBRARY MATERIAL RECOVERY ORDINANCE  
TOWN OF LIVERMORE FALLS**

Whoever detains any book, audio visual material or other property of the Town of Livermore Falls Treat Memorial Public Library for seven (7) days after written notice to return same, delivered by certified mail or in hand by a police officer given after the expiration of the time which by the rules of the Livermore Falls Treat Memorial Library such article or other property may be kept, shall be subject to a fine equal to \$25.00 (per item) plus all overdue charges, and mailing and service costs, to be recovered in District Court to the use of the Livermore Falls Treat Memorial Public Library upon Complaint and Summons issued by any law enforcement officer of the Town of Livermore Falls.

Adopted March 7, 1983

# **MANURE CONTROL ORDINANCE TOWN OF LIVERMORE FALLS**

**(THIS ORDINANCE WAS REPEALED ON JUNE 9, 1999)**

Purpose: The purpose of this ordinance is to promote the health, safety and public welfare of the residents of the Town of Livermore Falls and to protect the environment by ensuring adequate disposal/application of manure for use as fertilizer.

## **Authority**

This ordinance is adopted pursuant to: Title 30 MRSA Section 1917

## **Administration**

Section 1. The Board of Selectmen shall be responsible for the administration of this ordinance.

Section 2. The functions and powers of the Board of Selectmen shall include the following:

a. The Board of Selectmen may appoint an agent or agents to conduct all administrative functions relating to this ordinance on their behalf.

b. The Board of Selectmen shall be responsible for the enforcement of this ordinance.

## **Applicability**

Section 1. This ordinance shall apply to the disposal of manure, and the stockpiling and spreading of manure within the Town of Livermore Falls for agricultural fertilization purposes, excepting that manure which is generated on the site where the disposal, stockpiling, and/or spreading is to take place.

## **Regulations**

Section 1. Any person or persons, company or companies which dispose of manure within the Town of Livermore Falls or utilize manure as fertilizer

shall obtain a permit from the Town of Livermore Falls prior to any disposal, stockpiling or spreading of same.

Section 2. Permits shall be obtained from the Town Office and shall contain the following information:

- A. Applicant's name, address and phone number.
- B. Location of property to be fertilized.
- C. Owner of property to be fertilized.
- D. Manure to be obtained from: Name, Address, Type
- E. Date of delivery.
- F. Date(s) of spreading (no later than 5 days after delivery date).
- G. Amount to be delivered.
- H. Number of acres to be covered.

Section 3. Manure may not be stockpiled for more than 5 days between May 30<sup>th</sup> and September 30<sup>th</sup> of any year.

Section 4. Manure must be finely divided and spread thinly on ground (1-2 inches in depth) in order that it should dry quickly, within 5 days of delivery to site.

Section 5. Manure stockpiled prior to spreading dates must be at least +/- 300 feet from the nearest residence or business.

Section 6. Manure shall not be stockpiled within 200 feet of any brook, stream, river, well or natural watercourse.

Section 7. Manure may be utilized as field fertilizer during the entire year. However, such utilization during the months of June 1 – October 1 shall be under the terms and conditions outlined in this ordinance. Variances may be granted upon application to the Selectmen or their designated agent.

#### Violation, Enforcement and Penalties

Section 1. Non-compliance with any section of this ordinance shall be considered a violation. Each day in which a violation is proved to exist shall constitute a separate offense under this ordinance.

Section 2. The fines for violation of this ordinance shall be not less than \$100 or more than \$300 for each separate violation.

Section 3. Any persons operating in violations of this ordinance shall be subject to the immediate revocation of their permit and shall be liable for all costs associated with cleanup of the material, plus fines and penalties.

Section 4. Any persons operating without a permit shall be deemed in violation of this ordinance and shall be liable for all costs associated with the cleanup of the material, plus fines and penalties.

Section 5. Any person or persons, company or companies operating in violation of this ordinance shall cease such operations immediately upon the request of the Livermore Falls Board of Selectmen or its designated agent.

Failure to comply with such request shall be deemed a separate violation of this ordinance and shall carry the maximum penalty allowed.

#### Appeal/Hearing

The Board of Appeals shall, upon written application of the aggrieved party and after public notice, hear appeals from determinations of the Board of Selectmen or its agent in the administration of this ordinance. Such hearings shall be held in accordance with State laws.

#### Validity and Severability

If any section of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other sections or provisions of this ordinance.

Effective Date: The effective date of this ordinance is the date of adoption by Town vote. A certified copy of this ordinance shall be filed with the Municipal Clerk.

Adopted November 24, 1987

Repealed June 9, 1999



Susan Sapiel, Town Clerk

**MINIMUM LOT SIZE ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Minimum  
Lot Size Ordinance of the Town of Livermore Falls" as  
certified to me by the Municipal Officers of the Town of  
Livermore Falls on the 20th day of March, 1975.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **Minimum Lot Size Ordinance**

### **Article I. Purpose**

To protect the health, safety and general welfare of the residents of Livermore Falls, Maine by establishing a minimum lot size for sewerred and non-sewerred areas.

### **Section II. Authority and Administration**

- A. This ordinance is adopted and hereafter amended pursuant to and consistent with Article VIII-A, of the State of Maine Constitution, Title 30, M.R.S.A. Section 1917, “Ordinance Power Limited” (Home Rule).
- B. This Ordinance shall be known and cited as the Minimum Lot Size Ordinance for the Town of Livermore Falls, Maine.
- C. This ordinance is enacted in accordance with Title 30 M.R.S.A. Section 2153, “Enactment Procedure, (Enactment of Ordinance)”.

### **Section III. Applicability**

- A. This ordinance applies to all lots in the town of Livermore Falls upon which a seasonal home, permanent home; mobile home, commercial building or institutional building is to be erected. Lots in mobile home parks shall conform with the provisions of the Livermore Falls Mobile Home Park Ordinance and as hereafter amended
- B. Enactment of this ordinance shall constitute a repeal of the Minimum Lot Size Ordinance currently in effect.
- C. This ordinance shall not be interpreted to prevent, or prohibit the erection of the following on any lots of any size.
  - 1. Special purpose, small (not over 100 square feet) buildings, such as gate houses, well houses and pump houses.

2. Shelters open to the weather for sheep, cattle, horses or other animals.
3. Outbuildings such as garages, sheds, barns, workshops, etc... on lots with existing dwellings, or buildings.

D. Non-Conforming Lots of Record : A lot of record which is shown on a deed or plan recorded in accordance with law prior to March 3, 1975, may be built upon. All other single lots of record which at the effective date of this ordinance may be built upon provided that such lot shall be in separate ownership and that Federal and State Statutes permit requirements herein, and to extent practicable, the other provisions of this ordinance shall be met.

#### **Section IV. Minimum Lot Size Specifications**

- A. For those areas served by municipal sewer , a minimum of 10,000 square feet shall be required with a minimum frontage of 100 feet on a roadway of body of water
- B. For those areas not served by municipal sewer, a minimum of 40,000 square feet shall be required with a minimum frontage of 150 feet on a roadway or body of water.

#### **Section V. Enforcement**

- A. The Code Enforcement Officer of the Town of Livermore Falls shall act in all cases of violations of this ordinance by notifying in writing the owner, or lessor of the lot, the Board of Selectmen and the Planning Board of the nature of the violations and the correction, if possible, required
- B. The Board of Selectmen is charged with the prosecution for all violations of the provisions of this ordinance. In cases where such notices referred to in section V-A are not promptly complied with after receipt of said notices, the Board of Selectmen shall take such complaint to the courts as, in their judgment, is proper, or the Board may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

- C. Any persons or party who shall violate any of the provisions of this ordinance, or shall fail to comply with any of the requirements thereof, shall, upon conviction, be punished by a fine of not less than \$25.00 nor more than \$100.00, and each day on which such violations shall continue shall constitute a separate offense.

## **Section VI. Appeals**

- A. Any aggrieved person or party may appeal the provisions of this ordinance to the Board of Appeals for the Town of Livermore Falls

- B. The Board of Appeals for the Town of Livermore Falls shall function in accordance with Title 30, M.R.S.A. Section 2411 and 4963

- C. Powers and Duties of the Board of Appeals

- 1. Administrative appeals: to consider alleged error (s) in procedures by the Selectmen or Code Enforcement Officer in the administration or enforcement of this ordinance.

- 2. Variance Appeals: to consider if, in specific cases, a relaxation of the terms of this ordinance would be contrary to the public interest and intent of this ordinance or if, owing to the unique conditions of the property and not to the result of actions of the applicant, literal enforcement would cause undue hardship.

- a. The crucial points of variance are undue hardship and unique circumstances applying to the property. Both of these elements must be present to grant a variance.

- b. A variance is only authorized for area and dimensional requirements of this ordinance.

## **D. Filing process**

In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence the appeal within 30 days after

the decision is made by the Code Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

#### **E. Hearing**

Following the filing of an appeal and before taking action on any appeal, the Board of Appeals shall hold a public hearing on the appeal within 30 days. The Board of Appeals shall notify the Code Enforcement Officer, Board of Selectmen and the Planning Board, at least 20 days in advance of the time and place of the hearing and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.

#### **Section VII Validity and Severability and Conflict with other Ordinances**

- A. Shall 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 these regulations and to this end, the provisions of these regulations are hereby declared to be severable.
- B. The effective date of this ordinance shall be upon adoption by the governing body of the Town of Livermore Falls.
- C. This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this ordinance shall prevail.

#### **Section VIII. Amendments**

- A. This ordinance may be amended by a majority vote at a town meeting. Amendments may be initiated by a majority vote of the Planning Board, by request of the Board of Selectmen, or by

petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

- B. The Planning Board shall hold public hearings on all proposed amendments.

## **Section IX. Definition of Terms**

- A. In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows.

Code Enforcement Officer: a person appointed by the municipal officers to administer and enforce the ordinance.

Lot: a parcel of land in single ownership, described on a deed, plot or similar legal document.

Non-Conforming Lot of Record: A lot existing at the effective date of adoption or amendment of this ordinance which does not conform to all applicable provisions of this ordinance.

Roadway: The word “roadway” means and includes such ways as streets, alleys, avenues, boulevards, highways, roads and other rites of way.

## **Adopted**

February 27, 1981

**MOBILE HOME PARK ORDINANCE  
OF THE TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Mobile  
Home Park Ordinance of the Town of Livermore Falls" as  
certified to me by the Municipal Officers of the Town of  
Livermore Falls on the 3rd day of June, 1991.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

**MOBILE HOME PARK ORDINANCE  
OF THE  
TOWN OF LIVERMORE FALLS**

**Section I. TITLE**

This ordinance shall be known and cited as the “Mobile Home Park Ordinance of the Town of Livermore Falls, Maine.”

**Section II. PURPOSE**

To protect the health, safety, and general welfare of the people; to protect the environment; and provide for the orderly development of mobile home parks.

**Section III. APPLICABILITY**

No provision of this ordinance shall apply to trailers as defined under Section XII D (1-4).

Enactment of this ordinance shall constitute a repeal of the “Mobile Home Park Ordinance” currently in effect.

The provisions of this ordinance, after adoption, shall not apply to existing mobile home parks, but shall apply to further additions to existing mobile home parks.

No person shall establish, conduct, maintain or operate a mobile home park without first obtaining a permit.

**Section IV. APPLICATION PROCEDURE**

Application for a permit shall be submitted to the Planning Board. A copy shall be forwarded to the Board of Selectmen and the Plumbing Inspector for review and comments. If the application is complete and approved, the Board will issue a permit. The application shall contain the following:

a. Interested Party. The name and address of the applicant and the name and address of the real party in interest if other than the applicant.

b. Plot Plan. A preliminary and final planning process shall be undertaken with the Planning Board and the Planning Board's approval must be obtained.

c. Certification. Certification of Approval of the Plumbing Inspector as to the compliance with the sanitary requirements of the Town.

d. Proof. Proof of ownership, option, or valid lease of the premises to be used as a mobile home park.

e. The initial fee for a permit for a mobile home park shall be \$25.00 plus \$10.00 per lot or unit for the first 10 units and a fee of \$15.00 for each lot or unit over 10.

## Section V. PERFORMANCE STANDARDS AND REQUIREMENTS

Each mobile home park or extension thereof, and any mobile home subdivision or development, shall conform to the following requirements:

### A. Lot Size, Width and Density

1. All lots will be designated on a mobile home park plan.
2. Lots served by public sewer shall have a minimum lot area of 6,500 sq. ft. The lots will have a minimum lot width of 50 ft.
3. Lots served by individual subsurface sewage disposal systems will have a minimum lot area of 20,000 sq. ft. and a minimum lot width of 100 feet.
4. Lots served by a central subsurface wastewater disposal system will have a minimum lot area of 12,000 sq. ft. and a minimum lot width of 75 feet.
5. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of total park area.

6. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.

7. Lots within a shoreland zoning district shall meet the lot area, lot width, setback and shore frontage requirements for that district.

8. The overall area of the mobile home park shall be the combined area of the mobile home lots plus:

- a. The area required for road rights of way;
- b. The area required for buffer strips, if any;
- c. The area required for open space;
- d. The area within the municipality's shoreland setback.

#### B. Lot Setbacks

Mobile homes in a mobile home park, but adjacent to a public road, shall be set back from the road a distance equal to the setback requirements for other residential developments.

#### C. Open Space Requirements

The Board may require that within mobile home parks on a public sewer an area of land be reserved as an open space and/or recreational area for use by all residents of the park. This requirement will be in accordance with provisions relating to other residential developments. No more than 10% of the total area devoted to individual lots shall be set aside for open space and/or recreation.

#### D. Buffer Strips

The Board may require a buffer strip up to 50 feet in width, such as natural vegetation, where separation is desirable. The width of the buffer strip must comply with the requirements of Title 30-A, MRSA, Section 4358, Regulations of Manufactured Housing.

## E. Parking Requirements

For each mobile home lot there shall be provided and maintained at least 2 off-street parking spaces. Each parking space shall contain a minimum area of 200 square feet with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if an equivalent number of spaces is provided by a parking lane.

In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of 1 space for each 4 mobile home lots. This requirement shall be waived if a parking lane provides an equivalent number of spaces.

## F. Road Standards

The main entrance of the mobile home park shall be from a State, State Aid or Town Road. All mobile home park lots shall abut on a roadway designed in accordance with the Town of Livermore Falls Streets and Ways Ordinance (see Section XIII, Privately Owned Roads – Mobile Home Parks). Parks generating more than 500 vehicle trips per day will require a traffic impact analysis by a Professional Engineer, registered in the State of Maine.

## G. Street Lights

Mobile home park streets shall be illuminated by street lighting installed at regular intervals of 300 +/- feet. These lights shall be provided and maintained by the mobile home park owner.

## H. Storm Drainage

A storm drainage plan will be prepared by a Professional Engineer, registered in the State of Maine, showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.

## I. Ground Water

For mobile home parks not served by a public sewer, an assessment of the impacts of park development on ground water quality shall be submitted prior to the final approval of the park. The assessment shall be prepared by

a certified geologist or registered Professional Engineer, and shall include all the required information as outlined in a booklet entitled “Maine’s New Mobile Home Park Law, A Guidebook for Local Officials” by the Department of Economic and Community Development, September 1989, pages 50-53.

#### J. Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

1. An adequate and potable supply of water, with a minimum of 30 pounds per square inch pressure at all times, shall be provided for each mobile home space or lot. The water source shall be capable of producing 300 gallons of potable water per mobile home lot per day.

2. All mobile homes in a mobile home park shall be connected to the municipal sewer system or a centralized private system by means of an approved system of collector and interceptor sewer lines.

3. Where municipal sewer or a centralized private sewer system is not used an approved septic sewage disposal system shall be provided for each lot in a mobile home park.

#### K. Refuse

The storage, collection and disposal of refuse in the mobile home park shall be so handled or managed by the permittee as to create no health hazards, rodent harborage, insect breeding area, accident hazards or area pollution. One refuse can with a tight fitting cover for each occupied mobile home lot or space shall be furnished by the mobile home owner.

#### L. Aesthetics

1. Skirting. An underskirt of a substantial material must be installed within 90 days from installation of mobile home.

2. Storage. At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

## M. Records

Each permittee shall keep a written record, subject to inspection at any reasonable time by a duly authorized officer of the Town of Livermore Falls, which shall contain the date of arrival, the name, make, year, model, serial number (where applicable) and length of mobile home, and also the names of the occupants thereof. A complete list of the above shall be furnished to the Assessor's Office on April 1 of each year.

## N. Certification of Payment of Sales Tax

No municipality may allow the construction or location of any new manufactured housing within the municipality by any person other than a dealer licensed by the State with a sales tax certificate, without:

1. A bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or provided the manufacturing housing to the buyer locating the housing in the municipality; or

2. If no such bill of sale is presented, evidence of certification of payment of the sales tax in accordance with Title 36, Section 1760, Subsection 40, and Title 36, Section 1952-B.

The permit is deemed to be not approved or valid until payment of the sales tax has been certified.

## Section VI. PLANNING BOARD ACTION ON APPLICATION

A. Within 30 days of receipt of an application, the Planning Board shall notify the applicant in writing either that the application has been found to be complete or, if the application is incomplete, that certain specific additional material is needed to make the application complete. When the Planning Board is satisfied that it has a complete application, it shall notify the applicant in writing and begin its review of the proposed development.

B. The Planning Board may hold a public hearing within 30 days after the Planning Board has notified the applicant that the application is complete. The Planning Board shall publish the time, date and place of the hearing in a

newspaper of area-wide circulation. The applicant shall send notice of the hearing by certified mail, return receipts requested, to abutting landowners, including owners of property on the opposite side of the road, a minimum of 10 days prior to the date of the public hearing.

C. Within 30 days of the public hearing or if no public hearing is held within 60 days after the Planning Board has notified the applicant that the application is complete, the Planning Board shall either approve, approve with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

D. Within seven days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

## Section VII. AUTHORITY AND ADMINISTRATION

### A. Authority

1. This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, MRSA, Section 2151-A (Home Rule).

2. This ordinance is enacted in accordance with Title 30-A, MRSA, Section 2153, "Enactment Procedure" (Enactment of Ordinance) and Section 4358, "Regulation of Manufactured Housing".

3. The Code Enforcement Officer shall be charged with the responsibility of enforcing this ordinance.

### B. Administration

1. This ordinance shall be administered by the Planning Board for the Town of Livermore Falls hereafter referred to as the "Board".

2. The provisions of this ordinance shall apply to all of the land areas within the Town of Livermore Falls.

## Section VIII. ENFORCEMENT

A. The Code Enforcement Officer of the Town of Livermore Falls shall act in all cases of violation of this ordinance by notifying in writing the owner or lessor of the lot, the Board of Selectmen and the Planning Board of the nature of the violation and the correction, if possible, required.

B. The Board of Selectmen is charged with the prosecution for all violations of the provisions of this ordinance. In cases where such notices referred to in Section VIII A are not promptly complied with after receipt of said notices, the Board of Selectmen shall make such complaint to the courts as, in their judgment, is proper, or the Board may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

C. Any persons or party who shall violate any of the provisions of this ordinance or shall fail to comply with any of the requirements thereof, shall, upon conviction, be punished by a fine of not less than \$25 nor more than \$100, and each day on which such violations shall continue shall constitute a separate fine.

## Section IX. APPEALS

A. Any aggrieved person or party may appeal the provisions of this ordinance to the Board of Appeals for the Town of Livermore Falls.

B. The Board of Appeals for the Town of Livermore Falls shall function in accordance with Title 30-A, MRSA, Section 2411.

C. Powers and Duties of the Board of Appeals

1. Administrative Appeals: to consider alleged error(s) in procedures by the Selectmen or Code Enforcement Officer in the administration or enforcement of this ordinance.

2. Variance Appeals: to consider if, in specific cases, a relaxation of terms of this ordinance would be contrary to public interest and intent of this ordinance or if, owing to unique conditions of the property and not to the result of actions of the applicant, literal enforcement would cause undue hardship.

a. The crucial points of variance are undue hardship and unique circumstances applying to the property. Both of these elements must be present to grant a variance.

b. A variance is only authorized for area and dimensional requirements of this ordinance.

#### D. Filing Procedures

The aggrieved person or party shall commence his appeal within 30 days after a decision is made by the Code Enforcement Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for appeal.

#### E. Hearing

Following the filing of an appeal, and before taking action on any appeal, the Board of Appeals shall hold a public hearing on the appeal within 30 days. The Board of Appeals shall notify the Code Enforcement Officer, Board of Selectmen and the Planning Board at least 20 days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.

### Section X. AMENDMENTS

A. This ordinance may be amended by a majority vote at Town Meeting. Amendments may be initiated by a majority vote of the Planning Board, by request of the Board of Selectmen or by a petition of a number of voters equal to 10% of the numbers cast in the municipality at the last gubernatorial election.

B. The Planning Board shall hold public hearings on all proposed amendments.

## Section XI. VALIDITY, EFFECTIVE DATE, CONFLICT OF ORDINANCES

- A. 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 these regulations, and to this end, the provisions of these regulations are hereby declared to be severable.
- B. The effective date of this ordinance shall be upon adoption by the Governing Body of the Town of Livermore Falls.
- C. This ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this ordinance imposes a higher standard for the promotion and protection of the health and safety, the provisions of this ordinance shall prevail.
- D. Adoption of this ordinance shall repeal any and all previously adopted Mobile Home Park ordinances.

## Section XII. DEFINITIONS

A. **Manufactured Housing.** A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. Manufactured housing includes:

1. Those units constructed after June 15, 1976, commonly called “newer mobile homes”, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;

- a. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with

respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

2. Those units commonly called “modular homes,” which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

B. Mobile home park. A parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes.

C. Mobile home park lot. The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

D. Trailer. The following shall be considered a trailer:

1. Travel Trailer. A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation, having body width not exceeding 8 feet and body length not exceeding 32 feet.

2. Pick-up Coach. A structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

3. Motor Home. A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

4. Camping Trailer. A canvas, folding structure, mounted on wheels and designed for travel, recreation and vacation.

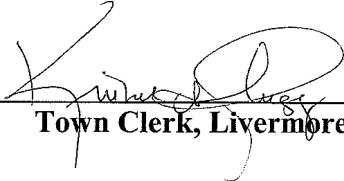
E. Person. The word “person” shall include individuals, corporations, owners, lessees, licensees and agents of each term.

F. Permittee. "Permittee" shall be deemed to be any person, firm or corporation receiving a permit to conduct, operate or maintain a mobile home park.

Adopted June 3, 1991

**MOOSEHILL POND WATER  
QUALITY PROTECTION ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Moosehill Pond Water Quality Protection Ordinance for the Town of Livermore Falls". It was voted on and passed in the Town Meeting held on June 12<sup>th</sup>, 2000 and an amendment was made at a Special Town Meeting on February 2003 adding F to Section II and adding A to Section Enforcement.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

**MOOSEHILL POND WATER QUALITY PROTECTION  
ORDINANCE  
TOWN OF LIVERMORE FALLS**

**Section I. Title**

This ordinance shall be known and cited as the “Moosehill Pond Water Quality Protection Ordinance” and shall be referred to as this “Ordinance”.

**Section II. Purpose**

The purpose of this ordinance is to protect the health, safety and general welfare of the inhabitants of the Town of Livermore Falls and the customers of the Livermore Falls Water District by providing water quality protection by prohibiting the following:

- A. Swimming in the waters of Moosehill Pond.
- B. Watercraft in or on the waters of Moosehill Pond, except for human powered watercraft.
- C. Domesticated animals, other than wildlife, in the waters of Moosehill Pond.
- D. Structures on the frozen waters of Moosehill Pond.
- E. Any motorized vehicles or machinery in the waters or on the frozen waters of Moosehill Pond.
- F. The pumping/drafting or removal of water from Moosehill Pond is not allowed without the prior consent by the Water District Superintendent or his designee.

These prohibitions are not intended to prevent those persons, associated with the Water District and authorized by the Superintendent of the Water District, from the performance of their duties.

**Section III. Authority**

This ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VIII-A of the Maine Constitution and the provisions of Title 30-A MRSA, Section 3001.

**Section IV. Applicability**

This ordinance applies to the waters of Moosehill Pond.

## Section V. Amendments, Validity and Severability, and Effective Date

### A. Amendments

1. An amendment to this ordinance may be initiated by:
  - a. A majority vote of the Planning Board has so voted; or
  - b. A request of the Board of Selectmen to the Planning Board;or
  - c. On written petition of a number of voters equal to at least 10% of the number of votes cast in the Town of Livermore Falls in the last gubernatorial election.
2. The Planning Board shall hold a public hearing on any proposed amendment. At least fifteen (15) days prior to the hearing notice shall be published in a newspaper in general circulation in the Town of Livermore Falls and such notice shall be sent by registered mail to each owner of land bordering Moosehill Pond.
3. This ordinance may be amended by the majority vote of the town meeting.

### B. Validity and Severability

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

### C. Effective Date

The effective date of this ordinance is the date of adoption by majority vote of the town meeting.

## Section VI. Enforcement

### A. Officers

It shall be the duty of the Code Enforcement Officer, the Water Superintendent, the Sewer Superintendent and the Livermore Falls Police Department to enforce provisions of this ordinance.

## B. Fines

Whoever willfully violates the provisions of this ordinance shall, upon conviction, be penalized in accordance with Title 30-A, MRSA, Section 4452.

## Section VII. 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.

**Domesticated animal:** Dogs, other than guide or hearing dogs; animals that are tame or belong to a house or home.

**Motorized vehicle:** A self-propelled vehicle including, but not limited to, snowmobiles and all-terrain vehicles, but not motorized wheelchairs.

**Swimming:** Bathing and other human contact with the waters of Moosehill Pond.

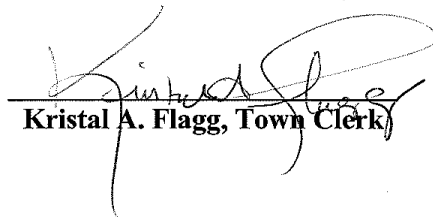
**Watercraft:** Any type of vessel, boat or craft used or capable of being used as a means of transportation on the water.

Adopted: June 12, 2000

Amended: February 18, 2003 adding F to Section II and adding A to Section VI Enforcement

**MOOSEHILL POND WATERSHED PROTECTION ORDINANCE**

**A True Copy Attest of "An Ordinance Titled Moosehill Pond  
Watershed Protection Ordinance" voted on and approved at annual  
Town Election held June 14<sup>th</sup>, 2011.**

  
\_\_\_\_\_  
Kristal A. Flagg, Town Clerk

## **Moose Hill Pond Watershed Protection Ordinance**

### **I. Authority**

The Moose Hill Pond Watershed Protection Ordinance is created pursuant to Title 30-A MRSA §4352 (Zoning ordinances).

### **II. Purpose**

The purpose of this Ordinance is to prevent contamination of Moose Hill Pond (Pond), a public drinking water supply located on the Town of Livermore Falls (Town), Maine, by preventing contamination of the surface water and ground water that feed the Pond.

### **III Definitions**

A. Agricultural use: any activity that includes 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.

B. Commercial use: the use of lands, building 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 or residential buildings and/or dwelling units. Commercial use does not include activities covered by the agricultural use section above.

C. Home occupation: an occupation or profession which is customarily conducted on or in a residential structure or property and which:

- i. Is clearly incidental to and compatible with the residential use of the property and surrounding residential uses: and
- ii. Employs no more than two persons other than family members residing in the home; and
- iii. Impacts surface water and ground water no more than a residential land use customarily would.

D. Industrial use: the assembling, fabrication, finishing, manufacturing, packaging or processing of goods.

E. Residual: material from an industrial source which is agronomically used by land-applying it in order to increase the nutrient content of soil at a rate commensurate with the nutritional needs of the crop to be grown and the assimilative capacity of the soil; otherwise improve agricultural soil conditions; or provide some other horticultural benefit.

#### **IV. Applicability**

The provisions in the Ordinance apply to:

- 1.) All proposed industrial and/or commercial land uses in the Moose Hill Pond watershed; and
- 2.) All agricultural operations in the Moose Hill Pond watershed.

This Ordinance does not apply to essential operations of the Livermore Falls Water District (Water District) and emergency and enforcement operations conducted by official federal, state or local entities.

#### **V. Administration and Enforcement**

The Livermore Falls Code Enforcement Officer (CEO) shall enforce the provisions of this Ordinance. The Town of Livermore Falls Planning Board (PB) shall review and act upon permit applications as designated under this ordinance.

#### **VI. Delineation**

The Moose Hill Pond watershed is the land area draining to Moose Hill Pond. The Moose Hill Pond Watershed Protection Zone (MWP Zone) is defined as the Moose Hill Pond watershed, and is delineated on a map entitled “Moose Hill Pond Watershed Protection (MXP) Zone, Livermore Falls, Maine.” This map is kept on file with this Ordinance at the Town Office.

#### **VII. Provisions**

A. General: Per Public Law 761, the Town shall send copies of plans for all projects requiring a permit within the MWP Zone to the Water District for review.

B. Agricultural Land Uses:

1. Over-wintering of uncovered residuals in the MWP Zone is prohibited. Use of residuals must comply with applicable State and local regulations.
2. Per Maine Department of Agriculture Manure Utilization Guidelines, no manure field stacking sites shall be located within 500 feet of the Pond.
3. As of the effective date of this ordinance, no new manure storage facilities shall be located within 500 feet of the Pond.

#### **C. Commercial and Industrial Land Uses**

An application and \$50 application fee must be filed with the CEO for any proposed commercial or industrial land use in the MWP Zone. A copy of the application shall be given by the CEO to the PB and the Water District for review. The PB may require an applicant to submit a hydrogeological study. The study must be prepared by a licensed geotechnical engineer or geologist with proven experience in hydrogeology. The PB may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant. A permit for a commercial or industrial land use required under this section may be denied by the PB if the operation is determined by the PB to pose an unnecessary risk to the quality of surface water and/or ground water in the MWP Zone. The PB agrees to permit commercial and industrial land uses in the MWP Zone only with the consent of the Water District.

### **VIII. Relationship with Other Laws and Regulations**

In any case in which a provision of this Ordinance conflicts with a provision of any other State or local law or regulation, the provision which establishes the more restrictive provision shall apply.

### **IX. 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.

### **X. Effective Date**

The effective date of this ordinance is July 1, 2011

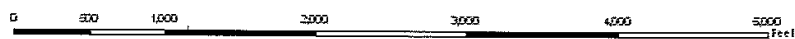
## Moose Hill Pond



### Legend

-  Municipal Boundary
-  Direct Watershed
-  250' Shoreland Zone

Notes:  
Basemap 2ft Orthos from MEGS, 1:24,000  
NAD 83, UTM 19N  
Locations approximate, not to be used for transfer.  
Map created by Maine Rural Water Association, Richmond, ME  
January 2011





**OCCUPANCY NOTIFICATION ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Occupancy  
Notification Ordinance for the Town of Livermore Falls" as  
certified to me by the Municipal Officers of the Town of  
Livermore Falls on the 3rd day of June, 1991.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **OCCUPANCY NOTIFICATION ORDINANCE TOWN OF LIVERMORE FALLS**

### **Section I. Title**

This ordinance shall be known and cited as the "Occupancy Notification Ordinance of the Town of Livermore Falls, Maine."

### **Section II. Purpose**

To protect the health, safety, and general welfare of the people; to protect the environment; and provide for the orderly development of the land in the Town of Livermore Falls.

### **Section III. Applicability**

This ordinance applies to all new structures constructed or placed within the Town of Livermore Falls subsequent to the effective date of the ordinance. All existing structures shall be brought into compliance with the ordinance within one year from effective date.

### **Section IV. Application Procedure**

A. After the effective date of this ordinance, no person shall engage in any use of land requiring a permit or expand or change an existing nonconforming use, or renew a discontinued nonconforming use without first obtaining the required permit. All applications for occupancy notification shall be submitted in writing to the Town Office on forms provided for that purpose. A scale drawing of the proposed building, reconstruction, relocation or demolition shall accompany each application identifying the lot by tax map and lot number and giving all dimensions, including setbacks. An approved plumbing permit shall accompany a occupancy notification application. A permit must be applied for and approved before any of the following actions are initiated:

1. Any construction, demolition or relocation (this is not intended to include changes which are strictly maintenance or repair).

2. Any enlargement or replacement of a septic or holding tank or other sewage disposal system, or the installation of a septic or holding tank and other sewage disposal system including a privy.

The Code Enforcement Office shall issue occupancy permits in conformance with this ordinance, except that the Planning Board shall consider those that lie within the Shoreland Zone as indicated by the Town's Shoreland Zoning Map and those areas in the floodplain as shown by Flood Insurance Rating Maps.

## Section V. Performance Standards and Requirements

All new dwellings, including recreational trailers, being used as dwellings shall conform to the following site requirements:

A. Shall conform to the Minimum Lot Size Ordinance and Sewer Ordinance of the Town of Livermore Falls.

B. Sanitary standards: All new dwellings, including recreational trailers being used as dwelling, shall have:

1. Satisfactory storage for refuse and garbage.
2. An approved sewage waste disposal system. If an approved privy is to be used, an approved system for disposing of gray water is required. A plumbing permit shall be required.
3. An adequate water supply shall be on site before a permit is issued.
4. All domestic water supplies currently in use or being constructed for domestic drinking purposes shall be located at least 100 ft. away from all private sewage disposal systems.

## Section VI. Action on Application

A. Applications shall be acted upon within 10 days after the completed application is received, except that applications requiring Planning Board approval shall be acted upon within 30 days. If no action is taken within said time periods, the application shall be deemed denied.

## Section VII. Authority and Administration

### A. Authority

1. This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, MRSA, Section 2151-A (Home Rule).

2. This ordinance is enacted in accordance with Title 30-A, MRSA Section 2153, "Enactment Procedure" (Enactment of Ordinance) and Section 4452, "Enforcement of Land Use Laws and Ordinances".

3. The Code Enforcement Officer shall be charged with responsibility of enforcing this ordinance.

### B. Administration

1. This ordinance shall be administered for the Town of Livermore Falls by the Planning Board hereafter referred to as the "Board".

2. The provisions of this ordinance shall apply to all of the land areas within the Town of Livermore Falls.

## Section VII. Enforcement

A. Any person, firm or corporation, being the owner or being in control of any construction, demolition, or relocation (including plumbing) who violates any provision of this ordinance shall be liable for the penalties set forth in Title 30-A MRSA 4452, as it may from time to time be amended. The attorney general, the municipality or the appropriate municipal officers may institute proceedings to enjoin any violation of this ordinance and for other penalties. The Town's legal fees and expenses shall be paid by the party found guilty of violating this ordinance.

B. Any construction, demolition or relocation (including plumbing) undertaken without a required permit shall be penalized as follows:

1. An application for a permit after-the-fact must be made.

2. The applicant shall pay a fine of not less than \$100 or more than \$2,500 in addition to any other costs incurred.

3. Any activity which is non-conforming, or in any way in violation of the terms of this ordinance, of which, when completed would be in violation, shall immediately upon notice from the Code Enforcement Officer, be halted and, if so directed by the Code Enforcement Officer, the site shall be returned to its original condition.

#### Section IX. Appeals

A. Any aggrieved person or party may appeal the provisions of this ordinance to the Board of Appeals for the Town of Livermore Falls.

B. The Board of Appeals for the Town of Livermore Falls shall function in accordance with Title 30-A MRSA, Section 2411.

#### Section X. Amendments

A. This ordinance may be amended by majority vote at a town meeting. Amendments may be initiated by a majority vote of the Planning Board, by request of the Board of Selectmen, or by petition of a number of voters equal to 10% of the number of votes cast in the municipality at the last gubernatorial election.

B. The Planning Board shall hold public hearings on all proposed amendments.

#### Section XI. Validity, Effective Date, Conflict of Ordinance

A. 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 these regulations, and to this end, the provisions of these regulations are hereby declared to be severable.

B. The effective date of this ordinance shall be upon adoption by the governing body of the Town of Livermore Falls.

C. This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law,

permit or provision of law. Where this ordinance imposes a higher standard for the promotion and protection of the health and safety, the provisions of this ordinance shall prevail.

## Section XII. Definitions

A. Accessory use or structure: a use or structure of a nature customarily incidental or subordinate to that of the principal use or structure.

B. Dwelling: a structure all or part of which is designed for use as a living quarters. Factory built homes, mobile homes, modular homes, recreational trailers and site-built dwelling shall be considered dwellings.

C. Lot: a parcel described on the deed, plot or similar legal document.

D. Mobile Home: a vehicular, portable structure built on chassis, and design to be transported after fabrication on its own wheels and to be used as a dwelling with or without a permanent foundation.

E. Modular home: A dwelling composed of one or more prefabricated sections designed for location and a permanent foundation.

F. New dwelling: any dwelling which is placed, constructed or substantially reconstructed within the town, or first occupied, after the effective date of this ordinance.

G. Principal structure: the structure in which the principal use of the lot is located.

H. Site-built dwelling: A dwelling which is constructed on the site on which it is to be located.

I. Structure: anything constructed or erected of more than one member.

J. Vehicle/Trailer/Recreational: a vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not designed to be a permanent dwelling and which may include a pickup camper, travel trailer, tent trailer and motor home. This definition

includes a converted bus, van or other vehicle. A recreational trailer is considered a dwelling.

K. Trailer, utility: vehicle without motive power, designed to be towed by a passenger automobile or pickup but not designed for human occupancy and which may include a boat trailer, horse trailer, snowmobile trailer, etc. A utility trailer is not considered a dwelling and shall not be used as such.

L. Adequate water supply: running water pipes thereto in an approved manner so as to keep the dwelling in a clean and sanitary condition, year round.

Adopted June 3, 1991

# **TOWN OF LIVERMORE FALLS PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE**

## **Administration by the Efficiency Maine Trust**

### **PREAMBLE**

WHEREAS, the 124<sup>th</sup> Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

### **ARTICLE I - PURPOSE AND ENABLING LEGISLATION**

#### **§ XX-1 Purpose**

By and through this Chapter, the Town of LIVERMORE FALLS declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.

#### **§ XX-2 Enabling Legislation**

The Town enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124<sup>th</sup> Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, *et seq.*).

## ARTICLE II - TITLE AND DEFINITIONS

### § XX-3 Title

This Ordinance shall be known and may be cited as “the Town of LIVERMORE FALLS Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

### § XX-4 Definitions

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

- 1. Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
  - A. Will result in increased energy efficiency and substantially reduced energy use and:
    - (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
    - (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
  - B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.
- 2. Municipality.** “Municipality” shall mean the Town of LIVERMORE FALLS
- 3. PACE agreement.** “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
- 4. PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.
- 5. PACE district.** “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

**6. PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

**7. PACE mortgage.** “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

**8. PACE program.** “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

**9. Qualifying property.** “Qualifying property” means real property located in the PACE district of the Municipality.

**10. Renewable energy installation.** “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

**11. Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

### **ARTICLE III - PACE PROGRAM**

**1. Establishment; funding.** The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.

**2. Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

## **ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST**

**1. Standards adopted; Rules promulgated; model documents.** If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

## **ARTICLE VI – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY**

### **1. Program Administration**

**A. PACE Administration Contract.** Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. the Municipality, or the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

**B. Adoption of Education and Outreach Program.** In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of

home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

**C. Assistance and Cooperation.** The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

**D. Assessments Not a Tax.** PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

**2. Liability of Municipal Officials; Liability of Municipality**

**A.** Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

**B.** Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

LIVERMORE FALLS  
PARKING AND TRAFFIC ORDINANCE

Adopted July 28, 1980  
Grace Period for Enforcement  
Thru August 25, 1980

Amended September 11, 1980  
Amended October 30, 1980  
Proposal July 16, 1981  
Amended July 30, 1981  
Proposal December 18, 1981  
Amended December 30, 1981  
Amended January 10, 1983  
Amended February 21, 1984  
Amended January 21, 1985  
Amended February 17, 1987  
Amended March 02, 1987  
Amended March 28, 1988  
Amended September 19, 1994  
Proposal May 01, 2000  
Amended May 15, 2000  
Amended July 19, 2004  
Amended June 06, 2005  
Amended September 17, 2012

LIVERMORE FALLS  
PARKING AND TRAFFIC ORDINANCE

- I. Title: This ordinance shall be known and may be cited as the Parking and Traffic Ordinance of the Town of Livermore Falls, Maine.
- II. Authority: This ordinance is adopted pursuant to Title 30 Section 2151 of the Maine Revised Statutes Annotated.
- III. Purpose: This ordinance is designed to update existing parking and traffic regulations thereby allowing better control over vehicle use patterns in Livermore Falls, Maine.
- IV. Intent: The Selectmen of Livermore Falls, Maine shall maintain in said Town suitable parking signs and markings indicating time, manner, and place of parking motor vehicles in accordance with the ordinance, and such additional signs and markings as they may deem necessary to control and direct traffic and parking within the municipal boundaries. No person shall park motor vehicles contrary to this ordinance and such signs and/or markings. Parking and traffic ordinances adopted in all previous years and other Town ordinances pertaining to motor vehicle traffic and parking are hereby repealed and superseded by this ordinance.
- V. Definitions:
  1. The designation of Municipal Officer shall mean a majority of the Board of Selectmen.
  2. The word "Parked" as used in this ordinance shall mean allowing a motor vehicle to remain stationary in or on a highway, public way, street, or other public property whether attended or unattended.
  3. Automobile: Automobile shall mean any motor vehicle designed for the conveyance of passengers with a seating capacity of not more than 14 persons.
  4. Motor Truck: Shall mean any motor vehicle designed and used for the conveyance of property, and or passengers.
  5. Motorcycle: Every motor vehicle having a seat or saddle for the use of riding and designed to travel on not more than 3 wheels in contact with the ground, but excluding a farm tractor and a parking control vehicle.
  6. Road Tractor: Shall mean any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
  7. Bus: Motor vehicles designed for carrying more than 14 passengers and used for the transportation of said passengers for compensation.

LIVERMORE FALLS  
PARKING AND TRAFFIC ORDINANCE

8. Semi Trailer: Shall mean any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so designed that some part of its weight and/or its load rests upon or is carried by such motor vehicle, and shall include pole dollies, pole dickeys so-called, and wheels commonly used as a support for the ends of logs or other long articles.
9. Motor Vehicle: When the term “motor vehicles” is used in the ordinance it is intended to encompass the types of vehicles defined in sections 3, 4, 5, 6, 7, and 8.

VI. General Regulations:

Sec.1. No motor vehicle shall be parked within 15 feet of a public hydrant.

Sec.2. No motor vehicle shall park during specified times in any area marked as loading zones other than vehicles servicing the business (es) immediately adjacent to the loading zone (s).

Sec.3. No motor vehicle shall be parked:

- A. On any highway, public way, street, or other public property between the hours of midnight and 6:00 a.m. from the 15<sup>th</sup> day of November to the 15<sup>th</sup> day of April of each year; between said dates unoccupied and locked vehicles parked properly within parking spaces in the municipal lot during the designated “No Trespassing” period will be allowed to facilitate snow removal activities;
- B. so as to obstruct any driveway, crosswalk, private way, street, highway, right of way, public way or other public property;
- C. in yellow painted zones or along curbing marked in yellow, or in parking spaces marked with yellow paint.

Any motor vehicle parked contrary to the prohibition listed in this section or contrary of any other section of this ordinance shall be subject to removal by the authority of a duly appointed law enforcement officer at the expense of the owner of such vehicle.

Sec.4. No motor vehicle shall be parked within twenty feet of an intersection or junction of street, highways, public ways, or other public property, except as otherwise may be indicated.

Sec.5. No motor vehicle shall be parked fully or partially on any sidewalks.

Sec.6. No motor vehicle shall be parked on any street between any NO PARKING signs.

LIVERMORE FALLS  
PARKING AND TRAFFIC ORDINANCE

- Sec.7. No motor vehicle shall be parked overnight or more than 24 consecutive hours in any public parking lot, or on any highway, public way, street, or other public property without written permission of a local law enforcement officer.
- Sec.8. No “U” turn (s) may be made on any highway, public way, street, or other public property except when otherwise designated.
- Sec.9. Motorcycles may at the owners risk be parked singly or 2 or 3 to a marked parking space, provided that no part of the cycles extend outside of the space markings in which case the owner of the cycle in violation may be summoned for improper parking.
- Sec.10.No motor vehicle shall be double parked on any highway, public way, street, or other public property in the municipality.
- Sec.11.Motor vehicles parked parallel with the curb shall be parked within eighteen inches thereof, and within spaces marked therefore, if any.
- Sec.12.The parking and traffic signs and markings provided for by this ordinance and appearing in any street or way in this Town shall be prima facie evidence that such signs and markings were erected and marked in accordance with the provisions of this Ordinance, and by authority of the Selectmen. The map in Appendix A is designed to show the general location of parking and no parking areas. The actual placement of the signs and pavement marking define the areas for enforcement purposes.
- Sec.13.No motor vehicle shall be operated contrary to the posted directions and regulations for entering or exiting municipal parking areas, or parked contrary to said directions or regulations.
- Sec.14.No motor vehicle shall be parked with its left hand side to the curb, except on designated one way streets.
- Sec.15.The Board of Selectmen in responding to parking and traffic problems may establish parking time, or motor vehicle size limitations in any area or zone after notice and hearing. Signs will be posted in areas so limited in such a manner as to notify the public of the limitation.

VII. Specific Regulations

- Sec.1. Parking on Main, Depot, Union, Bridge, and Church Streets shall be limited to the parking spaces provided and areas specifically posted which allow parking.
- Sec.2. Time of parking on Main and Depot Street, from the intersection of Bridge Street and Main Street to the railroad tracks on Depot Street, shall be limited to 2 hours from 8:00 am to 6:00 pm, except on Fridays when this

LIVERMORE FALLS  
PARKING AND TRAFFIC ORDINANCE

parking limit shall be extended to 9:00 pm.. Time of other streets in Section 1 shall be limited to one hour from 8:00 am to 6:00 pm, except on Fridays when this parking limit shall be extended to 9:00 pm. This section however, shall not be applicable on Sundays or legal holidays nor shall it apply to areas specifically provided with and posted for other time limits based on other sections of this ordinance.

- Sec.3. No motor vehicle shall be parked on the West side of Main Street beginning from a point opposite Gagnon Street to the parking area of 120 Main Street, and from a point opposite Gordon Street to the corner on Franklin and Main Streets, except duly lined parking spaces falling within said zone.
- Sec.4. No motor vehicle shall be parked on the East side of Main Street from the last designated parking pace adjacent to the 41 Main Street to a point opposite the entrance to 66 Main Street except for duly lined parking spaces falling within said zone.
- Sec.5. No motor vehicle shall be parked on the West side of Park Street from the intersection of the Fayette Road to the designated point beyond the intersection of Park and Birch Streets, and also from a point marking the northerly boundary line of 85 Park Street to a point opposite the southerly property line of 63 Park Street, and then from a point opposite the northerly corner of the property line of 61 Park Street to the intersection of Depot and Park Streets. Any vehicle parked in the area from 63 Park Street through 61 Park Street must be parked so that it is completely outside of the traveled way as designated by pavement marking lines.
- Sec.6. No motor vehicle shall be parked on the East side of High Street from the intersection of the Fayette Road to the intersection of Depot and Park Streets
- Sec.7. No motor vehicle shall be parked on the East side of High Street beginning from the intersection of High and Upper Depot to a point opposite the intersection the intersection of High and School Streets.
- Sec.8. No motor vehicle shall be parked on the North or South side of Water Street.
- Sec.9. No motor vehicle shall travel in an easterly direction on Millett Street, and Reynolds Avenue, and no motor vehicle shall travel in a westerly direction on Green Street, and no motor vehicle shall travel in a northerly direction on Sewall Street, said town ways being designated as one-way streets.

LIVERMORE FALLS  
PARKING AND TRAFFIC ORDINANCE

- Sec.10.No motor vehicle shall be parked on the North side of Millett Street, Green Street, and Reynolds Avenue, and the West side of Sewall Street except in the area from 7 Sewall Street to a location between 9 and 15 Sewall Street.
- Sec.11.No motor vehicle shall be parked on either side of Pleasant Street.
- Sec.12.No motor vehicle shall be parked on the North or South side of Upper Depot Street from the intersection of Pleasant and Depot Streets to the intersection of Sewall and Depot Streets.
- Sec.13.No motor vehicle shall be parked on the North side of Upper Depot from the intersection of High and Depot to a designated point beyond the intersection of Jones Road and Depot Street.
- Sec.14.No motor vehicle shall be parked on the North or South side of Upper Depot Street from the intersection of Pine Avenue and Depot Street to a designated point beyond the intersection of Jones Road and Depot Street.
- Sec.15. No motor vehicle shall be parked on the North or South sides of Depot Street from the intersection of Depot and Pleasant Street to the designated parking spaces in the vicinity of 18 Depot Street.
- Sec.16. No motor vehicle shall be parked on either side of the Griffin Field Road
- Sec.17.No motor vehicle shall be parked, in the throughway directly to the North and West of the Livermore Falls Police Station exit doors in an area generally described as the traveled way between the northern corner of the Livermore Falls Municipal Building and the Central Maine Power Company Pole 2 and further identified with the placement of “No Parking” signs.
- Sec.18.No motor vehicle other than official Town of Livermore Falls police cruisers shall be parked in either of the two (2) reserved parking spaces directly adjacent to the Town of Livermore Falls police station exit doors which shall be posted “Police Car Only”.
- Sec.19.No motor vehicle shall be parked in the 3 designated parking spaces at the southwest corner of the Municipal Building for a period to exceed twenty (20) minutes. This provision shall apply only during normal business hours of the municipal offices, specifically from 8:00 a.m. through 5:00 p.m. Monday through Friday inclusive and excepting legal holidays.

Said designated spaces shall be clearly marked with signs indicating a twenty (20) minute parking limit.

LIVERMORE FALLS  
PARKING AND TRAFFIC ORDINANCE

Sec.20.The following locations has been established as No Parking/Tow Away Zones, and should be posted as such.

- A. The intersection of Main Street and Water Street.
- B. From 41 Main Street to 127 Main Street, with the exception of marked spaces.
- C. The Main Street/Depot Street intersection in front of the 2 Depot Street
- D. From 16 Main Street to the intersection of the Foundry Road.

Sec.21.The following area on Cargill, Sewall and High Streets have been designated “No Parking Area”:

- A. Cargill Street on the South side from 17 to 21 Cargill Street.
- B. High Street on the West side from the intersection of School and High Street South to an area between 10 and 12 High Street.
- C. Sewall Street on the East side from the intersection of Depot and Sewall Street to an area between 14 and 16 Sewall Street.

Three maps were included to identify the general area were sign need to be posted.

Sec.22.All School Busses and all trucks with a gross registered weight of 23,000 lbs. or more are prohibited thru use of Water Street.  
All trucks with a gross registered weight of 23,000 lbs. or more are prohibited on the following roadway without a permit.  
Heritage Lane, Tradition Way, and Legendary Lane

Sec.23.No Parking is allowed as follows:

- A. the North side of Cedar Street
- B. the South side of Maple, Oak, Walnut, Chestnut, and Birch Streets.
- C. the West side of Highland Avenue.

VIII. Snow Removal

The Road Commissioner is hereby authorized to designate specific roadways and parking areas as Temporary Snow Emergency No Parking Areas. These areas shall be designated by placement of temporary signs indicating the area closed to parking. The Road Commissioner shall cause the signs to be removed as soon as the closing of the area to parking is no longer necessary to facilitate snow removal activities.

LIVERMORE FALLS  
PARKING AND TRAFFIC ORDINANCE

The intent and purpose of this article is to facilitate safe, efficient, and timely snow removal activities; these provisions should be liberally interpreted to that purpose.

IX. Penalty: Any person violating any of the provisions of this ordinance shall, if they desire to avoid court action pay the appropriate fees set forth below:

1.	Exceeding time limit	\$ 5.00
2.	Parking within 20' of a crosswalk	5.00
3.	Parking in a No Parking /Tow Away Zone	10.00
4.	Double Parking	10.00
5.	Parking left wheel to curb on a 2 way street	10.00
6.	Obstructing driveway, sidewalk or crosswalk	10.00
7.	Improper parking	5.00
8.	Overnight Parking	5.00
9.	Improper entry or exit	15.00
10.	Nov. 15 to April 15 Restricted area	15.00
11.	Prohibited zone or place	5.00
12.	Within 15' of a fire hydrant	15.00
13.	Parking in Temporary Snow Emergency No Parking Area	5.00
14.	Parking in "Police Car Only" area	5.00

Any person who receives a ticket for a violation of this ordinance and who does not pay the designated fee within 10 day of said violation will be summoned to court for said violation. Payment of the fee within the time allotted obviates court action. In the event of non-payment of said fee a court summons shall be obtained and anyone convicted of a violation of any portion of this ordinance shall be punished by a fine not less than \$25 or more then \$100, and/or a jail sentence at the Androscoggin County Jail of not more then 10 days.

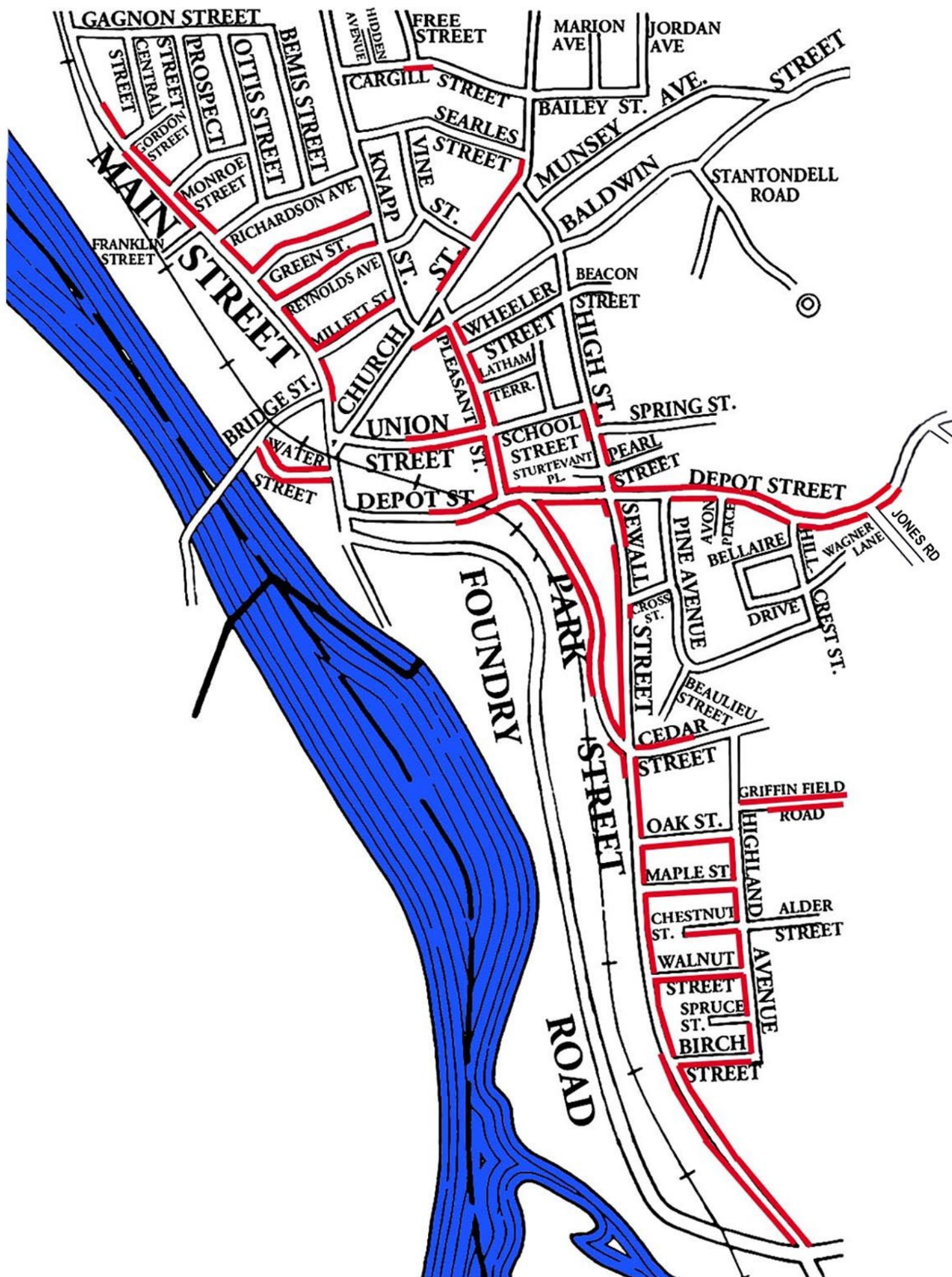
LIVERMORE FALLS  
PARKING AND TRAFFIC ORDINANCE

Upon evidence of payment to the clerk of court prior to the hearing of the appropriate fine set forth in the following schedule the Town may accept said fine and waive court action, through the prosecuting officer.

<u>OFFENSE</u>	<u>VIOLATION</u>	<u>FINE</u>	<u>VIOLATION</u>	<u>FINE</u>	<u>VIOLATION</u>	<u>FINE</u>
1 <sup>st</sup>	1, 2, 3, 7, 8, 11	\$25	4, 5, 6	\$30	9, 10, 12, 13, 14	\$40
2 <sup>nd</sup>		35		40		50
3 <sup>rd</sup>		45		50		60
4 <sup>th</sup>		55		60		70
5 <sup>th</sup>		65		70		85
6 <sup>th</sup>		75		85		100
7 <sup>th</sup>		85		95		100
8 <sup>th</sup>		100		100		100

- X. Separability : The invalidity of any provision or portion of this ordinance shall not invalidate any other.
- XI. Effective Date: The effective date of this ordinance shall be the date of adoption by the Board of Selectmen.





**PAWNBROKERS ORDINANCE  
TOWN OF LIVERMORE FALLS**

**The ordinance titled “Pawnbrokers License for Livermore Falls” was voted on and accepted at the annual Town Meeting held in Livermore Falls on June 9<sup>th</sup>, 2004. The article passed for the ordinance is #39.**



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**Town Clerk, Livermore Falls**

**PAWNBROKERS ORDINANCE  
TOWN OF LIVERMORE FALLS**

Pawnbrokers Title 30-A, MRSA , Chapter 183

Section 1. Pawnbrokers

A. License: The Town of Livermore Falls may grant licenses to persons of good moral character to conduct pawn transactions. MRSA 30-A, Section 3963, 3964.

License to be for one year, unless sooner revoked for violation of law.

B. License Fee: The annual license fee for pawnbrokers shall be set from time to time by the Board of Selectmen; and such fee amount is on file in the Municipal Office.

C. Penalty: Whoever carries on such business without a license shall be punished in accordance with 30-A MRSA, Section 3961.

D. Compliance: Any business licensed to conduct pawn transactions shall follow all requirements of MRSA 30-A, Section 3961, et seq.

Adopted: June 9, 2004

# **BYLAWS OF THE PLANNING BOARD OF THE TOWN OF LIVERMORE FALLS**

## **Section 1. Purpose and Scope**

The purpose of these bylaws is to establish reasonable rules of procedure for Board meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These bylaws shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

## **Section 2. Officers and Duties**

Officers of the Board shall consist of a Chairperson, Vice-Chairperson and Secretary to be chosen at the first Board meeting following the annual Town Meeting by and from among Board members unless otherwise provided by law. The Chairperson shall preside at all Board meetings and shall have the authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and consistent with these bylaws or other law to enable the Board to perform its duties and conduct its affairs. In the absence of the Chairperson, the Vice-Chairperson shall preside and shall have the same authority. The Secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be a public record except as otherwise provided by law.

## **Section 3. Meetings**

Regular meetings of the Board shall be held on the third (3<sup>rd</sup>) Wednesday of each month or as otherwise necessary or as required by law. Special meetings may be called at the discretion of the Chairperson or upon the request of a majority of the Board, provided however that the notice thereof shall be given to each member and the press at least forty-eight (48) hours in advance and that no business may be conducted other than as specified in said notice.

Notice of all Board meetings shall be given as required by law, and all such meetings shall be open to the public except as otherwise provided by law.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum consisting of a majority of the

Board being present. The order of business at regular meetings shall be as follows:

1. Roll call and determination of quorum.
2. Minutes of the previous meeting and communications.
3. New business.
4. Old (unfinished) business.
5. Other business.
6. Public participation.
7. Adjournment.

#### **Section 4. Hearings**

Public hearings of the Board shall be called as required by law or on such other occasions as a majority of the Board may deem appropriate. Notice of all such hearings shall be given as required by law and shall include the date, time and place of the hearing and a general description of the subject matter.

The Chairman shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence, provided, however that formal rules of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chairman and without interruption, provided however that the Chairman may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct cross-examination of any other party through the chair, provided however that the Chairman may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

#### **Section 5. Participation and Voting**

Any action of the Board shall require the affirmative vote of a majority of its membership unless otherwise provided by law.

No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members.

No member may participate or vote in any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, unless the member was present during all hearings.

All members who are present and qualified as provided herein shall vote in every matter to be voted on unless excused by the Chairman for good cause shown.

## **Section 6. Decisions**

All decisions of the Board shall be made within the time limits, if any, established by law. All final decisions shall be in writing, shall become a part of the Board's permanent record and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefore. All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits, shall constitute a public record.

Notice of any decision if required shall be given as prescribed by law.

The Board may reconsider any decision within thirty (30) days of its original decision, provided however that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within the said thirty (30) days. Notice of any reconsideration shall be given to any party thereto a reasonable time in advance of the reconsideration. The Board may conduct additional hearings and receive additional evidence and testimony as provided herein.

## **Section 7. Conflict with Laws**

Any conflict of inconsistency between these bylaws and any applicable law shall be resolved in favor of the law.

## **Section 8. Waivers and Amendments**

These bylaws or any provision thereof may be waived on any occasion by majority vote of the Board unless otherwise provided by law. These bylaws may be amended at any time in writing by majority vote of the Board.

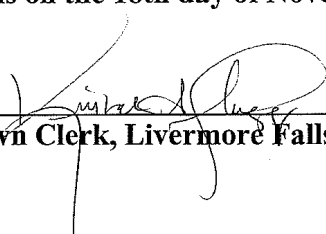
Adopted by the Board on November 18, 1998

Section 3 amended by the Board on December 15, 1999



**ESTABLISHMENT OF THE LIVERMORE FALLS  
PLANNING BOARD**

**ATTEST: A True Copy of an ordinance entitled  
“Establishment of the Livermore Falls Planning Board” as  
certified to me by the Municipal Officers of the Town of  
Livermore Falls on the 18th day of November, 1998**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **ESTABLISHMENT OF THE TOWN OF LIVERMORE FALLS PLANNING BOARD**

### **1. Establishment:**

Pursuant to Article VII, Part 2, Section 1 of the Maine Constitution and 30-A MRSA Section 3001, the Town of Livermore Falls hereby establishes the Planning Board.

### **2. Appointment:**

A. Board members shall be legal registered voters of the Town of Livermore Falls and shall be appointed by the Municipal Officers and sworn by the Clerk or other person authorized to administer oaths.

B. The Board shall consist of five (5) members.

C. New board members shall be appointed. The term of each member thereafter shall be three (3) years for three (3) of the members and two (2) years for two (2) of the members.

D. When there is a permanent vacancy, the Municipal Officers shall within sixty (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 legal registered voter of the town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least seventy-five (75) percent of all meetings during the preceding twelve (12) month period. When a vacancy occurs the Chairperson of the Board shall immediately so advise the Municipal Officers in writing. The Board may recommend to the Municipal Officers that the attendance provision be waived for cause, in which case no vacancy will then exist until the Municipal Officers disapprove of the recommendation. The Municipal Officers may remove members of the Planning Board by unanimous vote, for cause, after notice and hearing.

E. A Municipal Officer or full-time employee of the Town of Livermore Falls may not be a member.

### **3. Organization and Rules:**

A. The Board shall elect a chairperson and a vice-chairperson from among its members. The Board may either elect a secretary from among its members, hire a non-board member, or instruct the Code Enforcement

Officer to serve as a secretary. The term of all offices shall be one (1) year with eligibility for re-election.

B. A member who has a direct or indirect personal or pecuniary interest in any question or matter on which he or she must in an official capacity act shall make full disclosure of that interest for the record and shall abstain from voting or attempting to influence a decision of the Board.

C. 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 present except the member who is being challenged.

D. The chairperson shall call at least one (1) regular meeting of the Board each month.

E. No meeting of the Board shall be held without a quorum consisting of three (3) members authorized to vote. Any action of the Board shall require the affirmative vote of a majority of its members present unless otherwise provided by law.

F. The Board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

#### 4. Duties and Powers:

A. The Board shall perform such duties and exercise such powers as are provided by the Town of Livermore Falls' ordinances and the laws of the State of Maine.

B. The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

C. The Board shall perform and update a comprehensive plan as defined in 30-A MRSA, Section 4324.

D. The Board shall conduct planning studies and prepare reports, make recommendations, advocate local and State public policies, and advise the citizens and Municipal Officers of planning and community issues pending for consideration or discussion. The Board may take such actions either at the volition of the members or at the request of the Municipal Officers or voters assembled at the Town Meeting.

#### 5. Repeal of Prior Ordinances and Ratification of Prior Board Actions.

Any ordinance enacted or legislative act prior hereto and establishing or purporting to establish a Planning Board 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 Planning Board lawfully established and authorized. Any act prior hereto of that Board commonly known as the Planning Board and abolished hereby is hereby ratified and confirmed.

Adopted May 19, 1999

Amended June 14<sup>th</sup>, 2011

## **Bylaws of the Planning Board Town of Livermore Falls**

### **Section 1. Purpose and Scope**

The purpose of these bylaws is to establish reasonable rules of procedure for Board meetings and to promote the fair, orderly, and efficient conduct of the Board's proceedings and affairs. These bylaws shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

### **Section 2. Officers and Duties**

Officers of the Board shall consist of a Chairperson, Vice-Chairperson, and Secretary to be chosen at the first board meeting following the annual town meeting by and from among Board members unless otherwise provided by law. The Chairperson shall preside at all board meetings and shall have the authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and consistent with these bylaws or other law to enable the Board to perform its duties and conduct its affairs. In the absence of the Chairperson, the Vice-Chairperson shall preside and shall have the same authority. The Secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be a public record except as otherwise provided by law.

### **Section 3. Meetings**

Regular meetings of the Board shall be held on the third Wednesday of each month or as otherwise necessary or as required by law. Special meetings may be called at the discretion of the chairperson or upon the request of a majority of the Board, provided, however, that notice thereof shall be given to each member and the press at least 48 hours in advance and no business may be connected other than as specified in said notice.

Notice of all board meetings shall be given as required by law, and all such meetings shall be open to the public except as otherwise provided by law.

No business may be conducted by the Board except in a duly called and noticed meeting or without a quorum consisting of a majority of the Board being present. The order of business at regular meetings shall be as follows:

1. Roll-call and determination of a quorum.
2. Minutes of the previous meeting and communications.
3. Old (unfinished) business.
4. New business.
5. Other business.
6. Public participation.
7. Adjournment.

#### Section 4. Hearings

Public hearings of the Board shall be called as required by law or on such other occasions as a majority of the Board may deem appropriate. Notice of all such hearings shall be given as required by law and shall include the date, time, and place of the hearing and a general description of the subject matter.

The chairman shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial, or unduly repetitious evidence, provided, however, that formal rules of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chairman and without interruption, provided, however, that the Chairman may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits, or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct cross-examination of any other party through the Chair, provided, however, that the Chairman may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

## Section 5. Participation and Voting

Any action of the Board shall require the affirmative vote of a majority of its membership unless otherwise provided by law.

No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members.

No member may participate or vote in any adjudicatory proceeding, including proceedings on licenses, permits, or other approvals, unless the member was present during all hearings.

All members who are present and qualified as provided herein shall vote in every matter to be voted on unless excused by the Chairman for good cause shown.

## Section 6. Decisions

All decisions of the Board shall be made within the time limits, if any, established by law. All final decisions shall be in writing, shall become a part of the Board's permanent record, and shall, where required by law, include a statement of findings and conditions and the reasons or basis therefore. All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits, shall constitute a public record.

Notice of any decision, if required, shall be given as prescribed by law.

The Board may reconsider any decision within 30 days of its original decision, provided, however, that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within said 30 days. Notice of any reconsideration shall be given to any party thereto a reasonable time in advance of the reconsideration. The Board may conduct additional hearings and receive additional evidence and testimony as provided herein.

## Section 7. Conflict with Laws

Any conflict or inconsistency between these bylaws and any applicable law shall be resolved in favor of the law.

## Section 8. Waivers and Amendments

These bylaws, or any provision thereof, may be waived on any occasion by majority vote of the Board unless otherwise provided by law. These bylaws may be amended at any time in writing by majority vote of the board.

Adopted November 18, 1998

Section 3 amended by the Board on December 15, 1999.

**PROHIBITING POSSESSION OF LIQUOR ON  
MUNICIPALLY OWNED PROPERTY ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Prohibiting  
Possession of Liquor on Municipally Owned Property  
Ordinance for the Town of Livermore Falls" as certified to me  
by the Municipal Officers of the Town of Livermore Falls on  
the 23rd day of February, 1983.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

**PROHIBITING POSSESSION OF LIQUOR ON  
MUNICIPALLY –OWNED OUTDOOR AREAS ORDINANCE  
TOWN OF LIVERMORE FALLS**

**Section 1. Purpose**

The purpose of this ordinance is to promote the general public health and welfare by prohibiting the possession and use of liquor in parks and other municipally-owned outdoor areas within the Town of Livermore Falls.

**Section 2 Authority**

This ordinance is adopted pursuant to the Home Rule Authority granted to municipalities by 30 MRSA Section 1917.

**Section 3. Definitions**

a. Liquor – “Liquor” means and includes any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquor and mixed liquors intended for human consumption, which contains more than  $\frac{1}{2}$  of 1% of alcohol by volume.

b. Municipally-owned outdoor area – “Municipally-owned outdoor area” means those and only those areas of property owned by the Town of Livermore Falls which are specifically designated by the municipal officers from time to time as being subject to this ordinance pursuant to the delegation of authority contained in the following section.

**Section 4. Delegation**

The municipal officers are hereby empowered to designate those areas of municipally-owned property which shall be subject to this ordinance, provided that such designations shall be made only after a public hearing, and provided that such areas are described by reference to the Town Tax Maps or by other means sufficient to define the bounds of the area, and provided further that said designation shall not take effect until 10 days after a report of said designation as filed with the municipal clerk.

## Section 5. Prohibition

The possession or use of liquor in parks and other municipally-owned outdoor areas is designated by the Selectmen pursuant to this ordinance is hereby declared to be illegal.

## Section 6. Severability

If any portion of this ordinance is declared to be illegal, the remaining portions of this ordinance shall continue in full force and in fact to the extent that said remaining provisions may be applied in the absence of the provision so declared to be illegal.

## Section 7. Penalty

Whomsoever violates the provisions of this ordinance shall be subject to a \$50.00 fine, recoverable in Maine District Court upon complaint and summons issued by any law enforcement officer of the Town of Livermore Falls.

Adopted March 7, 1983

**PROPOSED AMENDMENTS  
SECTIONS IIIA, IIIB AND IVA  
SITE PLAN REVIEW ORDINANCE**

**Change the order of Section IIIA and IIIB and amend Section IVA**

**Section III Applicability**

A. The following uses and structures are exempt from this ordinance, as determined by the Planning Board:

1. The normal and customary practices involved in the growing and harvesting of field crops and timber.
2. Home Occupations, as defined.
3. Existing buildings and land uses legally established prior to the adoption of this ordinance unless one or more of the factors described in the following Section III B is present.

B. This ordinance shall apply to all development proposals for:

1. New buildings, structures and land uses for commercial, retail, industrial, institutional, recreational, utility, state, municipal or public.
2. New uses or changed uses of land or of existing structures if such new or changed uses would generate significantly greater traffic volumes, employ new material or processes, or generate any new impacts (glare, noise, odor) not normally associated with the previous use.
3. Resumption of conforming uses that have been discontinued for at least two years.

**Section IV Application Procedure**

A. Pre-application meeting

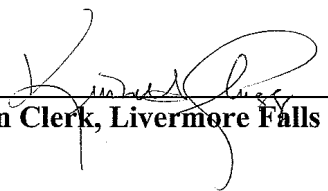
1. Prior to submitting an application for development the property owner, the property developer or an authorized agent shall meet with the Planning Board at a regular or special meeting to discuss the proposed development.
2. The developer may present to the Planning Board at this time a sketch plan of the proposed development. The sketch plan should consist of a rough outline of the development, and may be a free-hand, penciled sketch of the parcel, showing the proposed layout of the buildings, roads and other features. The sketch shall show enough information to aid the Planning Board in fully understanding the nature of the development proposal.
3. The Planning Board may request that the developer arrange for an inspection of the site by the Planning Board, or by an individual appointed by the Board Chairman to act as the Board's representative.
4. No binding commitments shall be made between the developer and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed.

5. However, if the Planning Board finds that the proposed development meets the provisions of Article IIIA, above, then the Board shall waive the review requirements altogether and note in the town's record that the development, as proposed, is exempt from this ordinance. The Planning Board, at this time, may also waive any of the submission requirements if the Board finds that certain submission requirements are not necessary for the review of the proposed development.

Amended on June 13, 2001

**RENTAL HOUSING CODE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Rental  
Housing Code Ordinance for the Town of Livermore Falls" as  
certified to me by the Municipal Officers of the Town of  
Livermore Falls on the 11th day of June, 1986.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

# **RENTAL HOUSING CODE TOWN OF LIVERMORE FALLS**

## **Section 1. Purpose and Authority**

### **A. Purpose**

The purpose of this code is to safeguard the health and safety of the inhabitants of Livermore Falls through the establishment and enforcement of minimum standards of construction, occupancy and maintenance for rental units.

### **B. Authority**

The code is adopted and hereafter amended pursuant to and consistent with: Title 30 MRSA, Chapters 201-A and 209; Title 30 MRSA, Chapter 239, Subchapter VI; Title 4 MRSA, Chapter 17; Title 12 MRSA, Chapter 424 and Title 25 MRSA, Chapters 313 to 321.

## **Section 2. Scope**

### **A. Application of Standards**

All rental units constructed after the enactment of this ordinance shall conform to these regulations. All rental units existing or under construction at the time of enactment of this ordinance shall conform to these regulations within two years of the date of enactment.

Where application of the standards of this ordinance, as ordered by the administering officer, will result in hardship to the owner or occupant, such person may appeal to the Board of Appeals as provided in Section 7.

### **B. Minimum Standards**

The standards set forth herein are intended to be minimum only, and they shall not apply wherever a greater standard is required by another ordinance or law.

### **C. Enforcement**

This ordinance shall be administered by the Code Enforcement Officer who may obtain from any qualified person or persons such advice or other assistance as he deems necessary in the carrying out of his duties under this ordinance; and said person or persons shall be reimbursed for their services in such a manner as the selectmen shall determine.

#### D. Penalty for Non-compliance

Any person failing or refusing to obey any order of notice of the Code Enforcement Officer issued hereunder shall be subject to a fine of not less than \$10 not more than \$100 and each day's violation shall be considered to be a separate offense.

#### B. Dwelling's Unfit for Human Habitation

Any dwelling unit or rooming unit which is in violation of the provisions of this ordinance to the extent that it is unfit for human habitation in the opinion of the Code Enforcement Officer may be condemned for habitation and posted against occupancy by the said Code Enforcement Officer. The following shall be considered to be unfit for human habitation:

1. Properties which are damaged, decayed, dilapidated, and unsanitary, overcrowded, unsafe, or vermin infested in such a manner as to create a serious hazard to health and safety of the occupants.
2. Properties which lack plumbing, ventilating, the lighting, and heating facilities or equipment adequate to protect the health and safety of the occupants.

#### Section 3. Definitions

The following definitions shall apply unless the context clearly indicates another meaning:

"Basement" shall mean the portion of a building below the ground floor having not more than half of its clear height below the adjoining grade.

"Cellar" shall mean the portion of a building below the ground floor or basement having more than half of its clear height below the adjoining grade.

"Dwelling" shall mean any house, building or part thereof, which is occupied, or intended to be occupied, in whole or in part for living and sleeping by one or more occupants. A dwelling may include one or more dwelling units or rooming units or a combination of both.

"Dwelling Premises" shall mean the land and auxiliary building thereon used or intended to be used in conjunction with a dwelling.

"Dwelling Unit" shall mean one or more rooms within a dwelling which forms a single and separate habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

"Extermination" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing, or making inaccessible, materials that may serve as their food; poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Code Enforcement Officer.

"Floor Area" shall mean the floor area inside of and between exterior walls or partitions or any combination thereof, as measured within a habitable room.

"Habitable Room" shall mean a room used, or intended to be used for living, sleeping, cooking, or eating. A bathroom, toilet room, laundry, pantry, hall, closet, heater room, utility room, or other shall not be considered to be a habitable room.

"Code Enforcement Officer" shall mean the Code Enforcement Officer of the Town of Livermore Falls or his duly authorized representative.

"Infestation" shall mean the presence within a dwelling or on premises of a dwelling of rodents, vermin, or other pests, as determined through actual observation of them or by the evidence of their presence.

"Multiple Dwelling" shall mean any dwelling containing more than two dwelling units.

"Occupant" shall mean any person, including an owner or operator residing in or having actual possession of a dwelling unit or rooming unit.

"Operator" shall mean any person who has charge, care, management, or control of any dwelling or part thereof in which dwelling units or rooming units are let or offered for occupancy.

"Owner" shall mean any person or persons who:

a. Shall have legal or record title to any dwelling, dwelling unit or dwelling premises;

b. Shall have charge, care, or control of any dwelling, dwelling unit, or dwelling premises as an agent of the owner, executor, administrator, trustee, or guardian of the estate of the owner;

c. Shall have an equitable interest in a dwelling, dwelling unit, or dwelling premises under a contract or bond for a deed with the person having legal or record title.

"Person" shall mean and include any individual, group of individuals, firm, corporation, association, or partnership

"Rooming House" shall mean any dwelling, or part thereof, containing two or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by two or more persons who are not related by blood or marriage to the owner or operator. For the purposes of the ordinance, homes for the aged and other institutions licensed by the State shall not be regarded as "rooming houses".

"Rooming Unit" shall mean any habitable room or rooms forming a single unit used, or intended to be used, for living exclusive of cooking or eating, whether by a separate family or by two or more persons living in common or by a person living alone.

"Supplied" shall mean installed, furnished, or provided by the owner or operator at his expense.

#### Section 4. Minimum Standards of Design, Construction and Repair

##### A. Minimum Standards for Structural Elements

a. Foundations, Basements, Cellars, Exterior Walls, Roofs

Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight and watertight; shall be structurally sound, shall be safe for the intended use and capable of supporting whatever load normal use may cause to be placed thereon. Water from roofs shall be so drained and conveyed therefrom so as not to leak nor create a hazard to adjacent buildings or occupants thereof.

b. Floors, Interior Walls, Ceilings and Doors

Every floor, interior wall, ceiling, and door shall be in structurally sound condition and in good repair

c. Windows, Exterior Doors and Skylights

Every window, exterior door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight and watertight, and shall be kept in sound working condition and good repair.

d. Stairways, Stairwells, Stairs and Porches

Every inside and an outside stairway, stairwell, stairs, and porch and any appurtenances shall be structurally sound, in good repair, and safe to use.

e. Chimneys, Flues and Vents

Every chimney and every flue, vent and smokepipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.

A. Minimum Standards for Space and Occupancy

a. Space per Person

Every dwelling unit shall contain at least 100 square feet of habitable floor area for the first occupant and at least 70 square feet of additional habitable floor area for each additional occupant. For the purpose of this paragraph, a child under the age of 1 shall not be counted as an occupant.

b. Area per Habitable Room

Every habitable room, other than a kitchen or dining alcove, shall contain at least 64 square feet of floor area. The least horizontal dimension of such room shall be not less than 7 ft.

c. Excluded Areas

In the computing of floor area for the purpose of this Section, the space used for closets or other enclosed spaces and, in the case of rooms with sloping ceilings, portions of such rooms which are less than 4 ft. in height shall be excluded.

d. Habitable Rooms in Basements and Cellars

Every room in any cellar or basement used for the purpose of a habitable room shall meet the following conditions:

1. the ceiling shall be at least six and a half feet above the floor.
2. unless adequate mechanical ventilation is provided, there shall be one or more openable windows containing an area equal to not less than 4% of the floor area, and the ceiling shall be at least 2 ft. above grade where the required window or windows are located.
3. the floor and walls shall be water and a damp-proof and the room shall be well-drained and dry.

C. Minimum Plumbing Standards

a. Basic Facilities

Every dwelling unit, except as provided below, shall contain a kitchen sink, a flush toilet, lavatory basin, and bathtub or shower. Each occupant of a rooming unit shall have access to a flush toilet, lavatory basin, and bathtub or shower.

1. The occupants of not more than two dwelling units, each of which contains not more than 340 square feet of habitable floor area and each of which contains no more than two rooms, may share the use of a single flush toilet, a lavatory basin and bathtub or shower.
2. One room dwelling units shall be considered as rooming units and not dwelling units for the purpose of determining the number who may share such facilities.
3. Rooming houses and dwelling houses containing rooming units shall contain at least one flush toilet, one lavatory basin, and one bathtub or

shower for each five persons or fraction thereof, living within said rooming units, which shall include members of family of the owner or operator if they share the use of such facilities.

#### b. Location of Facilities

The flush toilet, lavatory basin, and bathtub or shower shall be conveniently located within a room or compartment which affords privacy and is separate from habitable rooms in which each occupant can reach without going out of doors, or passing through a dwelling unit or rooming unit other than his own, or ascending or descending more than one flight of stairs. Where practicable, the lavatory basin and toilet shall be in the same room or compartment.

#### c. Water Supply

Every dwelling unit and rooming house, or combination of the same, shall be provided with a potable water supply. Every kitchen sink, lavatory basin, and bathtub or shower required by this ordinance shall be properly connected with hot and cold water lines with adequate supply of pressure. Water heating facilities shall be such as to permit an adequate amount of hot water to be drawn at every required fixture at all reasonable times.

#### d. Maintenance of Plumbing Fixtures

All fixtures shall be properly maintained in sanitary and sound mechanical condition.

### D. Minimum Ventilation Standards

Every habitable room shall have a window or windows opening to the outdoors which shall be so constructed that an area equal to not less than 4% of the floor area of the room (excluding any portion of the room that has a height of less than 4 ft. above the floor) can be opened fully. A mechanical ventilating system capable of changing the air at least once per hour may be substituted for such window or windows.

### D. Minimum Lighting Standards

#### a. Habitable Rooms

Every habitable room shall contain at least two separate duplex convenience outlets or at least one duplex convenience outlets and one ceiling type or wall type electric light fixture.

b. Bathrooms, Utility Rooms, Cellars and Basements

Every water closet compartment, bathroom, laundry room, furnished room, cellar and basement shall contain at least one ceiling type or wall type of electric light fixture.

c. Passageways and Common Stairways

Every passageway and stairway shall have at least one ceiling type or wall type electric light fixture which can illuminate it adequately for safe passage by the occupants.

d. Maintenance of Lighting Fixtures

All fixtures required by this ordinance and all fixtures installed in addition thereto shall be maintained in good and safe working condition.

F. Minimum Heating Standards

a. Heating Facilities Required

Every habitable room shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit at a height of 3 ft. above floor level. When heat is not furnished with a central heating system, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement.

b. Seasonal Dwellings Excepted

A building used solely for seasonal occupancy between March 1st and October 31st shall be excepted from the requirement above.

c. Maintenance of Equipment

All stoves, furnaces, room heaters, or domestic water heaters operated by solid, liquid, or gaseous fuel shall be properly vented and maintained in safe operating condition by the owner, operator and/or occupant, or both.

d. Electric Space Heating Equipment

Dwellings which are occupied, or intended to be occupied, in whole or in part for living and sleeping by one or more occupants, when heat is furnished entirely by electric space heating equipment, shall be excepted from the use of masonry flues and smoke or vent pipe connections, as provided under part (a) of the Minimum Heating Standards.

Section 5. Minimum Standards to Ensure Safety from Fire

a. Flammable Liquids, Toxic Gases

No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing, or storing flammable liquids, or producing toxic gases or vapors in any quantity, which may endanger the lives or safety of the occupants.

b. Means of Egress for One and Two-family Dwellings

Means of egress from one and two family dwellings shall conform to the requirements set forth in NFPA 101-Life Safety Code, Chapter 22, 1985 edition.

c. Means of Egress for Apartment Buildings, Lodging or Rooming Houses

1. Means of egress for new apartment buildings shall conform to the requirements set forth in NFPA 101-Life Safety Code, Chapter 18, 1985 edition.

2. Means of egress for existing apartment buildings shall conform to the requirements set forth in NFPA 101- Life Safety Code, Chapter 19, 1985 edition.

3. Means of egress for lodging or rooming houses shall conform to the requirements set forth in NFPA 101-Life Safety Code, Chapter 20, 1985 edition.

#### d. Unobstructed Egress

Every hallway, stairway, corridor, exit, fire escape door, used or intended as a means of egress from a habitable room shall be kept clear of obstructions at all times.

#### e. Temporary Wiring, Extension Cords

No temporary wiring shall be used except extension cords which run directly from portable electrical fixtures to convenience outlets, ceiling or wall type fixtures, and which do not lie under rugs or other floor coverings, nor extend through doorways, transoms or openings through structural elements.

#### f. Storage of Waste Material

Storage rooms and storage lockers shall not be used for storage of refuse, rubbish or waste.

#### g. Space Heaters

Flueless oil or gas space heaters are prohibited.

#### h. Smoke Detectors Required

The owner shall install, or cause to be installed, not less than one approved and operable smoke detector upon or near the ceiling areas within, or giving access to, bedrooms in:

1. any single family dwelling rented to others, including mobile homes, regardless of the date of construction.
2. each apartment in any building of multifamily occupancy, including an apartment occupied by the owner.

In multifamily buildings more than three stories in height, approved and operable smoke detectors shall also be installed in each corridor and hallway on each floor.

### Section 6. Minimum Standards of Sanitary Maintenance

## A. Insect, Rodent and Vermin Control

a. General. Structure shall be maintained free of insect, vermin, and rodent harborage and other infestation.

b. Grounds. Grounds shall be maintained free of garbage and wastes attractive to rats and vermin. So far as practicable, food to be left for birds and animals shall be placed in containers so as to prevent the scattering of such food upon the ground.

c. Screening. Screens of wire mesh or other suitable material shall be provided for openings used to ventilate basements or, in order to prevent the ingress of insects, rodents and other vermin. From May 1st to October 1st all openings used for the ventilation of dwelling shall be appropriately screened.

### d. Use of Poison Gas, Etc., in Extermination

No person shall employ for disinfestation or for extermination of rodents or vermin in any dwelling any highly toxic chemical; any poisonous or dangerous gas; any substance emitting poisonous gas, fumes or vapor, cyanide in any form, or sodium fluoroacetate (commonly known as "1080"); without first obtaining a permit for each such use from the Code Enforcement Officer, who shall notify the police and fire departments.

## B. Disposal of Garbage and Waste

### a. Containers

Watertight garbage containers made of metal or plastic shall be provided for each dwelling unless all garbage is otherwise disposed of. Garbage containers shall be kept covered in order to reduce their attraction to vermin and rodents, and shall be cleaned periodically in order to prevent their becoming foul or offensive.

### b. Storage

No garbage or refuse shall be stored or allowed to accumulate in any hall or stairway used in common by the occupants of two or more dwelling units or rooming units.

### C. Division of Responsibility for Sanitary Maintenance

#### a. Maintenance of Assigned Areas

Every occupant of a dwelling, which is subject to the regulations of this ordinance shall maintain a clean and sanitary manner that part of the dwelling, and dwelling premises which he occupies and controls and shall share the responsibility for maintaining in a clean and sanitary condition any areas and facilities available in common.

#### b. Maintenance of Shared Areas

Every owner or operator of a multiple dwelling or rooming house shall maintain a clean and sanitary condition the shared or public areas of the dwelling and dwelling premises.

#### c. Maintenance of Supplied Facilities

Every occupant of a dwelling unit shall keep all supplied facilities, including plumbing and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

#### d. Maintenance of Garbage and Waste Containers

The owner or operator of each dwelling shall provide sufficient containers to meet the above requirements.

#### e. Rodent and Vermin Control

1. Every occupant of the dwelling unit shall be responsible for the termination of such insects, rodents, or other pests where the infestation is confined to such dwelling unit. When such infestation shall exist because of the failure of the owner or operator of a dwelling or dwelling premises to keep the same in a substantially rodent or vermin proof condition, extermination shall be the responsibility of the owner or operator.

2. Every owner or operator shall be responsible for the extermination of such insects, rodents, or other pests whenever infestation exists in two more dwelling units, or in shared areas, of any dwelling or upon the dwelling premises.

3. Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents, or other pests in the dwelling or upon the dwelling premises.

## Section 7. Procedure: Inspection, Notion of Violation, and Legal Provisions

### A. Inspections

The Code Enforcement Officer, upon proper identification and reasonable notice shall have the right to enter at any reasonable time into or upon any dwelling or premises, where a rental unit exists or is being constructed, for the purpose of inspecting said dwelling or premises in order to determine whether or not a violation of this ordinance exists and for the purpose of examining and inspecting any work performed under the provisions of this ordinance, and it shall be a violation of this ordinance for any person to interfere with or prevent such inspection.

### B. Notices

When any violation is found to exist within the meaning of this ordinance, said Code Enforcement Officer shall give the owner, operator, or occupant, or both a written order or notice by certified letter which shall set forth the violation and shall specify a reasonable time limit for correction thereof.

### C. Reinspections

After the expiration of the time for correction of such violation the Code Enforcement Officer shall make a reinspection of the premises and if the violation has not been corrected and no appeal is pending as hereinafter provided, the Code Enforcement Officer may make such further order as he deems advisable or he may proceed to take legal action against the person liable for such violation.

### D. Posting against occupancy

If, in the opinion of the Code Enforcement Officer, a dwelling unit or room unit is in violation of the provisions of this ordinance to the extent that it is unfit for human habitation, the Code Enforcement Officer shall condemn it for habitation and shall post it against occupancy; and he shall give notice in writing to the owner or operator of such condemnation and posting; and if such property is occupied, he shall give like notice to the occupant which shall also include a reasonable time limit within which such property shall be vacated.

#### E. Property Not To Be Occupied Again for Habitation

No property which has been condemned and posted against occupancy shall again be used for the purpose of habitation until the Code Enforcement Officer shall in writing approve of its use and shall likewise authorize the removal of the posted notice.

#### F. Notice Is Not To Be Removed: Property Not To Be Used or Let

It shall be a violation of this ordinance for any person to deface or remove any such posted notice without the prior approval of the Code Enforcement Officer, and it shall also be a violation of this ordinance for any person to occupy or let to another for occupancy any property which has been condemned and posted as provided above without receiving the prior approval of the Code Enforcement Officer.

#### G. Property To Be Secured If Not Improved

In the event the owner or operator of any property which has been condemned as unfit for habitation does not proceed to make the necessary corrections to bringing the property into compliance with the provisions of this ordinance, he shall make said property safe and secure so that no danger to life or property and no fire hazard shall exist.

#### H. Restriction on Conveyance of Property; Exception

It shall be a violation of this ordinance for any person to sell, transfer, or otherwise dispose of any property against which an order has been issued by the Code Enforcement Officer under the provisions of this ordinance unless he shall first furnish to the grantee a true copy of any such order and shall at the time notify the Code Enforcement Officer in writing of the intent to so

transfer either by delivering said notice to the Code Enforcement Officer and receiving a receipt therefore or by registered mail, return receipt requested, giving the name and address of the person to whom the transfer is proposed. In the event of a violation of this section of this ordinance, such person shall be subject to a fine of not less than \$50 nor more than \$100 in addition to any fine which may be imposed for failure to comply with any order of the Code Enforcement Officer as provided herein.

#### I. Responsibility Hereunder May Not Be Transferred

No contract or agreement between owner and/or operator and occupant relating to compliance with the provisions of this ordinance shall be effective in relieving any person of responsibility for compliance with those provisions.

#### J. Appeal to the Board of Appeals

Any person who feels aggrieved by an order or notice of the Code Enforcement Officer under the provisions of this ordinance may file an appeal within 10 days from the date of such order or notice to the Board of Appeals who may, by majority vote, reverse the decision of the Code Enforcement Officer and permit exceptions to or variances from the specific provisions of this ordinance in cases where the enforcement of the provisions of this ordinance may result in undue hardship, subject always to the rule that the Board of Appeals shall give due consideration to the purposes of this ordinance in promoting public health, safety and welfare.

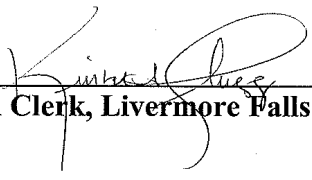
#### K. Personal Non-liability

No officer or employee charged with the enforcement of this ordinance and acting for the Town of Livermore Falls in the discharge of his duties shall render himself personally liable for any damage that may occur to any person or property as a result of his acts in the discharge of his duties. Any suit brought against any officer or employee because of any act performed by him under the provisions of this ordinance shall be defended by the Town of Livermore Falls until final determination of the proceedings therein.

Adopted June 11, 1986

**ROAD OPENING ORDINANCE  
TOWN OF LIVERMORE FALLS**

**On June 11<sup>th</sup>, 2003 an ordinance called "Road Opening Ordinance" was voted on and approved at the annual Town Meeting held in Livermore Falls.**

  
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**Town Clerk, Livermore Falls**

## **ROAD OPENING ORDINANCE**

**To dig in the road right of way a permit is required, as stipulated in this ordinance.**

The issuance of Road Opening Permit is the responsibility of the Town Road Commissioner or his designee.

The utilities or property owner is responsible for getting the permit in a timely fashion ( Dig Safe is 72 hours prior). The permit will list the owner's name, the reason for the opening, and the contractor's name, address, and phone numbers.

The permit is issued in accordance with Title 35, Section 2346, 2349, 2351, 2352 and 2353 and Title 23, Section 3351 to 3359, MSRA and under the following criteria:

1. During the opening of a Town street proper traffic control, as defined by the manual on Uniform Traffic Control Devices (MUTCD), must be in place. Proper trenching techniques as defined in the OSHA Federal Register Standards-Excavations Final Rule are to be followed.
2. All backfill material shall be thoroughly compacted. The top of the trench shall be of a clean gravel processed to a graduation of no larger than 3” in size and be of a thickness equal to the present base but under no circumstances be less than 12” after compaction.
3. All asphalt removed is to be properly disposed of. The opening is to be squared and repaved using 2” of binder (B mix) with 1” of surface (D mix), or greater – to match existing pavement depth. Mix design will meet all MDOT specifications.
4. The permittee assumes total responsibility for the site during construction and for a period of one (1) year from the date of completion. Should a problem arise it will be the sole responsibility of the permittee to take all corrective measures deemed necessary by the Town of Livermore Falls. Street reconstruction is to be

completed as soon as possible so as not to create an undue hazard to the motoring public.

5. All surplus material remaining after excavation must be removed, leaving shoulders and ditches properly graded and free of obstructions. Any variations of the above listed specifications must meet with the prior approval of the Town of Livermore Falls.
6. Permittee must notify and follow all Dig Safe rules.
7. Not less than one-half the width of the traveled way shall be open to traffic at all times.
8. Right is reserved by the Town to do the entire job or the backfilling part thereof on any specific job and bill the permit holder. If this right is to be exercised by the Town it must be specifically mentioned in the first paragraph of this permit, following the purpose for which the permit is issued.
9. The closing of an emergency opening will be made during business hours, 7:00 am to 3:00 pm Monday through Friday. Temporary closing is required for the balance of the weekend.

**INSURANCE:** The excavator shall furnish a certificate of insurance to the Road Commissioner prior to undertaking any excavation in a public way.

**VIOLATION AND PENALTY:** A person or organization who violates this Ordinance shall be punished for each offense by a fine of not more than \$100.00 plus the cost of any fees or charges for work done, which remain unpaid. No further permits shall be issued to any person or organization who violates this Ordinance until all amounts due have been paid. If a private party fails to complete within a reasonable time any work for which an opening permit is required, the Town may complete the work and charge the owner for the cost of doing so.

Adopted June 11, 2003

**ROAD USE AND RESTRICTIONS ORDINANCE  
VEHICLE WEIGHT ON POSTED WAYS  
TOWN OF LIVERMORE FALLS**

**A True Copy Attest of "Road Use and Restrictions Ordinance  
Vehicle Weight on Posted Ways" for the Town of Livermore  
Falls. A Public Hearing was held on October 2, 2000.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

**ROAD USE AND RESTRICTIONS ORDINANCE  
VEHICLE WEIGHT ON POSTED WAYS  
TOWN OF LIVERMORE FALLS**

**Section 1. Purpose and Authority**

The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Livermore Falls which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair.

This ordinance is adopted pursuant to 30-A MRSA 3009 and 29-A MRSA Sections 2395 and 2388.

**Section 2. Definitions**

The definitions contained in Title 29-A MRSA shall govern the construction of works contained in this ordinance. Any words not defined therein shall be given their common and ordinary meaning.

**Section 3. Restrictions and Notices**

The Municipal Officers may, either permanently or seasonally erect STOP or YIELD signs or other signs as necessary, establish No Parking Zones, Weight Limits, "No Thru Truck" zones or other restrictions as they see fit to protect the residents and the roadways of the town.

The Municipal Officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may in their judgment be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

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

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted and the signature of the Municipal Officers.

The notice shall be conspicuously posted on each end of the restricted portion of the way or bridge in a location clearly visible from the travel way. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.

No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

#### Section 4. Exemptions

The following vehicles are exempt from this ordinance:

1. Any two-axle vehicle while delivering home heating fuel;
2. Any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
3. Any emergency vehicle (such as firefighting apparatus or ambulances) while responding to an emergency;
4. Any school transportation vehicle while transporting students;
5. Any public utility vehicle while providing emergency service or repair; and
6. Any vehicle whose owner or operator holds a valid permit from the Municipal Officers as provided herein.

#### Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Municipal Officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The Municipal Officers may issue a permit only upon all of the following findings:

1. No other route is reasonably available to the applicant;
2. It is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and

3. The applicant has tendered cash, a bond or other suitable security running to the Town in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the Municipal Officers make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create a safety hazard or cause substantial damage. They may also limit the number of permits issued or outstanding as may in their judgment be necessary to preserve and protect the highways.

In determining whether to issue a permit, the Municipal Officers shall consider the following factors:

1. The gross registered weight of the vehicle;
2. The current and anticipated condition of the way or bridge;
3. The number and frequency of vehicle trips proposed;
4. The cost and availability of materials and equipment for repairs;
5. The extent of use by other exempt vehicles; and
6. Such other circumstances as may in their judgment be relevant.

The Municipal Officers may issue permits subject to reasonable conditions including, but not limited to, restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

## Section 6. Administration and Enforcement

This ordinance shall be administered and may be enforced by the Municipal Officers or their duly authorized designee (such as Road Commissioner, Code Enforcement Officer or Law Enforcement Officer).

## Section 7. Penalties

Any violation of this ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1,000.00. Each violation shall be deemed a separate offense. In addition to any fine, the Town may seek

restitution for the cost of repairs to any damaged way or bridge and reasonable attorney's fees and costs.

Prosecution shall be in the name of the Town and shall be brought in the Maine District Court.

#### Section 8. Amendments

This ordinance may be amended by the Municipal Officers at any properly noticed meeting.

#### Section 9. Severability; Effective Date

In the event any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

This ordinance shall take effect immediately upon enactment by the Municipal Officers at any properly noticed meeting.

Adopted Public Hearing on October 2, 2000

**SHORELAND ZONING ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Shoreland  
Zoning Ordinance of the Town of Livermore Falls" as certified  
to me by the Municipal Officers of the Town of Livermore  
Falls on the 3<sup>rd</sup> day of June, 1991.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **SHORELAND ZONING ORDINANCE TOWN OF LIVERMORE FALLS**

### **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 land from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal 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 and coastal 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. (MRSA)

### **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 Formally Adopted Ordinance**

This ordinance, which was adopted by the Town legislative body on June 12, 1991, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the ordinance, attested and signed by the Town Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner 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, all shoreland zoning ordinances previously adopted are hereby repealed.

Any application for a permit submitted to the Town within the forty-five (45) day period shall be governed by the terms of this ordinance if the ordinance is approved by the Commissioner

#### Section 5. Availability

A certified copy of this ordinance shall be filed with the Town 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, 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 Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the Town 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 the department's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Town within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

#### 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
5. Stream Protection District

#### B. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the Town Office.

#### C. Changes to the Official Shoreland Zoning

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.

#### Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the center lines 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 Planning Board 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. Nonconformance

### A. Purpose

It is the intent of this ordinance to promote land use conformities, except that nonconforming conditions that legally 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: nonconforming 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 nonconforming uses and structures including repairs or renovations which 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.

NOTE: See Section 17 for the definitions of nonconforming structures, nonconforming uses, and nonconforming lots.

### C. Nonconforming Structures

1. Expansions: 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.

#### Further Limitations:

a. After January 1st 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland

edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.

b. Construction or enlargement of a foundation beneath the existing structure shall not be 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, basing its decision on the criteria specified in Subsection 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.

c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland, shall be expanded toward the water body, tributary stream, or wetland.

2. 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 a 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 nonconforming structure which is located less than the required setback from the normal high-water line of a water body, a tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such 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 nonconformity.

Any nonconforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the Code Enforcement Officer.

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 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 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, archeological and historic resources, 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 permitted in Section 12 (C)(1)(a) 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 to the resumption of a use of a residential structure provided that the structure has been used or maintained for the residential purposes during the preceding five (5) year period.

3. Change of use: an existing nonconforming use may be changed to another nonconforming 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. Nonconforming Lots

1. Nonconforming lots: a nonconforming 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 contiguous 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 nonconforming 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 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.

This provision shall not apply to two more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this ordinance and recorded in the Registry of Deeds if the lot can be served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and:

- a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- b. Any lots that do not meet the frontage and lot size requirements of subparagraph a. are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

### 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 Districts 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" by the Maine Department of Inland Fisheries and Wildlife as of January 1st, 1973.
2. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain 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 and/or local knowledge.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surfically 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.

#### B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development District.

#### C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, 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.

#### D. General Development District

The General Development District includes the following types of areas:

1. Areas of two 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, racetracks, 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.

#### D. Stream Protection District

The Stream Protection District includes all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of a great pond or river, or within 250 feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within 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.

#### Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone A, 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
SP:	Stream Protection

LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICTS				
	SP	RP	LR	LC	GD
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO <sup>1</sup>	yes	yes	yes
5. Clearing of vegetation for approved construction and other allowed uses	CEO	CEO <sup>1</sup>	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>
10. Mineral extraction including sand and gravel extraction	no	PB <sup>3</sup>	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes
15. Principal structures and uses	PB <sup>4</sup>	no <sup>5</sup>	CEO	CEO	CEO
A. One and two family residential					
B. Multi-unit residential	no	no	PB	PB	PB
C. Commercial	no	no	no	PB	PB
D. Industrial	no	no	no	no	PB
E. Governmental and Institutional	no	no	no	PB	PB
F. Small nonresidential facilities for educational, scientific or nature interpretation purposes	PB <sup>4</sup>	PB	CEO	CEO	yes
16. Structures accessory to allowed uses	PB <sup>4</sup>	PB	CEO	CEO	yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland					
a. Temporary	CEO	CEO	CEO	CEO	CEO
b. Permanent	PB	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
19. Home occupations	PB	no	PB	CEO	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB <sup>6</sup>	PB <sup>6</sup>	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO

25. Campgrounds	no	no <sup>6</sup>	PB	PB	PB
26. Road and driveway construction	PB	no <sup>7</sup>	PB	PB	PB
27. Parking facilities	no	no <sup>6</sup>	PB	PB	PB
28. Marinas	PB	no	PB	PB	PB
29. Filling and earthmoving <10 cubic yards	CEO	CEO	yes	yes	yes
30. Filling and earthmoving >10 cubic yards	PB	PB	CEO	CEO	CEO
31. Signs (new or replacement)	yes	yes	yes	yes	yes
32. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

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

<sup>2</sup>Requires permit if more than 100 square feet of surface area, in total is disturbed.

<sup>3</sup>In RP not permitted 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)(2)

<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 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.

<sup>8</sup>Single family residential structures may be allowed by special exception only according to Section 16.E. Two family residential structures are prohibited.

## 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 (square feet)	Minimum Shore Frontage (feet)	Minimum Road Frontage (feet)
Residential per dwelling unit	40,000	200	150
Governmental, Insti- tutional, Commercial or Industrial per Prin- cipal Structure	60,000	300	250
Public and Private Recreational Facilities	40,000	200	150

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 lots shall not be included toward calculating minimum lot area.

3. Lots located on opposite sides of the 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 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 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 100 feet from the normal high-water line of great ponds and 75 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 a least 25 feet.

In addition:

a. 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.

b. The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

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 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 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 flood plain soils.

4. The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed 20% of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to the Androscoggin River, where a lot coverage shall not exceed 70%.

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 the areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four 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 Extending Over and 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 fish habitat.

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 necessity.

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 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 5000 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 100 feet from the normal high-water line of the great pond, and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

#### D. Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted providing the following conditions are met:

1. One camp site per lot existing on the effective date of this ordinance, or 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 100 feet from the normal high-water line of a great pond, and 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, tents or similar shelter in a Resource Protection District shall be limited to 1000 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 Code Enforcement Officer. 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 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:

- 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 products storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- k. Photographic processing

## I. Printing

### G. Parking Areas

1. Parking areas 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 District may be reduced to no less than 50 feet from the normal high-water line or upland edge of a 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 10 feet wide and 20 feet long, except that parking spaces for a vehicle and boat trailer shall be 40 feet long.

b. Internal travel aisles: approximately 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 100 feet from the normal high-water line of a great pond, and 75 feet from the normal high-water line of other water bodies, tributaries 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 a driveway setback requirement to no less than 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 not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than 20% the road and/or a driveway setback shall be increased by 10 feet for each 5% increase in slope above 20%.

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 are 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 a driveway shall be set back as far as practicable from the normal high-water line of a water body, a tributary stream, or upland edge of a wetland.

4. Road banks shall be no steeper than a slope of 2 horizontal to 1 vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Subsection Q.

5. Road grades shall be no greater than 10% except for short segments of less than 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 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 turnout 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:

Road 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 road grade is 10% or less.

c. On road sections having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a 30 degree angle down slope 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.

8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads 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 and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed 6 square feet in

area and shall not exceed 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 2 signs per premises.
3. Residential users may display a single sign not over 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 2 square feet in area.
5. Signs relating to public safety shall be permitted without restriction.
6. No sign shall extend higher than 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 storm waters.
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 the essential services shall be limited to existing public ways and existing service corridors.

2. The installation of the essential services is not permitted in a Resource Protection District 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 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

Note: this includes mining of topsoil and loam. For additional information see the definition of Mineral Extraction in Section 17.

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 100 square feet 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 3 below.
2. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M R S A, Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within 100 feet of the normal high-water line of a great pond, and within 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 75 feet of any property line, without written permission of the owner of such adjacent property.
3. Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive twelve

months, 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 100 feet, horizontal distance, of a great pond, or within 75 feet horizontal distance, of other water bodies, tributary streams, or wetlands. Within five 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-year period.

3. Agricultural activities involving tillage of soil greater than 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 new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond; within 75 feet, horizontal distance, from other water bodies; nor within 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 100 feet, horizontal distance, of the normal high-water line of a great pond; within 75 feet, horizontal distance of other water bodies, nor; within 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 in the strip of land extending 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 above, timber harvesting shall conform with the following provisions:

a. Selective cutting of no more than 40% of the total volume of trees 4 inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any 10 year period is permitted. In addition;

i. Within 100 feet, horizontal distance of the normal high-water line of a great pond, and within 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 clear-cut openings and a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

ii. At distances greater than 100 feet, horizontal distance, of a great pond, and greater than 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 clear-cut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5000 square feet they shall be at least 100 feet apart. Such clear-cut 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 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 within 4 feet above the ground. Any debris that falls below the normal high-water line of 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 the timber harvesting results in the exposure of mineral soil shall be located such that an unscarified stripped of vegetation of at least 75 feet in width for slopes up to 10% shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For

each 10% increase in slope, the unscarified strip shall be increased by 20 feet. The provisions of this paragraph apply only to 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 25 feet from the normal high-water line of a water body or upland edge of wetland .

g. Timber harvesting operations exceeding the 40% limitation in paragraph a. above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purpose of this ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within 14 days of the Planning Board decision.

#### P. Clearing of Vegetation for Development

1. Within a shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection 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 100 feet, horizontal distance, inland from the normal high-water line of a great pond, and 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 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, the width of the footpath shall be limited to six 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 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.

Diameter of tree at 4 1/2 feet above ground level (inches)	Points
2-4	1
>4-12	2
>12	4

Adjacent to other water bodies, tributary streams, and 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 percent of the total volume of trees 4 inches or more in diameter, measured at 4 1/2 feet above the ground level may be removed in any 10 year period.

c. In order to protect water quality and wildlife habitat, adjacent to great ponds, existing vegetation under 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 100 feet, horizontal distance, from a great pond, and 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 10 year period, selective cutting of not more than 40% of the volume of trees 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 40% 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, 25 percent of the lot area or 10,000 square feet, whichever is greater, including land previously developed. This tradition 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 filling, grading, excavation, or other similar activities which results 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. The 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 week from the time it was last actively worked, the use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine 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 bale per 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 25 year 24 hour 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 groundwater 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 excess.

#### 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 20 days prior to action being taken 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 existing use or structure; or renew a discontinued nonconforming use.

It permit is not required for the replacement of an existing road culvert as long as:

1. The replacement culvert is not more than 25 percent longer than the culvert being replaced;
2. The replacement culvert is not longer than 75 feet; and
3. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

#### 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

1. 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, what specific additional material is needed to make the application complete.

2. For applications which are the authority of the Code Enforcement Officer, the Officer shall approve, approve with conditions, or deny the application in writing within 45 days of receiving a completed application.

3. For applications which require Planning Board review, the Planning Board shall approve, approve with conditions, or deny the application within 45 days except that:

a. If the Planning Board has a waiting list of applications, a decision on the application shall occur within 45 days after the first available date on the Planning Board's agenda following receipt of the completed application, or

b. If the Board deems appropriate, a public hearing is scheduled for the application. In which case, a public hearing shall be scheduled within 35 days of the date on which the completed application first appears on the Planning Board agenda, and a decision shall be rendered and the applicant notified in writing within 35 days of the public hearing. (Refer to Subsection H. for public hearing procedures and notification requirements).

4. 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. 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.

6. 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:

- a. Will maintain safe and healthful conditions;
- b. Will not result in water pollution, erosion, or sedimentation to surface waters;
- c. Will adequately provide for the disposal of all wastewater;
- d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- f. Will protect archaeological and historic resources as designated in the comprehensive plan;
- g. Will avoid problems associated with flood plain development and use; and
- h. 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 regulations or any State law which the municipality is responsible for enforcing.

#### E. Special Exceptions

In addition to the criteria specified in Section 16 D. above, the Planning Board may approve a permit for a single family residential structure in a

Resource Protection District provided that the applicant demonstrates all of the following conditions are met:

1. There is no location on the property, other than the location within the Resource Protection District, where a structure can be built.
2. The lot on which the structure is proposed is undeveloped and was established and recorded in the Androscoggin County Registry of Deeds before the adoption of the Resource Protection District.
3. The proposed location of all buildings, sewage disposal systems and other improvements are:
  - a. Located on natural ground slopes of less than 20%; and
  - b. Located outside the floodway of the 100 year floodplain along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least 1 foot above the 100 floodplain elevation; and the development is otherwise in compliance with the Town of Livermore Falls Floodplain Management Ordinance.

If the floodway is not shown on the Federal Emergency Management Agency maps, it is deemed to be 1/2 the of the 100 year flood plain.

4. The total ground floor area of all principal and accessory structures is limited to a maximum of 1500 square feet.
5. All structures, except functionally water-dependent structures, are set back from the normal high water line or upland edge of a wetland to the greatest practical extent, but not less than 75. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

#### F. 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.

#### G. Installation of Public Utility Service

No public utility, water district, sanitary district, or any utility company of any kind may 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 Town officials. Following installation of service, the company or district shall forward the written authorization to the town officials, indicating that installation has been completed.

#### 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 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 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 provisions of Section 15 except for the specific provisions which has created the nonconformity and from which relief is sought; and

2. the strict application of the terms of this ordinance would result in undue hardship.

The term "undue hardship" to 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. The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who is living in the dwelling or regularly uses the dwelling. The Board shall restrict any variance granted under the subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including without limitations the variance to the duration of the disability or to the time that the person with the disability lives in or regularly uses the dwelling. The term "structures necessary for

access to or egress from the property" shall include railing, wall or roofs systems necessary for safety or effectiveness of the structure.

f. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within 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 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 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 indicating 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 35 days of its receipt of an appeal request. (Refer to Subsection H 4 public hearing procedures and notification requirements).

#### 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 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 therefore, 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 30 days from the date of any decision of the Board of Appeals.

#### 5. Reconsideration of

The Board of Appeals may reconsider any decision within 30 days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

## I. Public Hearing Procedures and Notification Requirements - Board of Appeals and Planning Board

The reviewing authority for the subject request shall have notice of the date, time and place of the hearing :

1. Given to the applicant;
2. Mailed to all property owners within 500 feet of the property boundaries; and
3. Published, at least one time, in a newspaper having general circulation in the town. The date the publication must be at least seven days prior to the hearing.

## J. 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 at of this ordinance.

c. The Code Enforcement Officer shall keep a complete record of all essentials 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. Once every two years, 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 a correction or abatement of the violation or nuisance condition, the Town 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 and 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 legal 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 landowners agent or a contractor, who orders or conducts any activity in violation of this ordinance shall be penalized in accordance with Title 30-A, M R S A, Subsection 4452.

Note: Current penalties include fines of not less than \$100 nor more than \$2,500 per violation for each day that the violation continues.

### 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.

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 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 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: 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 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 one month 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.

Forest wetland: A fresh wetland dominated by woody vegetation that is 6 meters tall or taller.

Foundations: the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, post, or frost walls.

Freshwater wetland: freshwater swamps, marshes, bogs and similar areas other than forested wetlands which are:

1. Of 10 or more contiguous acres; 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 groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, the prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that cannot 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, inland waters and which cannot be located away from these waters. The uses include, but not limited to recreational fishing and boating facilities, waterfront dock facilities, boatyards and boat building facilities, navigation aids, industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site.

Great pond: any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 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.

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 persons other than family members residing in the home.

Individual private campsite: an area of land which is not associated with the campground, a which is developed for repeated camping by only one group not to exceed 10 individuals and which involve site improvements which may include but not be limited to gravel pads, parking areas, fire places, and 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 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 equipment, boat and tackle shops, and fuel service facilities.

Market Value: the estimated price a property will bring in the open market and under prevailing market conditions in the sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

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 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 12 month period which removes more than 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: residential structure containing 3 or more residential dwelling units.

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, or lot coverage, 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 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 months in any period of 12 consecutive months.

Permanent: structures which remain in or over the water for seven months or more in any period of 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 for 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 floodplain soils: the following Soil series is 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 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.

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 permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Riprap: rocks, irregularly shaped, at least 6 inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two units horizontal to one 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 25 square miles to its mouth.

Road: a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, flood 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 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 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.

Shoreland zone: the land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 75 feet of a stream; or within 250 feet of the upland edge of a freshwater wetland.

Significant River Segments: See Title 38 M R S A Section 437.

Stream: a free-falling body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent addition of a United States Geological Survey 7.5 minutes series topographic map, or if not available, a 15 minutes 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 or satellite dishes.

Substantial start: completion of 30% 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), the 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 414, any surface wastewater disposal 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 exceeded 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, whether intermittent or perennial, and which is characterized by a lack of upland vegetation or 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 the upland and wetland.

Vegetation: all live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under 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.

Water crossing: any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the watercourse. 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.

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.

Adopted June 3, 1991

Amended June 9, 1999

Amended June 13, 2001

**SITE PLAN REVIEW ORDINANCE  
OF THE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Site Plan  
Review Ordinance of the Town of Livermore Falls" as certified  
to me by the Municipal Officers of the Town of Livermore  
Falls on the 3rd day of June, 1991.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **SITE PLAN REVIEW ORDINANCE OF THE TOWN OF LIVERMORE FALLS**

### **Section I. TITLE**

This ordinance shall be known and cited as the “Site Plan Review Ordinance” of the Town of Livermore Falls, Maine, adopted and effective by vote of the Town Meeting.

### **Section II. PURPOSE**

The purposes of this ordinance are to promote orderly growth in the Town and minimize adverse impacts of commercial and industrial development or redevelopment on municipal services and on the environment of the Town.

### **Section III. APPLICABILITY**

- A. This ordinance shall apply to all development proposals for:
  - 1. New buildings, structures and land uses for commercial, retail, industrial, institutional, residential, recreational, utility, state or municipal.
  - 2. New uses or changed uses of land or of existing structures if such new or changed uses would generate significantly greater traffic, employ new materials or processes or generate any new impacts (glare, noise, odor) not normally associated with the previous use.
  - 3. Resumption of conforming uses that have been discontinued for at least two years.
  - 4. Expansion of existing uses by either 1,000 square feet or 25% in area (whichever is lesser) within any 10 year period, with regard to floor space, parking area, seating capacity, outdoor storage area or outdoor use area.
- B. The following uses and structures shall be exempt from this ordinance:
  - 1. The normal and customary practices involved in the growing and harvesting of field crops and timber.
  - 2. Home occupations.

3. Existing buildings and land uses legally established prior to the adoption of this ordinance unless one or more of the factors described in Section III A (1-4) is present.

#### Section IV. APPLICATION PROCEDURE

##### A. Pre-Application Meeting

1. Prior to submitting an application for development, the property owner, the property developer or his authorized agent may appear informally at a regular or special meeting of the Planning Board to discuss the proposed development.
2. The developer may present to the Planning Board at this time a sketch plan of the proposed development. The sketch plan should consist of a rough outline of the development and may be a free-hand, penciled sketch of the parcel, showing the proposed layout of the buildings, roads and other features which may be of assistance to the Planning Board in fully understanding the nature of the development proposal.
3. The Planning Board may request that the developer arrange for an inspection of the site by the Planning Board, or by an individual appointed by the Board Chairman to act as the Board's representative.
4. No binding commitments shall be made between the developer and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed. However, the Board may waive any of the submission requirements if it finds they are not necessary to the review of a specific development proposal. Also, if the Board finds that the proposal meets the provisions of Section III B (1-3) above, it may at this time waive the review requirements altogether and approve the use.

##### B. Application

Each application shall be considered individually and those items required will be specified by the Planning Board. Any requirement may be modified or waived by the Planning Board. The Site Plan Review application shall be submitted to the Planning Board together with the appropriate fees. An application for the site plan approval shall be accompanied by a fee of \$10 per 2,000 sq. ft. or portion thereof of gross floor area for commercial, institutional and

industrial projects. This application fee shall be made by check payable to the Town. This fee shall not be refundable. The Planning Board shall not consider an application for site review until the fees have been received by the Town. The application shall include as a minimum:

1. A Site Plan consisting of a plan(s) and map(s) prepared at a scale determined by the Planning Board but which shall not be less than one inch to 100 feet and supporting documents that will provide the following information:
  - a. Name and address of the applicant or his authorized agent, the name of the owners of the property if other than the applicant and the name of the proposed development.
  - b. Two places (at least 3" X 3" each), one for the Planning Board signatures and one for conditions of approval, to be placed outside the drawing.
  - c. A site plan showing existing uses of the land and proposed uses of the land. The site plan shall be in sufficient detail to allow the Planning Board to determine how the land is currently used and how it will be used in the future. The details shall be sufficient to permit the Planning Board to determine the impacts of the development on the Town's infrastructure and surrounding properties.

## 2. Traffic Data

A site plan may be required to have an accompanying traffic engineering study if the project could have a significant impact on the volume or pattern of traffic in the Town. If such a study is required, it shall be accomplished by a Professional Engineer, registered in the State of Maine, and a written report prepared addressing the impact of the proposed development on traffic patterns.

## C. Municipal Facilities Impact Analysis

The Planning Board may require the applicant to conduct an analysis of the impact of the proposed development upon public or municipal facilities and services including, but not limited to, sewer, water,

roads, solid waste and drainage, along with all costs estimated for correcting any negative impact on public or municipal facilities or decline in the level of public or municipal services resulting from the development. Once completed the analysis shall be submitted to the appropriate public agency or municipal board or department for review and comment. Where it is demonstrated that the development will result in a negative impact or decline in public or municipal facilities and services, the Planning Board may require the applicant to make improvements to community facilities and services or to provide for acceptable equivalent improvements as a condition of plan approval.

#### D. Outside Professional Services

An additional fee may be charged if the Planning Board needs assistance from an attorney, engineer or independent consulting service. The estimated consultant's fee shall be paid in full by the applicant on demand. Monies will be held in an escrow account. All funds not used for consulting services will be returned to the applicant.

### Section V. PERFORMANCE STANDARDS

The following standards are to be used by the Planning Board in judging applications for site plan review and shall serve as a minimum requirement for approval of the site plan. The site plan shall be approved unless, in the judgment of the Planning Board, the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

#### A. Preserve and Enhance the Landscape

The landscape including existing earth forms and vegetation shall be preserved in its natural state insofar as practicable. After construction is completed, landscaping shall be accomplished and plantings made that will define, soften or screen the appearance of off-street parking areas from the public right of way and abutting properties and/or structures, enhance the physical design of the building or site, and minimize the encroachment of the proposed use on neighboring land

uses. The proposed development shall not adversely affect the adjoining neighborhood nor change its character.

**B. Vehicular Access**

Provision shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

**C. Drainage**

Provision shall be made for drainage so that runoff of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion or the public storm drainage system. The Planning Board may require the use of stormwater retention structures if adequate protection of the abutting resources is not provided.

**D. Municipal Services**

The development shall not have an adverse impact on the municipal services including water supply, sewage disposal system, storm drainage system, road system, fire department, police department, emergency medical unit, solid waste disposal, schools, open spaces, recreational programs and facilities, and any other municipal services and facilities.

**E. Water Supply**

The applicant shall demonstrate to the satisfaction of the Planning Board that the development has sufficient water available to meet its foreseeable needs, and that the development will not cause an unacceptable burden on an existing water supply, if one is to be utilized.

**F. Soil Erosion**

The development shall not cause soil erosion or reduction in the capacity of the land to hold water to the extent that a dangerous or unhealthy condition may result.

**G. Sewage Waste Disposal**

The applicant shall demonstrate to the satisfaction of the Planning Board that he has made adequate provisions for sewage waste disposal. If sewage waste will be disposed of on site by means of a subsurface waste disposal system, the system's siting, design and

construction shall conform to the “State of Maine Subsurface Wastewater Disposal Rules”. No subsurface waste disposal system with an estimated daily effluent of 2,000 gallons or more shall be closer than 300 feet to an existing well, municipal or private.

#### H. Comprehensive Plan

No application for development shall be approved by the Planning Board which is not in conformity with the Comprehensive Plan for the Town of Livermore Falls.

### Section VI. PLANNING BOARD ACTION ON APPLICATION

A. Within 30 days of receipt of an application, the Planning Board shall notify the applicant in writing either that the application has been found to be complete, or if the application is incomplete, that certain specific additional material is needed to make the application complete. When the Planning Board is satisfied that it has a complete application, it shall notify the applicant in writing and begin its review of the proposed development.

B. The Planning Board may hold a public hearing within 30 days after the Planning Board has notified the applicant that the application is complete. The Planning Board shall publish the time, date and place of the hearing at least seven days prior to the hearing in a newspaper of area-wide circulation. The applicant shall send notice of the hearing by certified mail, return receipts requested, to abutting landowners, including owners of property in the opposite side of the road, a minimum of 10 days prior to the date of the public hearing.

C. Within 30 days of the public hearing or if no public hearing is held within 60 days after the Planning Board has notified the applicant that the application is complete, the Planning Board shall either approve, approve with conditions or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

D. Within seven days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

## Section VII. GENERAL PROVISIONS

A. The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that, because of the special circumstances of the site, such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and, if modified, would not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

B. The Planning Board may require the applicant to file with the Board, at the time of the submission of the application or any time prior to improvements, a performance guarantee in the form of a performance bond running to the municipality and issued by a surety company acceptable to the municipality, a cashier's check payable to the treasurer of the municipality, an irrevocable letter of credit issued to the municipality by a banking or other lending institution, or a guarantee secured by deposits issued by a banking or lending institute authorized to issue the same, or another acceptable performance guarantee which is agreed to by both the applicant and the municipality. The conditions and amount of such performance guarantee shall be determined by the Board of Selectmen. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading and paving for roads intended for public acceptance, storm drainage, sewer and water lines, public street openings; and other utilities or other improvements shown on the plot or site plan.

C. All construction performed within the scope of this ordinance shall be in conformance with the approved site plan.

D. A permit granted under this ordinance shall expire if the work or change is not commenced within 12 months from the date of the vote on granting the permit, or if the work or change is not substantially completed within two years from the date of the vote on granting the permit.

## Section VIII. AUTHORITY AND ADMINISTRATION

### A. Authority

This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII Part 2, Section 1 of the Maine Constitution and Title 30-A, MRSA, Section 3001.

### B. Administration

The Planning Board of the Town of Livermore Falls shall administer this ordinance.

## Section IX. ENFORCEMENT

### A. Enforcement Procedure

1. 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 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.

2. 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.

### B. 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.

#### C. Fines

Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not less than \$100 and not more than \$2,500, and each day on which such violations shall continue shall constitute a separate offense, as provided in Title 30-A, MRSA, Section 4452.

### Section X. APPEALS

A. A site plan application shall be presented to the Planning Board or a formal written request for a decision regarding the provisions of the ordinance shall be made to the Planning Board before an applicant or abutting landowner or aggrieved party can appeal to the Board of Appeals.

If the Planning Board disapproves an application, or grants approval with conditions that are objectionable to the applicant or abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent and meaning of the ordinance has been misconstrued or wrongfully interpreted, the applicant or abutting landowner, or any aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days of the Planning Board's decision.

B. The Board of Appeals shall hold a public hearing within 30 days of receipt of the written request for appeal. The Board of Appeals shall publish the time, date and place of the hearing in a newspaper of area-wide circulation. If a site plan application has been presented, the applicant shall send notice of the public hearing by certified mail to abutting landowners, including property owners on the opposite side of the road.

The Board of Appeals, after holding a public hearing, may reverse the Planning Board's decision if it is clearly contrary to the ordinance or not supported by substantial evidence in the record or, if the requirements of paragraph C below are met, may grant a variance.

The Board of Appeals shall render its decision within 21 days of the hearing. Time limits may be extended by mutual agreement between the Board of Appeals and aggrieved parties in the case.

C. A variance may be granted by the Board of Appeals where a relaxation of the terms of this ordinance would not be contrary to the public interest and where a strict enforcement of this ordinance would result in undue hardship as defined in Title 30-A, MRSA, Section 4353. A financial hardship alone shall not constitute grounds for granting a variance. The crucial points of variance are the public interest, undue hardship and unique circumstances applying to the property. A variance is not justified unless all three elements are present in the case.

D. Appeals involving administrative procedure or interpretation shall initially be addressed by the Board of Appeals and proceed from the Board of Appeals to the Superior Court according to the State law.

E. Appeals involving conditions imposed by the Planning Board, or a decision to deny approval, may go directly from the Planning Board to the Superior Court.

## Section XI. AMENDMENTS

This ordinance may be amended by a majority vote of the town meeting. Amendments may be initiated by a majority vote of the Planning Board or by the request of the Board of Selectmen to the Planning Board or on petition of 10% of the votes who voted in the town in the last gubernatorial election. The Planning Board shall conduct a public hearing on any proposed amendment.

## Section XII. EXPIRATION OF APPROVAL

Failure to substantially complete a project within two years of the date of approval of a site plan shall render the plan null and void, and the Board shall have a notice to that effect placed in the Registry of Deeds.

### Section XIII. VALIDITY AND SEPARABILITY AND CONFLICT WITH OTHER ORDINANCES

A. Validity and Separability: Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the ordinance.

B. Conflict with other Ordinances: Whenever the requirements of this ordinance are inconsistent with the requirements of any other regulation, ordinance, code or statute, the more restrictive requirements shall apply.

### Section XIV. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall have the same meaning as they have in common usage and shall be construed 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, not discretionary.

1. Accessory Use or Structure: A subordinate use of a building, other structure or land, or a subordinate building or other structure:

- a. whose use is customary in connection with the principle building, other structure or land or;
- b. whose use is incidental to the use of the principle building, other structure or use of land; and
- c. which is located on the same lot with the principle building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

2. Agriculture: Production of crops and livestock.

3. Campground: An area devoted to overnight recreational or educational use, where the land area is divided into sites or lots for which a charge is made; either on a short term or a long term basis by sale, rent or lease or by means of a condominium type ownership.

4. Commercial: Connected with the buying or selling of goods or services or the provision of facilities for a fee. Commercial uses shall include, but not be limited to: professional and business offices, retail outlets, services such as barber or beauty shops, tailors, laundromats, dry cleaners, restaurants, parking lots, service stations or repair garages, hotels, motels or inns, storage and horticultural activities and athletic or recreational facilities for hire.

5. Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, cooking, eating and sleeping.

6. Home Occupation: An occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit which is incidental to residential use and employs two or less full-time equivalent outside employees.

7. Industrial: Connected with the assembling, fabrication, furnishing, manufacturing, packaging or processing of goods or the extraction of minerals.

8. Institutional: A building devoted to some public government, educational, charitable, religious, medical or similar purpose.

9. Multifamily Dwelling: a building consisting of three or more dwelling units and their accessory uses and structures.

10. Person: Any individual, firm, association, partnership, corporation, municipal or other local government entity, quasi-municipal entity, state agency, educational or charitable organization or institution or other legal entity.

11. Setback: The area between the property line or boundary line of a public right of way and any building or structure located on the premises. Setbacks are measured from the property line.

12. Structure: Anything constructed, erected or placed on the ground which is permanent, temporary or mobile. Structures include,

but are not limited to, buildings, mobile homes, recreational vehicles, piers and floats, storage and processing facilities.

13. Subdivision: as defined in Title 30-A, MRSA, Section 4401 and as amended, which states in part, “A subdivision is the division of a tract of land or parcel of land into 3 or more lots within any 5 year period, which period begins on or after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality, unless the intent of that gift is to avoid the objectives of this section or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section.”

The term “subdivision” shall also include the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5 year period and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5 year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph.

Notwithstanding the provisions of this paragraph, leased dwelling units are not subject to subdivision review if the units are otherwise subject to municipal review at least as stringent as that required under this section.

14. Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

15. Variance: A relaxation of the terms of this ordinance, granted by the Planning Board or by the Board of Appeals.

Adopted June 3, 1991

Amended June 13, 2001



**SLUDGE AND SEPTAGE CONTROL ORDINANCE  
TOWN OF LIVERMORE FALLS**

**Article #39 was approved at the annual Town Meeting held  
June 13, 2001 at the Livermore Falls Library, the article read  
as follows: "Town of Livermore Falls Sludge and Septage  
Control Ordinance.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **SLUDGE AND SEPTAGE CONTROL ORDINANCE TOWN OF LIVERMORE FALLS**

### **Section I. Authority**

This ordinance is adopted pursuant to Article VIII of the Maine Constitution and Title 30-A MRSA, Section 3001 and shall be known and may be cited as the “Sludge and Septage Control Ordinance of the Town of Livermore Falls”.

### **Section II. Purpose**

The purpose of this ordinance is to promote the health, safety, and general welfare of the residents of the Town through the regulation and control of the disposal of certain waste materials.

### **Section III. Conflict**

This ordinance shall be construed to repeal and supercede any provisions of any other ordinances currently in effect which are in conflict with the provisions contained herein.

### **Section IV. Definitions**

For the purpose of this ordinance, certain terms and words are hereby defined as follows:

- A. Sludge – The semi-solid or liquid residual generated from a municipal, commercial, or industrial wastewater treatment plant.
- B, Stabilized Sludge – Liquid or dewatered sludge containing pathogens from a municipal, commercial, or industrial wastewater treatment plant that has been treated by at least P.S.R.P.
- C. Septage – Waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools, or any other materials from septic tanks, cesspools or any other similar facilities.
- D. P.S.R.P. – A Process to Significantly Reduce Pathogens.

E. Pathogen – An organism, chiefly a microorganism, including viruses, bacteria, fungi, and all forms of animal parasites and protozoa, capable of producing an infection or disease in a susceptible host.

## Section V. Prohibition

No municipal, commercial or industrial wastewater treatment plant sludge (biosolids) or septage may be stockpiled or spread in the Town of Livermore Falls, including, but not limited to, sewage, paper and pulp mills sludge, whether it be wet, dry, pelletized, mixed with other materials, or injected on or into the land within the Town.

## Section VI. Qualification

Notwithstanding any other provision contained herein, the following exemptions apply:

1. Residential septage – an individual may spread his own septage on his own land within the conformance of the town and state regulations.
2. Stabilized sludge and septage generated within the Town of Livermore Falls will be processed, handled or spread in conformance with the Maine Department of Environmental Protections' "Rules for Land Application of Sludge and Residuals", in existence at the time of this ordinance, and as may be from time to time amended in the future and providing adequate provision has been made for the containment and treatment of leachate and the prevention of ground or surface water contamination. Also, that the proposed use, whether individual or town spreading, will not have any significant detrimental effect on the use and peaceful enjoyment of any abutting property as a result of noise, vibrations, fumes, odor, glare, or other causes which can be avoided by reasonable modification of a plan.

## Section VII. Violations

The Board of Selectmen, on notification by the Code Enforcement Office, shall institute or cause to be instituted, in the name of the Town, any and all actions, legal and equitable, that may be appropriate or necessary for the enforcement of this ordinance. This regulation, however, shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

## Section VIII. Penalty

Any person, firm, or corporation who violates any of the provisions of this ordinance, or who fails to conform to any of the provisions thereof, shall be punished by a fine of not less than \$500.00 and not more than \$2,500.00. Each day such violation or failure to comply is allowed to exist, after notification by the Code Enforcement Office, shall constitute a separate offense.

Adopted: June 13, 2001

**SOLID WASTE DISPOSAL CONTROL AND RECYCLING  
ORDINANCE  
TOWN OF LIVERMORE FALLS**

*Amended - 12-17-2012*

**ATTEST: A True Copy of an ordinance entitled "Solid Waste  
Disposal Control and Recycling Code Ordinance for the Town  
of Livermore Falls" as certified to me by the Municipal  
Officers of the Town of Livermore Falls on the 13th day of  
June, 2001.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

# **Solid Waste Disposal Control and Recycling Ordinance**

## **Town of Livermore Falls, Maine**

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### **SECTION I. TITLE**

This Ordinance shall be known, and may be cited as the "Solid Waste Disposal Control and Recycling Ordinance of the Town of Livermore Falls, Maine. The adoption of this ordinance revokes all previous solid waste control ordinances of the Town of Livermore Falls.

### **SECTION II. GENERAL STATEMENT OF PURPOSE AND AUTHORITY**

#### **A. Declaration of Policy**

This ordinance is designed to control solid waste material in the Town of Livermore Falls, Maine, by providing for the establishment and enforcement of rules and regulations, establishing limitations, prohibiting certain acts causing solid waste disposal problems and providing for fines for violation of the provisions of this ordinance.

B. Authority for this Ordinance is Maine Revised Statutes Annotated Title 38, Section 1305.

### **SECTION III. SOLID WASTE DISPOSAL CONTROL STANDARDS AND REGULATIONS**

A. The Selectmen are hereby granted authority to establish detailed operating rules and regulations for all municipal waste collection and disposal facilities. The rules and regulations shall be reviewed and revised as required to satisfy needs of Municipality, changes in State and Federal laws and regulations and the economics of municipal solid waste disposal. The rules and regulations shall include the operating hours of the facility. No person shall use the facility outside of said hours of operation without specific written consent of the Selectmen of Livermore Falls or its authorized agent, if any. The rules and regulations will become effective fifteen days following adoption by the Legislative Body. Currently effective rules and

regulations shall be prominently displayed at the transfer station site and on file in the Town Office. Any person who has reason to feel that have been denied entry or treated unfairly must report it to the Town Manager for consideration. In the event that the situation can not be resolved at that level the complainant may appeal the Town Manager's decision to the Board of Selectmen.

- B. The use of the facility by any person shall be at the direction of the attendant designated by the Town Manager. Any person violating directives put forth by the attendant in the use of the facility or any person disregarding a directive of the facility attendant shall have their access to the facility denied.
- C. No hazardous waste shall be delivered to the facility.
- D. No industrial or commercial waste which creates a problem of disposal by virtue of Federal, State or local statutes, rules, regulations, etc. controlling or prohibiting its disposal shall be delivered to the facility.
- E. The Livermore Falls Transfer Station is operated solely for the benefit of Livermore Falls residents. Admission to the facility will be by permit only. Livermore Falls residents will be issued a permit without charge upon application to the Town Office. Residents must display a permit to gain access to the facility. Resident and non-resident commercial haulers must obtain a license for each vehicle. Licenses may be revoked by the Town Selectmen, following notice and hearing for violation of this Ordinance or Rules and Regulations. Licenses shall be renewed annually on or before January 1st and shall cost \$100.00. Commercial haulers shall deliver waste to the facility designated by the Town of Livermore Falls.

In order to obtain a license from the Town of Livermore Falls the hauler must provide proof of insurance for each vehicle applying for a permit, a statement guaranteeing the Town that there will be no mixed loads from other communities, and that all trucks will be in safe running order and will at all times be able to pass a State safety inspection. Statement will also guarantee that only drivers with appropriate valid licenses will be allowed to operate trucks in Livermore Falls.

- F. Residents who choose to employ a commercial waste hauler shall have the same responsibilities as a person who transfers their own goods to the Transfer Station to sort their solid waste and recyclables in a manner conducive to separation.
- G. Commercial Haulers taking their loads to the Livermore Falls Transfer Station (or another facility designated by the Town of Livermore Falls) must separate solid waste from recyclables in the same manner as households are required to do. Business and industry are not exempt from these rules and regulations. Haulers will be held responsible for loads being taken to facilities and will be refused entry if they do not comply with these rules.

#### SECTION IV. SOLID WASTE RECYCLING STANDARDS AND REGULATIONS

- A. All solid waste shall have the following commodities separated out and in a readily handle able form when brought to the facility:
  - 1. Glass-clear & colored
  - 2. Cans (steel & aluminum cans)
  - 3. Newspaper & Magazines
  - 4. Plastics-All containers marked #1-#7 except styrofoam  
Milk & Water Jugs  
Bleach, colored detergent, fabric softener bottles, color  
block milk jugs, etc.
  - 5. Junk mail, all paper, food boxes etc. Must be clean.
  - 6. Corrugated Cardboard
  - 7. Mercury switches and devices
  - 8. Batteries - Nicad, lithium, button batteries
  - 9. Lamps, Tubes - fluorescent, neon, mercury, sodium
  - 10. PCB Ballasts

This list may be changed by vote of the Selectmen after publishing the change twice in a local newspaper.

- B. All residential solid waste shall be delivered to the facility in see-through polyethylene or P.V.C. bags.

## SECTION V. DEFINITIONS

In this Ordinance the following terms have the following meanings:

“Attendant”: Any person employed by the Town of Livermore Falls to supervise the solid waste facility and operate any necessary equipment.

“Facility”: The Town of Livermore Falls, Transfer Station. The facility may consist of more than one (1) site and more than one (1) system of disposal.

“Hazardous Waste”: Any waste which the Federal and/or State government(s) have determined to be hazardous in composition.

“Person”: Shall include individuals, partnerships, corporations, and the agents of any of them.

## SECTION VI. PENALTIES

Whosoever violates this Ordinance shall, upon conviction, be punished by a fine of not more than \$100.00 and cost of attorney and court costs for the first offense. Fines after the first offense and conviction must be at least \$100.00, or more at the discretion of the Court, cost of attorney for the Town, and court costs. The State of Maine District Court of the District including Livermore Falls shall have jurisdiction of all offenses hereunder, subject to exception and appeal as is provided by Maine State Law.

## SECTION VII. VALIDITY AND CONFLICT OF ORDINANCES

- A. The invalidity of any section, subsection, paragraph, sentence, clause, phrase or word of this Ordinance shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase or word of this Ordinance; and to this end, the provisions of this Ordinance are hereby declared to be severable.
- B. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance or Code of the Town of Livermore Falls existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and

protection of health and welfare of the community shall prevail.

#### SECTION VIII. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after fifteen (15) days after its official adoption by the Town of Livermore Falls, pursuant to Maine State Statute.

Adopted: June 13, 2001

# SOLID WASTE DISPOSAL AND RECYCLING RULES AND REGULATIONS

## TOWN OF LIVERMORE FALLS

These rules and regulations are promulgated pursuant to the Town of Livermore Falls Solid Waste Disposal Control and Recycling Ordinance.

### I. RESPONSIBILITY

It shall be the responsibility of each resident or primary occupant of a dwelling, commercial or industrial facility to provide for the disposal of all refuse generated therein accordance with these rules and regulations and the Livermore Falls Solid Waste Disposal Control and Recycling Ordinance. This responsibility includes the separation of refuse, delivery of refuse to the transfer station, using proper home storage of refuse, and proper methods of home disposal.

### II. HOURS OF OPERATION

- A. The Livermore Falls Transfer Station shall be open as follows:

Tuesday, Thursday & Saturday 8 am – 4 pm  
Closed on Holidays

- B. The Livermore Falls Transfer Station shall only be open at other times with specific agreement by the vote of the Board of Selectmen.

### III. SEPARATION OF RECYCLABLE MATERIALS

All items will be disposed of in the following manner:

- A. Paper, Plastic, Metal and Glass will be deposited in the specified location at the Livermore Falls Transfer Station.
- B. Universal household hazardous waste such as light bulbs, mercury thermostats, ballasts etc. will be deposited in the specified location at the Livermore Falls Transfer Station.

- C. Limbs, Branches, etc.: These shall be disposed of on a specified site at the Livermore Falls Transfer Station. No stumps will be accepted.
- D. Leaves, Grass and other natural vegetation: All will be free of trash and shall be placed in the designated area at the Livermore Falls Transfer Station.
- E. Refrigerators, Freezers, Air Conditioners White goods: shall have doors removed before being brought to the Transfer Station and shall be disposed of in the proper area. A fee will be charged.
- F. Furniture: These shall be disposed of at the Livermore Falls Transfer Station. There will be a charge to be paid by the person disposing of this product.
- G. Demolition Lumber: Clean lumber with no sheetrock can be disposed of at the Livermore Falls Transfer Station at no charge.. If the lumber is dirty or contains sheetrock or other contaminates, a fee is charged for this product.
- H. Mattresses, Bedsprings, etc.: Shall be disposed of at the Livermore Falls Transfer Station. A fee will be charged for disposing of this product.
- I. Televisions, computer monitors, and other electronics, must be disposed of at the Livermore Falls Transfer Station. A fee may be charged for these items.
- J. Steel, Aluminum, Copper or Brass: These items will be placed on the metal pile under the direction of the Attendant.
- K. Tires: All tires will be disposed of in the proper area. A fee will be charged.
- L. Waste Oil: To be disposed of at the Jay Transfer Station.
- M. Car Batteries: Shall be disposed of in the proper accumulation area under the direction of the Attendant at the Livermore Falls Transfer Station.

- N. Ash: All stove or coal ashes of any kind will be disposed of at the designated area at the Livermore Falls Transfer Station under the guidance of the Attendant.
- O. All mufflers, tail pipes and other auto parts not containing fluids will be placed on the metal pile at the Livermore Falls Transfer Station.

#### IV. UNACCEPTABLE WASTE

The following types of waste shall not be accepted at the Livermore Falls Transfer Station:

- A. Hazardous waste of any kind including, but not limited to pathological wastes, chemicals, explosives, radioactive materials, toxic wastes, and other wastes defined by the Department of Environmental Protection.
- B. Sewage treatment plant and septic tank residues, except as directed or allowed by the Town.
- C. Animal and agricultural wastes such as manure and crop residues.
- D. Stumps.
- E. Anything containing asbestos.
- F. Abandoned or junked vehicles.

#### V. HOUSEHOLD SOLID WASTE

All household solid waste must not include any of the above listed items. This waste must be disposed of in the Transfer Station container in clear plastic bags or in suitable containers where contents are clearly visible.

The Transfer Station Attendant(s) may examine any material brought to the Transfer Station to insure that Rules and Regulations are complied with. The Transfer Station Attendant(s) may refuse to accept any solid waste that is hazardous or that is not separated in accordance to these Rules and Regulations. Regular police enforcement will be maintained. Violators will be prosecuted.

## VI. HOME STORAGE AND DISPOSAL REQUIREMENTS

Storage shall be the responsibility of all dwelling, commercial and industrial facility owners or primary occupants. Storage shall be in closed containers or by other similar method to preclude odors, rodents, insects, etc. to become a nuisance.

## VII. RESIDENTIAL MIXED LOADS

Any private resident (no commercial haulers) bringing Municipal Solid Waste to the Transfer Station that has not been sorted (recyclables from trash) may dump up to 2 cubic yards in the dumpster for a charge of \$50.00 per load. A load is anything from one bag up to 2 cubic yards, as determined by the Attendant(s). A permit must be issued from the Town Office and payment must be received previous to dumping. No hazardous waste or demolition can be included.

**SPECIAL AMUSEMENT ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Special  
Amusement Ordinance for the Town of Livermore Falls" as  
certified to me by the Municipal Officers of the Town of  
Livermore Falls on the 22nd day of May, 1996.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **SPECIAL AMUSEMENT ORDINANCE TOWN OF LIVERMORE FALLS**

### **Article 1. Title, Purpose and Definitions**

#### **Section 1.1. Title**

This ordinance shall be known and may be cited as Town of Livermore Falls Special Amusement Ordinance.

#### **Section 1.2. Purpose and Authority**

The purpose of this ordinance is to control the issuance of Special Amusement Permits pertaining to music, dancing, or entertainment in all public facilities within the boundaries of the Town of Livermore Falls, including those facilities licensed by the State of Maine to sell liquor. This section is adopted pursuant to Title 28-A, MRSA 1054 and Title 30-A MRSA 3001.

#### **Section 1.3. Definitions**

A. Entertainment. For the purposes of this ordinance, entertainment shall include any amusement, performance, exhibition or diversion, whether live, taped or otherwise, for the patrons or customers of the licensed premises whether provided by professional entertainers, by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value, by patrons induced by prizes or otherwise to act as entertainers, or by any other.

B. Licensee. For the purposes of this ordinance, licensee shall include any person, the individual, partnership, firm, association, corporation or other legal entity and shall include the holder of a license issued under Title 28-A of the Statutes of the State of Maine or any agent or employee of any such licensee.

C. Licensed Premises. Licensed premises includes all parts of the contiguous real estate occupied or controlled by a licensee and used by the licensee in the operation of a business which includes activities covered by this ordinance.

## Article II. General

### Section 2.1. Permit Required

No licensee shall permit, on the licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort, unless the licensee shall have first obtained a special amusement permit signed by at least a majority of the Municipal Officers.

Applications for all special amusement permits shall be made in writing to the Municipal Officers and shall state the name of the applicant; applicant's residence; applicant's address; the name of the business to be conducted; the business address; the nature of the business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the Municipal Officers in the issuing of the permit, including but not limited to, a copy of the applicant's current liquor license and Bureau of Public Safety occupancy permit showing the facility's seating capacity.

No permit shall be issued under this ordinance if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, rules and regulations, of the municipality and state law.

The fee for a special amusement permit shall be \$25.

The Municipal Officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within 15 days or such other number of days as the legislature may specify, from the date the request is received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

The Municipal Officers shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, which would violate municipal ordinances, articles, bylaws, rules and regulations, or state law.

A permit shall be valid only for the license year of the applicant's existing liquor license, if any, and otherwise for a period of one year.

## Section 2.2. Inspections

Whenever inspections of the premises used for or in connection with the operation of the licensed business which has obtained a special amusement permit are provided for or required by municipal ordinance, articles, bylaws, rules and regulations, or state law, or are reasonably necessary to secure compliance with any of the above, it shall be the duty of the licensee or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time and admission is requested.

The inspection shall be preceded by a written demand for inspection, which shall specify the date and time inspection is sought. The written demand shall be delivered to the licensee or the person in charge of the premises to be inspected.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance, rule and regulation or state law provision, it shall be the duty of the licensee or the person in charge of the premises, to give any authorized officer, official or employee of the Town of Livermore Falls sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the Municipal Officers may revoke, after notice and hearing, the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee, to make an inspection or who interferes with such officer, official or employee, while in the performance of their duty.

## Section 2.3. Suspension or Revocation of Permit

The Municipal Officers may, after notice and hearing, suspend or revoke any special amusement permit which has been issued under this ordinance on the grounds that the music, dancing or entertainment, so permitted, or activities related thereto, constitute a detriment to the public health, safety or welfare, which violates any municipal ordinances, articles, bylaws, rules and regulations or state laws.

## Section 2.4. Officer on Duty

Whenever the licensee shall have on the premises patrons numbering more than five hundred (500) and when entertainment is in progress, the licensee shall provide a uniformed constable, approved by the Municipal Officers at a regular meeting, on the premises at all such times. Duties of the constable shall include, but not limited to, enforcement of the general laws of the State of Maine and ordinances of the Town of Livermore Falls, including the provisions of this ordinance and any rules and regulations adopted by the Municipal Officers hereunder.

## Section 2.5. Rules and Regulations

The Municipal Officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension and revocation, of special amusement permits, the classes of permits, the music, dancing or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises and the hours during which the permitted activities are permitted.

## Section 2.6. Permit and Appeals Procedures

A. Any licensee requesting a special amusement permit from the Municipal Officers shall be notified in writing of their decision no later than 15 days, or such other number of days as the legislature may specify, from the date his request was received. In the event the licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within 30 days, or such other number of days as a legislature may specify, after an application for a permit which has been denied.

B. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

## Section 2.7. Admission

A licensee who is been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

## Section 2.8. Live Entertainment Regulations

The purpose of this section is to regulate nudity as a form of live entertainment and those establishments at which alcoholic beverages are served or consumed, and which are licensees under this ordinance.

No licensee shall permit entertainment on the licensed premises whether provided by a professional entertainer, employees of the licensed premises or any other person, when the entertainment involves:

- A. The performance of acts, or simulated acts, of sexual intercourse masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
- B. The actual or simulated touching, caressing or fondling on the breasts, buttocks, anus or genitals;
- C. The actual or simulated displaying or exposing to view of the genitals, pubic hair, buttocks, anus or any portion of the female breasts at or below the areola thereof;
- D. The permitting by any licensee of any person to remain in or upon the licensed premises who exposes to any public view any portion of his or her genitals or anus or any portion of the female breasts at or below the areola thereof.

For the purposes of this section, display or displaying and expose or exposing shall mean unclothed or uncostumed or not covered by a fully opaque material and shall include, without limitation, appearing with only an opaque covering or appearing with only an opaque covering which adheres to the skin, such as body paint.

## Section 2.9. Additional Conduct Constituting Offenses by Licensees

A. The licensee shall not knowingly, intentionally or recklessly allow on his premises, conduct which is in violation of the laws of the State of Maine.

B. Disorderly conduct. The licensee shall not knowingly, intentionally or recklessly allow in his licensed premises any person or persons to engage in disorderly conduct, to wit: conduct which intentionally or recklessly causes annoyance to others by making loud and unreasonable noises or knowingly accosting, insulting, taunting or challenging any person with offensive, derisive or annoying words or by gestures or other physical conduct which would in fact have a direct tendency to cause a violent response by an ordinary person in the situation of the person so accosted, insulted, taunted or challenged.

C. Solicitation of drinks. The licensee shall not allow on any licensed premises any person not a licensee or an employee who is then and there working, to frequent or loiter with the purpose of soliciting any other person, customer or patron to purchase any drink of any kind.

D. Gambling. The licensee shall not allow on any licensed premises the use or occupancy thereof for gambling or games of chance as prohibited by the Statutes of the State of Maine or ordinances, articles, by laws or rules and regulations of the municipality; nor shall any licensee have or keep for gambling purposes on or about such licensed premises any dice, cards, bowls, quoits or other implements used in gambling, or allow any person resorting thereto to use or exercise for gambling purposes any of said games or any other unlawful game or sport therein.

## Article III. Penalty, Separability and Effective Date

### Section 3.1. Penalty

Whoever violates any of the provisions of this ordinance shall be punished by a fine of not more than \$500 for each offense. Each day that a violation occurred shall be considered a separate offense.

### Section 3.2 Separability

The invalidity of any provision of this ordinance shall not invalidate any other provision.

### Section 3.3. Effective date

The effective date of this ordinance shall be when enacted.

Adopted: May 22, 1996

**SUBDIVISION ORDINANCE  
TOWN OF LIVERMORE FALLS**

**ATTEST: A True Copy of an ordinance entitled "Subdivision Ordinance of the Town of Livermore Falls" as certified to me by the Municipal Officers of the Town of Livermore Falls on the 9th day of March, 1981**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **SUBDIVISION ORDINANCE TOWN OF LIVERMORE FALLS**

### **Section 1. Purpose**

The purpose of this ordinance shall be: to assure the comfort, health, safety and general welfare of the people; to protect the environment; to provide for the orderly development of a sound and stable community; and to establish an administrative review process which will provide the Livermore Falls Planning Board with sufficient evidence, data and material to carry out its responsibilities as required in 30-A MRSA, Section 4401 et seq, and other ordinances adopted by the Town. The ordinance also has the purpose of providing a process by which the residents of Livermore Falls and others can evaluate the impact of the subdivision as well as providing a clear procedure which applicants for subdivision permits shall follow.

### **Section II. Authority and Administration**

#### **A. Authority**

1. This ordinance is adopted pursuant to Home Rules Power as provided for in Article VIII-A of the Maine Constitution and Title 30 MRSA, Section 3001.
2. This ordinance shall be known and cited as the "Subdivision Ordinance for the municipality of Livermore Falls, Maine.

#### **B. Administration**

1. This ordinance shall be administered by the Planning Board for the Town of Livermore Falls, hereafter referred to as the "Board".
2. The provisions of this ordinance shall apply to all of the land area of all proposed subdivisions, as defined, located in the Town of Livermore Falls.
3. No plans of a subdivision of land within the municipal boundaries of Livermore Falls shall be hereafter filed or recorded in the County Registry of Deeds until a Final Plan thereof has been approved by the Board, in accordance with all of the requirements, design standards and specifications set forth in this ordinance, and Title 30-A MRSA Section 4404, and

approval shall have been entered on such Final Plan by a legal majority of the Board. The recording of a plan without the approval required by this ordinance is void.

4. Whenever any subdivision is proposed or before any contract for the sale of or offer to sell such subdivision or any part thereof shall have been negotiated, the subdividing owner or his authorized agent shall apply formally to the Board for approval of a final plan of such subdivision as provided by this ordinance and shall record an attested copy of the final plan so approved and so endorsed in the Androscoggin County registry of deeds.

### Section III. Definition of Terms

A. In general, words and terms used in these standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Comprehensive plan or policy statement: any part or element of the overall plan or policy for development of the Town as defined in Title 30-A, MRSA, Section 4301.

Dedicated Street: a street, alley, avenue, boulevard, highway, road, or right of way which is so designed, laid out and constructed to be accepted by the Town at some future date.

Freshwater: freshwater swamps, marshes, bogs and similar areas which are:

1. Inundated or saturated by surface or groundwater at a frequency and for duration sufficient to support, and under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
2. Not considered part of a great pond, river, stream or.

Manufactured housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site where it is used for housing and may be purchased or sold by a dealer in the interim.

Manufactured housing includes:

1. Those units constructed after June 15th, 1976 commonly called "newer mobile homes " which the manufacturer certifies are constructed in compliance with United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which and the travelling mode are 14 of body feet or more in width and 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with a without permanent foundations, when connected to the required utilities including the plumbing, heating, air-conditioning or electrical systems contained in the unit;

2. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq; and

3. Those units commonly called "modular homes , which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

Mobile Home Park: a parcel of land under unified ownership approved by the municipality for the placement of three or more manufactured homes.

Mobile Home Park lot: the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

Person: includes a firm, association, organization, partnership, trust, company operation as well as an individual.

Planning Board: the Planning Board of the municipality created under title 30-A, MRSA, Section 4324 or Section 3001.

Preliminary subdivision plan: the preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Resubdivision: the division of existing subdivision or any change of lot size therein with the relocation of any street or lot in a subdivision.

Street: The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

Major streets: included are arterial streets which serve primarily as major traffic ways for travel through and within the municipality, and collector streets which serve as feeders to an arterial street, as collectors of traffic from minor streets, for circulation around a residential neighborhood, or for circulation and access in commercial or industrial areas.

Minor streets: those streets which are used primarily for access to abutting residential properties.

Subdivider: an individual, partnership, corporation or any other legal entity that undertakes the activities governed by this ordinance. Inasmuch as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "sub divider" is intended to include the term "builder" and "developer" even though the person involved in successive stages of the subdivision may vary.

Subdivision:

1. Subdivision shall mean the Division of a tract or parcel of land as defined in Title-30-A, MRSA, Section 4401 and as hereafter amended.
2. The term subdivision shall include developments where there are three or more units involved such as mobile home parks, multiple family dwellings, condominiums, shopping centers and industrial parks.

#### Section IV. Preapplication

A. The subdivider shall submit for informal discussion a Sketch Plan and other data relative to the proposed subdivision to the Board. The Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions

## Section V. Procedure for Submission and Review of Preliminary Plan and Final Plan

### A. Submission and Review of the Preliminary Plan and Application

The procedure for submission shall be as follows:

1. The applicant shall submit four copies of the Preliminary Plan and four copies of the Application for the proposed subdivision as detailed in paragraphs C and D of this section to the Board at a regularly scheduled meeting. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. In addition, one copy of the plan reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting. The Board shall issue a dated receipt to the applicant. Within 30 days from the date of receipt, the Board shall notify the applicant in writing either that the Preliminary Plan and Application are complete, or if incomplete, the specific additional material needed to make them complete. After the Board had determined that the Preliminary Plan and applicant shall be notified. Determination by the Board that the Preliminary Plan and Application are complete in no way commits or binds the Board as to the adequacy of the plan to meet the criteria of Title 30-A, MRSA, Section 404 and this Ordinance.

2. The application shall be accompanied by a fee of \$25 plus \$10 per lot or unit for the first 10 lots or units and a fee of \$15 for each lot or unit over 10. All checks shall be made payable to the Town of Livermore Falls, stating the specific purpose of the fee.

3. The Board shall forward one copy of the completed preliminary plan and application to the Selectmen, the Plumbing Inspector, Road Commissioner, Fire Chief, Police Chief, Water District and Sewer District for their review and comments.

4. If after the board has determined that a complete application has been filed, it shall notify in writing in the applicant and all property owners within 500 feet of the boundaries of the subdivision. Said written notice shall briefly describe the proposed subdivision, state where the application may be inspected, and give notice that request for a public hearing must be filed in writing to the Chairperson of the Board within ten (10) days from the date of the notice.

5. Within fifteen (15) days of the notice of receipt of the complete application, the Board shall determine whether it shall hold a public hearing on an application. The decision to hold a public hearing is discretionary and in making its decision, the Board may consider the type of subdivision, community impact, as well as written requests for a public hearing.

In the event that the Planning Board determines to hold a public hearing, it shall hold such hearings within thirty (30) days of the notice of the receipt of a completed application, and shall cause written notice of the date, time and place of the hearing to be given to the applicant and all parties receiving the notice in Section V (3) all parties who requested a public hearing in writing and in addition shall cause a notice to be published in a newspaper of general circulation in Livermore Falls at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.

6. The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the completed Preliminary Plan, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this ordinance and in Title 30-A, MRSA, Section 4404, and to preserve the public's health, safety and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Board shall make a written finding of fact establishing that the Preliminary Plan does or does not meet the provisions of this ordinance and Title 30 -A, MRSA, Section 4404. Approval of the Preliminary Plan in no way commits or binds the Board to approve the Final Plan.

## B. Submission and Review of the Final Plan

The procedure for submission shall be as follows:

1. The applicant shall submit the original and three (3) copies of the Final Plan to the Board at a regularly scheduled meeting, within two (2) years after the date of approval of the preliminary plan. The Board shall issue a dated receipt to the applicant. The Final Plan shall include all the information requested in Section V, paragraph D., and will also include all changes recommended by the Board in their approval of the Preliminary Plan. There shall be no other substantial changes between the Preliminary Plan and a Final Plan. The Final Plan shall be drawn in ink on a reproducible stable-based transparent original embossed with the seal of the Surveyor or engineer who prepared the plan suitable for permanent recording in the Androscoggin County Registry of Deeds. The final plan shall be drawn to scale of not more than 100 feet to the inch. In addition, one copy of the plan(s) reduced to a size of eight and a half by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each board member no less than seven days prior to the meeting.

2. The Board has the option of holding a public hearing on the Final Plan. Regulations for such a hearing shall be according to State Law as provided in Section V, paragraph A-4.

3. The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the completed Final Plan, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval of the Final Plan or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this ordinance and in Title 30-A, MRSA, Section 4404, and to preserve the public's health, safety and general welfare. In issuing its decision, the Board shall make a written finding of fact establishing that the Final Plan does or does not meet the provisions of this ordinance and Title 30-A, MRSA, Section 4404.

4. Upon approval of the Final Plan by a majority of the Board, the Board shall sign the original and three (3) copies of the final plan. The original shall be filed by the subdivider with the Androscoggin County Registry of Deeds. One copy shall be retained by the subdivider, one copy shall be retained by the Board, the one copy shall be filed with the Selectmen. The Board shall maintain a permanent record of their action on the Final Plan.

#### C. Application

The application form shall be furnished by the Board, filled out by the applicant and shall include the following information: (Items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

### C. Application

The application form shall be furnished by the Board, filled out by the applicant and shall include the following information: (Items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

- X 1. Name and address of owner
- X 2. Name and address of applicant (if other than owner).
- X 3. If applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's registration.
- X 4. Name of applicants authorized representative.
- X 5. Name, address and number of registered professional engineer, land surveyor or planner who prepared the plan.
- X 6. Address to which all correspondence from the Board shall be sent.
- X 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.)?
- X 8. What interest as the applicant have in any property abutting the parcel to be subdivided?
- X 9. State whether the subdivision covers the entire or contiguous holdings of applicant or not.
- X 10. Location of property: book and page (from Registry of Deeds).
- X 11. Location of property: map and lot (from Assessor's Office).
- X 12. Current zoning of property if applicable.

- X 13. Acreage a parcel to be subdivided.
- X 14. Proposed method of sewage disposal and the results of an on-site soils investigation for each lot.
- X 15. Soils report for entire area.
- X 16. Names and mailing addresses of property owners within 500 feet of abutting parcel to be subdivided.
- X 17. Indicate the nature of any restrictive covenants to be placed on the deeds.

#### D. Subdivision Plan

The subdivision plan shall be a map of the tract to be subdivided, certified by a registered land surveyor and tied to established reference points. Plan shall not be less than 12"X 22" or more than 24" by 36" and shall be drawn to scale of 1" equals not more than 100 feet. The subdivision plan shall include the following information: items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

	Preliminary Plan	Final Plan	
1.	X	X	Name of proposed subdivision; location of subdivision; name of subdivider; and embossed seal and signature of Registered Land Surveyor.
2.	X	X	Lot numbers.
3.	X	X	Date, magnetic north point and graphic map scale.
4.	X	X	A standard boundary survey of the parcel made and certified by a

			registered land surveyor and proposed lot lines with approximate dimensions and lot areas, and total area of land to be subdivided.
5.	X	X	Proposed lot lines with dimensions, bearings, deflection angles, radii and central angles sufficient to reproduce any line on the ground, and lot areas and total area of land to be subdivided.
6.	X		Location of temporary markers to enable the Planning Board to locate each lot rapidly and appraise the basic lot layout in the field.
7.		X	Location of permanent markers, both natural and manmade.
8.	X	X	Location of all parcels to be dedicated to public use and the conditions of such dedication.
9.	X	X	Names of abutting property owners and subdivisions. Reference to record subdivision plans of adjoining lands by book and page number.
10.	X	X	Location of freshwater wetlands and any portion of the subdivision that is in the boundaries of any flood hazard area and the 100 year flood elevation.
11.	X	X	Location of all required soil investigation test pits.
12.	X	X	Location and size of existing buildings.

13.	X	X	Suggested location of buildings, subsurface sewage disposal systems and wells.
14.	X	X	Location of all natural features or site elements including significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife, historic or rare and irreplaceable natural areas to be preserved.
15.	X	X	Location of any existing river, stream or brook within or abutting the subdivision and other essential existing physical features.
16.	X	X	Location and size of any existing sewer and water mains and other utilities, location and size of culverts and drains.
17.	X	X	Location, names and widths of existing and proposed streets, highways, easements and rights-of-way.
18.	X		Contour lines at 5 foot intervals (or other interval as specified by the Board).
19.	X		Proposed uses of property.
20.	X	X	Other information not indicated above as required by the Board.
21.	X	X	Soil erosion and sediment control plan.

22.	X	X	A plan for the disposal of surface water run-off prepared by a Registered Professional Engineer.
23.	X	X	Any portion of the subdivision located in the direct watershed of a great pond.
24.			Phosphorous impact analysis.
25.	X	X	The cost of the proposed subdivision and a statement of the applicant's technical and financial capacity to carry out the project.
26.	X	X	A statement of the type of water supply and availability.
27.	X	X	Suitable space to record on the approved Plan and date the conditions of approval, if any. This space shall be similar to the following example:

Approved by the Town of Livermore Falls Planning Board:

Signed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### E. Accompanying Information Documents

The Board may require the following accompanying documents or information to be included with the Plan:

- \_\_\_\_\_ 1. Traffic impact analysis.
- \_\_\_\_\_ 2. Statement from the Fire Chief as to the ability to provide adequate fire protection.
- \_\_\_\_\_ 3. Plans, profiles and cross-sections for roadways, sidewalks and storm drainage facilities.
- \_\_\_\_\_ 4. A soil erosion and sediment control plan for construction and for permanent control.
- \_\_\_\_\_ 5. Other information or documents not indicated above, as specified by the Board.

#### F. Plan Revision After Approval

1. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Planning Board approves any modifications. In the event that a final plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Municipal Officers and a Registry of Deeds.

#### G. Public Acceptance of Streets, Recreation Areas

- 1. The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such Plan.
- 2. When a park, playground or other recreation area shall have been shown on the plan, the approval of the plan shall not constitute an acceptance by the Municipality of such areas. The Planning Board shall require the plan to be endorsed with appropriate notes to this effect. The Planning Board may also

require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

## Section VI. Enforcement

A. No person, firm, corporation or other legal entity may sell, lease or convey for consideration, offer or agreed to sell, lease, or convey for consideration any land in a subdivision which has not been approved by the Board and recorded in the Androscoggin County Registry of Deeds.

B. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision for which a final plan has not been approved by the Board.

C. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A MRSA, Section 4452.

## Section VII. Performance Standards

In receiving applications for subdivision approval the Board shall consider the following standards. In all instances the burden of proof shall be upon the person proposing the subdivision.

A. Conformance with Other Laws, Regulations: The proposed subdivision shall be in conformance with all pertinent local, state and federal ordinances, statutes, laws and regulations. If the proposed subdivision meets the definition of a subdivision as defined in the Site Location of Development Act, Title 38, MRSA, Section 482, the subdivider must secure the approval of the Board of Environmental Protection and the Board before any construction activity may begin in the subdivision.

B. Conformance with Comprehensive Plan: Any proposed subdivision shall be in conformity with the Comprehensive Plan or policy statement as adopted by the Town of Livermore Falls.

C. Buffer Strip: The Board may require such as natural vegetation, where separation is desirable.

D. Easements: The Board may require 30 foot or wider easements for sewerage, drainage or other utilities.

E. Impact on Community Services and Facilities: Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing community services and facilities including schools and recreational areas. The Board shall advise the Selectmen and the developer regarding the designation of space for future community facilities and may withhold approval of the final plans pending such designation.

F. Land Not Suitable for Development: The total lot area of any lot shall satisfy the minimum requirements of the Minimum Lot Size Ordinance of Livermore Falls and the minimum shall be outside:

1. Freshwater wetlands, whether or not filled or drained;
2. Land created by diverting a watercourse; and
3. Land created on filled and drained "great ponds".

G. Subdivision Names

The name of the proposed subdivision shall not duplicate or to close approximate the name of any other subdivision within the municipality.

H. Open Space Provisions

1. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas.

2. The Board may require that a subdivider reserve an area of land as open space and/or recreational area for use by property owners in the subdivision.

a. If such an area is reserved, the final plan shall provide how title to the reserve land shall be held and how costs of development, maintenance and taxes shall be met.

b. Included in the instrument of conveyance to each property owner of the subdivision shall be a statement of:

- i. The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.
- ii. If appropriate, the individual property owners pro-rata share of development cost, maintenance cost and property taxes of the reserved lands.

c. Land designated for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designated for later development if the subdivision plan includes provision for development in discreet stages.

d. Any area designated for common use shall be so arranged that each property owner has access to it.

#### I. Lots

1. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. In all instances, lot size, width, and depth shall conform with the Livermore Falls Minimum Lot Size Ordinance and Shoreland Zoning Ordinance and as hereafter amended. The minimum building setback lines shall be determined with due regard to the recommended minimum of 25-foot setback for all street rights-of-way.

2. Depth and width of properties reserved or laid out for commercial purposes shall be adequate to provide for off-street parking facilities required by the type of use and development contemplated.

3. Where a tract is subdivided into lots substantially larger than the minimum size required in the Minimum Lot Size Ordinance, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these standards.

4. Side lot lines shall be substantially at right angles or radial to street lines.

5. The Board may request the subdivider to make provisions in the subdivision plan to allow for each lot to have access to direct sunlight for solar energy systems.

#### J. Lot Access

Any proposed subdivision shall be so designed that every lot has frontage on a public or dedicated street.

#### K. Easements for Natural Drainage Ways

Where a subdivision is traversed by a natural watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will assure that no flooding occurs and all stormwater can be disposed of properly. Such easement or right-of-way shall be not less than 30 feet in width.

#### L. Mobile Home Parks

Mobile home parks and expansions of existing mobile home parks shall conform to the following standards:

##### 1. Lot Size, Width and Density

- a. All lots will be designated on a mobile home park plan.
- b. Lots served by public sewer shall have a minimum lot area of 6500 square feet. The lots will have a minimum lot width of 50 ft.
- c. Lots served by individual subsurface sewage disposal systems will have a minimum lot area of 20,000 square feet and minimum lot width of 100 ft.
- d. Lots served by a central subsurface wastewater disposal system will have a minimum lot area of 12,000 square feet and minimum lot width of 75 ft.

- e. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of total park area.
- f. Where lots front on a curved right-of-way or area served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.
- g. Lots within a shoreland zoning area as defined in the Shoreland Zoning Ordinance shall meet the lot area, lot width, setback and shore frontage requirements for that district.
- h. The overall area of the mobile home park shall be the combined area of the mobile home lots plus:
  - 1. The area required for road rights-of-way,
  - 2. The area required for buffer strips, if any,
  - 3. The area required for open space, and
  - 4. The area within the municipality's shoreland setback.

## 2. Lot Setbacks

Mobile homes in a mobile home park, adjacent to a public road, shall be set back from the road a distance equal to the setback requirements for other residential developments.

## 3. Open Space Requirements

The Board may require that within mobile home parks on a public sewer an area of land be reserved as open space and/or recreational area for use by all residents of the park. This requirement will be in accordance with provisions relating to other residential developments. No more than 10 percent of the total area devoted to individual lots shall be set aside for open space and/or recreation.

## 4. Buffer Strips

The Board may require a buffer strip to 50 ft. in width, such as natural vegetation, where separation is desirable. The width of the buffer strip must

comply with the requirements of Title 30-A, MRSA, Section 4358, Regulation of Manufactured Housing.

## 5. Parking Requirements

For each mobile home lot, there shall be provided and maintained at least two off-street parking spaces. Each parking space shall contain a minimum area of 200 square feet with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if an equivalent number of spaces is provided by a parking lane.

In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of one space for each four mobile home lots. This requirement shall be waived if the parking lane provides an equivalent number of spaces.

## 6. Road Standards

The main entrance of the mobile home park shall be from a state, state aid or town road. All mobile home park lots shall abut on a roadway designed in accordance with the Town of Livermore Falls Streets and Ways Ordinance (see Section XIII, Privately Owned Roads - Mobile Home Parks). Parks generating more than 500 vehicle trips per day will require a traffic impact analysis by a professional engineer, registered in the State of Maine.

## 7. Street Lights

Mobile Home Park Street shall be illuminated by street lighting installed at regular intervals of 300 +/-feet. These lights shall be provided and maintained by the mobile home park owner.

## 8. Ground Water

For mobile home parks not served by public sewer, an assessment of the impacts of park development on ground water quality shall be submitted prior to final approval of the park. The assessment shall be prepared by a certified geologist or registered professional engineer.

## 9. Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

- a. An adequate and potable supply of water, with a minimum of 30 pounds per square inch pressure at all times, shall be provided for each mobile home space or lot. The water source shall be capable of producing 300 gallons of potable water per mobile home lot per day.
- b. All mobile homes in a mobile home park shall be connected to the municipal sewer system or a centralized private system by means of an approved system of collector and interceptor sewer lines.
- c. Where municipal sewer or centralized private sewer system is not used, an approved septic sewage disposal system shall be provided for each lot in a mobile home park.

#### 10. Refuse

The storage, collection and disposal of refuse in the mobile home park shall be so handled or managed by the permittee as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or area pollution. One refuse can with a tight fitting cover for each occupied mobile home lot or space shall be furnished by the mobile home owner.

#### 12. Aesthetics

- a. Skirting. An underskirt of a substantial material must be installed within 90 days from installation of mobile homes.
- b. Storage. At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

#### 13. Records

Each committee shall keep a written record, subject to inspection at any reasonable time by a duly authorized Officer of the Town of Livermore Falls, which shall contain the date of arrival, the name, make, year, model, serial number (where applicable) and length of mobile home, and also the

names of the occupants thereof. A complete list of the above shall be furnished to the assessor's office on April 1st of each year.

#### 14. Certification of Payment of Sales Tax

No municipality may allow the construction or location of any new manufactured housing within the municipality by any person other than a dealer licensed by the state with a sales tax certificate, without:

a. A bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or provided the manufactured housing to the buyer locationing the housing in the municipality; or

b. If no such bill of sale is presented, evidence of certification of payment of the sales tax in accordance with Title 36, Section 1760, Subsection 40 and Title 36, Section 1952-B.

The permit is deemed to be not approve or valid until payment of the sales tax has been certified.

#### Section VII. Blocks

A. The length of blocks shall not exceed 1,400 ft. or be less than 400 ft. and the width sufficient to provide for two tiers of lots, but irregularly shaped lots indented by cul-de-sac streets and containing interior parks will be acceptable when properly designed and provision made for maintenance of interior parks.

#### Section IX. Design Standards

##### a. Monuments

The subdivider shall install two concrete or stone monuments at least 36 inches in length and 4 inches square with a suitable center point at each street intersection on the right-of-way line, and iron pan monument 5/8 inches in diameter and 36 inches long, at all points on boundary lines of lots where there is a change in direction and at all corner lots.

##### B. Street Names

Streets which joined or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of the streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.

### C. Streets

1. In accordance with the Comprehensive Plan of the Municipality and for the purposes of the standards, streets are classified by function as follows:

a. Major Streets: The term "major streets" includes arterial streets which serve primarily as major traffic ways for travel between and through towns; and collector streets, which serve as feeders to arterial streets, as collectors of traffic from minor streets and for circulation and access in commercial and industrial areas.

b. Minor Streets: Local streets which are used primarily for access to abutting residential, commercial, or industrial properties.

### C. Layout

1. Proposed streets shall conform, as far as practical, to such Comprehensive Plan and to the Major Street Plan as may have been adopted prior to the submission of a Preliminary Plan.

2. All streets in the subdivision shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel while discouraging movement of through traffic.

3. The arrangement, character, extent, width, grade, and location of all streets shall be considered in relation to existing or planned streets, to topographical conditions to public convenience and safety, and their proper relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography

4. Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access street (parallel to arterial street providing access to adjacent lots), reverse frontage (that is, frontage on the street other than the existing or proposed arterial street) with screen planting

contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

5. Entrances onto existing or proposed collector streets shall not exceed a frequency of one per 200 feet of street frontage. Entrances onto existing or proposed arterial street shall not exceed a frequency of one per 500 feet of street frontage.

#### D. Design and Construction Standards

All streets in a subdivision shall be designed and constructed to meet the standards of the Town of Livermore Falls Ordinance for the Acceptance of Streets and Ways and as hereafter amended, for streets according to their classification as determined by the Board. The Livermore Falls Road Commissioner or Engineer shall oversee the construction of all streets.

1. Intersections of streets shall be at angles as close to 90 degrees as possible and in no case shall two streets intersect at an angle smaller than 60 degrees. To this end, where one street approaches another between 60 - 90 degrees, the former street shall be curved approaching the intersection.

2. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. A portion of any corner lot which is necessary to allow 25 foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level three feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.

3. Dead and or cul-de-sac streets shall be provided at the closed end with a turn-around having a property line radius of at least 60 feet with an outside pavement radius of at least 40 feet.

4. Jogs: Streets with center lines offset less than 125 feet shall not be permitted.

5. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.

6. Curb radii at street intersections of 90 degrees or greater shall be at least 25 feet. Where the angle of street intersection is less than 90 degrees, a radius of at least 30 feet shall be required.

#### E. Sidewalks

Sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street at such locations as the Board may deem necessary.

#### F. Water Supply

1. Where a public water main is within 1500 feet of the subdivision at its nearest point, the subdivider shall connect with such water main with a line meeting the specifications of the Livermore Falls Water District.

2. Where a public water line is not reasonably accessible as defined by the said Water District, the subdivider shall provide a private water supply acceptable to the Town Health Officer.

#### G. Sewage Disposal

1. Where a public sanitary sewer line is within 1,500 ft. of the subdivision at its nearest point, the subdivider shall connect with such sanitary sewer lines meeting the specifications of the Sewer District.

2. Where public sewer is not reasonably accessible as determined by the Board, the subdivider shall provide proof of soils suitable for subsurface wastewater sewage disposal on each lot in accordance with the State of Maine Subsurface Wastewater Disposal Rules.

#### H. Storm Drainage

Adequate means of storm drainage shall be provided by the subdivider, and such drainage shall be kept separate from any sanitary sewer line.

### Section X. Guarantee, Security or Performance Bond

A. The Board may require as a condition of approval that the subdivider file with the Board at the time of approval and prior to any construction a

performance guarantee in an amount sufficient to defray all expenses of the proposed improvements including, but not limited to, streets, sidewalks, utilities, storm drains, parks, and publicly held open spaces. This may be tendered in form of a certified check payable to the Municipality, a savings account or certificate of deposit assigned to the Municipality or a faithful performance bond running to the Municipality and issued by a surety company acceptable to the Municipality. The conditions and amount of such a security bond shall be determined by the Board of the Municipality with the advice of various Municipal Officers concerned. The amount shall be sufficient to ensure the furnishing, installing, connecting and completing all improvements specified on the approved plan within two years of the date of the certified check or performance bond. If the subdivision is to be completed in phases, the Board may require a performance guarantee for each phase rather than a single guarantee for the entire subdivision provided each phase conforms to the two-year completion requirement of this section.

B. The Board may recommend a maximum extension of 12 months to the guaranteed performance. When the subdivider can demonstrate, to the satisfaction of the Board and other interested officials or agencies, good cause for such extension. Such recommendation for extension shall be referred to the Board of Selectmen for official action .

C. The Board may, at its discretion, waive the requirement of a guarantee, security or performance bond and recommend a properly executed conditional agreement with the Municipality. Such agreement, if executed with the Municipality, shall be endorsed in writing and shall provide that no lot in such subdivision is sold and no permit shall be issued for construction of any building on any lot on any street in such subdivision until all agreed upon improvements have been.

## Section XI. Inspection of Required Improvements

A. At least 10 days prior to commencing construction of improvements or alteration of roads and utilities, the subdivider shall notify the Town Manager in writing of the time when he proposes to commence construction of such improvements so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements and utilities required by the Board.

B. If the Municipal Building Inspector or engineer or appointed engineer shall find, upon inspection of the improvements performed before expiration date of the guarantee where security arrangement or performance bond required by Section X that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Municipal Officers, Building Inspector and Board. The Municipal Officers shall then notify the subdivider and if necessary, the bonding company, but take all necessary steps to preserve the Municipalities rights under the guarantee, security or bond. No plan shall be approved by the board as long as the subdivider is in default on a previously approved plan.

C. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Municipal Building Inspector or engineer or appointed engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements the Municipal Building Inspector or engineer or appointed engineer may, upon approval of the Board, authorize modifications provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Municipal Engineer or appointed engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board at its next regular meeting.

D. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Town.

## Section XII. Release of Guarantee, Security or Performance Bond

Before a subdivider may be released from any obligation required by his guarantee of performance, the Board will require certification from the municipal engineer or appointed engineer and whatever other agencies and departments that may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, state and local codes and ordinances.

## Section XIII. Waivers

A. Where the Board finds that extraordinary and unnecessary hardships result from strict compliance with the standards or where there are special circumstances of a particular Plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or Minimum Lot Size Ordinance.

D. Where the Board finds that, due to special circumstances of a particular Plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

C. In granting variances and modifications, the Board shall require such conditions as will, in its judgment, secure substantially the objective of the requirements to varied or modified.

#### Section XIV. Validity, Effective Date and Conflict of Ordinance

A. Should any section or provision of this ordinance be declared by the courts to be invalid, such decisions shall not invalidate any other section or provision of this ordinance, and to this end, the provisions of this ordinance are hereby declared to be severable.

B. This ordinance shall take effect and be enforced from and after the date of its official adoption by the governing body.

C. This ordinance shall not repeal, annul, or any way impair or remove the necessity compliance with any other rule, regulation, by-law, permit or provision of law. Where this ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this ordinance shall prevail.

#### Section XV. Amendments

This ordinance may be amended by majority vote of the Town Meeting. Amendments may be initiated by majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of

10% of the votes cast in the last gubernatorial election in the town. The Planning Board shall conduct a public hearing on any proposed amendment.

#### Section XVI. Appeals

An appeal may be taken within thirty (30) days from the Board's final decision in the Preliminary Plan or Final Plan by any party to Superior Court in accordance with Rule 80-B of the Maine Rules of Civil Procedure.

#### Section XVII. Repeal of Existing

Enactment of this ordinance shall constitute a repeal of the Ordinance entitled Subdivision Regulations, Town of Livermore Falls and Mobile Home Park Ordinance of the Town of Livermore Falls as amended.

Adopted March 9, 1981

Amended June 11, 1997

**WASTE WATER ORDINANCE  
TOWN OF LIVERMORE FALLS**

**On June 11<sup>th</sup>, 2003 voted and approved at the annual Town Meeting held in Livermore Falls the ordinance called "Waste Water Ordinance for the Town of Livermore Falls.**

  
\_\_\_\_\_  
**Town Clerk, Livermore Falls**

## **WASTE WATER ORDINANCE TOWN OF LIVERMORE FALLS**

An ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof in the Town of Livermore Falls.

### **ARTICLE I. General**

#### **Section 1 – Scope**

The provisions of this ordinance shall apply to and govern sanitary facilities, sewers and wastewater treatment; the excavation, construction, installation, usage, maintenance, extension, alteration, repair, or removal of any building sewer, building drain, or sanitary sewer systems: the type of wastewater prohibited from public sewers and storm drainage systems; permitted and prohibited concentrations and strengths of wastewater; and situations in which use of a private sewage disposal system is permissible. The facilities affirm that these facilities are regulated by Part Two of the State of Maine Plumbing Code and that the said code is enforced by the Town. This ordinance does not impose any additional regulations on non public sewer systems, except as they relate to connecting such systems to the public sewer.

#### **Section 2. – Intent and Purpose**

It shall be the intent and purpose of this ordinance to reduce to the extent practicable, existing pollution and to prevent further pollution caused by inadequate wastewater disposal, and to accomplish the necessary local legislation to meet the requirements of the State of Maine and the Federal Government. All this is furtherance of the health, welfare, comfort and convenience of the inhabitants of the Town.

#### **Section 3. Enforcing Officer**

The Superintendent of Sewers as appointed by the Board of Selectmen shall administer and enforce the provisions of this ordinance.

## Section 4. – Protection from Damage

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 wastewater facilities. Any person(s) violating this provision may be subject to arrest under the charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 33, Subsection 806.

## ARTICLE II – Definitions

Unless the context specifically indicates otherwise, the meaning of terms in this ordinance shall be as follows:

Section 1. “Biochemical Oxygen Demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade, expressed in milligrams per liter.

Section 2. “Building” shall mean a structure built, erected and framed of component structural parts designated for the housing, shelter, enclosure, or support of persons or property of any kind.

Section 3. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer. The building drain extends eight (8) feet outside the inner face of the building wall.

Section 4. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Section 5. “Chemical Oxygen Demand (COD)” shall mean the quantity of oxygen utilized in the chemical oxidation of matter under standard laboratory procedure, expressed in milligrams per liter.

Section 6. “DEP” shall mean State of Maine Department of Environmental Protection.

Section 7. “Domestic Wastes” shall mean liquid wastes and liquid-borne wastes discharged from sanitary convenience such as toilets, washrooms, urinals, sinks, showers, drinking fountains, home laundry rooms, kitchens and floor drains free of industrial waste or toxic materials.

Section 8. “Easement” shall mean an acquired legal right for the specific use of land owned by others.

Section 9. “EPA” shall mean United States Environmental Protection Agency.

Section 10. “Fats, Oils, and Grease (FOG)” shall mean material in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of FOG if it is properly pretreated and the wastewater does not interfere with the wastewater facilities.

Section 11. “Force Main” shall mean any sanitary sewer carrying wastewater under pressure as in a pump discharge or inverted siphon.

Section 12. “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

Section 13. “Hook-up Amount” shall mean amount established by the Selectmen to be paid upon submission of the application for the first time physical connection to Town Sewer.

Section 14. “Industrial Wastes” shall mean the wastewater from industrial processes, trade or business, or any source other than those defined in “Domestic Wastes”.

Section 15. “Natural Outlet” shall mean any outlet, including storm sewers into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Section 16. “Owner” shall mean the owner of record according to the Town’s Tax Assessor files.

Section 17. “Person” shall mean any individual, firm, company, association, society, corporation, municipal or quasi-municipal agency, state agency, federal agency or other legal entity.

Section 18. “Property Line” shall mean curb line if the building sewer is to connect with the public sewer in a public street. “Property Line” shall mean the edge of a sewer right-of-way or easement in those instances where the building sewers connect to the public sewer in a right-of-way or easement.

Section 19. “pH” shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

Section 20. “Pollutant” shall mean to include but is not limited to dredged spoil, solid waste, junk, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discharged equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Section 21. “Private Wastewater Disposal System or Sewer” shall mean non-public sewage disposal facilities as permitted under the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations or non-public wastewater facilities as licensed by the DEP.

Section 22. “Properly Shredded Garbage” shall mean wastes from the handling, preparation, cooking, and serving of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 10mm (0.39 inch) in any dimension.

Section 23. “Public Sewer” shall mean a common sewer owned, operated and maintained by the Town of Livermore Falls Sewer Department.

Section 24. “Readiness to Serve Fee” shall mean an annual fee assessed to a property which abuts a public sewer having available to it a connection stub.

Section 25. “Sanitary Sewer” shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial

plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

Section 26. “Septage” shall mean the water, sludge, grit and all other solid and liquid substances collecting in the septic tanks, cesspools and other similar devices.

Section 27. “Sewer” shall mean a pipe or conduit that carries wastewater.

Section 28. “Sewer User” shall mean the person owning a building connected to or required to be connected to the public sewer.

Section 29. “Shall” is mandatory; “May” is permissive.

Section 30. “Slug” shall mean any discharge of water or wastewater which in concentration of any given constituent or in any quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation and/or adversely affects the public sewer system and/or performance of the wastewater treatment works.

Section 31. “Storm Drain” shall mean a drain or sewer for conveying groundwater, surface water or unpolluted water from any source.

Section 32. “Superintendent” shall mean the Superintendent of Sewers as appointed by the Board of Selectmen.

Section 33. “Suspended Solids (SS)” shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” published by the American Public Health Association.

Section 34. “Town” shall mean Town of Livermore Falls, Maine and its elected and appointed officials acting in authorized manner.

Section 35. “Unit” shall mean 1.) One unit is a single family home, three bedrooms, no more than 2 baths. 2.) Apartment houses are one Unit per living quarters, or per electrical meter. 3.) Commercial units will be

determined by a site visit, actual flow records, and by comparison to other similar sites.

Section 36. “Unpolluted Water” is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 37. “Wastewater” shall mean the spent water of a community. From the standpoint of source, it may be a combination of liquid and water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, surface, and storm waters as may be present.

Section 38. “Wastewater Treatment Works” shall mean an arrangement of devices and structures for treating wastewater, industrial waste, and sludge.

Section 39. “Wastewater Facilities” shall mean pipes, structures, equipment, and processes required to collect, pump, carry away and treat domestic and industrial wastes and to dispose of the effluent and by-products.

Section 40. “Water Course” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

### ARTICLE III – Use of Public Sewers Required

#### Section 1. Unlawful Disposal or Discharge

Except as provided under the Rules of the Maine Department of Human Services, Division of Health Engineering, known as The State Plumbing Code, Part II and except in accordance with provisions for licensing by the Maine Department of Environmental Protection for the discharge of suitably treated wastes, it shall be unlawful to construct or maintain any privy, vault, septic tank, cesspool, or other facility intended or used for the disposal of polluted water, wastewater, or human excrement, or to discharge such excrement or water to any natural outlet within the Town, or in any area under the jurisdiction of the Town.

## Section 2. Connection to Public Sewer Required

The owners of any building used for human occupancy, employment, recreation, or otherwise contains plumbing systems for conveying water borne waste, situated within the Town and abutting on any street, road, or right-of-way in which there is now located or planned to be located a public sanitary sewer, excluding force mains, is hereby required to connect, at the owner's expense, any said plumbing facilities directly with the public sewer in accordance with the provisions of this ordinance within 120 days after date of notice by the Superintendent to do so.

The building owner may request in writing to the Superintendent, deferral of this connection requirement on the basis of undue hardship if the building has as existing properly operating private wastewater disposal system, in which case the owner shall demonstrate the nature and degree of hardship.

If the building owner can provide to the satisfaction of the Superintendent that a suitable private wastewater disposal system is currently in use, the owner shall be exempt from connection to the public sewer but shall be assessed a readiness to service fee.

During construction of a public sewer, owners of unimproved lots and land abutting such sewer, have the option of having a service stub brought to the edge of the roadway at Town expense, (except as provided in Article IX) in which case the property owner will be assessed the readiness to service fee.

## ARTICLE IV. Private Wastewater Disposal Systems

### Section 1. Public Sewer Not Available

Where a public sanitary sewer is not available under the provisions of Article III, Section 2, the building shall be connected to a private wastewater disposal system complying with the provisions of this article and the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations or to non-public wastewater facilities licensed by the DEP.

## Section 2. Permit Required

Before commencement of construction of a private wastewater disposal system or nonpublic wastewater facilities licensed by the DEP, the owner shall first obtain a written permit signed by the plumbing inspector. The application for a subsurface wastewater disposal permit shall be made on a form furnished by the Division of Health Services, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the plumbing inspector. A permit and inspection fee as established by the Board of Selectmen shall be paid to the plumbing inspector at the time the application is filed.

A permit for a private waste water disposal system shall not become effective until the installation is completed to the satisfaction of the plumbing inspector. The plumbing inspector shall be allowed to inspect the work at any stage of construction and in any event the applicant for the permit shall notify the plumbing inspector when the work is ready for final inspection and before any underground portions are covered. Inspection shall be made within 48 hours of the receipt of notice by the plumbing inspector.

## Section 3. State Compliance

The type, capacities, location and layout of a private waste water disposal system shall comply with the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations and minimum lot size (Maine Revised Statutes Annotated) Title 12, Chapter 423-a or as provided and licensed by the DEP as may be amended. No private wastewater disposal system shall be permitted to discharge to any outlet unless approved and licensed by the DEP.

## Section 4. Public Sewer Available

At such time as a building with an existing private waste water disposal system is connected to the public sewer as provided in Article III, Section 2, any septic tanks, cesspools, and similar private wastewater disposal facilities shall no longer be used and shall be cleaned of sludge, and filled with clean bankrun gravel or completely removed within 30 days from connection.

## Section 5. Private System Operation

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. The contents from private wastewater disposal systems shall not be discharged to the public sewer

## Section 6. Additional Requirements

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Town's Health Officer, Building Inspector or Code Enforcement Officer.

## ARTICLE V. Building Sewers and Connections

### Section 1. Permit Required

No unauthorized person(s) 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 Superintendent.

Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least 45 days prior to the proposed change or connection, and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter 1, Subsection 361 as determined by the Superintendent.

There shall be two 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(s) 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 Superintendent. A permit for both residential and industrial services as established by the Board of Selectmen for the appropriate class shall be paid to the Town at the time the application is filed.

## Section 2. Costs Borne by Owner

All costs and expense incident to the installation, connection and maintenance of the building sewer shall be borne by the owner to the property line easement or right-of-way. 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.

## Section 3. Separate Building Sewer Required

A separate and independent building sewer shall be provided for every building requiring a sewer connection; 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 a driveway, and the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

## Section 4. Old Building Sewers

Old building sewers may be used in connection with new buildings only when they are found to meet all requirements of this ordinance and such use is authorized by the Superintendent

## Section 5. Methods of Construction

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the State of Maine Plumbing Code and other applicable rules and regulations to the Town.

The connection of the building sewer into the public sewer shall be made at the wye branch or its equivalent. When connecting a 4 inch diameter building sewer to any public sewer 8 inches in diameter or less, and when connecting a 6 inch diameter building sewer to any public sewer 12 inches in diameter or less, a wye branch must be installed in a location specified by the Superintendent. Where the public sewer has greater than the maximum diameter for installation of a wye branch as specified above or no properly located wye branch is available, a neat hole may be cut into the

upper quadrant of the public sewer to receive the building sewer with entry to be made in the downstream direction at an angle of approximately 45 degrees, again in a location specified by the Superintendent. A properly sized wye saddle shall be inserted into the hole so as not to extend past the inner surface of the public sewer. A smooth, neat joint shall be made and the connection made secure and watertight by encasement in concrete or as otherwise approved. Special fittings may be used for the connection only when approved by the Superintendent.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drainage is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. If determined by the Superintendent that a clogged street sewer could cause sewage backflow in the service line and result in damage to the building and/or contents, the Superintendent recommends the installation of a backflow preventer valve at the owner's expense.

## Section 6. Building Sewer Inspection

The Superintendent shall be allowed to inspect all building sewers installed pursuant to the Article at any stage of construction and in any event, the applicant for the permit shall notify the Superintendent when the work is ready for inspection and before any underground portions are covered. A timely inspection shall be made by the Superintendent.

No building sewer installation constructed pursuant to the Article can be approved if such sewer is covered prior to inspection. The owner will be held in violation of this Section if the Superintendent has not inspected and approved the installation.

## Section 7. Connection by Town

If an existing entrance or connection to the public sewer is not available or a new building sewer connection, the owner shall notify the Superintendent two business days before the expected time of connection. All such connections at the public sewer shall be made by the Town or its agent at the owner's expense. The above costs are in addition to the "hook-up amount" as established by the Selectmen.

## Section 8. Storm Drain Connection Prohibited

No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

## Section 9. Building Demolition

In the case of buildings being removed or demolished, the building sewer shall be capped at the street to the satisfaction of the Superintendent.

## Section 10. Street and Public Right-of-way

All street openings, or installations in a public right-of-way shall be performed in strict accordance with Town regulations and approved by the Director of Public Works.

## Section 11. Connection to Force Main Prohibited

No person shall make connection of a building sewer or pipe of any type to force main or inverted siphon which is part of the public sewer system.

# ARTICLE VI. Use of Public Sewers

## Section 1. Stormwater

No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or polluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to storm drains, or to natural outlets approved by the Superintendent. Unpolluted industrial cooling water or process water may be discharged, on approval of the Superintendent to a storm sewer, combined sewer, or natural outlet; and the discharge shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subsection 413.

## Section 2. Prohibited Wastes

No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- B. Any waters or pollutants containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant, including but not limited to those substances as defined in standards issued from time to time by EPA and DEP;
- C. Any water or pollutants having a ph lower than 5.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facilities;
- D. Any solid or viscous substances in such quantities or of such size as capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, disposable diapers, wood, unground garbage, seafood shells, whole blood, paunch manure, hair and fleshings, entails, and paper or plastic dishes, cups, milk containers, etc. either whole or ground by garbage grinders;
- E. Any waters of pollutants, including oxygen demanding pollutants (DOB, etc), which released in quantities of flow or concentrations or both constitute a "slug" as defined herein;
- F. Any heated waters or pollutants in amounts which will inhibit or interfere with biological activity in the wastewater treatment works but in no case heated waters or pollutants in such quantities that the temperature at the wastewater treatment works influent exceeds 40 degrees centigrade ( 86 degrees Fahrenheit).

### Section 3. Limited Wastes

The following describes substances, materials, waters, or pollutants shall be limited in discharge to the public sewer to concentrations or quantities which will not harm either the sewers, wastewater treatment process, or equipment, will not have an adverse affect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. The limitations or restrictions of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- A. Wastewater having a temperature higher than 60 degrees Centigrade (140 degrees Fahrenheit);
- B. Wastewater containing more than 25 mg/l of petroleum oil, no biodegradable cutting oils, or products of mineral oil origin;
- C. Wastewater containing fats, oils and grease, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (0 and 65 degrees Centigrade);
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food, in kitchens for the purpose of consumption on the premises, or one served by caterers;
- E. Wastewater containing any hexavalent chromium, aluminum, iron, tin, fluorides, arsenic, phenols, chlorides, sulfates, or mercury: or the following metals in concentrations exceeding those listed:

<u>METAL</u>	<u>MAXIMUM FOR ANY ONE DAY (MG/L)</u>	<u>AVERAGE OF DAILY VALUES FOR 30 CONSECUTIVE DAYS</u>
CADMIUM	.064	.016
COPPER	2.87	0.80
LEAD	3.72	1.09
NICKEL	3.51	1.26
SILVER	0.44	.013
ZINC	2.64	0.80

F. Wastewater containing odor-producing substances exceeding limits which may be established by the Superintendent;

G. Any radioactive wastes or isotopes which exceed limits established by applicable state or federal regulations or standards;

H. Wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

I. Wastewater which, by interaction with other water or pollutants in the public sewer system, release obnoxious gases, form suspended solids which interfere with the public sewer system, or create a condition deleterious to the wastewater facilities;

J. Any wastes having color not removable by the treatment works;

K. Any wastes having average BOD in excess of 40 mg/l;

L. Any wastes having average COD in excess of 600 mg/l;

M. Any wastes having average SS in excess of 400 mg/l;

N. Any wastes having dissolved solids in such quantity and character as compatible with the wastewater treatment works.

#### Section 4. Town Options for Prohibited Wastes

If any waters or pollutants are discharge, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 2 or 3 or this Article, and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- A. Reject the waters of pollutants;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers and/or;
- C. Require control over the quantities and rates of discharge, and/or;
- D. Require payment to cover the added costs of handling and treating the wastes.

#### Section 5. Pretreatment or Flow Equalization

If the Superintendent requires or permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment or equalization plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, laws and municipal discharge permit. All such pretreatment or flow equalization facilities shall be maintained continuously in satisfactory and effective operation by the owner and at his expense.

#### Section 6. Grease and Sand Traps

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 3 C, or any flammable wastes, sand, and other harmful ingredients. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located outdoors as to be readily and easily accessible for cleaning and inspection. In the maintaining of these

interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials, not performed by the owner must be performed by currently licensed waste disposal firms.

## Section 7. Industrial Waste Permit Required

All discharges of industrial wastewater are required to obtain a permit from the Superintendent. All permits and applications for permits shall be in a form determined by the Superintendent and shall include an application fee established by the Board of Selectmen. In cases where the Town incurs administrative or outside professional costs in preparing such applications, such costs shall be charged directly to the applicant. Each permit shall have an annual expiration date. Such permit shall require compliance with all federal and state pretreatment standards and may include other requirements imposed by the Superintendent.

## Section 8. Industrial Waste Monitoring

A. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial pollutants shall install a suitable structure together with such necessary meters, and other appurtenances, in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such located and constructed in accordance with plans approved by the Superintendent. The structure 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.

B. All measurements, tests, and analyses of the characteristics of waters and pollutants to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods For The Examination of Water And Wastewater", published by the American Public Health Association, and shall be determined at the structure as required in paragraph A of this section, or upon suitable samples taken at the upstream and downstream manholes in the public sewer nearest to the point at which the building sewer is connected.

C. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the Superintendent. Such records shall be retained by the owner for a minimum of three years and made available upon request by the Superintendent.

D. All sampling and testing shall be carried out by the qualified person at the owner's expense. The method and location of sampling and quality of testing is subject to approval of the Superintendent. Any users of public sewers discharging or causing to be discharged into such public sewers any industrial wastes shall provide the Superintendent with samples, when requested.

#### Section 9. EPA Pretreatment Regulations

The Municipality shall develop and the Superintendent shall enforce pretreatment regulations for existing and new sources of pollution that are discharged or proposed to be discharged into the municipality-owned wastewater treatment facilities as set forth in Title 40, Chapter 1, Part 128 and Part 403 of the Final Rules of the United States Environmental Protection Agency.

#### Section 10. Exclusion of Industrial Waste

The Superintendent, with approval of the Town Manager, shall have authority to temporarily exclude any industrial waste, whether pretreated or not, from the municipal sewers whenever, in his or her opinion, such action is necessary for the purpose of determining the effects of such wastes upon the public sewers or wastewater facilities. The Superintendent shall notify the affected user prior to taking such actions, and shall afford the user a reasonable time for response. The Superintendent shall have the authority to take actions necessary to halt the discharge of pollutants from any user to the treatment works which reasonably appears to present an imminent endangerment to the wastewater facilities or to the health or welfare of persons. Such actions shall be preceded by notification, oral or written, to the user.

## Section 11. Additional Information Required

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- A. Wastewater discharge rates and volumes (average, minimum, peak) over a specified time period.
- B. Chemical analyses of wastewaters.
- C. Information on raw materials, processes, and projects affecting wastewater volume and quality.
- D. Quantity and disposition of specified liquids, sludge, oil, solvent, or other materials important to sewer use control.
- E. An engineering drawing by a registered engineer on sewers of the user's property showing sewer and pretreatment facility location and details of wastewater pretreatment facilities.
- F. Details of systems to prevent and control the losses of materials through spills to the public sewer.

## Section 12. Special Arrangements

No statement contained in the Article shall be construed as preventing any special agreement or arrangement between the town and any industrial sewer user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial sewer user; provided that such agreements do not contravene any requirements of existing federal or state laws and/or regulations promulgated there under, and are compatible with any user charge system in effect.

## ARTICLE VII. Powers and Authority of Superintendent

### Section 1. Right of Entry

The Superintendent and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to

enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the public sewer system in accordance with the provision of this ordinance.

## Section 2. Process Information

The Superintendent or other duly authorized employees or agents are authorized to obtain information concerning processes which have a direct bearing on the kind and source of discharge to the public sewer system. The user may request that such information be kept confidential. The user must establish that the revelation to the public of the information in question might result in an advantage to competitors.

## Section 3. Safety on Private Property

While performing the necessary work on private properties referred to in Article VII, Section 1, the Superintendent or duly authorized employees or agents of the Town shall observe all safety rules applicable to the premises established by the owner and the owner shall be held harmless for the injury or death to the Superintendent, employees or agents. The Town shall indemnify the owner against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions.

## Section 4. Easement and Right of Way Entry

The Superintendent and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town of Livermore Falls holds duly negotiated easement or right of way for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, or right of way, shall be done in full accordance with the terms of the duly negotiated easement or right of way pertaining to the private property involved.

## ARTICLE VII. Penalties

### Section 1. Written Notice of Violation

Any person found to be violating any provision of this ordinance, except Article I, Section 4 and Article VI, Section 10 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 2. Fines

Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount of not less than \$100 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

## Section 3. Liability for Public Expense

Any person violating any of the provisions of this ordinance shall become liable to the town for any expense, loss, or damage occasioned by the Town of Livermore Falls. By reason of such offense including:

- A. Any physical impairment of the wastewater facilities.
- B. Any fines which the Town of Livermore Falls may be required to pay as a result of such an offense.

## Section 4. Injunctive Relief

Notwithstanding any of the foregoing provisions, the Town of Livermore Falls may institute any appropriate action including injunction or other proceedings to prevent, restrain or abate violations hereof.

## ARTICLE IX. Sewer Extensions

Section 1. Public sewer extensions may be constructed by the Town under public contract if, in the opinion of the Selectmen, the number of properties to be served by such extensions warrants its cost. Under this arrangement the property owner shall pay for and install the building sewer from the public sewer to his residence or place of business in accordance with the

requirements of Article IV. Property owners may propose sewer extensions within the Town by drafting a written petition signed by a majority of the benefiting property owners, and filing with the Selectmen. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the Selectmen.

Section 2. 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 Selectmen in accordance with the requirements of Section 3. They must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid therefore. Design of sewers shall be as specified in Section 3 and 4. The installation of the sewer extension shall be subject to periodic inspection by the Superintendent and the expenses for this inspection shall be paid for by the owner, builder or developer. The Superintendent's decisions shall be final in matter of quality and methods of construction. The sewer, as constructed, must pass the exfiltration test required in Section 5 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 3. All extensions to the sanitary sewer system owned and maintained by the Town shall be properly designed in accordance with the Recommended Standard for Sewage Works, as adapted 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 Superintendent 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 4. Sewer design shall be in accordance with the following provisions. Pipe material shall be PVC, minimum classification standards to be SDR 35. No standard strength clay pipe nor non-reinforced concrete pipe shall be used. Minimum internal pipe diameter shall be 8 inches. Joint preparation and assembly shall be in accordance with the manufacturer's recommendations. Wye branch fittings shall be installed for connection to buildings sewers in accordance with Article V Section V. Pipe shall be firmly and evenly bedded on a minimum of 6 inches of screened gravel with stone size not exceeding 1 inch.

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 3000 psi concrete base 8 inches thick, steel troweled concrete or mortar bench walls and inverts, and precast four foot diameter concrete manhole barrel sections with 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 one two inch concrete riser underneath to allow for later adjustment to elevation. All joints shall be sealed against infiltration.

Section 5. All public 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 can either be conducted hydraulically or pneumatically.

The Hydraulic test consists of filling the pipe with water to provide a head of at least 5 ft. above the top of the pipe or 5 ft. above the ground water, 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 at the original level. In this test, the line must remain filled for least 24 hours prior to taking of measurements. Exfiltration shall be measured by the drop of water level in a stand pipe 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 length of sewer shall in no event exceed 1,000 ft. for either type of test and, in the case of sewers laid on a steep grade, 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 hours in either test and the maximum allowable rate of leakage shall not exceed 100 gallons per mile of pipe per 24 hours per inch of nominal pipe diameter. For purposes of determining this maximum allowable rate of leakage, manholes shall be considered as a section of 48 inch diameter pipe 5 feet long, and the equivalent leakage of allowance shall be 4.5 gallons per manhole per 24 hours.

The pneumatic test consists of blanking both ends of the pipe with air locks and introducing air through a mechanism in one of the air lock units to 3.5 pounds per square inch pressure. With a known permeability of the pipe,

the only variable is the pipe diameter, and the minimum allowable time in minutes for a 1.0 pound per square inch pressure drop is found by multiplying the pipe diameter in inches by 0.472.

If leakage exceeds a specified amount by either test, the necessary repairs or replacements required shall be made to permanently reduce the leakage to within the specified limit.

Section 6. All extensions of public sewers constructed at the expense of the property owner, builder, or developer, after approval and acceptance by the Superintendent, 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 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.

Section 7. 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.

#### Section 8. Pump Station Design

Sewer and pump station design shall be in accordance with the sewer design specifications adopted by the Town. The Town of Livermore Falls shall approve, prior to installation, all necessary instrumentation for all pump stations. All pump stations shall be designed and constructed by the requesting party(s), with the developer or the property owners requiring the pump station paying all of the costs. Station to be adjacent to public right of way and on land deeded to the Town.

#### Section 9. Building Permit Requirement

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 sewage disposal is proposed and approved by the Town.

## ARTICLE X. Sewer Fees

Sewer service charge rates shall be determined by the Selectmen on a year-to-year basis and in general such charges will be determined on a rate structure based on water consumption as well as a per unit charge assessed to the property. The sewer service charge will be computed and billed at regular intervals throughout each calendar year, as established by the Selectmen.

### Section 1. Readings

Sewer bills are based on first quarter readings received from the Livermore Falls Water District. These readings are used for four quarters of billing (April to January ). If a new reading is requested from a customer, the Sewer Clerk must be notified prior to billing, copy of last water bill supplied, and a \$5 administrative request fee must be paid. (This request will be done for the next two billings).

### Section 2. Payment of Bills

Bills are due 60 days from billing date. Interest will be charged on any unpaid balance after this time period. Lien process will be followed on any unpaid bill. Liens will be placed against the property where service is billed in accordance with all applicable State Statutes.

## ARTICLE XI. Appeals

### Section 1. First Notice to Superintendent

Any person aggrieved by a determination made under the provisions of this ordinance, or any person questioning the amount of or the validity of any charge or fee hereunder, shall first contact the Superintendent who may make such adjustments as he deems appropriate within the limits of his authorization in this ordinance.

### Section 2. Appeal to the Board of Selectmen

Any person dissatisfied with the action of the Superintendent may appeal in writing within 10 days to the Board of Selectmen, which shall within 30 days hold a hearing on the appeal. The Board of Selectmen may

affirm or amend the Superintendent's action, and it may permit exceptions to a variance from the specific provisions of this ordinance, including but not limited to, a requirement for added water or sewerage flow metering and reporting. All decisions determined by the Board of Selectmen will be provided in writing and dated.

### Section 3. Appeal to Superior Court

An aggrieved party may appeal the decision of the Board of Selectmen to the Superior Courts as provided by the laws of the State of Maine.

## ARTICLE XII. Validity of Ordinance

All ordinances or parts of ordinances in conflict herewith are hereby repealed. 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 XIII. Ordinance in Force

This ordinance shall be in full force and effect from and after its passage, approval and recording.

Adopted June 11, 2003