

2012

Ordinances Governing The Town of Sidney, Maine

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ORDINANCES GOVERNING

The Town of

SIDNEY, MAINE

<u>Index</u>	<u>Page/color</u>
PART I	
Administrative Ordinance	1-8 / white
Ordinance Governing the Planning Board	9-11 / white
Ordinance Governing the Appeals Board	12-16 / white
Zoning Ordinance	17-53 / yellow
Shoreland Zoning Ordinance	54-65 / blue
Multi-Family Dwelling Unit Subdivision Ord.	66-72 / pink
Mobile Home Park Ordinance	73-80 / green
Enhanced 911 Ordinance	81-84 / cream
Town of Sidney Subdivision Regulations	85-90 / salmon
Home Occupation Ordinance	91-92 / salmon
PART II	
Comprehensive Planning Policy Statement	White
Sidney Transfer/Recycling Facility Ordinance	"
Cable Television Ordinance	"
Ordinance to Regulate Automobile Graveyards And Junkyards	"
Sidney Fire/Rescue Ordinances	"
Dog Nuisance Ordinance	"
Sexually Oriented Business Ordinance	"
Floodplain Management Ordinance	"

REVISED

1987,1988,1989,1990,1991,1992,1993,1994,1995,1996,1997,1999,2002,
2006, 2007, 2008, 2009, 2010, 2011, 2012

**ADMINISTRATIVE ORDINANCE
of the
TOWN of SIDNEY, MAINE**

I. Applicability

- A. The provisions of this Ordinance shall govern administrative procedures under the following land use ordinances and regulations:
1. Zoning Ordinance of the Town of Sidney, Maine
 2. Multi-Family Dwelling Unit Subdivision Ordinance of the Town of Sidney, Maine
 3. Mobile Home Park Ordinance of the Town of Sidney, Maine
 4. Subdivision Regulations of the Town of Sidney, Maine
 5. Shoreland Zoning Ordinance of the Town of Sidney, Maine
 6. Ordinance to Regulate Automobile Graveyards and Junkyards of the Town of Sidney, Maine
 7. Ordinance Governing the Board of Appeals of the Town of Sidney, Maine

II. Creation of Administrative Bodies and Agents

A. Code Enforcement Officer.

1. As authorized by Title 30-A M.R.S.A Section 2601-A, Municipal Officers will appoint or reappoint a Code Enforcement Officer(CEO)annually on 1 July. The CEO must be trained and certified in accordance with Title 30-A M.R.S.A. Section 4451. The CEO will also serve as plumbing inspector (Title 30-A M.R.S.A. Section 4221), shoreland zoning officer (Title 38 M.R.S.A. Section 441), and building inspector Title 25 M.R.S.A. Section 2351).

B. Planning Board

1. A Planning Board for the Town of Sidney was created by the town's governing body on March 18, 1968 pursuant to provisions of the State constitution and statutes. Member on this board are appointed by the Selectmen and function under the Ordinance Governing the Planning Board, Town of Sidney.

C. Board of Appeals

1. A Board of appeals of the Town of Sidney has been created pursuant to the provisions of the Ordinance governing the Board of Appeals, Town of Sidney, Title 30-A Section 2691.

D. Fire Inspector

1. Pursuant to Title 25 M.R.S.A. Sec. 2391, the town's fire chief will serve as Fire Inspector. The fire chief may designate another person to serve as Fire Inspector.

E. Local Health Inspector

1. As required by Title 22 M.R.S.A. Sec. 451 Municipal Officers will appoint or reappoint a Local Health Inspector to serve for a term of three years. Within 10 days of this appointment, the municipal officers shall notify the Department of Health and Human Services in writing stating the Local Health Officer's name, age, address and beginning date of the three year term.

F. Animal Control Officer

1. As required by Title 7 M.R.S.A. Sec. 3947, Municipal Officers will appoint one or more Animal Control Officers (ACOs) to enforce provisions of the Animal Welfare Act and other State laws. An individual cannot be appointed as an ACO if that person has been convicted of a Class A or B felony or a criminal violation under Title 17 M.R.S.A. Sec. 1011-1046 ("Cruelty to Animals") or has been adjudicated liable for a civil violation for cruelty to animals under Title 7 M.R.S.A. Sec. 4011-4017. State law requires an ACO to complete training and be certified by the Commissioner of Agriculture, Food and Rural Resources within six months of appointment, by following the procedure outlined in Title 7 M.R.S.A. Sec. 3906-B(4). ACOs must attend advanced training courses in order to maintain certification. Upon appointment of an ACO, the municipal clerk will notify the Commissioner of the name, address, and telephone number of the ACO.

III. Permits

A. Permits Required

1. After the effective date of this Ordinance, no person shall engage in the erection of permanent structures, reconstruction (other than routine maintenance and repairs, roofing exterior and interior painting, wall paper and new counter tops), remodeling or enlarging existing structures, or expand an existing non-conforming use, or renew a discontinued non-conforming use without first obtaining a permit.
2. A permit is not required for the pre-placement of an existing road culvert as long as the replacement culvert is:
 - a. Not more than one standard culvert size wider in diameter than the culvert being replaced.
 - b. Not more than 25% longer than the culvert being replaced.
 - c. Not longer than 75 feet and: Provided that adequate erosion control measures are taken to prevent sedimentation of water, and that the crossing does not block fish passage in a watercourse.

B. Permit Application

1. Applications for permits shall be submitted in writing and shall include a scale plan. The Code Enforcement Officer or Planning Board may require the submission of whatever information is necessary to determine conformance with the provisions of the Ordinances and other applicable regulations.
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.
5. Before issuing a permit the Code Enforcement Officer shall be furnished with a floor plan for all new homes and major repairs, and a good sketch for garages, decks, porches or out buildings that will clearly show all dimensions.

6. Calculation of fees shall be based on the following:

a. New Residential Construction	.10X_____sq. ft.
Renovation	.07X_____sq. ft.
Accessory Structures	.05X_____sq. ft.
New Commercial Construction	.15X_____sq. ft.
Renovation	.12X_____sq. ft.
Plumbing	\$6.00 per fixture
Drive/Entrance	\$50.00
(Not applicable to State Aid or private roads)	

Construction shall not begin until the driveway/entrance has been approved by the Town of Sidney Road Foreman.

7. Permit Application - Commercial Use

- a. No person or organization shall engage in a commercial activity or home occupation prior to Planning Board review of the endeavor. Permit for a commercial activity shall be \$25.00.

- b. Should the ownership of a commercial activity change, the new owner shall obtain a permit as in paragraph 7.a. However, no fee shall be required unless the provisions of paragraph 7.c. are applicable.
 - c. Before a holder of a commercial permit may engage in an activity beyond the scope of the original permit, a new permit shall be obtained as in paragraph 7.a.
 - 8. In the case of all applications for commercial use, home occupations and mobile home parks, the Planning Board shall give written notice of intent, through the mail to abutting landowners at the applicant's expense. (Note: Notice to abutting landowners of subdivision and multi-family dwelling is required under subdivision regulations).
- C. Permits Issued by Code Enforcement Officer
 - 1. The Code Enforcement Officer shall approve or deny those applications on which he is empowered to act as shown in the Ordinances of the Town of Sidney.
 - 2. Approval shall be granted only if the proposed use is in conformance with the provisions of the Ordinance.
- D. Decisions Rendered by Planning Board
 - 1. The Planning Board shall approve or deny those applications on which it is empowered to act as stated in the Zoning Ordinance of the Town of Sidney.
 - 2. The Planning Board shall, after the submission of a completed application including all information requested, grant a approval if it makes a positive finding, based on the information presented to it that, except as specifically exempted in the Ordinance, the proposed use:
 - a. Will not result in unsafe or unhealthy conditions;
 - b. Will not result in erosion or sedimentation;
 - c. Will not result in water pollution;
 - d. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitant;
 - e. Will conserve Shoreland vegetation;
 - f. Will conserve visual points of access to waters as viewed from public facilities
 - g. Will avoid problems associated with flood plain development and use;

- h. Is in conformance with the applicable provisions of Article V Performance Standards of the Zoning Ordinance of the Town of Sidney and Section 19 of the Shoreland Ordinance of the Town of Sidney;
- i. Will not interfere with the flow of traffic or endanger public safety;
- j. Will not interfere with or damage existing topographic and drainage features or create excessive erosion, and;
- k. Will not negatively impact local water supplies and sewage disposal facilities;
- l. Will protect archeological and historic resources.

E. Hearings & Administration of Applications

- 1. If the Planning Board decides that a public hearing on an application should be held, it shall hold the hearing within 60 days of receipt of a completed application. The Board shall cause notice of the date, time, and place of the hearing to be given to applicant and published in newspapers of general circulation in the area at least 7 days prior to the hearing. Cost of publication, with minimum of \$50 paid in advance, to be borne as follows:
 - a. If the Planning Board decides, on its own initiative, that a public hearing shall be held, the cost of publication of the notice shall be borne by the person or entity applying for project approval.
 - b. If a public hearing is held at the request of an abutter of the project under review, or any other member of the public, the cost of the publication of the notice shall be borne by the person(s) requesting the hearing.
 - c. If a public hearing is held at the request of the applicant of the project under review, that applicant shall bear the cost of publication of the notice.
- 2. The Planning Board shall, within 60 days of a public hearing, or within 90 days of receiving a completed application, if no hearing is held, or within such other time limit as may be mutually agreed upon, issue an order denying or granting approval of the application, or granting approval upon such terms and conditions it may deem advisable to satisfy the criteria listed in the Ordinance.
- 3. In all instances the burden of proof shall be upon the person or persons proposing the application. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed development does or does not meet the criteria set forth in the Ordinance.

F. Conditions

1. Permits and/or approvals granted under this Section may be made subject to reasonable conditions directly supported by the standards of review in the Ordinances governing the proposed use. Conditions stated on the permit shall be accompanied by the pertinent Ordinance(s).
2. A violation of these conditions shall be a violation of the Ordinance.

IV. Appeals and Variances

- A. See Ordinance Governing the Board of Appeals, Town of Sidney, Maine.

V. Enforcement

A. Nuisances

1. Any violation of an Ordinance or condition of a permit or approval issued hereunder shall constitute a civil violation and shall also be deemed a nuisance.

B. Code Enforcement Officer

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of the Ordinances. If the Code enforcement Officer shall find that any provision of an Ordinance is being violated, he 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, structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall 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.
3. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record as it pertains to Shoreland Zoning shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

C. Legal Actions

1. The Municipal Officers are hereby authorized and 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 the ordinance in the name of the municipality. The Municipal Officer, 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, Excluding those involving matters of property setback requirements, And lot dimensional requirements.

VI. Fines

- A. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

VII. Changes and Amendments in Ordinances

- A. Ordinances of the Town of Sidney may be amended by a majority vote of the governing body. Proposed amendments shall be included as articles in the warrant for a regular or special town meeting or referendum ballot.
- B. Amendments may be initiated by the Planning Board, the Board of Selectmen or by petition directed to the Planning Board signed by a number of voters not less than 10% of the votes cast in the last gubernatorial election, but in no case less than 10 voters.
- C. The Planning Board shall hold a public hearing on the proposed amendment at least 30 days prior to the meeting of the governing body, and notice of the hearing shall be posted at least 10 days in advance in a newspaper of general circulation in the area.
- D. The Planning Board shall notify the appropriate state agency of any amendments to an Ordinance within 60 days after the Ordinance becomes effective.
- E. Amendments to Shoreland Zoning Ordinance-In addition to A, B, C, and D above, copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner of the Dept. of Environmental Protection. If the Commissioner of the Dept. of Environmental Protection fails to act on any amendment within 45 days of receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the 45 day period shall be governed by the terms of the amendment if such amendments approved by the Commissioner. If amendments effecting Shoreland zoning are made in the district boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the Zoning Map within 30 days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

VIII. Availability

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

IX. Severability

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

X. Conflicts with Other Ordinances

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

XI. Effective Date

- A. The effective date of this Ordinance is March 18, 1994; amended March 20, 2010, March 19, 2011.

ORDINANCE GOVERNING THE PLANNING BOARD

TOWN OF SIDNEY

I. Establishment

Pursuant to Article VIII, pp. 2, Sec. 1 of the Maine Constitution and 30-A M.R.S.A. Section 3001, the Town of Sidney hereby establishes a Planning Board.

II. Appointment of Planning Board Members

A. The Planning Board shall consist of five (5) regular members and two (2) alternate members. Regular and alternate members shall be appointed by the Board of Selectmen in the following manner:

1. At least 30 days before the expiration of a member's term of office, the Selectmen shall post notices in the same manner as they post town warrants seeking names of interested residents to be delivered to the Selectmen at least 15 days before the expiration date; and,

2. The Selectmen shall appoint or reappoint a member(s) after giving careful consideration to the names which have been presented to them.

B. The term of office for all members of the Planning Board is three years, serving staggered terms with two new members appointed each year. The start of each term shall begin on April 1 of the year in which the member is appointed.

C. A vacancy on the Planning Board, created either by death, by resignation, by the member having moved out of Sidney for a period of 90 consecutive days, by missing 3 consecutive meetings or 75% of meeting in the preceding 12 months, shall be filled in the same manner as original appointments; persons thus appointed shall serve until the end of the unfulfilled term. The board may recommend to the Selectmen that the attendance provision be waived for the cause, in which case no vacancy will then exist until the Selectmen disapprove the recommendation. The Selectmen may remove members of the planning board by unanimous vote, for cause, after notice and hearing.

D. Only legal residents of the Town of Sidney may serve on the Planning Board.

E. Neither a municipal officer nor his/her spouse may be a member of the Planning Board.

F. Each member on the Planning Board shall be sworn in by the Town Clerk before he or she assumes membership on the Board.

G. Members must be 18 years of age to serve on the Planning Board.

H. Alternate members are encouraged to attend all meetings of the board and participate in its proceedings, but may vote only when he or she has been designated by the chairperson to sit for a regular member.

III. Organization and rules.

A. The Board shall elect a chairperson and vice chairperson from among its members. The board may either elect a secretary from among its members or hire a non-board member to serve as secretary. (Funding for the latter option shall be the same as IV.E. below). The term of all offices shall be one year with eligibility for re-election. The chairperson may appoint such standing and Ad Hoc committees as he/she may consider appropriate

B. The Board shall adopt bylaws to govern the organization and operation of the Board including procedures to govern the review of various applications that may properly be brought before the Board.

C. Any question regarding whether or not a member shall be disqualified from voting on a particular matter because of a conflict of interest shall be decided by a majority vote of the members present except the member whose vote is in question.

D. The chairperson shall call at least 8 regular meetings of the Board annually and such other special meetings as may be timely and appropriate, or as required in the by-laws.

E. The Board may not conduct official business unless a quorum (three members authorized to vote) is present. The Board shall act by majority. An alternate member can only vote if designated to do so by the Chairperson because a voting member was absent or had a conflict of interest

F. The Board Secretary shall keep minutes of all meetings of the Board and a record of all resolutions, transactions, correspondence, findings and determinations. A copy of the minutes of the board meetings shall be filed with the Town Clerk as a permanent and official record. All board records shall be deemed to be public information.

G. Planning Board members shall receive an amount in lieu of expenses for meetings attended as determined annually by the governing body of the Town.

IV. Powers and Duties

A. The Board shall perform the duties and exercise the powers provided by Municipal Ordinance and State and Federal laws such as a review of all requests for subdivision approval, review of all applications for shoreland zoning permit, flood plain building permits, and other required permits.

B. The Board shall submit an Annual Report to the town apprising citizens of its activities and recommend legislative or administrative town actions, including amendments to municipal plans, policies, and ordinances. Also, the board will report to the regular town meeting every five years on its review of the town's comprehensive plan.

C. The Board shall further act in an advisory capacity to other offices of the municipality on matters of community growth and development.

D. Members of the Board shall familiarize themselves with the municipal and related State laws, plans, policies, regulations, and procedures which affect the board's activities.

E. The Board may obtain goods and services necessary to its proper function within the limits of fees received and appropriations authorized for the purpose.

V. Effective Date

The effective date of this Ordinance is March 19, 2011, upon approval at Town Meeting. It was previously established in March 1968 and then again March 18, 1989, as amended March 17, 1990 and March 14, 1992.

**An Ordinance Governing the Board of Appeals
Town of Sidney, Maine**

I. Establishment and Organization

- A. A Board of Appeals is hereby established which shall consist of five (5) members and two (2) alternates. The term of office for members and alternates is three years, serving staggering terms. Neither a municipal officer nor his/her spouse may be a member of the Board of Appeals. Members of the Board of Appeals shall be appointed by the Municipal Officers. When there is a permanent vacancy, the Municipal Officers shall appoint a new member for the remainder of the unexpired term. Members of the Board of Appeals may be removed from office by the Municipal Officers for cause upon written charges and after hearing.
- B. The Board of Appeals shall elect a chairperson and secretary from its own membership. The Board secretary shall keep minutes of all meetings of the Board and a record of all resolutions, transactions, correspondence, findings and determinations. A copy of the minutes of the board meetings shall be filed with the Town Clerk as a permanent and official record. All board records shall be deemed to be public information.

II. Jurisdiction

- A. The Board of Appeals is authorized to hear appeals from decisions made under the following Ordinances:
 - 1. Zoning Ordinance of the Town of Sidney, Maine.
 - 2. Multi-Family Dwelling Unit Subdivision Ordinance of the Town of Sidney, Maine.
 - 3. Mobile Home Park Ordinance for the Town of Sidney, Maine.
 - 4. Subdivision Regulations of the Town of Sidney, Maine.
 - 5. Shoreland Zoning Ordinance of the Town of Sidney
 - 6. Ordinance to Regulate Automobile Graveyards and Junkyards of the Town of Sidney, Maine
- B. The Board of Appeals authority does not include appeals from enforcement decisions made by the Code Enforcement Officer.

III. Powers and Duties of the Board of Appeals

- A. The Board of Appeals shall have the following powers:
 - 1. Administrative Review. To hear and decide administrative appeals on a de novo basis, where it is alleged by an aggrieved party that there is an error in any administrative decision, order, requirement or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance, except for a decision of

the Planning Board relative to a subdivision application, which shall be appealable directly to Superior Court. A de novo review looks at the factual and legal issues, afresh, undertakes its own credibility determinations, evaluates the evidence presented, and draws its own conclusions.

2. Variances. To authorize variances in specific cases, but only within the limitations set forth in this Ordinance.
3. Interpretations of Ordinances.

IV. Variances

A. Variances may be permitted only under the following conditions:

1. Variances are obtainable only for height, minimum lot size, structure size, setbacks, and open space requirements.
2. Variances cannot, under any circumstances, be obtainable for establishment of any uses otherwise prohibited.
3. The Board is authorized to hear and decide three types of variance Requests: "Undue Hardship Variances", "Setback Variances for Single Family Dwellings" and "Disability Variances" only if it finds that All criteria under each type of request are met.
 - a. Undue Hardship Variance as provided on 30-A M.R.S.A 4353(4)
 - 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 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. Such hardship may be found by the Board of Appeals where the Land Use Ordinance, as applied to the applicant's property , substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put. Mere inconvenience to the property owner shall not satisfy this requirement. Neither financial hardship alone nor pleading that a greater profit may be realized from the applicant's property were a variance granted shall be sufficient evidence of necessary hardship.
 - b. Setback Variance for a Single Family Dwelling as provided in 30-A M.R.S.A 4353 (4-B)
 - i. That the need for a variance is due to the unique

circumstances of the property and not to the general conditions of the neighborhood;

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

iii. That the hardship is not a result of action taken by the applicant or prior owner;

iv. That the granting of a variance will not substantially reduce or impair the use of abutting property; and

v. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

c. Disability Variance as provided in 30-A M.R.S.A 4353(4)

4. The Board shall limit any variances granted as strictly as possible in order to preserve the terms of the Ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary to this end.

V. Appeal Procedure

A. Making an Appeal

1. An administrative appeal may be taken to the Board of Appeals by an aggrieved person from any administrative decision of the Code Enforcement Officer or Planning Board. Such appeals shall be taken within thirty (30) days of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
2. An application for a variance may be filed directly with the Board of Appeals in accordance with the procedures below.
3. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, specifying the grounds for such appeal. For a variance appeal the applicant shall submit:
 - a. A sketch drawn to scale of 1" = 100' showing lot lines, location of existing building and other physical features pertinent to the variance request.
 - b. A concise written statement stating what variance is requested.
4. The Board of Appeals shall notify the Board of Selectmen, Planning Board, Code Enforcement Officer, and applicant of the appeal.
5. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board shall transmit to the Board of Appeals all the papers specifying the record of the decision appealed from.

6. The Board of Appeals shall hold a public hearing on the appeal within 60 days of its receipt of an appeal application. Notice of the date, time, and place of the hearing shall be placed in newspapers of general circulation in the area at least 7 days prior to the hearing. The applicant will pay the cost of the publication, with a minimum of \$150 paid in advance of the hearing. Publication costs in excess of the initial fee will be charged to the applicant. All costs to be borne as follows:
 - a. If the appeal is made by an abutter of the project under review, or any other member of the public, cost of the publication of the notice shall be borne by the person(s) making the appeal.
 - b. If the appeal is made by the applicant of the project under review, that applicant shall bear the cost of publication of the notice.
7. The Board of Appeals shall provide written notice of the appeal to all abutting landowners.

B. Hearings

1. The Board may receive any oral or documentary evidence, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross examination as may be required for a full and true disclosure of the facts.
2. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
3. At any hearing a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.
4. The Code Enforcement Officer or representative of the Planning Board shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.
5. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings shall constitute the record.

C. Decisions of the Board of Appeals

1. A majority of the members of the Board shall constitute a quorum for the purpose of conducting an official meeting. 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 shall be necessary to reverse any 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 pass under this Ordinance, or to effect any variation in the application of this Ordinance.

3. The person filing the appeal shall have the burden of proof.
4. The Board shall decide all appeals within thirty five (35) days after 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, upon all the material issues of fact, law, or discretion presented, and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Code Enforcement Officer, Planning Board, and Selectmen within seven (7) days of the decision date.
6. Upon notification of the granting of an appeal by the Board or Appeals the Code Enforcement Officer, or the Planning Board shall promptly issue a permit in accordance with the conditions of approval.
7. A copy of all variances effecting shoreland zoning granted by the Board of Appeals shall be submitted to the Dept. of Environmental Protection within 14 days of the decision.

D. 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 forty-five days from the date of any decision of the Board of Appeals.

VI. Reconsideration

- A. The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

VII. Stay of Proceedings

- A. An appeal stays all legal proceedings in a furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

VIII. Effective Date

- A. The effective date of this Ordinance is March 20, 1993. Amended March 19, 2011.

**ZONING ORDINANCE
of the
TOWN OF SIDNEY, MAINE**

I. GENERAL

- A. Title
- B. Authority
- C. Purpose
- D. Jurisdiction
- E. Non-Conformance
- F. Validity and Severability
- G. Conflict with Other Ordinances
- H. Effective Date

II. DEFINITIONS

Abutting Landowner	Industrial
Accessory Apartment	Institutional
Accessory Structure or Use	Land Management Road
Aggrieved Party	Licensed Forester
Agriculture	Lot Area
Aquaculture	Manufactured Housing
Basal Area	Marina
Basement	Market Value
Bureau	Minimum Lot Width
Boarding Home	Mineral Exploration
Boat Launching Facility	Mineral Extraction
Campground	Multi-Unit Housing
Canopy	Native
Commercial Use	Non-Conforming Condition
Cross Sectional Area	Non-Conforming Lot
DBH	Non-Conforming Structure
Development	Non-Conforming Use
Dimensional Requirements	Normal High Water Line
Disruption of Shoreland Integrity	Person
Driveway	Piers, Docks, Wharves, Bridges
Emergency Operations	Principal Structure
Essential Services	Principal Use
Expansion of a Structure	Public Facility
Expansion of Use	Recent Flood Plains Soils
Family	Recreational Facility
Floodway	Replacement System
Floor Area	Residential Dwelling Unit
Forest Management Activities	Residual Basal Area
Forested Wetland	Riprap
Forest Stand	Residual Stand
Foundation	River
Freshwater Wetland	Road
Functionally Water-Dependant Use	Seasonal Conversion
Great Pond	Service Drop
Ground Cover	Setback
Harvested Area	Shore Frontage
Height of a Structure	Shore land Zone
Home Occupation	Significant River Segments
Increase in nonconformity of a structure	Skid Road or Skid Trail
Individual Private Campsite	Slash
	Stream

Structure	Water Body
Substantial Start	Water Crossing
Subsurface Sewage Disposal System	Wetland
Sustained Slope	Vegetation
Timber Harvesting	Violation
Tributary Stream	Volume of a Structure
Upland Edge of a Wetland	Windfirm
Vegetation	Woody Vegetation
Violation	
Volume of a Structure	

III. ESTABLISHMENT OF DISTRICTS

- A. Land Use Districts
- B. Location of Districts
- C. Uncertainty of Boundary Location
- D. Division of Lots by District Boundaries

IV. LAND USE DISTRICT REQUIREMENTS

- A. District Designation

**V. Districts and Uses-Table 1
Dimensional Requirements-Table 2**

VI. PERFORMANCE STANDARDS

- A. Accessory Apartments
- B. Agriculture
- C. Archaeological Sites
- D. Boarding Homes, Nursing Homes, and Convalescent Facilities
- E. Campgrounds
- F. Earth-Moving Activities
- G. Essential Services
- H. Mineral Exploration and Extraction
- I. Mobile Home and Modular Homes
- J. Multi-Family Dwelling Units
- K. Parking, Off-Street Parking and Loading Requirements
- L. Road Construction
- M. Screening of Mobile Home Parks, Commercial Establishments and Multi-Family Dwelling Units
- N. Septic Waste Disposal
- O. Signs
- P. Soils
- Q. Standards for the Construction in Town Right of Ways
- R. Storm Water Runoff
- S. Water Quality

I. GENERAL

- A. TITLE: This Ordinance shall be known and referred to as the "Zoning Ordinance of the Town of Sidney, Maine", and will be referred to herein as this "Ordinance".
- B. Authority: This Ordinance is enacted pursuant to the provisions of Article VIII, Part 2, Section 1 of the Constitution of the State of Maine; Revised Statutes, 1964, Title 30A, Section 3001.
- C. Purpose: The purpose of this Ordinance is to promote the health, safety, and general welfare of the residents of the Town; in accordance with the

Town's comprehensive plan.

D. Jurisdiction: The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Sidney, Maine.

E. Non-Conformance

1. Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that legally existed before the effective date of this Ordinance or Amendments thereto shall be allowed to continue, subject to the requirements set forth in this section except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

2. General

a. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

b. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

3. Non-conforming Structures

a. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if addition or expansion does not increase the non-conformity of the structure.

Further Limitations:

- After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland, that portion of the structure shall not be expanded as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section I(E)(3)(c), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

- Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided. Whenever a new, enlarged or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning

Board or designee, basing its decision on the criteria specified in Section I(E)(3)(b) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with section I(E)(3)(a) above, and that the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure from the original ground level to the bottom of the first floor sill, it shall not be considered to be an expansion of the structure.

-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.

b. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, 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 Waste water Disposal Rules (Rules) or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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

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

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

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

(2) When feasible, when a structure is relocated on a parcel the

original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

c. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or a wetland and which is removed, or damaged or destroyed regardless of the cause by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board or its designee, in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to section I(E)(3)(a) above, as determined by the non-conforming floor area and volume of the reconstruction or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replaced in accordance with section I(E)(3)(b) above.

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

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in section I(E)(3)(b) paragraph 2 above, the physical condition and type of foundation present, if any.

d. Change Use of a Non-conforming Structure

The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland and, 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, flood plain management, archaeological and historic resources, and functionally water-dependent uses.

4. Non-conforming Uses

- a. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted elsewhere in the ordinances.
- b. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- c. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed elsewhere in the ordinance.

5. Non-conforming Lots:

- a. Non-conforming Lots: A legal non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, width and shore frontage can be met. Variances relation to setback or other requirements not involving lot area, width or shore frontage shall be obtained by action of the Board of Appeals.
- b. 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 non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

- c. **Contiguous Lots-Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.
- d. This provision shall not apply to 2 or more contiguous lots, at least one of which is non conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is 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:

Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

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.

- F. **Validity and Severability:** See Administrative Ordinance of the Town of Sidney, Maine
- G. **Conflict with Other Ordinances:** See Administrative Ordinance of the Town of Sidney, Maine
- H. **Effective Date:** The effective date of this Ordinance is March 19,1994.

II. Definitions

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

Abutting Landowner-any landowner whose property is within 200 feet of a lot line of the property in question.

Accessory Apartment-a Dwelling unit attached to an owner occupied structure that does not exceed 50% of the floor area of the principal structure.

Accessory structure or use-a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved party-an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture-the production, keeping or maintenance for sale or lease, of plants 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.

Aquaculture-the growing or propagation of harvestable freshwater, estuarine, or marine plant, or animal species.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boarding Home-a building in which more than two guest rooms are offered for lodging, with or without meals and personal care, for compensation.

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.

Bureau - State of Maine Department of Conservation's Bureau of Forestry

Campground-any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy - the more or less continuous cover formed by tree crowns in a wooded area.

Commercial use-the use of lands, buildings, or structures, other than a "home occupation" defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Cross-sectional area - the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line of the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH - the diameter of a standing tree measured 4.5 feet from the ground level.

Development - a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements-numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compact, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Driveway-a vehicular access-way less than five hundred (500) feet in length serving two single family dwellings or one two-family dwelling, or less.

Emergency operations-operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services-gas, electric, or communications facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cable or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure-an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches, and greenhouses.

Expansion of use- the addition of months to a use's operating season; 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.

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area-the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, 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.

Forested wetlands -freshwater wetlands dominated by woody vegetation that is 6 meters tall (approx. twenty (20) feet) or taller.

Forest Stand - a contiguous group of trees sufficiently uniform in age class description, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Foundation-the supporting substructure of a building or other structure,

excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland-freshwater swamps, marshes, bogs and similar areas, excluding forested wetlands, which are:

1. Of 10 or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook such that in a natural state combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses-those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

Great pond-any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA-any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover - small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Harvest area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Height of a structure-the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation-an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding

residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure - any changes in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite-an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pads, parking areas, fire places, or tent platforms.

Industrial-the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional - a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land use for public purposes.

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

Lot area-the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Manufactured Housing-a structural unit or units, generally known as mobile homes or modular homes, designed for occupancy and constructed in a manufacturing facility and transported by the use of its own chassis or an independent chassis, to building site. Not included as manufactured housing are travel trailers and units not suitable for year round occupancy.

Marina-a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland-

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Market value-the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and 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. When only two lines extend into the Shoreland zone, both lot lines shall be considered to be side lot lines.

Mineral exploration- hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction-any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Multi-Unit Housing-a structure or structures located on a single lot, which structures are designed or used to house 2 or more families. This definition shall not include accessory apartments or mobile home parks.

Native - indigenous to the local forests.

Non-conforming condition - nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this ordinance or subsequent amendment took effect.

Non-conforming lot-a single lot of record which was legal when erected and which at the effective date of adoption or amendment of this Ordinance does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure-a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use-use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line (non-tidal waters)-that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Nursing Home-any building in which three or more aged, chronically, or incurable persons are housed and furnished with meals and nursing care for compensation.

Person - an individual, corporation, governmental agency, municipality, trust estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water or within a wetland-

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure- a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use- a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility-any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent flood plain soils-the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvail	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 with a bathroom, cooking, and sleeping facilities designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a

time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwellings.

Residual basal area - the sum of the basal area of trees remaining on a harvested site.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities.

Riprap-rocks, irregularly shaped, and least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River-a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road/Traveled Way-a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by/or for the repeated passage of motorized vehicles, excluding a driveway as defined. In relation to subdivision frontage requirements, a road/traveled way shall be defined as a way suitable for the use of conventional automotive vehicles in all seasons and weather conditions.

Seasonal Conversion-See Title 30A, Sections 4201 and 4215

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 extensions less than one thousand (1,000) feet
2. In the case of telephone service
 - a. The extension, regardless of length, will be made by the installation of telephone wire to existing utility poles, or
 - b. The extension requiring the installation or new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback-the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage-the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone-the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river,

within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Significant River Segments-See Appendix B or 38 M.R.S.A. section. 437.

Skid Road or Skid Trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g. treetops and branches, left on the ground after a timber harvest.

Stream-a free-flowing body of water from the outlet of a great pond or the point of confluence of 2 perennial streams as depicted on the most recent edition of a U.S. Geological Survey 7.5 minute series topographical map, or, if not available, a 15 minute series map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland zone.

Structure-anything built for the support, shelter or enclosure of persons, animals, goods or property or any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial start-completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Substantial expansion- an expansion which increases either the volume or floor area of a structure by more than 30%.

Subsurface sewage disposal system- any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to; septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained slope-a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting-the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the Shoreland zone on a lot that has less than two (2) acres within the Shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Tributary stream-a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed devoid of topsoil containing waterborne deposits or exposed soil, parent material or bedrock, and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because accelerated erosion in disturbed soils where

the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Note: Water setback requirements apply to tributary streams within the shoreland zone.

Upland edge of a wetland- the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation-all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 ft. above ground level.

Violation-any activity which is not conducted in conformance with the provisions of an Ordinance or under conditions of an approval or a permit issued under an Ordinance is a violation.

Volume of a structure-the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body-any great pond, river or stream.

Water crossing-any project extending from one bank to the opposite bank of a river stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland-a freshwater or coastal wetland.

Windfirm - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.

III. ESTABLISHMENT OF DISTRICTS

A. Land Use Districts: The Town of Sidney is hereby divided into the following Land Use Districts:

1. Lake Shore District
2. River Shore District
3. Resources Protection District
4. Stream Protection District
5. Wetlands District
6. General District

B. Location of Districts

1. Said Land Use Districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of the Town of Sidney, Maine", dated March 14, 1992, and on file in the office of the Town Clerk.
2. The Official Zoning Map, and all future amendments thereto, is hereby made part of and incorporated into this Ordinance.

C. Uncertainty of Boundary Location

1. Unless otherwise set forth in the Official Zoning Map, Land Use District boundary lines are property lines, the center lines of streets, roads and rights of way, and the boundaries of natural features as defined herein. Where uncertainty exists as to the exact location of Land Use District Boundary Lines, the Board of Appeals shall be the final authority as to location.

D. Division of Lots by District Boundaries

1. Where a Land Use District boundary divides a lot of land of the same ownership of record at the time such line is established by adoption of amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than 50 feet into the more restricted portion of the lot, and such extension shall be considered a Conditional Use, subject to approval of the Planning Board in accordance with the criteria set forth herein.

IV. LAND USE DISTRICT 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 the regulations herein specified for the district in which it is located, unless a variance is granted.

A. District Designations and Purposes

1. Lake Shore District

- a. Designation: This district includes all land within 250' of normal high water mark of Messalonskee Lake, Gould Pond, Joe Pond, Penny Pond, Silver Lake, and Ward Pond, where such land is not included in a Wetlands or Resource Protection District.

2. River Shore District

- a. Designation: This district includes all land within 250' of the normal high water mark of the Kennebec River, where such land is not included in a Wetlands Resource Protection District.

3. Resource Protection District

- a. 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, exclusive of the Stream Protection District, except that areas which are currently

developed are not included within the Resource Protection District.

- b. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value water fowl and wading bird habitat, including, nesting and feeding areas by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) Data Layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purpose of this paragraph "wetlands associated with great ponds and river" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or river" are considered to be part of that great pond or river.
- c. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
- d. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- e. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
- f. Land areas along rivers subject to severe bank erosion, undercutting or river bed movement and lands adjacent to tidal waters which are subject to surface erosion or mass movement, such as steep coastal bluffs.

4. Stream Protection District

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

This District includes the following streams in Sidney: Mills Brook, Lily Brook, Lily Pond Brook, Ellis Brook, Bog-Goff Brook, and Jones Brook.

5. Wetland District

- a. Areas within 250 feet, horizontal distance, of the upland edge of

those wetlands of ten acres or more not rated or rated "low" value by the Maine Department of Inland Fisheries and Wildlife as of January 1, 1973.

6. General District

- a. This district includes all non-shoreland areas in the Town of Sidney not otherwise included in the Lakeshore, River Shore, Resource Protection, Stream Protection, or Wetlands Districts.

V. Districts and Uses

- A. All land use activities, as indicated in Table 1, Land Uses in the Town of Sidney, shall conform with all the applicable Performance Standards in the Zoning Ordinance and the Shoreland Zoning Ordinance. The district designation for a particular site shall be determined from the Official Zoning Map.

B. Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable Performance Standards)

No - Prohibited

PB - shall require review and approval by the Planning Board before a permit is issued

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

NA - shall mean not applicable

C. Abbreviations:

LS - Lake Shore District

RS - River Shore District

RP - Resource Protection District

SP - Stream Protection District

W - Wetlands District

G - General District

Table 1-Districts and Uses

	LS	RS	RP	SP	W	G
Residential						
Single Family Residence	PB	PB	NO	PB ₂	PB	CEO
Accessory Apartment	PB	PB	NO	PB ₂	PB	PB
Multi-Unit Housing	NO	NO	NO	NO	NO	PB
Hotels, Motels, Trailer Courts, and Mobile Home Parks	NO	NO	NO	NO	NO	PB
Commercial						
Commercial structures and uses not requiring a shorefront location as operational necessity	NO	NO	NO	NO	NO	PB
Commercial structures and uses requiring a shorefront location as an operational necessity	PB	PB	NO	NO	NO	PB
Home Occupations	PB	PB	NO	PB	PB	PB
Maximum lot coverage shall be 50% and with an engineered site plan for storm water runoff a maximum of 80%.	PB	PB	NO	PB	NO	PB
Industrial						
Industrial structures and uses not requiring a shorefront location as an operational necessity	NO	NO	NO	NO	NO	PB
Industrial structures and uses requiring a shorefront location as an operational necessity	NO	PB	NO	NO	NO	PB
Maximum lot coverage shall be 50% and with an engineered site plan for storm water runoff a maximum of 80%.	PB	PB	NO	PB	NO	PB
Recreational						
Public and private parks and recreational areas involving minimal structural development	PB	PB	PB	PB	PB	CEO
Non-intensive recreational uses not requiring structures such as hunting, fishing, & hiking	YES	YES	YES	YES	YES	YES

Campgrounds	PB	PB	NO ₄	NO	PB	CEO
Individual Private Campsites	CEO	CEO	CEO	CEO	CEO	YES
Maximum lot coverage shall be 50% and with an engineered site plan for storm water runoff a maximum of 80%.	PB	PB	NO	PB	NO	PB
Public, Semi-Public & Institutional	LS	RS	RP	SP	W	G
Small, non-residential facilities for educational, scientific or nature interpretation purposes	PB	PB	PB	PB ₂	PB	PB
Public, private, parochial schools	NO	NO	NO	NO	NO	PB
Libraries & other public buildings	PB	PB	NO	NO	PB	PB
Churches	PB	PB	NO	NO	PB	PB
Cemeteries	NO	NO	NO	NO	NO	PB
Medical & convalescent facilities	NO	NO	NO	NO	NO	PB
Boarding & Nursing Homes	NO	NO	NO	NO	NO	PB
Public utilities, including sewage Collection & treatment facilities	PB	PB	NO	NO	PB	PB
Government	NO	NO	NO	NO	NO	PB
Resource Uses	LS	RS	RP	SP	W	G
Mineral Exploration	NO	PB	NO	NO	NO	PB
Mineral extraction, including sand, loam, & gravel extraction	NO	PB	NO	NO	NO	PB
Forest management activities except for timber harvesting	YES	YES	YES	YES	YES	YES
Timber Harvesting	YES	YES	PB ₁	YES	YES	YES
Clearing of vegetation for approved construction & other allowed uses	CEO	CEO	CEO ₁	CEO	CEO	YES
Filling & earth-moving of less than 10 cubic yards	YES	YES	CEO	YES	YES	YES
Filling & earth-moving of more than 10 cubic yards	PB	PB	PB	PB	PB	YES

	LS	RS	RP	SP	W	G
Agriculture	YES	YES	PB	YES	YES	YES
Aquaculture	PB	PB	PB	PB	PB	YES
Soil & water conservation practices	YES	YES	YES	YES	YES	YES
Wildlife management practices	YES	YES	YES	YES	YES	YES
Other Uses						
Signs - 8 sq. ft. or less	YES	YES	YES	YES	YES	YES
Signs - more than 8 sq. ft.	PB	PB	PB	PB	PB	PB
Road & driveway construction	CEO	CEO	NO ₅	CEO	CEO	CEO
Parking facilities	CEO	CEO	NO ₄	CEO	CEO	CEO
Septage Disposal for allowed users	LP _I	LP _I	NO	LP _I	LP _I	LP _I
Essential services	PB	PB	PB ₃	PB ₃	PB	PB
Service drops, as defined, to allowed uses	YES	YES	YES	YES	YES	YES
Fire prevention activities	YES	YES	YES	YES	YES	YES
Surveying & resource analysis	YES	YES	YES	YES	YES	YES
Emergency operations	YES	YES	YES	YES	YES	YES
Conversion of seasonal residences to year-round residences	PB & LPI	PB & LPI	NO	PB & LPI	PB & LPI	CEO & LPI
Permanent piers, docks, wharves, bridges & other use extending over or below the normal high water line or within a wetland						
a. Temporary-less than 7 mos.	CEO	CEO	CEO	CEO	CEO	NA
b. Permanent-7 mos. or more	PB	PB	PB	PB	PB	NA
Structures accessory to and structures and uses similar to those requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
Structures accessory to and structures and uses similar to those requiring a PB permit	PB	PB	PB	PB	PB	PB
Authorized vehicular traffic on existing roads and trails	YES	YES	YES	YES	YES	YES

- 1 In RP not permitted within 75 feet of the normal high water line of great ponds, except to remove safety hazards.
- 2 Provided that a variance from the setback requirement is obtained from the Board of Appeals.
- 3 See further provisions in Section VI Performance Standards, Paragraph G. Essential Services of the Zoning Ordinance.
- 4 Except where area is zoned for resource protection due to flood plain criteria in which case Planning Board approval is required.
- 5 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 Planning Board approval is required.

Table 2 Dimensional Requirements

	LS	RS	RP	SP	W	G
MINIMUM LOT AREA--1 acre (acre = 43,560 sq. ft.)						
Residential - per dwelling unit	1	1	NA	1	1	1
Government, institutional commercial, industrial, per principal structure	1 _{1/2}	1 _{1/2}	NA	1 _{1/2}	1 _{1/2}	1
Public & private recreational facilities	1	1	1	1	1	1

Minimum Frontage - Per lot

Along a public or private road, lake, river, or stream (See note 10)	200'	200'	200'	200'	200'	200'
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Minimum Setback

All new principal and accessory structures shall be set back at least one hundred (100) horizontal distance, from the normal high water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland. In the resource protection district the setback requirement shall be 250 feet, horizontal distance, except for structures, road, parking spaces or other regulated objects specifically allowed in the district in which case the setback requirements specified above shall apply.

	LS	RS	RP	SP	W	G
Of structures from the edge of the traveled way (center of traveled way in general district)	15'	15'	NA	15'	15'	55'
Of structures from any lot line	10'	10'	NA	10'	10'	20'
Maximum Lot Coverage	20%	20%	20%	20%	20%	20%

For Commercial, Industrial and Recreational %'s see Table 1 - Districts and Uses

On a non-conforming lot of record which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, or the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

Maximum Height

Buildings & other structures 35' 35' 35' 35' 35' 35'

Notes

1. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
2. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
3. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirements for a lot with the proposed use.
4. If more than one residential dwelling unit, principal governmental institutional, commercial or industrial structure or use, or combination thereof is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit principal structure or use.
5. 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.
6. 35 foot height provision shall not apply to structures such as transmission towers, windmills, antennas and similar structures having no floor area.
7. 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.
8. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water

body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, M.R.S.A. 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

9. Upon receipt of a written application, the Planning Board may, with cause, reduce the setback(s) from lot line(s) and road/traveled way.

10. Private road must be built to private road/street standards.

11. Height is measured from the average finished grade to the mean roof height.

12. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met.

- a. The site has been previously altered and an effective vegetated buffer does not exist;
- b. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high water line of a water body, tributary stream, or upland edge of a wetland;
- c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
- d. The total height of the wall(s), in the aggregate, are no more than 24 inches;
- e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, 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 floodplain soils.
- f. The area behind the wall is re-vegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 1. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 2. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of storm water runoff;
 3. Only native species may be used to established the buffer area;

4. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high water line or upland edge of a wetland;
5. A footpath not to exceed the standards in Section , may traverse the buffer;

Note: If the wall and associated soil disturbance occurs within 75 feet horizontal distance, of a water body, tributary stream of coastal wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

VI. PERFORMANCE STANDARDS

A. Accessory Apartments

1. The purpose of this provision concerning accessory apartments is to provide a diversity of housing for town residents, while protecting the single family character of residential neighborhoods. Accessory apartments may be utilized for rental purposes, as well as family accommodations.
 - a. The dwelling containing the accessory apartment must be owner occupied.
 - b. Any request for an accessory apartment shall include a plot/site plan showing the following:
 1. Lot boundaries and dimensions at scale of 1"=100'.
 2. Date of plan.
 3. Property owner with deed reference.
 4. Lot area.
 5. Wastewater disposal system.
 6. Off-street parking areas.
 - c. Any request for an accessory apartment shall include a building plan showing the following:
 1. Separate floor layout of all finished levels.
 2. All plumbing facilities.
 3. All entrances/exits.
 - d. Any request for an accessory apartment shall conform to all provisions of the Maine State Plumbing Code and no dwelling that is served by an on-site wastewater disposal system shall be modified to create an accessory apartment until a site evaluation has been conducted by a licensed site evaluator which demonstrates that a new system can be installed to meet the disposal needs of both dwelling units.

- e. After completion the accessory apartment shall have a floor area not to exceed 50% of the floor area of the main dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces, nor public hallways or other common areas.
- f. Only one accessory apartment shall be permitted per lot.
- g. The accessory apartment shall be made part of the main dwelling unit or part of an accessory structure.
- h. The attachment of a structure that is now or was formerly a mobile home or trailer is prohibited.
- i. Accessory apartments shall not be permitted for any non-conforming structure or use, where the non-conformity is due to the use of the premises as opposed to the non-conforming dimensional requirements.

B. 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 and Maine Soil and Water Conservation Commission in July 1972, or subsequent revisions thereof.
- 2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the set back requirement may remain, but must meet the no discharge provision within the above five (5) year period.
- 3. Agriculture activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- 4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet horizontal distance from other water bodies, nor within 25' horizontal of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- 5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100)feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five

(25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

C. Archaeological Sites

1. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

D. Boarding Homes, Nursing Homes and Medical and Convalescent Facilities.

1. Boarding homes, nursing homes and medical and convalescent facilities shall conform in all respects to the provisions of the Multi-family Dwelling Unit Subdivision Ordinance of the Town of Sidney.

E. Campgrounds

1. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:
 - a. Campgrounds area shall contain a minimum of five thousand (5,000) square feet, 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.
 - b. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

F. Earth-Moving Activities

1. All filling, grading, lagooning, dredging, earth-moving activities, and other land use activities shall be conducted in such a manner as to prevent to the maximum extent possible, erosion and sedimentation of surface waters. To this end, all construction shall be accomplished in conformance with the erosion prevention provisions of Environmental Quality Handbook Erosion and Sediment Control, published by the Maine Soil and Water Conservation Commission, 1986.

G. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrated 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.

H. Mineral Exploration and Extraction

1. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.
2. Mineral extraction may be permitted under the following conditions:
 - a. 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.
 - b. 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 one hundred (100) feet of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of wet land. Extraction operations shall not be permitted within seventy-five of any property line, without written permission of the owner of such adjacent property.
 - c. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - i. 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.
 - ii. The final graded slope shall be two to one (2:1) slope or flatter.
 - iii. 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.

3. 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.

I. Mobile Homes and Modular Homes

1. Mobile homes not in a mobile home park shall conform in all respects to the provisions of this Ordinance pertaining to single family dwellings.
2. Modular homes shall conform in all respects to the provisions of this Ordinance pertaining to single family dwellings. They shall be placed upon a permanent foundation.
3. Mobile Home Parks shall comply with the standards of the Mobile Home Park Ordinance of the Town of Sidney.

J. Multi-Family Dwelling Units

Multi-Family dwelling units shall be governed by the "Multi-Family Dwelling Unit Subdivision Ordinance of the Town of Sidney, Maine," and, where not otherwise addressed in that Ordinance, by the provisions of this Ordinance.

K. Parking, Off-Street Parking, and Loading Requirements

1. In any District where permitted, no use of premises shall be authorized or extended, and no structure shall be constructed or enlarged, unless there is provided adequate off-street automobile parking space. An area of two hundred square feet appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as one off-street parking space. No off-street facility shall have more than two entrances and exits on the same street. Parking areas with more than two parking spaces shall be so arranged that vehicles can be turned around within such areas and are prevented from backing into the street.
2. There shall be a minimum of two off-street parking areas per dwelling unit and an adequate number, as determined by the Planning Board, for commercial properties.
3. In any District where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the principal structure or use to be served so that trucks, trailers, and containers shall not be located for loading, unloading, or storage upon any public way.
4. Required parking and loading spaces for non-residential uses, where not enclosed within a structure, shall be effectively landscaped and neatly maintained.
5. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that the setback requirements for parking areas serving public boat launching facilities, in districts other than the General District shall be no less than fifty (50) feet

horizontal distance from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

6. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland_ and where feasible, to retain all runoff on-site
7. No vehicle shall park or stand within a road intersection or within ten (10) feet of a street corner or square within the Town limits.
8. No vehicle shall be parked at any time on any public way so as to interfere with or hinder the removal of snow from the public way.
9. No vehicle shall be parked at any time on any public way so as to interfere with or hinder the free passage of vehicles to or from a public or private way.
10. When signs are posted at the direction of the Selectmen, giving notice of no parking on a public way, parking shall be prohibited in the area specified.
11. Any vehicle found to be in violation of the provisions of paragraphs 7, 8, 9, and 10 above may be removed, by order of a law enforcement officer, a fire chief, or the Road Commissioner, from that area at the expense of the owner of such vehicle.

L. Road Construction

All roads shall be a minimum of 200' in length and shall comply with all applicable provisions of this ordinance. No building permit shall be issued for a property until the road constituting the frontage for that property is constructed. Roads shall be located, constructed and maintained in such a manner that minimal erosion hazard results. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters. All roads whether built to the standards for Private road/street, Public road/street or Commercial road/street shall be inspected during construction and upon completion by the Town of Sidney Road Commissioner.

Within ninety (90) days of acceptance by Town meeting vote of a Public or Commercial road/street constructed to the Town of Sidney road/street standards and approved by the Road Commissioner, a warranty deed for the road shall be given to the Town of Sidney. For any road to be accepted by the Town of Sidney as a Public or Commercial road/street, the applicable standards must be met, and at least 50% of the lots accessed by the road/street must have structures approved for occupation as residential or commercial uses. However, any right of way in existence prior to the adoption of this ordinance on March 15, 2008 may qualify for acceptance by the Town if it meets the Road/Street standards for public (referred to subdivision at the time) or commercial road/street in effect prior to March 15, 2008.

STREET STANDARDS FOR A PRIVATE ROAD/STREET

A private road/street is any road/street that will be used principally by vehicles serving residential areas and which is suitable for use in all seasons and weather conditions.

Number of Travel Lanes	2 Lanes
Width of Travel Lanes	9 Feet
Width of Right-of-Way	50 Feet
Storm Drainage	Ditches
Driveway Culverts	20' Length Min./12" Min.
Sub-base - Bank Run Gravel (6" minus)	12 Inches
Road Base/Gravel (12" minus)	Variable-Depends on soil conditions
Shoulder	Determined by reviewing authority
Turnaround	Determined by reviewing authority

Note: Please refer to drawing of cross section at the end of the Zoning Ordinance.

STREET STANDARDS FOR PUBLIC ROADS/STREETS

A private road/street is any road/street that will be used principally by vehicles serving residential areas and which is suitable for use in all seasons and weather conditions.

Number of Travel Lanes	2 Lanes
Width of Travel Lanes	10 Feet
Width of Parking or Shoulder	4' gravel shoulder with remainder of cleared ROW to be seeded with contactor grade seed
Width of Right-of-Way	60 Feet
Maximum Grade	9 Percent
Center Line Radius on Curves (Min.)	200 Feet
Tangent between Reverse Curves (Min.)	200 Feet
Road Base/Gravel	Variable-Depends on Soil Conditions
Sub-base - Bank Run Gravel (6" minus)	12 inches
Upper Base (1" minus gravel)	6 Inches
Bituminous Paving - Travel Lanes Only (Modified Binder Grading B)	2" or More
Storm Drainage	Ditches
Driveway Culverts	20' Length Min.x 12" Min.

On dead end roads/streets a cul-de-sac of 50' radius minimum will be provided, or 50' from end of road/street a turn around of 50' wide and 50' deep will be provided, preferred on left side of road. Improvements should be to the same standards the town would normally install if it were doing the work itself. There shall be no driveways in the turnaround within 20 feet of the turnaround.

Note: Please refer to drawing of cross section at the end of the Zoning Ordinance.

STREET STANDARDS FOR PUBLIC COMMERCIAL ROADS/STREETS

A commercial road/street is any road/street that will be used principally by vehicles servicing commercial and/or industrial facilities, as well as other types of vehicles, and which is suitable for use in all seasons and weather conditions.

Number of Travel Lanes	2 Lanes
Width of Travel Lanes	10 Feet
Width of Parking or Shoulder	4 Feet
Width of Right-of-Way	60 Feet
Center ditch to center ditch	42 Feet minimum
Maximum Grade	9 Percent
Center Line Radius on Curves (Min.)	200 Feet
Tangent between Reverse Curves (Min.)	200 Feet
Road Base/Gravel	Variable-Depends on Soil Conditions
Sub-base - Bank Run Gravel (6"minus)	12 Inches
Upper Base (1"minus gravel)	6 Inches
Bituminous Paving - Travel Lanes Plus Shoulder	
2 1/2" binder, 1" surface	
Storm Drainage	Ditches
Driveway Culverts	20' Length Min.x 12" Min.

On dead end roads a cul-de-sac of 50' radius minimum will be provided, or 30' from end of road a turn around of 50' wide and 50' deep will be provided, preferred on left side of road. Improvements should be to the same standards the town would normally install it if were doing the work itself.

Note: Please refer to the drawing of cross section at the end of the Zoning Ordinance.

M. Screening of Mobile Home Parks, commercial establishments and Multi-Family Dwelling Units.

1. A green strip of up to 25' width shall be required as follows:
 - a. In all mobile home parks originally with or expanded to five or more designated lots the green strip shall be established and may be within the buffer strip around park boundaries.
 - b. In all commercial establishments utilizing any of the property for non-enclosed storage, exhibition or placement of inventory, work-in-process or other material the green strip shall be on or within the boundaries of the property, but not to include a boundary that abuts a public road.
 - c. In all multi-family dwelling unit subdivisions of 18 or more dwelling units the green strip shall be within or around the boundaries of the property, but not to include a boundary that abuts a public road.
2. Whenever possible the green strip shall include existing vegetation. However, the Planning Board may require the planting of evergreen trees and shrubs to provide a permanent screen.
3. In no case shall the green strip be required to be placed so as to prevent visual access from a public road/street.

N. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following:
 - a. a clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high water line of a water body or the upland edge of a wetland and
 - b. a holding tank is not allowed for a first-time residential use in the shoreland zone

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

2. All subsurface sewage disposal systems shall be located in areas of suitable soil of at least 1000 square feet in size, in all shoreland areas. All sanitary waste disposal facilities shall conform in all respects with the provisions of the Maine State Plumbing Code and subsequent revisions thereof. No structure or land use requiring sanitary waste disposal facilities shall be issued a permit under the provisions of this Ordinance without having first been issued a Plumbing Permit by the Plumbing Inspector of the Town of Sidney, certifying conformance with these sanitary standards.
3. Septage, as defined in 38 MRSA Section 1303, Sub-section 6, which includes any material from a septic tank, cesspool, or other similar facility and sludge, as defined in 38 M.R.S.A., Section 1304, which is the semi-liquid or liquid residual generated from a municipal, commercial, or industrial wastewater treatment plant, may not be disposed of in the Town of Sidney without a permit from the Planning Board and the Code Enforcement Officer. (*Amended 3/15/97*)
 - a. Upon receipt of an initial permit by the Planning Board and the Code Enforcement Officer, approval shall be obtained from the Maine Department of Environmental Protection pursuant to M.R.S.A. Sections 1304 & 343. The DEP approval shall be filed with the Planning Board for review and written authorization to spread septage.
4. A property owner needs only to obtain a permit from the Code Enforcement Officer, and does not have to obtain a permit from the Planning Board to dispose of or spread septage from his residence on his property provided:
 - a. The location for the disposing or spreading of septage is at least 100 feet back from a traveled right of way, at least 25 feet back from any abutting landowner's property line, and at least 300 feet from any drinking water supply or any dwelling;
 - b. The septage will not be disposed of or spread on or within 300 feet of any inland wetland, streams, lakes or ponds.
5. Any permit shall specify the time period within which septage may be spread.

O. Signs

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed 8 square feet in area, and shall not exceed two (2) signs per premises. Billboards and signs relating to goods and services not rendered on the premises shall be prohibited. Signs which will exceed 8 square feet or signs and billboards which will be illuminated in a manner other than set forth in sub-paragraph 6 will require a permit from the Planning Board.
2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
3. Residential users may display a single sign not over 6 square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. No sign shall extend higher than twenty (20) feet above the ground.
6. Signs may be illuminated only by shielded, non-flashing lights.
7. Changeable message signs, including time and temperature signs, are permitted under this subsection provided that each message remains fixed on the display surface for a minimum of two (2) seconds. For purposes of this subsection, "changeable message signs" are signs whose messages change by mechanical or electronic means. Freestanding changeable message signs may include message boards where letters, words, pictures and messages can be removed and replaced, provided that the signs are permanently mounted within a fixed base. Changeable message signs may also be affixed to a building. Scrolling and other effects that make the message appear to have movement, or that have a continuous streaming of information and animation are not permitted.

P. Soils and Site Modification

1. 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 a Maine Certified Soil Scientist or other state-certified professional. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the soil scientist deems appropriate. The soils report shall include recommendations for a proposed use to counter-act soil limitations where they exist. Other state-certified professionals, including Maine Registered Professional Engineers, Maine State Certified Geologists and others practicing within their license, may supplement the soils report with reports on such matters as bearing capacities of soils, bedrock geology, aquifers, and other

information based on their training and experience in the recognition and evaluation of these properties.

Q. Standards for the Construction in Town Right of Ways

1. The purpose of this section is to set requirements for the safe movement of fill within the Town Right of Ways and the safe construction of private drives leading onto Town Right of Ways resulting in the continued safe passage of the public on these Town Right of Ways.
2. Any individual planning construction within the Town Right of Way shall make application to the Town of Sidney for such work. It shall be the responsibility of the Town Road Commissioner to review the application, and if all requirements are met, shall grant a permit for such work.
3. Any individual moving fill within the Town Right of Ways, shall make application to the Town of Sidney for this purpose. Fill work along the ditch line of Town Right of Ways shall not interfere with the free flow of water along and away from Town Right of Ways.
4. Any individual planning a new private drive onto a Town Right of Way, shall make application to the Town of Sidney for this purpose. The entrance of a new private drive shall not be continuously wider than 40 feet, nor less than 20 feet unless agreed to otherwise by the Selectmen. The applicant shall at no time cause the highway to be closed to traffic. The grade of the entrance shall slope away from the road surface at a rate of three-quarters ($\frac{3}{4}$) inch per foot to provide a gutter three (3) feet beyond the edge of the existing shoulder but not less than five (5) feet from the edge of the traveled way. A new permit shall be required whenever black topping, a grade change, widening, or relocation is contemplated.
5. New private drives leading from a Town Right of Way shall be inspected by the Town Road Commissioner, upon receipt of application, to determine whether there is a necessity of placing a culvert. The Town Road Commissioner shall make the determination as to whether a culvert needs to be placed, the size of such culvert, and the appropriate placement of such culvert. The culvert shall be a minimum of 12" in diameter and be of aluminized metal or heavy ribbed plastic with smooth bore. The initial purchase of the culvert shall be the responsibility of the land owner. Thereafter it shall be the Town's responsibility to replace and maintain any culvert which has been properly placed and of proper construction according to the requirements of this section. Any private drive which is not properly constructed under these requirements and is/or may eventually be causing obstruction to the free flow of water, shall be opened to the free flow of water at the discretion of the Selectmen and/or the Town Road Commissioner. If a culvert is removed by the town due to violation of the previously stated requirements, the culvert shall be properly replaced as soon as is reasonable at the property owner's expense.
6. Any public or private way serving two or more residences shall be named. The names shall not be the same or similar sounding to any existing road names. All signage and installation must be approved by the Municipal Officers or their appointed agent.

R. 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.

S. Water Quality

1. 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 degrade water quality.

Effective Date: The effective date of this Ordinance as amended March 19, 1994; March 18, 1995; March 16, 1996, March 15, 2008, March 20, 2010, March 19, 2011.

SHORELAND ZONING ORDINANCE
Town of Sidney, Maine

SECTION 1. Purposes

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

SECTION 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3. Applicability

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

Section 4. Effective Date

This Ordinance, which was adopted by the municipal legislative body on March 14, 1992, 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 Municipal 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.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance if the Ordinance is approved by the Commissioner of the Department of Environmental Protection

For the following Sections 5 through 10, inclusive, see the Administrative Ordinance of the Town of Sidney, Maine

Section 5. Availability

Section 6. Severability

Section 7. Conflicts with Other Ordinances

**SHORELAND ZONING ORDINANCE
Town of Sidney, Maine**

- Section 8. Amendments
- Section 9. Administration and Permits
- Section 10. Enforcement
- Section 11. Appeals--See Ordinance Governing the Board of Appeals of the Town of Sidney, Maine.

**For the Following Sections 12 through 18, inclusive, see
The Zoning Ordinance of the Town of Sidney, Maine**

- Section 12. Districts and Zoning Map
- Section 13. Interpretation of District Boundaries
- Section 14. Land Use District Requirements
- Section 15. Non-Conformance
- Section 16. Establishment of Districts
- Section 17. Table of Land Uses
- Section 18. Dimensional Requirements
- Section 19. Performance Standards

**For the following Performance Standards lettered "a" through "p",
inclusive, see the Zoning Ordinance of the Town of Sidney, Maine.**

- a. Accessory Apartments
 - b. Agriculture
 - c. Archeological Sites
 - d. Campgrounds
 - e. Earth moving Activities
 - f. Essential Services
 - g. Mineral Exploration & Extraction
 - h. Mobile Homes and Modular Homes
 - i. Parking, Off-Street Parking & Loading Requirements
 - j. Screening of Mobile Home Parks, Commercial Establishments and Multi-Family Dwelling Units
 - k. Septic Waste Disposal
 - l. Soils and Site Modifications
 - m. Signs
 - n. Standards for Construction in Town Right of Ways
 - o. Storm Water Runoff
 - p. Water Quality
- Q. Beach Construction: Beach Construction on any great pond shall require a permit from the Commissioner of the Department of Environmental Protection. Beach construction on any river, stream, or brook capable of floating water craft shall require approval from the Commissioner of the

SHORELAND ZONING ORDINANCE
Town of Sidney, Maine

Department of Environmental Protection, as required by law.

R. Clearing or removal of Vegetation for Activities other than Timber Harvesting

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the 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 District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in section (R)(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not presented) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
 - b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(R)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangle (1250 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 in	1
4 - <8 in	2
8 - <12 in	4
12 in or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50 foot rectangular area.

SHORELAND ZONING ORDINANCE
Town of Sidney, Maine

Note: As an example, adjacent to a great pond, if a 25-foot x 50 foot plot contains four(4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36 - 24 = 12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposed clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
- (v) Where conditions permit, no more than 50% of the points on Any 25-foot by 50-foot area may consist of trees greater Than 12 inches in diameter.

For the purposes of Section 15(R)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 1/2) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (5) saplings have been recruited into the plot.

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

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section R paragraphs (2) and (2)(a) above.
- d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

SHORELAND ZONING ORDINANCE
Town of Sidney, Maine

- 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.

Section 15(R)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared area, are limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet, above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed. This provision shall not apply to the General District.

- 4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as permitted allowed by this Ordinance.
- 5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section.

S. Common Access to Shoreland by Subdivision

- 1. Any subdivision which has common access to the shoreland must have at least 200' of common shoreland for first family unit that does not abut the shoreland and at least 25' for each additional family unit that does not abut the shoreland.
- 2. The establishment of a shoreland lot not contained in a subdivision but intended for the common use of a subdivision is prohibited.

T. Erosion and Sedimentation Control

- 1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the

SHORELAND ZONING ORDINANCE
Town of Sidney, Maine

permitting authority for approval and shall include, where applicable, provisions for:

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

U. Commercial and Industrial Uses

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

- a. Auto washing facilities

SHORELAND ZONING ORDINANCE
Town of Sidney, Maine

- b. Auto or other vehicles service and/or repair operations, including body shops
 - c. Chemical and bacteriological laboratories
 - d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
 - e. Commercial painting, wood preserving, and furniture stripping
 - f. Dry cleaning establishments
 - g. Electronic circuit assembly
 - h. Laundromats, unless connected to a sanitary sewer
 - i. Metal plating, finishing, or polishing
 - j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
 - k. Photographic processing
 - l. Printing
- V. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland.
- 1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
 - 2. The location shall not interfere with existing developed or natural beach areas
 - 3. The facility shall be located so as to minimize adverse effects on fisheries.
 - 4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.
 - 5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of 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 twenty (20) feet in height above the pier, wharf, dock or other structure.

NOTE: Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A.,

SHORELAND ZONING ORDINANCE
Town of Sidney, Maine

Section 480-C.

W. Individual Private Campsites

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet horizontal distance from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except a canopy shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (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 Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Waste water Disposal Rules unless served by public sewage facilities.

X. Soils and Site Modifications

See Zoning Ordinance of the Town of Sidney

Y. Roads and Driveways

In addition to the provisions in Performance Standards of the Zoning Ordinance the following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

SHORELAND ZONING ORDINANCE
Town of Sidney, Maine

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

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

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located near 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 available outside the district, in which case the road and/or driveway shall be back as far a practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical shall be graded and stabilized in accordance with the provisions for erosion sedimentation control contained in subsection S.
5. Road grades shall be no greater than ten (10) percent except for shore segments of less than two hundred (200) feet.
6. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (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.

**SHORELAND ZONING ORDINANCE
Town of Sidney, Maine**

7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

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 ten (10) percent or less.

c. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

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.

Z. Timber Harvesting

1. Within 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 forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

i. Within one-hundred (100) feet, horizontal distance of the

SHORELAND ZONING ORDINANCE
Town of Sidney, Maine

normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no 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 one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (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 fifty (50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.
- c. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - i. Surface waters are frozen; and
 - ii. The activity will not result in any ground disturbance.
- d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock, or similar hard surface which would not be eroded or otherwise damaged.
- e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the

SHORELAND ZONING ORDINANCE
Town of Sidney, Maine

exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

3. The Planning Board may approve timber harvesting within the shoreland zone in excess of the 40% limitation upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such exception is necessary for good forest management, and is carried out in accordance with the Shoreland Zoning Ordinance.
 - a. The Planning Board must notify the Department of Environmental Protection of any permits issued for timber harvesting in excess of 40%.

AA. 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 municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

Effective Date: The effective date of this Ordinance is March 14,1992. Amended March 20,2010.

**MULTI-FAMILY DWELLING UNIT SUBDIVISION ORDINANCE
TOWN OF SIDNEY, MAINE**

I. GENERAL

- A. Title
- B. Purpose
- C. Administration
- D. Scope

II. DEFINITIONS

- A. Building Height
- B. Dwelling Unit
- C. Family
- D. Multi-Unit Housing
- E. Proposal
- F. Structure
- G. Subdivision

III. MULTI-FAMILY DWELLING UNIT SUBDIVISION REQUIREMENTS

IV. MUNICIPAL REVIEW PROCEDURE

V. APPLICATION

VI. HEARING

VII. GUIDELINES FOR REVIEW

VIII. ENFORCEMENT

IX. WAIVERS AND VARIANCES

X. SEVERABILITY AND EFFECTIVE DATE

I. GENERAL

- A. Title:
This Ordinance shall be known and cited as the "Multi-Family Dwelling Unit Subdivision Ordinance of the Town of Sidney, Maine."

- B. Purpose:
The intent of this Ordinance is to control the density of building, to protect public health and safety, and to permit moderate growth in compliance with the comprehensive plan of the Town of Sidney.
- C. Administration:
The Planning Board of the Town of Sidney shall administer these standards.
- D. Scope:
These provisions shall pertain to all the land proposed for multi-family dwellings as herein defined within the boundaries of the Town of Sidney.

II. DEFINITIONS

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:

- A. Building Height:
 - 1. The vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.
- B. Dwelling Unit:
 - 1. A room or group of rooms, designed for living quarters for only one family, including separate facilities for sleeping and cooking.
- C. Family:
 - 1. One or more persons occupying a premise and living in a single housekeeping unit as distinguished from a group occupying a boarding house or hotel.
- D. Multi-Unit Housing:
 - 1. Shall mean a structure or structures located on a single lot, which structures are designed or used to house 2 or more families. This definition shall not include accessory apartments or mobile home parks.
- E. Proposal:
 - 1. Proposed multi-unit housing project.
- F. Structure:
 - 1. Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.
- G. Subdivision:
 - 1. The division of a tract or parcel of land into three or more lots, whether accomplished by sale, lease, development, building, or otherwise, in any five year period. For the purpose of this Ordinance the term "subdivision" shall include such developments as, multi-unit housing, planned unit developments, condominiums, clusters, and mobile home parks where there are three or more units involved.

III. MULTI-FAMILY DWELLING UNIT SUBDIVISION REQUIREMENTS

Multi-family dwelling units shall meet all the following criteria:

- A. Lot area shall be one acre for each building, plus one-half acre for each bedroom in the building. For boarding homes, nursing homes and medical and convalescent facilities the requirement shall be one acre for each building and one quarter acre for each bedroom.
- B. Road frontage for each building shall exceed by 50% the minimum road frontage requirements for a single family dwelling unit as set forth in the "Zoning Ordinance of the Town of Sidney".
- C. No building shall contain more than 8 dwelling units. This limitation shall not apply to boarding homes, nursing homes or medical and convalescent facilities.
- D. No building shall exceed 35' in height.
- E. There shall be a minimum of two off-street parking spaces for each dwelling unit. For boarding homes, nursing homes and medical and convalescent facilities, parking must be adequate as determined by number of rooms and size and time shifts of staff members.
- F. Buildings shall be spaced at least 100' from each other. Buildings shall be set back at least 90' from the center of traveled ways, and 25' from any property line.
- G. Proposals of 18 or more dwelling units shall provide at least two points of access on to the existing public way.
- H. Screening - See Section VI of the Zoning Ordinance of the Town of Sidney.

IV. MUNICIPAL REVIEW PROCEDURE

- A. General
 - 1. All proposed multi-family units shall be reviewed by the Planning Board. The applicant or his agent will request an appointment to meet with the Planning Board through its Chairman. This request should be made at least one week prior to a regular Planning Board meeting.
 - 2. No person may sell, lease, or convey for consideration, or offer or agree to sell, lease or convey for consideration any unit in a proposal within the Town of Sidney which has not been approved by the Board and recorded in the Kennebec County Registry of Deeds.
 - 3. No public utility, water district, sanitary district, or any utility company of any kind shall install service to any unit in a proposal for which a plan has not been approved by the Board.
 - 4. No land clearing, grading, building, or work of any kind other than that purely incidental to the proper surveying, marking, or testing

the soil or subsoil as required by these regulations shall be performed in any proposal prior to Board approval of the final plan.

V. APPLICATION

A. Application:

An application for Planning Board approval of a proposed multi-family dwelling unit subdivision shall contain at least the following information:

1. The name of the owner and/or developer of the land and a copy of the certified and registered deed.
2. The name of the contractor or builder responsible for construction of the multi-family dwelling unit subdivision.
3. The name(s) of the architect, engineers, licensed soil evaluator, and any other professional and technical expertise employed, or planned to be employed during completion of the proposal.
4. The proposed water supply.
5. Proposed access roads, giving dimensions and type of surface.
6. A plan accurately drawn to scale of 1 inch equals 100 feet, showing the actual shape and dimensions of the lot to be built upon, and contour lines at ten foot intervals.
7. The on-site soils survey in accord with the State Plumbing Code.
8. The existing and intended use of each building or structure.
9. Application fee of \$25.00, plus \$5.00 for each unit, payable to the Town of Sidney.
10. Written notification to abutting landowners.

If any of the above information should change at any time, the applicant shall immediately notify the Planning Board.

VI. HEARINGS

- A. See Section III, Subsection E of the Administrative Ordinance of the Town of Sidney.

VII. GUIDELINES FOR REVIEW

When reviewing any multi-family dwelling unit subdivision proposal, the Planning Board shall find that the proposed subdivision:

- A. Will not result in undue water or air pollution. In making the determination it shall at least consider: The elevation of land and its relation to the flood plains, the nature of soils and subsoils and their ability to support waste disposal; the slope of the land and its effect on effluence; and applicable state and local health and water resources regulations;
- B. Has sufficient water available for its needs;
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.
- D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- E. Will not cause unreasonable highway or road congestion or unsafe conditions with respect to the use of existing or proposed highways or roads;
- F. Will provide for adequate sewage waste disposal;
- G. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- I. Is in conformance with other town Ordinances, state, and federal laws.
- J. Surface waters outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, sub-chapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of the body of water.
 - 1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
 - a. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shore land strip narrower than 250 feet which is not lotted the proposed subdivision shall be reviewed as if lot lines extended to the shore.
 - b. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its

equivalent under shoreland zoning, Title 38, chapter 3, subchapter 1, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983.

- K. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- L. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway maps and Flood Insurance Rate maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
- M. Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.
- N. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application for purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.
- O. Storm water. The proposed subdivision will provide for adequate storm water management.
- P. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.
- Q. Has adequate financial and technical capacity to meet the above stated standards.

VIII. ENFORCEMENT

- A. Enforcement shall be as provided under Section V--Enforcement -of the Administrative Ordinance of the Town of Sidney.

IX. WAIVERS AND VARIANCES

- A. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these 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 this Ordinance.

X. SEVERABILITY AND EFFECTIVE DATE

- A. The invalidity of any provision of these standards shall not invalidate any other part.
- B. The effective date of this Ordinance is March 12, 1983 as amended on March 18, 1989, March 17, 1990, and March 16, 1991.

**MOBILE HOME PARK ORDINANCE
TOWN OF SIDNEY, MAINE**

An Ordinance to protect the health, welfare and public safety of the citizens of the Town of Sidney by enacting some rules and regulations pertaining to mobile home parks.

Section I	Definitions
Section II	Permits
Section III	Mobile Home Park Development Requirements
Section IV	Park Administration and Conversion
Section V	Hearings
Section VI	Enforcement
Section VII	Appeals
Section VIII	Mobile Home Parks of Three or More Lots
Section IX	Conflicts in Ordinances
Section X	Saving Clause
Section XI	Effective Date

I. DEFINITION

For the purpose of this Ordinance, the following words and phrases shall have the meanings ascribed to them in this section.:

- A. "Manufactured Housing" means a structural unit or units, generally known as mobile homes or modular homes, 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.
 - 1. Not included are travel trailers and units not suitable for year round occupancy.
- B. "Mobile Home Park" means a parcel of land under unified ownership approved by the Town of Sidney for the placement of three or more manufactured homes.
- C. "Mobile home Park Lot" means the area of land on which an individual home is located within a mobile home park and which is reserved for use by the occupants of that home. A mobile home park lot must be designated on the mobile home park plan.
- D. "Access Road" is any road connecting with a town road to the bounds of the mobile home lot or lots nearest to the town road.
- E. "Service Street" is any road other than an access road within a mobile home park.

II. - Permits

The following provisions shall apply to permits pertaining to mobile home parks:

A. Mobile Home Park Permits Required

1. No person shall construct, maintain, operate or alter any mobile home park in the Town of Sidney unless such person has a valid permit issued as required in Section II, Paragraph B after meeting the requirements of this Ordinance.

B. Fees for Issuance of Permits

1. The Planning Board, upon receipt of written application, approved plans and payment of \$25 plus \$5 per lot, shall give authorization for the issuance of a mobile home park construction permit by the Code Enforcement Officer. All applicable standards and requirements as specified in Section III of this Ordinance must be met in order for such authorization to be given.
2. An inspection shall be made to determine that the requirements of Section III of this Ordinance have been met by the applicant. The Planning Board, after inspection, shall issue an occupancy permit to allow the mobile home park to operate.
3. The Planning Board shall renew mobile home occupancy permits to holders of such permits, upon compliance with all applicable provisions of this Ordinance and payment of a renewal fee of \$25 plus \$5 for each lot.
4. All mobile home park permits expire on December 31.

C. Initial and Renewal Applications for Mobile Home Parks

1. Initial applications for mobile home park construction permits shall be accompanied by three sets of plans drawn to scale of 1" equals 100' by a civil engineer or land surveyor showing the following information:
 - a. The area and dimensions of the tract of land.
 - b. The maximum number, location and size of all mobile home lots, playground areas, buffer zones, green strips, and enclosed refuse storage areas.
 - c. The location of any existing or proposed buildings or structures.
 - d. The location and width of roads, streets, and walkways.

- e. The location of water, sewer, and electrical lines and the sewage disposal systems.
 - f. The location of all structures on abutting lands.
 - g. A copy of the deed of the property.
2. As a part of the initial application or a renewal application that proposes extensions or alterations, the applicant shall provide written notice to all abutting landowners.
 3. Renewal applications for mobile home park occupancy permits shall be accompanied by plans, drawn to scale of 1" equals 100' by a civil engineer or land surveyor, showing any proposed extensions or alterations, which extensions or alterations shall be made to conform to the applicable provisions of this Ordinance before renewal applications shall be granted.
 4. The making of extensions or alterations without such prior approval shall be cause for immediate revocation of the mobile home park occupancy permit after notice and hearing.
 5. Initial and renewal applications shall contain such other information as may be required by the Planning Board to determine that all provisions of this Ordinance will be complied with.

III. - MOBILE HOME PARK DEVELOPMENT REQUIREMENTS

Mobile home parks, where permitted under the provisions of this Ordinance, shall conform to the following minimum standards, in addition to all pertinent state, federal and local health regulations:

A. Retaining of Vegetation

1. Natural vegetation and trees shall be retained whenever possible consistent with the permitted construction of lots, roads, streets and sidewalks.

B. Location

No mobile home park shall be located as to be:

1. Inaccessible from accepted town roads.
2. Within 250' of swamps, marshes or other wetlands.
3. On poorly drained land or on land unsuitable for septic tank disposal of sewage, providing a public sewage system is unavailable.
4. On land subject to seasonal flooding, erosion, fire safety or traffic hazards.

5. On land which is exposed to chronic nuisances, such as noise, smoke, fumes or odors.
6. No mobile home lot within a mobile home park shall be located within 150' of any river, stream, lake, or pond.
7. The applicant must prove, through certification by a professional engineer, that the development of the mobile home park will not pollute any existing water supply or aquifer. The applicant must also prove the development will not violate any state law relative to land development, subdivision, or use.

C. Access

1. No mobile home park shall be developed unless adequate access for mobile homes and attached vehicles, fire fighting equipment, fuel delivery, refuse collection, public service vehicles and other vehicles is provided.

D. Road/Street Construction

1. Every road or street (hereafter called road) within or accessing a mobile home park shall have a right of way of not less than 23', of which 20' must be paved.
 - a. All roads shall be adequately surfaced, well drained and maintained.
2. Should parallel parking be provided on a road, said parking lane(s) shall each be a minimum of 8' in width, in addition to the requirements of Section III, D. 1.
3. Should walkways be provided they must link all units and all service and recreational facilities. Walkways must be adequately surfaced and have a minimum width of 3', in addition to the requirements of Section III, D. 1 & 2.
4. A 40' tapered opening shall be provided abutting any town or state road or highway, and visibility must meet state requirements.
5. On dead end roads a cul-de-sac of 50' radius minimum shall be provided-

-or-

30' from the end of the road a turn-around 50' wide and 50' deep shall be provided, preferably on left side of the road.

6. Roads within a mobile home park which are to be offered for acceptance to the Town of Sidney shall meet the minimum road standards of the Town of Sidney.

7. No mobile home lot may have vehicular access directly onto a state or town highway or road.
8. No road within a park shall be more than 200 feet without a curve or bend.

E. Area

1. The area of every mobile home park shall include provisions for:
 - a. Designated individual mobile home lots.
 - b. Necessary access road and service streets.
 - c. Adequate off-street parking for motor vehicles, with a minimum of two spaces per lot. A parking space is considered to be 10' x 20'.
 - d. A buffer strip 45' wide which shall be provided along all properties that abut residential land which has a gross density of less than half that proposed in the park. No structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.
2. Should a playground or other recreational area be provided it shall include an area not less than 150 square feet for each individual mobile home lot and be restricted exclusively for playground and/or recreational use. It shall be protected from streets, parking areas and abutting mobile home park lots. Such areas shall have a well drained stabilized surface maintained in good repair and shall be located not less than 35' from any road or street.

F. Grading

1. Every mobile home park lot, road, street and walkway shall be properly graded and drained for disposal of surface and storm water.

G. Screening of Mobile Home Parks

1. Screening shall be provided as provided in Section VI, Paragraph N of the Zoning Ordinance of the Town of Sidney.

H. Individual Mobile Home Lots

1. If lots are served by individual subsurface sewage disposal systems the minimum lot area shall be 20,000 square feet, with a minimum lot width of 100'.

2. If lots are served by a central subsurface sewage disposal system the minimum lot area shall be 12,000 square feet, with a minimum lot width of 75'.
 - a. However, the overall density of the mobile home park serviced by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of total park area.
3. Each mobile home lot shall have a concrete slab of sufficient dimensions not less than 4" thick to serve as a foundation to the mobile home installed thereon.
4. Adjacent to any mobile home parked thereon, each lot shall provide for:
 - a. A continuing and potable safe supply of water.
 - b. Connection to an adequate sewage disposal system.
 - c. Adequate electric power service which complies with State of Maine regulations.
 - d. One accessory structure, used for storage only, and of dimension no greater than 10' x 10'.

I. Setbacks

1. Setbacks of the mobile home or accessory structures shall be at least 55' from the center of the traveled way of any public road, otherwise at least 20' from the mobile home lot line.

J. Mobile Home Storage

1. No unoccupied mobile home shall be stored or exhibited for sale for commercial purposes within a mobile home park for more than 90 days.

K. Motor Vehicle Parking Space

1. Not less than 400 square feet of parking space shall be provided in every mobile home lot for each individual mobile home lot. All such parking spaces shall have a well drained surface maintained in good repair.

L. Refuse and Garbage Collection

1. The storage, collection and disposal of refuse shall not create a health hazard, rodent harborage, insect breeding areas, accident hazards or odor. All such wastes shall be stored in covered, watertight and animal proof containers. Collection shall be sufficiently often to prevent overflowing of refuse. Central collection points shall have container racks, holders or

other means for containing the refuse until collection. Such central collection points shall be indicated on the plan. The provisions of this section shall remain the responsibility of the park owner.

IV - Park Administration and Conversion

- A. The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to state laws. Compliance with this ordinance shall not exempt the park owner, developer or manager from complying with other applicable local, state, and federal codes and regulations.
- B. No lot in a mobile home park maybe sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirements of the district in which it is located.

V - Hearings

- A. See Section III, Subsection E of the Administrative Ordinance of the Town of Sidney

VI-Enforcement

- A. Enforcement shall be as provided under Section V-Enforcement-of the Administrative Ordinance of the Town of Sidney

VII-Appeals

- A. An appeal may be taken under the provisions of the Ordinance Governing the Board of Appeals of the Town of Sidney.

VIII-Mobile Home Parks of Three or More Lots

- A. Mobile home parks of three or more lots which qualify as subdivisions under Title 30A, Section 4401 et. seq. of the Maine State Statutes shall be reviewed under that law and the provisions of the Sidney Subdivision Regulations, as well as this Ordinance.

IX-Conflict in Ordinances

- A. In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire safety or State Law or regulation, the provision which establishes the higher standard shall prevail.

X-Saving Clause

- A. If any section, subsection, paragraph, sentence, clause, or phrase

of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not effect the remaining provisions of this Ordinance, which shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

X-Repealer Clause and Effective Date

- A. The Mobile Home Park Ordinances for the Town of Sidney, Maine enacted March 26, 1988 and March 18, 1989 are hereby repealed. This Ordinance shall be effective upon approval at Town Meeting on March 17, 1990.

**ENHANCED 911 ORDINANCE
TOWN OF SIDNEY, MAINE**

I. 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.

II. Authority:

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

III. Administration:

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

- a. A Sidney 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.

IV. Naming System:

All roads in Sidney 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 shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:

- a. Similar names - no two roads shall be given the same or similar-sounding names.
- b. The term "Lane" shall be used exclusively for roads ending at a lake (so called fire roads). These lanes shall have flower names and shall be in alphabetical

order.

- c. Every effort shall be made that each road have the same name throughout its entire length.

V. 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 southern most point for each North/South road. All number origins shall begin at the most easterly point for all East/West roads. 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.)

VI. Compliance:

All owners of structures shall, on or before the effective date of this ordinance, display and maintain the assigned numbers so as to be visible from the road in both directions of travel, 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 or mail box adjacent to the walk or access drive to the residence or structure.
- c. Where the mail box is on the opposite side of the road

from the residence or structure, the number shall be displayed on a post adjacent to the access drive to the residence or structure.

- d. Size and Color of Number.
 - 1. Numbers shall be of reflective material and a minimum of four inches high.
 - 2. Only numbers are to be used; no letters.
- e. The owner or occupant of any structure shall, within thirty (30) days after receiving written notice designating the number assigned, affix said number in a clearly visible and legible area so as to be seen from the road/street in both directions of travel.
- f. 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.
- g. Interior location. All residents and other occupants are urged to post the assigned number and road name adjacent to their telephone for emergency reference.
- h. Should a person refuse or neglect to number the structure with the designated number, he/she shall be liable to a fine. The municipal officers shall cause the property number to be affixed to the property at the expense of the owner or occupant.

VII. New Developments and Subdivisions:

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

- a. New Developments: Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Code Enforcement Officer. This shall be done at the time of the issuance of the building permit.
- b. New Subdivisions: On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the street every 50 (fifty) feet so as to aid in assignment of numbers to structures subsequently constructed.

VIII. Violation of this Ordinance:

Any person who shall violate any section of this Ordinance shall be liable to pay a penalty to the Town of Sidney which shall be determined by the Board of Selectpersons.

IX. Enforcement of this Ordinance:

This ordinance shall be enforced by the person/persons appointed by the Board of Selectpersons.

X. Appeal:

Any person who shall deem himself/herself aggrieved by the failure or refusal of the person authorized to enforce this ordinance, may appeal the decision to the Board of Selectpersons at any time within thirty (30) days of notification of the violation, by informing the Administrative Assistant, in writing, of said appeal.

XI. Validity, Severability and Conflict with other Ordinances:

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.

XII. This ordinance shall become effective immediately upon adoption by the Town of Sidney.

Effective: March 16, 1996

Town of Sidney Subdivision Regulations

AUTHORITY:

These standards have been prepared in accordance with the provisions of Title 30, M.R.S.A. Section 4956. These standards shall be known and cited as the "Subdivision Standards of the Planning Board of the Town of Sidney, Maine". They shall apply to all subdivisions as defined by State law, including residential, commercial and industrial.

PURPOSE:

The purpose of these regulations is to establish a review process which will provide the Sidney Planning Board with sufficient evidence, data, and materials to carry out its responsibilities in reviewing subdivisions, and provide a clear procedure which applicants for subdivision permits shall follow.

DEFINITION OF SUBDIVISION:

A subdivision is the division of a tract or parcel of land into three or more lots within any five-year period, which period begins 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, unless the intent of such 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.

In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a third lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least five years prior to such second dividing. Lots of 40 or more acres shall not be counted

as lots.

For purposes of this section, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

SECTION I PROCEDURES:

1. Applications for subdivision permits shall be submitted to the Planning Board at a regular Board meeting. The Planning Board meets the first and third Monday of every month except for legal holidays, in which case the Board meeting is the following evening. Notice of meetings is published in the newspaper. At this first introduction, the developer and Board shall generally discuss the proposed subdivision application as to its adequacy and completeness and the overall intent of the developer. The Board will give a dated written receipt (Form 1).

2. Within 30 days of the receipt the Board will make an on-site inspection with the developer, if necessary, to inspect the land in regards to the proposal. At this time, if the Planning Board feels that a public hearing is warranted due to the size or type of subdivision, community impact, or by written request of the public, it will call one. The Planning Board shall give notice of the hearing, its date, time, and place to the developer, and publish in both the Morning Sentinel and Kennebec Journal, at least two times, the date of the first publication to be at least seven days prior to the hearing. If the Board feels that a hearing is not necessary and all information is complete, at the next regularly scheduled Planning Board meeting, they shall approve, approve with condition, or deny the request in writing. Appeals may be made to the Board of Appeals within their jurisdiction or to Superior Court, within 30 days.

SECTION II PLAN REQUIREMENTS (Minimum of 3 copies)

1. Name of subdivision and Town of Sidney.
2. Location (Known roads, streets, waterbodies, or other landmarks).

3. Map scale 1" = 100' and North point.
4. Date of plan.
5. Name of engineer and/or surveyor, address and signed seal.
6. Names of all abutting property owners.
7. Layout of lots, total parcel acreage, lot size in square feet, location of property and all lot lines, including metes and bounds, to be field marked for Planning Board inspection, approved lots to be marked by a permanent marker.
8. Existing easements, rights-of-way, buildings, ponds, and other pertinent existing physical features, defined herein but not limited to:
 - a. Water courses, marshes, and swamps as identified by Fish and Game Department as having high or moderate value as water fowl nesting areas, and flood plains.
 - b. Ledge outcroppings.
 - c. Existing wells, sewage disposal areas and systems.
 - d. Existing contours at 10' intervals and spot elevations.
 - e. Existing wildlife habitats, (i.e., deer yards where applicable).
9. Proposed grading and filling and reasons except for roads.
10. Proposed roads and streets marked in 50' increments, profile and cross-sections, including preferred street naming, designed in a manner that will not cause unreasonable congestion or safety hazards and are in conformance to the Town of Sidney's Road Specifications.
11. Proposed new water bodies (i.e., fire ponds).
12. Proposed sewage disposal systems per lot.
 - a. As shown by a licensed soil evaluator using form HHE 200 and duly signed.
 - b. Soils test to be performed on each lot by a licensed

evaluator. Tests will be conducted by pit analysis; borings will not be accepted.

c. Any easements or rights-of-way necessary to conform with the State Plumbing Code.

13. Proposed location of wells.

14. All proposed covenants, deed restrictions, etc., to be reviewed by the Board and a written statement as to who will enforce said covenants or restrictions.

SECTION III OTHER ADDITIONAL REQUIREMENTS

1. Cover letter of Intent and the date requested for formal consideration, including owner of record and his direct designee if applicable.

2. Copy of certified and registered property deed.

3. Location of subdivision using a U.S.G.S. topo sheet.

4. Notarized letter from applicable sources stating that the developer has adequate financial and technical ability to meet all requirements.

5. A storm water disposal and surface drainage plan signed by a professional engineer.

6. A signed statement from an engineer that the proposed development will not result in undue water or air pollution or violate the State Plumbing Code.

7. A signed statement from an engineer that in his opinion the development complies with all applicable statutes whether State, federal, or local.

8. Estimated cost of itemized proposed improvements.

9. Adequate information on water supply.

a. The submission of written drilling reports for wells in the general vicinity of the proposed development (one mile).

b. If records vary greatly, a ground water hydrologist may be required to give expert testimony regarding the available information by the developer.

A written disclosure of the above testimony on which the Planning Board makes its decision will be presented to the potential purchaser of any lot in the subdivision.

10. Sedimentation and erosion control plan if requested by the Board.
11. Electrical power application from CMP for hookup and installation.
12. Performance bonding for roads will be required for all subdivisions.
13. Depending on the size and location of the subdivision, the Board may require the developer to provide up to 10% of his total area for open space.
14. Subdivisions containing 15 or more lots shall have at least two points of access connecting with existing public roads.
15. The developer shall install a street sign at the intersection of all proposed streets in accordance with the Enhanced 911 Ordinance enacted March 1996.
16. The developer shall install all appropriate regulatory Traffic control signs as required by the Planning Board and inspected by the Road Commissioner.

SECTION IV PLAN REVISIONS AFTER APPROVAL

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 proceeding to have the Plan stricken from the records of the Municipal Officers and the Registry of Deeds.

SECTION V ENFORCEMENT

Any person, firm, or 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 shall be punished by a fine of not more than \$1000 for each such conveyance, offering, or agreement. The

Attorney General, the municipality, or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

SECTION VI OTHER FACTS

1. The approval of the Sidney Planning Board of a subdivision does not mean, or constitute any acceptance by the Town of Sidney of any street, easement, or otherwise.
2. The Planning Board may, at its discretion, upon a written specific request by the applicant, waive or modify the requirements of these regulations if such waiver will not unreasonably restrict the Planning Board's review of the application as it relates to Title 30 M.R.S.A. 4956, and such waiver is based on the undue hardship or burden such specific regulations would have on the applicant because of the characteristics and circumstances relating to the subdivision.
3. Every application for a subdivision permit shall be accompanied by an application fee of \$25 per lot plus \$5 per unit or lot to be paid by check, made payable to the Town of Sidney Planning Board Account.
4. The invalidity of any section, sub-section, paragraph, sentence, clause, or word of these regulations shall not be held to invalidate any other part, etc., of these regulations.
5. In any case where any provision of these regulations is found to be in conflict with a provision of any other ordinance, etc., the provision which established its higher standard for the promotion and protection of health and safety shall prevail.
6. These regulation shall take effect immediately upon adoption, September 6, 1977, as provided in Title 30 M.R.S.A., Section 4956.

Home Occupation Ordinance

Traditionally, in zoning, certain occupational uses termed "home occupations" have been allowed in dwelling units. Such uses have been allowed largely on the basis that such uses are incidental to the use of the premises as a residence, that the nature of home occupational uses is such that they are compatible with or even "belong" in the home, or that home occupational uses are of a highly professional nature involving the use of mental rather than physical capabilities and are therefore compatible with residential uses.

Based on the previous paragraph, it is difficult to discern exactly which home based businesses are to be permitted in residential subdivisions. It is recognized, in Sidney, that certain limited home occupational uses can be useful to both the general community as well as the resident-proprietor. Also recognized is the difficulty of writing an ordinance dealing with home occupations in a "middle-of-the-road" fashion, which is neither discriminatory nor arbitrary. It is hoped that both the citizens and the courts will recognize these difficulties; that the former will not abuse the privileges granted within the following test and that the latter will aid in the enforcement of the sometimes seemingly arbitrary restrictions necessary to preserve residential character in an expedient manner.

With the above in mind, it is the intent and purpose of this section to provide for home occupations in residential subdivisions subject to the following restrictions.

The conduct of home occupations in residential units may be permitted under the following provisions:

- 1) See definition of Home Occupation.
- 2) Home occupations shall be carried on wholly within the principle building or within a building or other structure accessory to it.
- 3) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; no more than thirty (30) percent of the total existing floor area or volume, whichever is greater, shall be used for operating the home occupation.
- 4) There shall be no visible evidence of the operation of such home occupation other than one (1) sign, unless such sign is otherwise prohibited by this ordinance; and a home occupation shall in no extent be carried on in a manner that alters the residential character of the structure, lot or neighborhood. There shall be no outside storage or display of materials or products or equipment or vehicles, nor any window display of any of the same.
- 5) The sign for a home occupation shall be limited to property owner "Name" sign with the street number and name clearly denoted. The "Name" sign may include the type of occupation. The sign shall be non-illuminated and no larger than four (4) square feet. See Sidney sign ordinance for additional details.
- 6) No traffic shall be generated by such home occupation in greater volumes than would ordinarily be expected in the neighborhood, and

any need for parking generated by the operation of the home occupation shall be met off the street in other than what is the required front yard; the burden of proof shall be on the applicant.

7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot if the home occupation is conducted in a detached one family home dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual, or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises; and

8) The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises; to catalog items ordered off the premises by customers; and to items which are accessory and incidental to a service which is provided on the premises.

9) A home occupation shall be carried on by permanent residents of the dwelling unit, with not more than two (2) employees who are not residents of the dwelling unit.

10) Planning Board approval shall be required for any applicant.

11) All residential subdivisions created after 3/24/12 shall only be allowed to have home occupations.

Effective Date: March 24, 2012

Town of Sidney Budget Committee Ordinance

(Adopted March 21, 1998)

Section 1. Establishment

Pursuant to 30-A M.R.S.A. Section 3001, a Budget Committee is hereby established for the Town of Sidney, Maine.

Section 2. Composition; Election; Qualifications; Terms; Vacancies

The Committee shall consist of six members and two alternate members who shall be elected from the floor of Town Meeting and who shall be registered voters of the Town. No other official or employee of the Town may be a member. Members shall serve for terms of three years, except that they shall continue in office until their successors are elected.

Section 3. Officers; Meetings; Quorum; Procedure

The Committee shall annually elect a Chairman and a Secretary from among its members. The Chairman shall call meetings as necessary or when so requested by a majority of members or by municipal officers. A quorum necessary to conduct business shall consist of at least a majority of members. The Chairman shall preside at all meetings. The Secretary shall maintain a record of all proceedings including all correspondence of the Committee. All meetings and records shall be subject to the Maine Freedom of Access Act, 1 M.R.S.A. Sections 401-410. The Committee may adopt rules of procedure not inconsistent with this ordinance.

Section 4. Powers and duties; Authority; Recommendations; Official Cooperation

The Committee shall have the following powers and duties:

- A. To review and make recommendations on the annual operating budget as proposed by the Municipal Officers;
- B. To review and make recommendations on annual capital expenditures as proposed by the Municipal Officers;
- C. To review and make recommendations on supplemental appropriations and other budgetary action whenever proposed by the Municipal Officers;
- D. To make such other recommendations on fiscal matters as it may from time to time deem advisable.

The Committee's authority shall be advisory only. Any recommendation on a matter requiring Town Meeting action shall be printed with the article in the warrant and on the ballot, if any, along with such other recommendations as may; be included by the Municipal Officers or required by law. The Municipal Officers shall cooperate with and provide the Committee with such information as may be reasonably necessary and available to enable it to carry out its functions under this ordinance.

**TOWN OF SIDNEY, MAINE
ANIMAL CONTROL
DOG NUISANCE ORDINANCE**

SECTION 1. PURPOSE

The purpose of this ordinance is to control dogs throughout the Town of Sidney in the interest of health, safety and general welfare of its residents.

SECTION 2. DEFINITIONS AS USED IN THIS ORDINANCE UNLESS THE CONTEXT OTHERWISE INDICATES

- A. "DOG" shall mean both male and female whether neutered or not.
- B. "OWNER" shall mean any person, firm, association or corporation owning, keeping or harboring a dog.
- C. "AT LARGE" shall mean off the premises of the owner and not being under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the dog.
- D. "DANGEROUS DOG" shall mean a dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owner's premises, to be put in apprehension of eminent bodily harm.

SECTION 3. LICENSE REQUIRED

All dogs kept, harbored or maintained by their respective owners in the Town of Sidney shall be licensed and tagged in accordance with the appropriate laws of the State of Maine, M.R.S.A. 3921.

SECTION 4: DISTURBING THE PEACE

It shall be unlawful for anyone owning, possessing or harboring a dog to cause or permit such dog to disturb the peace of any person. Any owner or keeper causing or permitting a dog to bark, howl, or yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more shall be in violation of this section.

It shall be unlawful for any dog owner or keeper to cause or permit such dog to disturb the peace by biting, chasing or damaging the property of any person.

SECTION 5. RUNNING AT LARGE

It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.

SECTION 6. CONFINEMENT OF CERTAIN DOGS

A: It shall be unlawful for the owner or keeper of a female dog to cause or permit such dog to be beyond the owner's premises at any time while the dog is in heat unless such dog is restrained with a leash, cord, or chain which shall not be more than eight (8) feet long by the owner or agent.

B. Any person who is assaulted by a dog without provocation or any person witnessing an unprovoked assault against a person or domesticated animal may file a written complaint with a Police Officer or Animal Control Officer that the dog is dangerous or vicious. Procedures regarding the complaints of dangerous dogs and the method of restraint, confinement or disposal shall be prescribed and required by Maine Statutes Annotated, Title 7, Section 3952 and succeeding amendments.

SECTION 7. IMPOUNDING

Any Police Officer, Animal Control Officer or Constable within the Town of Sidney shall seize, impound, or restrain any dog violating this ordinance or State law. A dog found in violation of Section 5 shall be delivered to the owner when possible if the owner or keeper can be determined, and is readily available to take possession of the dog.

When a dog of known ownership is found in violation of Section 5 three (3) or more times in a six (6) month period, an Animal Control Officer or person acting in that capacity, may take the dog to the animal shelter and notify the Owner in accordance with Section 8.

SECTION 8. IMPOUNDMENT

When impounding any dog, the Animal Control Officer or Police Officer shall at the time of such impoundment list a number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex and general condition of the dog as can be reasonably ascertained. A copy of this registry shall be furnished to a shelter designated by the Town of Sidney with written instructions setting forth conditions under which the dog may be released.

When a dog is impounded under the provisions of this Article, the Animal Control Officer, Police Officer, or person in control of the Animal Shelter shall when possible, notify the owner or keeper if it can be ascertained. Failure to give such notice shall in no way impose any liability upon the Town of Sidney or its designated animal shelter for the destruction or transfer to another of any dog so impounded and not reclaimed.

If the owner does not claim the dog within six (6) days following impoundment then the animal shelter may dispose of the animal by adoption or otherwise in a proper and humane manner consistent with State laws.

SECTION 9. IMPOUNDMENT FEES

Owners may reclaim their dog by first licensing, if applicable, according to Town regulation and by paying to the town a fee of thirty dollars (\$30) for each offense. The owner will also be responsible for any additional costs incurred by the Animal Shelter prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of dog. All fees to be deposited in the separate account as required by M.R.S.A. 7, Section 3945.

SECTION 10. ENFORCEMENT

It shall be the duty of all Law Enforcement Officers with jurisdiction in the Town of Sidney to enforce all the provisions of this Ordinance. Further, there shall be appointed an Animal Control Officer(s) who shall have the prime responsibility of enforcing this Ordinance.

SECTION 11. PENALTIES

Any person found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and upon conviction thereof shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) to be recovered by a complaint before the Maine District Court, District Seven of Southern Kennebec County, subject to the rights of exception and appeal as are provided by law. All fines collected shall be recovered to the use of the Town of Sidney and deposited in a separate account as required by M.R.S.A. Section 3945 (Use and License Fees Retained by Municipalities).

SECTION 12. SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 13. AMENDMENTS

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting.

SECTION 14. EFFECTIVE DATE

This Ordinance shall be in full force and effect when enacted, March 20, 2010.

the expense of the owner of such vehicle.

L. Road Construction

All roads shall be a minimum of 200' in length and shall comply with all applicable provisions of this ordinance. No building permit shall be issued for a property until the road constituting the frontage for that property is constructed. Roads shall be located, constructed and maintained in such a manner that minimal erosion hazard results. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters. All roads are to be inspected during construction by the Town of Sidney Road Commissioner.

Within ninety (90) days of acceptance of Subdivision and Commercial Roads to Town of Sidney specifications, a warranty deed for the road shall be given to the Town of Sidney. For any road to be accepted the applicable standards must be met. However, any right of way in existence prior to the adoption of this ordinance on March 20, 1993 may qualify for acceptance by the Town if it meets the street standards for subdivisions in effect in 1992. Acceptance of a road by the Town requires a majority town meeting vote.

STREET STANDARDS FOR PRIVATE ROAD/STREET

Number of Travel Lanes	2 Lanes
Width of Travel Lanes	9 Feet
Width of Right-of-Way	50 Feet
Storm Drainage	Ditches
Driveway Culverts	20' Length Min./12" Min.
Subbase - Bank Run Gravel (6" minus)	12 Inches
Road Base/Gravel (12" minus)	Variable-Depends on Soil Conditions
Shoulder	Determined by reviewing authority
Turnaround	Determined by reviewing authority

Note: Please refer to drawing of cross section at the end of the Zoning Ordinance.

STREET STANDARDS FOR SUBDIVISIONS

Number of Travel Lanes	2 Lanes
Width of Travel Lanes	10 Feet
Width of Parking or Shoulder	4 Feet
Width of Right-of-Way	60 Feet
Maximum Grade	9 Percent
Center Line Radius on Curves(Min.)	200 Feet
Tangent Between Reverse Curves(Min.)	200 Feet
Road Base/Gravel	Variable-Depends on Soil Conditions
Subbase - Bank Run Gravel (6" minus)	12 inches
Upper Base (1" minus gravel)	6 Inches
Bituminous Paving - Travel Lanes Only (Modified Binder Grading B)	2" or More
Storm Drainage	Ditches
Driveway Culverts	20' Length Min.x 12" Min.

On dead end roads a cul-de-sac of 50' radius minimum will be provided, or 50' from end of road a turn around of 50' wide and 50' deep will be provided, preferred on left side of road. Improvements should be to the same standards the town would normally install it if were doing the work itself.

Note: Please refer to drawing of cross section at the end of the Zoning Ordinance.

STREET STANDARDS FOR COMMERCIAL ROADS

A commercial road is any road that will be used principally by vehicles servicing commercial and/or industrial facilities, as well as other types of vehicles, and which is suitable for use in all seasons and weather conditions.

Number of Travel Lanes	2 Lanes
Width of Travel Lanes	10 Feet
Width of Parking or Shoulder	4 Feet
Width of Right-of-Way	60 Feet
Center ditch to center ditch	42 Feet minimum
Maximum Grade	9 Percent
Center Line Radius on Curves(Min.)	200 Feet
Tangent Between Reverse Curves(Min.)	200 Feet
Road Base/Gravel	Variable-Depends on Soil Conditions
Subbase - Bank Run Gravel (6"minus)	12 Inches
Upper Base (1"minus gravel)	6 Inches
Bituminous Paving - Travel Lanes Plus Shoulder	
2 1/2" binder, 1" surface	
Storm Drainage	Ditches
Driveway Culverts	20' Length Min.x 12" Min.

On dead end roads a cul-de-sac of 50' radius minimum will be provided, or 30' from end of road a turn around of 50' wide and 50' deep will be provided, preferred on left side of road. Improvements should be to the same standards the town would normally install it if were doing the work itself.

Note: Please refer to the drawing of cross section a the end of the Zoning Ordinance.

M. Screening of Mobile Home Parks, commercial establishments and Multi-Family Dwelling Units.

1. A green strip of up to 25' width shall be required as follows:

- a. In all mobile home parks originally with or expanded to five or more designated lots the green strip shall be established and may be within the buffer strip around park boundaries.
- b. In all commercial establishments utilizing any of the property for non-enclosed storage, exhibition or placement of inventory, work-in-process or other material the green strip shall be on or within the boundaries of the property, but not to include a boundary that abuts a public road.

- c. In all multi-family dwelling unit subdivisions of 18 or more dwelling units the green strip shall be within or around the boundaries of the property, but not to include a boundary that abuts a public road.
2. Whenever possible the green strip shall include existing vegetation. However, the Planning Board may require the planting of evergreen trees and shrubs to provide a permanent screen.
3. In no case shall the green strip be required to be placed so as to prevent visual access from a public road.

N. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules).]

Note: The Rules, among other requirements, include:

- a. The minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.
- b. Replacement systems shall meet the standards for replacement systems as contained in the Rules.

2. All subsurface sewage disposal systems shall be located in areas of suitable soil of at least 1000 square feet in size, in all shoreland areas. All sanitary waste disposal facilities shall conform in all respects with the provisions of the Maine State Plumbing Code and subsequent revisions thereof. No structure or land use requiring sanitary waste disposal facilities shall be issued a permit under the provisions of this Ordinance without having first been issued a Plumbing Permit by the Plumbing Inspector of the Town of Sidney, certifying conformance with these sanitary standards.

3. Septage, as defined in 38 M.R.S.A. Section 1303, Sub-section 6, which includes any material from a septic tank, cesspool, or other similar facility and sludge, as defined in 38 M.R.S.A., Section 1304, which is the semi-liquid or liquid residual generated from a municipal, commercial, or industrial wastewater treatment plant, may not be disposed of in the Town of Sidney without a permit from the Planning Board and the Code Enforcement Officer. (*Amended 3/15/97*)

A. Upon receipt of an initial permit by the Planning Board and the Code Enforcement Officer, approval shall be obtained from the Maine Department of Environmental Protection pursuant to M.R.S.A. Sections 1304 & 343. The DEP approval shall be filed with the Planning Board for review and written authorization to spread septage.

4. A property owner needs only to obtain a permit from the Code Enforcement Officer, and does not have to obtain a permit from the Planning Board to dispose of or spread septage from his residence on his property provided:

a. The location for the disposing or spreading of septage is at least 100 feet back from a traveled right of way, at least 25 feet back from any abutting landowner's property line, and at least 300 feet from any drinking water supply or any dwelling;

b. The septage will not be disposed of or spread on or within 300 feet of any inland wetland, streams, lakes or ponds.

5. Any permit shall specify the time period within which septage may be spread.

O. Signs

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed 8 square feet in area, and shall not exceed two (2) signs per premises. Billboards and signs relating to goods and services not rendered on the premises shall be prohibited. Signs which will exceed 8 square feet or signs and billboards which will be illuminated in a manner other than set forth in sub-paragraph 6 will require a permit from the Planning Board.

2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.

3. Residential users may display a single sign not over 6 square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

5. No sign shall extend higher than twenty (20) feet above the ground.

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

P. Soils and Site Modification

1. 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 a Maine Certified Soil Scientist or other state-certified professional. The report shall be based upon the analysis of the characteristics of the soil and

surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the soil scientist deems appropriate. The soils report shall include recommendations for a proposed use to counter-act soil limitations where they exist. Other state-certified professionals, including Maine Registered Professional Engineers, Maine State Certified Geologists and others practicing within their license, may supplement the soils report with reports on such matters as bearing capacities of soils, bedrock geology, aquifers, and other information based on their training and experience in the recognition and evaluation of these properties.

Q. Standards for the Construction in Town Right of Ways

1. The purpose of this section is to set requirements for the safe movement of fill within the Town Right of Ways and the safe construction of private drives leading onto Town Right of Ways resulting in the continued safe passage of the public on these Town Right of Ways.
2. Any individual planning construction within the Town Right of Way shall make application to the Town of Sidney for such work. It shall be the responsibility of the Town Road Commissioner to review the application, and if all requirements are met, shall grant a permit for such work.
3. Any individual moving fill within the Town Right of Ways, shall make application to the Town of Sidney for this purpose. Fill work along the ditch line of Town Right of Ways shall not interfere with the free flow of water along and away from Town Right of Ways.
4. Any individual planning a new private drive onto a Town Right of Way, shall make application to the Town of Sidney for this purpose. The entrance of a new private drive shall not be continuously wider than 40 feet, nor less than 20 feet unless agreed to otherwise by the Selectmen. The applicant shall at no time cause the highway to be closed to traffic. The grade of the entrance shall slope away from the road surface at a rate of three-quarters (3/4) inch per foot to provide a gutter three (3) feet beyond the edge of the existing shoulder but not less than five (5) feet from the edge of the traveled way. A new permit shall be required whenever black topping, a grade change, widening, or relocation is contemplated.
5. New private drives leading from a Town Right of Way shall be inspected by the Town Road Commission, upon receipt of application, to determine whether there is a necessity of placing a culvert. The Town Road Commissioner shall make the determination as to whether a culvert needs to be placed, the size of such culvert, and the appropriate placement of such culvert. The culvert shall be a minimum of 12" in diameter and be of aluminized metal or heavy ribbed plastic with smooth bore. The Town shall place the culvert and cover the culvert. The initial purchase of the culvert shall be the responsibility of the land owner. Thereafter it shall be the Town's responsibility to replace

and maintain any culvert which has been properly placed and of proper construction according to the requirements of this section. Any private drive which is not properly constructed under these requirements and is/or may eventually be causing obstruction to the free flow of water, shall be opened to the free flow of water at the discretion of the Selectmen and/or the Town Road Commissioner. If a culvert is removed by the town due to violation of the previously stated requirements, the culvert shall be properly replaced as soon as is reasonable at the property owner's expense.

6. Any public or private way serving two or more residences shall be named. The names shall not be the same or similar sounding to any existing road names. All signage and installation must be approved by the Municipal Officers or their appointed agent.

R. 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.

S. Water Quality

1. 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 degrade water quality.

Effective Date: The effective date of this Ordinance as amended March 19, 1994;.

March 18, 1995; March 16, 1996.

FLOODPLAIN MANAGEMENT ORDINANCE
CONTENTS

ARTICLE	PAGE
I. PURPOSE AND ESTABLISHMENT.....	2
II. PERMIT REQUIRED	2
III. APPLICATION FOR PERMIT	2
IV. APPLICATION FEE AND EXPERT'S FEE.....	4
V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS.....	4
VI. DEVELOPMENT STANDARDS	6
VII. CERTIFICATE OF COMPLIANCE	11
VIII. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS	11
IX. APPEALS AND VARIANCES.....	12
X. ENFORCEMENT AND PENALTIES	14
XI. VALIDITY AND SEVERABILITY	15
XII. CONFLICT WITH OTHER ORDINANCES	15
XIII. DEFINITIONS	15
XIV. ABROGATION	20

60.3 (c) Rev. 4/09
(prepared 12/27/2010 by SPO/jpp)

ARTICLE I - PURPOSE AND ESTABLISHMENT

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

Therefore, the Town of Sidney, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Sidney, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Sidney 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, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Sidney 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 Sidney, Maine.

The areas of special flood hazard, Zones A and AE for the Town of Sidney, Kennebec County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Kennebec County" dated June 16, 2011 with accompanying "Flood Insurance Rate Map" dated June 16, 2011 with panels:

145, 163, 164, 168, 330, 335, 337, 339, 341, 342, 343, 344, 355, 360, 365

derived from the county wide digital flood insurance rate map entitled "Digital Flood Insurance Rate Map, Kennebec County," are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Sidney, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:

- 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE, from data contained in the "Flood Insurance Study – Kennebec County, Maine" as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
- 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
- 3. lowest floor, including basement; and whether or not such structures contain a basement; and,

- 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65, 03/09, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 - 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 - 3. a certified statement that bridges will meet the standards of Article VI.M.;
 - 4. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$25 for all minor development and \$50 for all new construction or substantial improvements shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study – Kennebec County, Maine," as described in Article I;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
 - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 - 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction , “as built”, for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 - 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this

permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

- A. **All Development** - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and,
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zones AE, shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zones AE, shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or
 - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.
- H. **Manufactured Homes** - New or substantially improved manufactured homes located within:
1. Zones AE, shall:
 - a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;

- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.; and
- b. meet the anchoring requirements of Article VI.H.1.c.

I. **Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A and 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. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

J. **Accessory Structures** - Accessory Structures, as defined in Article XIII, located within Zones A and AE, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

- 1. be 500 square feet or less and have a value less than \$3000;
- 2. have unfinished interiors and not be used for human habitation;

3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zones AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Digital Flood Insurance Rate Map, Kennebec County unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/ January 1995, as amended).
3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

- L. Enclosed Areas Below the Lowest Floor -** New construction or substantial improvement of any structure in Zones 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;
 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
 3. The enclosed area shall not be used for human habitation; and,
 4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE and A shall be designed such that:
1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
 2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.
- N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:
1. Zones AE and A shall:

- a. have the containment wall elevated to at least one foot above the base flood elevation;
- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
- c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE and A, in and over water and seaward of the mean high tide if the following requirements are met:

- 1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
- 2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 - 1. review the Elevation Certificate and the applicant’s written notification; and,
 - 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of Sidney may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,

4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.

- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 1. other criteria of Article IX and Article VI.K. are met; and,
 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use

land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - means a small detached structure that is incidental and subordinate to the principal structure.

Adjacent Grade - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Area of Special Flood Hazard - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Building - see **Structure**.

Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building

- a. built, in the case of a building in Zones AE and A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones AE and A, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L..

Elevation Certificate - An official form (FEMA Form 81-31, 03/09, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

Flood or Flooding - means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Flood-prone Area - means any land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this ordinance.

Manufactured Home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called “1929 Mean Sea Level (MSL)”.

New Construction - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD)- means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Digital Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it

include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

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

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

60.3 (c) Rev. 4/09
Prepared by SPO/jpp
12/27/2010

Town of Sidney Fire Department Ordinance

1. Department Created

There is hereby created a Fire Department for the Town of Sidney which consists of the Fire Chief and such other members as may be provided by the Board of Selectmen.

2. Appointments

The Fire Chief shall be appointed for a term not to exceed three (3) years by the Board of Selectmen. The Selectmen shall consider the recommendations of the volunteer fire departments for Fire Chief. All other appointments to or promotions within the Department shall be made by the Board of Selectmen after securing the advise of the Fire Chief.

3. Compensation

The compensation of all members of the Department shall be set by the Selectmen within the limits of Town Meeting appropriations.

4. Duties of the Chief

The Fire Chief shall be responsible to the Board of Selectmen for the performance by the Department of its functions.

5. Duties of Fire Members

All members of the Fire Department shall serve subject to the orders of the Chief.

6. Removal for Cause

Any member of the Department may be removed for cause after notice and hearing.

7. Personnel Rules

The Selectmen are authorized to promulgate personnel rules and regulations dealing with the general administration of the Department and with the conduct of its members.

Fire Department Ordinance was approved on March 11, 1983 at annual town meeting.

Town of Sidney Rescue Department Ordinance

Section 1. Title

This ordinance shall be known as the Town of Sidney Rescue Department Ordinance.

Section 2. Purpose

The purpose of this ordinance is to establish in the manner provided by law a municipal rescue department, and to define the powers and duties of the chief of the department. The further purpose of this ordinance is to provide the maximum legal protection available to the department chief and municipal rescue personnel.

Section 3. Authority

This ordinance is enacted to 30 M.R.S.A. 1901-1920, 2152 AND 2153 AND 3771-3778.

Section 4. Definitions

4.1. Municipal Rescue Department

A municipal rescue unit means an organized rescue unit established pursuant to this ordinance.

4.2. Municipal Rescue Personnel

Municipal rescue personnel shall mean an active member, whether full time, part time or on call, of a municipal rescue department, who aids in providing first aid, emergency treatment and rescue assistance and is qualified to render such and under current Dept of Human Service regulation governing rescue personnel.

Section 5. Establishment

There shall be a Municipal Rescue Department which is hereby established by this ordinance.

Section 6. Duties

The Municipal Rescue Department shall provide first aid, emergency treatment and rescue assistance to persons in need of such assistance within the Town of Sidney and elsewhere as provided by mutual aid or other contractual agreement approved the Board of Selectpersons.

Section 7. Rescue Chief

7.1 Appointment

The head of the Municipal Rescue Department shall be the Rescue Chief who shall be appointed by the Selectpersons. The Selectpersons shall consider the recommendations of the rescue personnel. All other appointments to or promotions within the Department shall be made by the Board of Selectpersons after securing the advice of the Rescue Chief.

7.2. Term

The Rescue Chief shall be appointed by the Selectpersons for a term of two years.

7.3 Powers and Duties

The Rescue Chief shall have the following powers and duties:

- a.) to control the Municipal Rescue Department and all rescue apparatus belonging to the Town.
- b.) to see to the maintenance of technical proficiency of rescue personnel.
- c.) to establish rules and regulations concerning the discipline, good order, proper conduct, care and management of the Municipal Rescue Department, subject to the approval of the Selectpersons before said rules take effect.
- d.) to work with the Fire Chief to establish rules and regulations concerning activities which involve the two departments.

7.4 Municipal Rescue Personnel

The municipal rescue personnel shall be under duty to provide first aid, emergency treatment and rescue assistance to persons in need of such assistance within the Town of Sidney and elsewhere as provide by mutual aid or other contractual agreements approved by the Selectpersons. They shall attend training sessions as scheduled by the Rescue Chief.

7.5. Privileges and immunities provided by 14 M.R.S.A. 164 and 8101-8118.

Section 8. Severability

The invalidity of any portion of this ordinance shall not invalidate any other part there of.

Section 9. Effective Date

This ordinance shall be effective on its adoption at Town Meeting.

Ordinance was approved on March 14, 1997