

2018

# Town of Bridgton Maine Ordinances; Part 1

Bridgton, Me.

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**ORDINANCE FOR ADOPTION  
OF THE  
INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS**

An Ordinance of the Town of Bridgton adopting the 2000 edition of the International Residential Code, regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one and two family dwellings and townhouses in the Town of Bridgton; providing for the issuance of permits and collection of fees therefor when used with money; repealing Building and Razing Permit Ordinance of the Town of Bridgton and all other Ordinances and parts of the Ordinances in conflict therewith.

The Voters of the Town of Bridgton does ordain as follows:

**Section 1:** That certain documents one (1) copy of which is on file in the office of the Town Clerk and the Town of Bridgton, being marked and designated as International Residential Code, as published by the International Code Council and is hereby adopted as the code of the Town of Bridgton for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one and two family dwellings and townhouses not more than three stories in height in the Town of Bridgton and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2000 edition, published by the International Code Council on file in the office of the Town of Bridgton are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

**Section 2.** The following sections are hereby revised:

Section R101.1 Insert: Town of Bridgton  
Table R301.2(1) Insert: Permit - TABLE ATTACHED

Section R104-10.1: Deleted  
Section R105.2: Deleted  
Section R105.3.1.1: Deleted  
Section P2501 through P3201 [Plumbing]: Deleted.

Appendices: E, G and J are hereby adopted

**Section 3.** That Ordinance of the Town of Bridgton entitled Building and Razing Permit Ordinance and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Voters hereby declare that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** That the Town Clerk is hereby ordered and directed to cause this Ordinance to be published in a newspaper in general circulation.

**Section 6.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.



**Town of Bridgton**  
**Affordable Housing Local**  
**Preference Ordinance**

I.     Preamble. The Town of Bridgton serves as the service center for the rural areas of western Cumberland, and southern Oxford Counties and is the only community in the Greater Bridgton area that offers employment opportunities, retail and service businesses, health care facilities and social services within a compact geographic area that does not require extensive use of private transportation. The Town is geographically well positioned to meet the needs of working families and elderly and disabled persons who either cannot afford private transportation or who can no longer drive and who wish to remain close to families and friends.

Based on data from 2010 United States Census 19.3% of the residents of Bridgton are over 65 years of age; 63.6% of the households of the Town of Bridgton have income levels below the national average; and 18.93% have incomes at or below 150% of the poverty line.;

Based on data from the 2010 U.S. Census, 71.29% of the housing stock in the Town of Bridgton consists of single and two family dwellings; more than 80.59% of those dwellings are more than thirty years old; only 22.11% of the dwelling units located in the Town of Bridgton are located in multiple family dwellings; and of those only 4.5% or 70 units are Affordable Housing Units.

The lack of Affordable Housing Units in the Town of Bridgton poses a hardship on the residents of the Town and their family members, especially on those elderly or disabled residents of the Town who desire to down-size to smaller dwelling units and on those Town residents who desire to have their elderly or disabled family members move closer to them; and on Employees in the Town of Bridgton who want to live close to their jobs.

Based on the foregoing, it is the policy of the Town of Bridgton to provide a system of preferences for residents of the Town and their family members and for those employed in Town and their family members.

II. Statement of Purpose. It is the purpose of this Ordinance to establish a system of Preferences to ensure that at least 50% of newly created Affordable Housing Units are made available on a preferential basis to the following groups:

1. Residents of the Town of Bridgton and their family members;
2. Employees of the Town of Bridgton and their family members;
3. Employees of businesses, health care facilities, social service agencies and non-profit organizations who are based in the Town of Bridgton, and other persons or entities whose employment is based in the Town of Bridgton, and their family members; and
4. Self-employed persons with a place of business in the Town of Bridgton and their family members.

III. Authority. This Ordinance is adopted pursuant to the home rule authority of the Town of Bridgton under Article 8, Part 2, Section 1 of the Constitution of Maine, its home rule authority under 30-A MRS §2104 et seq., and all other applicable authority.

IV. Required Preference. The owner of any Affordable Housing Project to be issued a building permit by the Code Enforcement Officer of the Town of Bridgton, Maine, on or after January 1, 2014, shall select the initial purchasers, lessees, tenants or occupants of at least 50% of the Affordable Housing Units located within the Project under a method that provides a Preference to otherwise eligible applicants as follows:

- Residents of the Town of Bridgton and their Family Members;
- Employees of the Town of Bridgton and their Family Members;

- Employees of businesses, health care facilities, social service agencies, non-profit organizations, and other persons or entities whose employment is based in the Town of Bridgton, and other persons or entities whose employment is based in the Town of Bridgton, and their Family Members; and
- Self-employed persons with a place of business in the Town of Bridgton and their Family Members.

First preference shall be granted to residents of the Town of Bridgton and their family members and second preference shall be given on an equal basis to members of the remaining groups listed above.

V. Adoption of Rules. The Board of selectmen may adopt rules not inconsistent with the terms of this Ordinance, in order to implement the Preferences established by Article IV of this Ordinance.

VI. Non-Discrimination. The Owner of an Affordable Housing Project subject to this Ordinance shall not discriminate on the basis of race, color, sex, sexual orientation, physical or mental disability, religion, country of ancestral origin, familial status or the receipt of public assistance payments in the administration of Preferences under this Ordinance.

VII. Implementation of Preference.

1. Notice of Availability. At least 120 days before the Owner of an Affordable Housing Project subject to this Ordinance enters into a purchase and sale agreement, lease, rental agreement or other commitment to make available Affordable Housing Units to purchasers, lessees, tenants or occupants, the Owner of the Project shall publish a notice in at least two newspapers of general circulation in the Town of Bridgton stating the number of new Affordable Housing Units expected to become available in the Town of

Bridgton as part of the Project, the date that they will become available, the eligibility requirements applicable to occupants of the Units, and that, subject to those requirements, the first and second Preferences described in Article IV will be applied to applicants for 50% of the Units. The published notice shall describe how an application can be obtained, the procedure and requirements for submitting an application and such other information as may be required by the Board of Selectmen by rule. The Owner of an Affordable Housing Project shall conduct at least one public meeting in the Town of Bridgton to describe the Project, the eligibility requirements of the Project, the application procedure, the first and second Preferences established by this Ordinance, and such other information as the Board of Selectmen may require by rule.

2. Deadline for Submissions of Housing Applications. The deadline for submission of applications shall be at least 60 days following the publication of the required notice and at least 30 days following the public meeting. Application forms shall be made available from the Owner, at the public meeting and at the Bridgton Town office. Applications shall be made available at the Bridgton Town Office from the date of notice publication until the deadline for filing applications.
3. Review and Approval of Applications. The Owner of an Affordable Housing Project subject to this Ordinance shall review the applications and, for 50% of the Affordable Housing Units, shall give first and second Preference to those otherwise qualified applicants who are eligible for a Preference under Article IV of this Ordinance, provided that in reviewing the applications, the Owner of the Affordable Housing Project shall be entitled to reasonably rely on the accuracy of statements made by applicants in their applications. The Owner shall select by date of application the prospective purchasers,

lessees, tenants or occupants of 50% of the Units from the pool of otherwise eligible applicants who are eligible for a first and second Preference. Nothing contained herein shall prevent an applicant who is eligible for a Preference from applying for one of the remaining Units in the Project that is not subject to a Preference under this Ordinance. If the number of otherwise eligible applicants applying for a first and second Preference is less than 50% of the number of available Units, the Owner may fill all the remaining Units in the Project with otherwise eligible applicants who are not entitled to a Preference.

4. Report. Prior to the initial sale, lease, rent or occupancy of the Units in an Affordable Housing Project subject to this Ordinance, the Owner shall submit a signed written report to the Code Enforcement Officer of the Town of Bridgton describing the procedures that have been followed by the Owner to implement the Preferences established under Article IV and to comply with the requirements of this Ordinance and any rules that may be adopted by the Board of Selectmen under this Ordinance.
5. Certificate of Compliance. If the Code Enforcement Officer determines that the Owner has complied with the requirements of this Ordinance and any rules that may be adopted by the Board of Selectmen under this Ordinance, the Code Enforcement Officer shall issue a Certificate of Compliance to the Owner of the Affordable Housing Project.
6. Optional Advance Approval of Owner's Implementation Plan. At least 60 days prior to publishing the Notice of Availability required under paragraph 1, the Owner of an Affordable Housing Project to be developed, constructed, converted or otherwise established in the Town of Bridgton may, but is not required to, submit for optional advance approval an Owner's Proposed Implementation Plan for compliance with this



Ordinance to the Code Enforcement Officer. The Code Enforcement Officer shall have 30 days from submission of the Owner's Proposed Implementation Plan, to give advance approval of the Plan, give advance approval of the Plan with conditions, or disapprove the Plan. If the Code Enforcement Officer gives advance approval of the Plan or gives advance approval of the Plan with conditions, and the Code Enforcement Officer subsequently determines that the Owner has followed the Implementation Plan and applicable conditions, in implementing the Preferences established under Article IV and complying with the requirements of this Ordinance and any rules that may be adopted by the Board of Selectmen, the Owner shall be entitled to a Certificate of Compliance under this Article.

VIII. Prohibition. No Unit in an Affordable Housing Project for which a building permit is to be issued by the Town of Bridgton after January 1, 2014 shall be sold, leased, rented or occupied, until the Owner has been issued a Certificate of Compliance under this Ordinance by the Code Enforcement Officer.

IX. Penalty. An Owner who permits a Unit in an Affordable Housing Project subject to this Ordinance to be sold, leased, rented or occupied without a Certificate of Compliance under this Ordinance from the Code Enforcement Officer shall be liable for a civil penalty of up to One Thousand Dollars (\$1,000) per day for each day that the violation continues.

X. Enforcement. This Ordinance may be enforced by the Municipal Officers of the Town of Bridgton who may seek the civil penalty prescribed in Article IX and other injunctive and equitable relief.

XI. Definitions.

1. “Affordable Housing Unit” or “Unit”. A dwelling unit in an Affordable Housing Project that is restricted to persons who meet certain age, disability, income or other eligibility criteria as required by a governmental, quasi-governmental or other authority in order to qualify for federal or State housing subsidies or tax credits.
2. “Affordable Housing Project” or “Project”. A multi-family project comprised of ten or more dwelling units developed, constructed and/or owned by an agency or instrumentality of the United States, the State of Maine, a quasi-municipal or non-profit corporation, or other public or private entity, that is financed in whole or in part through federal or State housing subsidies or tax credits, and in which a certain number of Units are restricted to persons or households that meet certain age, disability, income, or other demographic criteria.
3. Employee. A person who is currently employed, or who has accepted a written offer of employment, from the Town of Bridgton or a business, social service agency, non-profit organization or other person whose employment is based in the Town of Bridgton.
4. Family Member. A person related to another by blood, marriage, adoption, or registered domestic partnership as parent-child, grandparent-grandchild, spouse, or domestic partner. For purposes of this definition, step-parents and step-children shall be considered as parents and children.
5. “Owner”. The person or entity who has legal title to an Affordable Housing Project located in the Town of Bridgton, and any lessee, sublessee, managing agent or other person having the right to sell, lease, rent, or manage an Affordable Housing Project or any agent of them.

6. Preference. Favorable consideration granted to an otherwise eligible prospective purchaser, lessee, tenant or occupant of an Affordable Housing Project as provided under Article IV of this Ordinance.
7. “Town of Bridgton” or “Town”. The Inhabitants of the Town of Bridgton, a Maine municipal corporation.

Enacted: June 10, 2014

**TOWN OF BRIDGTON  
ALARM SYSTEMS ORDINANCE**

**ARTICLE I. TITLE, PURPOSE AND DEFINITIONS**

**Section 1. TITLE**

This ordinance shall be known and be cited as the "Alarm Systems Ordinance for the Town of Bridgton, Maine."

**ARTICLE I. TITLE, PURPOSE AND DEFINITIONS**

**Section 2. PURPOSE**

The purpose of this ordinance is to establish appropriate guidelines for the installation of alarm systems for notification of the Town of Bridgton's Public Safety Communications Center.

**ARTICLE I. TITLE, PURPOSE AND DEFINITIONS**

**Section 3. DEFINITIONS**

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

**Alarm Systems** - A system including any mechanism, equipment or device designed to automatically transmit or cause the transmission of a signal, message or warning from a private facility (i.e., residential or commercial) to the Cumberland County Regional Communications Center, or to cause the activation of an audible or visible device whose purpose or result is to obtain emergency response by the Town's police or fire department.

**ARTICLE II**

**Section 1. TRANSMISSION OF NON-EMERGENCY ALARMS**

A. The owner of any property that has an alarm system that causes the transmission of a non-emergency alarm more than three (3) times in any one calendar year period shall pay a fine as described in Article III Section 1 for each instance of a non-emergency alarm in excess of three (3) such alarms in any one calendar year period.

B. The owner of any property that has an alarm system that causes the transmission of two or more non-emergency alarms within a twenty-four hour period shall, upon request by the Police Chief or the Fire Chief, immediately disconnect the system and shall not reconnect it until the issue has been fully resolved.

C. Upon receipt of an alarm message or signal from an alarm system subject to the availability of manpower and equipment, the Town will cause to be dispatched representatives of the Department of Public Safety to the alarm location to take appropriate action. If the premises in which the alarm system is installed appear to be secure and there is no evidence to indicate that there is an emergency situation requiring the presence or action of the Department of Public Safety, the Town's obligation shall have been discharged upon the completion of one telephone call to the alarm company reporting the alarm to ascertain if a key holder will be responding to the location of the alarm.

**ARTICLE III - FINES & PENALTIES**

**Section 1. FINES FOR EXCESSIVE TRANSMISSION OF NON-EMERGENCY ALARMS**

|                |          |
|----------------|----------|
| Burglar Alarms | \$100.00 |
| Fire Alarms    | \$100.00 |

**ARTICLE III - FINES & PENALTIES**

**Section 2. PENALTY**

Whoever violates any of the provisions of this Ordinance shall, upon conviction therefore, be punished by a fine of \$100.00 dollars per each offense that occurs during the same calendar year.

Enacted in 1987.  
Revised: 1993, 3/1/94, 7/1/07 and 6/10/14.

**TOWN OF BRIDGTON  
ANTI-LITTER ORDINANCE**

Section 1.

No person shall distribute, scatter abroad, deposit or cause to be deposited in or upon the streets, sidewalks, and footpaths or vehicles within the town, hand bills, paper, straw, rubbish offal, or other waste material, or deposit or cause to be deposited any such waste material on the grounds, except in such places as shall be designated by the proper officials.

Section 2.

No vehicle shall be driven or moved on any street or highway, nor shall any owner of any vehicle knowingly permit such vehicle to be driven or moved on any street or highway unless such vehicle is so constructed or so loaded as to prevent its contents from spilling, dropping, sifting, leaking, or otherwise escaping therefrom, or which may be thrown about by the wind. Any load on a commercial vehicle (hauling for hire) hauling rubbish, building debris or trash must be covered. Any commercial vehicle not covered will not be allowed entrance to the Town of Bridgton Transfer Station. Any violation of the provisions of this Ordinance shall be punished by a fine of not more than \$200 nor less than \$25 for the first violation and of not more than \$500 nor less than \$100 for the second or subsequent violation with the fine to accrue to the benefit of the Town of Bridgton.

Enacted: March 1964

Re-enacted with amendments on June 9, 1993

Amended: June 9, 2004

See also 17 MRSA 2261 et seq.

TOWN OF BRIDGTON  
BEAR RIVER AQUIFER  
PROTECTION ORDINANCE

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**Town of Bridgton**  
**Bear River Aquifer Protection Ordinance**

**Section 1. Purpose**

A. To manage the groundwater recharge areas of the Bear River aquifer in order to maintain the present rate of recharge and, where possible, to enhance recharge thus ensuring a dependable water supply to the town for the future.

B. To protect the aquifer from contaminants which can reasonably be expected to accompany certain uses of land or activities, thereby maintain the aquifer's high water quality.

**Section 2. Findings**

A. The Towns of Bridgton and Harrison are fortunate in that they have access to a water supply that is both plentiful and of excellent quality. From the Bear River aquifer, the Harrison Water District draws water to serve many customers in Harrison and North Bridgton (including Bridgton Academy). The total demand from customers is 3,000,000 gallons of water per month, a rate that is consistent throughout the year. This rate of demand is significantly lower than the rate defined as being a "safe yield rate" by Robert G. Gerber, Inc.

B. Rainfall replenishes the aquifer through a process known as recharge. Increasing density of development creates impervious surfaces (areas which water cannot penetrate to reach ground water) which decrease the amount of water available for use from aquifers. Diminishing recharge also decreases the amount of water available to dilute pollutants.

C. The most likely sources of toxic water pollution are not necessarily large industries, but often small businesses such as gas stations, dry cleaners, and automotive shops. Other pollution problems result from elevated concentrations of nitrates, and are linked to more common land uses such as household septic systems and use of fertilizers for agriculture.

D. W. Bradford Caswell, after completing a hydro geological study of the Bear River Aquifer in the summer of 2000 states: "A overlying glacial-marine clay layer tends to protect the geographically small aquifer from accidental surface spills of contaminants. The Water District currently owns much of the land overlying the aquifer. Establishment of the travel-time boundaries for control of certain land uses will provide still more protection of the aquifer from contaminants introduced at or near land surface. Most importantly, however, this investigation and analysis show without a doubt that the Bear River is your primary source of groundwater recharge when the aquifer is pumped, and that maintenance of high quality river water through protection of the Bear River Watershed from



introduction of potential contamination substances is of the utmost importance to the Water District and its customer. Commonsense land use control measures to ensure that the present high quality of river water is not diminished in future years are required.

E. Changes in the Federal Drinking Water Standards may require utilities now using surface water supplies to undertake additional treatment processes, which could entail significant future costs. Maintaining the high quality of underground water sources such as the Bear River Aquifer, including potential well points less influenced by the river itself, will give the Harrison Water District flexibility in the future when considering options for the efficient delivery of clean drinking water.

### **Section 3. Definitions**

Definitions from Bridgton's Shoreland Zoning Ordinance and Subdivision Guidelines shall apply unless the definitions below are more restrictive.

**Agriculture:** The cultivation of soil, producing or raising of crops, for commercial or other purposes, on more than one acre. The term shall also include tree, plant and shrub nurseries and versions thereof.

**Animal Husbandry:** Keeping of more than 5 animal units (1 animal unit represents 1,000 pounds of live animal weight).

**Aquifer:** A saturated body of soil or rock that will yield economically significant quantities of water to wells and springs. Aquifers that yield over 10 gallons per minute are considered "high yield" aquifers. The estimated yield of the Bear River Aquifer is 50 gallons per minute and over.

**Automobile Graveyard:** as defined by 30-A M.R.S.A. Section 3752.

**Commercial Animal Feedlots:** A lot, building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals for commercial purposes and specifically designed as a confinement area in which manure may accumulate. Pastures shall not be considered animal feedlots under this ordinance.

**Commercial Use:** A business in which the principal use is the sale of goods and/or services to the general public or other businesses. Indoor storage of goods and equipment is permitted as an accessory use. Outdoor storage and uses that fit the definition of industrial use are not included in this definition.

**Cone of Depression (or Drawdown Cone):** A depression that is created by a well in the potentiometric surface of a body of groundwater and that has the shape of an inverted cone and develops around the well from which water is being drawn.

**Disposal:** The discharge, deposit, injection, dumping, spilling, leaking, incinerating, or placing of leachable materials in or on any land or water.

**Dog Kennel** - Possession of more than 3 dogs on any one property constitutes a kennel.

**Drawdown:** The difference between the elevation of static water elevation and of the water table at that point when the well is being pumped.

**Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. This term shall not include hotels, motels, and bed and breakfast establishments without cooking facilities in individual rooms or suites.

**Engineered Subsurface Disposal System:** A system or a combination of individually or jointly owned systems which serve a single building or group of associated buildings with a total design flow in excess of 2,000 gallons per day. Examples include condominium projects and clustered systems serving residential dwellings. Residential dwellings with individual systems shall not be included.

**Full Hydro geological Study:** A study done by a Maine licensed geologist or hydro geologist that analyzes the subsurface geology of a site, particularly as it relates to groundwater characteristics, also assesses the impact a proposed subsurface waste disposal system or other activity will have on the quality of this groundwater.

**Hazardous Material:** Any gaseous, liquid or solid materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

**Home Occupation:** An occupation or profession carried out for gain by a resident and conducted as an accessory use in or about the residential dwelling unit. To be considered a home occupation and not a commercial business, the home occupation must be secondary and incidental to the primary use of the premises as a residence, be carried on wholly within the principal structure or accessory structures hereto and be conducted primarily by a member or members of the family residing in the dwelling unit.

Examples of Home Occupations include:

1. Beauty shops
2. Office of physician or dentist
3. Day care center
4. Woodworking

The term does not include auto repair or auto body shops.

**Impervious Surface:** Natural or man-made material on the ground that does not allow water to penetrate into the soil. Impervious surfaces consist of all buildings, paved parking lots, driveways, roads and sidewalks, and any area of concrete, asphalt, plastic, metal or gravel.

**Industrial Use:** A use that involves the mechanical transformation of materials into new products, including manufacture, compounding, assembly or treatment of articles or materials.

**In-Law Apartment:** Separate living quarters included in an existing single-family residence for use by parents, grandparents, or dependents. An in-law apartment shall not be considered an additional dwelling unit if no expansion of the structure takes place to accommodate the apartment.

**Junkyards:** As defined by 30-A M.R.S.A. Section 3752

**Leachable Material:** Liquid or solid materials that are capable of releasing harmful contaminants.

**Multi-family Dwelling:** A structure that houses two or more dwelling units as defined.

**Off Road Vehicle:** Any vehicle not manufactured for on highway use and intended for recreational purposes.

**Petroleum:** Oil, gasoline, petroleum products and their by-products, and all other hydrocarbons which are liquid under normal atmospheric conditions.

**Primary Recharge Area:** The area contributing most directly to the groundwater source. For the purpose of this ordinance, the primary recharge area is that area within the Town of Harrison identified in the Robert G. Gerber report as "Maximum Primary Recharge Area". The primary recharge area also includes the lateral limits of the aquifer, which is defined as the area of glacial outwash that extends approximately 1,000 feet to either side of the Bear River.

**Recharge Area:** The area of land or water that contributes water to an aquifer. For the purpose of this Ordinance, the recharge area of the Bear River aquifer is comprised of a primary and secondary recharge area.

**Safe Yield:** The amount of water that can be withdrawn annually from a groundwater source without producing an undesirable effect. Undesirable effects include depletion of groundwater reserves, intrusion of low quality water, contravention of water rights and others, such as depletion of stream flow and land subsidence.

**Secondary Recharge Area:** The area contributing less directly than the primary recharge area but which constitutes a significant percentage of total recharge to the aquifer. For the purpose of the

Ordinance, the secondary recharge area shall consist of the drainage area of the Bear River in Harrison and Bridgton as established by topographical high points, excluding the area defined as the primary recharge area.

**Single-family dwelling:** A dwelling designed for or occupied exclusively by one family.

**Sludge:** Residual materials produced by water or sewage treatment processes and by septic tanks.

**Solid Waste:** Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk and refuse.

**Toxic Substance:** Any substance that has the capacity to produce injury, or illness to humans through ingestion, inhalation, or absorption into the body.

**Watershed:** The area of contribution to a surface water body. It is defined by topographic high points.

#### **SECTION 4. DISTRICT BOUNDARIES**

A. For the purposes of this Ordinance, and in order to carry out its regulations, the Bear River Aquifer Protection District shall be delineated on a tax map titled "Aquifer Protection District Map: Town of Bridgton".

B. A copy of said map will be available for inspection in the Town Office and shall be updated as new information relevant to the criteria listed below, provided by a Maine licensed geologist, warrants that it be changed.

C. The Aquifer Protection District includes two sub districts.

1. District A consists of the primary recharge area for the aquifer within the Town of Bridgton as defined herein.

2. District B consists of the watershed of the Bear River within the Town of Bridgton as determined by U.S.G.S. maps, exclusive of District A. This area constitutes a secondary recharge area.

D. Revisions to Map

1. Where the bounds of Aquifer Protection District, or the position of a site in relation to the District, is in dispute, the burden of proof shall be upon the owner(s) or occupier(s) of the land in questions to show where they should be properly located.

2. The Aquifer Protection District Map may be amended by referendum. Amendments must comply with Title 30A §4352. No changes to the Aquifer Protection District Map shall be made until the

Planning Board holds a public hearing. Notice must be published at least 2 times in a newspaper of general circulation in the Town of Bridgton and to all abutters of affected property. The date of the first publication must be at least 12 days before the hearing and the date of the 2<sup>nd</sup> publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area. At said hearing the Planning Board shall hear evidence demonstrating why the boundary of the Aquifer Protection District or sub district shall be changed. Evidence shall include a report from a geologist licensed in the State of Maine with proven experience in hydrogeology. The Board shall also notify the Harrison Water District of the hearing at least fourteen (14) days prior to the date of the hearing. Within thirty (30) days of the hearing, the Planning Board shall decide whether to recommend to the Selectmen that the proposed Aquifer Protection Map amendment be placed on the next Annual Town Meeting Warrant.

3. Any time the Aquifer Protection Map is revised, the date of adoption of the revised map by town meeting and the signature of the Town Clerk certifying the revision shall be noted on the map.

#### E. Revision(s) to The Ordinance

1. This Ordinance may be amended by referendum. Amendments must comply with Title 30A §4352. No changes to the Aquifer Protection Ordinance shall be made until the Planning Board holds a public hearing. Notice must be published at least 2 times in a newspaper of general circulation in the Town of Bridgton. The date of the first publication must be at least 12 days before the hearing and the date of the 2<sup>nd</sup> publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area. At said hearing, the Planning Board shall hear evidence pertaining to the proposed changes. The Board shall also notify the Harrison Water District at least 14 days prior to the hearing. Within 30 days the Planning Board shall decide whether to recommend to the Board of Selectmen that the proposed changes be placed on the next Annual Town Meeting Warrant.

### SECTION 5. DISTRICT USE AND SPACE STANDARDS

#### A. Uses of Land within Districts A and B

| Land Use              | Zone A | Zone B |
|-----------------------|--------|--------|
| <b>1. Residential</b> |        |        |
| Accessory uses        | P      | P      |
| Single-family homes   | P      | P      |
| Home occupations      | PB     | PB     |

|                    |    |    |
|--------------------|----|----|
| Multi-family homes | X  |    |
| PB                 |    |    |
| In-Law apartments  | PB | PB |

## 2. Commercial

|  |   |    |
|--|---|----|
| Agriculture                                | P | P  |
| Animal husbandry other than commercial     |   |    |
| animal feed lots                           | X | PB |
| Boat, small engine & motor vehicle service |   |    |
| & repair                                   | X | PB |
| Campgrounds                                | X | X  |
| Car washes                                 | X | X  |
| Commercial uses with non-domestic          |   |    |
| waste streams                              | X | X  |
| Dry cleaning establishments                | X | X  |
| Forestry/timber harvesting subject to the  |   |    |
| performance standards of the Town's        |   |    |
| Shoreland Zoning Ordinance within 250'     |   |    |
| of Bear River                              | P | P  |
| Furniture Stripping                        | X | X  |
| Gas Stations                               | X | X  |
| Kennels                                    | X | X  |
| Photo processors                           | X | X  |
| Truck Terminals                            | X | X  |

## 3. Industrial

|   |   |    |
|---|---|----|
| Sand and gravel extraction              | X | PB |
| Junkyard/Automobile graveyard           | X | X  |
| Manufacturing                           | X | X  |
| Metal plating                           | X | X  |
| Sawmills or wood processing plants      | X | X  |
| Other industrial uses with non-domestic |   |    |
| waste streams                           | X | X  |

## 4. Miscellaneous

|  |   |    |
|--|---|----|
| Cemetery                                       | X | X  |
| Disposal or storage of solid waste, hazardous  |   |    |
| materials, or leachable materials (unless      |   |    |
| specifically permitted within the district)    | X | X  |
| "Engineered" (wastewater disposal) system when |   |    |
| accompanied by a full hydro geological study   |   |    |
| and meeting the performance standards herein   | X | PB |
| Open Space                                     | P | P  |
| Outdoor recreation, except those which disrupt |   |    |
| the surfaces of hillsides or other water-      |   |    |
| shed areas                                     | P | P  |
| Foot bridge and bicycle paths                  | P | P  |
| Uncontained salt sand/salt storage piles       | X | X  |
| Wastewater disposal system                     | P | P  |
| Use of off-road vehicles                       | X | P  |

|  |    |    |
|--|----|----|
| Public utilities   | PB | PB |
| Contained salt, sand/salt storage piles  | X  | X  |
| Roads and parking areas within impervious surface standards  | P  | P  |
| Application of chemical fertilizers, herbicides or pesticides on more than 1 acre of land  | X  | PB |
| Application of chemical fertilizers, herbicides or pesticides on more than 5 acres of land   | X  | X  |
| Demolition/stump dumps   | X  | PB |
| Subsurface storage of petroleum and other refined petroleum products with the exception of household heating oil where the underground storage tank is in full compliance with volume 2 of the Code of ME Rules, 4th Printing, DEP Bureau of Oil and Hazardous Materials, Chapter 691 Regulations for...Underground Storage Facilities | X  | X  |
| Petroleum storage for commercial or industrial use   | X  | X  |
| Land application of manure on 1 acre or more of land   | X  | X  |
| Non-residential pipelines for transmission of oil, gas, or hazardous materials   | X  | X  |
| Aerial spraying of herbicides, pesticides  | X  | X  |

X = Non permitted

P = Permitted (Provided that performance standards contained in Section 8 of this Ordinance are met)

PB = Requiring Planning Board review according to the procedures and standards contained in the Town of Bridgton Site Plan Review Ordinance.

#### B. Space Standards within Zone A

1. Minimum Lot Size: 120,000 square feet
2. Maximum Density: One dwelling unit per 120,000 square feet
3. Minimum Road Frontage: 250 feet per lot. Road frontage may be measured at the building setback line for lots on cul-de-sacs.
4. Minimum Setbacks
  - a. Street - 50 feet
  - Side and rear: 20 feet
5. Maximum lot coverage with impervious surface: 10%
6. Setbacks from Bear River:
  - a. Building - 100 feet
  - b. Wastewater disposal - 200 feet
 Replacement system - as close to 200 feet as lot will allow.

#### C. Space Standards within Zone B

1. Minimum Lot Size: 40,000 square feet
2. Maximum Density: One dwelling unit per 40,000 square feet
3. Minimum Road Frontage: 150 feet per lot, plus 50' for each additional dwelling unit beyond the first. Road frontage may be measured at the building setback line for lot on cul-de-sacs.



4. Minimum setbacks:
  - a. Building: Front: 50 feet  
Side and Rear: 20 feet
  - b. River: 100 feet
  - c. Septic: New Construction - 200 feet from river  
Replacement system - as close to 200 feet as lot will allow
5. Maximum lot coverage with impervious surface: 30%

## **Section 6. ADMINISTRATION AND ENFORCEMENT**

### **A. Enforcement**

1. No activity or land use may be conducted in Zone A or B except in accordance with these provisions. Failure to conform with these provisions shall constitute a violation and shall be subject to penalties and actions set forth in this Ordinance.

2. In reviewing subdivisions and site plans located entirely or partially within the Aquifer Protection Districts, the Planning Board shall apply the requirements and standards of this Ordinance to those of the Subdivision Regulations or Site Plan Review Ordinance.

3. For areas within Aquifer Protection Districts that are governed by the Shoreland Zoning Ordinance, the more restrictive standards shall be applied.

4. If any portion of a lot is located in Zone A or Zone B, all the land located in Zone A shall be governed by the regulations for Zone A, and the land located in Zone B shall be governed by the regulations for Zone B.

5. Individuals proposing uses listed a permitted in Section 5 shall submit all applicable information required in Section 7 (submission requirements) to the CEO with a building permit application. The CEO shall review this information to determine whether the proposed use or dwelling meets the requirements of the Aquifer Protection District, The CEO shall notify the Chairman of the Planning Board and the Chairman of the Harrison Water District Trustees of any applications for uses proposed in the Aquifer Protection District. The Harrison Water District Board of Trustees will have 30 days from postmarked date to review the application before the permit is issued by the Code Enforcement Officer.

6. The Planning Board (hereafter referred to as "the Board") shall review all other proposed uses requiring review listed in Section 5.

a. The Planning Board may consult other local boards or groups regarding uses or development in the Aquifer Protection District such as the Conservation Commission.

b. The Board may require an applicant to submit a hydro geological study examining the potential impact of the proposed use on



groundwater quality. The study must be prepared by a State Certified Geologist with proven experience in hydrogeology. The Board may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant.

c. The Board shall notify the Harrison Water District of any applications for uses proposed in the Aquifer Protection District. The Board shall request Water District review of the development or use as a condition of its approval.

d. Such information requested by the Board from outside parties shall be incorporated into the public record and be made available to the applicant.

e. The Board shall, after a public hearing with due notice, approve, deny, or approve with conditions an application if it makes a positive finding, based on the information presented, that:

The proposed use meets the specific requirements set forth in this ordinance and will be in compliance with all applicable state and federal laws;

The proposed use meets all applicable performance standards;

The proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone A;

Control measures proposed to prevent adverse impacts on water quality are adequate and reliable;

The use will not involve disposal of solid waste, hazardous materials, or leachable materials as prohibited under the terms of this District;

Petroleum stored-on-site will be properly contained so as to prevent contamination of the groundwater by leaks or spills.

7. The Code Enforcement Officer shall enforce the provisions of the Aquifer Protection District. The Code Enforcement Officer may, at reasonable hours, with the consent of the property owner, occupant, or agent enter on any property for compliance with the provisions of this District.

8. The Planning Board can require installation and regular sampling of water quality monitoring wells for any use deemed to be significant actual or potential source of pollution.

a. The number, location, and depth of the monitoring wells shall be determined by a licensed engineer or hydro geologist chosen or approved by the Town in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983).

b. Results from monitoring well samples shall be submitted to the Water District with evidence showing that contaminate concentrations meet the performance standards for pollution levels.

9. For subdivisions located in the Aquifer Protection District, the Planning Board shall apply the purpose, terms, and criteria of this district to its review. The Board may require submissions of a hydro geological study, prepared by a State Certified Geologist with proven experience in hydrogeology, which examines a subdivisions impact on groundwater quality.

10. The Code Enforcement Officer is authorized to issue a cease and desist order whenever he becomes aware of violations of this Ordinance. Any person, firm or corporation being the owner of or having contract for use of any building or premises who violates this cease and desist order, or is found guilty of violating any other provisions of this Ordinance, commits a civil violation and is subject to a fine of not less than \$100 and not more than \$2,500 for each violation. Each day such a violation is permitted to exist after notification thereof shall constitute as separate offense.

## **SECTION 7. SUBMISSION REQUIREMENTS**

A. Applications for permission to carry out any activity in Zone A or Zone B shall be accompanied by a fee of \$25.00 and the following information.

1. Site Plan drawn to a scale no smaller than 1 inch equals 100 feet showing:

- a. Aquifer Protection District boundaries if they cross the parcel;
- b. boundaries of the property and abutting streets;
- c. outlines of all buildings;
- d. layout and location of access drives, parking areas and vehicular maneuvering areas;
- e. location of all petroleum storage tanks;
- f. location of buffers, landscaping, and existing vegetation which will be retained;
- g. location and description of storage areas and types of materials to be stored;
- h. location of wastewater disposal systems or public sewer facilities;
- i. location of all public and private water supplies on the property and abutting properties.

2. A description of the manner in which the applicant shall meet all applicable Performance Standards.

3. Where applicable.

a. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal

household use, and a description of measures to provide for control of spills;

b. For animal husbandry operations, a Conservation Plan, approved by the local Soil and Water Conservation District;

c. For dwellings with subsurface waste disposal systems, a completed site evaluation form (HHE-200).

4. If required by the Planning Board:

a. A map showing groundwater contours of the seasonal high water table;

b. A hydro geological study of the proposed use's impact on groundwater quality;

c. Water quality data from on-site monitoring wells;

d. Any other information needed to prove that the use will not adversely affect groundwater quality.

## **SECTION 8. PERFORMANCE STANDARDS**

All site plan and subdivision proposals and other proposals for structures, uses and activities within the Aquifer Protection District shall conform to use and space standards of the governing sub district and the following minimum levels of performance.

### **A. General Standards**

1. All such proposals shall be consistent with the need to protect the quality and quantity of Harrison's and Bridgton's groundwater supply.

2. In cases where proposed uses are not listed as permitted or prohibited uses above, the Planning Board shall make a finding on whether the use is permitted or prohibited based on its similarity or dissimilarity with listed permitted and prohibited uses.

3. Whenever possible, street, roads and parking areas shall be designed and constructed so that reduced application of road salt can occur without creating winter safety problems and so that runoff from such uses is channeled to avoid or minimize groundwater contamination.

### **B. Erosion and Sedimentation Control**

1. Erosion and sedimentation shall be minimized by adherence to erosion control management practices contained in the Environmental Quality Handbook, dated March 1986, published by the Maine Soil and Water Conservation Commission.

2. For residential subdivisions, commercial and industrial developments and other large-scale developments, a sedimentation and erosion plan prepared according to the specifications of the

Cumberland County Soil and Water Conservation District shall be submitted by the applicant.

### **C. Home Occupations**

1. Home occupations shall be accessory to a residential use and clearly incidental and secondary to the residential use of the dwelling unit.

2. No more than two (2) persons other than the residents occupying such dwelling shall be employed.

3. In no way shall the appearance of the structure be altered or the occupation be conducted in a manner which would cause the premises to differ from its residential character either in the use of colors, materials, construction, lighting, or the emission of sounds, noises, smoke, dust, glare, odors, electrical interference, heat or vibrations.

4. No traffic shall be generated by such home occupation that would be considered incompatible in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

5. Provisions must be made for adequate off street parking requirements based on the maximum number of users that the home occupation may attract during peak operating hours, the vehicles of any outside employees, and parking to meet the normal requirements of the dwelling unit.

6. Evidence shall be provided that the subsurface disposal system on the site can accommodate the wastewater generated by the home occupation.

### **D. Manure Storage**

Agricultural operations must provide manure containment facilities for manure storage. Facilities must have the storage capacity to contain one year's production and must be covered.

### **E. Preservation of Landscape**

The landscape shall be preserved in its natural state, insofar as is practicable, by minimizing tree, vegetation and soil removal, retaining existing vegetation wherever possible, and keeping grade changes consistent with neighboring areas.

### **F. Runoff**

1. For residential subdivisions, commercial and industrial developments and other large-scale developments, the developer shall submit a storm water runoff plan showing calculations for pre-development and post-development runoff for the site for a 25 year,

24 hour frequency storm, and planned runoff control measures to accommodate this storm event.

2. Unless it can be shown that an increase in runoff will have no off-site impact, peak runoff from the site in the developed state shall not be increased beyond that in the undeveloped state.

#### **G. Subsurface Waste Disposal Systems**

1. On-site waste disposal systems shall be designed and located so as to avoid or minimize groundwater contamination.

2. Disposal of hazardous or toxic materials to subsurface waste disposal systems, including organic solvents designed for cleaning septic systems is prohibited.

3. Engineered Systems in "B" Districts shall be reviewed and approved by the Division of Human Services, Health Engineering Division. In addition, the applicant shall submit to the Planning Board a full hydro geological study of the proposed engineered system.

The study shall demonstrate that the development will not increase any contaminant concentration in the groundwater to more than one-half of the Primary Drinking Water Standards adopted by the State of Maine, Department of Human Services. The study shall also demonstrate that the project will not increase any contaminant concentration in the groundwater to more than Secondary Drinking Water Standard adopted by the State of Maine, Department of Human Services.

#### **H. Sand and Gravel Extraction**

1. Pits shall not be excavated lower than five (5) feet above the average seasonal high water table.

2. Petroleum products shall not be stored in pits. Refueling and oil changes that must be conducted in the pit shall take place over containment areas constructed to contain the maximum possible spill from entering the ground.

3. Absorbent pads shall be kept on-site to be used immediately should any petroleum products be spilled on the soil.

4. No hazardous materials shall be used, stored or deposited within the excavation area.

5. Access roads into and around the pit shall not be oiled, salted, or paved.

6. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.

7. Access to the pit shall be strictly controlled at all times with locking gates, and when the operations are finished, all vehicular entrances shall be made impassable.

8. Structures and subsurface waste disposal systems shall be sited a minimum of seventy-five (75) feet from the gravel pit slopes in excess of forty (40) percent.

9. Reclamation projects shall, whenever possible, use trees for revegetation purposes.

## **SECTION 9. Nonconforming Uses**

A. Structures, uses and lots which were legally existing as of June 19, 1990 (the effective date of this Ordinance) but which do not conform to the requirements of the Ordinance shall be treated as non-conforming and may continue and be maintained, repaired and improved.

B. All expansions of structures (outside the Shoreland Zone) non-conforming because of density, lot size, frontage, or setback shall be permitted as long as they meet the other standards of this Ordinance and do not make the structure more non-conforming.

C. Expansions of nonresidential structures/facilities that are non-conforming because the use carried out within the structure or facility is prohibited by this Ordinance, shall not be permitted. In cases of undue hardship, the Board of Appeals may issue a variance for a one-time increase of no more than fifteen (15) percent of the gross floor area of the existing structure, as long as this expansion meets the other standards of this Ordinance.

D. Construction of one principal, permitted use on non-conforming lots of record legally in existence on June 19, 1990 (the effective date of this Ordinance), is permitted if all other standards of this Ordinance are met.

E. Expansion of uses or structures in excess of the impervious surface ratio shall only be permitted in cases of hardship and shall be reviewed by the Board of Appeals as variances.

## **SECTION 10. APPEALS**

### **A. Administrative Appeals**

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous

services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.

3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.



## **B. Variances**

1. In certain instances where a literal application of the standards of this Ordinance would cause the imposition of an undue hardship, as defined in M.R.S.A. Title 30-A Section 4353 as amended, upon an applicant, the Board of Appeals may grant a variance to these standards. A variance shall not be granted by the Board of Appeals unless and until a written application for a variance has been filed and reviewed by the Board of Appeals in accordance with the provision of the Bridgton Shoreland Zoning Ordinance.

## **SECTION 11. LEGAL PROVISIONS.**

### **A. Authority**

This Ordinance has been prepared in accordance with the provision of Revised Statutes of Maine, as amended.

### **B. Title**

This Ordinance shall be known and cited as the Bear River Aquifer Protection Ordinance.

### **C. Interpretation**

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

### **D. Conflict within this Ordinance or with other Ordinances**

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

### **E. Separability**

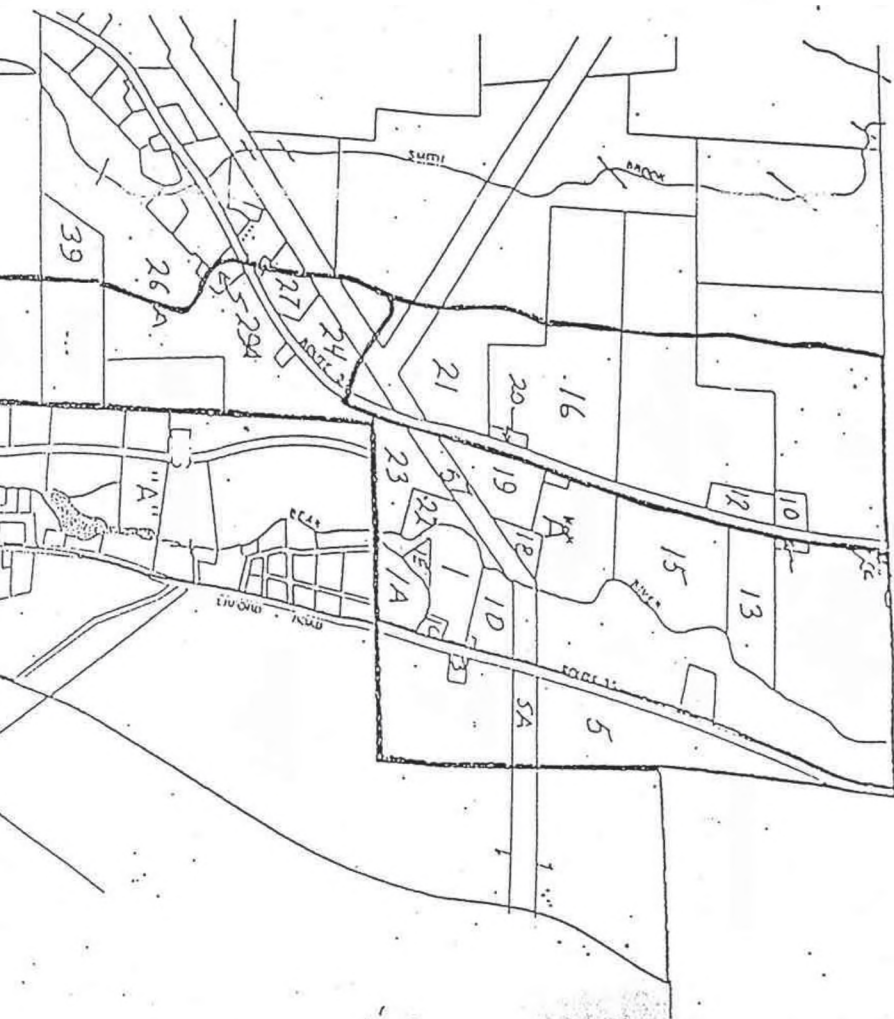
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

### **F. Effective Date**

The effective date of this Ordinance is June 19, 1990.  
Amended: June 2000, June 2007, June 10, 2014.







**TOWN OF BRIDGTON  
BICYCLE ORDINANCE**

**Section 1. DEFINITIONS**

The following terms and phrases and words when used in this Ordinance shall have the meaning ascribed to them in this section except where the content clearly indicates a different meaning.

**Bicycle** - shall mean and include a vehicle having a minimum of two (2) wheels with solid or pneumatic tires, having a steering bar, handle or wheel and propelled by human power.

**Chief** - shall mean the Chief of the Bridgton Police Department or his designee unless specified otherwise.

**Operate** - shall include any form or tense thereof, and shall mean and refer to the use, getting into action or motion, or causing to function, of a bicycle by any person mounted thereon.

**Section 2. RULES FOR RIDING AND OPERATION**

A. When two (2) or more persons are riding in a group on a roadway, they shall ride single file and as far to the right as practicable.

B. No person shall while operating a bicycle, cling or attach him/herself or the bicycle to any other moving vehicle which shall include another bicycle.

C. No person operating any bicycle shall ride other than astride a regular and permanent seat attached thereto. No person shall ride or carry another person on the handlebars of a bicycle or in such a manner as to affect the safe and proper operation of the bicycle. This section shall not be construed as prohibiting the use of an infant seat or child carrier, so-called, as long as the same is securely attached to the bicycle, its use does not affect the safe operation of the bicycle and there is an adequate restraint system, for the child, in use.

D. No person shall operate a bicycle while under the influence of intoxicating liquor or drugs.

E. No bicycle shall be operated within the period from sunset to sunrise unless the bicycle shall have a lighted headlight attached to the front of the bicycle and visible under normal atmospheric conditions for a distance of not less than two hundred (200) feet; and a red reflector or taillight clearly visible to the rear of said bicycle for a distance of two hundred (200) feet. In addition, any bicycle manufactured and originally equipped

with pedal reflectors or wheel reflectors shall be required to maintain such reflectors.

F. No person shall operate any bicycle that is not in such mechanical condition so as to be operated safely.

G. No person shall operate a bicycle on a sidewalk or pedestrian walkway.

H. No person shall operate any bicycle in other than a reasonable and prudent manner. The operator shall be required to have his/her hands on the handlebars when said bicycle is operated. No bicycle shall be operated at an unsafe speed. When operated on a public way, no person shall permit his bicycle to weave in and out of traffic lanes, except he/she may move across lanes to engage in allowed turning movements when such movements can be accomplished with a reasonable degree of safety.

I. When on a roadway, the operator of any bicycle shall conform to all traffic laws as contained in 29-A , M.R.S.A., Motor Vehicle Statutes, ordinances and regulations.

J. All bicycles shall be equipped with brakes capable of stopping said bicycle within a reasonable distance.

K. The operator of a bicycle shall ride with the flow and direction of other vehicle traffic when operating said bicycle on a roadway.

(State law reference - Bicycle regulations, 29-A, M.R.S.A. sec 2063)

(State law reference - Bicycle equipment, 29-A, M.R.S.A. sec 2084)

### **Section 3. MISCELLANEOUS PROVISIONS; PENALTY**

A. Inspections - Any officer of the Bridgton Police Department is hereby authorized to inspect any bicycle, at any time, for the purpose of making a check and/or determining the mechanical condition of the bicycle.

B. Enforcement - The Bridgton Police Department shall enforce the provisions of this Ordinance.

C. Penalties - Any person of the age of seventeen (17) or over who violates any provisions of this Ordinance shall by waiver, or adjudication, be punished by a fine of not more than thirty (\$30.00) dollars. The Chief of the Bridgton Police, or his designee when satisfied that a juvenile under the age of seventeen (17) years has violated any of the provisions of this Ordinance may impound the bicycle for a period not to exceed five (5) days for a first offense, for a period not to exceed ten (10) days for a second offense, and for a period not to exceed thirty (30) days for any subsequent offense. Georgiann

(State law reference - Similar provisions, 29-A, M.R.S.A.)

1. The parent or guardian of any juvenile under the age of seventeen (17) years who knowingly allows the operation of a bicycle in violation of any

provisions of this Ordinance may be subject to the same penalties imposed on persons of the age of seventeen (17) or over as in Section C above.

ENACTED: JUNE 11, 1997

**Town of Bridgton  
Building, Razing and Plumbing Permit Ordinance**

**Article 1. General**

**Section 1. Title and Purpose**

This Ordinance shall be known and may be cited as the "Bridgton Building, Razing and Plumbing Permit Ordinance" and will be referred to herein as "this Ordinance". Its purpose is to provide a means by which the Town of Bridgton may keep track of building, razing and plumbing activity within the Town of Bridgton.

**Article 1. General**

**Section 2. Authority**

This Ordinance is enacted pursuant to Title 30-A M.R.S.A. 3001 and 3007 and Title 22 M.R.S.A. 42 and all amendments thereto.

**Article 1. General**

**Section 3. Conflict with other Ordinances**

Where there is a conflict between this Ordinance and any other federal, state, or local rule, regulation, ordinance, statute or other restriction, the more restrictive provision shall control.

**Article 1. General**

**Section 4. Validity and Severability**

The invalidity of any section or provision of this Ordinance shall not affect the validity of any other section or provision of this Ordinance.

**Article 1. General**

**Section 5. Effective Date**

This Ordinance shall become effective as soon as it receives voter approval.

**Article 2. Definitions**

**Accessory Structure** - A subordinate structure customarily incidental to and located on the same lot as the principal structure or building, such as garage, workshop, storage facility or the like.

**Addition** - An extension or increase in floor area or height of a building or structure.

**Alteration** - A change or modification requiring a moving in the location of major structural members of buildings, such as bearing walls, columns, beams, girders, or substantial remodeling, but not to include cosmetic, decorative, appliance/fixture upgrades or maintenance of the building.

**Building** - Any structure arranged, designed, intended or used for the shelter, housing or enclosure of persons, animals, processes, equipment or property of any kind.

**Mobile** - Capable of moving or being moved.

**Principal Building** - The building in which the primary use of the lot is conducted.

**Raze** - To tear down, demolish, burn or otherwise destroy or do away with.

**Relocate** - To move a building to another position or location on the same or a different lot.

**Repair** - To restore a building to sound condition.

**Replace** - To put back in place, or to substitute something which is not structurally sound for something which is sound.

**Substantial Completion** - Completion of seventy percent (70%) of the project, measured as a percentage of the total project amount.

### **Article 3. Approval Required**

#### **Section 1. Permit**

Prior to starting any construction, placement, replacement, remodeling, relocating, ~~or~~ razing, plumbing i.e.; internal, external or Subsurface Wastewater Disposal of any principal building, accessory structure, mobile accessory structure or part(s) thereof, the property owner or agent thereof shall obtain from the Code Enforcement Officer a permit covering the proposed project.

### **Article 3. Approval Required**

#### **Section 2. Application**

The application for the permit shall be presented in writing on the appropriate form(s) to the Code Enforcement Officer. The application shall contain a description of the proposed project and shall identify the owner of the building or lot and who is to do the work.

**Article 3. Approval Required**  
**Section 3. Approval**

The Code Enforcement Officer, after reviewing the application, shall either issue the requested permit or notify the applicant of the reasons for non-issuance.

**Article 3. Approval Required**  
**Section 4. Expiration**

All building permits issued expire one year from date of issuance. All plumbing permits ie; internal, external or Subsurface Wastewater Disposal, expire two years from date of issuance.

**Article 3. Approval Required**  
**Section 5. Renewal**

Renewal of a building permit is required by the Code Enforcement Officer if the project activity has not been substantially completed within one (1) year.

**Article 3. Approval Required**  
**Section 6. Application Charges**

All application(s) shall be accompanied by a fee as provided in the Town Fee Schedule which may be amended from time to time by the Board of Selectmen. The initial building permit fee also covers a one-time building permit renewal.

**Article 3. Approval Required**  
**Section 7. Display of Permit**

The building permit shall be displayed conspicuously on or adjacent to the project site, clearly visible from the principal traveled street or way and shall remain displayed until the work is completed.

A building permit issued for a mobile accessory structure will be assigned a number. The assigned number must be affixed in a visible and permanent location on the mobile accessory structure for identification purposes.

**Article 4. Mobile Accessory Structures**

Any and all mobile accessory structures i.e.; box trailer(s), mobile homes, motor homes (R.V.'s), buses, or the like used for the purpose of storage must be located on the same lot and must



#### **Article 4. Mobile Accessory Structures (continued)**

be associates with the principal structure or use, building or business.

The mobile accessory structure shall not remain on the site for more than 90 days from the date of the permit authorizing it, at which time it must be removed.

Exempted are trailers commonly used to transport recreational personal property including but not limited to snowmobile(s), boats, ATV's, motorcycle(s), which are actively used to store such personal property which is in serviceable condition.

#### **Article 5. Exemptions**

The following will be exempt from this Ordinance:

1. Maintenance of the building(s), such as but not limited to, insulation, plumbing, painting, re-roofing, making more efficient with items like replacement doors or windows.
2. Enclosure of a pasture or area with a fence.
3. Projects, when in the total concept do not exceed \$900.00 as measured in fair market value (labor and materials).

#### **Article 6. Enforcement**

##### **Section 1. Violations and Enforcement**

The Code Enforcement Officer, upon finding that any provision of this Ordinance or any condition of a permit issued under this Ordinance is being violated, is authorized to institute legal proceedings to enjoin violations of this Ordinance.

#### **Article 6. Enforcement**

##### **Section 2. Fines**

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

Current penalties include fines of not less than \$100.00 or more than \$2,500.00 per violation for each day that the violation continues.

## Article 7. Appeal

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.

3. Appeals from decisions of the CEO shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO for further proceedings.

4. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

5. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

6. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Enacted: June 9, 1993

Amended: June 14, 2005 and June 12, 2007

## TOWN OF BRIDGTON CATV ORDINANCE

### TITLE I: PURPOSE

An Ordinance providing for Town regulation and use of the community antenna television system including its construction, operation and maintenance in, along, upon, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof and additions thereto in the Town of Bridgton, including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation in the Town of Bridgton of the community antenna television system and to provide conditions accompanying the grant of franchise: and providing for the Town regulation of CATV operation.

### TITLE II: DEFINITIONS

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

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

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

### TITLE III: FRANCHISE REQUIRED

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

### TITLE IV: FRANCHISE CONTRACT

The Bridgton Board of Selectmen may contract on such terms, conditions and fees as are in the best interest of the municipality and its residents with one or more Cable Television Companies for the operation thereof for a period not to exceed fifteen (15) years.

Passed at Public Hearing held Tuesday, September 28, 1982 at 7:30 PM.

**TOWN OF BRIDGTON  
CIVIL EMERGENCY PREPAREDNESS ORDINANCE**

The Town of Bridgton, Maine Ordains:

Article 1. OFFICE OF CIVIL EMERGENCY PREPAREDNESS.

Section 1. Short Title

This Ordinance shall be known and may be cited and referred to as the "Civil Emergency Preparedness Ordinance of the Town of Bridgton." Authorized under Title 37-B MRSA § 781-834 as enacted by P.L. 1983, c. 460.

Section 2. Intent and Purpose

A. It is the intent and purpose of this ordinance to establish an office that will insure the complete and efficient utilization of all of the Town's facilities to combat disaster as defined herein.

B. The Bridgton Office of Civil Emergency Preparedness will be the coordinating agency for all activity in connection with Civil Emergency Preparedness.

C. This Ordinance will not relieve any Town Department of its normal legal responsibilities or authority, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

Section 3. Definitions

(1) The following definitions shall apply in the interpretation of this ordinance.

(A) Civil Emergency Preparedness. "Civil emergency preparedness" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy attacks, sabotage, riots or other hostile action, or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, fire fighting, police, medical and health, emergency welfare, rescue, engineering, warning and communications service; evacuation or person from stricken areas; economic stabilization; allocation of critical materials in short supply; emergency transportation; existing or properly assigned functions or plant protection; other activities related to civilian protection and other

activities necessary to the preparation for the carrying out of these functions.

(B) Disaster. "Disaster" means the occurrence of widespread or sever damage, injury or loss of life or property resulting from any natural or man-made cause, including, but not limited to, fire, flood, earthquake, wind, storm wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, critical material shortage, infestation, explosion, said occurrence being of significant scope as to exceed the normal ability of the Town's resources to mitigate, respond to or recover from.

(C) Emergency. "Emergency" is defined as any event which threatens to or actually inflicts damage to people or property, and required immediate action to mitigate, prevent control, or from which to recover beyond the scope of the normal resource of the town.

(D) "Civil Emergency Preparedness Forces" shall mean the employees, equipment and facilities of all Town departments, boards, institutions and commissions; and, in addition it includes all volunteer personnel equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

(E) Civil Emergency Preparedness Volunteer" shall mean any person duly registered, identified and appointed by the Coordinator of the Office of Civil Emergency Preparedness activity.

(F) "Director" shall mean the Director of the Bridgton Office of Civil Emergency Preparedness, appointed as prescribed in the Ordinance.

(G) Local: restricted to the geographic boundaries of Bridgton or Bridgton and the municipalities adjacent to it.

#### Section 4. Organized and Appointments

(1) An office of Civil Emergency Preparedness is hereby established within the executive department of the Town government and under the direction of the Town Manager.

(A) Organization. The Town Manager is hereby authorized to organize the Office of Civil Emergency Preparedness, utilizing to the fullest extent possible the existing agencies within the Town.

(B) Administration and operation.

(1) There shall be an executive head of the Office of Civil Emergency Preparedness, who shall be known as the Civil Emergency Preparedness Director. The Director shall be appointed by the Town Manger subject to approval by the Board Selectmen and work under the direction of the Town Manager.

(2) In addition to the Director, the office shall include such other assistants and employees as are deemed necessary for the proper functioning of the organization. Any necessary employee shall be hired by the Director with the consent of the Town Manager.

(3) The Office of Civil Emergency Preparedness shall operate according to this ordinance and regulations which shall be approved by the Bridgton Selectmen, and which may be amended from time to time by the Selectmen. No regulations or amendment shall be approved or adopted by the Selectmen during a declared emergency.

Section 5. Emergency Proclamation. Whenever a local disaster exists or appears imminent, the Town Manager, or in the event of his absence, the designated acting Town Manager shall, by proclamation, declare that fact and that an emergency exists in the municipality. A copy of the proclamation shall be posted in the same manner as the warrant calling a town meeting and a copy of the proclamation shall be filed with the Clerk. Local representatives of the media shall be contacted and informed about the proclamation as soon as possible.

Section 6. Emergency Powers and Duties.

(1) During any period when a local disaster has been proclaimed or when the Governor has proclaimed a disaster pursuant to 37-B § 742, the Town Manager or his designate may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but not be limited to, the following:

(A) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of Civil Emergency Preparedness forces, or to facilitate the mass movement of persons from critical areas within or without the Town.

(B) Regulations pertaining to the movement of persons from areas deemed hazardous or vulnerable to disaster.

(C) Such other regulations necessary to preserve public peace, health and safety.

(2) The Town Manager may obtain vital supplies, equipment and other properties found lacking and needed for the protection of

health, life and property of the people, and bind the Town for the fair value thereof.

(3) The Town Manager or his designate may require emergency services of any Town Officer or employees. If regular Town forces are determined inadequate, the Director may require the services of such other personnel as he can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges immunities provided by state law, the Town Charter and Ordinances for regular town employees and other registered and identified Civil Emergency Preparedness and volunteer disaster workers.

Section 7. Termination of Emergency. Whenever the Town Manager, or his designate, is satisfied that a local emergency or disaster no longer exists, he shall terminate the emergency proclamation by another proclamation. That proclamation shall be published in a local newspapers and posted in the same manner as the warrant calling a town meeting. Local representatives of the media shall be informed of the termination of the emergency as soon as possible.

Section 8. Duties of the Director of the Office of Civil Emergency Preparedness.

(1) The Director of the Office of Civil Emergency Preparedness shall be responsible to the Town Manager in regards to all phases of the Civil Emergency Preparedness activity. Under the supervision of the Manager, he shall be responsible for the planning, coordination, and operation of the Civil Emergency Preparedness activity in the Town. Under supervision of the Manager, he shall maintain liaison with the County, State and Federal authorities and the authorities of other nearby political sub-divisions as to insure the most effective operation of the Civil Emergency Preparedness Plan. His duties shall include, but not be limited to the following:

(A) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for Civil Emergency Preparedness purposes.

(B) Development of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Town for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.

(C) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the Civil



Emergency Preparedness purposes and designating suitable buildings as public shelters.

(D) Through public informational programs, educating the civilian population as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present.

(E) Conducting public practice alerts to insure the efficient operation of the Civil Emergency Preparedness forces and to familiarize residents with Civil Emergency Preparedness regulations, procedures and operations.

(F) Coordinating the activity of all other public and private agencies engaged in any Civil Emergency Preparedness activity.

(G) Assuming such authority and conducting such activity as the Manager may direct to promote and execute the Civil Emergency Preparedness Plan.

#### Section 9. Civil Emergency Preparedness and Basic Disaster Plan.

(1) A comprehensive Civil Emergency Preparedness Emergency Operations Plan shall be adopted and maintained by resolution of the Selectmen upon recommendation by the Town Manager.

#### Section 10. Violation of Regulations.

It shall be unlawful for any person to violate any of the provisions of this Ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder, or delay any member of the Civil Emergency Preparedness organization as herein defined in the enforcement of the provisions of this Ordinance or any regulation or plan issued thereunder.

Any person, firm, or corporation violating any provision of this Ordinance, or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than \$100. dollars, and costs of prosecution or imprisonment in the Cumberland County Jail for a period of not more than ninety (90) days or both such fine and imprisonment, is the discretion of the Court.

#### Section 12. Severability.

Should any provisions of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this Ordinance, as a whole, it being the

legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

Section 13. Conflicting, Ordinances, Orders, Rules and Regulations suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this Article shall be in effect, they shall supersede all existing ordinance, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 14. Effective Date.

This Ordinance shall take effect on the 1<sup>st</sup> day of July 1987.

**TOWN OF BRIDGTON  
CONSUMER FIREWORKS USE ORDINANCE**

**ARTICLE I. PURPOSE**

**Section 1.1. - Purpose**

The purpose of this article is to regulate the hours that consumer fireworks may be used in the Town of Bridgton. This Ordinance does not regulate State permitted fireworks shows.

**ARTICLE II. AUTHORITY**

**Section 2.1 - Authority**

This Ordinance is adopted and hereafter amended pursuant to and consistent with Title 8 M.R.S.A. §223-A.2.

**ARTICLE III. DEFINITIONS**

**Section 3.1 - Consumer Fireworks**

As used in this Ordinance, "Consumer Fireworks" means any firework that is authorized by the State of Maine for sale to the general public.

**Section 3.2 - Weekend**

As used in this Ordinance, the "Weekend" is the period from 5:00 P.M. Friday through 10:00 P.M. Sunday.

**ARTICLE IV. TIME OF DAY THAT CONSUMER FIREWORKS MAY BE UTILIZED**

**Section 4.1**

Consumer fireworks may be utilized between the hours of 9:00 A.M. and 12:30 A.M. on the following dates:

- A) The 4<sup>th</sup> of July
- B) The weekend following the 4<sup>th</sup> day of July
- C) The 31<sup>st</sup> of December
- D) When the 4<sup>th</sup> of July falls on a Monday, Consumer Fireworks may be used the preceding week end.

**Section 4.2**

With the exception to Section 4.1, consumer fireworks may be used between the hours of 9:00 A.M. and 10:00 P.M. during daylight savings time. After the end of the daylight savings time, consumer fireworks may be used between 9:00 A.M. and 9:00 P.M.

### **Section 4.3**

A person may use consumer fireworks only on that person's property or on the property of another person who has consented in writing to the use of consumer fireworks on that property. The written permission shall contain the name and contact information for the property owner.

## **ARTICLE V. PENALTY**

### **Section 5.1**

Violation of this Ordinance shall be punishable by a fine of \$50 for the first offense, \$250 for the second offense, \$500 for the third or subsequent offenses.

## **ARTICLE VI. EXCEPTIONS**

### **Section 6.1**

This Ordinance does not restrict, prevent or prohibit fireworks by a person(s) who has been issued a display permit pursuant to Title 8 M.R.S.A. §227-A

Enacted: June 11, 2013

**TOWN OF BRIDGTON, MAINE**  
**ORDINANCE TO CONTROL DISORDERLY HOUSES**

**PURPOSE:** The purpose of this Ordinance is to protect the safety and welfare of Bridgton residents by controlling persistent unlawful and nuisance activities occurring near their properties.

**DEFINITIONS:**

**Dwelling** means any single or multi-family residence or part thereof, including, without limitation, garages, outbuildings and exterior grounds.

**Disorderly House** means any dwelling to which law enforcement officers have been called, in response to complaints or on their own initiative, three (3) or more times in any sixty (60) day period to respond to conduct which is unreasonably disturbing to residents of neighboring properties. Such conduct includes, without limitation, loud music, excessively loud or unnecessary noises emanating from within the dwelling which are audible outside the dwelling, boisterous parties, fights (including domestic violence) or the arrest and conviction of persons at the dwelling for conduct which constitutes a crime or a civil infraction.

**DOCUMENTATION OF COMPLAINTS/INCIDENT REPORTS:** The Bridgton Police Department shall document all calls relating to conduct which is described in the definition of Disorderly House. The responding officer shall determine if the conduct observed, if any, was conduct which could lead to a finding of Disorderly House.

**NOTICE OF INCIDENT REPORTS:** Whenever a dwelling is visited by the Bridgton Police Department, the building owner, property manager or rental agent will be notified by phone and in writing if the conduct observed could lead to a finding of Disorderly House. If the visit results in the Police Department's finding that three (3) or more incidents that could lead to a finding of Disorderly House have occurred within sixty (60) days, such notice shall be given within five (5) business days.

**HEARING BY BOARD OF SELECTMEN; ACTIONS:** After receiving notice from the Bridgton Police Department that it has evidence of a Disorderly House, the Board of Selectmen may schedule a public hearing to determine whether the evidence supports a finding that the individual(s) named by the Police Department have maintained a Disorderly House. The Selectmen shall provide written notice of the date, time and place of the hearing to the property manager or rental agent, as applicable, and to the

building owner by mail, certified with return receipt requested, or by delivery in-hand. The notice shall contain a statement of the alleged violation of this Ordinance and a summary of the possible penalties.

The Chair of the Board of Selectmen or his/her designee shall preside at the hearing. A representative of the Bridgton Police Department shall be heard first and shall be followed by the person(s) named in the notice as having violated this Ordinance. Any party may cross-examine witnesses and may be represented by an attorney. After the hearing, the Board of Selectmen shall vote on whether, based upon a preponderance of the evidence presented, the dwelling cited by the Police Department is Disorderly House.

**ACTIONS UPON FINDING OF A DISORDERLY HOUSE:** If the Board of Selectmen finds that the dwelling in questions is a Disorderly House, they may enter into a consent agreement with the person(s) named in the notice whereby that person agrees to control the type of conduct which led to a finding of Disorderly House by, for example, enforcing rules and regulations pertaining to tenants and evicting tenants who refuse to comply with rules and regulations. If the terms of a consent agreement cannot be agreed upon, the Board may refer the matter to the Town Attorney for legal action.

**VIOLATIONS:** The following shall be violations of this Ordinance:

1. Maintaining a Disorderly House.
2. Failure to comply with the terms of a consent agreement.
3. Failure to appear at a duly noticed hearing by the Board of Selectmen concerning a Disorderly House.

Nothing in this Ordinance shall preclude the Town from seeking other remedies provided by law for the conduct described herein, including, without limitation, those remedies provided by 17 M.R.S.A. §§2701, et seq.

**PENALTIES:** Violation of this Ordinance shall be punishable by a civil penalty of not less than \$100 and not more than \$2,500. Each day that the violation exists shall constitute a separate offense. The Town may also seek injunctive relief. If the Town prevails in an action to enforce this Ordinance, it shall also be entitled to an award of reasonable attorney's fees and costs.

Enacted: June 12, 2007

Amended: June 10, 2008

**TOWN OF BRIDGTON  
COST RECOVERY ORDINANCE**

Enacted: June 14, 1995

WHEREAS, Maine state law requires the Town of Bridgton to provide a solid waste disposal facility for demolition waste generated within the Town; and

WHEREAS, Maine state law also requires the Town of Bridgton to provide for the disposal of all refuse, effluent, sludge and any other materials from all septic tanks and cesspools located within the Town; and

WHEREAS, the Town of Bridgton has entered or will enter into certain agreements to fulfill the state mandates herein recited,

NOW, THEREFORE, BE IT ENACTED BY THE VOTERS OF THE TOWN OF BRIDGTON, that the Board of Selectmen of the Town of Bridgton is hereby authorized to recover the costs associated with the disposal of such waste by passing along the costs of such disposal to the Town either through a system of user fees or by pass through billing.

THIS ORDINANCE will take effect on July 1, 1995 and will remain an Ordinance of the Town until such time as it may be repealed or replaced by another Ordinance.

**TOWN OF BRIDGTON  
CURFEW ORDINANCE**

WHEREAS, there has been an increase in juvenile violence and crime, and an increased presence of juvenile gang activity in the Town of Bridgton; and

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

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

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

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF BRIDGTON:

**Section 1. Title**

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

**Section 2. Definitions**

a. **Curfew Hours** - means the hours from 11:01p.m. until 6:00a.m. of the following day.

b. **Emergency** - means unforeseen circumstances, or the resulting situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident, as well as any situation requiring action to avert serious injury or the loss of life.

c. **Guardian** - means a person or a public or private agency who, either pursuant to court order or acceptance of testamentary appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under 18A M.R.S.A. §5-104.

d. **Minor** - means any person who is seventeen years of age or younger.

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



f. **Public Place** - means a place located in the Town of Bridgton to which the public, or a substantial group of the public, has access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about apartment buildings, office buildings, hospitals, schools, shops, and places of entertainment such as movie theaters.

g. **Remain** - means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place.

### **Section 3. Offenses**

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

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

### **Section 4. Defenses**

It is a defense to prosecution under Section 3 of this Ordinance that the minor was;

a. accompanied by the minor's parent or guardian;

b. involved in an emergency or on an errand necessitated by an emergency;

c. engaged in an employment activity, or on the way to or from an employment activity, without any detour or stop except as necessary to drop off or pick up a co-employee;

d. in motor vehicle involved in interstate travel;

e. on an errand directed by a parent or guardian, without any detour or stop;

f. on the sidewalk abutting the minor's home;

g. attending a school, religious, or governmental activity, which is supervised by adults, or traveling to or from such a school, religious, or governmental activity without detour or stop;

h. attending a recreational activity sponsored by the Town of Bridgton, a civic organization, or a similar entity, which is

supervised by adults, or traveling to or from such an activity without detour or stop;

i. exercising rights protected by the First Amendment of the United States Constitution;

j. married, or otherwise legally emancipated.

## **Section 5. Enforcement**

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

If the apparent offender is a minor, or cannot produce identification proving otherwise immediately, the officer shall ask the reason for the apparent offender's being in a public place. The officer shall not take any action to enforce this section unless the officer reasonably believes that an offense has occurred and, based on any response as well as other circumstances, no defense provided in Section 4 is applicable. If the officer does have such a reasonable belief, the officer may take the minor into custody for the purposes of contacting the minor's parent or guardian to come to take control of the minor. The police officer shall summons the minor and the minors parent to the District Court for violation of this Ordinance. During this period, the officer may require the minor or the minor's parent or guardian or both to remain in the officer's presence for a period of up to two hours, so long as the officer complies with all requirements of law, including, without limitation, 17A M.R.S.A. §17.

## **Section 6. Penalties**

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

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

b. The penalty for a parent or guardian who violates this ordinance shall be:

1. for the first offense, a fine of \$50.00; and
2. for each subsequent offense, a fine of \$100.00.

## **Section 7. Severability**

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

Adopted 7/25/95

**TOWN OF BRIDGTON  
DOG CONTROL ORDINANCE**

**SECTION 1. PURPOSE**

The purpose of this ordinance is to control dogs throughout the Town of Bridgton 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 owners premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owners 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 Bridgton 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 Bridgton 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 Bridgton 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 keep if can be ascertained. Failure to give such notice shall in no way impose any liability upon the Town of Bridgton 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. SANITATION REQUIREMENTS BY DOG OWNERS**

A. Any person who, as defined by this Ordinance as an owner of a dog, shall be responsible for failing to promptly remove and properly dispose of their dog's feces left on any sidewalk, street, beach or publicly owned property or private property other than the property of the owner of the dog or of a person who has consented to the presence of the dog on his/her property.

B. A dog shall be considered a nuisance if it defecates on any public or private property, other than the owner's or keeper's property and the owner and or the keeper shall be obligated to remove and properly dispose of such wastes promptly from any such public or private property.

A dog shall be considered a nuisance if it gets into or opens any garbage bags, bins or other containers and/or causes the garbage to be strewn in the immediate area. The owner and or keeper of the dog shall be obligated to properly clean up the strewn garbage.

This section does not apply if it occurs on the property of the dog(s) owner or to a dog accompanying any handicapped person, who, by reason of his/her handicap, is physically unable to comply with the requirements of this section.

## **SECTION 11. ENFORCEMENT**

It shall be the duty of all Municipal Police Officers 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 12. PENALTIES**

Any person found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and liable to punishment by a fine not to exceed fifty (\$50.00) for the first offense. A second or subsequent offense shall result in a one hundred (\$100.00) fine to the owner and or keeper of the dog(s). Upon notification to the owner or keeper and the persistence of the violation, each day shall constitute a separate offense and subject the owner or keeper to the fine as stipulated for a second or subsequent offense for each day the violation exists. All fines collected shall be recovered to the use of the Town of Bridgton and deposited in a separate account as required by M.R.S.A. Section 3945 (Use and License Fees Retained by Municipalities).

## **SECTION 13. REPEAL OF CONFLICTING ORDINANCE**

This Ordinance specifically repeals "The Control of Dogs Ordinance" enacted by the Town of Bridgton in March of 1973 and re-enacted with amendments on June 3, 1993.

## **SECTION 14. 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 15. 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 16. EFFECTIVE DATE**

This Ordinance shall be in full force and effect when enacted.

Enacted: June 9, 1999

Revised: November 3, 2009

**TOWN OF BRIDGTON**  
**ESTABLISHMENT OF THE BRIDGTON PLANNING BOARD ORDINANCE**

This Ordinance repeals and replaces the Ordinance previously enacted and amendments thereto and is enacted pursuant to The Maine Constitution Article VIII and 30-A MRSA Sec 3001.

Election

A. Members of the Bridgton Planning Board shall be elected at the Annual Town Meeting. Nomination and balloting procedures set forth in 30A M.R.S.A. Sec. 2528 shall be used.

B. The Board shall consist of five (5) regular and two (2) alternate members.

C. The term of office shall be three (3) years, with approximately one-third of the positions to be elected each year. No more than two (2) regular members shall be elected in any one year, except to replace a member due to a vacancy.

D. As per 30-A MRSA 2602, a vacancy shall occur upon the nonacceptance, resignation, death, removal from the municipality, permanent disability or incompetency, failure to qualify for the office within 10 days after written demand by the municipal officers and failure of the municipality to elect a person to office. The chairperson of the Board shall immediately advise the municipal officers in writing when a vacancy occurs.

When there is a vacancy, the municipal officers may appoint a person to serve until the next Annual Town Meeting at which time the vacancy shall be filled by election for the remainder of the original term.

E. A regular or alternate member may serve until his/her successor is elected and qualified.

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

G. All members of the Board shall be legal residents of the Town of Bridgton.

Organization and Rules

A. The Board shall elect a chairperson and vice-chairperson from among its members and create and fill such other offices as it may deem necessary. The Board may either elect a secretary from among its members or utilize a non-member hired to serve in



that capacity. The term of office for the elected officers shall be one (1) year with eligibility for re-election.

B. When a regular member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an alternate member to sit in his/her stead.

C. An alternate member may attend all meetings of the Board and may participate in its proceedings, but may vote only when he/she has been designated by the chairperson to sit for a regular member. An alternate may make and second motions.

D. The chairperson shall call at least one (1) regular meeting of the Board each month.

E. No meeting of the Board shall be held without a quorum consisting of three (3) regular members or alternate members authorized to vote. The Board shall act by majority vote based on the number of members present and voting, except that every order or resolve shall require, on final passage, the affirmative vote of three (3) members of the Board.

F. The Board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

#### Duties and Powers

A. The Board shall perform such duties and exercise such powers as are provided by municipal ordinance and the laws of the State of Maine.

B. The Board may obtain goods and services necessary to carry out its proper function within the limits of appropriations made for this purpose.

#### Effective Date

This Ordinance shall take effect immediately upon its adoption by the Citizens of Bridgton

Enacted June 14, 1995

Revised: June 8, 2010

**Town of Bridgton**  
**Ordinance to "Restrict the Use of Firearms"**

It shall be unlawful to discharge any firearms in the area bounded by Main St., Portland St., So. High St., and Willett Rd., in the Town of Bridgton except that this provision shall not prohibit property owners within the area from using firearms to protect their owner property.

The purpose of this Ordinance is to protect the S.A.D. # 61 property located within this area and safeguard the lives of the teachers and students who must use the property.

Upon passage of this Ordinance it becomes effective in thirty (30) days. Violation of the Ordinance would be a class E. Crime.

Passed in Annual Town Meeting March 4, 1981.

**TOWN OF BRIDGTON  
FIRE PROTECTION ORDINANCE  
FOR SUBDIVISIONS ONLY**

**ARTICLE I. PURPOSE**

To protect health, safety and general welfare of the residents and visitors of the Town of Bridgton by establishing fire protection measures for residential subdivisions; to ensure for the reasonable protection and safety of firefighters against building collapse and other effects of fires; to better facilitate the needs of the fire department; to ensure sound engineering practices are utilized when installing fire protection systems.

**ARTICLE II. AUTHORITY AND ADMINISTRATION**

**Section 1. Authority**

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30, M.R.S.A., Section 1917. (Present reference is Article VIII, Part Second, Section 1 of the Maine Constitution and Title 30A M.R.S.A., Section 3001.

2. This Ordinance shall be known as the "Fire Protection Ordinance for Subdivisions Only" of the Town of Bridgton, Maine adopted and effective by vote of the Town Meeting.

**ARTICLE II. AUTHORITY AND ADMINISTRATION**

**Section 2. Administration**

1. This Ordinance shall be administered by the Planning Board, the Bridgton Fire Department or the Code Enforcement Officer of the Town of Bridgton, as appropriate.

2. The Reviewing Authority may modify or waive any of the application requirements or performance standards when it determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

**ARTICLE III. REFERENCES AND 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. References are incorporated only to the extent cited herein.

**Dry Hydrant** - An arrangement of pipe permanently connected to a water source other than a piped, pressurized water supply system that provides a ready means of water supply for fire-fighting purposes and that utilizes the drafting (suction) capability of a fire department pump.

**Dry Hydrant Specifications** - For current Dry Hydrant Specifications and dry hydrant locations please contact the Town of Bridgton Fire Chief or the Town of Bridgton Code Enforcement Officer.

**Fire Protection System** - The water source, storage means, piping and hydrants, sprinkler systems, access roads and associated infrastructure provided for fire protection.

**Insurance Services Organization ("ISO") Public Protection Classification ("PPC" [tm])** - edition published at the time of issuance of Building Permit.

**National Fire Protection Association ("NFPA")** - issue as adopted by the Maine State Fire Marshal's Office at the time of issuance of building permit:

1. NFPA Standard 1, "Fire Prevention Code."
2. NFPA Standard 13D, "Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes".
3. NFPA Standard 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting".

#### **ARTICLE IV. APPLICABILITY**

This ordinance shall be applicable to all new residential construction in new subdivisions, as defined in Subdivision Regulations of the Town of Bridgton, from date of adoption of this Ordinance.

#### **ARTICLE V. FIRE PROTECTION SYSTEM WATER SUPPLY**

##### **Section 1. Water Supply**

1. In any applicable subdivision, there shall be provided a reliable water supply for firefighting. If public fire hydrants and/or approved dry hydrants are not available within 1000 feet of each lot, the subdivider shall be responsible for providing adequate fire protection water supply. Subdivisions shall provide adequate fire protection water supply in accordance with ISO PPC Class 8. Acceptable methods include, but are not limited to, natural perennial or man-made fire ponds with an approved dry hydrant, underground storage reservoirs (cisterns) with an approved dry hydrant, approved pumping relay station, or

approved residential sprinkler systems in dwelling units. If water storage means are provided, such means shall be located not further than 1000 feet from any dwelling. A combination of methods may be used to satisfy this requirement.

## **ARTICLE V. FIRE PROTECTION SYSTEM WATER SUPPLY**

### **Section 2. Pumping Relay Stations**

1. If a tanker shuttle service is provided, the following requirements shall be met:

a. The center of the relay station shall be within 1-1/2 miles on public and/or year-round roads of an ISO PPC Class 8 water source. The Bridgton Fire Department shall be responsible for maintenance of a list of such water sources.

b. The center of the relay station shall be no further than 1,000 feet as measured along the roadway that can be traversed by fire apparatus from any dwelling structure in the development.

c. The relay station lot shall be a minimum of 45 feet deep by 75 feet along the access road, to accommodate pumper engine, tanker engine(s), and tank. The relay station lot shall be constructed and maintained for all-season availability, and shall be constructed to the road standards of the Subdivision Regulations. The developer or the homeowners' association shall be responsible for clearance of snow, parked vehicles, or other obstructions.

## **ARTICLE V. FIRE PROTECTION SYSTEM WATER SUPPLY**

### **Section 3. Design and Approval**

1. Where fire ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest projected water level, less an equivalent of three feet of ice. A detailed plan of the required pond, dry hydrant, piping, and/or access road, bearing the stamp of a registered Professional Engineer, shall be submitted as part of the application. The Code Enforcement Officer and Fire Chief shall approve the design of all water storage arrangements for fire ponds, cisterns and pumping relay stations. Water storage arrangements shall be made available as soon as combustible materials accumulate. (NFPA 1, 16.4.3.1.1)

## **ARTICLE VI. SPRINKLER SYSTEMS**

1. Sprinkler systems to be installed in any construction subject to this Ordinance shall comply with the applicable standard as approved by the Office of the State Fire Marshal, which is

typically the Maine Life Safety Standard or NFPA 13D, as appropriate; edition as adopted by the Maine State Fire Marshal's Office at the time of issuance of building permit.

## **ARTICLE VII. MAINTENANCE OF FIRE PROTECTION SYSTEMS**

### **Section 1. Maintenance of Water Storage Means**

1. Water storage means and dry hydrants associated with water storage arrangements shall be maintained as required by NFPA 1142, Chapter 8, Section 8.7.1 and 8.7.6. The homeowners associations shall be responsible for the maintenance of the fire protection system, if common storage means are used.

## **ARTICLE VII. MAINTENANCE OF FIRE PROTECTION SYSTEMS**

### **Section 2. Maintenance of Sprinkler Systems**

1. Maintenance of individual sprinkler systems shall be the responsibility of the individual owner.

## **ARTICLE VII. MAINTENANCE OF FIRE PROTECTION SYSTEMS**

### **Section 3. Road and Relay Station Maintenance**

1. All roads and relay stations approved as part of a subdivision shall be maintained for Bridgton Fire Department access in perpetuity to include tree and brush trimming, snow removal, other obstructions, gates, signs, etc. The homeowners associations shall be responsible for the maintenance of the roads and relay stations. This provision shall not prohibit a seasonal road from being maintained seasonally.

## **ARTICLE VII. MAINTENANCE OF FIRE PROTECTION SYSTEMS**

### **Section 4. Inspection of Fire Protection Systems**

1. Fire protection systems other than sprinkler systems shall be subject to annual inspection by the Bridgton Fire Department. Deficiencies shall be remedied by the developer, homeowners association or Bridgton Fire Department as appropriate.

## **ARTICLE VIII. OTHER PROVISIONS**

### **1. Easement Deed**

a. When water storage means are to be used, the developer or homeowners association shall provide an executed dry hydrant easement deed to the Town of Bridgton in a form approved by the Town Attorney to provide the Town of Bridgton with the right to enter onto the property to use, train with, and check the functionality of the storage means.

### **2. Road Access for Firefighting**

a. All proposed roads subject to this code shall meet requirements set forth in the Town of Bridgton Subdivision

Regulations. All road plans shall meet fire department approval for Fire Department equipment operations if no municipal water system is used.

b. If any waiver from road grade requirements is granted, as allowed in the Subdivision Regulations, water supply distance requirements shall be measured from each end of the waived grade(s).

### **3. Property Access for Firefighting**

a. All properties shall have access per NFPA 1, edition in effect at time of Subdivision application.

### **4. Access through Gates, etc., for Firefighting**

a. Any property subject to this Ordinance protected by any locked gate, fence or chain shall provide Fire Department Access to same as approved by the Fire Chief or designee.

### **5. Waiver**

a. In the event that sprinklers are provided in all subdivision dwellings, the provisions of Article VIII Section 1 may be waived by the Planning Board.

## **ARTICLE IX. Validity, Severability and Conflict with Other Ordinances**

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

2. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, Code or Statute, the more restrictive requirements shall apply.

3. This Ordinance shall not repeal, annul or otherwise impair or remove the necessity of compliance with any federal, state or other local laws, codes or ordinances. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall prevail.

4. Nothing herein shall exempt any applicant or proposed development or land use from the requirement(s) of complying with other applicable Ordinances and Regulations of the Town of Bridgton.

## **ARTICLE X. Effective Date**

1. The effective date of this Ordinance shall be 30 days after approval by Town Meeting Vote.

## **ARTICLE XI. Review**

1. This Ordinance shall be reviewed by Town of Bridgton Planning Board at least every three (3) years with Fire Department's input.

## **ARTICLE XII. Amendments**

1. This Ordinance may be amended by referendum. Amendments must be submitted to the Municipal Officers by the Planning Board following the requirements below for publishing and posting a public hearing.

a. The notice must be posted in the municipal office at least thirteen (13) days before the public hearing.

b. The notice must be published at least two (2) times in a newspaper that has a general circulation in the municipality. The date of the first publication must be at least twelve (12) days before the hearing and the date of the second publication must be at least seven (7) days before the hearing. That notice must be written in plain English and understandable by the average citizen.

## **ARTICLE XIII. ENFORCEMENT**

### **Section 1. Nuisances**

1. Any violation of this Ordinance shall be deemed to be a nuisance.

## **ARTICLE XIII. ENFORCEMENT**

### **Section 2. Violations**

1. When a violation of any provision of this Ordinance shall be found, the Code Enforcement Officer or the Chief of the Bridgton Fire Department shall send a written notice of the violation to the responsible party or parties and shall notify the Board of Selectmen of the violation. If the notice does not result in the correction of the violation, the Board of Selectmen may institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief, the imposition of fines, removal of the structure, or other action that may be appropriate or necessary to enforce the provisions of this Ordinance. The remedies set forth herein are intended to be cumulative and not exclusive of each other. The Board of Selectmen is authorized to enter into administrative consent orders to eliminate violations with or without court action. Such agreement shall not allow an illegal structure or use to continue.



## **ARTICLE XIII. ENFORCEMENT**

### **Section 3. Penalties**

1. Any person, firm corporation, or other legal entity who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$2,500, and each day on which violations shall continue shall constitute a separate offense.

## **ARTICLE XIV. Appeals**

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.

3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the

Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Enacted: Per Article X the effective date of this Ordinance shall be 30 days after approval by Town Meeting of June 10, 2014

TOWN OF BRIDGTON  
FLOODPLAIN MANAGEMENT ORDINANCE  
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**TOWN OF BRIDGTON  
FLOODPLAIN MANAGEMENT ORDINANCE**

**ARTICLE I - PURPOSE AND ESTABLISHMENT**

Certain areas of the Town of Bridgton, 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 Bridgton, 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 Bridgton, 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 Bridgton has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352 and 4401-4407.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Bridgton having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard area. 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 Bridgton, Maine.

The areas of special flood hazard, Zone A and A1-30, are identified by the Federal Emergency Management Agency in a report entitled

"Flood Insurance Study - Town of Bridgton, Maine, Cumberland County," dated November 3, 1981 with accompanying "Flood Insurance Rate Map" dated May 3, 1982 and "Flood Boundary and Floodway Map" dated May 3, 1982, which are hereby adopted by reference and declared to be a part of this Ordinance.

## **ARTICLE II - PERMIT REQUIRED**

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances of the Town of Bridgton, 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 and address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

(Items H-K.2 apply only to new construction and substantial improvements)

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

1. Base flood at the proposed site of all new or substantially improved structures, which is determined:

a. In Zones A1-30, AE, AO and AH from data contained in the "Flood Insurance Study-Town of Bridgton, 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/July1995), 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;\_

A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, 08/99 as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;

2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a;

3. a certified statement that bridges will meet the standards of Article VI.M.;

4. a certified statement that containment walls will meet the standards of Article VI.N.;

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

#### **ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE**

A non-refundable application fee as may be set by the Board of Selectmen from time to time shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

## ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

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

B. Utilize, in the review of all Flood Hazard Development Permit applications,:

1. the base flood data contained in the "Flood Insurance Study - Town of Bridgton, Maine," as described in Article I.;

2. in special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K; and Article VIII.D. in order to administer Article VI of this Ordinance; and,

3. When the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;



F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:

1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

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

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

standards required under the provisions of Articles III, VI, and VII of this Ordinance.

## **ARTICLE VI - DEVELOPMENT STANDARDS**

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

A. All Development - All development shall;

1. Be designed or modified and adequately anchored to prevent flotation, (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. Use construction materials that are resistant to flood damage;

3. Use construction methods and practices that will minimize flood damage; and,

4. Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

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

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

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

E. Watercourse Carrying Capacity - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

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

1. Zone A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

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

G. Non-Residential - New construction or substantial improvement of any non-residential structure located within:

1. Zones A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

a. Be floodproofed to at least one foot above the base flood level so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. Be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

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

a. Together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

H. Manufactured Homes - New or substantially improved manufactured homes located within:

1. Zones A1-30 shall:

a. Be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;

b. Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

c. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

1. Over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

(2) Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

(3) All components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

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

b. Meet the anchoring requirements of Article VI.H.1.c.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A1-30 shall either:

a. Be on the site for fewer than 180 consecutive days,

b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

c. Be permitted in accordance with the elevation and anchoring requirements for "Manufactured Homes" in Article VI.H.1.

J. Accessory Structures - Accessory Structures, as defined in Article XIII, located within Zones A1-30 and A, shall be exempt from the elevation criteria required in Article VI.F. & G above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. Be 500 square feet or less and have a value less than \$3,000;
2. Have unfinished interiors and not be used for human habitation;
3. Have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
4. Be located outside the floodway;
5. When possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zones A1-30 and 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 "Flood Boundary and Floodway Map," unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones A1-30 and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed 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 AI-30 and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. Enclosed Areas Below the Lowest Floor - New construction or substantial improvement of any structure in Zones AI-30 and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts", or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

a. Be engineered and certified by a registered professional engineer or architect; or,

b. Meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

(2) The bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

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

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

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. Bridges - New construction or substantial improvement of any bridge in Zones A1-30 and A shall be designed such that:

1. When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

2. A registered professional engineer shall certify that:

a. The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K; and

b. The foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. Containment Walls - New construction or substantial improvement of any containment wall located within:

1. Zones A1-30 and A shall:

a. Have the containment wall elevated to at least one foot above the base flood elevation;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this

section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. Wharves, Piers and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and A1-30, 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 Improvements 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 Bridgton, Maine, may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in the order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of the provisions of this Ordinance.

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

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. A showing of good and sufficient cause; and

2. A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. A showing that the existence 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. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision, or request a variance, by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.

3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, and variance appeals shall be denovo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the denovo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit, approval, or variance. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings, or in the case of variances, to grant or deny the variance.

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an Appeal to a future date except for good cause.

6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a

decision of the CEO, to grant an appeal from a decision of the Planning Board, or to grant a variance. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

#### **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 30A MRSA ss4452.

B. The penalties contained in 30A MRSA ss4452 shall apply to any violation of this Ordinance.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

1. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

#### **ARTICLE XI - VALIDITY AND SEVERABILITY**

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

## **ARTICLE XII - CONFLICT WITH OTHER ORDINANCES**

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

## **ARTICLE XIII - DEFINITIONS**

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this

Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

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

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

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

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

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

**Building** - see **Structure**.

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

**Code Enforcement Officer** - any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

**Development** - means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials, public or private sewage disposal systems or water supply facilities.

**Elevated Building** - means a non-basement building.

- a. Built, in the case of a building in Zones A1-30, AE, A, AO or AH to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A1-30, AE, A, AO or AH **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L..

**Elevation Certificate** - An official form (FEMA Form 81-31, 08/99 as amended) that:

- a. Is used to verify compliance with the Floodplain Management Regulations of the National Flood Insurance Program; and,
- b. Is required for purchasing flood insurance.

**Flood or Flooding** - means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

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

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

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

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

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

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

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



**Floodway** - see **Regulatory Floodway**.

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

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

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

**Historic Structure** - means any structure that is:

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

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior, or

2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

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

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

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

**Recreational Vehicle** - means a vehicle which is:

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

**Regulatory Floodway** -

- a. Means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. When not designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway 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 structures. 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

(2) 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 & d)

Enacted: June 15, 1994

Revised: June 7, 2002, June 12, 2002, June 12, 2007

**TOWN OF BRIDGTON  
ORDINANCE TO REGULATE AUTOMOBILE GRAVEYARDS, JUNKYARD  
AND  
AUTOMOBILE RECYCLING BUSINESS**

**Section 1. Purpose**

The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards, junkyards and automobile recycling businesses do not have a deleterious impact on the public health, safety and general welfare.

**Section 2. Authority**

This ordinance is enacted pursuant to 30-A M.R.S.A. ss3001 et seq,. and ss3751 et. seq.

**Section 3. Applicability**

This ordinance shall apply to all automobile graveyards, junkyards and automobile recycling businesses as defined in 30-A M.R.S.A. ss3752

**Section 4. Permit Required**

No person may establish, operate or maintain an automobile graveyard, junkyard or automobile recycling business without first obtaining a nontransferable permit from the municipal officers.

**Section 5. Administration**

5.1 This ordinance shall be administered by the municipal officers. No automobile graveyard, junkyard or automobile recycling business permit shall be issued unless the provisions of this ordinance are met.

5.2 Upon receipt of an application, the municipal officers shall hold a hearing in accordance with 30-A M.R.S.A. ss3754.

5.3 Permits shall be renewed annually to remain valid except that automobile recycling business permits shall be valid for 5 years. The municipal officers shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state law are complied with.

## **Section 5. Administration (continued)**

5.4. A fee per 30-A M.R.S.A. ss3756 shall be submitted with the permit application.

## **Section 6 Submission Requirements**

Any application for an automobile graveyard, junkyard or automobile recycling business permit shall contain the following information:

6.1 The property owner's name and address of the person or entity who will operate the site.

6.2 A site plan drawn to a scale not to exceed 1"=100', on which is shown:

- a. the boundary lines of the property
- b. the soils
- c. the location of any sand and gravel aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist
- d. the location of any residences or schools within 500 feet of the area where vehicles will be placed.
- e. the location of any water bodies on the property or within 200 feet of the property lines
- f. the boundaries of the 100-year flood plain
- g. the location of all roads within 1000 feet of the site

6.3 Once the site plan is approved it does not have to be resubmitted unless changes are made on the site.

## **Section 7. Performance Standards**

The following performance standards are required of all automobile graveyards, junkyards and automobile recycling businesses, whether new or existing:

7.1 The site must be enclosed by a visual screen at least 6 feet in height and built in accordance with Department of Transportation rules issued pursuant to 30-A M.R.S.A. ss3759

7.2 No vehicle shall be stored within 300 feet of any water body or inland wetland.

7.3 No vehicle shall be stored within 500 feet of any private well, school, church or public playground or public park.

## **Section 7. Performance Standards (continued)**

7.4 No vehicles shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.

7.5 No vehicles shall be stored within the 100-year flood plain.

7.6 Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.

7.7 No vehicle shall be located closer than 100 feet from any lot line.

7.8 To reduce noise, all dismantling of motor vehicles shall take place within a fully enclosed building, and shall be done after 7:00a.m. and before 6:00p.m. Mondays through Saturdays. No dismantling of motor vehicles shall be allowed on Sundays.

## **Section 8. Enforcement**

This ordinance shall be enforced by the municipal officers or their authorized agents in accordance with state law. Any violation of this ordinance shall also be deemed a nuisance within the meaning of 17 M.R.S.A. ss2802 and the violator shall be subject to the penalties set forth in 30-A M.R.S.A. ss4452 and any other remedy available at law.

## **Section 9. Effective Date and Amendment**

This ordinance shall become effective on the date of adoption, and may be amended by vote of the legislative body.

## **Section 10. Legal Non-Conforming ("Grandfathered") Uses, Structures, and Lots**

Structures, uses, and lots which were legally existing as of the adoption of this Ordinance but which do not conform to the requirements of the Ordinance shall be treated as non-conforming and may continue and be maintained, repaired, and improved.



## **Section 10. Legal Non-Conforming ("Grandfathered") Uses, Structures, and Lots (continued)**

Expansions of non-conforming structures, uses or lots must conform to all other standards of this Ordinance.

## **Section 11. Severability and Conflict**

In the event that any provision of this ordinance is ruled to be invalid by a Court of competent jurisdiction, the remaining provision shall continue in full force and effect. In the event that any provision of this ordinance conflicts with State statute, the State statute shall govern.

## **Section 12. Appeals**

12.1 Any person, firm or corporation aggrieved by a decision of the municipal officers may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

12.2 The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.

12.3 Appeals from decisions of the municipal officers shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the municipal officers and all documents and other evidence comprising the record on which the municipal officers' decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the municipal officers. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the municipal officers was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the municipal officers or to remand the matter to the municipal officers for further proceedings.

## **Section 12. Appeals (continued)**

12.4 The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

12.5 The affirmative vote of three members of the Board of Appeals shall be necessary to grant an appeal from a decision of the municipal officers. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

12.6 Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Enacted: February 27, 2001  
Amended: June 12, 2007

"June 13, 2017  
TOWN OF BRIDGTON  
MORATORIUM  
ORDINANCE ON  
RETAIL  
MARIJUANA  
ESTABLISHMENTS AND  
RETAIL MARIJUANA  
SOCIAL CLUBS"

Enacted: June 13, 2017

## **TOWN OF BRIDGTON**

### **MORATORIUM ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS**

WHEREAS, the “Marijuana Legalization Act,” has become law in Maine, codified in the Maine Revised Statutes in Title 7, chapter 417; and

WHEREAS, the Marijuana Legalization Act (hereinafter, “Act”) authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

WHEREAS, the Town’s current ordinances do not include any regulations related to retail marijuana stores, retail marijuana establishments or retail marijuana social clubs under the proposed new Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs within the Town of Bridgton raises legitimate and substantial questions about the impact of such establishments, stores and social clubs on the Town, including questions about the compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing uses and development in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the Town’s police and fire departments; and the adequacy of the Town’s streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments, retail marijuana stores or retail marijuana social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs within the Town may have potentially serious implications for the health, safety and welfare of the Town and its residents; and

WHEREAS, the Town needs time to review the Act, any state regulations promulgated to implement the Act, and its own ordinances to determine the implications of future proposed retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs to develop reasonable ordinances governing the location and operations of such establishments and stores and social clubs to address the concerns cited above; and

WHEREAS, the Town's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, thereby necessitating a moratorium; and

WHEREAS, the Board of Selectmen, the administration and the Planning Board, with the professional advice and assistance of the Police Department, shall study the Town's current ordinances to determine the land use and other regulatory implications of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and consider what locations, if any, local licensing requirements and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, being located in the Town; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the Town enacts this Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs;

NOW, THEREFORE, be it ordained by the voters of the Town of Bridgton, that the following Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs be, and hereby is, enacted, and, in furtherance thereof, the voters do hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the Town.

This Moratorium Ordinance shall take effect immediately upon approval by the voters, but shall be applicable as of March 7, 2017 as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this

Ordinance, unless extended, repealed, or modified by the Board of Selectmen pursuant to 30-A M.R.S. § 4356(3), for the express purpose of drafting an amendment or amendments to the Town's current ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the Act; the potential adverse health and safety effects of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Town in responding to the same; and the adequacy of the Town's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or retail marijuana stores or retail marijuana social clubs in the Town.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana stores and retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined by the Act, codified at 7 M.R.S.A. §§ 2442 (36), (38), (39), (40) (41), that may be proposed to be located within the Town on or after the March 7, 2017 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or retail marijuana stores or retail marijuana social clubs for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other town official or board prior to the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or retail marijuana store or retail marijuana social club within the Town on or after the effective date of this Ordinance without complying with whatever ordinance amendment or amendments the voters may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana stores or retail marijuana social club; and

BE IT FURTHER ORDAINED, that those provisions of the Town's ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana stores or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision; and

BE IT FURTHER ORDAINED that this Moratorium Ordinance may be extended by the Town of Bridgton Board of Selectmen, after notice and hearing, for additional 180-day periods in accordance with 30-A M.R.S.A. § 4356(3).

Enacted: June 13, 2017



## **ARTICLE I. PURPOSE**

### **Section 1.1 - Purpose**

The purpose of this Ordinance is to regulate nudity as a form of commercial or business exploitation and to regulate dress as a form of conduct in commercial or business activities other than those which require a special amusement permit. The purpose is not to impede the free exchange and expression of ideas or to prohibit the activity of breast feeding of children. The conduct regulated is that which the community and Select Board in public meetings have clearly found to be offensive to the general welfare, public safety, order and morals of the Town of Bridgton and its citizens.

## **ARTICLE II. DEFINITIONS**

**Section 2.1 - Theater.** As used in this Ordinance, "theater" means (a) a building, playhouse, hall or other place having a permanent stage upon which movable scenery and theatrical or vaudeville or similar performances are given and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage, or (b) a building, room, hall, or other place whose primary function is to present movies or motion pictures and which has a permanent movie screen and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of said screen, or (c) an open-air or "drive-in" movie having a permanently affixed movie screen and permanently affixed devices for broadcasting the soundtracks of movies or motion pictures inside of the patrons' vehicles, (d) coffee houses, dinner theaters, or (e) similar establishments that host theatrical performances which may contain occasional nudity by bona fide stage actors during the course of those theatrical performances.

**Section 2.2 - Museum, Art Gallery.** As used in this Ordinance, "museum or art gallery" means any building or space within a building, interior or exterior display or any other location that serves the purpose of procuring, displaying, caring for and studying of objects, whether they be prints, paintings or items in three dimension such as sculptures, all of lasting interest or value.

**Section 2.3 - Sales Person, Waiter, Waitress and Entertainer.** A person shall be deemed a sales person, waiter, waitress or entertainer if such person acts in that capacity, without regard to whether or not such person is paid any compensation by the management of the business in which the activity is performed.

**Section 2.4 - Expose.** "Expose" or "exposed" means unclothed or uncostumed or not covered by fully opaque cloth or textile material.

**Section 2.5 - Business** means any retail establishment offering food, beverages, merchandise, products or services for sale to members of the general public, operated as a for-profit business and treated as such for federal or state tax purposes.

**Section 2.6 – Patron** means a customer of the business or a person from the general public, not an employee or owner of the business, who is on the premises to obtain, receive, or view the products, services, or live performances offered by the business.

**Section 2.7 – Semi-nude** means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breasts, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.



**Section 2.8 – Semi-nude expressive dance or performance** means an expressive dance or performance that is not obscene and in which the state of undress is a part of the communicative aspect of the dance or performance.

### **ARTICLE III. PROHIBITIONS**

**Section 3.1.** It shall be unlawful for a person who, while acting as a sales person, waiter, waitress, entertainer or in any other capacity as an owner, manager, or employee in a business to knowingly expose his or her genitals, pubic hair, buttocks, perineum or anus, or to expose any portion of her breasts at or below the areola thereof or to employ any device or covering which is intended to give the appearance of or to simulate his or her genitals, pubic hair, buttocks, perineum, anus or a portion of her breasts at or below the areola thereof. This prohibition shall include exposure of the lower portion of her breasts, but shall not include any portion of the cleavage of her breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

**Section 3.2.** It shall be unlawful for a person to cause, permit, procure, counsel, or assist any person to expose himself or herself as prohibited by Section 3.1 of this Ordinance.

**Section 3.3.** It shall be unlawful for a person operating a business to, at said place of business, display or cause or permit the display of photographs, covers of magazines, newspapers or other printed matter which expose or show genital, pubic hair, buttocks, perineum, anus, or the areola portion of the female breast and which, each taken as a whole, lacks serious literary, artistic, political or scientific value and is patently offensive because it affronts prevailing standards in the adult community as a whole with respect to what is suitable material for minors, in such manner that such photographs, covers of magazines, newspapers or other printed matter are visible to the general public using the sidewalks, streets or highways, or in an area open to minors.

### **ARTICLE IV. EXCEPTIONS**

**Section 4.1.** Sections 3.1 and 3.2 of this Ordinance do not apply to a theater, museum or art gallery or similar establishment which is primarily devoted to theatrical performances, the presentation of movies or the displaying of art in any medium.

**Section 4.2.** Sections 3.1 to 3.3 of this Ordinance do not apply to an educational institution, hospital, clinic, physician's office, medical treatment facility.

**Section 4.3.** Section 3.1 and 3.2 of this Ordinance do not prohibit a semi-nude expressive dance or performance which satisfies the following requirements:

- a) The semi nude expressive dance or performance occurs at least six (6) feet from any patron
- b) There is no contact between the person engaged in the expressive semi-nude dance or performance and any patron
- c) The semi-nude dance or performance occurs in a room of at least six hundred (600) square feet
- d) The business at which the semi-nude expressive dance or performance occurs does not require a special amusement permit and does not sell, serve, or give away alcohol to any patron incidental to or within twenty-four (24) hours of the semi-nude dance or performance.

**Section 4.4** – This Ordinance does not apply to any act expressly permitted or expressly prohibited by any statute of the State of Maine.

**Section 4.5** – This Ordinance does not apply to the exposure of the female breast incident to breast feeding children.

#### **ARTICLE V. PENALTY**

**Section 5.1** - Any act made unlawful by this Ordinance and any violation of this Ordinance shall be punishable by a fine of not more than \$500 (five hundred) for the first offense and for each offense thereafter in the same 12 month period, \$1000. Each day that such unlawful act or violation continues shall be considered a separate offense.

**Section 5.2** - In addition to any other penalty provided by the law, the commission of acts prohibited by this Ordinance shall constitute a nuisance and may be abated by the town seeking an injunction to prohibit further and continued violation thereof.

#### **ARTICLE VI. SEVERABILITY**

**Section 6.1.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Enacted: June 14, 2011

**TOWN OF BRIDGTON  
OUTDOOR FESTIVAL ORDINANCE**

WHEREAS, the Inhabitants of the Town of Bridgton are deeply concerned about the tremendous crowds which have attended outdoor pageants, amusement shows, theatrical performances, including music festivals and exhibitions, in various parts of the United States and the results thereof, and

WHEREAS, said events have led to serious problems in the way of inadequate toilet, waste disposal, potable water, and first aid facilities, obstructions and damages to roads and highways, violations of liquor and drug laws, and destruction of both public and private property.

Now, therefore, the following ordinance is passed in the interest of promoting the general welfare, preventing disease, promoting health and providing for the public safety.

1. No person shall exhibit, sponsor, hold, promote or operate any pageant, amusement show, theatrical performance, including a music festival or exhibition where an excess of 500 people are reasonably anticipated to attend and where a substantial portion of the entertainment will be out of doors without first procuring from the Municipal Officers a license therefore at least seven (7) days prior to the event and payment of the sum of \$100.00 to the Town therefore.

2. No license shall be granted by the Municipal Officers unless the applicant satisfies the Municipal Officers or their designee(s) that the following facilities will be available for such an event in the area to be used and no such person shall hold such an event unless such facilities are available. The applicant must comply with all applicable rules and regulations of the state and the municipality prior to being issued a license. The Town's Code Enforcement Officer shall be the designee responsible for confirming same.

A. Separate male and female sanitary facilities shall be available and connected to a public sewer system or septic tank.

B. Adequate metal, wood or plastic containers with a height of at least two feet and diameter of at least two feet shall be spaced in the area to take care of the solid waste and garbage, with at least one container for each reasonably anticipated 100 persons. Within 24 hours after the close of the event such waste material shall be removed to a public solid waste disposal facility.

C. First Aid facility shall be provided on the grounds with at least one ambulance in attendance and one doctor for each 1,000 persons.

D. Off the street parking facilities shall be furnished with at least one car space with adequate access ways for each six persons reasonably expected to attend. A uniformed police officer or constable shall be provided to direct traffic to and from public ways with at least one officer for each reasonably expected 500 persons.

E. Prior to the issuance of the license and the holding of the event, the applicant shall furnish a corporate surety bond from a company authorized to do business in Maine insuring that forthwith after the event the grounds will be cleaned of waste and damages to public or private property in the area arising out of or in connection with the event will be promptly paid; such bond to be in the amount of \$5,000.00 for each expected 500 persons in attendance.

F. The applicant shall file with his application adequate proof that he has authority from any landowners to use his property and shall furnish a plan showing the size of the area to be used, with designated locations for drinking, toilet and washing facilities, waste containers, first aid facilities and off the street parking.

3. Each part of this Ordinance is severable and if any phrase, clause sentence or provision is declared to be contrary to law, the validity of the remainder shall not be affected thereby.

4. Any person, directly or indirectly, exhibiting, promoting, sponsoring, operating or holding such event as owner, lessor, lessee, landlord, tenant, operator or entertainer and not complying with this Ordinance shall be liable for a fine of \$1,000.00 per say for each infraction, shall be personally responsible for damages to public or private property arising out of or in connection therewith and shall be subject to any civil or injunctive relief that may be reasonable and proper. Any fine imposed under this Ordinance shall accrue to the benefit of the Town of Bridgton.

5. This Ordinance shall take effect upon passage.

Enacted 5/71

Re-enacted with amendments 6/9/93

See also 22 MRSA 1601 et seq.